United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, JUNE 23, 2011 No. 91

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 23, 2011.

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

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

MORNING-HOUR DEBATE

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

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

TROOP WITHDRAWAL FROM AFGHANISTAN

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

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

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

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

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

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

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

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

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

REPUBLICAN WOMEN IN CONGRESS

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

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

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

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

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

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

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

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

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

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

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

REINSTATING THE DRAFT

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

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

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

□ 1010

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

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

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

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

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

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

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

MESSAGES FROM THE PRESIDENT

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

THE FAIR TAX

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

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

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

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

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

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

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

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

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

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

□ 1020

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

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

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

CHANGE COURSE NOW IN AFGHANISTAN

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

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

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

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

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

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

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

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

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

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

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

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

[From the Washington Post, June 9, 2011]

A PLAN FOR AFGHANISTAN: DECLARE VICTORY—AND LEAVE

(By Eugene Robinson)

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

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

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

Not impossible.

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

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

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

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

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

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

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

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

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

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

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

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

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

[From the Washington Post]

TIME TO GET OUT OF AFGHANISTAN

(By George F. Will)

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

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

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

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

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

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

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

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

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

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

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

AMERICAN ANGELS ABROAD

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1030

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

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

And that's just the way it is.

A MISSED OPPORTUNITY FOR AFGHANISTAN

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

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

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

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

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

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

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

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

VICTORY IN AFGHANISTAN

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

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

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

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

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

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

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

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1040

FAILED DRUG WAR

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

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

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

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

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

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

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

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

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

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

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

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

WHEN AND HOW WILL AMERICA GET BACK TO WORK?

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

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

When and how will America get back to work?

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

No, they weren't.

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

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

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

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

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

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

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

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

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

□ 1050

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1100

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

THANKING THE NATIONAL LABOR RELATIONS BOARD FOR ITS LEADERSHIP

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

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

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

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

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

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

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

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

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

SYRIAN VIOLENCE

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

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

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

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

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

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

OLD-FASHIONED ECONOMIC COMMON SENSE

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

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

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

□ 1110

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

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

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

RECESS

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

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

□ 1200

AFTER RECESS

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

PRAYER

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

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

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

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

Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. ALTMIRE led the Pledge of Allegiance as follows:

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

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

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

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

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

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

Sincerely,

CESAR A. PERALES,
Secretary of State.

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

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

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

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

Sincerely,

ANTHONY D. WEINER,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER

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

ANNOUNCEMENT BY THE SPEAKER

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

BRING HOME TROOPS IN VICTORY

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

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

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

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

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

MEDICARE TURNS 46

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

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

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

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

HERE THEY GO AGAIN: NLRB AND UNIONS ARE KILLING JOBS

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

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

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

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

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

RELIGIOUS VIOLENCE IN EGYPT

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

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

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

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

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

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

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

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

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

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

□ 1210

SUPPORTING THE EQUAL RIGHTS AMENDMENT

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

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

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

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

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

REDUCING THE CORPORATE TAX RATE

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

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

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

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

Thank you, Congresswoman EDWARDS, for your leadership.

WASTEFUL SPENDING WITHIN THE FHA'S INTERNATIONAL SCAN PROGRAM

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

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

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

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

ENCOURAGING JOB CREATION AND THE AMERICAN ENTREPRENEURIAL SPIRIT

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

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

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

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

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

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

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

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

WE MUST SUSTAIN AND PROTECT SOCIAL SECURITY AND MEDICARE

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

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

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

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

CREATING A SOUND ENERGY POLICY

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

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

THE 375TH ANNIVERSARY OF PROVIDENCE

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

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

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

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

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

YORK RIVER WILD AND SCENIC RIVER STUDY ACT

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

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

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

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

□ 1220

IT'S TIME TO GET AMERICANS BACK TO WORK

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

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

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

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

LEGALIZING MARIJUANA

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

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

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

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

SUPERINTENDENT JANE RUSSO'S RETIREMENT

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

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

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

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

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

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

MEDICARE

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

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

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

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

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

NOW IS THE TIME TO PASS THE PENDING FREE TRADE AGREEMENTS

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

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

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

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

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

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

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

To the Congress of the United States:

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

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

BARACK OBAMA.

THE WHITE HOUSE, *June 23, 2011*.

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

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

To the Congress of the United States:

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

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

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

BARACK OBAMA.

THE WHITE HOUSE, *June 23, 2011*.

□ 1230

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

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

The Clerk read the resolution, as follows:

H. RES. 320

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

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

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

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

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

□ 1240

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1250

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

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

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

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

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

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

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1300

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 247, nays 168, not voting 16, as follows:

[Roll No. 479]

YEAS—247

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

NAYS—168

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

NOT VOTING—16

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

□ 1334

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

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

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

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

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

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

[Roll No. 480]

AYES—251

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton

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

NOES—173

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

NOT VOTING—7

Giffords
Gingrey (GA)
Holden
Hurt
Napolitano
Rangel
Stivers

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1351

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

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

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

Stated against:

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

AMERICA INVENTS ACT

The SPEAKER pro tempore (Mr. WOODALL). Pursuant to House Resolution 316 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1249.

□ 1351

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform, with Mr. POE of Texas (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, June 22, 2011, a request for a recorded vote on amendment No. 1 printed in part B of House Report 112–111 offered by the gentleman from Texas (Mr. SMITH) had been postponed.

AMENDMENT NO. 1 OFFERED BY MR. SMITH OF TEXAS

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

The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 283, noes 140, not voting 8, as follows:

[Roll No. 481]

AYES—283

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

NOES—140

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

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

NOT VOTING—8

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

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1410

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

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

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

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

AMENDMENT NO. 2 OFFERED BY MR. CONYERS

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

(n) EFFECTIVE DATE.—

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

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

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

(2) DEFINITIONS.—In this subsection:

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

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

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

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

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

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

The Chair recognizes the gentleman from Michigan.

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

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

Mr. CONYERS. I yield myself 2½ minutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Accordingly, I urge my colleagues to support this Amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

□ 1420

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 3 OFFERED BY MS. BALDWIN

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

The Chair recognizes the gentlewoman from Wisconsin.

Ms. BALDWIN. I yield myself 3½ minutes.

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

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

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

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

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

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

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

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

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

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

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

Ms. BALDWIN. I yield myself 15 additional seconds.

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

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

□ 1430

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

and expanding the knowledge of humans.

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

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

The Acting CHAIR. All time has expired.

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

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

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

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

AMENDMENT NO. 4 OFFERED BY MS. MOORE

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

The Chair recognizes the gentlewoman from Wisconsin.

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

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

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

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

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

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

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

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

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

Mr. SMITH of Texas. Will the gentlewoman yield?

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

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

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

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

I urge the body to vote for this amendment.

I would yield back the balance of my time.

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

The amendment was agreed to.

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

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 29. SENSE OF CONGRESS.

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

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

The Chair recognizes the gentlewoman from Texas.

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

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

□ 1440

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

behavior that could result in the cutting off of innovation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Represent 99.7 percent of all employer firms.

Employ just over half of all private sector employees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

There was no objection.

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

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

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

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 6 OFFERED BY MR. LUJÁN

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

Page 135, after line 22, insert the following:

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

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

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

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

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

The Chair recognizes the gentleman from New Mexico.

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

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

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

I reserve the balance of my time.

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

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

There was no objection.

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

I yield back the balance of my time.

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

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

The amendment was agreed to.

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

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

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

There was no objection.

□ 1450

AMENDMENT NO. 7 OFFERED BY MR. PETERS

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(C) neither such program should be established; and

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

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

The Chair recognizes the gentleman from Michigan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. POLIS

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

The Chair recognizes the gentleman from Colorado.

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

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

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

□ 1500

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

The amendment was rejected.

AMENDMENT NO. 9 OFFERED BY MR. CONYERS

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

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

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

The Chair recognizes the gentleman from Michigan.

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

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

□ 1510

Madam Chair, I reserve the balance of my time.

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

I urge support for the amendment.

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

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

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

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

confirms existing law, it is budget-neutral.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 10 OFFERED BY MS. SPEIER

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

The Chair recognizes the gentlewoman from California.

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

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

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

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

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

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

□ 1520

I reserve the balance of my time.

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

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

There was no objection.

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

I yield back the balance of my time.

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

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

Mr. HOYER. I thank the gentlewoman for yielding.

Madam Chair, I rise in support of this legislation.

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

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

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

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

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

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. WATT

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

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

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 29. SEVERABILITY.

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

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

The Chair recognizes the gentleman from North Carolina.

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

With that, I reserve the balance of my time.

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

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

There was no objection.

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

I yield back the balance of my time.

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

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

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

There was no objection.

AMENDMENT NO. 12 OFFERED BY MR. SENSENBRENNER

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

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

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

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

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

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

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

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

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

(d) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBRENNER. I yield myself 1½ minutes.

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

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

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

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

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

Mr. SENSENBRENNER. I yield myself an additional 15 seconds.

First-to-file also invites excessive filing and will add to the burden of the USPTO by increasing the examiner's workload. We already have financing problems there. If this amendment is not adopted, it will be worse.

I reserve the balance of my time.

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

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

Mr. SMITH of Texas. Madam Chair, the gentleman's amendment strikes the first-inventor-to-file provisions from the bill. I strongly oppose the amendment.

The move to a first-inventor-to-file system creates a more efficient and reliable patent system that benefits all inventors, including independent inventors. This provision provides a more transparent and certain grace period, a key feature of U.S. law, and a more definite filing date that enables inventors to promote, fund, and market their technology while making them less vulnerable to costly patent challenges that disadvantage independent inventors.

The first-inventor-to-file system is absolutely consistent with the Constitution's requirement that patents be awarded to the inventor. Former Attorney General Michael Mukasey has stated that the ''provision is constitutional and helps assure that the patent laws of this country accomplish the goal set forth in the Constitution: 'to promote the Progress of Science and useful Arts.' ''

Under first-inventor-to-file, patent rights are reserved to someone who

independently conceived of an invention before it was in the public domain. And under the Constitution, that is what is required to be considered an ''inventor.''

□ 1530

In fact, early American patent law, that of our Founders' generation, did not concern itself with who was the first to invent. The U.S. operated under a first-inventor-to-register system for nearly half a century, starting in 1790. The first-inventor-to-register system is similar to first-inventor-to-file, a system that the Founders themselves supported early in our Nation's history.

The courts did not even concern themselves with who was the first person to invent until 1870, with the creation of interference proceedings. Those proceedings are the ones that disadvantage independent inventors and small businesses. And over the years, and in subsequent revisions of the law, those proceedings have morphed into a costly litigation tactic.

Under first-inventor-to-file, an inventor submits an application to the Patent Office that describes their invention and how to make it. That, along with just a $110 fee, gets them a provisional application and preserves their filing date. This allows the inventor an entire year to complete the application, while retaining the earlier filing date. By contrast, the cost of an interference proceeding in today's law could run an inventor $500,000.

Accusations that the bill doesn't preserve the 1-year grace period are simply false. This bill provides a stronger, more transparent and certain 1-year grace period for disclosures. This enhances protection for inventors who have made a public or private disclosure of their invention during the grace period.

The grace period protects the ability of an inventor to discuss or write about their ideas for a patent up to 1 year before they file for patent protection. These simple requirements create a priority date that is fixed and public so that everyone in the world can measure the patent against competing applications and patents and relevant prior art.

In addition, many inventors also want protection for their patents outside of the United States. If you plan on selling your product overseas, you need to secure an early filing date. If you don't have a clear filing date, you can be shut out from the overseas market. A change to a first-inventor-to-file system will help our businesses grow and ensure that American goods and services will be available in markets across the globe.

The current first-to-invent system seriously disadvantages small businesses and independent inventors. Former PTO Commissioner Gerald Mossinghoff conducted a study that proved smaller entities are disadvantaged in PTO interference proceedings that arise from disputes over patent ownership under the current system.

In the last 7 years, only one independent inventor out of 3 million patent applications filed has proved an earlier date of invention than the inventor who filed first.

Madam Chair, let me repeat that: in the last 7 years, only one independent inventor out of 3 million patent applications filed has proved an earlier date of invention than the inventor who filed first. Independent inventors lose to other applicants with deeper pockets that are better equipped to exploit the current complex legal environment.

So the first-inventor-to-file change makes it easier and less complicated for U.S. inventors to secure their patent rights, and it protects their patents overseas. And it eliminates the legal bills that come with interference proceedings under the current system. It is a key provision of this bill.

Madam Chair, the amendment should not be approved, and I urge my colleagues to vote against it.

I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Chair, I yield 1 minute to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Madam Chair, I find myself in reluctant opposition to my colleague from Texas in support of the Sensenbrenner amendment. Section 3 shifts our patent system from the unique first-to-invent system to a first-to-file system.

As I speak to inventors, startups, venture capitalists and angel investors in California, I'm convinced that the proposed transition to first-to-file would be harmful to innovation and burdensome to the most dynamic and innovative sector of our economy.

With the shift to first-to-file, the rush to the Patent Office will lead to new costs for small businesses as they prepare applications for inventions that they may ultimately find impractical. For small startups, the cost of retaining outside counsel for this purpose will be a drain on their limited resources and mean less money for hiring and the actual act of innovation.

Supporters of first-to-file argue inventors can turn to provisional applications to protect their patent rights. But from talking to small inventors, I have learned that good provisional applications require substantial legal fees and time investment on the part of the inventor to make them sufficiently detailed to be of use.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SENSENBRENNER. I yield the gentleman an additional 15 seconds.

Mr. SCHIFF. I appreciate the hard work that has gone into the bill by the gentleman from Texas. However, I remain deeply concerned that the shift to first-to-file will have lasting negative consequences for small investors, and I urge the House to improve the bill by adopting the Sensenbrenner amendment.

Madam Chair, following is my statement in its entirety: I rise in support of the Sensenbrenner amendment to strike Section 3 of the underlying legislation. Section 3 shifts our patent system from our unique First to Invent system to a First to File system. As I speak to inventors, startups, venture capitalists and angel investors in California, I am convinced that the proposed transition to First to File would be harmful to innovation and burdensome to the most dynamic and innovative sector of our economy.

With the shift to First to File, the rush to the patent office will lead to new costs for small businesses as they prepare applications for inventions that they ultimately find impractical. The result will be more and lower quality patent applications, undermining the improved patent quality H.R. 1249 seeks to achieve. For small startups, the costs of retaining outside counsel for this purpose will be a drain on their limited resources, and it will mean less money for hiring and the actual act of invention.

Supporters of First to File argue that it will increase certainty in the patent process, but I am skeptical that any such gains in efficiency will result. The interference proceedings at the PTO that are used to resovle disputes regarding patent rights are rare, representing only a tiny fraction of patent filings. Moreover, there is an established, century old body of law on FIrst to Invent. It will take years, if not decades, for similar clarity to develop on a First to File.

Supporters of First to File argue that inventors can turn to provisional applications to protect their patent rights. That sounds good in theory, but from talking to small inventors I have learned that good provisional applications require substantial legal fees and time investment on the part of the inventor to make them sufficiently detailed to be of any use should another entity file a similar patent application.

Madam Chair, I appreciate the hard work that has gone into this bill and the leadership of the gentleman from Texas. However, I remain deeply concerned that the shift to First to File will have lasting negative consequences for small inventors, and I urge the House to improve the bill by adopting the Sensenbrenner amendment.

Mr. SENSENBRENNER. Madam Chair, I yield 1 minute to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Madam Chair, I rise in support of the Sensenbrenner amendment. Actually, I don't agree that first-to-file is unconstitutional, and I, in general, am not opposed to the idea of first-to-file.

But, unfortunately, the bill is flawed, and you cannot have first-to-file without robust prior-user rights and a broad prior-user rights used in the grace period. We don't have that in this bill.

And so what we will have are established businesses having to either reveal trade secrets or be held up, have to license their own trade secrets. For startups this is a very serious problem. And coming from Silicon Valley, I'll tell you I've heard from a lot of startups and the venture world that supports them that this provision is defective.

There were other remedies. They were not adopted. All we can do now is

to strike the first-to-file provision. I do that without any reluctance. It will serve our economy best. And I thank the gentleman for offering his amendment.

Mr. SENSENBRENNER. I yield myself the balance of the time.

Madam Chair, the reason that first-to-invent is important is that it allows an inventor to talk to investors, conduct trial and error innovation and deal with leaks, because commercially important patent rights are determined by ordinary, nonburdensome business activities.

Where this hurts the ordinary inventor by going to first-to-file is that he needs to get his venture capital together, and then go ahead and file for a patent. With first-to-file, he has to put all of the money up front to file in order to protect himself; and what that will do is have a chilling effect on the small inventor who needs to get capital in order to perfect a patent and in order to market it. That's why this amendment should be adopted. I urge the Members to do so.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SENSENBRENNER. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. MANZULLO

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 112–111.

Mr. MANZULLO. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 10 (beginning on page 81, line 14; ''Fee Setting Authority''), as amended, and insert the following (and conform the table of contents accordingly):

SEC. 10. ELECTRONIC FILING INCENTIVE.

(a) IN GENERAL.—An additional fee of $400 shall be established for each application for an original patent, except for a design, plant, or provisional application, that is not filed by electronic means as prescribed by the Director. The fee established by this subsection shall be reduced by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code. All fees paid under this subsection shall be deposited in the Treasury as an offsetting receipt that shall not be available for obligation or expenditure.

(b) EFFECTIVE DATE.—This section shall take effect upon the expiration of the 60-day period beginning on the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. MANZULLO. Madam Chair, there are a lot of problems with this bill as we have heard about already. In fact, on the wall of my office here in Washington, I have two pictures, among many. One is a picture of W. Edwards Deming and myself, taken just before he passed away in 1993—the real inventor of Lee Manufacturing. The other is of Dr. Ray Damadian, the inventor of the MRI who, when examining this legislation, said if the new changes had taken place in the patent law, had they been part of the patent system when he invented the MRI, the MRI never would have been invented. He knows more than anybody how flawed this bill is.

I want to focus in particular on section 10 of the bill, which allows the Director of the Patent Office to set fees. I'm very concerned about this because, in the last patent fight, in 2004, when I chaired the House Small Business Committee, in return for supporting higher fees with a reduced rate structure for small businesses, the provision in that bill allowing the PTO Director to set fees was removed.

□ 1540

This new bill abrogates that hard-won compromise and allows the director of the PTO to set the fees. It is not wise for the legislative branch to give up more power and authority to the executive branch. I know it's inconvenient to have Congress set fees, but that's the job of Congress, not the job of an unelected bureaucrat.

When I chaired the House Small Business Committee, I continued the tradition of preventing the SBA from unilaterally being able to set fees to whatever level they sought. I don't see why we have to do this with the PTO. Now in the present bill, section 11 actually lowers fees for small business people and has a good patent fee structure. However, section 10 would allow the PTO Director to proceed with the administrative process to eviscerate that section and impose its own fees.

To compound the problem, the Patent Office has been saying for years that if they had the authority to raise fees, they would. In 2002, the PTO strategic plan said they needed to have a fee based upon a progressive system aimed at limiting applications. In 2010, in the white paper on patent reform, they said the same thing.

The Patent Office's idea of cutting back on the backlog is to raise fees. That doesn't make sense. But let's eliminate that authority from the Patent Office. Let's leave that authority with the United States Congress.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, I oppose the gentleman's amendment to strike the PTO fee-setting authority from H.R. 1249.

Although the PTO has the ability to set certain fees by regulation, most fees are set by Congress. History has shown that such a scheme does not allow the PTO to respond to the challenges that confront it.

The PTO, most stakeholders, and the Judiciary Committee have agreed for years that the agency must have fee-setting authority to address its growing workload. This need is critical. The agency's backlog exceeds 1 million patent applications. This means it takes 3 years to get a patent in the United States—far too long. The wasted time leads to lost commercial opportunities, fewer jobs, and fewer new products for American consumers. Moreover, the new fee structure will not only retain the existing 50 percent discount for small businesses, it creates a new 75 percent discount for micro entities. This benefit helps independent inventors and small businesses.

The bill allows the PTO to set or adjust all of its fees, including those related to patents and trademarks, so long as they do no more than reasonably compensate the agency for the services performed.

To the charge that we are abandoning our oversight of the process, I urge the Members to review the oversight mechanisms in the bill. For example, prior to setting such fees, the director must give notice to and receive input from the Patent Public Advisory Committee or the Trademark Public Advisory Committee. The director may also reduce fees for any given fiscal year, but only after consultation with the advisory committees.

The bill details the procedures for how the director shall consult with the advisory committees, which includes providing for public hearings and the dissemination to the public of any recommendations made by either advisory committee.

Fees shall be prescribed by rule. Any proposed fee change shall be published in the Federal Register and include the specific rationale and purpose for the proposed change.

The director must seek public comments for no less than 45 days. The director must also notify Congress of any final decision regarding proposed fees. Congress shall have no more than 45 days to consider and comment on any proposed fee, but no proposed fee shall be effective prior to the expiration of this 45-day period.

Congress will remain part of the process, but PTO is better able to respond to their own resource needs, which, after all, will benefit patent holders and subsequently the economy.

I urge my colleagues to oppose the amendment.

Madam Chair, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Intellectual Property Subcommittee.

The Acting CHAIR. The gentleman from Virginia is recognized for 2½ minutes.

Mr. GOODLATTE. I thank the chairman for yielding.

Madam Chairman, I rise in opposition to this amendment.

The Senate-passed patent bill granted the PTO fee-setting authority into perpetuity. The Senate's goal was laudable. It wanted to allow the PTO to have control over the fees that it charges so that it would have more certainty about rolling out new programs and hiring new examiners to deal with pendency and quality issues. We have, as you know, a very long backlog—3 years, 1 million patents. However, I had strong concerns with granting this much authority to a government agency.

Currently, the PTO must come before Congress to request any fee increases. This forces the PTO to use its current resources in the most efficient manner and also strengthens Congress' hand when it comes to oversight over the agency. Thus, I worked to get a provision into the House bill that would sunset the PTO's fee-setting authority. The bill now terminates the fee-setting authority after 7 years unless Congress proactively acts to extend it. This will allow the PTO sufficient time to structure its fees but will ensure that Congress continues to have a strong influence over that process.

And I might add that the manager's amendment to the bill also strengthens Congress' hand and limits the objective of the PTO to arbitrarily raise its fees because the Congress still appropriates the funds and can only escrow funds—can't divert them to another purpose, but escrows them. PTO will have to come back to the Congress and justify additional funds it receives.

I believe the bill, as it is written right now, strikes the right balance. And I urge Members to oppose this amendment, which would altogether eliminate PTO fee-setting authority.

Mr. MANZULLO. I yield myself the balance of my time.

Madam Chair, you don't strike the right balance between an inventor's constitutional right to file for an invention and giving a patent czar the authority to keep him out of the box by allowing him to raise the fees. Mr. SMITH from Texas said it himself; he coupled patent backlog with the ability of the patent director to set the fees. That can only lead to one conclusion: They're going to raise the fees in order to cut down on the patent backlog. It doesn't make sense.

This is the people's House. The Patent Office is the people's house for the little inventor. He must have every opportunity to exercise his constitutional right and file that patent. But if Congress cedes the authority to set those fees to a new authority of the patent director—or we can call him now the patent czar—that patent czar will control for 7 years, at the minimum, the flow of traffic coming through his office. And you know who gets slowed? Do you know who gets hurt? It's the little guy. And the purpose of my amendment is to protect the little guy to make sure those fees are not raised, and also to make sure that the people in this country elect representatives in Congress because it's our job to set the fees, not the job of an unelected person, the person in charge of the Patent Office.

I would therefore urge my colleagues to vote for the Manzullo amendment, to support the little inventor, to support the spirit of entrepreneurship in this country.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MANZULLO. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. ROHRABACHER

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 112–111.

Mr. ROHRABACHER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 73, after line 2, insert the following new subsection:

(i) INAPPLICABILITY OF POST-GRANT REVIEW TO CERTAIN SMALL ENTITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a patent granted to a United States citizen, an individually lawfully admitted for permanent residence in the United States, or a United States company with less than 100 employees shall not be subject to any form of post-grant review or reexamination.

(2) RULEMAKING.—The Director shall issue such regulations as may be necessary to carry out this subsection.

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. In this debate, Madam Chairman, we have heard over and over and over again about the gridlock at the Patent Office, which is supposedly what we're trying to correct with this legislation, H.R. 1249, which I have been contending is not designed to help the Patent Office, but to harmonize American law with the rest of the world and make it weaker patent protection for our people.

But what does it do about the backlog, if that's really what people are concerned about? H.R. 1249 would actually tremendously add to the PTO backlog by requiring further post-grant review proceedings at the Patent Office, proceedings which would consume even more limited personnel and money. Added procedures add to the gridlock at the PTO, at the Patent Office, and it will also do what? It will break the back of small inventors and startup companies who are trying to get a new product on the market.

□ 1550

It will empower the multinational and foreign corporations who can grind down the little guy, because what we are doing in this bill is adding even further procedures they have to go through, even after they have got their patent issued to them.

This is the big guy versus little guy legislation. That was even pointed out by the Hoover Institution, which did an analysis of this bill and said, ''The American Invents Act will protect large entrenched companies at the expense of market challenging competitors.''

''A patent should be challenged in court, not in the U.S. Patent Office.''

''A politicized patent system will further entrench those companies with the largest lobbying shops on K Street.''

''The bill wreaks havoc on property rights, and predictable property rights are essential for economic growth.''

''If America weakens its patent enforcement at home, it will set a dangerous precedent overseas.''

''The America Invents Act would inject massive uncertainty into the patent system.''

This is a travesty. It is an attack on American well-being, because we depend on our small inventors to come up with the ideas. The Kaptur-Rohrabacher amendment limits this new burden. If we can't get rid of it, at least we can limit this new burden of all these post-grant reviews they are going to add to companies that have more than 100 employees. It frees up the Patent Office personnel to do their job, helps with that gridlock, and protects the small business man and small inventors at the same time.

I would ask my colleagues to support the Kaptur-Rohrabacher amendment.

I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding and urge my colleagues to support the Rohrabacher-Kaptur amendment, which ensures fairness for small and independent inventors. Without it, this bill will destroy American job creation and innovation since it throws out 220 years of patent protections for individual inventors.

Our amendment addresses a major shortcoming of the bill by eliminating the burden of post-grant reviews and reexaminations on individual inventors and small businesses with 100 or fewer employees.

The new procedures and regulations in this bill will make it extremely difficult for the average citizen to ever get a patent or defend one without our amendment. Our amendment clearly gives the Patent Office the authority to issue appropriate regulations that

ensure that the new regulatory burdens in this bill do not disproportionately impact individual inventors. This amendment is about ensuring fairness for small inventors.

We urge our colleagues to support the Kaptur-Rohrabacher amendment so all inventors in America have a chance to realize their dreams, and, in realizing their dreams, assuring that we will have robust innovation and job creation in our country.

The Acting CHAIR. The gentleman from California has 1½ minutes remaining.

Mr. ROHRABACHER. Let me just note, our amendment empowers the Director of the Patent Office to extend this 100-employee standard to other small businesses and individual inventors overseas if this is required by a treaty; yes, small businesses and individual inventors overseas. So our amendment does nothing to violate any treaty obligations by giving our own people special rights over foreign individuals.

What it does do, however, is prevent foreign corporations from grinding down our inventors here, like they grind down their inventors overseas. This is what we are doing to prevent a harmonization of our laws, because we don't want weaker patent protection for our people. They already got it overseas against their foreign corporations that grind them down. We want to protect our own people.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Chair, almost everyone in Congress wants to help small businesses. They are the foundation of our economy and are the primary job creators. But this amendment includes certain terms or phrases that have nothing to do with the underlying goal that it purports to achieve.

This amendment appears to focus on small businesses, but in reality the amendment attempts to provide the trial lawyer lobby and patent trolls with an exemption from PTO reexamination, allowing them to continue suing job creators using frivolous or questionable patents. This amendment has nothing to do with small businesses and everything to do with providing an exemption for some of the worst offenders of our patent system.

This amendment will not help independent inventors or small businesses. Small businesses need the PTO reexamination proceedings. Those proceedings strengthen patents, and strong patents are what investors look for when making decisions about whether or not to provide venture capital funding.

The argument that reexam proceedings harass or hurt small businesses is just plain wrong. The reexam proceedings are a cheaper, quicker, better alternative to resolve questions of patentability than costly litigation in Federal court, which can run into the millions of dollars and last for years. This amendment is an immunity agreement for patent trolls, those entities who do not create jobs or innovation but simply game the legal system.

Additionally, this amendment appears to violate our international obligations under the TRIPS agreement. Under TRIPS, we are obligated not to discriminate against any field of technology or categories of patent holders. By providing an exemption from all reexamination proceedings for technological patents granted to patent trolls or nonpracticing entities, this would create a clear violation of our legal obligations.

Our patent system should be designed to ensure that it produces strong patents and patent certainty. The PTO reexamination proceedings help ensure that these important goals are accomplished. This amendment bars any form of reexam for U.S.-owned patents and, thus, would also prevent U.S. inventors themselves from using supplemental examination to even be able to correct errors in the record about their own patents.

This amendment creates a huge loophole in our patent system by exempting entities with 100 or fewer employees. This will not help small businesses but will allow patent troll entities, foreign companies, and foreign governments to manipulate our patent system. It would bar use of the business-methods transitional proceeding against most business-method patents.

This amendment is a recipe for allowing patent trolls and foreign companies and their governments to bypass normal post-grant challenges and enables weak or questionable patents to bypass further scrutiny. There is no legitimate public policy objective in exempting large numbers of those who manipulate our patent system from the rules of the road. It is for these reasons that I strongly oppose this amendment.

I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

The Acting CHAIR. The gentleman from Virginia is recognized for 2 minutes.

Mr. GOODLATTE. Madam Chairman, I rise in strong opposition to this amendment, which is a bad idea. Post-grant review is one of the most important provisions in this bill. It allows third parties, for a limited window of 9 months after a patent is issued, to submit evidence that the patent should not have been granted in the first place.

This allows third parties, many of whom will be small businesses themselves who are familiar with the subject matter, to provide a check on patent examiners. If the evidence shows that the patent is indeed invalid, then the patent applicant should never have received the patent in the first place. If the evidence shows that the patent is valid, then the patent is made stronger and more certain by surviving a post-grant review.

The amendment would exempt small businesses from the post-grant opposition proceeding. However, the quality of a patent examination does not hinge on the size of the applicant, whether it was a small business, an independent inventor, or a large corporation. It hinges on the PTO job of scrutinizing that patent. A bogus patent held by an independent inventor is no less deserving of a second look than a bogus patent held by a Fortune 500 company.

For these reasons, I urge opposition to this very bad amendment.

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. ROHRABACHER. I yield the balance of my time to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I would like to refute Mr. SMITH's argument. In fact, he has manufactured an argument against our amendment that says it will violate WTO obligations, specifically citing TRIPS. He seems to object to the use of references to American citizens and U.S. companies, but obviously failed to read the entire amendment which allows the Patent Office to issue relevant regulations for properly implementing this amendment. And if he was so concerned about WTO compliance, he should strike section 18 of his own bill which is clearly WTO noncompliant because it creates a special class for only one industry, the banking industry.

I urge my colleagues to vote against the bill and for the Rohrabacher-Kaptur amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROHRABACHER. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. SCHOCK

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part B of House Report 112–111.

Mr. SCHOCK. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 112, strike line 18 and all that follows through page 118, line 2, and redesignate succeeding sections and references thereto (and conform the table of contents) accordingly.

Page 68, line 9, strike ''in section 18 and''.

□ 1600

The Acting CHAIR. Pursuant to House Resolution 316, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHOCK. I thought when we started this Congress that we had agreed to no more earmarks, no more handouts, no more special privileges for any specific industry. But based on reading H.R. 1249, it's obvious to see that it includes controversial language which does just that—section 18, which sets forth a new and different process for certain business method patents for any other patents seeking approval.

Section 18 carves out a niche of business method patents covering technology used specifically in the financial industry and would create a special class of patents in the financial services field subject to their own distinctive post-grant administrative review. This new process allows for retroactive reviews of already-proven patents that have undergone initial scrutiny, review, and have even been upheld in court. Now these patents will be subjected to an unprecedented new level of interrogation.

The other side will argue that somehow magically a number of these financially related patents breezed through the patent office and thus must be reviewed. Well, nothing could be further from the truth. In fact, the allowance rate for these business method patents is the smallest of any of the art forms. In fact, roughly 10 percent of those business method patents applied for are actually approved.

At a time when these small entrepreneurs and innovators need to be dedicating their resources and new advancements to innovation, they will instead, because of section 18, be required to divert research funds to lawyers to fight the deep pockets of Wall Street, who will now attempt to attack their right to hold these financially related patents.

With that, Madam Chair, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I yield myself 1 minute.

Madam Chair, I strongly oppose this amendment. It strikes a useful provision that would provide a way to review the validity of certain business method patents. The proceeding would create an inexpensive and faster alternative to litigation, allowing parties to resolve their disputes rather than spending millions of dollars that litigation now costs. In the process, the proceeding would also prevent nuisance or extortion lawsuits.

This provision is strongly supported by community banks, credit unions, and other institutions that are an important source of lending to homeowners and small businesses. Finally, this bill only creates a new mechanism for reviewing the validity of business method patents. It does not alter the validity of those patents. Under settled precedent, the transitional review program is absolutely constitutional.

Madam Chair, I now yield 1 minute to the gentleman from New York (Mr. GRIMM), a member of the Financial Services Committee.

Mr. GRIMM. I rise today to call on my colleagues to oppose the Schock-Waters amendment. This amendment would strike one of the legislation's most important reforms, a crackdown on low-quality business method patents, which have weakened the patent system and cost companies and their customers millions of dollars. Infamous patent trolls—people who aggressively try to enforce patents through courts in friendly venues—have made business method patents their specialty in recent years. These same patent trolls have funded an elaborate propaganda campaign targeting the reforms in section 18.

Let us simply set the record straight. Section 18 allows patent experts to reexamine through temporary pilot programs legally questionable business method patents, a problem that the Patent Office has already said it is ready and willing to tackle. Opponents have asserted that the measure would help only the banks. This isn't true. The National Retail Federation and the U.S. Chamber of Commerce have endorsed this provision. Companies impacted include McDonald's, Walmart, Costco, Home Depot, Best Buy, and Lowes. These don't sound like banks to me.

Opponents also claim that this section is unconstitutional.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional 15 seconds.

Mr. GRIMM. Again, there has been a tremendous propaganda campaign basically to sell untruths that we simply need to get past. The truth is, this is best for the small guy. If we really care about the small inventors that create innovation in this country, then we should oppose this amendment.

Don't take my word for it—read the words of Judge Michael McConnell—once the most influential federal appeal court judge in the nation—and now the head of the Constitutional Law Center at Stanford Law School:

He said, "There is nothing novel or unprecedented, much less unconstitutional, about the procedures proposed," and "we can state with confidence that the proposed legislation is supported by settled precedent."

I think it is time we stop listening to patent trolls who abuse our court system, and start listening to the businesses that drive job creation and economic growth in this country.

Madam Chairman, I strongly urge my colleagues to support this bill and oppose the Schock-Waters amendment to strike Section 18.

Mr. SCHOCK. Madam Chair, I yield 1 minute to my friend, the cosponsor of this amendment, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. As a member of the Judiciary Committee, I rise in strong support of the Schock-Boren-Waters-Sensenbrenner-Franks-Kaptur amendment to strike section 18. For years, the too-big-to-fail banks have attempted to eliminate their patent infringement liabilities to smaller companies and inventors that have patented financial services-related business method patents. They are now coming to Congress in hopes that you will help them steal a specific type of innovation and legislatively take other financial services-related business method patents referenced in H.R. 1249, section 18. This is simply wrong.

Elected Members of Congress should not allow the banks to use us to steal legally issued and valid patents. Financial services-related business method patents have saved financial services companies billions of dollars. But that's not enough for the banks. Because the banks have failed at every attempt to void these patents, they're attempting to use their power to write into law what they could not achieve at PTO or in the courts.

Don't be tricked, don't be fooled, and don't be used. I urge my colleagues to listen to the floor debates.

Mr. SMITH of Texas. Madam Chair, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY), who is a member of the Ways and Means Committee.

Mr. CROWLEY. I thank the gentleman for yielding.

Madam Chair, I rise in strong opposition to the amendment that would eliminate section 18 of the underlying patent reform bill. Section 18 empowers the Patent and Trademark Office to review the validity of so-called business method patents. This language was drafted in close cooperation with the Patent and Trademark Office and the Department of Commerce. It also enjoys the wide bipartisan support of the Judiciary Committee, which defeated a similar amendment during committee consideration of this bill.

Further, this amendment does not hurt any legitimate inventors. It only allows for the review of abstract patents issued since 1988 when a Federal court ruled that business methods could be patented—a ruling which the U.S. Supreme Court limited significantly last year.

What are these business methods I'm talking about? In one case, a business method patent was issued for interactive fund-raising across a data packet transferring computer network. Once obtained, the patent holder sued the Red Cross for soliciting charitable contributions on the Internet, claiming that his patent covers this entire field. In another example, a patent was granted covering the printing of marketing materials on billing statements.

These patents, and many others in this space, are not legitimate patents that help advance America. They are nuisance patents used to sue legitimate businesses and nonprofit business organizations like the Red Cross or any other merchants who engage in normal activity that should never be patented. In fact, this language will not go after any legitimate patent, but only allow a

review of illegitimate patents, like those looking to patent the ''office water cooler discussion.'' No legitimate inventor needs to worry about a post-grant review. In fact, under this section, the PTO cannot even look at a patent unless they determine that it ''more likely than not'' would be invalid. That's a very high standard.

Let's help America grow and succeed and oppose this amendment.

Mr. SCHOCK. Mr. Chairman, I yield 30 seconds to my friend and cosponsor of this amendment, the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, I rise today in support of the amendment that I've coauthored with Mr. SCHOCK. During my time in Congress I have been a consistent supporter of small businesses. Here on the House floor we are told nearly every day that small businesses are the engine of our Nation's economy, and there's no discounting that fact.

If included in the final bill, I believe section 18 will pose a devastating threat to America's small business community. Business method patents already endure a lengthy approval process, and section 18 would only make it more difficult for inventors to defend their patents.

I ask my colleagues to support this amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

The Acting CHAIR (Mr. YODER). The gentleman from Virginia is recognized for 1¼ minutes.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to this amendment. There is no doubt that the PTO has issued business method patents of questionable merit over the years. Many of these patents are still on the books. Unfortunately, many of these patents are being used by aggressive trial lawyers to extort money from deep pockets. Section 18 of the bill simply creates a process that allows experts at the PTO to reexamine the types of business method patents that the PTO believes to be of the poorest quality. This section was drafted in close coordination with the USPTO and is a pilot program that simply allows them to review certain business methods patents against the best prior art in a reexamination process.

□ 1610

Why would anyone oppose a process that allows low-quality patents, as identified by the USPTO, to be reviewed by the experts?

Business method patents on financial activities are the type of patents that are the subject of lawsuits and abuse most often. They are litigated at a rate 39 times greater than any other patents. Section 18 is designed to correct a fundamental flaw in the system that is costing consumers millions each year. The provision is supported by a broad bipartisan coalition that includes the U.S. Chamber of Commerce.

I urge Members to reject this amendment, which strikes an important litigation reform provision in the underlying bill.

Mr. SCHOCK. Mr. Chairman, I would like to inquire of my time remaining.

The Acting CHAIR. The gentleman from Illinois has 1½ minutes remaining.

Mr. SCHOCK. I now yield 1 minute to my friend from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I might just say that, in answer to the question raised by my friend from Virginia ''why would anyone oppose this?'' it is because of the Constitution.

This provision, section 18, is clearly violative of the Constitution. It would have you believe that you could go to court, an article III court, and have a final decision—a final judgment—rendered by a court, including a jury. Then after that, there's not an appeal to an appellate court but an appeal somehow back to an administrative agency?

Does anybody sense there is a violation of the separation of powers? Does anybody understand what the Court said in the Plaut case, which said that the Constitution gives the Federal judiciary the power to not merely rule on cases but to decide them subject to review only by superior courts in article III hierarchy?

You can argue all you want, but that's what the Supreme Court says.

This is an obvious, blatant violation of the Constitution. That's the answer to my friends who say we have to have this provision. Yes, it may be that the U.S. Constitution is the inconvenient truth here. We are not allowed to violate it even though we do it with the best of intentions.

The Acting CHAIR. The gentleman from Illinois is recognized for 30 seconds.

Mr. SCHOCK. Mr. Chairman, for so many reasons, this provision of the bill is flawed. I ask my colleagues to join me in supporting the repeal of section 18, and simply ask this:

Regardless of where your support lies as to the underlying bill, why are we doing something separate for financial services patents? Why are we doing something separate for the business method patents? Shouldn't all reforms affect all patents and all industries?

I would argue this is an earmark and a special provision for one industry, and for so many reasons would ask for a ''yes'' vote on my amendment.

Mr. SMITH of Texas. Mr. Chair, I want to clarify that Section 18 is designed to address the problem of low-quality business method patents that are commonly associated with the Federal Circuit's 1998 State Street decision. Not all business method patents are eligible for review by the patent office under Section 18. Towards that end, Section 18 of the bill specifically exempts "patents for technological inventions" from review.

Patents for technological inventions are those patents whose novelty turns on a technological innovation over the prior art and are concerned with a technical problem which is solved with a technical solution. The technological innovation exception does not exclude a patent simply because it recites technology. Inventions related to manufacturing and machines that do not simply use known technology to accomplish a novel business process would be excluded from review under Section 18.

Section 18 would not cover patents related to the manufacture and distribution of machinery to count, sort, and authenticate currency. It is the intention of Section 18 to not review mechanical inventions related to the manufacture and distribution of machinery to count, sort and authenticate currency like change sorters and machines that scan currency whose novelty turns on a technological innovation over the prior art. These types of patents would not be eligible for review under this program.

Mr. SHUSTER. Mr. Chair, I would like to place in the record my understanding that the definition of "covered business method patent," Section 18(d)(1) of H.R. 1249, the America Invents Act, is intended to be narrowly construed to target only those business method patents that are unique to the financial services industry in the sense that they are patents which only a financial services provider would use to furnish a financial product or service. The example that I have been given is a patent relating to electronic check scanning, which is the type of invention that only the financial services industry would utilize as a means of providing improved or more efficient banking services. In contrast, Section 18 would not encompass a patent that can be used in other industries, but which a financial services provider might also use. Lastly, it is also my understanding from discussions with the Committee that Section 18 is targeted only towards patents for non-technological inventions.

Mr. GRIMM. Mr. Chair, I rise in strong support of the America Invents Act. This is a historic bill. It will drive innovation, create jobs, improve patent quality, and reduce frivolous litigation. This is a good bill for current and future patent holders—big and small.

I do rise today with some disappointment, however, that opponents of this bill have recklessly spread misinformation about the bill and some of its most important provisions. The move to first inventor to file is wholly constitutional and it will strengthen the patent system for entrepreneurs and small businesses. They will no longer have to compete with big business to prove the validity of their patents after filing.

Mr. Chair, I would also like to speak to one of the legislation's most important reforms—a crackdown on low-quality business-method patents, which have weakened the patent system and cost companies and their customers millions of dollars in extra fees. Infamous "patent trolls"—people who aggressively try to enforce patents through the courts in friendly venues—have made business-method patents their specialty in recent years.

These same patent trolls have funded an elaborate propaganda campaign targeting the reforms in Section 18. Let us set the record straight—Section 18 simply allows patent experts to re-examine—through a temporary, pilot program—legally questionable business-method patents. A problem the patent office has said it is ready and willing to tackle.

Opponents have asserted that the measure would help only banks. That isn't true. The National Retail Federation and the U.S. Chamber of Commerce have endorsed this bill. Companies impacted include Wal-Mart, Costco, McDonalds, Best Buy, Home Depot, and Lowes. Do any of these companies sound like banks to you? They don't to me, either.

Opponents also claim that this section too is unconstitutional—another untruth. Don't take my word for it—read the words of Judge Michael McConnell—once the most influential federal appeal court judge in the nation—and now the head of the Constitutional Law Center at Stanford Law School: He said, "There is nothing novel or unprecedented, much less unconstitutional, about the procedures proposed," and "we can state with confidence that the proposed legislation is supported by settled precedent."

I think it is time we stop listening to patent trolls who abuse our court system, and start listening to the businesses that drive job creation and economic growth in this country. Support this bill and oppose the Schock-Waters amendment to strike Section 18.

Mr. SCHOCK. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 112–111 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. CONYERS of Michigan.

Amendment No. 3 by Ms. BALDWIN of Wisconsin.

Amendment No. 9 by Mr. CONYERS of Michigan.

Amendment No. 12 by Mr. SENSENBRENNER of Wisconsin.

Amendment No. 13 by Mr. MANZULLO of Illinois.

Amendment No. 14 by Mr. ROHRABACHER of California.

Amendment No. 15 by Mr. SCHOCK of Illinois.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 105, noes 316, not voting 10, as follows:

[Roll No. 482]

AYES—105

Akin
Andrews
Bachmann
Baldwin
Bartlett
Bass (CA)
Becerra
Benishek
Berman
Bilirakis
Brady (PA)
Broun (GA)
Carson (IN)
Clarke (MI)
Clyburn
Coffman (CO)
Conyers
Costa
Costello
Cravaack
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Doyle
Duncan (TN)
Edwards
Ellison
Emerson
Eshoo
Farr
Filner
Frelinghuysen
Fudge
Garrett
Gohmert
Gonzalez
Graves (GA)
Green, Al
Green, Gene
Grijalva
Hanabusa
Hartzler
Hirono
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Jackson (IL)
Johnson, E. B.
Jones
Kaptur
Kildee
King (IA)
Kucinich
Lee (CA)
Lipinski
Lofgren, Zoe
Long
Luján
Manzullo
Markey
Matsui
McClintock
McNerney
Miller, George
Moore
Pastor (AZ)
Paul
Payne
Pelosi
Petri
Pingree (ME)
Polis
Posey
Rehberg
Rohrabacher
Roybal-Allard
Royce
Rush
Ryan (OH)
Sanchez, Loretta
Schiff
Schilling
Schock
Sensenbrenner
Sewell
Sherman
Slaughter
Southerland
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Visclosky
Waters
Waxman
West
Wolf
Woolsey
Yarmuth

NOES—316

Ackerman
Adams
Aderholt
Alexander
Altmire
Amash
Austria
Baca
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Berkley
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (KY)
DeGette
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holt
Hoyer
Hurt
Inslee
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Ryan (WI)
Sarbanes
Scalise
Schakowsky
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Webster
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Wu
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Berg
Dold
Giffords
Gingrey (GA)
Hinchey
Holden
Napolitano
Rangel
Sánchez, Linda T.
Stivers

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House. The Sergeant at

Arms will remove those persons responsible for the disturbance and restore order to the gallery.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). The Chair notes a disturbance in the gallery in contravention of the laws and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

□ 1641

Messrs. AUSTRIA, WHITFIELD, BLUMENAUER, Mrs. CAPPS, Messrs. GARAMENDI, NUGENT, FLEMING, MEEHAN, BRALEY, Ms. SCHAKOWSKY, Messrs. DICKS and LANGEVIN changed their vote from ''aye'' to ''no.''

Ms. ESHOO, Messrs. HONDA, PAUL, MCNERNEY, and Mrs. BACHMANN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. DOLD. Mr. Chairman, on rollcall No. 482, I was unavoidably detained. Had I been present, I would have voted "no."

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 482 in order to attend my grandson's graduation. Had I been present, I would have voted "no" on the Conyers (MI)/Rohrabacher (CA) Amendment (No. 2).

(By unanimous consent, Mrs. EMERSON was allowed to speak out of order.)

CONGRESSIONAL WOMEN'S SOFTBALL GAME

Mrs. EMERSON. Mr. Chairman, I am happy to have an announcement that's not quite as exciting as that which we've just been watching. However, this is the Congressional Women's Softball Team, and JOE BACA is an honorary member of the team. He is one of our coaches.

DEBBIE WASSERMAN SCHULTZ and I, who are the cocaptains, wanted to, number one, tell you all that we will be playing the Washington news media tonight at 7 o'clock at Watkins Recreation Park up at 12th and D Streets Southeast.

We invite everybody to come and cheer us on. We are going to win this year. We're good.

Probably more than anything else, this has been a wonderful opportunity for us to really bond as friends and as colleagues, not in any partisan way. And we're just very excited and happy that we're playing tonight. We need all of your support.

I yield to the gentlewoman from Florida, DEBBIE WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Mr. Chair, I want to thank all the women and our male coaches. We've been practicing for 3 months, two or three times a week at 7 in the morning, all to raise money for a great cause, for the Young Survival Coalition, which helps young women who are struggling with breast cancer or who have survived breast cancer. All of you know that I am a breast cancer survivor, along with SUE MYRICK on the other side of the aisle.

But this game is our opportunity to come together as women, as sisters, as a bipartisan representation in the fight against breast cancer. We invite you all out to come to the game tonight, 7 p.m. at Watkins Recreation Center, and watch us beat the Capitol press corps.

AMENDMENT NO. 3 OFFERED BY MS. BALDWIN

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. BALDWIN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 342, not voting 8, as follows:

[Roll No. 483]

AYES—81

Bachmann
Baldwin
Bartlett
Bilirakis
Broun (GA)
Buerkle
Cardoza
Carson (IN)
Clarke (MI)
Clarke (NY)
Coffman (CO)
Conyers
Critz
Duffy
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Filner
Franks (AZ)
Fudge
Garamendi
Garrett
Gibson
Gonzalez
Gosar
Green, Gene
Hartzler
Hinchey
Hirono
Huelskamp
Hultgren
Hunter
Jackson (IL)
Jones
Kaptur
Kildee
Kind
King (IA)
Kucinich
Larson (CT)
Lee (CA)
Long
Lummis
Manzullo
McClintock
McNerney
Moore
Payne
Pearce
Petri
Pingree (ME)
Polis
Posey
Quigley
Rehberg
Ribble
Rohrabacher
Royce
Rush
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Schilling
Schrader
Sensenbrenner
Southerland
Stark
Terry
Towns
Turner
Waters
Webster
West
Woodall
Woolsey
Wu
Yarmuth

NOES—342

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Andrews
Austria
Baca
Bachus
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duncan (SC)
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gardner
Gerlach
Gibbs
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holt
Honda
Hoyer
Huizenga (MI)
Hurt
Inslee
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pelosi
Pence
Perlmutter
Peters
Peterson
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Rahall
Reed
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sarbanes
Scalise
Schakowsky
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stearns
Stutzman
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Berg
Giffords
Gingrey (GA)
Grijalva
Holden
Napolitano
Rangel
Stivers

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1648

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 483 in order to attend my grandson's graduation. Had I been present, I would have voted "no" on the Baldwin (WI)/Sensenbrenner (WI) Amendment.

AMENDMENT NO. 9 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and a result was announced, when the following occurred.

POINT OF ORDER

Mr. JACKSON of Illinois. Mr. Chairman, point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. JACKSON of Illinois. The gentlelady was in the well attempting to cast her vote. The Chair did not acknowledge that the gentlelady was in the well and continued to conclude the vote. I think it's appropriate that the House of Representatives, consistent with its rules, and Lord knows, I've been in your position many times, and I've had to stop the vote because a Member was in the well.

It is the tradition of the House to acknowledge a Member in the well when they are casting their ballot, and it does not get shut off.

I would like to make a motion that we reconsider the vote.

The Acting CHAIR. The Chair is constrained to advise the gentleman that a motion to reconsider is not available in the Committee of the Whole.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would ask unanimous consent that the vote be retaken. We had a tremendous effort that consumed money and time for a similar incident in a previous Congress. The smart thing to do would be to recognize this was error, and redo the vote so that we can all move forward in comity.

Mr. CANTOR. Mr. Chairman, I support the request for unanimous consent.

The Acting CHAIR. Without objection, the proceedings are vacated to the end that the question be put de novo.

There was no objection.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. The question is on the amendment.

The question was taken; and the Acting Chair announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The vote was taken by electronic device, and there were—ayes 223, noes 198, not voting 10, as follows:

[Roll No. 485]

AYES—223

Alexander
Andrews
Baca
Bachmann
Baldwin
Bartlett
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boustany
Brady (PA)
Braley (IA)
Broun (GA)
Brown (FL)
Buerkle
Burton (IN)
Calvert
Cantor
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Emerson
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett
Gohmert
Gonzalez
Graves (GA)
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Gutierrez
Hanabusa
Harris
Hastings (FL)
Heinrich
Hensarling
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Huelskamp
Hultgren
Hunter
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
King (IA)
Kingston
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Long
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Matsui
McCarthy (CA)
McClintock
McDermott
McGovern
McHenry
McNerney
Meehan
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Pence
Perlmutter
Peters
Petri
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quigley
Rahall
Rehberg
Renacci
Reyes
Richardson
Richmond
Rogers (MI)
Rohrabacher
Roskam
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Southerland
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
Wilson (FL)
Wolf
Woodall
Woolsey
Wu
Yarmuth
Yoder

NOES—198

Ackerman
Adams
Aderholt
Akin
Altmire
Amash
Austria
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Bonner
Bono Mack
Boren
Boswell
Brady (TX)
Brooks
Buchanan
Bucshon
Burgess
Butterfield
Camp
Campbell
Canseco
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Engel
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Gardner
Gerlach
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Grimm
Guinta
Guthrie
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Herger
Herrera Beutler
Himes
Hochul
Huizenga (MI)
Hurt
Inslee
Issa
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (NY)
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
LaTourette
Latta
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lummis
Mack
Marchant
Marino
Matheson
McCarthy (NY)
McCaul
McCollum
McCotter
McKeon
McKinley
McMorris Rodgers
Meeks
Mica
Miller (FL)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Peterson
Pingree (ME)
Pitts
Platts
Price (NC)
Quayle
Reed
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (TX)
Stearns
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Berg
Giffords
Gingrey (GA)
Hall
Holden
McIntyre
Napolitano
Rangel
Stivers
Waxman

□ 1659

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote #485 in order to attend my grandson's graduation. Had I been present, I would have voted "aye" on the Conyers (MI)/Markey (MA)/Neal (MA)/Pompeo (KS)/Garrett (NJ) Amendment (#9).

AMENDMENT NO. 12 OFFERED BY MR. SENSENBRENNER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 295, not voting 7, as follows:

[Roll No. 486]

AYES—129

Aderholt
Akin
Amash
Bachmann
Baldwin
Bartlett
Benishek
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Brady (PA)
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Chaffetz
Clarke (MI)
Coble
Coffman (CO)
Cole
Conyers
Costello
Cravaack
Davis (CA)
Davis (KY)
DeFazio
Doyle
Duncan (TN)
Edwards
Ellmers
Emerson
Eshoo
Farr
Filner
Flake
Fortenberry
Franks (AZ)
Frelinghuysen
Garamendi
Garrett
Gibson
Gohmert
Gonzalez
Gosar
Graves (GA)
Green, Gene
Grijalva
Hanabusa
Harper
Hartzler
Hinchey
Hirono
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Johnson, E. B.
Jones
Kaptur
Kildee
King (IA)
Kingston
Kucinich
Labrador
Landry
Lee (CA)
Lipinski
Lofgren, Zoe
Long
Luján
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Markey
Matsui
McClintock
McCotter
McNerney
Miller (FL)
Miller, George
Moore
Nunnelee
Pastor (AZ)
Paul
Payne
Pearce
Pelosi
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Posey
Rehberg
Rohrabacher
Royce
Rush
Ryan (OH)
Sanchez, Loretta
Schiff
Schilling
Schmidt
Schock
Scott, Austin
Sensenbrenner
Slaughter
Smith (NE)
Southerland
Speier
Sullivan
Terry
Thompson (PA)
Tierney
Turner
Visclosky
Webster
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wolf
Woodall
Woolsey
Young (AK)
Young (FL)

NOES—295

Ackerman
Adams
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (IL)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellison
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Fudge
Gallegly
Gardner
Gerlach
Gibbs
Goodlatte
Gowdy
Granger
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holt
Hoyer
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
Kind
King (NY)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lynch
Mack
Maloney
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pence
Perlmutter
Peters
Peterson
Platts
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Stark
Stearns
Stutzman
Sutton
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tipton
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Whitfield
Wittman
Womack
Wu
Yarmuth
Yoder
Young (IN)

NOT VOTING—7

Berg
Giffords
Gingrey (GA)
Holden
Napolitano
Rangel
Stivers

□ 1703

Mr. THOMPSON of California changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. WOODALL. Mr. Chair, on rollcall No. 486, had I been present, I would have voted "yes."

Stated against:

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 486 in order to attend my grandson's graduation. Had I been present, I would have voted "nay" on the Sensenbrenner (WI) Amendment.

AMENDMENT NO. 13 OFFERED BY MR. MANZULLO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 92, noes 329, not voting 10, as follows:

[Roll No. 487]

AYES—92

Adams
Amash
Baldwin
Bartlett
Barton (TX)
Benishek
Bilbray
Bilirakis
Boren
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Cardoza
Chaffetz
Coffman (CO)
Cole
Conyers
Costa
Cravaack
Davis (IL)
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Flake
Franks (AZ)
Frelinghuysen
Garrett
Gibson
Gosar
Gowdy
Graves (GA)
Harris
Hartzler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Jenkins
Jones
Kaptur
Kingston
Landry
Lipinski
Long
Lummis
Mack
Manzullo
McClintock
McCotter
Miller (FL)
Moore
Mulvaney
Nugent
Nunnelee
Paul
Pearce
Petri
Polis
Posey
Rehberg
Ribble
Rohrabacher
Rokita
Royce
Ryan (WI)
Sanchez, Loretta
Schilling
Schmidt
Schock
Scott (SC)
Scott, Austin
Sensenbrenner
Stutzman
Terry
Thompson (PA)
Towns
Turner
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wolf
Young (FL)
Young (IN)

NOES—329

Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell

Doggett
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gohmert
Gonzalez
Goodlatte
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Pence
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Wittman
Womack
Woolsey
Wu
Yarmuth
Yoder
Young (AK)

NOT VOTING—10

Berg
Giffords
Gingrey (GA)
Holden
McKeon
McMorris Rodgers
Napolitano
Rangel
Stivers
Woodall

□ 1707

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, on Thursday, June 23, 2011, I was absent during rollcall vote No. 487 in order to attend my grandson's graduation. Had I been present, I would have voted "nay" on the Manzullo (IL) Amendment.

AMENDMENT NO. 14 OFFERED BY MR. ROHRABACHER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 342, not voting 8, as follows:

[Roll No. 488]

AYES—81

Akin
Bachmann
Baldwin
Bartlett
Barton (TX)
Benishek
Bilbray
Bilirakis
Bishop (UT)
Brady (PA)
Burgess
Coffman (CO)
Cole
Conyers
Costello
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Emerson
Fattah
Filner
Flake
Franks (AZ)
Frelinghuysen
Garamendi
Gibson
Gohmert
Gosar
Green, Gene
Grijalva
Hall
Harris
Hartzler
Hirono
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Inslee
Jones
Kaptur
King (IA)
Kingston
Kissell
Kucinich
Landry
Latham
Lipinski
Manzullo
Markey
McCotter
McNerney
Miller (FL)
Pastor (AZ)
Paul
Pearce
Petri
Polis
Posey
Rehberg
Reyes
Rohrabacher
Royce
Ryan (OH)
Sanchez, Loretta
Schilling
Scott, Austin
Sensenbrenner
Southerland
Stutzman
Sutton
Thompson (PA)
Tonko
Turner
Walsh (IL)
Waters
Webster
West
Wolf

NOES—342

Ackerman
Adams
Aderholt
Alexander
Altmire
Amash
Andrews
Austria
Baca
Bachus
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Ellmers
Engel
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Fudge
Gallegly
Gardner
Gerlach
Gibbs
Gonzalez
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Honda
Hoyer
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pelosi
Pence
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stearns
Sullivan
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tipton
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Berg
Garrett
Giffords
Gingrey (GA)
Holden
Napolitano
Rangel
Stivers

□ 1712

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 488 in order to attend my grandson's graduation. Had I been present, I would have

voted "nay" on the Rohrabacher (CA)/Kaptur (OH) Amendment.

AMENDMENT NO. 15 OFFERED BY MR. SCHOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. SCHOCK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 262, answered ''present'' 1, not voting 10, as follows:

[Roll No. 489]

AYES—158

Aderholt
Akin
Amash
Andrews
Baca
Bachmann
Baldwin
Bartlett
Becerra
Berman
Bilirakis
Bishop (UT)
Bono Mack
Boren
Brady (PA)
Brown (FL)
Buerkle
Burgess
Capps
Carson (IN)
Chandler
Chu
Clarke (MI)
Coffman (CO)
Cole
Conyers
Costello
Crawford
Critz
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Denham
Dent
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farr
Fattah
Filner
Flake
Fortenberry
Franks (AZ)
Fudge
Gallegly
Garamendi
Garrett
Gonzalez
Gosar
Grijalva
Gutierrez
Hanabusa
Harris
Hartzler
Hinchey
Hirono
Honda
Huelskamp
Hunter
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jones
Kaptur
Kildee
King (IA)
Kingston
Kucinich
Labrador
Lankford
Larsen (WA)
Lee (CA)
Levin
Lipinski
Lofgren, Zoe
Long
Luján
Lummis
Lungren, Daniel E.
Manzullo
Markey
Matsui
McClintock
McDermott
McNerney
Michaud
Miller (FL)
Miller (NC)
Miller, George
Moore
Nunes
Nunnelee
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pearce
Pelosi
Petri
Pingree (ME)
Poe (TX)
Polis
Quigley
Rahall
Rehberg
Rogers (MI)
Rohrabacher
Rokita
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Scott, Austin
Sensenbrenner
Serrano
Shimkus
Slaughter
Smith (NE)
Smith (WA)
Southerland
Speier
Stark
Stutzman
Sutton
Thompson (CA)
Thompson (PA)
Tierney
Tsongas
Turner
Van Hollen
Visclosky
Waters
Waxman
Webster
West
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)
Young (IN)

NOES—262

Ackerman
Adams
Alexander
Altmire
Austria
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berkley
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonner
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Cravaack
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (KY)
DeGette
DesJarlais
Deutch
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Engel
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Frelinghuysen
Gardner
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holt
Hoyer
Huizenga (MI)
Hultgren
Hurt
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
Kind
King (NY)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lynch
Mack
Maloney
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
Meehan
Meeks
Mica
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Olson
Owens
Palazzo
Paulsen
Pence
Perlmutter
Peters
Peterson
Pitts
Platts
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Reed
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ruppersberger
Rush
Ryan (WI)
Scalise
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, David
Sessions
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (MS)
Thornberry
Tiberi
Tipton
Tonko
Towns
Upton
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Wu
Yoder

ANSWERED ''PRESENT''—1

Watt

NOT VOTING—10

Bass (CA)
Berg
Giffords
Gingrey (GA)
Holden
McKinley
Napolitano
Rangel
Stivers
Welch

□ 1715

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. NAPOLITANO. Mr. Chair, on Thursday, June 23, 2011, I was absent during rollcall vote No. 489 in order to attend my grandson's graduation. Had I been present, I would have voted "yea" on the Schock (IL)/Boren (OK)/Waters (CA)/Sensenbrenner (WI)/Franks (AZ)/Kaptur (OH) Amendment.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATHAM) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2149) to amend title 35, United States Code, to provide for patent reform, and, pursuant to House Resolution 316, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. MILLER of North Carolina. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MILLER of North Carolina. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MILLER of North Carolina moves to recommit the bill H.R. 1249 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of the bill the following (and conform the table of contents accordingly):

SEC. 34. PRIORITY IN PROCESSING PATENT APPLICATIONS.

(a) PRIORITY.—The Director shall prioritize patent applications filed under title 35, United States Code, by entities that pledge to develop or manufacture their products, processes, and technologies in the United States, including, specifically, those filed by small businesses and individuals.

(b) DENIAL OF PRIORITY.—The Director shall not grant prioritization for patent applications filed under title 35, United States Code, by foreign entities that are nationals of any country that the Director has found to deny—

(1) adequate and effective protection for patent rights; or

(2) fair and equitable access for persons that rely on patent protection.

□ 1720

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MILLER of North Carolina. The consideration of this bill has been bipartisan to this point, and that certainly does not need to change now. This motion to recommit does not really send it back to committee. It certainly doesn't kill it. It is consistent with the spirit of the bill. This is simply the last amendment and should be considered in the same bipartisan way all the other amendments have been considered.

Mr. Speaker, our future prosperity does depend upon our being the most innovative country in the world, the most innovative economy in the world. American scientists and American engineers are doing great work. We are doing some of the most advanced, sophisticated research in the world. For instance, we lead the world in solar cell research. We are making some of the greatest breakthroughs in that technology. Much of it is funded by the Department of Energy or by other Federal research programs. But 80 percent of the manufacturing of solar cells is being done in Asia, mostly in China.

What is happening is that firms are getting Federal funds to do research to improve solar cell technology. They're developing advanced technology, but when the time comes to manufacture a product coming out of that research, those firms are contracting with Chinese manufacturers to make the products. That is just one example of companies that are doing research here but manufacturing somewhere else when American workers need good manufacturing jobs.

Mr. Speaker, the benefit of innovation should not just be higher profits for American corporations. The benefit should be good jobs for American workers. Under this motion to recommit, those companies will still get their patents, but they don't go to the front of the line. The people who go to the front of the line are those who will pledge that they will do their manufacturing here in the United States, creating good jobs for American workers.

Second, we all know that there are countries in the world that don't really respect American patent rights and that don't treat American inventors fairly when they try to get patents in those countries. This motion to recommit will still allow those inventors, people from those countries, to get patents. We will treat them better than their countries treat American inventors. But they go to the back of the line. They do not get priority when it comes time to have their patents considered.

Help American workers share in the prosperity that comes from American innovation from our research, from our innovation. Support this motion to recommit.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, I oppose the motion to recommit and urge my colleagues to defeat it. The America Invents Act is the culmination of 6 years of effort. During this time, the House and Senate Judiciary Committees conducted 23 hearings on patent reform and brokered numerous negotiations among Members and stakeholders. H.R. 1249 has garnered bipartisan and widespread support. This bill improves patent integrity in PTO operations. The bill helps businesses from a broad range of industries, independent inventors, and universities.

But the biggest winners are the American people. They will get more job opportunities and greater consumer choices. This amendment would mean that U.S. companies and inventors would be discriminated against all over the world when they file. It would be open season on American innovators and businesses. We would no longer be able to sell products abroad, and IP theft of U.S. goods would become rampant.

Mr. Speaker, this motion to recommit also consigns our patent system to the one created in the 1952 Patent Act, an era of landline telephones, TVs that offered three fuzzy black-and-white channels, and the manual typewriter. We need to update our patent system, and we need to do it now.

Oppose the motion to recommit and support H.R. 1249.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes have it.

RECORDED VOTE

Mr. MILLER of North Carolina. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 172, noes 251, not voting 8, as follows:

[Roll No. 490]

AYES—172

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Fattah
Filner
Fudge
Garamendi
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—251

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cohen
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney

Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Watt
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Berg
Giffords
Gingrey (GA)
Holden
Lamborn
Napolitano
Rangel
Stivers

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1743

Mr. FRANK of Massachusetts changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Thursday, June 23, 2011, I was absent during rollcall vote No. 490 in order to attend my grandson's graduation. Had I been present, I would have voted "yea" on the Motion to Recommit H.R. 1249—America Invents Act.

The SPEAKER pro tempore (Mr. YODER). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 304, noes 117, not voting 10, as follows:

[Roll No. 491]

AYES—304

Ackerman
Adams
Alexander
Altmire
Austria
Baca
Bachus
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeLauro
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Ellison
Ellmers
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gardner
Gerlach
Gibbs
Goodlatte
Gowdy
Granger
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Holt
Hoyer
Huizenga (MI)
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
King (NY)
Kinzinger (IL)
Kissell
Kline
Labrador
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Lynch
Maloney
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pence
Perlmutter
Peters
Peterson
Platts
Poe (TX)
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stearns
Stutzman
Sullivan
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Wu
Yarmuth
Yoder
Young (AK)
Young (IN)

NOES—117

Aderholt
Akin
Amash
Andrews
Bachmann
Baldwin
Bartlett
Benishek
Bilirakis
Bishop (UT)
Brady (PA)
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Chaffetz
Clarke (MI)
Coffman (CO)
Conyers
Costello
Cravaack
Davis (KY)
DeFazio
DeGette
Denham
Duncan (SC)
Duncan (TN)
Edwards
Emerson
Eshoo
Farr
Filner
Flake
Fortenberry
Franks (AZ)
Garamendi
Garrett
Gibson
Gohmert
Gonzalez
Gosar
Graves (GA)
Green, Gene
Grijalva
Hartzler
Hinchey
Hirono
Honda
Huelskamp
Hultgren
Hunter
Jones
Kaptur
Kildee
Kind
King (IA)
Kingston
Kucinich
Lamborn
Landry
Lee (CA)
Lipinski
Lofgren, Zoe
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey
Matsui
McClintock
McCotter
McNerney
Miller (FL)
Miller, George
Moore
Nunnelee
Pastor (AZ)
Paul
Payne
Pearce
Pelosi
Petri
Pingree (ME)
Posey
Rehberg
Rohrabacher
Royce
Rush
Ryan (OH)
Sanchez, Loretta
Schiff
Schilling
Schock
Scott, Austin
Sensenbrenner
Sherman
Slaughter
Smith (NE)
Southerland
Stark
Sutton
Terry
Thompson (PA)
Tsongas
Turner
Velázquez
Visclosky
Waters
Waxman
Webster
West
Wolf
Woolsey
Young (FL)

NOT VOTING—10

Berg
Giffords
Gingrey (GA)
Holden
Meeks
Napolitano
Pitts
Polis
Rangel
Stivers

□ 1749

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Thursday, June 23, 2011, I was absent during rollcall vote No. 491 in order to attend my grandson's graduation. Had I been present, I would have voted "yea" on H.R. 1249—America Invents Act.

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall No. 491 on final passage of H.R. 1249, the America Invents Act, I am not recorded because I was absent due to a death in my family which required me to immediately return to Georgia. Had I been present, I would have vote "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1249, AMERICA INVENTS ACT

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the clerk be authorized to make technical corrections in the engrossment of H.R. 1249, to include corrections in spelling, punctuation, section numbering and cross-referencing, the insertion of appropriate headings, and the insertion of the word ''written'' in the appropriate place in the instruction in amendment No. 1 to strike material on lines 23 through 25 on page 114.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the

Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 47

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to remove myself as a cosponsor of H.J. Res. 47.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 68, AUTHORIZING LIMITED USE OF ARMED FORCES IN LIBYA; AND PROVIDING FOR CONSIDERATION OF H.R. 2278, LIMITING USE OF FUNDS FOR ARMED FORCES IN LIBYA

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112–114) on the resolution (H. Res. 328) providing for consideration of the joint resolution (H.J. Res. 68) authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya; and providing for consideration of the bill (H.R. 2278) to limit the use of funds appropriated to the Department of Defense for United States Armed Forces in support of North Atlantic Treaty Organization Operation Unified Protector with respect to Libya, unless otherwise specifically authorized by law, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill (H.R. 2219) and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. Pursuant to House Resolution 320 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2219.

□ 1752

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes, with Mr. WESTMORELAND in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Florida (Mr. YOUNG) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

I first would like to thank the gentleman from Washington (Mr. DICKS), the former chairman of the subcommittee, for the complete cooperation that we had with each other in preparing this very nonpartisan, nonpolitical Defense appropriations bill for 2012.

The base budget of this bill is $530 billion, which is $9 billion below the President's budget request. It was not easy to find the savings, but we were determined to find those savings without having any adverse effect on the warfighter or the readiness of our Nation.

The base bill is $530 billion. In addition to that, rather than having a supplemental for Iraq and Afghanistan, we included a section that is referred to as OCO, the Overseas Contingency Operation, which is $119 billion. The bill includes no earmarks for Members' districts. The bill contains no money for Libya because none was requested. The administration did not request money for Libya. We asked numerous times what their plans were, how long it might take, what the cost might be. We did not get an answer until just very recently. And they said, No, they did not request any funding, and they were basically going to make up the balances by a reprogramming. They would not ask for a supplemental, but they would reprogram some of the existing funds.

It's a good bill. I wish it had more money in it for certain areas. I would like to have seen a much larger pay raise. We provided the necessary funding for the 1.6 percent pay raise for the military, which was the authorized level and the requested level, but we just had to find that $9 billion. The staff had to work extremely hard to make sure that we did not have an adverse effect on any of our soldiers or our overall readiness.

The bill provides $32 billion for the Defense Health Program. We understand the needs of our soldiers that are wounded. There are, unfortunately, too many of them. We have provided what we think is adequate money to care for whatever their medical requirements, their medical needs are. And it includes considerable research into medical issues. The research is important because a lot of the injuries that came out of Iraq and we are seeing come out of Afghanistan are such that in previous wars, the troop would probably not have survived. But because of advancements in medical care, because of the research, because of advancements in medicines, because of the ability to remove the casualty from the battlefield quickly and get to a hospital quickly, we're saving the lives of many of our troops that would probably not have survived in previous wars.

We include funding for the construction of 10 Navy ships. We include money for 32 Joint Strike Fighter aircraft. We include $3.3 billion for 28 F–18 Super Hornets and 12 EA–18 Growlers, $2.8 billion for 116 H–60 Blackhawk helicopters, and $699 million for the Reaper UAV, which is an advancement of the Predator. I'm trying not to go into too much detail because it is a very lengthy bill.

The reductions that we made in order to achieve the $9 billion in savings, we took favorable contract pricing adjustments, contract and schedule delays resulting in fiscal year 2012 savings, unjustified cost increases, or funding requested ahead of the anticipated or historical underexecution of contracts, rescissions of unneeded prior year funds, and reductions that were authorized in the House-passed 2012 National Defense Authorization Act under the chairmanship of Chairman MCKEON. Specific reductions include $435 million in savings from those contract and production delays in the AMRAAM system. We will provide for the RECORD the details of all of the areas where we took the savings.

All in all, it is a good bill for the money that we had available. There are things that we would have added. We would have increased the military pay raise. We just didn't have the money. So we went to the authorized level. There's much more to be said that will be said as we read this bill for amendments, which will probably not happen now until we come back after next week's recess.

I reserve the balance of my time.

Mr. DICKS. I yield myself such time as I may utilize.

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. It has, once again, been an honor to work with my friend from Florida, Chairman BILL YOUNG, to prepare the Defense appropriations bill for FY 2012. In the longstanding tradition of this committee, the bill has been prepared on a bipartisan basis, and I support the bill. I know that Chairman ROGERS will be glad to hear that.

I am happy to report that the bill provides the funds necessary to support our troops both at home and in the field. It also makes the investment in research and development and acquisition needed to fully equip our troops and maintain our Nation's technological edge.

□ 1800

Within the funds provided, and after careful review, the committee exercised its constitutional responsibility

to allocate resources to those programs that best support the requirements of our military forces.

In writing this bill, the committee had to make hard choices. The allocation for this bill is $530 billion, $9 billion below the request. While this is $17 billion above the fiscal year 2011-enacted level, much of the increase is absorbed by the military pay, operation and maintenance, and the Defense Health Program accounts.

The bill also provides the funds needed to support U.S. service personnel. Examples of this include the military pay accounts fund at a 1.6 percent raise, consistent with the budget request and the level included in the House-passed fiscal year 2012 armed services authorization bill.

The bill also provides $32.3 billion for the Defense Health Program, including $125 million above the request to continue the committee's longstanding efforts to improve research and treatment of traumatic brain injury and psychological health conditions. The bill also includes funding increases for several research efforts including peer-reviewed breast cancer, prostate cancer, ovarian cancer, and lung cancer research.

The bill fully funds $2.3 billion requested for family programs and adds funding for several initiatives including $250 million to replace schools owned by local education authorities and $40 million for Impact Aid.

The bill addresses many of DOD's most pressing investment needs. It funds 10 ships, as requested in the budget, and 32 Joint Strike Fighter aircraft. I would like to have seen more Strike Fighter aircraft because I believe they're doing a much better job on this program. Last year it was in some trouble. This year Admiral Venlet has said repeatedly that they're, in fact, ahead of the training schedule. So I think this is very good news.

The bill also adds funding to fill gaps in DOD capabilities. Some examples include the M1A2 System Enhancement Package: $272 million is included to prevent a break in production of tanks. And this is something that our committee agreed with on an overwhelming basis, that shutting down the tank line in Ohio would be a terrible mistake because we'd lose the skilled workers and then we're going to reopen this tank line in 2 or 3 years, and it would just be a waste of money. So we bridged that gap.

HMMWV Force Protection: $50 million is added to develop and test and improve armor and other blast protection technologies on the HMMWV.

Long Range Strike: $100 million is added to reduce technical risk and schedule risks for this program. We're moving ahead on a replacement for the Trident submarine. The C–17 replacement is included to replace the operational loss of a C–17 aircraft. The committee has steadfastly replaced—when there have been operational losses, we've replaced the equipment. This is another example.

Special Operation Command shortfalls: this is one thing we had in our bill in 2011, and this year an increase of $250 million is added to address unfunded requirements identified by the Special Operations Command.

National Guard and Reserve equipment: $1.5 billion is included to fund equipment shortfalls in National Guard and Reserve equipment.

Intelligence surveillance and reconnaissance: $50 million is included above the request to continue to fill gaps in DOD ISR equipment.

Israeli missile defense programs: $130 million is added to enhance Israeli missile defense programs including the Arrow missile defense system.

Small business innovative research: $50 million is included to continue the committee's efforts for SBIR Phase III transition.

Historically Black Colleges and Universities: $20 million is added to continue defense research at Historically Black Colleges and Universities.

Energy efficiency improvements: the bill includes $82 million above the request to field equipment that will reduce the energy footprint of deployed Marine Corps units. The bill also includes $10 million above the request for pilot programs to improve DOD energy efficiency.

The bill provides $118.7 billion for operations in Afghanistan and Iraq and for continuing the withdrawal of U.S. forces from Iraq. The bill ensures that troops have essential force protection and provides the means for the Afghans to provide their own security. The bill includes $12.8 billion to train Afghanistan's National Security Forces.

While the bill provides essential support for our troops, I remain concerned about our Nation's direction in Pakistan and ongoing operations in Afghanistan. There is cause to question the reliability of our partnership with both countries. In the light of recent events, we must reassess the extent of U.S. military involvement and the objectives of U.S. foreign policy in that part of the world, reexamining whether U.S. national security requires a continued deployment of over 100,000 U.S. service personnel.

I welcome President Obama's decision to start the withdrawals, and I also urge a ceasefire and a political settlement. After a careful review of the security situation, I believe it is time to significantly accelerate the withdrawal of U.S. forces.

To accomplish this objective responsibly will take some care. By necessity, a political solution in Afghanistan will involve negotiations with Taliban representatives. It will also demand taking into account the interests of surrounding nations to ensure that those neighbors do not fight with one another along sectarian or tribal divides within Afghanistan.

Finally, we must guard against creating a vacuum similar to the one that occurred at the end of the Soviet occupation in 1989. Even with these cautions in mind, I believe it is time to begin the process of bringing the level of deployed U.S. troops in line with a new assessment of our security interests in the region.

I look forward to hearing from General Petraeus and General Odierno. We worked with them on the surge in Iraq, which turned out to be very successful. The military has done a very good job in Helmand and Kandahar and has dominated the Taliban in recent times, which is very positive.

We still have a problem on the eastern front between Afghanistan and Pakistan, and we need to continue to put pressure on al Qaeda, though the capture and death of Osama bin Laden was something that all the troops that have served here since 2001 should take satisfaction in, the person who led the effort against the United States in one of the most horrific acts and one of the most economic destabilizing acts that has ever occurred to our country.

While I have concerns about our Nation's policies in Afghanistan and Pakistan, I strongly support this bill. It's a bipartisan bill, and it provides the resources needed by our troops. I urge your support for the bill.

I also want to thank the staff. I know Chairman YOUNG will join me in this. We have a tremendous staff that works together. They worked together when I was chairman. They're working together now that Chairman YOUNG has—he had been chairman before and has now regained his chairmanship. And the staff has done an extraordinary job. It's a major piece of work to put together a $530 billion bill and know all these programs, and I commend them for their good work.

I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I am happy to yield 5 minutes to the very distinguished chairman of the Appropriations Committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank Chairman YOUNG for yielding me this time.

And thank you and your other partner, this dynamic duo that we have here between Chairman YOUNG and Chairman DICKS. Thank you for your good work.

The nearly $649 billion in total funding within this bill will provide our Armed Forces with the resources they need for the Nation's missions abroad and the protection of our people here at home.

This bill sustains our military readiness, facilitating the continued modernization of our national defense systems and preserving the American Armed Forces as the greatest military in the world.

As our soldiers and marines continue to put their lives on the line to eliminate terrorism and protect freedom around the globe, Congress must provide the necessary support and funding to keep them safe and well equipped, and we must do so in a timely manner.

These efforts include adequate funding for equipment procurement, base operations, and military pay. To improve our defense capabilities and prepare for future challenges, we've provided funding for research and development into new technology.

□ 1810

This legislation also provides essential funding for health and quality-of-life programs for the men and women of the armed services and their families.

But, as in all of our appropriations bills, this year especially, this legislation reflects hard decisions to cut lower-priority programs, reduce spending in programs that can be scaled back, and target funds where they're needed most so that our Nation can continue on the path to fiscal recovery.

No bill, no Department, including the Pentagon, should be immune from scrutiny during these precarious financial times. This legislation identifies fiscally responsible savings, savings that will in no way impair the safety or effectiveness of our troops, the success of our military operations, or our military readiness.

The bill also increases oversight of Defense programs and funds to ensure that tax dollars are being spent wisely and efficiently. We've taken a critical eye and increased scrutiny on some programs to ensure American taxpayers are receiving the proper benefits for their defense investments.

I want to thank, again, Chairman YOUNG and Ranking Member DICKS for their tireless work. In fact, it's a very bipartisan spirit and commitment, and that's the rule of this subcommittee over the decades of time, and their commitment to crafting a very responsible Defense bill. And of course the staff has worked tirelessly to make this day possible.

Mr. Chairman, I urge all of our colleagues to support this bill. It's a good one.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP), who is a former member of the Defense Subcommittee and now is the ranking Democrat on the Military Construction-VA Subcommittee.

Mr. BISHOP of Georgia. Mr. Chairman, I am pleased to rise in support of the committee's recommended FY12 Defense appropriations bill.

I'd first like to commend Subcommittee Chairman YOUNG, Ranking Member DICKS, Chairman ROGERS, the subcommittee members and staff on both sides of the aisle for continuing the fine tradition of bipartisan cooperation and teamwork in producing this bill.

Of note, the bill provides $530.5 billion in total for the DOD in fiscal year 2012, $17 billion more than the current level. In addition, the bill provides $118.7 billion for contingency funding for the ongoing military operations in Iraq and Afghanistan.

It continues our longstanding commitment to our troops and their families by including a pay raise for the troops, strengthening health care services for servicemembers and their families, and providing $2.3 billion for family support and advocacy programs.

The bill protects our troops in harm's way by providing $3.2 billion for Mine Resistant Ambush Protected vehicles, $2.8 billion for combating IEDs in Afghanistan and Iraq, and a total of $453 million for the modernization of the M1 Abrams tanks.

The bill also includes an additional $1.5 billion for the National Guard and Reserve equipment, $633 million for military medical research, including $233 million for cancer research, $125 million for psychological health and traumatic brain injury research.

I'm pleased that the committee included $141 million for University and Industry Research Centers, of which $20 million was included for Historically Black Colleges and Universities for research.

As a former member of the subcommittee, I'm reminded of my dear friend and colleague, former Chairman Jack Murtha, who followed one central creed and principle in developing an annual House Defense appropriations bill, and that was to create a bill which provided our servicemen and -women all the resources and tools they need to do their job as effectively and efficiently as possible. I believe this bill does just that. And I do earnestly believe that Chairman Murtha would be very proud of this bill. And I'm pleased to support its passage.

Mr. YOUNG of Florida. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from California (Mr. LEWIS), the former chairman of this subcommittee and the former chairman of the Appropriations Committee.

Mr. LEWIS of California. Mr. Chairman, I thank very much Mr. YOUNG of Florida and Mr. DICKS of Washington for the fabulous work they've done working together and developing this measure, which is something over $500 billion. And the public certainly will know that that's no small amount of money. But certainly, also they'll know it is the reason for us to have a Federal Government—funding available to preserve our Nation.

And as we leave this weekend to celebrate the 4th of July and the history of our country and the history of freedom, not just here but also available around the world, we know it's the work of this subcommittee and people like these leaders that have allowed us to continue to be on the point of the spear for freedom around the world.

Indeed, if there's a reason for us to have a Federal Government, it is to be able to preserve our freedom and to provide opportunities for others elsewhere in the world.

Having said that, Mr. Chairman, it's also very, very important for me to point out that we are about serious and difficult challenges, especially in the Middle East at this moment.

A while ago, my friend NORM DICKS mentioned 1989 and Afghanistan and the challenges there. At that point in time, the Soviet Union was attempting to take over all of Afghanistan as a way of taking over the Middle East and to extend their desire to take over the world. A stop to that came by way of this committee's work and leadership from this committee.

If you have not taken the time to read about Charlie Wilson's war, you should, and recognize that that war led to the chants for freedom in Afghanistan.

The CHAIR. The time of the gentleman has expired.

Mr. YOUNG of Florida. I yield the gentleman an additional 1 minute.

Mr. LEWIS of California. If one would recognize, as of Charlie Wilson's war's time, we were successful at stopping the Soviet Union. But as we had that success, America did what it often does overseas: We walked away and left a vacuum in Afghanistan. And it was that vacuum that allowed the terrorists, al Qaeda and others, to extend themselves and train themselves and put us in the pressure box that we are in today in the country.

America must constantly be aware that we are the force for freedom and, working together, we will continue to help freedom in the world.

Having said that, Mr. Chairman, I want to extend my deepest congratulations to these two gentlemen, these two leaders of this committee, BILL YOUNG and NORM DICKS, extremely talented people who are bringing our committee and the Congress back to regular order so that we can work with one another and make changes in bills like this with free debate on the floor. Indeed, that is the strength of our Congress.

If the people will be patient with us, we'll actually accomplish some things. Indeed, freedom will continue to be a force in the world because of the work of these gentlemen. And our congratulations, as well as our best wishes, go out to their continued work and success.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LEE), a member of the Appropriations Committee and someone who is a very dynamic leader on our committee and that I enjoy working with.

Ms. LEE. Mr. Chairman, first let me thank our ranking member, Mr. DICKS, for your leadership for this time, but also for your patriotism and for your commitment to our country and to our troops. And it is an exciting committee, and it's a very important committee. And I want to thank Chairman ROGERS for your leadership, and for also his service and for the attempts to bring this committee together in the spirit of bipartisanship.

While I think everyone knows that I respect and support the President and I applaud him for his tremendous leadership on so many issues, like many of

my colleagues, I was tremendously disappointed to hear the President's announcement last night.

□ 1820

Almost three out of four Americans want to bring our troops home from Afghanistan, and this was far from the significant reduction that the American people were expecting. A token troop reduction of 10,000 by the end of this year and waiting another year to remove another 23,000, which in total would merely reverse the 2009 troop escalation, is really, for me, unacceptable; and quite frankly, it flies in the face of the growing bipartisan calls across our war-weary Nation to exit Afghanistan and to refocus on our priorities here at home.

Now, I voted against this original authorization in 2001, which was a very difficult vote for me to cast because I ended up being the only one to cast a ''no'' vote. But I knew then that that authorization was an authorization that was a blank check to wage war for any reason, against any nation, for any length of time. And this has now become the longest war in American history.

As we spend over $2 billion a week on this decade-long war, critical programs—like programs for women and children, nutrition programs, food stamps and Medicare—are on the chopping block. So enough is enough.

There is no military solution in Afghanistan. And in a world where terrorism can emanate from the tribal regions of Yemen or a hotel room in Germany, we cannot adequately address these challenges through a military-first, boots-on-the-ground strategy. It is clear that occupying states and nation-building does not make for effective counterterrorism, and the financial and human costs of continuing this war are indefensible.

With over 1,600 troops killed and tens of thousands more seriously wounded in Afghanistan, the human toll continues to mount each and every day. So we need to bring our troops home and use the savings for our economic challenges here at home, especially for job creation. That's why I'm going to offer some amendments to this bill to end funding for combat operations in Afghanistan and to provide, though, funding for the protection and the safe and orderly withdrawal of our young men and women as quickly as possible. I urge Members to support this amendment.

I will also be offering an amendment to transfer the $5 billion Pentagon war slush fund to a deficit reduction.

The CHAIR. The time of the gentlewoman has expired.

Mr. DICKS. I yield the gentlewoman 2 additional minutes.

Ms. LEE. I want to explain these amendments today during general debate, so I appreciate the time because I think this is important for the public to know that there is a $5 billion Pentagon war slush fund just sitting over there. So I want to offer an amendment to take that war slush fund, $5 billion, and apply it to deficit reduction.

Especially in this time of deficits and a struggling economy, I hope we can all agree that we should not be handing the Pentagon a $5 billion blank check for a war slush fund that has little accountability and runs counter to our constitutional duty to control the purse strings through this Congress.

We also cannot forget about the 45,000 troops in Iraq. I will be offering an amendment to ensure that all of them are brought home at the end of the year as agreed to in our Status of Forces Agreement. My friend and colleague from Illinois, Congresswoman JAN SCHAKOWSKY, and myself will offer an amendment to simply require the Department of Defense to provide audit-ready financial statements. That's a pretty simple request, I would think. Now, this $648 billion budget is $17 billion above last year's budget. It could be cut at least by $75 billion to $100 billion without, mind you, jeopardizing our troops or our national security.

As the daughter of a military veteran, let me just say that I support each and every dollar in this budget for our troops because they deserve our support for their safety and their protection and their economic security; but we should be cutting waste, fraud and abuse out of the Pentagon. And we should begin to cut these Cold War-era weapon systems that have no mission, no reason to be developed in this new world of terrorism when we see ourselves faced with asymmetrical warfare. It just doesn't make any sense. So $648 billion is too much; it's much too much. We can ensure our national security, protect our troops, and reinvest some of these dollars to create jobs at home with a rational defense budget.

We will never pay down our debt as long as the military budget continues to soar.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to a very distinguished senior member of the Defense Appropriations Committee and also chairman of the Subcommittee on Energy and Water, the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to associate myself with your remarks and those of the ranking member. This is a good bipartisan bill carved out of an allocation that I would have preferred be higher; but we, too, on this subcommittee must do our part to lower the Federal deficit.

This bill deserves our strong support because, as the chairman said, and others, it has an important pay raise in there for all of our troops who are volunteering. It also provides more first-class medical care for those that are injured. It provides more money for ships, 10 new ships—two of them being *Virginia* class submarines—additional money for fighter aircraft, which are badly needed, and as was mentioned earlier, $1.5 billion for the National Guard equipment for both overseas and home State missions. Remarkably, this money was not requested by the administration.

I also want to take a minute to reflect on the collective bipartisan frustration many are feeling with the administration's handling of the Libyan operation, another of what we might call ''overseas contingency operations.'' We will debate the nature of our national interest on Libya tomorrow as we consider measures that go to the heart of Congress' constitutional role to declare war.

But here this evening this committee is in the process of developing an incredible spending program for fiscal year beginning in October. I understand there are no funds designated for Libyan operations in this bill. However, in reality, this Libyan mission, whether NATO-led or not, is heavily dependent on U.S. assets, and these assets must be accounted for by our committee.

We are all aware that our chairman, Mr. YOUNG—and he referred to it in his remarks—since April 1 sought information from the administration about, first, the nature of the mission in Libya; two, the cost of the mission; three, the length of the mission; and, four, any anticipated changes to the mission. We are also aware that the President finally responded with his June 15 letter to Congress in which he reports that the Department of Defense has spent over $750 million over the last 3 months, $10 million a day in Libya. Mr. Chairman, the President errs when he fails to provide this committee with accurate, timely, and precise information about any mission.

In closing, Mr. Chairman, I support this mark, I support this bill, and I thank the chairman and the ranking member and the committee staff for the great work they've done.

Mr. DICKS. I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to a very important member of the Defense Subcommittee, the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I certainly rise in strong support of this fiscal year 2012 Defense appropriation bill. I want to particularly thank Chairman YOUNG and Ranking Member DICKS and their staffs for a fantastic job. Thank you very much for your hard work and a great bill.

This bill is a great example, when it comes to our national defense, that we work together as Americans, not as Democrats, not as Republicans, but as Americans. At a time that we're in a number of conflicts around the world, it's important that we show that we stand united in support of our troops and against our enemies.

There was a point made about what's the longest war. I would say the longest war in American history is the Cold War. We were in that war for well over

40 years, and we're at war today against terrorism and radical elements out there that are trying to kill us and to maim us and to harm our national interests.

This is a long-term commitment, and I certainly congratulate this committee for doing the job that's necessary.

Mr. Chairman, I rise in strong support of the fiscal year 2012 Defense Appropriations bill. Chairman YOUNG, Ranking Member DICKS and the staff on both sides have worked together to produce a very good bill that supports our warfighters, plans for the future, and funds current operations in Afghanistan and Iraq, while also taking into account the fiscal restraints of the current economy.

I think every Member would agree that our troops deserve the absolute best we can give and this bill reflects that they are our top priority by providing a 1.6 percent pay increase. The bill also provides for important health research—from traumatic brain injury to psychological treatment—in order to help troops transition from battle to home.

The defense funding bill also ensures our military has the necessary equipment to succeed not only in the present, but in the future as well. The bill replaces the C–17 that went down in Alaska last summer, provides for the procurement of 32 Joint Strike Fighter aircraft, funds the building of 10 Navy ships, and provides for the purchase of 48 Reaper UAVs.

Finally the bill accounts for the current operations in Iraq and Afghanistan, ending the bad habit of "emergency" funding bills that were rarely subjected to regular order and often loaded up with non-emergency items. The bill is $9 billion less than the President's request—a reflection of our times and the realization that no department in the Federal Government is exempt from budget cuts.

Again, I rise in strong support of the FY12 Defense Appropriations bill. I commend Chairman YOUNG and Ranking Member DICKS for their hard work and urge my colleagues to vote in support of the bill.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to another very important member of the Defense appropriations subcommittee, the gentleman from Oklahoma (Mr. COLE).

□ 1830

Mr. COLE. Thank you for yielding, Mr. Chairman.

Mr. Chairman, I rise today in support of the fiscal 2012 Defense Appropriations Act and urge all Members to extend their support as well. This is a fine bill that the committee worked on in an open fashion, and it includes input from both sides of the aisle. Thanks to Chairman YOUNG and Ranking Member DICKS, it is a strong, bipartisan bill that will do much good for the defense of our country.

Mr. Chairman, we will have many spirited debates on amendments during the course of the consideration of this legislation, and that is a good thing. But, rest assured, at the end of the day this legislation is and will remain a very good product.

The spending levels in the bill do not exceed the 302(b) allocations adopted by the Appropriations Committee, which are within the overall spending level approved by the House budget resolution.

The bill itself includes $530 billion for the normal operations of the Department and $118.7 billion for the conduct of the global war on terror. It includes a 1.6 percent pay raise for the troops. It has $453 million for the procurement of additional updated Abrams tanks, and it has $2.7 billion for the continued development of the F–35 Joint Strike Fighter, a weapons system that is critical to maintaining air superiority for the United States Air Force.

Additionally, the bill will withhold 75 percent of the funding for the Pakistan Counterinsurgency Capability Fund until the Secretary of Defense provides lawmakers with a report detailing the strategy and metrics for the use of those funds. The committee also adopted an amendment that would provide $1 million for the creation of a bipartisan commission to make policy recommendations on Afghanistan and Pakistan.

Mr. Chairman, this is a strong piece of legislation, one that I fully believe we should support, and I would ask all Members to do so.

Mr. YOUNG of Florida. I would like to advise the Chair that I have no further speakers. I do have a brief closing statement after Mr. DICKS, when he is prepared to close.

Mr. DICKS. Mr. Chairman, first of all, I would like to again thank the chairman for his great work and the work of the staff.

The President did lay out the rationale for why we got involved in Libya. He said that we were there to help protect the Libyan people. There were two resolutions adopted by the United Nations. And it wasn't just the United Nations. You had the Arab League and NATO involved in this. And, yes, I think the President would have been better advised to have asked for authorization, but this was a situation where the Libyan people were going to be slaughtered and the President felt that he had to act.

Some of us just got back from a trip. We saw the men and women who handle the equipment, who fly in there, do the jamming, all the different things that are done. They have done a phenomenal job. And now the President has turned the leadership of this over to NATO and they are taking the lead, though the gentleman from New Jersey is quite correct; they cannot do all these things without tankers, without other things, some of the special intelligence and reconnaissance that we have that just isn't out there for anybody else.

So I hope that tomorrow's debate will be on the merits. Let's look at this thing; let's talk about it. I think this will be a worthwhile discussion. But remember, there was going to be a no-fly zone, an embargo. We were going to protect the people. I think the President laid out exactly what this was about.

We have to look at this in terms of Egypt and the other countries in the area. Thousands and thousands of people are fleeing from Libya, and this is going to cause a major problem in the countries that surround Libya.

Ronald Reagan attacked Libya. I think he called Qadhafi a "mad dog," and I don't remember him coming to Congress before he let the bombers go in there and attack him.

So I am one who is very restrained at the use of force, but in this case I think the President had to act, and he had the United Nations, the Arab League, NATO, he had the French and the British demanding action.

I think we have to look at the result here, too. I think right now the rebels have a very good chance of succeeding, and I hope they can do it in a timely way. We would all like to see this over as quickly as possible. But remember Kosovo. That took a significant amount of time before that worked out. There were a lot of critics, a lot of critics of President Clinton when he did that, but in the end it turned out very well for everyone. In Libya, I think Qadhafi should be replaced. I wish we were more candid about that, and the President has said that.

So I hope we look at this fairly and realize the damage that would be done to the North Atlantic Treaty Organization if the United States all of a sudden pulled all of its forces out of this. They would not be able to continue. This would be a worldwide embarrassment to the United States of America, to our great country and to our military.

I think we have to look at all of the ramifications of this issue. This is a serious matter and should not be politicized. Senator Jackson from my State used to say, when it comes to national defense, the best politics is no politics. Call it on the merits and do it in the best interests of our country and in the best interests of people serving our military.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time.

Again, I want to thank Mr. DICKS for being such a good partner and working in a bipartisan way to guarantee that we did the best we could with the money we had available to provide for the national defense. I would say again, we have not had any impact adversely on any of our troops and we have not adversely affected the readiness of our country, while we have taken some of those slush funds and some of those wasteful funds, we did take some of those, in order to achieve the $9 billion in savings that we were required to achieve.

The bill is lengthy. As you can hear from the various speakers, there are many, many, many parts of this bill. The specific details of the bill have been available for over 2 weeks so that Members have had every opportunity to study the bill.

In order to get where we are, it took a lot of work, because, number one, we

had to finish last year's bill. That was no fault of Mr. DICKS. He worked hard as chairman last year to produce another very good bipartisan bill, cooperating totally with us on the minority side, the minority at that time. But we didn't get that bill to the floor. I wish that we had, but it didn't quite make it.

So this year we finished the work for FY 2011, and now this is the bill for FY 2012. Again, it is a strong, bipartisan, no-politics good defense bill. But in order to get to this point, to get where we are, required tremendous dedication on the part of all of the members of the subcommittee, as well and very specifically as well as the staff. The professional staff of our Defense Subcommittee is very, very special and works extremely hard. I would like to call attention to that staff.

On the minority side, Paul Juola, who also worked on the majority side at one point, and Becky Leggieri. On the majority staff, Brooke Boyer, Walter Hearne, Jennifer Miller, Tim Prince, Adrienne Ramsay, Ann Reese, Megan Rosenbusch, Paul Terry, B.G. Wright, Sherry Young, and the chief of staff, Tom McLemore.

They have done a tremendous job. I know that oftentimes when the House finished its business and Members would retire to their respective homes, staff stayed and they did the analysis that had to be done to achieve the savings that we achieved, but also to make sure that we accomplished what had to be accomplished to provide for our troops, to provide for their welfare, to provide for the readiness of the Nation.

□ 1840

I said in my opening remarks there were other items, other things, other parts of this bill that I would like to have increased. I would like to have been able to increase the pay raise that goes to our military. The money just wasn't there. But we did insist on funding the full 1.6 percent, which doesn't sound like a lot. At least it's not a reduction.

Mr. Chairman, this is a good bill. We're not going to vote on this bill tonight. We will read this bill—it's my understanding now from leadership—for amendment under the 5-minute rule the week after next and we'll be prepared to, again, in a bipartisan way, deal with any issues that might come up at that time.

I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. WESTMORELAND, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

TEXAS TORT REFORM

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, our Nation's medical liability system is broken. It has put limits on patient access to health care and has increased costs. But since 2003, my home State of Texas has been a leader on medical liability reform. As a result of tort reform, from 2003 to 2009, Texas has seen an increase of roughly 60 percent in new physician licensure applications. And since 2003, Texas had 21,640 new physicians licensed. That means more doctors to treat patients—especially in rural areas with limited access to health care. All major physician liability carriers in Texas have cut their rates, giving Texas doctors affordable premiums and allowing them to focus on quality of care.

Texas is a model for tort reform for the Nation. I urge the Congress to adopt a similar policy to increase patient access to care and save our Nation billions in defensive medicine costs.

HANDS OFF MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New York (Mr. TONKO) is recognized for 60 minutes as the designee of the minority leader.

Mr. TONKO. This evening I will be joined by my colleague from California, Representative GARAMENDI. He and I will discuss for this next hour the issue that deals with a program that is tremendously popular in this country, that deals with our senior population as they have the resources through a program dubbed ''Medicare'' that enables them to enjoy with dignity their senior years and to be able to have the security of knowing that there is affordability and accessibility for their health care needs. Obviously, as our senior population continues to grow and the longevity curve continues to climb upward, our senior population has reminded us that their dignity and their quality of life has been addressed in a very strong way as the calculated curve for life expectancy continues to mount, which is a positive force in the lives of all Americans.

The efforts that we see afloat in this House at this Capitol range across a number of cuts and reforms that people are proposing for the future budget for this country. There is this Ryan Roadmap which has been developed and dubbed the ''path to prosperity'' by the author and by the Republican majority in the House. However, many of us have seen it for its true value and its attempts to end Medicare, so much so that we have dubbed it the ''road to ruin,'' a situation that would undo a Medicare program, and it is why signs such as this next to me here would greet many of us when we arrive in our district for district work period or on weekends as we break from session here in the House of Representatives: ''Hands off my Medicare.'' It's very bold, it's very straightforward, and it's very understood. The message is real, and it has reached us because it talks about an attempt here to end Medicare in this House. It would force seniors to find their own insurance in the private market. They would be asked to shop with a coupon in hand. The money that the government would kick in for coverage, part of that coupon would not nearly keep pace with the actual costs—the costs that seniors would be forced to pay.

Of course, as 32 cents—which has been the on-average expectation of the coupon—for every $1 of premium costs would be the outcome, that means that the risk would shift from our senior population to have them dig into their pockets, and the risk would be removed from government and placed in the hands of seniors. It would take away what is a stable, dependable system and put a profit-driven insurance arena of companies in charge of rationing care for our seniors.

This is a very unacceptable outcome, Representative GARAMENDI, and I'm glad that you have joined us this evening in this Special Order, where we'll focus on the Ryan Roadmap and what it really means, what it calculates to do, and the impact it has on so many elements of the population out there. And thank you, Representative GARAMENDI, for joining us this evening as we talk about this attempt to end Medicare and shift the risk from government to seniors.

Mr. GARAMENDI. Representative TONKO, thank you so very much for the opportunity to join you this evening on this critical issue. We often call this the Ryan Roadmap, but it really is the Republican budget proposal. It's not only the chairman of the budget committee that put this out, but every Republican in this House voted for it. So they really have adopted this as their roadmap, as their solution to the problems that face this Nation.

□ 1850

You spoke very eloquently about the way in which this proposal would change who pays and how it's going to be paid for. It shifts the burden away from all of us. It shifts the burden onto individual seniors.

One of the things that I found very interesting was: How much does it cost an individual senior?

Now, recognize that those who are seniors today also suffer. It's not just those who will become seniors but those who are seniors today, and I'll

come back to that during this discussion because that's a very, very important part. Our Republican friends have often said this doesn't affect anyone on Medicare. Well, the Medicare portion doesn't, but the Medicaid does because it does cut Medicaid. We'll come back to that. What I want to focus on is the shift of responsibility here and what it's going to cost an individual.

If you are not yet 55, then you're going to be in a system that is not Medicare. As you say, it's a voucher program. It's a program in which the government will give you a voucher, a ticket, and say, ''Go buy your insurance.'' What's going to make up the balance? The individual is going to make up the balance, and this little chart lays it out pretty clearly.

If you're 55, then you'd better start finding $182,000 right now because, when you become 65 and go on the non-Medicare program, you're going to have to come up with $182,000 in order to be able to buy the insurance that you need. Similarly, if you're 50, you're going to have to have $231,900 in order to be able to purchase the private insurance coverage. It goes on. If you're 40, you'll need $343,800. So you've got to put that money away because, when you become 65 and the Medicare is not there for you, you'll be having to make up the difference.

The bottom line on all of this is—I love this one. I think you'll recognize it, Mr. TONKO. We used this some time ago. It's the tombstone. ''Medicare, 1965–2011, Created by LBJ, Destroyed by GOP?''

They are destroying Medicare.

Medicare is a program that has been around since 1965. It guarantees that every individual in America who has turned 65 will have this health insurance policy—a policy that guarantees them benefits, doctors' visits, hospital visits, and under the new Affordable Health Care Act, an expansion of services, a whole series of preventative services available without cost to seniors. It actually saves us money. It's very, very interesting that if you spend money up front for prevention, as we do in the Affordable Health Care Act, which, incidentally, every Republican voted against and voted to repeal, that benefit that goes to seniors free saves taxpayers money and keeps seniors healthy.

Mr. TONKO. You point out the line in the sand drawn for 55 and over and 55 and under and that there is a different treatment. People would try to suggest, if you're 65, say, and you're qualifying for Medicare, if you go forward, the folks below 55 will never join the system, and that will cause fluctuations in the crowd that's 65 and over today. As that happens, as they grow older and as the life expectancy keeps strengthening and going north, not south, there is no replenishing of the younger eligible Medicare community. As you climb the age chart, the correlation with health care and your need for services rises. So the younger element within the Medicare eligible community was, I think, providing stability in the fund. I think it disrupts even the actuarial outcome of that universe as you no longer allow the entry of new populations with time.

Mr. GARAMENDI. That's absolutely true.

I was the insurance commissioner in California for 8 years. Actually, that's the way insurance works. It's a large pool, all of whom share the risk. If your risk pool, as you just described it, becomes older and older——

Mr. TONKO. With no younger seniors coming in.

Mr. GARAMENDI. Exactly.

Suddenly, you've got a very, very expensive pool.

Mr. TONKO. Right.

Mr. GARAMENDI. Now, on the other hand, the very same thing occurs on the private insurance side.

On the private insurance side, we're going to see in the Republican budget plan, the Ryan plan, a whole population of people who have become 65 who are no longer eligible for Medicare. Now they're going into the insurance sector, the private insurance sector.

Mr. TONKO. A community for whom we have not done insurance writing. The actuarial science has not been applied. We've had 45 years of reprieve.

Mr. GARAMENDI. Exactly. So will the insurance companies want to see those people? No, they won't because those people are now 65. They're at an age where they're going to have higher medical expenses.

You're asking the private insurance companies to take this whole new population of older, more expensive people into their private insurance companies, into that pool, the result of which is that private insurance company's pool will become more expensive. They know those people who are now 65 in the private insurance pool are going to get ill, that they're going to be more expensive, and so their doors are going to be subtly slammed shut. As to the availability, while presumably guaranteed by law, advertising won't be there, and the insurance agents won't be there to serve that population, and there is going to be all kinds of not-so-subtle discrimination, making it not only expensive for the individual but difficult to get quality insurance. In fact, there is no guarantee about the benefits in the Republican proposal.

Mr. TONKO. Right. If you'll suffer an interruption here and allow me to just share what, I think, both of us have talked about, people at home, because this is such a drastic proposal, can't believe that it's a real proposal. We have to remind people it is very much alive and it has legs, so much so today that the majority leader of the House, who was at the Vice President BIDEN table for negotiations on the debt ceiling bill today, walked, along with a Republican Senator spokesperson for that House, for their conference, the Republican Conference. They dropped out of the talks today simply because they want certain revenues at that negotiating table to be exempt, or certain proposals.

So we're saying, look, this has to be a bipartisan approach that has a tender balance here: that you cannot drop out of that balance certain impacts to the economy, like $800 billion worth, which is the price tag for the wealthy in this country, where they want that dollar amount to be absolutely cast in stone.

Mr. GARAMENDI. Let me see if I understand.

What you're saying is that, in the negotiations, the Republicans are saying they are willing to cut services to seniors—Medicare. We also know that there is a proposal by Mr. SESSIONS, a Republican, to terminate Social Security. So they want to reduce the benefits to seniors or even the availability of the programs to seniors, but they don't want any new taxes on the super wealthy.

Mr. TONKO. Exactly.

We're saying as Democrats in the House and as Democrats on the Hill what must be on the table. We need to have on the table discussions about oil breaks, which trace their roots over a hundred years' worth of policy decisions. Tax breaks for the wealthiest 2 percent of Americans must be on the table. These are the important things. Big Oil profits, which are historically the largest, are the reason, in order to afford those sorts of handouts and wealthy tax cuts, they need to carve into a program like Medicare. It's in order to make it all balance. So we're saying no, no, no, that these things must be on the table.

Mr. GARAMENDI. All that we do here is make choices. All of these laws are choices about solving this international problem. Do we want to solve it this way or that way? It's about choices. This issue of how we're going to deal with the budget and the budget deficit is about choices.

The Republicans have made a very clear choice. They are deciding that their choice is to reduce the benefits to seniors—Medicare, Medicaid benefits, an almost $900 billion cut in the Medicare program that provides support for seniors who are in nursing homes—and to terminate Medicare so that you're forced into a private insurance market. That's the choice that they've made rather than to go and get our money back from Big Oil.

□ 1900

Choices, they have refused both here on the floor, refused to take back the subsidies that were given to the big oil companies, I suppose arguing that somehow these oil companies are hurting, that they're not profitable. Well, not so.

Just take a look here just this last year. ExxonMobil saw a 69 percent increase in their profits, $10.7 billion profit; Oxy, 46 percent, $1.6 billion; Conoco, 43 percent increase, $2.1 billion; Chevron, 36 percent, $6.2 billion; BP, 16 percent increase, $7.2 billion.

Oh, by the way, you know who's billion dollars those are? Those are the folks that buy gasoline and diesel at the pumps. That's money right out of the pockets of consumers, and, in addition, they get billions of dollars of our tax money that you and I pay in addition to the gasoline tax. They get that for additional profit.

It is wrong. It's about choices. The Republicans have made a very clear choice here: take away from the seniors, take away their Medicare, and make sure that the oil companies continue to receive their subsidies.

Mr. TONKO. You know, you talk about choices, and the choices are do we continue Medicare—and obviously the Democrats in the House want to improve, they want to strengthen Medicare, not deny it, not end it—make it more stable, make it an even stronger program. There's a choice. Their choice would be to have tax earmarks for what sort of things? For corporate jets, for golf bags, for snow globes. These are the choices. And beyond choice, there are contrasts.

Now, this chart here somewhat incorporates what you're talking about there with Big Oil. We have $131 billion that is given away yearly to Big Oil and millionaires, handouts, tax cuts.

Mr. GARAMENDI. How much?

Mr. TONKO. $131 billion.

Mr. GARAMENDI. A year?

Mr. TONKO. Yes. Contrasted with the $165 billion that are yearly cuts to Medicare. So it's almost an equal swap. And we see that you need to end Medicare in order to provide for the wealthy tax cuts for millionaires and billionaires and handouts, mindless handouts to oil companies sitting on historic record profits. This year alone, in the first quarter, we're at about $36 billion in profits.

So why, if we'd done just this mindlessly for nearly a century's worth, why would we continue that and put at risk a program that will be celebrating its 45th anniversary in a few days? Why would we do that when the quality of life for the many, many, the many in the masses of Medicare eligibility are being put at risk for the far fewer who are going to get the millionaire, billionaire tax cuts and the oil handouts?

Mr. GARAMENDI. It's about choices. It's about where do you stand. Do you stand with the seniors and Medicare and the continuation of Medicare and the benefits that they need literally to survive or do you stand with the Big Oil companies? It's very, very clear.

Just look at the way the votes come down here on this House floor. Over the last 5 months, we've seen vote after vote after vote where the Democrats have suggested that we eliminate these subsidies, all of them, the subsidy to Big Oil, that we install the higher income tax for the superwealthy. We're not talking about the working stiff out there in the plant. We're talking about the superwealthy, those that have an adjusted gross income—that's after all of the deductions—of over $250,000. Take it to a million. But just raise their tax rate on that upper income above $250,000 3 percent, not talking about a huge increase, a 3 percent increase, and yet our Republican friends say, oh, no, we can't do that. We have to whack the elderly. We've got to go after the elderly. We've got to take away their Medicare benefits.

This is unconscionable. It is terrible economic policy. It is unconscionable that anyone would make such a choice—give the wealthy more; take it away from the seniors. What would lead a person to do that?

Mr. TONKO. Not only do they talk about these choices over and above the senior community, but they've made it clear that their negotiations at the table begin and end with this destruction of Medicare while protecting subsidies for Big Oil and to include the tax breaks for millionaires. That, you know, is very clear. That is the directive. That is part of a line drawn in the sand on negotiations, which makes it very difficult, because what it tells us is that they're willing to put at risk the full faith and credit of these United States on the line.

And we know we have just struggled to crawl out of a situation, a recession that's found 8.2 million jobs lost in America. We're just climbing that hill to recovery, and they're willing to put the full faith and credit of the United States at risk and perhaps, most likely, cause a new economic calamity.

Mr. GARAMENDI. We often talk about this, and what you're referring to is the deficit reduction negotiations that are going on between the Vice President and the leadership of the House and the Senate, and that's good. Negotiations have to take place. But in the negotiation, it's very clear where the two parties come down. You've described it so very, very well that in those negotiations, it appears as though our Republican colleagues are willing to put the full faith and credit of the United States—this is our worthiness, our financial worthiness as a Nation—on the line so that they can cut benefits to seniors, so that they can cut programs that provide food for pregnant women and children, so that they can make cuts in the school lunch programs, so that they can make cuts in the infrastructure, in the education programs that keep this country moving forward, in exchange for no taxes on the wealthy. They're willing to put this entire Nation's financial strength at risk so that they can reward the superwealthy in this country.

Mr. TONKO. And if someone could at least rationalize the benefit of that program, if they could at least quantify good, societal good that comes with that sort of thinking. In recent history, twice over in recent history we've witnessed that relief, that that top income strata has not caused and inspired a trickle down that produced jobs, that enabled people to see investments made in an economic recovery. In fact, the reverse was true. We saw what happened. They reduced these taxes for millionaires and billionaires, 8.2 million jobs lost, and the American economy brought to its knees, when in fact, now, the people have said, look, our top priority is jobs. We heard it. All of us that serve in this wonderful Chamber heard it in the last election of November of 2010. It couldn't have resonated more boldly, more clearly. It's about jobs. It's about growing the economy.

Stop shrinking the middle class. Start growing the economy. That was the directive, and so what they wanted was to make certain that we would allow for dignity to continue, that health care costs would be contained. As we did the reforms to health care, we included improvements for Medicare. They wanted that Medicare program to continue. And when you listen to the American public out there—and we'll talk about this in a minute—the polling, most recent, today that was released indicates there is strong support for continuing Medicare. They support strengthening Medicare, and they have denounced this attempt to bring an end to Medicare. They are angry about it, not just for their generation. And I'm saying ''they'' as seniors. They are concerned because they want their children and grandchildren to enjoy that same order of security that has served them so well with their health care needs.

Mr. GARAMENDI. How well you've said it, Representative TONKO. The choices are very, very clear. We do have a deficit problem, and you and I should spend some time talking about how we got into that in the first place and how we can get out of it.

But to put this Nation's financial strength on the table and say, as Republicans are, they are willing to let this Nation go into default on its obligations, first time ever, and if that were to happen, it would kick off another financial crisis around the world because the rest of the world depends upon the willingness of the United States to pay its debts, because that's the security in the banks around the world.

□ 1910

And if the United States isn't willing to do that, suddenly, this Nation's going to be in deep trouble, and the world economy along with it. And guess what? It's going to cost us a lot of money because the interest rates will go up. If the United States isn't trustworthy, it's risky; therefore, you have to pay higher interest.

So we need to understand that this is a default crisis. It's not the debt ceiling. It is a default crisis that we're facing. And to use it as a lever to harm seniors is unconscionable. But yet that's what they're doing as they continue to call for cuts in Medicare and the Medicare program. We shouldn't let it happen.

We do have—well, before we go there, I keep coming back to this. In 1965, the

United States decided that we were going to end poverty among the seniors. The seniors were the most impoverished part of the American population. And added to the Social Security program was a health insurance program called Medicare, an extraordinary expression of the American compassion, an extraordinary expression of the American desire to take care of their parents and to provide the necessary health care services. Here we are in 2011 with a proposal by the Republican Party to terminate Medicare. How can it be? How could we have come to this? And to say that it's the deficit that's causing this to happen is, I think, wrong.

Before we turn to the deficit, I just think that we—you and I have talked about this, Representative TONKO, and we should cover it. We've talked about it a little bit. We know that the cost of Medicare is going up. And it is something that is of concern to you and me and, I think, to everybody in this Nation. But Medicare costs go up along with the total inflation in health care. It's the whole health care system that goes up, and Medicare rides along in that inflation. It is not the cause of the inflation. There are many other causes of the inflation in health care.

In order to deal with the cost to Medicare, you don't destroy Medicare and throw Medicare into the insurance market. What you have to do is to control the underlying costs of health care. There are some things that you can actually do in Medicare.

For example, Medicare part D, which is the pharmaceutical portion of Medicare, passed by the Republican Congress in 2003 without any way to pay for it, all borrowed money. Well, okay. So much for the Republicans' desire to pay as you go. But it was all borrowed money. And into the law the Republicans wrote a provision that prohibited the Federal Government from negotiating drug prices. The Federal Government is a price taker. Whatever the drug companies want to charge, the Federal Government has to pay. We could save tens, hundreds of billions of dollars over 10 years by simply allowing the Federal Government to negotiate the prices of drugs for seniors.

Mr. TONKO. And you know, you are so right. That preclusion that came in that measure was an outright avoidance of providing a benefit to the senior community. I know the number because we talked about it today in another session. It's $156 billion that could be saved over that 10-year stretch just by bulk purchasing the pharmaceutical needs for the Medicare program.

Mr. GARAMENDI. But the Republicans wouldn't allow it.

Mr. TONKO. Exactly.

And it's not just a savings to the government, but it's also a savings of $27 billion to individual seniors. So right there is an opportunity to provide for stability and to rein in costs within the Medicare program. But it takes the sort of compassion and the determination and the outright leadership to make certain that we make it stronger. What they've said today—I was in a hearing on the Budget Committee—is that, well, look, the way we're going to do this is sharpen the pencil. There is going to be this competition, and everyone's going to fight to serve the senior citizen for her or his health care needs. With the market taking over, they're going to drive down the costs and provide the benefits.

Since Medicare was initiated, the private sector premium costs have risen by 5,000 percent. Medicare is far below that curve. There isn't that marketing program. There isn't that administrative overcharge that really has driven these prices to go out of sight. And what we have here is an attempt to put the insurance company into the driver's seat.

Mr. GARAMENDI. Well, as the insurance commissioner in California for 8 years, let me just pick that issue up.

The insurance companies are extraordinarily inefficient compared to Medicare. I know that a lot of people think that government is inefficient. It is not the case in Medicare. Medicare collects the money and distributes, pays the bills for about 3 percent of the cost. The private insurance companies are about 30 percent.

Now, on the other end, you've got the cost of administration. It may be another 7, 8 percent administrative costs for the doctors and hospitals for Medicare. But on the private insurance side, because there are so many different policies, so many different forms, so many different coverages—this is covered, that's not covered; this is exempted; this is the copay for this and a different copay for that—it is utter chaos for the provider. So about 15 percent of that 30 percent, about half of that 30 percent is administrative costs and commissions and sales and advertising on the part of the insurance companies, and the other 15 percent is the administrative costs on the part of the providers, the hospitals and doctors.

It is absolutely the most inefficient way to deliver medical services and to pay for them. Medicare is one-half the administrative cost both for the provider as well as for the collection and the payment of the bills.

Mr. TONKO. And I think it's probably what underlies the thinking of Americans out there, because when they were polled just recently with the poll that was shared with people today, there is overwhelming opposition to the GOP plan to end Medicare. So much so that in that effort by the GOP to convert Medicare to a voucher system, 57-plus percent said ''no'' to that idea. And when you look at independent voters out there as a separate bloc of measurement, it closes into 60 percent, at 58-point-some percent.

So people are saying overwhelmingly, We do not want to convert this into a voucher system, where you get 32 cents on every dollar that you need. And they're saying very clearly: Hands off my Medicare. The message couldn't be clearer: Hands off my Medicare.

Mr. GARAMENDI. I want to pick up one more issue. I know my Republican friends over here are constantly saying, oh, but in the Affordable Health Care Act you took $500 billion out of Medicare. Let's understand what that's all about.

In 2003, in that program, the Medicare part D program, two programs were actually put in place. One was the drug benefit. Another is what is called Medicare Advantage. This is the supplemental program for Medicare. The Medicare Advantage program, when it was put in, to entice the insurance companies, the private insurance companies to participate, they were given a 16 percent bonus over and above their cost. So for 8 years or 7 years, they enjoyed a built-in additional profit of some 16 percent, which——

Mr. TONKO. Just to get the concept up and running.

Mr. GARAMENDI. Just to get it up and going.

And they continued to receive that additional 16 percent, additional profit, guaranteed profit. When we did the Affordable Health Care Act, we said, Wait a minute. They don't need that any longer. The program is up. It's going. The advertising and everything else is in place, the administrative system. So we want to take back that additional profit given to the insurance companies.

That's where the $500 billion is over a 10-year period. That's money that was saved by creating an efficiency and, once again, ending an unnecessary supplement. It did not in any way, shape, or form change any of the benefits that seniors received in the Affordable Health Care Act. There was a sentence. It said, ''No benefit changes,'' period.

Mr. TONKO. Right.

And where we saw overpayment for services provided, where there was unnecessary profit accrued in certain areas, we said enough is enough. The taxpayers shouldn't pay for adding to the profit column beyond reason for those private sector types that said they can do it cheaper, which was the claim. We can do it cheaper. Let us have this Medicare Advantage model, and we will show you how we can provide benefits. It didn't require such vast overpayment.

□ 1920

Mr. GARAMENDI. No more subsidies.

Now that I'm on a roll, in that Affordable Care Act, there was additional money for the Internal Revenue Service, the IRS, specifically to go after Medicare fraud. We know it's a problem. In the previous years, the Republican budgets reduced the effort of the Medicare program to go after fraud. So we put money into the Affordable Health Care Act to go after fraud. Guess what happened when the Republicans came to power. They eliminated

the money that the IRS needed to add additional agents to go after Medicare fraud.

Mr. TONKO. Right.

Mr. GARAMENDI. What's that all about?

Mr. TONKO. In situations where we found recently—and there was an article in a major paper, The New York Times, that reported that there were CT chest scans done two times over at many locations where they were recovering those dollars through Medicare and found that to cost some $25 million worth of waste, of fraud in the system. Now, that's just one small example of one small bit of opportunity and activity in the health care field.

Think of it. If you have the agents, as you suggested, and if they are funded in a way that produces dollars of savings simply by having the infrastructure, the human infrastructure, to go out and chase this fraud down, we can then benefit. There are systems here that we developed that have the checks and balances, that have the bells and whistles, that have the preventative element. Even the efforts that we made in the Affordable Care Act to not require copayments or deductibles for any of the screenings and the annual checkups for our seniors—wonderful concepts to, again, contain the costs of health care within the Medicare model, which we thought was a wonderful thing to do.

And you're right, there's no move here. When you end Medicare and make no adjustments and just hand it over to the private sector and say, Keep on your trend of being much more expensive than Medicare and go out there and sharpen the pencil, without changes that they want to induce into the program, nothing changes; but the cost increases for the seniors.

Mr. GARAMENDI. So if you're looking at the deficit and dealing with the deficit, you don't have to destroy Medicare to save money. In fact, it will cost us more money, not directly in taxes but out of the individual pocket. No doubt about it.

The other thing is that there are many, many ways to bring down the cost of health care. Many of those are in the Affordable Care Act, which our Republican friends want to repeal. And let me just go through them:

There's the end of the subsidies for the insurance companies, which we just talked about. There's the money for the IRS agents to go after fraud. There is in the legislation a provision that says that hospitals will not be paid for reinfections. One of the most expensive things in the hospital system is when a patient gets an infection in a hospital and comes back into the hospital. These are very, very simple things called ''cleanliness'' and ''hygiene'' at the hospital to bring down the infection rate. And in the Affordable Care Act, it said, no, no, if there's a reinfection in the hospital, we're not going to pay you a second time around, forcing the hospitals to keep it clean.

Electronic medical records, eliminated or attempted to be eliminated by the Republicans. All of these things are good for health. The preventative care.

Mr. TONKO. And the annual checkups. Don't forget those. And just undoing the requirement for copayment or deductibles for those screenings and annual checkups. There was this compassionate, reasonable, thoughtful approach to contain costs, provide for the continuation of a program that has grown immensely valuable in the lives and the fabric of our senior community.

And you know what's interesting too? This ''hands off my Medicare'' is not just resonating with today's seniors. In the recent poll that I just cited, 61 percent of those age 35, Representative GARAMENDI, and older and 63 percent of those age 55 and older said they would be worse off under this GOP plan. Worse off. So the more people check this out, all age groups—under 55, under 35, over 65—are all saying, Hands off my Medicare. It's no wonder that the message has been resoundingly delivered throughout this country, no matter what region. You're on the west coast. I'm on the east coast. We're hearing it from coast to coast.

Mr. GARAMENDI. And everything in between, Hands off my Medicare, Hands off my children's Medicare.

However, we're saying that. The public is saying that. Democrats say we will not give an inch on Medicare. We will control the cost within the total health care system, but we will not allow the destruction of Medicare. Keep your hands off Medicare. The public is saying that.

And what are our Republican friends saying? They're saying, Keep your hands off Big Oil subsidies. Hello. What's that all about? They're saying don't touch the subsidies, the billions of dollars annually that the oil industry gets, our tax dollars given to the oil industry. Don't touch that. Keep your hands off those subsidies. But they want to put their hands onto Medicare and literally destroy Medicare.

Mr. TONKO. So you're saying that—to quote your dollar figure from earlier—if you're 54, 55 years old, save another $182,000 to cover your health care costs with the end to Medicare because the system has to pay oil subsidies to the historically profit-rich oil industry.

So they're saying, okay, garner up those dollars, save somehow the $182,000 additionally that you will require for your health care coverage because we have to give this mindless handout to the oil companies. Or guess what, $6,000 more out of your pocket per year for your health care coverage because we won't have the dollars if you don't do that to pay the oil companies or to give the millionaires and billionaires their tax cut.

These are the priorities that need to be addressed thoughtfully at a negotiating table. And the ridiculousness of the empowerment of the most powerful at the expense of the masses of those who have received quality of care and dignity addressing their golden years, that has to be sacrificed just so that this stubbornness of negotiation can continue where you're going to have this Darwinistic outcome.

Mr. GARAMENDI. Representative TONKO, we do have a deficit problem. We have to address that. We've talked about ways that that can be done in the health care sector without harming Medicare. But one of the most important things in addressing the deficit problem is to put people back to work.

Americans want to work. They want to earn a living. They want to have enough money to pay for their home or their rent and food and take care of their children so their kids can go to school. We need a jobs program. We need a jobs program in America. We need to be able to put people back to work. We're into almost the end of the sixth month of this session. Not one jobs bill put forward by the Republican Party. Not one. They talk about cuts in taxes as though that's somehow going to create jobs, and there's absolutely no evidence that it does.

Mr. TONKO. What does grow jobs is strengthening purchasing power so that as the middle class of America, which is the engine that drives the economy, has the available cash to purchase things, to be out there and allow for the upper strata to have their products sold, purchased, you're going to destroy purchasing power of many households, senior households, those who have to save $182,000 before they qualify as seniors. That's going to drain this economy.

Mr. GARAMENDI. That's money directly out of the pockets, and that's money that has to be set aside.

What I would like to take a few moments on, with your permission, is to talk about a program that you and I and our colleagues on the Democratic side have been working on now for the last, almost a year now, and we call it Make It In America. It's that great American middle class, the heart and soul of this country, the men and women that went to work every day and made something. They made cars. They made jet airplanes. They made engines. They were out in the fields. They made the tractors. America was the great manufacturing center of the world. And in the last 20 to 30 years, we've allowed that to dissipate.

We want it back, and we know we can get it back. We have the ability in this Nation to rebuild the manufacturing base of America; and when we do, we will rebuild the middle class of America. We call this Make It In America. And it's so important.

You come from an area that still is a great manufacturing sector and was once the greatest center of it.

Mr. TONKO. Absolutely. The 21st Congressional District of New York, in the capital region, Mohawk Valley of upstate New York, hosts the original

infrastructure of the Erie and Barge Canals, the route that gave birth to a necklace of communities called mill towns that became the epicenters of invention and innovation that inspired a westward movement, that inspired an industrial revolution.

□ 1930

That pioneer spirit is the DNA of America. Give us the opportunity to invest in ideas, and we turn that into manufacturing and we go forward.

But it begins and ends with a quality workforce. And the cuts proposed in Head Start, with a quarter of a million children being denied Head Start opportunities, the huge cuts to title I funding to get resources to our schools, especially those in most difficult situations, would destroy the workforce of the future. Without investment in education, there is not a strong and vibrant workforce that can continue to carry our strength as a Nation in this global economy. So that is a start.

And then also, I have witnessed in my region, where we're the third-fastest growing hub in this Nation for science and tech jobs, high tech jobs, that when you start cutting away at R&D, you're going to destroy the opportunity that we have as we continue to cluster with these science and tech-related jobs.

Mr. GARAMENDI. Representative TONKO, I come from the San Francisco Bay area. We are the first great science research technology. We'll let you be number 3. But we're number 1.

Mr. TONKO. Not for long.

Mr. GARAMENDI. But the point here is that our strategy of ''Make it in America'' includes a half a dozen different specific programs, one of which you talked about, which is the education system.

Why in the world, when we need, as you just said, to build the ability of the American worker to compete, smart, capable, would we reduce the education funding? But that's precisely what our Republican friends have done. They've taken money out of the Pell Grants for college, very significant, Head Start. All of the Federal education programs are being reduced by the Republicans at a time when we have to build it. So if we're going to make it in America, we need a well-educated work force.

This one up here we call trade. Listen, China's cheating. China is cheating on their currency. And no matter how creative, how competitive we are, how hard our workers work, it's virtually impossible to compete against China because of their currency cheating. The Democrats want to put on this floor, send to the President a demand that the United States take action, against China on their currency issue so that we could have a fair trade situation.

Mr. TONKO. Absolutely. The currency issue is epicenter to the solution that's required. Fair trade is what really allows us to compete effectively. This imbalance that's been able to continue is very harmful to our economy, to the workers of this country.

You know, the working families have taken it on the chin. The middle class of America needs that purchasing power, that enhancement of purchasing power. Then you see economic recovery. Then you see people putting people to work because, as that activity continues to grow and snowball, you will require the investment in jobs in all, from service sector on over to manufacturing on over to R&D. And where you plant R&D as a center of invention, of ideas of innovation, there will come to be next door to that planting the manufacturing elements that will allow our manufacturing sector to prosper.

Mr. GARAMENDI. Well, R&D, research and development. In the continuing resolutions pushed forward by the Republican party and successfully enacted and signed into law by their intransigence to deal with any new revenues, the research budgets of the United States were significantly reduced at a time when we actually need more research.

Research into energy. We know we have an energy crisis. We know we need to move to new energy sources. And yet the Republican budget reduced the energy research for this Nation.

Automotive research. We're just now beginning to claw back and rebuild our automotive industry, and so research into batteries and new efficient automobiles—eliminated by the Republicans. What are they thinking?

Mr. TONKO. And when you talk about battery manufacturing, advanced battery manufacturing taking place in my district, you're talking about the linchpin. You're talking about that connector to all of the opportunities out there that transition us into alternative technologies. It begins and ends with that battery development. And we have those opportunities. We've invested in those. We need to continue to take that curve northward so that you put the money down that will grow jobs. That's investing.

There is the rightful expectation that there will be lucrative dividends from that investment. And when you look at the global race, this is much similar to the global race on space in the early sixties, when we got knocked on the seat of our pants in the late fifties with the Sputnik moment, and that woke us up, and we involved ourselves, and we embraced with great passion getting that race done in winning style. And we won it.

Today we have more competitors. You've got China, Brazil, India, Germany, Japan, all investing in a global race on clean energy and innovation, and we're going to tie our hands behind our back.

Mr. GARAMENDI. Take away the resource money and see what happens. We lose the race.

We know we all get sick, right? Why would you ever put forward a policy to reduce research in medical services and the basic understanding of the human gene, of understanding how we can solve medical problems? Why would anybody propose a reduction in the research for medical care?

I don't know. But they did. And they succeeded in reducing the budget for medical research.

So energy, medical research, automotive, transportation research, they reduce it in the budget and they expect our economy to grow, to be competitive? I don't get it, but that's what they have done.

Mr. TONKO. There are quantifiable benefits that come not just with job creation, but with service delivery. If you provide for this sort of basic research, you're providing for cures to illnesses that have continued to haunt the fabric and quality of life of individuals. And if we can discover and unleash that potential, there is a quality of life that's addressed. There's hope that's delivered to the doorsteps of families across this country. And so it goes well beyond job creation. But you're absolutely right. These are jobs that are of high quality, that require, again, the investment of America's know-how. They are opportunities for intellectual capacity that we, as a Nation, invest in higher ed, and this is putting that higher ed product to work.

Mr. GARAMENDI. Let's take another example. And this comes up on the energy policies of this Nation.

I think we all understand that the oil industry has done rather well, and we continue to subsidize the oil industry. Efforts to eliminate those subsidies and to shift those to the new green technologies have been blocked by our Republican friends.

Now, we do have money going to subsidize, to provide incentives for the clean energy industry, wind turbines and solar photovoltaic systems. I have a bill in, actually two bills, that say that our tax money must be spent on American-made equipment.

For example, I have two big wind farms in my district, the Altamont and the Solano wind farms. They're huge, huge pieces of equipment, towers 400 feet high with blades that are a football field across, made overseas in Europe and China. And I'm looking at it and I'm going, wait a minute; our tax money's being used to help build these systems? And yet they're not American-made? I said, no, no, no, no. If our tax money's going to be used in this way, it's going to be used to buy American-made equipment. That bill is in. It's now being slowed down, blocked in the various Republican committees here. But it seems to me foolishness to allow our tax money to be sent offshore.

We also, all of us, pay 18½ cents excise tax for gasoline. That money is used to build roads, highways, bridges, and to buy trains and buses and light rail systems. My legislation says that that money must be used to buy American-made equipment. Those trains,

those buses, those light rails, the steel in the bridges, will be American-made.

Why don't we bring those jobs back home? We can do this using money that is already available, already being spent, but sometimes all too often spent on foreign-made equipment.

Mr. TONKO. And talk about this sort of innovation economy where you invest in America, you make certain that our infrastructure that moves goods and people is as sound as it can be. But as we invest in the growth of jobs and ''Make it in America,'' and you talk about the clean energy economy, the alternative technologies, the innovation that comes with advanced battery manufacturing, that stops the trail, eventually, of dollars that are exported out of this Nation, going into the Mideast, $400 billion plus a year to maintain this fossil-based economy that has us gluttonously dependent on fossil-based fuels that are imported from unfriendly nations to the United States.

□ 1940

There has to be a cleaner way, a more innovative way, one that embraces the American intellect and the ingenuity that enables us to grow products that are not on the radar screen. That's how a great nation continues its greatness; that's how it continues to become even greater, by putting to work its brainpower and developing products that are kinder to the environment, strong in their manufacturing element that produces here in these United States and draws upon the workforce and the R&D potential of everyone from trades up to the Ph.D.s involved in that equation of success. I think it's a way to empower us across the board.

Mr. GARAMENDI. As we come to the conclusion of this, the Make It In America agenda is a powerful agenda to rebuild the American manufacturing base to put middle class America back to work so that they can have the home that they want, so that they can take care of their children's education, so that they can have, once again, pride in this Nation. We can do it. And these are the policies—a fair trade policy in which we tell China, no, no, no, we're not going to let you cheat on your currency any longer, where the tax policy makes sense.

This one. An example. Somewhere in the last 30 years, built into the tax laws was an incentive for American corporations to shift jobs offshore. They take a job; they send it offshore; they got a tax break. I don't know where it came from. I know it was in the Codes. And what we did in the tax bill last December was to eliminate that tax break for American corporations sending jobs offshore. It passed. The President signed it, but our Republican colleagues, to a person, voted against it. They voted to keep that tax break for American corporations to shift jobs offshore. Doesn't make sense to me, but it's gone. And that's the kind of policy we want to put in place, where we take care of Americans who are working in America.

Mr. TONKO. And you know, Representative GARAMENDI, just about an hour ago we were talking about it all being about principles, values, priorities, contrasts, and choices. Well, if we go with the choice to not make it in America, not invest in innovation, research for medical purposes, means that we may not be able to contain those costs of medical needs, of health care, because we will avoid the discovery of better treatments, new cures, prevention elements that all come with the medical research and medical innovation that can be made in America.

And then we have opportunities to keep Medicare alive, not destroy it, by containing costs for health care and allowing for the dignity of life and the quality of care to go forward without this treatment to end Medicare. And the choice is to avoid powerful industries like the oil industry, giving them mindless handouts, or do we invest in education, higher education, job creation, quality of life issues, housing opportunities? These are the choices we're talking about.

This hour has been, I think, an opportunity for us to exchange, with a clearer expression, what the contrast is on the floor of the House of Representatives and what it is between this Path to Prosperity that we have seen as a Road to Ruin, one that would end Medicare, continue handouts to record profit oil industries, to continue to advocate for millionaire and billionaire tax cuts at the expense of America's middle class that needs a stronger purchasing power and needs to know that her children and grandchildren will have the opportunities, equal opportunities for quality education and a college degree.

Mr. GARAMENDI. Thank you very much, Representative TONKO.

Our promise to the American seniors and those who want to become seniors is that this tombstone that the Republican Party wants to put out there—that is, the termination of Medicare—will not happen. We will not let this happen. Medicare is part of the American agenda. It is part of what is good about America, and it will not be terminated by anybody. That's our promise. That's where we draw our line in the sand.

Thank you very much for this opportunity.

Mr. TONKO. Thank you very much, Representative GARAMENDI. It has been a great opportunity to share this hour with you.

We only ask that thoughtfulness guide the negotiations—either on a deficit ceiling bill or on budgets as we go forward—thoughtfulness and a desire to grow opportunity for all Americans. We're at our best when the inclusiveness of this process enables everyone to be empowered and not just the special interests, the wealthy oil industry that has set record profits 2 years in a row.

With that, I thank the Speaker for the opportunity, and I yield back the balance of my time.

FRESHMAN CLASS ON JOBS AND DEBT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Alabama (Mrs. ROBY) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. ROBY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the topic of my Special Order regarding the debt and jobs.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Alabama?

There was no objection.

Mrs. ROBY. Mr. Speaker, I am joined here tonight by Members of the freshman class once again to focus this discussion on jobs, and I immediately had just one glaring road sign in my mind as I sat here and listened to the Democrats talk about their so-called plan, ''Make It In America,'' and it's ''stop,'' s-t-o-p. This has to stop. The American people deserve the truth. And what you just listened to, what was just presented to you is not that.

We have got to focus in and look at—which we're going to do tonight in a very good discussion—this job-killing legislation that has been presented by the very side that just stood up and told the American people that we're out to kill Medicare and so on and so forth. People can't make it in America right now because of the heavy hand of government that is bearing down on them, because of this job-killing legislation and overreaching regulation that continues to be promoted by the other side. And we've had enough. So let's stop. Let's stop the demagoguery. Let's get down to the truth. We're going to have that discussion here tonight.

The average unemployed American has been searching for a job for 39 weeks, the longest average time in history to be looking for a job. Twenty-one million jobs are still needed by 2020 to return our Nation to a full job recovery. Companies in the United States of America are hitting the brakes on hiring and production.

I want to start our discussion here and I want to hit on three points. I am going to talk very quickly about health care, about boiler MACT, and about energy and jobs. And that's going to lead for the discussion here tonight.

On May 19, a small business owner received documents from his insurance carrier stating that, due to ObamaCare the coverage in his policy would be updated with the new terms of the law on the anniversary of his enrollment. Four days later, this small business

owner received a statement from the same insurance carrier stating that his monthly premium would increase by 25 percent. And I have those documents here with me tonight.

Why does the administration continue to state that Americans will not see significant increases in their health care coverage when it is already happening right now?

Mr. Speaker, I would like to submit these documents into the CONGRESSIONAL RECORD.

CAREFIRST
BLUECROSS BLUESHIELD,
Washington, D.C., May 23, 2011.

DEAR MEMBER: the purpose of this letter is to inform you of your premium rate for the upcoming year. Please take a moment to review this important information.

Your current monthly premium is $174.00. Beginning 08/01/2011, your monthly premium will change to $218.00. Please note that this is a change in your monthly rate.

We regret this increase is necessary, but it reflects the cost of providing you the coverage called for in your policy. As a not for profit organization, we operate on the smallest possible margins, consistent with financial soundness.

Our service hours are Monday – Friday from 7:00 am – 7:00 pm. So that we may serve you as quickly as possible, please have your ID card available. You can also access your plan information from the convenience of your home computer by visiting www.carefirst.com/myaccount.

Sincerely,

RICH MACHA,
Senior Director,
Customer Service & Technical Support.

CAREFIRST, BLUECHOICE, CAREFIRST, BLUECROSS BLUE SHIELD,
May 19, 2011.

DEAR MEMBER, the Patient Protection and Affordable Care Act (PPACA), also known as the Federal Health Reform law, requires that the coverage policy you purchased be made compliant with the terms of the new law on your first contract anniversary date. These new benefits will improve the benefits under your plan. The changes to your coverage are outlined below and are effective as of your next anniversary date, with the exception of the removal of the lifetime maximum limit which took effect on October 1, 2010.

No Lifetime Maximum: If your plan was subject to a lifetime maximum limit, this limit was removed effective October 1, 2010. You now have benefits with no lifetime maximum dollar limit.

No Annual Dollar Limit on Essential Health Benefits: PPACA requires that certain benefits provided in your coverage plan be considered ''Essential Health Benefits''. Any annual dollar amount limits applicable to these benefits will be removed, except any annual visit limits that may apply to specific services under your coverage plan which will remain in effect.

No Cost-Sharing for Preventive Services: An expanded range of preventive services, including recommended immunizations and screenings, will become available from CareFirst participating providers with no cost-sharing to you—no deductible, copayment or coinsurance.

Emergency Services: Due to the requirements of the new law, your share of the costs of emergency services you may obtain from an out-of-network provider will be the same as if you saw an in-network provider.

In the near future you will receive a letter with your renewal rates. You will also receive a new ID card and a contract amendment containing the new benefits outlined above.

If you have any questions, please call the Member Service telephone number listed on your member ID card. Our service hours are Monday—Friday from 7:00 am—7:00 pm. Please have your ID card available so that we may serve you as quickly as possible.

Sincerely,

ANDREW F. SULLIVAN,
Senior Vice President,
Consumer Direct Services Unit.

The Obama administration is encouraging employers to retain coverage. How can a small business owner retain coverage if it forces them into bankruptcy?

And I'm going to point you again to Don Cox. He's a small business owner. He owns 15 Pizza Huts in Alabama, and he is very proud of his products and his employees. The health care regulation is on the top of his list. In 2014, Don would have to provide all of his employees with health insurance. Sadly, only five Pizza Huts will be able to stay afloat; 10 out of the 15 will go bankrupt due to this health care law. They stand on the floor tonight and they submit to you that we need to make it in America, and we can't make it in America due to their job-killing health care legislation. If Don provides health insurance to all of his employees, then 10 Pizza Huts go bankrupt. And although when we're looking at his balance sheet he is making a profit, almost all of the profits were returned back into the business.

Last week, when we stood on this floor a couple of weeks ago, I talked about Rheem Manufacturing, who spent $1 million adding on to their already 700,000-square-foot facility in Montgomery, Alabama, where they provide over 1,000 jobs. That $1 million investment was to comply with Federal regulations.

□ 1950

The Environmental Protection Agency has been an agency that has been particularly troublesome in overburdening businesses and placing roadblocks to domestic energy production.

I want to talk about the EPA's proposed boiler MACT rule and what that would do to small businesses. I have had people in my office all week talking about this. Next week I am going to be touring an International Paper mill in Prattville, Alabama, and boiler MACT impacts 42 boilers and four process heaters at 19 IP facilities. Their compliance costs for just boiler MACT and the commercial and industrial incinerator rule are $600 million.

This is not rocket science. We are standing around and our friends on the other side of the aisle are asking us, where is our jobs bill? And yet I would like to return the question to them and say, where is yours? All you have done for the past 2 years or more is do your best to stifle job creation, American job creation right here in the United States. Enough is enough. This must stop.

Then, of course, today we learn that the President has decided that he is going to dip into our own energy oil reserves right here in the United States and yet does everything he can to stand in the way of energy production right here in the United States. We have got to lessen our dependence on Middle Eastern oil.

Americans deserve the truth, and I hope tonight's discussion will provide that opportunity.

At this time I would like to yield to my friend from Illinois as much time as he would consume.

Mr. KINZINGER of Illinois. I thank the gentlelady for yielding.

I think she said it perfectly. I'm a young guy. I remember in the eighties watching the ''Where's the Beef'' commercials. Everybody remembers that. Well, here is the question: Where's the jobs? Where's the jobs?

I remember a little over 2 years ago the President promising that if we passed an $800 billion stimulus, unemployment would not exceeded 8 percent. Well, where did that get us? In fact, if you look at the President's own charts, they said that by this time under this stimulus plan unemployment would be about 6.5 percent.

I will tell you, that is compelling when you see that on a chart. When you are a country facing a huge economic crisis in a slide, that is very compelling. But it didn't work. It was a waste. We wasted $800 billion of hard-earned money, most of which was borrowed, on something that didn't work.

Now, Americans are still feeling the pain. In fact, unemployment went up towards 10 percent. Counties in my district in Illinois have unemployment upwards of 11 percent. It didn't work at all. And now I have actually heard our colleagues on the other side of the aisle float a second stimulus. They say, well, $800 billion wasn't enough. It probably needed to be more. Well, why don't we just make it $5 trillion or $10 trillion. If we can just print money and borrow it, tax, borrow, and spend our way to prosperity, make it $10 trillion. That is ludicrous. We know that is ludicrous.

I hail from Illinois. Illinois is the President's home State. Illinois has a huge problem with folks looking for work that can't find it. Illinois used to be a manufacturing economic powerhouse in the United States. It is not hard to drive around and see abandoned warehouses or abandoned factories. Joliet, Illinois, a city in my district, knows that all too well. They understand that.

So what do we do? Well, recently Illinois came up with a decision. Well, the budget is bad. Yeah, the budget is bad, because you are running business out of your State. As a result they say, we have to raise taxes, so in Springfield they raised the individual income tax rate and then they raised the corporate tax rate.

Now, there has got to be some good news to this, right? Well, the State of Illinois has had $300 million in increased tax revenues that they have

seen from this corporate tax increase. Oh, but if you read The Wall Street Journal just shortly ago, you would read that $240 million has already been given away to these corporations to incentivize them to stay in Illinois because they were looking at leaving because of this high tax rate.

I will tell you, the definition of insanity is doing the same thing over and over and over again, but expecting different results. We cannot tax, borrow, and spend our way to prosperity.

You talk to any small businessman out there, small businesswoman or job creator, owner of a factory that is just trying to take their products to market, and they will tell you the biggest hindrance, one of the biggest hindrances, besides a lack of confidence, is the government.

I have talked to a lot of people and said, how much better would your life be if you weren't forced to sit around day after day and just fill out government paperwork? You could take that employee and make them productive. They may be able to go out and sell goods. They may be able to go out and expand the business.

Nope. We have got to tax and regulate in this town. This town is really good at taxing and regulating, at putting things through a bureaucracy and letting bureaucrats have their way.

We are going off a cliff, and it is time to pump the brakes. It is absolutely time for us to get deadly serious about reducing the size of the Federal government, cutting spending, and getting Americans back to work.

Our colleagues on the other side of the aisle like to say, where is your jobs plan? Well, we have put forward plenty of jobs plans. One of them includes drilling for oil here at home, which we will get into, which my good friend here actually that will be speaking soon sponsored, and I commend him for that.

But there is a fundamental difference between the two parties here. The Democrats believe that government creates jobs. You hear that all the time in what they say. Listen closely. They say, we just need a jobs bill. We need $800 billion in more spending. We need this program.

What you are going to hear tonight is the Republican view. The Federal Government doesn't create jobs. The Federal Government can't make jobs. We can take tax money and put it through a bureaucracy and spit out a paycheck. Jobs are created in the free market. We can create an environment for job creation, and that is what our freshman class came here to do, and we aim to do it.

Mrs. ROBY. I thank the gentleman from Illinois. Your comments are right on.

Before we move on, I want to share with you, I heard from a gentleman today, a businessman in Greenville Alabama, and I am going to quote him: ''Economic conditions being what they are, we are in a situation where real estate values are declining, demand for our products is declining, and the value of the dollar on world markets is declining. All of these factor into the uncertainty of business today. In the long term, I can't see any expansion until regulations are eased and the health care bill is killed.''

Now, you want to talk about whether or not we have a jobs plan? This is their jobs plan. What this businessman in Greenville, Alabama, is facing is exactly what the other side of the aisle has proposed, and he can't create jobs.

We have time and time again shown leadership here in the House, in the majority, trying to repeal this job-killing legislation, and we run into roadblock after roadblock with the Senate majority and with the White House.

I would now like to yield time to the gentlelady from Washington.

Ms. HERRERA BEUTLER. Thank you. I am excited to be here this evening to talk about something that our country has too few of—jobs.

In my neck of the woods in southwest Washington State just about every county, save one, has double-digit unemployment, and we have had those disappointing numbers now for many months, almost 30-plus. So we are at a place right now where families are hurting. Moms who are paying the bills at night thinking about health care payments, thinking about getting the kids to school, how much it is going to cost to fill up the gas tank, what the cost of meeting the mortgage is going to be.

These are the real challenges that middle America is facing right now, and that is why we are here. That is why we are fighting. That is why we want to rein in spending, because, as this chart actually shows, less government means lower unemployment.

Less government spending means, if you look at this, and this is from 1980 to 2010, they have almost tracked equally, our unemployment numbers and the Federal Government spending or outlays. The red line is just that, it is government spending. The blue line is unemployment rate.

It is very easy to see that when the Federal Government actually spends less and leaves that money in the pockets of that mom who is trying to make her mortgage payment, or that single dad who is attempting to get food on the table, put shoes on the kids, pay for the housing, pay for the transportation costs, it means that when we let them keep more of their hard-earned money, we actually improve the economy nationally.

□ 2000

And that's what we need to do. When I travel southwest Washington, over the last few months I have had the opportunity to talk with many, many individuals, businesses, families. And there's really a common theme: Let us succeed. I believe in making it in America. I believe in having things manufactured here and doing things here in America. Quit relying on these other countries to produce things. But you know what has to happen? We have to create an environment that makes it easier for people to do business here in America.

Let me give you a few names: Tom Cook, he owns Taco Bell franchises in my neck of the woods; Cliff McMillen, owner of Vancouver Pizza; Sherry Malfait, owner of Washougal Flowers. What do all these folks have in common? They're small business owners, number one. They're creating jobs in our community. Secondly, they're all facing government-initiated problems, whether it's higher gas prices because of this administration's refusal to explore for American energy here in the United States; whether it's a regulatory environment like the health care bill that the gentlelady from Alabama talked about. It's one of the number one issues I hear about from small employers. They are unsure what regulation, what shoe is going to drop next when it comes to this health care bill.

These business owners are fighting to survive; and we need to make it easier for them to survive, which is why this House passed over four solutions for gas prices. We heard from small business owners and employers across America, and we responded. We have now passed no less than four bills that allow Americans to explore for American energy using American workers here in America. Four bills. We call on the Senate to step up and pass those bills so that we can create those jobs and we can bring gas prices down so these business owners that I've talked about can compete with businesses not just in the United States but globally.

Talk about regulations? I think about Tidewater Barge, which is located on the Columbia River. The Columbia River is the fourth largest river system in the United States. It is right in my backyard. Tidewater Barge are barge operators. They move freight up and down the Columbia River. Every time I have the opportunity to talk to either those employees or the employer there, they just ask me what's going to happen next. What regulation are you going to send our way that's going to make it more difficult for us to compete.

Health care is a big issue for them. They offer a tremendous health care plan to their employees—vision, dental, you name it. I got the chance to meet with those employees last summer. One of the things that they shared with me—in fact, I had a sweet lady come to me, middle-aged, worked for the company for a while, came to me in tears because she was so afraid of the cuts to Medicare that the Obama administration was putting forward. Over $500 billion. She knew what that meant for her mother and her mother's health care. She was terrified.

So, on one hand, I have the employee saying this is impacting us individually, and then I have the owner saying, Look, this health care bill is going

to cost my employees this tremendous health care plan. It's going to jeopardize it.

Why are we making it harder for these businesses to operate? We should be making it easier for them to operate, not harder. That's part of what we're doing here. We're going to hold this administration—or anybody, really; it's not a Republican or Democrat issue—we're going to hold anybody's feet to the fire. If you work in the Federal Government and you're making it harder for businesses to survive, guess what, we have our eye on you. And we're going to work to advance policies off this House floor like the American energy bills I mentioned earlier. We've also put in place and are fighting to put in place a replacement bill for the disastrous health care bill that was passed last year.

One of those things that I support and it's making it way through committee right now is purchase of health insurance across State lines. That would allow individuals who are right in one of the most costly insurance markets to purchase health insurance. You get on your computer, just like they do for auto insurance—everybody can think of the lizard or the caveman—get on your computer and choose a health care plan from any State in the Union. It has to be regulated by one of those States. Pick one that best meets your needs and your pocketbook. That will drive down costs immediately. And it's not going to grow government, and it's not going to cost taxpayers.

These are commonsense solutions that get us where we need to go. They're going to grow jobs in America, and they're going to return and empower families and individuals and business owners, not the government. It's the right solution. I invite my colleagues on the other side of the aisle to join us.

Mrs. ROBY. I thank the gentlelady from Washington. Again, you make great points. And what we all know as we travel around our districts and we talk to business owners is that it's that very uncertainty associated with ObamaCare that is preventing these job creators to create jobs. They're sitting in their boardrooms, they're sitting around the table in the break room and they're saying, How do we plan for 2014 when we don't know how this is going to affect us? All of the regulations that have yet to be written. Yet, right before we have this hour to share together and to share with America, we see posters of a tombstone where we're out to kill Medicare. Yet ObamaCare alone cuts Medicare by $500 billion.

We have a plan. They don't have a plan. Their plan is the status quo and Medicare dies. That's their plan. Our plan sustains Medicare for this generation and future generations.

Thank you so much.

I now yield to the gentleman from Wisconsin.

Mr. DUFFY. I thank the gentlelady for yielding. I agree with most everything you said tonight, but I have to disagree with you on one point. With regard to Medicare, the President does have a plan. I talk to seniors all over my district. One of the things that makes our seniors so angry is that over the course of their lifetime, the money that they have put in their Social Security accounts, it's been robbed. It's been taken out and spent for other things.

So what the President does in ObamaCare is he takes half a trillion dollars out of Medicare and uses it to spend for ObamaCare. Everyone agrees that we have to fix Medicare. The President agrees there's a problem, Bill Clinton agrees there's a problem, Republicans agree there's a problem. How do we fix it? Well, what the President does is says, I'm going to institute the IPAD board, the Independent Payment Advisory Board. This is a board that's going to look at prices that we pay our health care providers, and it's going to reduce those reimbursements—reimbursements that are already incredibly low.

What does that mean? It's going to affect the access to care for our current seniors. That is absolutely unacceptable. We have a plan in place that's going to save Medicare, it's going to protect Medicare, and we're going to continue this great program for future generations. Let's not be mistaken. The President has a plan that is going to kill Medicare and provide a lack of service to our seniors.

I do want to move from that to jobs, though, because that is what is on everyone's mind. As I travel central and northern Wisconsin, people are concerned about jobs. There's a lack of opportunity. There's a lack of prosperity. And so I want to review what the Democrats did, which is they talked to folks who will come up with abstract theories. They went and talked to university professors, and they came up with an $800 billion-plus stimulus bill. Remember, that was their jobs plan: $800 billion of government spending. They said government spending will lead to economic growth, prosperity, wealth, and sustainable jobs.

We know that government spending doesn't lead to sustainable jobs. It has never worked. It doesn't work. And that's why when they promised that we would have unemployment of only 8 percent and we would create millions of jobs, the alternative happened. We've lost millions of jobs, and we've had unemployment reach almost 10 percent.

What we've done is not talk to the professors who sit in the classroom. I've gone out and talked to job creators, people who are actually putting people in my community back to work. And what do they say? Why aren't they creating jobs? They continually talk about uncertainty in the marketplace. What does that mean? When they talk about uncertainty, they talk about a $14.3 trillion debt, the fact that we're going to borrow $12.5 trillion this year alone. We're going to borrow a trillion dollars every year for the next 10 years. As the gentleman from Illinois said, we are cascading towards a cliff and there's a road sign that says: Danger: Pump the breaks. You're about to go over. That's what we're going to do.

Our job creators are saying, Listen, with this massive debt, it creates uncertainty. It creates uncertainty because we don't know what interest rates are going to be in the very near future. We're concerned about inflation because government is printing money to purchase our debt. They're concerned about punishing tax increases. They're concerned about health care costs with ObamaCare. As the gentlelady from Alabama said, they're concerned about regulation.

□ 2010

In my district, we have a great forest product industry. We make paper in my district. Boiler MACT is going to kill jobs in central Wisconsin and send them to China where they have no regulation.

All these things have come together to create uncertainty, which means our job creators aren't reinvesting; they're not expanding; they're not growing; they're not innovating. Do you know what? It doesn't hurt the job creator. It hurts the families in our communities because they have a lack of opportunity for jobs.

I want to just point to a chart that we have here.

When we have recessions, there is what's called ''symmetry.'' If you have a U-shaped decline in this recession, you'll have a U-shaped recovery. If you have a V-shaped decline, you'll have a V-shaped recovery. That's our history, and you'll see that in this chart. What has happened differently in this recession, the great recession, is we've had a V-shaped decline; the recovery has ticked up a little bit, and then it has flat-lined. Why has it flat-lined?—because of the uncertainty that has been created coming from Washington: from our Democrat colleagues on the other side of the aisle and this administration. It's causing a lack of willingness for our job creators to reinvest.

I want to bring up one last point.

I continually hear how our friends want to increase taxes on our job creators. I think anyone who looks at that says we will not create jobs by taxing the job creator. I think it's a good example. If those who say we should raise taxes are concerned about jobs going overseas, it's a pretty simple example that I use:

You have Wal-Mart and Target and Kmart—all the big-box retailers. They compete against one another, right? They're competing. Yet Kmart is not doing so well. They're laying people off. They're closing stores, right?

My friends on the other side of the aisle, the Democrats, they would come in and they would advise Kmart. They'd say, Listen. You have to bring in more revenue. You have to keep

these people employed. You have to keep these stores open. You need more revenue. To bring in more revenue, all you have to do is raise your prices. If you raise your prices, you'll bring in more revenue.

We all know that's not what will happen. If you raise your prices at Kmart, you will drive more shoppers to Wal-Mart and Target. If you raise the cost of doing business in America, you are going to send more of our jobs to China, India, Mexico, Vietnam; but you're going to outsource these jobs because you're raising the cost of doing business in America.

Let's make sure we make America a competitive place where our job creators can do what they do best, which is to create jobs and to put our hard-working families back to work.

Mrs. ROBY. Thank you so much. I appreciate your comments.

As I did, you brought up Boiler MACT. I do want to point out that we have a colleague from Virginia, the gentleman from Virginia, Representative MORGAN GRIFFITH, who introduced legislation just yesterday—again showing leadership on this side of the aisle—about deregulating the EPA to issue achievable standards for industrial, commercial and institutional boilers, process heaters, incinerators, and for other purposes. For that, we are very grateful for his leadership.

I would now like to yield time to the gentleman from Colorado.

Mr. GARDNER. I thank the gentlelady from Alabama for her leadership on this matter and for the time and opportunity tonight to speak about jobs, our economy and what's happening to our country.

Something that really startled me a little bit tonight was when the gentlelady from Washington made this statement. In speaking to her constituents, in speaking to businesses around her district, she mentioned that one of them said, Let us succeed. I was taken aback when she said that, that somebody would actually come to her and say, All we want the government to do, all we want our policymakers to do, all we want our regulations to do is to let us succeed.

Isn't it amazing that we have transformed our economy from a time when people could go out and achieve what they wanted to achieve by working hard, by sacrificing, by taking risks, and now they're concerned because their government is in a place where it won't let them succeed. I'm glad that you mentioned that tonight because I think that's at the very heart of what every single one of us has talked about tonight and what we will continue to talk about over the next months and years to come:

How do we make sure that the policies that we put in place in this country aren't government-driven decisions that dictate what we're going to do for people's businesses or lives?—but instead get government out of the way so that we can let our businesses, our families and America's working families succeed?

Yesterday, a report was issued by the Congressional Budget Office, but I don't know how many people saw or took the time to listen to or to read what the Congressional Budget Office report had to say. It talked about the fact that we have a $1.6 trillion deficit in this country and that we have a $14 trillion debt, all of this at the same time that our unemployment levels in this country have crept back up over 9 percent—unacceptably high.

Those of us in the Chamber tonight were sent here in November because we believe that we have more important work to do than simply spending money that we don't have, than passing regulations that kill jobs. The work that we were sent here to do in November is work to get our economy back on track.

The report from the Congressional Budget Office indicates that the situation of our economy is actually worse than many have been led to believe. Our national debt will grow to be larger than the entire U.S. economy this year. We officially owe more than the entire country produces in a year. That will happen at the end of this year. If this isn't a wake-up call to what is happening in our economy, to what is happening in our spending, I don't know what will be. We cannot afford to wait and delay. We've got to solve this problem now.

I want to read a quote from the Congressional Budget Office report: The sooner that long-term changes to spending and revenues are agreed on and the sooner they are carried out once the economic weakness ends, the smaller will be the damage to the economy from the growing Federal debt.

The report didn't say we can avoid the damage. The report didn't say there won't be any damage. The report said the smaller will be the damage. A $14 trillion debt. A $1.6 trillion deficit. That is damaging our economy; it's damaging our country, and it's damaging our opportunity to create jobs and long-term economic stability. It is a clear call to action from the Congressional Budget Office. We've got to be bulldogs around this Chamber when it comes to reducing our spending. We have to make sure that we are standing up to the regulators who want to put people out of business simply because they're sitting behind a desk and think they can.

Tom Blach is a constituent of mine who came to me 2 years ago and said, I'm worried that I'll lose my business because of overregulation. Do you know what he saw over the course of the last 2 years? He saw the people he did business with, the people he partnered with leave the State of Colorado because of overregulation.

Last Saturday, I had the opportunity to tour Roggen, Colorado, Haxtun, Colorado, Akron, Colorado, in the Eastern Plains to talk to farmers, wheat growers, cattlemen, ag businessmen, all who came to me with a similar theme: what is happening to them with overregulation and their concern that they won't have the opportunity to pass on their legacies to future generations because of a government that has decided it knows best and knows more than they.

I want to talk a little bit about what the gentlelady from Alabama said when she was referring to the tombstone that we saw shown earlier by the minority, which said ''ending Medicare'' on the tombstone.

Today in committee, we had an opportunity to vote on an amendment that said we will oppose and vote against any amendment, any bill, any legislation that would end Medicare. Do you know what our colleagues on the Democrat side of the aisle did? They voted ''present.'' They voted ''present,'' refusing to stand up for Medicare because they know, when we ask where their plan is, they don't have one. When we ask them where the jobs are, they don't know. When we ask them for leadership, they run and hide. Why?—because they're voting ''present'' when it comes to saving Medicare.

Mrs. ROBY. Thank you so much.

I would now like to yield to the gentleman from New York.

Mr. REED. I thank the gentlelady from Alabama for yielding time, and I thank my colleagues for coming to the floor of the House tonight to stand with us as we have a discussion with the American people—an honest and open discussion. That's what we were called to do in November of this past year with the great election that brought this majority to this Chamber, because we were sick and tired of the smoke and mirrors, of the gamesmanship and of the political rhetoric of yesterday.

□ 2020

We are here today to lead. We are here today to talk in an honest and open fashion about not talking points generated from a political party but a philosophy that will bring America back to be the land of opportunity, not only for us but for our kids and for our grandchildren.

You know, I love hearing the stories that my colleagues are offering about constituents from their home district, about people that are suffering and that are looking for jobs, that are in the ranks of the unemployed. But I also think of the people that are presently in a job, people like Brad Pfister and his wife, Tammy, who are raising a beautiful young girl by the name of Alexa, and they sit in their living rooms, watching their daughter play with the family toys, the Slinky, all the things that, you know, we think of as the American Dream, the things that we enjoy with our families. And what he's worried about is will he have a job, not just tomorrow, but will he have a job 6 months from now? Will he have a job a year from now?

That uncertainty, that fear is something that the men and women and

children of America should not have to live in because we are the strongest Nation on the face of the Earth. We are the land of opportunity. So, when you hear us talking here tonight, it is not about political posturing. It is about articulating a philosophy to America that we, each of us, hold dear, and the philosophy can really be summed up in four points.

You hear us talk a lot about the national debt, and I've been asked at town hall meetings on a regular basis, why is that such a fundamental issue? Why, other than the threat that it presents to us as a Nation, because everyone gets that, why is it so important that we get the national debt under control? And my response has always been that if you're going to create the confidence in the American market in the people that are going to expend millions, billions of dollars to create that new manufacturing base in America, they've got to have the confidence that the American market, that the fiscal house of the United States Government, is in order so that they can make that investment in a safe and secure market. So that's issue number one.

Not only do we have to balance the books and get our fiscal house in order, we have to have an honest conversation about removing the excessive regulations that are being promulgated out of Washington, D.C., and in our State capitals throughout the entire Nation. And when we talk about that, what we're talking about is not going in and repealing all regulation. It's about having commonsense, reasonable regulatory oversight, but not going to the point that we're seeing out of Washington, D.C., that is letting go of common sense and regulating, in my opinion, for the sake of just regulating. That is not good government.

We also believe that our Tax Code in America needs to be reformed. We have talked greatly about it, not only because it's the right thing to do, but also to create a marketplace in America that's going to be competitive worldwide because we are in the world economy. That is the reality of our world, and we need to recognize it, and we need to give our private sector those tools or that environment that allows us to compete on the world economic stage.

The fourth point that I think many of my colleagues here tonight hold near and dear, just like I do, is that we have to adopt and commit our Nation to a comprehensive, domestic orientated energy plan. Why is that important? Not only because of the national security interests that so many people can inherently latch on to—you know, we are importing about 9 million barrels of oil a day, coming from countries and sources that are publicly adverse and sworn enemies of the United States of America. So it just doesn't make sense. But a second issue that needs to be articulated on the energy plan is that if we can grow a domestic, stable source of energy here in America, we will create a marketplace in America that can rely on long-term, stable, low-cost sources of energy.

I can tell you as a small developer myself, when I looked at putting a project together, there were always three things I looked at in the private sector. I said, what are the taxes, what are the insurance costs, and what are the utility costs? And as a mayor of a small city, the city of Corning, my hometown in New York, when I met with developers who were looking to locate into our community, utility costs were always in the top three of concern.

So, if we can adopt and commit ourselves to a domestic orientated, comprehensive energy plan, I am confident we can lower those costs so the American market can become competitive again. That means bringing back our manufacturers. That means building things here in America. And as my colleagues have articulated over and over again, government is not here to create jobs. That is not what our Founding Fathers envisioned. What the Founding Fathers envisioned was a government that preserved and protected the right to have the opportunity to succeed in one's life, not a guarantee to succeed, not one where the government is the one signing the front of the paycheck, but, rather, the individual is going out and earning that paycheck without interference from the government and from sources in the private sector.

I am so happy to be here with my colleagues this evening, and I join you proudly in this fight, in this philosophy of leadership that we have brought to Washington, D.C., and will continue this fight and continue the leadership out of this House Chamber to stand for America, for our kids and our grandchildren, and make it again the land of opportunity that we have all enjoyed.

Mrs. ROBY. I thank the gentleman from New York.

Before I call on the gentleman from Arkansas, I just want to make a point to your story about a company here in the United States trying to achieve exactly what you're talking about. We know the private sector creates jobs. Our friends on the other side of the aisle, all they're doing is standing in the way. We continue to lead, to deregulate.

Recently, a startup company named Staxxon based in Ohio developed prototypes and patented an innovative new technology for shipping containers that could save U.S. manufacturers, retailers, and sea, rail, and truck carriers millions of dollars annually by reducing the cost of moving and storing shipping containers. Staxxon raised about $1 million, all private money, to hire 5 people, buy supplies, hire local welders, and build prototypes. The third party costs—attorneys, accountants, filing fees, printing, et cetera, of compliance with the relevant security regulations to raise $1 million in $30,000 units from private individuals was over $75,000, enough to hire a full-time welder.

He has expressed the need to make the regulatory barriers to raising private investor startup money for innovative entrepreneurial companies like Staxxon much lower while maintaining reasonable protections for private investors and large banking and investment companies.

It is easier for an individual to get a credit card with a $30,000 limit or a home equity loan for $30,000 than it is for the same person in this country, the United States of America, to decide to invest $30,000 in a United States startup company like Staxxon, which goes directly to the point that you're making.

Again, House Republicans continue to lead, but we don't see the same leadership on the other side of the aisle.

I would now like to yield time to the gentleman from Arkansas.

Mr. GRIFFIN of Arkansas. I thank the gentlelady from Alabama.

One of the ways that we in the House are focused on creating an environment so the private sector can create jobs is by pushing the President to do something about the pending trade agreements. There are three pending trade agreements: one with Panama, one with Colombia, and one with South Korea. And all three of them are just sitting there, sitting there while other countries are developing relationships and increasing exports to these countries.

Now, in January of last year President Obama said, ''If America sits on the sidelines while other Nations sign trade deals, we will lose the opportunity to create jobs on our shores.''

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I couldn't agree more. The President recognized last year that we need to move quickly with regard to these agreements that will increase exports. Why? Because if we increase exports, we increase jobs. Some estimates say that if we pass these three trade agreements, that we will create hundreds of thousands of jobs. So it's not just important that we pass them. It's important that we pass them quickly.

Why? Well, I sat down this past week with the Ambassador from Colombia, and he was talking about how his country has greatly increased trade with Europe while they're waiting on the administration here in the United States to move on the agreement with their country so that we can increase our exports and do business more efficiently, create jobs in this country. He said, We're waiting. We're waiting for the administration to take action. We keep hearing, It's coming. It's coming. We're working on it. But he knows that those are just words. We need to get these trade deals passed and in place so that we can compete.

Right now, businesses from Europe are visiting South Korea, they're visiting Colombia, they're visiting Panama, and they're doing business. And

the problem that we have, even if we ultimately get these agreements passed—and I certainly hope we will—we will have lost valuable time. It's not like flipping a switch. When the agreements are passed, everything is equal. We're competing with Europe for the business of Colombia or Panama or South Korea. It's not that easy.

Why? Because while we are sitting on the sidelines waiting for these deals to be passed, the Europeans and others around the world are developing relationships. They're flying to these countries. They're meeting for lunch. They're touring their factories. They're exchanging business cards. They're signing contracts, all while we sit idly by, waiting on the President to do something.

The President talked about doing something on these deals last year. He recognized that if we don't do something, we're going to lose the ability to compete. But what has he done? Nothing. Talk is cheap, Mr. President. We are waiting on you to move these trade deals with Colombia, with South Korea, and with Panama. You want to do something that sends a signal to this country that you are serious about job creation, Mr. President? Then get those deals passed. Get those deals passed. Get out of the way of our businesses and let them compete with Europe and other countries around the world so that they can create jobs. We're ready in this House. We're ready. We will help you get them passed. Just join us, Mr. President.

Mrs. ROBY. I thank the gentleman from Arkansas.

I would now like to yield to the gentleman from Indiana.

Mr. STUTZMAN. I thank the gentlewoman.

It's good to be with you all this evening and talking about the situation that we are currently in in our country. I will tell you, what a sobering moment, being first elected to Washington and coming and finding out about the budget situation that we currently face. This is about our kids' and our grandkids' futures. And I know for myself and for all of you that that is why you run for office, that is why you ran to come to Washington is to address the challenges that we have here in Washington.

It's hard to comprehend the budgeting that has been taking place over the past several years here in Washington, D.C. When we're all back at home and we're facing a tough economy, we're facing a job market that is not that strong, our friends and family, we have people that we know personally that are out of work and are trying to survive in a very fragile economy, yet it seems like we come to Washington and we explain the situation back home and it continues to fall on deaf ears. It falls on deaf ears at the White House. It falls on deaf ears on the other side of the aisle. It falls on deaf ears in the Senate. And ladies and gentlemen, I believe that this is a time for us. This is the greatest opportunity that we will have to change the way Washington works.

We talk a lot about the debt that we are facing here in this country, $14 trillion of debt. We have a debt ceiling, a vote that's coming up here before long. We've almost maxed out the credit cards. And there's just no discussion, no real fortitude to deal with the spending habits of Washington, D.C.

Now, I can tell you that taxes and debt kill jobs, and if we want to get people back to work, we need to tackle both of those and address them in a meaningful way that will produce work for Americans.

I was in a Budget Committee meeting today, and it just is so surprising to me and it just shows the position of so many Washington politicians, that they're out of touch with reality. And that when you have a $1.5 trillion deficit, the quickest way for politicians in Washington is, well, let's just raise taxes. Well, if any taxes go up in this economy, it's going to kill job creation.

As my friend from Wisconsin was talking earlier about the comparison between Walmart and Kmart, he hit the nail on the head. You raise prices, people are going to go somewhere else. And the solution to the Democrats here in Washington is, well, let's just raise taxes to pay for the deficit that we have.

Let me just give you a quick comparison—and I will end briefly here—is that if you are making about $2,000 a month but you are spending $3,500 a month, you are in a pretty deep hole. And every American knows it. We all know that if you are spending $1,500 more than what you are taking in a month, that's a recipe for disaster and bankruptcy. That's where we are at in Washington. The Federal Government is spending $1,500 a month more in comparison to what we're taking in in a month.

Now, their solution is taxes. Their solution is to increase the debt. Neither one of those is the right solution. I believe for us to get jobs back in our economy and job creators who are working, whether it's down at the McDonald's and it's those who are going to be, you know, making the Big Macs there at McDonald's and providing a job for a high school kid or for a college kid, that's what people are looking for. They are looking for confidence in this market.

Ladies and gentlemen, it's good to be with you this evening. I'm thrilled that you are here and that you are spreading the message of what needs to happen here in Washington. I look forward to more discussion.

Mrs. ROBY. Thank you.

And as we move into a discussion now, with the little bit of time we have left, it's like owning a business that brings in $100,000 worth of profit, yet you owe the bank $400,000. That, again, goes to the example that you made about your household, our businesses. Everyone is tightening their belts in this country but for the Federal Government.

I would like to yield to the gentlelady from Washington.

Ms. HERRERA BEUTLER. You know, it's really interesting. There are two different philosophies competing here. One is government does it best, and the one you hear tonight is that the American people do it best.

This last week in the Small Business Committee, Treasury Secretary Tim Geithner was there defending how slowly they have moved to make credit available to small business. When I think about small business owners—Steak Burger in Vancouver, you can get a great steak burger there, steak sandwich—you know, these are small businesses that are hiring young people, high schoolers, kids in college. And as they are trying to keep some of these part-time, minimum-wage kids in jobs, right, it's making it harder for them when the Treasury Secretary believes that raising taxes is how we meet the spending binge here. It's just ridiculous. It's two fundamentally different beliefs.

We here on the House floor tonight believe that Americans can grow jobs and manage their own money much better than the Treasury Secretary or than Washington, D.C. It's just plain simple.

So, thank you.

Mrs. ROBY. I yield to the gentleman from Illinois.

Mr. KINZINGER of Illinois. I want to say, look, this is a great example of freshmen that have come here from all different backgrounds for the purpose of saving our country, saving our Union. And we've seen a great diverse group here from different States, from different backgrounds, and it really is amazing.

I've got to just say, standing here, I am inspired by what I am seeing for the future of America, and I really think we are going to go some places.

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I think we cannot be second-best anymore. I don't think people have to say that America is going to be second-best. We can always stay best.

Mrs. ROBY. And, again, at forums like this tonight, as I stated at the beginning, Americans deserve the truth, and the strongest truth comes directly from the mouths of Americans who are feeling the pain in their homes and in their businesses.

I yield to the gentleman from Wisconsin.

Mr. DUFFY. I agree. Americans are sick of being lied to. We're going to level with the American people.

We just had a joint economic hearing a couple of days ago, and we learned that it is 18 percent more expensive to manufacture in America as opposed to other countries, and that's outside of wages. That's our Tax Code and our

regulations. It's more expensive to manufacture in America. Those are the policies right here in Washington that are making it more expensive. That's absolutely wrong.

I've got to tell you I had a chance to listen to our colleagues on the Democrat side of the aisle go on about tax breaks for big oil companies. I don't know if anyone heard their great conversation about tax breaks for big oil companies.

But I just got here in January. I'm a freshman. I'm new to this, but I don't recall our passing any bills that had tax breaks for oil companies. And they had control of this House for 4 years. Where were their bills to deal with tax breaks for big oil companies? I never saw them.

I hear this commentary that tries to get people ginned up, and it takes our eye off the ball, which is true job creation and making us more competitive in a global economy.

Mrs. ROBY. And becoming less dependent on Middle Eastern oil is all about these very energy bills, that, again, we have shown consistent leadership on just in the 6 months that we've been in the majority.

I go to the gas pump. I pump gas in my car. I know how much it costs. I'm in the grocery store. I see the rising costs of food as it relates to these energy costs. And yet again today we see the President dip into our oil reserves, which should be for emergencies, yet we're using it for politics at a time when this country must become less dependent on Middle Eastern oil.

I yield to the gentleman from Colorado.

Mr. GARDNER. I thank the gentlewoman.

And what's amazing about the argument, today the President releases the oil from our emergency reserve. Yet yesterday on this very floor, a number of people were arguing that, no, we don't need new expansions in production. We don't need more oil being put online in this country because that won't lower the price of fuel. So yesterday they were saying that more supplies won't reduce the price of fuel, but today they're saying release this strategic petroleum reserve because it will reduce the price of fuel. A very confused argument.

Mrs. ROBY. Very. Thank you so much.

Mr. DUFFY. Will the gentlewoman yield?

Mrs. ROBY. I yield to the gentleman from Wisconsin.

Mr. DUFFY. And if you look at tapping into these oil reserves, what does that do to endanger the security of this country? As the gentlelady knows, in the South, whether it's tornadoes or whether it's floods or whether it's hurricanes, things happen in the gulf where we would have to tap into the reserve because our energy supply could be at risk. And here for political purposes to try to drive prices down over the summer driving season, the President has tapped into that reserve. I think that's absolutely unacceptable for political purposes, especially, as we know, that real risks come up that can cause us a need for that energy supply.

Mrs. ROBY. Thank you.

I yield to the gentleman from Arkansas very quickly.

Mr. GRIFFIN of Arkansas. I would just like to say there have been a lot of topics covered tonight, from Medicare to debt to energy. They all relate to jobs. Whether we're talking about reducing the regulatory burden, revising the Tax Code, passing trade agreements, working on energy development and becoming more energy independent, or paying down the debt, they all relate to job creation and making this a country where the private sector can create jobs.

Mrs. ROBY. Again, thank you to all of the freshmen who are here tonight and the States you represent, the districts you represent. We all are here to work for America and American jobs. Thank you for your time, and I look forward to doing this again soon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERG (at the request of Mr. CANTOR) for today from 4 p.m. and for the balance of the week on account of flooding in his district.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today and June 24.

Mr. RANGEL (at the request of Ms. PELOSI) for today on account of official business.

ADJOURNMENT

Mrs. ROBY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Friday, June 24, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2151. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement (DFARS) (RIN: 0750-AG74) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2152. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (RIN: 0750-AH23) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2153. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Foreign Acquisition Amendments (DFARS Case 2011-D017) (RIN: 0750-AH16) received June 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2154. A letter from the Secretary, Department of Defense, transmitting notification that the President approved a new Unified Command Plan; to the Committee on Armed Services.

2155. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Agency Office of the Inspector General (DFARS Case 2011-D006) (RIN:0750-AG97) received June 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2156. A letter from the Assistant Secretary, Department of Defense, transmitting a proposed change to the U.S. Army Reserve Fiscal Year 2009 National Guard and Reserve Equipment Appropriation procurement; to the Committee on Armed Services.

2157. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8181] received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2158. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Securities of Nonmember Insured Banks (RIN: 3064-AD67) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2159. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Record Retention for Regulated Entities and Office of Finance (RIN: 2590-AA10) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2160. A letter from the Secretary, Department of Health and Human Services, transmitting the thirty-first annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

2161. A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Direct Certification and Certification of Homeless, Migrant and Runaway Children for Free School Meals [FNS-2008-0001] (RIN: 0584-AD60) received May 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2162. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Report to Congress for Fiscal Year 2008; to the Committee on Education and the Workforce.

2163. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2164. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued through August 12, 2010 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2165. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2166. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. RSAT-10-2253); to the Committee on Foreign Affairs.

2167. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 31, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2168. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2010 through March 31, 2011, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

2169. A letter from the Assistant Attorney General, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2170. A letter from the Assistant Attorney General, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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2180. A letter from the Assistant Attorney General, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2181. A letter from the Assistant Attorney General, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2182. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting the 2010 management report of the Federal Home Loan Bank of New York, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2183. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2010 through March 31, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

2184. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts received June 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2185. A letter from the President, Inter-American Foundation, transmitting the Foundation's annual report for FY 2010 prepared in accordance with Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2186. A letter from the Director, Office of Personnel Management, transmitting the Office's semiannual report from the office of the Inspector General and the Management Response for the period October 1, 2010 through March 31, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2187. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 101029427-0609-02] (RIN: 0648-XA403) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2188. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures [Docket No.: 110207101-1257-02] (RIN: 0648-BA54) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2189. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No.: 110311192-1279-02] (RIN: 0648-BA01 and 0648-BA95) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2190. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Framework Adjustment 1 [Docket No.: 110218142-1276-02] (RIN: 0648-BA91) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2191. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No.: 100804324-1265-02] (RIN: 0648-BA01) received June 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2192. A letter from the Asssitant Attorney General, Department of Justice, transmitting the Department's report detailing activities under the Civil Rights of Institutionalized Persons Act during Fiscal Year 2010, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

REPORTS ON COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. House Resolution 328. Resolution providing for consideration of the joint resolution (H.J. Res 68) authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya; and providing for consideration of the bill (H.R. 2278) to limit the use of funds appropriated to the Department of Defense for United States Armed Forces in support of North Atlantic Treaty Organization Operation Unified Protector with respect to Libya, unless otherwise specifically authorized by law (Rept. 112–114). Referred to the House Calendar.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 828. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; with an amendment (Rept. 112–115). Referred to the Committee of the Whole House on the State of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 1470. A bill to amend title 5, United States Code, to extend the probationary period applicable to appointments in the civil service, and for other purposes; with an amendment (Rept. 112–116). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. House Joint Resolution 1. Resolution proposing a balanced budget amendment to the Constitution of the United States; with an amendment (Rept. 112–117). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. HAYWORTH:

H.R. 2305. A bill to amend title 38, United States Code, to make memorial headstones and markers available for purchase on behalf of members of reserve components who performed inactive duty training or active duty

for training but did not serve on active duty; to the Committee on Veterans' Affairs.

By Mr. FRANK of Massachusetts (for himself, Mr. PAUL, Mr. CONYERS, Ms. LEE of California, Mr. POLIS, and Mr. COHEN):

H.R. 2306. A bill to limit the application of Federal laws to the distribution and consumption of marihuana, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. CROWLEY, Mr. SAM JOHNSON of Texas, Mr. STARK, Mr. NUNES, Mr. BLUMENAUER, Mr. FLAKE, Mr. COSTA, Mrs. BONO MACK, Mr. LARSEN of Washington, Mr. GOODLATTE, Mr. MATHESON, Mr. LANCE, Mr. WELCH, and Mr. WOMACK):

H.R. 2307. A bill to repeal the tax credits for ethanol blenders, to repeal the tariff on imported ethanol, and for other purposes; to the Committee on Ways and Means.

By Mr. GARRETT (for himself, Mr. BACHUS, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. JONES, Mr. MCHENRY, Mr. CONAWAY, Mr. KING of New York, Mr. CAMPBELL, Mr. SCHWEIKERT, Mr. STIVERS, Mr. DOLD, Mr. MANZULLO, Mr. HURT, Mr. CANSECO, and Mr. YODER):

H.R. 2308. A bill to improve the consideration by the Securities and Exchange Commission of the costs and benefits of its regulations and orders; to the Committee on Financial Services.

By Mr. ISSA (for himself and Mr. ROSS of Florida):

H.R. 2309. A bill to restore the financial solvency of the United States Postal Service and to ensure the efficient and affordable nationwide delivery of mail; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Ms. BALDWIN, Mr. ROTHMAN of New Jersey, Mr. HONDA, Mr. MORAN, Ms. CASTOR of Florida, Mr. BLUMENAUER, Mr. TOWNS, Mr. MCGOVERN, Mr. ACKERMAN, Mr. BRADY of Pennsylvania, Ms. BERKLEY, Mr. GEORGE MILLER of California, Mr. ISRAEL, Mr. FRANK of Massachusetts, Ms. CHU, Mr. HIGGINS, Mr. HINCHEY, Ms. PINGREE of Maine, Ms. MOORE, Mr. POLIS, Mr. PALLONE, Mr. RYAN of Ohio, Mr. DEUTCH, Mrs. MALONEY, Ms. BROWN of Florida, Mr. ENGEL, Mr. CICILLINE, Ms. NORTON, Mr. BERMAN, Mr. SHERMAN, Mr. CONYERS, Mr. MICHAUD, Mrs. CAPPS, Mr. SERRANO, Ms. RICHARDSON, Mr. OLVER, Ms. LORETTA SANCHEZ of California, Mr. STARK, Ms. ZOE LOFGREN of California, Mr. LANGEVIN, Mr. HANNA, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. CAPUANO, Ms. LEE of California, Mr. NADLER, and Mr. HOLT):

H.R. 2310. A bill to provide for equal access to COBRA continuation coverage; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN (for himself and Mr. DAVIS of Illinois):

H.R. 2311. A bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations; to the Committee on Ways and Means.

By Mr. JONES (for himself and Mr. KISSELL):

H.R. 2312. A bill to amend title 10, United States Code, to provide a special rule with respect to purchases by the Department of Defense of textile and apparel products of Federal Prison Industries; to the Committee on Armed Services.

By Mrs. MCMORRIS RODGERS (for herself, Mr. DUNCAN of Tennessee, Mrs. BLACKBURN, Mr. GOWDY, Mr. CHAFFETZ, Mr. LATTA, Mr. HARRIS, Mr. KINGSTON, Mr. NEUGEBAUER, Mr. HASTINGS of Washington, Mr. SIMPSON, Mrs. HARTZLER, Mr. COFFMAN of Colorado, Mr. JONES, Mr. REHBERG, and Mr. LONG):

H.R. 2313. A bill to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota in that Fund, and certain other authorities, and to rescind related appropriations; to the Committee on Financial Services, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself and Mr. TIERNEY):

H.R. 2314. A bill to increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Armed Services, Homeland Security, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS (for himself, Ms. DELAURO, Mr. MORAN, Ms. NORTON, Ms. MOORE, Mr. OLVER, Ms. SCHWARTZ, Ms. CLARKE of New York, Mrs. CAPPS, Mr. ELLISON, Ms. BROWN of Florida, Mr. NADLER, Mr. HINCHEY, Ms. DEGETTE, Ms. FUDGE, Ms. RICHARDSON, Mr. BLUMENAUER, Mr. WU, Ms. PINGREE of Maine, and Mr. SERRANO):

H.R. 2315. A bill to promote the economic self-sufficiency of low-income women through their increased participation in high-wage, high-demand occupations where they currently represent 25 percent or less of the workforce; to the Committee on Education and the Workforce.

By Mr. SCOTT of Virginia (for himself, Mr. PAUL, Mr. CONYERS, Mr. BARTLETT, Mr. HASTINGS of Florida, and Mr. ELLISON):

H.R. 2316. A bill to apply reduced sentences for certain cocaine base offenses retroactively for certain offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. WU (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2317. A bill to promote green transportation infrastructure through research and development, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. SESSIONS (for himself, Mr. WEST, Mr. MACK, Mr. STUTZMAN, Mr. MARCHANT, Mr. JONES, Mr. GRIFFITH of Virginia, Mr. YOUNG of Florida, Mr. BONNER, Ms. HAYWORTH, Mr. FORBES, Mr. CROWLEY, Mr. FORTENBERRY, Mr. CONAWAY, Mr. CARTER, Mr. FARENTHOLD, Mr. TIPTON, Mr. BUCHANAN, Mr. BURGESS, and Mr. NEUGEBAUER):

H.R. 2318. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to increase the amount of the Medal of Honor special pension provided under that title by up to $500; to the Committee on Veterans' Affairs.

By Mr. BRADY of Texas:

H.R. 2319. A bill to cap noninterest Federal spending as a percentage of full employment GDP, to require that budgets and budget resolutions adhere to these caps, to enforce these caps, to increase financial transparency for mandatory programs, to provide for a line-item adjustment, to require the parings of significant spending increases and adjustments to the debt ceiling, and to provide for a Federal Sunset commission to assist Congress in eliminating Federal agencies and programs that no longer serve a public need or reforming those that are inefficient or ineffective in serving a public need, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Ways and Means, Appropriations, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 2320. A bill to amend the Internal Revenue Code of 1986 to permanently extend existing elective tax treatment for Alaska Native Settlement Trusts; to the Committee on Ways and Means.

By Mr. BACHUS (for himself, Ms. SEWELL, Mr. BROOKS, Mr. BONNER, Mr. ROGERS of Alabama, Mr. LONG, Mr. ROSS of Arkansas, Mr. HARPER, Mr. JONES, Mr. WESTMORELAND, Mr. PALAZZO, Mr. DUNCAN of Tennessee, Mr. CARNAHAN, Mrs. ROBY, Mr. CLAY, Mr. AUSTIN SCOTT of Georgia, Mr. WOMACK, Mr. CRAWFORD, Mr. ROE of Tennessee, Mrs. HARTZLER, Mr. LUCAS, Mr. COLE, Mr. FINCHER, Mr. GRIFFIN of Arkansas, Mr. GUTHRIE, Mr. DESJARLAIS, and Mr. NUNNELEE):

H.R. 2321. A bill to provide temporary tax relief for areas damaged by 2011 Southeastern severe storms, tornados, and flooding, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BENISHEK (for himself and Mr. KILDEE):

H.R. 2322. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Natural Resources.

By Mrs. CAPITO:

H.R. 2323. A bill to amend title 23, United States Code, to permit the State of West Virginia to allow the operation of certain vehicles for the hauling of coal and coal by-products on Interstate Route 77 in Kanawha County, West Virginia; to the Committee on Transportation and Infrastructure.

By Mrs. CAPITO (for herself, Mr. SHULER, and Mr. SARBANES):

H.R. 2324. A bill to prevent drunk driving injuries and fatalities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARNEY (for himself, Mr. LOBIONDO, Mr. HOLT, Mr. HINCHEY,

Mr. FITZPATRICK, Mr. DENT, Mr. RUNYAN, Mr. ANDREWS, Ms. SCHWARTZ, and Mr. MEEHAN):

H.R. 2325. A bill to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself and Mr. HOLT):

H.R. 2326. A bill to amend the Elementary and Secondary Education Act of 1965 to establish the National Education Innovation Network and the National Innovation Corps; to the Committee on Education and the Workforce.

By Mr. GINGREY of Georgia (for himself, Mr. KING of Iowa, Mr. BROUN of Georgia, Mr. WESTMORELAND, Mr. CULBERSON, Mr. THOMPSON of Pennsylvania, Mr. JONES, Mrs. BONO MACK, Mr. BARTLETT, Mr. MACK, and Mr. BILBRAY):

H.R. 2327. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from the conversion of property by reason of eminent domain; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mr. WELCH, Mr. DEFAZIO, Mr. GRIJALVA, Mr. OLVER, and Mr. STARK):

H.R. 2328. A bill to require the Chairman of the Commodity Futures Trading Commission to impose unilaterally position limits and margin requirements to eliminate excessive oil speculation, and to take other actions to ensure that the price of crude oil, gasoline, diesel fuel, jet fuel, and heating oil accurately reflects the fundamentals of supply and demand, to remain in effect until the date on which the Commission establishes position limits to diminish, eliminate, or prevent excessive speculation as required by title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and for other purposes; to the Committee on Agriculture.

By Mr. JOHNSON of Ohio (for himself, Mr. BASS of New Hampshire, Mr. LATOURETTE, Mr. UPTON, Mrs. EMERSON, Mr. COBLE, Mr. PITTS, Mrs. SCHMIDT, and Mr. BROOKS):

H.R. 2329. A bill to amend the Servicemembers Civil Relief Act to provide for certain requirements for financial institutions that are creditors for obligations and liabilities covered by that Act; to the Committee on Veterans' Affairs.

By Mr. LOEBSACK:

H.R. 2330. A bill to establish a National Flood Research and Education Consortium to plan, coordinate, conduct, and share research on flooding, flood prevention, and other flood-related issues, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. STARK, and Ms. HIRONO):

H.R. 2331. A bill to assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year-olds for at least 1 year preceding kindergarten; to the Committee on Education and the Workforce.

By Mrs. MALONEY (for herself, Mr. FARR, and Mr. CONYERS):

H.R. 2332. A bill to amend the Public Health Service Act to establish a program of research regarding the risks posed by the presence of dioxin, synthetic fibers, and other additives in feminine hygiene products, and to establish a program for the collection and analysis of data on toxic shock syndrome; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 2333. A bill to enhance safety of individuals by banning the use of hand-held mobile devices while driving, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MORAN (for himself, Ms. BERKLEY, Mr. HASTINGS of Florida, and Mr. WOLF):

H.R. 2334. A bill to amend the Public Health Service Act to specifically include, in programs of the Substance Abuse and Mental Health Services Administration, programs to research, prevent, and treat the harmful consequences of pathological and other problem gambling, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. NOEM (for herself, Mr. KLINE, Mr. LEWIS of California, Mr. COLE, Mr. PAUL, and Mr. MCCLINTOCK):

H.R. 2335. A bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act; to the Committee on Education and the Workforce.

By Ms. PINGREE of Maine (for herself and Mr. MICHAUD):

H.R. 2336. A bill to amend the Wild and Scenic Rivers Act to designate segments of the York River and associated tributaries for study for potential inclusion in the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Mr. POE of Texas (for himself, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. COSTA, Mr. FARR, Ms. TSONGAS, Mr. ROHRABACHER, Mr. CONNOLLY of Virginia, Mr. FALEOMAVAEGA, Ms. BUERKLE, Ms. WILSON of Florida, Mr. DOGGETT, Mr. CAPUANO, and Ms. SPEIER):

H.R. 2337. A bill to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes; to the Committee on Foreign Affairs.

By Mr. POSEY (for himself, Mr. MILLER of Florida, Mr. SOUTHERLAND, Ms. BROWN of Florida, Mr. CRENSHAW, Mr. NUGENT, Mr. STEARNS, Mr. MICA, Mr. WEBSTER, Mr. BILIRAKIS, Mr. YOUNG of Florida, Ms. CASTOR of Florida, Mr. ROSS of Florida, Mr. BUCHANAN, Mr. MACK, Mr. ROONEY, Ms. WILSON of Florida, Ms. ROS-LEHTINEN, Mr. DEUTCH, Ms. WASSERMAN SCHULTZ, Mr. DIAZ-BALART, Mr. WEST, Mr. HASTINGS of Florida, Mrs. ADAMS, and Mr. RIVERA):

H.R. 2338. A bill to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the ''Harry T. and Harriette Moore Post Office''; to the Committee on Oversight and Government Reform.

By Mr. QUIGLEY (for himself and Mr. POLIS):

H.R. 2339. A bill to create a Lobbying Disclosure Act Task Force, and to make certain modifications to the Lobbying Disclosure Act of 1995; to the Committee on the Judiciary.

By Mr. QUIGLEY (for himself and Ms. SPEIER):

H.R. 2340. A bill to amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, and the Federal Funding Accountability and Transparency Act of 2006 to improve access to information in the legislative and executive branches of the Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, House Administration, the Judiciary, and Ethics, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. BRALEY of Iowa, Ms. DELAURO, Ms. EDWARDS, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HONDA, Mr. KILDEE, Mr. LANGEVIN, Mr. MCGOVERN, Mr. MICHAUD, Ms. MOORE, Mr. PASCRELL, Mr. PERLMUTTER, Ms. PINGREE of Maine, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Ms. SUTTON, and Mr. WU):

H.R. 2341. A bill to amend the Fair Labor Standards Act with regard to certain exemptions under that Act for direct care workers and to improve the systems for the collection and reporting of data relating to the direct care workforce, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself and Mr. CUMMINGS):

H.R. 2342. A bill to establish and operate a National Center for Campus Public Safety; to the Committee on the Judiciary.

By Mr. SCOTT of Virginia (for himself and Mr. CONYERS):

H.R. 2343. A bill to amend title 18, United States Code, to award credit toward the service of a sentence to prisoners who participate in designated educational, vocational, treatment, assigned work, or other developmental programs, and for other purposes; to the Committee on the Judiciary.

By Mr. SCOTT of Virginia (for himself and Mr. CONYERS):

H.R. 2344. A bill to amend title 18, United States Code, with respect to the good time credit toward service of sentences of imprisonment; to the Committee on the Judiciary.

By Mr. STUTZMAN:

H.R. 2345. A bill to amend title 38, United States Code, to extend the authorization of appropriations for the Secretary of Veterans Affairs to pay a monthly assistance allowance to disabled veterans training or competing for the Paralympic Team and the authorization of appropriations for the Secretary of Veterans Affairs to provide assistance to United States Paralympics, Inc; to the Committee on Veterans' Affairs.

By Ms. WOOLSEY (for herself, Mr. STARK, Mrs. MALONEY, Ms. DELAURO, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Ms. LEE of California, Mr. CONYERS, Ms. WATERS, Mr. OLVER, Ms. HIRONO, Mr. HASTINGS of Florida, Mr. BRADY of Pennsylvania, Mr. FILNER, Ms. MOORE, Mr. PAYNE, Mr. JACKSON of Illinois, Mr. RUSH, Mr. MCDERMOTT, Ms. CHU, Mr. ELLISON, Mr. HINCHEY, Mr. GRIJALVA, Ms. BROWN of Florida, Mr. HONDA, Ms. NORTON, Ms. FUDGE, and Mr. SERRANO):

H.R. 2346. A bill to improve the lives of working families by providing family and medical need assistance, child care assistance, in-school and afterschool assistance,

family care assistance, and encouraging the establishment of family-friendly workplaces; to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, House Administration, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 2347. A bill to authorize the Secretary of the Interior to convey a railroad right of way between North Pole, Alaska, and Delta Junction, Alaska, to the Alaska Railroad Corporation; to the Committee on Natural Resources.

By Mr. GOODLATTE (for himself, Mr. WOLF, Mr. MORAN, Mr. WITTMAN, Mr. SCOTT of Virginia, and Mr. CONNOLLY of Virginia):

H. Con. Res. 62. Concurrent resolution to commemorate the 75th anniversary of the dedication of Shenandoah National Park; to the Committee on Natural Resources.

By Mr. MCGOVERN (for himself, Mr. HASTINGS of Florida, Mr. WOLF, Mr. PITTS, and Mrs. MYRICK):

H. Res. 327. A resolution expressing the sense of the House of Representatives that the trial and subsequent convictions of Mikhail Khodorkovsky and Platon Lebedev by the Government of the Russian Federation constitute a politically motivated case of selective arrest and prosecution which put in serious doubt the rule of law and the independence of Russia's judicial system; to the Committee on Foreign Affairs.

By Mr. GINGREY of Georgia (for himself, Mr. KING of Iowa, Mr. BROUN of Georgia, Mr. WESTMORELAND, Mr. CULBERSON, Mr. THOMPSON of Pennsylvania, Mr. JONES, Mrs. BONO MACK, Mr. BARTLETT, Mr. MACK, and Mr. WEBSTER):

H. Res. 329. A resolution expressing support for the private property rights protections guaranteed by the 5th Amendment to the Constitution on the 6th anniversary of the Supreme Court's decision of Kelo v. City of New London; to the Committee on the Judiciary.

By Mr. PETERS:

H. Res. 330. A resolution amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes; to the Committee on Rules.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. HAYWORTH:

H.R. 2305.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8, of the United States Constitution reserves to Congress the power to raise and support Armies and provide and maintain a Navy, as well as make Rules for the Government and Regulation of the land and naval Forces.

By Mr. FRANK of Massachusetts:

H.R. 2306.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. HERGER:

H.R. 2307.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. GARRETT:

H.R. 2308.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 (''The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States''), 3 (''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes''), and 18 (''To make all Laws which shall be necessary and proper for carrying into-Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof'').

By Mr. ISSA:

H.R. 2309.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7, which empowers Congress ''To establish Post Offices and post Roads

By Ms. SPEIER:

H.R. 2310.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. PAULSEN:

H.R. 2311.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 1.

By Mr. JONES:

H.R. 2312.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution provides that Congress shall have the power ''to raise and support Armies'' and ''to provide for organizing, arming, and disciplining the Militia''.

By Mrs. MCMORRIS RODGERS:

H.R. 2313.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Congress' legislative powers under Article I, Section 9, that no money shall be drawn from the Treasury but in consequence of Appropriations made by Law, and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be made from time to time.

By Mr. DAVIS of Kentucky:

H.R. 2314.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 14 (''to make Rules for the Government''), and Article I, section 8, clause 1 (''to provide for the Common Defense and General Welfare'').

By Mr. POLIS:

H.R. 2315.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1,

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. SCOTT of Virginia:

H.R. 2316.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. WU:

H.R. 2317.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. SESSIONS:

H.R. 2318.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. BRADY of Texas:

H.R. 2319.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is enumerated in: (1) Article I, Section 5, Clause 2 of the United States Constitution; (2) Article I, Section 8, Clauses 1–2, 14 of the United States Constitution; and (3) Article I, Section 9, Clause 7 of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 2320.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 and Article 1, Section 8, Clause 1.

By Mr. BACHUS:

H.R. 2321.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. BENISHEK:

H.R. 2322.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 3 of the Constitution

By Mrs. CAPITO:

H.R. 2323.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, cl 1 of the United States Constitution.

By Mrs. CAPITO:

H.R. 2324.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, cl 1 of the United States Constitution.

By Mr. CARNEY:

H.R. 2325.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 and Article IV, section 3 of the Constitution of the United States.

By Mrs. DAVIS of California:

H.R. 2326.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. GINGREY of Georgia:

H.R. 2327.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 that states, ''The Congress shall have Power To lay and collect Taxes, Duties, Imposts, and Excises''

By Mr. HINCHEY:

H.R. 2328.

Congress has the power to enact this legislation pursuant to the following:

Section 8 : Powers of Congress

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

By Mr. JOHNSON of Ohio:

H.R. 2329.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 1, clause 18 of the United States Constitution.

By Mr. LOEBSACK:

H.R. 2330.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1

By Mrs. MALONEY:

H.R. 2331.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mrs. MALONEY:

H.R. 2332.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3, which reads: To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes.

By Mrs. MCCARTHY of New York:

H.R. 2333.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution, which enumerates the power of Congress to regulate interstate commerce.

By Mr. MORAN:

H.R. 2334.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mrs. NOEM:

H.R. 2335.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Ms. PINGREE of Maine:

H.R. 2336.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; and Article 1, Section 8, Clause 3—The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. POE of Texas:

H.R. 2337.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. POSEY:

H.R. 2338.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7 (power to establish Post Offices) and Article 1, Section 8, Clause 18 (the Necessary and Proper Clause).

By Mr. QUIGLEY:

H.R. 2339.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. QUIGLEY:

H.R. 2340.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 2341.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. SCOTT of Virginia:

H.R. 2342.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution

Clause 18 of section 8 of article I of the Constitution

By Mr. SCOTT of Virginia:

H.R. 2343.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 & Clause 18 of the Constitution.

By Mr. SCOTT of Virginia:

H.R. 2344.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 & Clause 18 of the Constitution.

By Mr. STUTZMAN:

H.R. 2345.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for H.R. XXX is provided by Article I, section 8 of the Constitution of the United States.

By Ms. WOOLSEY:

H.R. 2346.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced under the powers granted to Congress under Article 1 of the Constitution.

By Mr. YOUNG of Alaska:

H.R. 2347.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 and Article 4, Section 3, Clause 2

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. RICHMOND.

H.R. 179: Mr. GERLACH.

H.R. 181: Mr. GERLACH.

H.R. 190: Mr. LEWIS of Georgia.

H.R. 284: Mrs. CHRISTENSEN.

H.R. 287: Mr. COHEN, Mr. GENE GREEN of Texas, and Ms. MOORE.

H.R. 329: Mr. BRALEY of Iowa.

H.R. 374: Mr. MARINO, Mr. BARLETTA, and Mr. HUIZENGA of Michigan.

H.R. 436: Mr. MACK and Mr. COBLE.

H.R. 452: Mr. CASSIDY, Mr. GERLACH, Mr. BARLETTA, Mr. THORNBERRY, and Mr. WEBSTER.

H.R. 591: Mr. YARMUTH.

H.R. 607: Ms. SLAUGHTER.

H.R. 639: Mr. BARROW, Ms. CLARKE of New York, Mr. GONZALEZ, Mr. OLVER, and Mr. SHIMKUS.

H.R. 645: Mr. MCKINLEY and Mr. GUTHRIE.

H.R. 674: Mr. BISHOP of Georgia, Mr. DESJARLAIS, Mr. GRIMM, Mr. WOODALL, and Mr. HEINRICH.

H.R. 676: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 679: Mr. GENE GREEN of Texas.

H.R. 687: Mr. FARENTHOLD.

H.R. 719: Ms. SCHAKOWSKY, Mr. ALEXANDER, Mr. ACKERMAN, Mr. POLIS, and Mr. GARDNER.

H.R. 721: Mr. SOUTHERLAND.

H.R. 724: Mr. GENE GREEN of Texas.

H.R. 733: Mr. GUTHRIE, Mr. PALAZZO, and Mr. AKIN.

H.R. 735: Mr. GRAVES of Georgia, Mr. BARTON of Texas, Mr. CASSIDY, and Mrs. HARTZLER.

H.R. 743: Mr. JOHNSON of Ohio.

H.R. 750: Mrs. CAPITO and Mr. BERG.

H.R. 756: Mr. WU.

H.R. 763: Mr. GARDNER and Mr. CONAWAY.

H.R. 795: Mr. GOSAR and Mr. LUJÁN.

H.R. 807: Mr. HEINRICH.

H.R. 894: Ms. SPEIER.

H.R. 936: Mr. PETERS.

H.R. 938: Mr. COHEN.

H.R. 949: Mr. CONYERS.

H.R. 973: Mr. HERGER.

H.R. 990: Mr. HUNTER.

H.R. 991: Mr. THOMPSON of Pennsylvania, Mr. PITTS, and Mr. HUNTER.

H.R. 998: Mr. MILLER of North Carolina.

H.R. 1041: Mr. KEATING and Mr. LOBIONDO.

H.R. 1048: Mr. DAVIS of Illinois.

H.R. 1057: Ms. PINGREE of Maine.

H.R. 1093: Mr. FINCHER and Mr. GUTHRIE.

H.R. 1103: Mr. GRIJALVA.

H.R. 1106: Mr. SABLAN.

H.R. 1161: Mr. WALBERG.

H.R. 1173: Mr. LONG.

H.R. 1179: Mr. MCCAUL.

H.R. 1188: Mr. MORAN.

H.R. 1218: Mrs. CAPITO.

H.R. 1236: Mr. PERLMUTTER, Mr. GRAVES of Missouri, Ms. CASTOR of Florida, Mr. THOMPSON of Pennsylvania, Mr. WALDEN, and Mrs. CAPPS.

H.R. 1240: Ms. NORTON and Mr. GENE GREEN of Texas.

H.R. 1259: Mr. AMASH, Mr. SOUTHERLAND, Mr. LABRADOR, and Mr. CALVERT.

H.R. 1265: Mr. BURTON of Indiana, Mr. WELCH, Mr. POSEY, Mr. JOHNSON of Ohio, and Mr. BOUSTANY.

H.R. 1269: Mr. WITTMAN, Ms. HIRONO, Mr. HINCHEY, Mrs. NOEM, and Mr. MICHAUD.

H.R. 1272: Mr. PAULSEN.

H.R. 1283: Mr. GERLACH.

H.R. 1317: Ms. BASS of California.

H.R. 1322: Mr. KILDEE, Mr. MEEKS, and Mr. ROTHMAN of New Jersey.

H.R. 1370: Mr. MILLER of Florida and Mr. TERRY.

H.R. 1397: Ms. LORETTA SANCHEZ of California.

H.R. 1416: Mr. BILBRAY.

H.R. 1417: Mr. COHEN, Ms. SCHAKOWSKY, and Mr. GUTIERREZ.

H.R. 1426: Mr. CARSON of Indiana, Mr. CICILLINE, Mr. PAULSEN, and Mr. LARSEN of Washington.

H.R. 1451: Mr. HONDA.

H.R. 1456: Ms. WOOLSEY.

H.R. 1466: Mr. JOHNSON of Georgia.

H.R. 1546: Mr. FARR, Mr. WITTMAN, Mr. NEAL, Mr. SHUSTER, Mr. LATHAM, Mr. KUCINICH, Mr. BISHOP of Utah, Mr. CICILLINE, and Mr. FRANK of Massachusetts.

H.R. 1558: Mr. OLSON, Mr. BISHOP of Georgia, and Mr. PITTS.

H.R. 1574: Mr. FATTAH.

H.R. 1585: Mr. SULLIVAN, Mr. HARRIS, and Mr. NUNNELEE.

H.R. 1588: Mr. LUCAS, Mr. FARENTHOLD, and Mrs. HARTZLER.

H.R. 1633: Mr. KINGSTON, Mr. SMITH of Texas, Mr. HENSARLING, Mr. DESJARLAIS, Mr. BERG, and Mr. TIPTON.

H.R. 1639: Mr. MILLER of Florida and Mr. WESTMORELAND.

H.R. 1651: Mr. CUMMINGS.

H.R. 1666: Ms. BROWN of Florida and Mr. HEINRICH.

H.R. 1675: Mr. BISHOP of Georgia.

H.R. 1687: Mr. CARSON of Indiana.

H.R. 1688: Mr. SMITH of New Jersey.

H.R. 1697: Mr. WALBERG and Mr. SHULER.

H.R. 1704: Mr. THOMPSON of California, Mr. FILNER, Mr. REYES, Mr. LARSEN of Washington, Mr. KILDEE, Mr. PETRI, and Mr. PASTOR of Arizona.

H.R. 1723: Mr. CALVERT.

H.R. 1744: Mr. ROKITA and Mr. SCOTT of South Carolina.
H.R. 1755: Mr. GRIMM.
H.R. 1781: Mr. FILNER.
H.R. 1798: Mrs. NAPOLITANO.
H.R. 1803: Mr. DEUTCH and Mr. HINCHEY.
H.R. 1811: Mr. LAMBORN, Mr. KISSELL, Mr. LOBIONDO, Mr. MORAN, Mr. WESTMORELAND, and Mr. FARENTHOLD.
H.R. 1815: Mr. POLLS, Ms. SUTTON, Mr. PETERS, and Mr. HANNA.
H.R. 1821: Mr. COHEN.
H.R. 1848: Ms. FOXX and Mr. ROONEY.
H.R. 1852: Ms. HIRONO, Mr. PETRI, Mr. FITZPATRICK, Mr. COHEN, Mr. CARDOZA, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. DICKS, Mr. JOHNSON of Ohio, and Mr. BISHOP of Georgia.
H.R. 1856: Mr. TOWNS.
H.R. 1861: Mr. TIBERI.
H.R. 1865: Mr. BARLETTA, Mr. FARENTHOLD, and Mr. HUNTER.
H.R. 1880: Mr. DEUTCH.
H.R. 1903: Ms. BORDALLO and Mr. RANGEL.
H.R. 1905: Mrs. ADAMS, Mr. BILIRAKIS, Mr. FILNER, Mr. FRANKS of Arizona, Mr. LEWIS of California, Mr. ROHRABACHER, Mr. AUSTIN SCOTT of Georgia, Ms. SUTTON, Mr. WALDEN, Mr. CALVERT, Mr. MATHESON, Mr. PASCRELL, Mr. DIAZ-BALART, Mr. SARBANES, Mrs. BACHMANN, Ms. BUERKLE, Ms. CASTOR of Florida, Mr. FORBES, Mr. LANDRY, Mr. LATOURETTE, Mr. PRICE of Georgia, Mr. WAXMAN, Mr. RIBBLE, Ms. BASS of California, Mrs. BONO MACK, Mr. FORTENBERRY, Mr. GRAVES of Georgia, Ms. JENKINS, Mr. LIPINSKI, Mr. LUETKEMEYER, Mr. KIND, Mr. MCHENRY, Mr. WELCH, Mr. POMPEO, and Mr. BILBRAY.
H.R. 1940: Mr. SARBANES and Mr. CALVERT.
H.R. 1974: Ms. SPEIER.
H.R. 1978: Mr. MARCHANT, Ms. BASS of California, Mr. MCGOVERN, Mr. PAYNE, and Mr. BLUMENAUER.
H.R. 2033: Mr. LATHAM, Mr. PLATTS, and Mr. LARSON of Connecticut.
H.R. 2040: Mr. FLORES.
H.R. 2042: Mr. MCDERMOTT.
H.R. 2051: Mr. HERGER.
H.R. 2069: Mr. FILNER.
H.R. 2077: Mr. BUCSHON.
H.R. 2092: Mr. DAVIS of Kentucky and Mr. LONG.
H.R. 2107: Mr. ALTMIRE.
H.R. 2108: Mr. WHITFIELD.
H.R. 2140: Mr. PAUL.
H.R. 2145: Mrs. ADAMS.
H.R. 2146: Mrs. MALONEY.
H.R. 2159: Mr. KISSELL, Mr. MEEKS, Mr. BISHOP of Georgia, and Mr. GRIJALVA.
H.R. 2171: Mr. SOUTHERLAND.
H.R. 2173: Mr. SOUTHERLAND.
H.R. 2186: Ms. CHU.
H.R. 2226: Mr. PAYNE, Ms. CHU, Mr. LUJÁN, and Ms. JACKSON LEE of Texas.
H.R. 2229: Mr. RYAN of Ohio.
H.R. 2233: Mr. BISHOP of Georgia.
H.R. 2250: Mr. MICHAUD, Mr. GIBBS, Ms. HERRERA BEUTLER, Mr. WHITFIELD, and Mrs. MYRICK.
H.R. 2298: Mr. SIRES.
H.R. 2299: Mr. LANKFORD, Mr. ROGERS of Alabama, and Mr. GALLEGLY.
H. Con. Res. 21: Mr. POE of Texas, Mr. GRAVES of Georgia, Mr. CHABOT, Mr. BURGESS, Mr. ROGERS of Kentucky, Mr. GRIFFIN of Arkansas, Mr. RIBBLE, Mr. SCHOCK, Mr. HANNA, Mr. FRELINGHUYSEN, and Mr. GIBBS.
H. Con. Res. 25: Mr. KING of New York.
H. Con. Res. 39: Mr. HINCHEY, Mr. LONG, Mr. SMITH of Texas, Mr. ROE of Tennessee, and Mr. BENISHEK.
H. Res. 13: Ms. EDWARDS and Mrs. CAPITO.
H. Res. 25: Mr. CRENSHAW and Mr. BARROW.
H. Res. 60: Mr. BILBRAY.
H. Res. 111: Mr. MILLER of North Carolina.
H. Res. 137: Mr. ELLISON.
H. Res. 183: Mr. AUSTIN SCOTT of Georgia.
H. Res. 265: Ms. ESHOO.
H. Res. 268: Mr. GRAVES of Georgia, Mr. RICHMOND, Mr. WOMACK, Mr. FARENTHOLD, Mrs. BONO MACK, Mr. CAMP, Mr. MCHENRY, Mr. HECK, Mr. BARTON of Texas, Mr. RIBBLE, Mrs. NOEM, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. JACKSON of Illinois, Ms. MATSUI, Ms. SLAUGHTER, Mr. CARNAHAN, Mr. FRELINGHUYSEN, and Mrs. CHRISTENSEN.
H. Res. 298: Mr. CLEAVER and Mr. CARNAHAN.
H. Res. 317: Mr. MCKINLEY, Mr. TOWNS, Mr. ISRAEL, Ms. BERKLEY, Mr. AUSTIN SCOTT of Georgia, Mr. DEUTCH, Mr. GRIMM, Mr. SHULER, and Mr. DOLD.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY: MR. MCKEON

The provisions that warranted a referral to the Committee on Armed Services in H.R. 2278, to limit the use of funds appropriated to the Department of Defense for United States Armed Forces in support of North Atlantic Treaty Organization Operation Unified Protector with respect to Libya, unless otherwise specifically authorized by law, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY: MS. ROS-LEHTINEN

The provisions that warranted a referral to the Committee on Foreign Affairs in House Joint Resolution 68, authorizing the limited use of the United States Armed Forces in Support of the NATO mission in Libya, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 47: Mr. PETERSON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2219

OFFERED BY: MR. CARTER

AMENDMENT NO. 31: Strike section 8127 (page 122, lines 6 through 9), relating to military musical units.

H.R. 2219

OFFERED BY: MR. GOHMERT

AMENDMENT NO. 32: At the end of the bill (before the short title), add the following:

SEC. ____. None of the funds made available by this Act may be obligated, expended, or used in any manner to support operations, including NATO or United Nations operations, against Libya.

H.R. 2219

OFFERED BY: MR. BENISHEK

AMENDMENT NO. 33: Page 16. line 13, strike ": *Provided further*" and all that follows through "this Act" on line 20.

H.R. 2219

OFFERED BY: MR. BENISHEK

AMENDMENT NO. 34: Page 14. line 24, strike ": *Provided further*" and all that follows through "this Act" on page 15, line 5.

H.R. 2219

OFFERED BY: MR. BENISHEK

AMENDMENT NO. 35: Page 14. line 4, strike ": *Provided further*" and all that follows through "this Act" on line 10.

H.R. 2219

OFFERED BY: MR. BENISHEK

AMENDMENT NO. 36: Page 15. line 19, strike ": *Provided further*" and all that follows through "this Act" on line 25.