United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

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# Senate

The Senate was not in session today. Its next meeting will be held on Monday, September 30, 2013, at 2 p.m.

# House of Representatives

SATURDAY, SEPTEMBER 28, 2013

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

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*September 28, 2013.*

I hereby appoint the Honorable CHRIS STEWART 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 3, 2013, 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.

## CONTINUING RESOLUTION AND DEBT CEILING

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

Mr. BLUMENAUER. Mr. Speaker, we are here in the Capitol awaiting a decision by the Republicans in the House about the next step to deal with the fiscal crisis they have created.

It is not really that complicated. The Monday deadline approaches to continue the operation of the Federal Government with a shutdown looming because the Republicans have refused to work on a bipartisan basis to resolve the funding issues.

The centerpiece of their rhetoric has been objection to the Affordable Care Act and their childish insistence that a program that has been approved by Congress, President Obama reelected defending it, and validated by the Supreme Court, that somehow this bell can be un-rung.

Billions have already been spent, hundreds of thousands of people are working to make the reform operational, and it seems to be working. Better prescription drug benefits for senior citizens are putting more money in their pockets. Children under the age of 26 have been able to stay on their parents' policies.

Beginning Tuesday, enrollment starts for the exchanges, and on January 1 it goes live with better health insurance. People can't be refused insurance for preexisting conditions. There will be no lifetime limits on benefits. Health insurance will be more affordable with subsidies for millions, and there will be more competition for all. These provisions are overwhelmingly supported by the American public.

The health insurance program will save billions of dollars for the Federal Government, reducing the deficit. That's the judgment of the CBO. In fact, isn't it ironic that having campaigned against these health care savings and losing, PAUL RYAN and the Republicans include those very savings in their budget?

My Republican friends are paralyzed in part because they've adopted a draconian budget that actually requires savings in the very health plan they want to defund. They claim to want to reduce government spending; yet they have refused to allow the House to vote on the spending bills their budget calls for.

We have been waiting for 2 months to finish the transportation and housing spending bill. They got halfway through it on the floor of the House, and they realized that their own Members wouldn't vote for it because it was so awful, and they stopped. They didn't even bother to bring the Interior spending bill to the floor.

If their budgets are so bad that their own Members won't vote for them, they shouldn't throw a tantrum, threaten to shut down the government, or destabilize the global economy by playing games with the debt ceiling. If they're afraid to have their own Members vote on their spending bills, shouldn't they allow a conference committee between the House and the Senate to resolve budget differences? That's how the system is supposed to work.

They whine the President won't negotiate with them. How is the President supposed to deal with people who are unwilling to face up to the consequences of their own irresponsible budgets or refuse to allow Congress to



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work the process to establish a consensus budget by having a conference committee? How are Democrats supposed to deal with the Republicans as they up the ante, seeking to damage the American people by cutting off vital services in a shutdown? How do you deal with Republicans who are willing to default on paying America's debt, breaking our moral and legal obligations, and risking not just America's, but the world's, economy?

Earth to my Republican friends: America pays its bills. Always has, always will. It is the height of hypocrisy to blame this on the President, the Affordable Care Act, or the Democrats.

We wait breathlessly to see if the Republicans can agree to have anything to be voted on today; but the American people should insist that if my Republican friends are serious, they should bring their own budgets to the floor, allow the process to work to have a conference committee between the House and the Senate to reconcile our differences. Then we can act like grownups, not children throwing tantrums, and we wouldn't need to threaten the global economy over the debt ceiling.

## CONTINUING RESOLUTION

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

Mr. WILLIAMS. Mr. Speaker, yesterday, the President yet again chose to bash Congress and blame the House Republicans for the failure of America's economy. I have seen him make this argument on television many times, but he never shows up on Capitol Hill to actually engage in productive conversations. He does talk, however, to the Russians, the Chinese, and the Iranians. This is no surprise. This is the same man who spends more time with Hollywood stars than Members of Congress.

It is not Congress that will shut our government down—it's our President. I would argue that he already has shut the government down. Five years ago, unemployment was at 5 percent and the national poverty rate was at 12½ percent, and approximately 30 million Americans received food stamps. Today, unemployment sits at 7.6 percent, the poverty rate exceeds 15 percent, a staggering 47.8 million Americans are enrolled in the food stamp program, and 48 million people between the ages of 18 and 64 have not worked one day in the last 12 months.

The President's economic agenda is only pushing us further into danger, and it's a disaster. For more than four decades, I have owned my business and I can say with certainty that today's economy is the toughest economy our country has seen from a small business standpoint.

Everything from health care to taxes to regulations is killing businesses and forcing job creators to play defense. Rather than generating profits, businesses are saving profits. This isn't the sign of a rebounding economy.

Despite this, in his public address to the Nation, President Obama said the economy has gained traction and continued to place the blame on Congress. What the American people need to hear are solutions, not sound bites. As a business owner, I know what it takes to create jobs. I live it every single day.

First, we need true tax reform. Lower taxes mean more taxpayers and more income. More specifically, we need to cut taxes for all taxpayers across the board and quit picking winners and losers.

The first step in doing this is cutting the corporate tax rate, the personal tax rate, the capital gains tax, the dividends tax, and eliminate forever the inheritance tax.

The next step is to begin a dialogue on whether we should move to a fair or a flat tax. Either one of these is certainly better than what we have today.

Second, we need to change health care policy. With the addition of ObamaCare, the government now comprises one-sixth of the Nation's economy. This is a complete travesty, and the private sector must be given more control of health care, not the Federal Government.

Consumers should be able to shop across State lines, which will create more competition. As a result, premiums would go down and services go up. That's what competition does. Consumers also need to own their own health care, not their employer, and not the Federal Government. It needs to be tax deductible. It needs to be portable so you can take it with you if you retire, you lose your job, or move around.

Third, we need to energize the energy business and not penalize the energy business. Let's favor an all-American approach for all sources of energy and let the private sector drive our energy, not our government. We do this by reducing regulations, letting the industry drill, and promoting the advancement of safe nuclear and alternative energy sources. Let the private sector tell us where to go.

Developing our domestic energy sources will undoubtedly lower energy prices for families and businesses.

Finally, we need to ensure America remains the world's superpower with a strong and well-equipped military. Our men and women in uniform must have the best equipment and must have the best training to fight for our freedom and our liberty.

It shouldn't even be an option to balance our Nation's books on the backs of our military. Doing so diminishes our military's readiness and threatens our national security, and it simply shows weakness across the world.

These are real solutions. They will allow businesses big and small to invest, to take risks, and they also will be rewarded. They show that the Federal Government believes in the private sector, believes in entrepreneurship, and believes in people getting checks and lets everyone feel good about themselves.

We should never accept 7.6 percent as the normal level for unemployment. We should never accept a 15 percent poverty rate. We should never accept $2.5 billion in free cell phones. We should never accept 15 percent underemployment. We should never accept 52 percent of our college graduates who are either underemployed or can't get a job. And we should never accept an economy that creates more food stamps than jobs.

It is time to wake up, America. Big Government has taken a toll on our families, our businesses, and our budgets. Let's get back to regular order in Washington and start passing responsible budgets that give our Nation much-needed certainty and security. Businesses and families do it every single day.

There is no question that America is the greatest country in the world. In the unforgettable words of Abraham Lincoln:

> America is the last best hope of Earth.

Let's keep it that way by believing in the people and not the Federal Government and not Big Government. Let's say good-bye to ObamaCare, the largest takeover of the people by the government we have ever seen in our history.

It is truly our generation's Valley Forge. Let's be shepherds and not sheep, and let's be patriots and not victims. In God we trust.

## LET'S PASS A SOUND BUDGET

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

Mr. TONKO. Mr. Speaker, I have one basic question: What are we doing here? I mean just that. What are we really doing here?

Each day we talk about problems, problems, the real problems that face our country that are fixable with compromise and clearheaded solutions. Each day, this Chamber does nothing to overcome those challenges in front of us. Each day, the American people think we can't sink any lower or be any more dysfunctional.

Right now, there's talk about passing a 1-week budget to simply provide the time for elected officials—people charged with running the government of this great Nation of ours—to get along for enough time to pass yet another extension. Say it isn't so. One week. There are lemonade stands with better budgeting practices than what we have seen in this body in the past 2 years.

This is unacceptable, this is absurd, and it certainly is not what the American people deserve from any layer of government, especially their Federal Government. Let's get this done. Let's pass a budget, a budget that cuts where

we can, that invests where we must, that grows jobs, and ends the painful consequences of sequestration.

The absolute misery here is that all of this dysfunction could have been avoided. We could have avoided the reach to yet another kicking of the can down the road if we would come together at the conference table and do a real budget. We could reach through a budget process; we could reach to regular order.

With many of my colleagues, I have urged them that the leadership in the House resort to naming the panelists who will sit at that conference table to realize regular order through a budget process, a real budget process. That request has been turned down time and time again. The statements made in the past were, Well, the Senate hasn't moved on a budget, or We haven't heard from this entity about what their plans are.

Well, the truth be told, this year, the United States Senate passed its version of a budget. This House passed its version of a budget. The President and his administration have advanced their fiscal blueprint for the coming fiscal year.

□ 1015

The entities have spoken. The process needs to be addressed and respected. We need to bring those panelists to the conference table—those who will represent Republicans and Democrats in the House of Representatives and in the United States Senate—to come to terms, to develop the compromise in the spirit by which our Founding Parents developed this wonderful blueprint of a Republic, guided by the democracy.

Why are we rejecting that opportunity?

A sound budget could allow us to escape the terrible consequences of sequestration.

I have witnessed what that sequestration has meant in my own district. During our 5½-week district work period, I visited with many of those Head Start programs, with Early Intervention, with nutrition programs, with food banks that address the nutrition needs of the people of this great Nation. I have worked with the small business community to understand more fully what the impact of sequestration might mean to them—cuts to research, to programs that have furloughed my Federal employees if given the opportunity to serve this Nation through their workforce.

All of that consequential damage could be avoided if we would resort to the soundness of the tool called the ''budget.'' The sequestration issue is painful. It's a hidden attack. It's mindless, thoughtless, and it has pervaded itself into the fabric of our communities—into the quality of life of the people who place within us the trust to be their voice in Washington.

So we need to do better than this paralysis that has stalled the process that finds us at the midnight hour, searching for answers in the most unusual format that will resort to yet another kicking of the can down the road, that would use the smoke and mirrors to balance a budget for some uncertain period of time, that doesn't provide the predictability to the business community or to the working families of this Nation. The partnership with their government should be real. It should be stated in terms that allow for the respect of businesses to invest and hire and be productive.

We have had a plan in this House coming from the Democrats. Representative VAN HOLLEN has introduced a plan that will reduce the deficit in greater fashion and will avoid the painful consequences of sequestration.

## PROTECTING THE FINANCIAL SOLVENCY OF THE UNITED STATES

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

Mrs. BLACKBURN. Mr. Speaker, I want to begin my remarks with a couple of comments about the budget process. I think my colleagues could be a little bit confused on this.

I will remind my colleagues that it is this body that every single year meets our statutory duty and our constitutional duty to bring forward a budget that funds the operations of the United States of America. We do not miss our deadlines, and this year, we did it. I know that the White House did their Sweet 16 bracket before they did their budget, but we were still pleased to see that they were willing to participate in that process, and we were pleased that our friends in the Senate, for the first time in 5 years, decided they would enter into the budget process.

We were very disappointed, quite frankly, when they said they would not move to the conference table with us until we agreed to a tax increase. That is what they want—an agreement to a tax increase in this kind of economy and with about 8 percent unemployment and with 20 million Americans either un- or underemployed? They want more taxes—more control over people's lives? We were not willing to do that.

We are continuing to stand and fight for the American people—for responsible government, for getting this budget balanced within the next decade, and for getting this country back on the road to fiscal health.

I will also remind my colleagues that one of the things we continue to hear from this White House and this administration is that they want a government shutdown. Now, they try to blame us—we realize that—but I've got to tell you that I've got a titanium backbone. Let them blame. Let them talk. It's fine. They want a government shutdown. For my colleagues, I would direct their attention to the Congressional Research Service for the summary of what happens in a government shutdown.

For the interest of my colleagues, Mr. Speaker, I will just walk through some of these points.

One of the reasons they want it is that the President wants control of the checkbook. Right now, the U.S. House of Representatives has that control, and we want to keep it. We don't want a government shutdown. We want to keep the government open and keep cutting it. We want to keep the government open so we can delay, defund, repeal, and replace ObamaCare. This budget process of going into a shutdown gives control to the administrative branch.

There is another little tidbit when you read this circular, and it directs you to the 2011 revision of Circular No. A–11. OMB's current instructions would have agency heads use the Department of Justice opinions. I can tell you the American people and a Republican-led House do not want Eric Holder and Barack Obama making the determination of who and what will be open in this Federal Government, what will be funded and what agencies are going to be working. We don't want to give them that responsibility. I know they want that. I know they're trying to get a government shutdown, but I have to tell you that that is not what we want.

What we are for, as I said, is of making certain that we protect the future and the financial solvency of this great Nation. One of the reasons we have worked so diligently on a budget for this body is that we know the cost and the impact that ObamaCare is going to have on the Nation's fiscal health, and we are very concerned about it. We see what is happening in our communities.

I just want to reference some of the correspondence and conversations I am having with my constituents in Tennessee.

Yesterday, I spoke with a gentleman who went to a check cashing store, borrowed $400, started a retail business, now has 45 employees in five locations—a great business. What he is looking at is he can't expand. He can't hire anybody else. He is having to deal with all of the hoops that really weigh this business down, and it is because of ObamaCare.

## COMPROMISE

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

Mr. HIMES. Mr. Speaker, I am happy to be able to follow the rank, partisan remarks of Mrs. BLACKBURN's, because I wanted to speak this morning on the subject of compromise.

Compromise is not an easy subject to speak on because, of course, we all have it in our minds here that the right thing to do is to lead great ideological battles—to stand unbending by your principles, to stand up for what you think is right—and it is the right thing to do to stand up for what you think is right.

Compromise is a hard thing to discuss because, of course, those on the

fringes, those on the extreme—those who are unbending—will accuse us of not standing by our ideals if we compromise; but the fact is that most, if not all, of the accomplishments in the history of this country that have been achieved by the United States Congress have been achieved through compromise.

Let's talk for a moment about one of the reasons I am happy to represent the State of Connecticut.

The Congress in which Mrs. BLACKBURN and I serve—the very structure and architecture of that Congress—was formed by something known as the Connecticut Compromise of 1787, when Roger Sherman and a group of people who disagreed on stunning issues of the day—and some of the people who were disagreeing were inviting foreign powers in to stand with them—came together and said, Do you know what? We will have a bicameral legislature—a Senate and a House—that will balance the big States and the small States.

And Roger Sherman's statue is here in the Capitol.

By the way, the capital is here because Madison and Jefferson and others of our Founding Fathers made a compromise in which they said the Federal Government will assume the remaining Revolutionary debt of the States in exchange for putting the capital in the Southern States. Compromise is how we get things done around here.

For those who might challenge my own credentials on compromise, I will point out that I was one of 38 Members of this body—less than 10 percent of the House of Representatives—who voted for the Simpson-Bowles' budget. Everyone else said, No, I am not going to compromise because that's too difficult.

So what about the crossroads at which we find ourselves today—the possibility of a government shutdown that would hurt our economy and certainly hurt an awful lot of Americans and the even more egregious possibility that we would not honor the full faith and credit of the United States Government for the very first time in our 240-year history?

Is this a great national battle between North and South? between Republicans and Democrats?

No, it is not. It is something far more unnecessary and uninspiring.

On one side of this debate, we have got, actually, the majority of Republicans and the majority of Democrats who say, Let's come together. Let's not bring an unnecessary crisis to our country—a manufactured, artificial crisis. Let's compromise. On the other side, you've got a handful of, maybe, three or four Senators and of maybe 30 or 40 Members of the House of Representatives who are so possessed of the Lord's wisdom—they so embody the tradition of our Founding Fathers—that they will listen to no one, and they will refuse to compromise.

But who are these people?

These are people who believe that the best way today to spur economic growth is to put in place savage cuts that will fire teachers and firefighters and nurses, because that will help—despite all evidence to the contrary. These are people who believe that the storms and the tornadoes that have ravaged just about every State in this country have absolutely nothing to do with climate change—despite all evidence to the contrary. These are people who believe that ObamaCare today is doing great damage to this Nation—despite all evidence to the contrary. These are people who don't believe that the President of the United States was born in this country—despite all evidence to the contrary.

So much could get done—comprehensive immigration reform, a budget that looks a little something like the Simpson-Bowles' budget for which I voted. So many things could get done, Mr. Speaker, if the gentleman from Ohio would set aside this small rump group of dead-enders and say, We will govern. We will govern this Nation in the tradition of Roger Sherman, of James Madison, of Thomas Jefferson by listening to the other side, by shutting down the extremes and by thinking about the long-term interests of this great country.

## A COMMON COURSE FOR COMMON GOALS

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

Mr. MCCLINTOCK. Mr. Speaker, a crisis is not a good time for inflammatory rhetoric or ad hominem attacks. I believe that my colleague from Connecticut just missed the mark a moment ago when he threw out terms such as ''dead-enders'' and ''extremists.'' I will simply say that, yesterday, the President missed an opportunity to bring both sides together. That responsibility now rests solely with us.

Nobody on the Republican side of the aisle wants to see a government shutdown or a credit default—let's make that clear—and I am confident that nobody on the Democratic side wants to see millions of Americans lose the health plans they were told they could keep or see their health care costs skyrocket or lose their jobs or work hours because of the unintended consequences of ObamaCare, but these events that nobody wants to see are now unfolding. They will do great damage to our Nation that nobody wants to see happen.

If we agree on these fundamental issues, our course should be clear, and it is only blocked by the kind of partisan division that we heard yesterday from the White House and a few moments ago. We can avert these calamities and redeem this institution if we can put aside the name-calling for a few days and get down to business.

The good news is we have a process of government that has evolved over centuries that is very good at resolving differences of opinion between the two Houses of Congress and within the two Houses of Congress. In this case, there shouldn't even be much to resolve. All of us want to see the government stay open. All of us want to see the government's credit preserved. All of us want to see Americans protected from losing health plans that they want to keep or from being socked with crushing premium increases or from losing their jobs or from having their hours cut back.

□ 1030

If we're all agreed on these objectives, isn't the appropriate course self-evident? Senator MANCHIN seems to have laid it out very clearly the other day: a temporary continuing resolution to keep the government open, a temporary increase in the debt limit while we complete the normal appropriations process, and a temporary delay in ObamaCare until the unintended consequences of its mandates can be corrected.

Is that so unreasonable?

After all, this administration has already exempted big corporations and more than 1,000 politically connected groups from ObamaCare mandates. More revealingly, the administration has protected Members of Congress from its crushing costs. That ought to be the ultimate wake-up call. If Members of Congress can't afford to meet ObamaCare's costs, how do we expect the average American to do so? Why not give everybody the same relief by delaying these mandates until the law can be replaced with provisions that actually fulfill the promises made to the American people when it was enacted.

I don't like continuing resolutions at all. The Congress has a responsibility to superintend the Nation's finances, and it's developed an appropriations process that requires painstaking review of every expenditure of this government. That review involves countless hours of committee work, scores of hours of floor debate, and hundreds of individual amendments. Continuing resolutions cast aside this work and abandon Congress' responsibility over the Nation's finances. They shift enormous authority to the executive branch that the Founders never intended. I had hoped to be done with continuing resolutions.

Those who enacted ObamaCare no doubt hoped it would lower health care costs and help the economy. Sadly, events in this imperfect world can often disappoint and transfigure our fondest hopes. We've not completed the appropriations process. We need additional time to do so, and we need to correct the damage being done to existing health plan holders and employees of ObamaCare. If we could all agree on these objectives, then our course should be clear to all of us. We should fund the government long enough to complete the normal appropriations process, and we should delay

ObamaCare long enough to preserve the jobs, working hours, and existing health care policies of the millions of Americans who are now losing them.

So let's cool the rhetoric and do what this institution is designed to do: come together in support of the objectives upon which we all agree for the good of the Nation and the people who have entrusted us with its care.

## GOVERNMENT SHUTDOWN

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

Mr. BERA of California. Mr. Speaker, in 3 days, this body threatens to shut down the government.

A government shutdown is going to affect millions of Americans. A government shutdown is going to affect middle class families at a time when our economy is slowly recovering, at a time when people are just starting to feel a little bit better about their home values, at a time when my constituents in Sacramento County are just now starting to feel a little bit better.

Mr. Speaker, we can avoid this. Let's do what our history has shown us we can do. President Ronald Reagan was able to work with Speaker Tip O'Neill and get something done. That's what happens in divided government. President Bill Clinton was able to work with Speaker Newt Gingrich and get something done. That's what happens in divided government. You work together. You listen to each other. You don't play this blame game. You act like adults.

Let's start talking and let's start listening to one another. That's what the American public wants. They want Democrats and Republicans to bring their best ideas forward, put those ideas on the table, and put the people first. It's not that hard to do. That's what we teach our kids to do. That's what we do for those of us that have worked in the private sector. That's what American families do every day. They learn how to work together.

The House is controlled by Republicans, the Senate is controlled by Democrats, and President Obama was reelected as a Democratic President. This is divided government. Mr. Speaker, sit down with the President, sit down with the leadership, put the best ideas forward, and compromise. We can't operate in a my-way-or-the-highway mentality, a winner-take-all mentality because that's killing this country.

The public is watching. In these next 3 days, I hope this body acts like adults and we don't start playing the blame game and saying, Oh, it's the Republicans' fault; oh, it's the Democrats' fault. That's not going to get us anywhere.

Yesterday, the Senate passed a continuing resolution to keep the government funded for 2 months. That isn't a solution, but at least it gives us 2 months to act like adults and put together a real budget. At its core, that's what we need to do. The number one job for elected officials, for all of us in this body, is to put together a real budget that takes the best Democratic ideas and the best Republican ideas, puts them together and puts the American people first.

We can listen to all of the rhetoric that says the House has passed a budget and we did it on time, the Senate has passed a budget, the President has passed a budget. The sad fact is all three budgets are different. How do you operate a business like that? How do you manage your household like that? Let's act like adults, and let's go to conference. Let's take those three budgets, let's figure out a solution and a compromise and agree on one budget, and then bring that back to this body.

Yes, the Senate passed a continuing resolution. Mr. Speaker, I urge you to bring it to this body today. Give us a chance to vote up or down. If you don't like that resolution, then the Republicans who control the House will vote down on it. But give us a chance to vote up or down. That's how this should work.

The Senate has passed a farm bill that is important to this country and it's important to my constituents in California and Sacramento. Give us a chance to vote on that bill up or down. That's how government should work.

We've got to start coming together.

There is a group of us that are working together. I'm a leader of a group called ''The Problem Solvers.'' It's now up to 83 Members. It's Democrats and Republicans. We don't agree on everything, but we listen to one another. We put our ideas forward. We want government to work. We want to fix problems, not fight. We want to actually take those ideas.

One of the first bills that I passed and I cosponsored was No Budget, No Pay, which says if we don't actually put a budget together, why should Members of Congress get paid? Nobody else in America gets paid if they don't do their job. This body is not doing its job. No Budget, No Pay, we passed it. The Senate passed it and the President signed it into law. Let's actually pass a budget. If we get 2 months, if we get 3 months in funding the government, let's use those 3 months wisely to pass a budget. The public is watching.

Here are three things that we could do: number one, go to a conference committee. The Senate has appointed folks to talk about their budget. The House has not appointed those folks. Let's get this done, and let's start moving America forward and relieving the debt burden on our kids and grandkids. We can do this. The public is watching. Three more days.

## OBAMACARE

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

Mr. FITZPATRICK. Mr. Speaker, I rise first to thank my colleague and friend from California (Mr. BERA), for recognizing that in divided government, which we've had in the past, it's important that we sit down and resolve differences and we negotiate.

He correctly pointed out that President Reagan, in the 1980s, was willing to and quick to negotiate with then-Speaker of the House Tip O'Neill, and they accomplished great things. They reformed the Tax Code in 1982. In 1986, they reformed Social Security by working with Tip O'Neill and Senator Moynihan from New York. Twelve years later, President Clinton was willing to sit down and speak with then-Speaker of the House Newt Gingrich, and they performed important things for this country. They reformed welfare and balanced the budget. Those things weren't easy. Those things took resolution. It took resolve and willingness to sit down and talk with each other.

Here we are in the year 2013, and many of us on this side of the aisle are feeling like we don't have government that's willing to sit down and negotiate. As a matter of fact, this morning in The Hill it is reported in a headline that says: ''Obama to Republicans: I will not negotiate.'' So here we are at the eleventh hour ready, willing to compromise, to negotiate with a Commander in Chief and Chief Executive that will not negotiate with us.

What you need in order to compromise many times is time and space, and I'm here today, Mr. Speaker, to express my support for delaying the Affordable Care Act by at least 1 year. Since the law's passage, time has shown that the Affordable Care Act is a misguided effort which has divided Americans on the common goal of affordable access to world-class health care, as opposed to bringing us together to rise to the challenges that we face as a country.

What has most of us deeply troubled is that not only will the law leave over 30 million Americans uninsured and forced to pay a tax, but it is forcing physicians to fundamentally question the nature of their profession and its pursuit.

The role of the doctor fundamentally changes under this law. As opposed to being healers, doctors are now bureaucrats. The law erodes the core of American medicine, defined by exceptional medical care practiced by highly trained experts who are driven to innovate and improve for the common good. Instead, this law leads to medicine by bureaucrat and checking off boxes.

As for the 30 million who will remain uninsured under the law's design, they will continue to be left outside the health care system. Compounding matters, the law also creates countless newly uninsured Americans, something the President told us would not happen. But it is happening in the Eighth Congressional District of Pennsylvania, with workplaces struggling to

deal with the law's overreach and the law's burdens.

Additionally, former President Clinton has highlighted another 500,000 Americans who will become uninsured due to the President's health care law: children. He's referring to it as the ''family glitch,'' where the law's complicated formula removes children from their parents' health insurance, leaving them without coverage. Furthermore, nearly one-third of those children will not qualify for Medicaid or for CHIP. Glitch? This is a catastrophe. Both the intended and the unintended consequences of the law are far-reaching and will not be fully understood until this week as Americans begin to live under this new system. As was said during the health care debate by the law's supporters, ''We have to pass the law to find out what's in it.'' That is the prevailing attitude by people in the Beltway who have continued to put themselves between patients and doctors, workers and workplaces, students and teachers, and families and their faith time and time again.

One of the keys to our Nation's success is the manner we have adopted to solve problems. It is hardwired into our culture of freedom. Americans believe we can solve our own problems and are more apt to work together when we know the solutions lie in our hands, not in somebody else's. This is what makes America exceptional.

While many of us agree that there is some good in the law, there is no telling what else we're about to find out about the health care law and its impact on families, workplaces, and the economy. That's the problem, Mr. Speaker, in a nutshell. As Congress struggles to deal with the costs, and presumably, the unintended consequences of the health care law, Americans need answers and they need answers now. At a minimum, glaring deficiencies like these are reasons for pause. All policymakers, including the President, should take a step back and delay the law's implementation for at least a year to ensure that Americans are being helped and not hurt.

## OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (DANNY K. DAVIS) for 5 minutes.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I believe that Obama does, in fact, care, and that care is evidenced by the fact that we passed the most major piece of health legislation that we have done since the mid-1960s, since Medicare and Medicaid.

So it's amazing to me that I continue to hear colleagues in both the House and the Senate who are attempting to deny the existence of this legislation, legislation that was passed by both Houses of Congress, signed into law by the President of the United States of America, upheld by the Supreme Court, which says that it is indeed constitutional, and still there are colleagues trying to deny the existence of this law. That is amazing.

□ 1045

As a matter of fact, it's real. It's passed. It's been affirmed. And it's going to stay.

My county government, Cook County government, has already, with a waiver, signed up more than 100,000 people, just waiting to get enrolled into its county care program—100,000 people, none of whom will have to worry about preexisting conditions; 100,000 people in Cook County, none of whose children under 26 will have to worry about having health insurance coverage because they can have it on their parents' policies; 100,000 people, none of whom will have to worry about running out of benefits; 100,000 people in Cook County, one county, who will have their own primary care physician, who will be able to see a doctor and go to the clinic on a regular basis.

But that's nothing compared to the more than 30 million people in this country who, for the first time in their lives, will have health insurance coverage. I hear all of the discussions about the negative impact. Well, you ask a person in need of health care who has never been able to get it how much of a ''negative impact'' it's going to have on them.

I agree that the Senate has passed a continuing resolution which does not fund the government for the extended period of time that we'd like to see and need to see. But I can tell you, I would rather have that than to have people worrying and wondering whether they're going to be able to see a doctor when they need to see one or go to the hospital or take their child to a regular doctor rather than having to go to the emergency room.

So I would urge my colleagues, let's be in agreement with the Senate. And let's move right now, today—and if not today, tomorrow—to pass a continuing resolution that keeps our government funded.

## DEFICIT DAY

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

Mr. SMITH of Missouri. Mr. Speaker, Deficit Day is the symbolic day each calendar year when the Federal Government runs out of money and begins adding to the already enormous debt. Despite the $2.7 trillion the government is estimated to collect this year from taxes, tariffs, fees, and other sources on a calendar-year basis, the money ran out this past Wednesday, September 25.

As the debt limit approaches in mid-October, the Federal Government continues to spend money it does not have on things that Americans do not want. Washington is projected to spend over $10 billion per day; and from this point until December 31, every dollar that it spends from this point on adds to our enormous national debt, which is already nearly $17 trillion. In the last 4 years, Congress has raised the debt limit seven times; and, today, the debt for every man, woman, and child averages over $53,000 per person.

Mr. Speaker, families and small businesses from across the United States are forced to live within their means. The Federal Government should be held to the same standard. If my friends back in my home State of Missouri can successfully balance their budgets each year, we should be capable of doing the right thing here in Washington, D.C. That is why I introduced an amendment to the Constitution to require the government to produce a balanced budget each and every year.

Mr. Speaker, I look forward to working with all my House and Senate colleagues to pass a budget, to balance a budget, and to reduce our national debt.

[From the Wall Street Journal, Sept. 24, 2013]

HAPPY DEFICIT DAY, UNCLE SAM

(By James R. Harrigan and Antony Davies)

''Deficit Day'' is here again, marking the day the U.S. government runs out of money and begins adding to the nation's already-enormous debt. Despite the $2.7 trillion the federal government collects every year from Americans in the form of income, payroll, corporate, estate and excise taxes, as well as tariffs, fees and other sources, on a calendar year basis the money runs out Sept. 25, at around 3 p.m.

Washington is spending at the rate of over $10 billion per day and from this point until Dec. 31 every dollar it spends will add to the nation's debt—which is already nearly $17 trillion. (This is a separate calculation from the overall federal debt limit, which will be reached in the next few weeks.)

The closer the government comes to balancing the budget, the further it pushes Deficit Day toward the end of the year. So it's good news that the federal government runs out of money 16 days later this year than last. But the underlying reality is much less rosy: Despite the repeal of the payroll-tax cut—a move that cost the average American family $1,000 this year—there are still 97 days left in the year for which the federal government has no income.

Income, or no income, the government certainly won't stop spending.

This is not fiscal responsibility. Through the payroll tax, the government has simply raised tax revenues at the expense of people who are already overtaxed. Had the government simply held spending constant from last year, Deficit Day would have been shifted 30 days into the future, not 16. But a politician with more money in his hand is a politician who will soon be on a spending spree.

In the 54 years since 1960, the federal government has managed to achieve a unified budget surplus only six times. And what, you may ask, is a ''unified budget?'' It's when the government treats the $33 billion that it will borrow from Social Security this year the same way it treats tax revenue, instead of the debt it is. Imagine borrowing from your IRA while you are still working and calling the borrowed money income. The government managed to get by without such a fudge only six times in half a century.

This year's Deficit Day of Sept. 25 is the fifth earliest we have had since 1960, which puts current spending in grim perspective. Since 2009, though, Deficit Day has actually

crept steadily forward at the rate of about two weeks per year. If that trend continues, we can expect Deficit Day to hit Dec. 31, finally, in about eight years. But that's assuming Washington can go eight years without instituting any new spending.

In a fiscally responsible world, the $2.7 trillion in taxes the federal government will collect this year would provide a hard limit on spending. But in the world our leaders have created, the federal government will spend over 35% more than this in 2013. After that it will just keep right on spending money it does not have, passing the debt and the hard political choices to citizens yet unborn and politicians yet unelected.

There are only a few possible eventual outcomes if this continues: The government will either print money to pay for its deficits, unleashing unprecedented inflation; it will gut social programs like Social Security and Medicare; or it will dramatically increase taxes on everyone down to, and including, the middle class.

The laws of mathematics can't be rewritten by political desires or ''unified budget'' accounting gymnastics. Our leaders need to face the truth and get our country's fiscal house in order before Deficit Day becomes Bankruptcy Day.

## OBAMACARE

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

Mr. LAMBORN. Mr. Speaker, I rise today to urge my fellow Members of Congress to delay ObamaCare for 1 year. President Obama has already delayed the employer mandate, and now he has delayed the opening of the small business exchanges. He has already signed into law seven changes to the health care law. It's clear that ObamaCare is not ready to be rolled out.

One of my constituents, Nicole, who manages her household budget for her family of five, called me recently to say that her health care premiums are skyrocketing as a result of ObamaCare. Her insurance company notified her that her family's monthly premiums will go from $431 to $1,003. Her insurer told her that under ObamaCare, she might qualify for subsidies to offset that increase. But Nicole, like many Americans, doesn't want a subsidy. She doesn't want to take a government handout. Her family is responsible, self-reliant; and they don't want to be bailed out by their neighbors.

The Federal Government is broke and cannot afford another entitlement program, even if ObamaCare would work, which it won't.

It's time to admit the obvious: ObamaCare is not ready for prime time. Let's delay it for at least 1 year and protect millions of Americans from its harmful effects.

## LET'S FIND SOLUTIONS

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

Mr. LAMALFA Mr. Speaker, as we all know, we have important deadlines approaching this coming Monday—on our fiscal year budget, the farm bill, as well as what we see impending with the Obama health care takeover of the exchanges implementation.

What do we have a lot of around here? Drama. Lots of drama—from the left, from my colleagues on the other side of the aisle; from the press, saying, government shutdown, government shutdown. My daughter, who is in school, she tries to avoid drama at school with her friends and, instead, stick to what she knows she needs to get done.

Yet around here, that's a pretty big byproduct. We need to be working on a lot of key things to make our country run better, more fiscally sound. That would be, for example, working towards actually balancing the budget long term. What I see in the plans that are coming from the White House, over in the Senate, is that there is no plan to move towards a balanced budget in the future. It's going to take hard work. It's going to be difficult. There will be a lot of infighting and caterwauling in this place in order to try to move to that direction.

But Republicans actually offer a plan to, in the future, move towards a balanced budget, to make those lines finally come together after many, many years of overspending. We don't see those ideas come from the other side.

Unfortunately, we're not going to get out of this pattern of having to raise the debt ceiling until we achieve the balanced budget that we direly need in this country. That's the dirty little secret. Debt ceilings are going to be part of our future until we can truly get the balance. So real solutions are needed that move us in that direction, not more drama.

Mr. Speaker, stop the drama. Let's get together and work on these solutions. I urge my colleagues on the other side of the aisle, talking about that this morning, let's do real budgets instead of CRs. I don't like doing continuing resolutions either, but I guess it's a way to keep the government open in the meantime until we can come to agreement. But we have to have some kind of fiscal reality that says that we can't keep spending more than we take in.

We can't implement a program like the Obama health care takeover that's killing jobs, that's giving people fewer choices on their health care, that's running doctors out of the business. It's no fun for them anymore when they see this coming down upon them.

Let's go to free market approaches. Let's go to what the Republican Study Committee is working on, with the American Health Care Reform Act, which gives people choices, which actually addresses the high-risk pools and allows people that are in a permanent situation, needing long-term health care to find those solutions. Instead, we get something that we know, we see is not going to work.

Look at all the delays in the implementation of the health care exchanges. Delay after delay after delay. Yes, we need delays because it isn't working.

Instead, we hear threats: Government shutdown; you, Republicans, are doing this; you are doing that.

Mr. Speaker, let's stop the drama and get to the real solutions. Let's do the math on the Obama health care takeover, how it's not going to work. Let's do the math on how CRs are not really a solution but a temporary measure. Let's do the math on moving toward a truly balanced budget sometime in the future, which the Republican House has offered but doesn't seem to be coming at all from the White House.

We've asked the White House, Do you have a plan to balance the budget? Or the Senate, Do you have a plan to balance the budget, ever? We don't see them. We have to balance them in our own personal lives, around our households, our businesses. Yet why does government continue to have a blank check and get away with it, with the taxpayers' money, with the taxpayers' future? How many trillions of dollars of debt do we have to get to before we are actually going to learn this lesson that we're going to leave for the coming generations?

I want to be a part of the solution that moves these lines together so that we get to a balanced budget sometime in the near future, not never. This Nation requires it. If we want to have jobs, if we want to have the prosperity that we once knew, we need to go back in that direction.

So, Mr. Speaker, I ask this body, I ask our colleagues in the Senate, I ask the White House: Let's stop with the drama. Let's get back to the table and negotiate.

When our President says that he will not negotiate with us, the American public should be appalled that in the process of the give-and-take of the institutions our Founders set up here, with these three branches—the House, Senate, and White House—who are supposed to get together, compromise, hammer things out, argue, get along, all those things—that when one branch of that does not want to get together, to even talk and compromise, but, instead, is willing to be on the phone with Iran or Russia and not our own colleagues, we should be appalled.

Let's get back together. Let's stop the drama of the name-calling, of threatening government shutdowns, where Republicans are not moving towards that at all, but are actually trying to find solutions. Let's get it done for the American people. I think the American public demands that. Let's have solutions.

## 52 PERCENT OF AMERICANS OPPOSE OBAMACARE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the President, in his remarks to the country yesterday, demonstrated a willingness for diplomacy and negotiations. Sadly, any leadership he reflected in his remarks was a willingness to communicate and negotiate with the terror-states of Iran and Syria and not the United States House of Representatives. What the President also made clear was his unwillingness to serve the will and the concerns of a majority of American citizens, families, and businesses when it comes to their health care.

Health care is one of the more intimate issues in America. There should be no surprise of the emotional reaction and rejection by the majority of the country when this legislation is passed unilaterally by one party without adequate debate or vetting and is mandated on 311 Americans.

The September 4 to 23 Real Clear Politics compilation of seven major national polls show that an average of 52 percent of Americans are opposed or against the Affordable Care Act, while only 38.7 percent are for or in favor of this law.

Mr. Speaker, I understand the political divide that unfortunately exists in Washington, but what I do not get is how the President ignores the will of the majority of the American people. We expect leadership from the President, but there is no leadership when the direction you want to take the country is rejected as the wrong direction for the majority of American citizens.

Now, some have said that the Affordable Care Act is the law, so just implement it. Well, that makes a dangerous assumption that Congress never gets it wrong. History has certainly shown precedence that Congress can and has corrected the mistakes that it has made. The Prohibition, which was repealed in 1933, had been fairly unpopular—probably more disliked than even ObamaCare. More recently, the Medicare Catastrophic Coverage Act of 1988, a bipartisan bill, was intended to provide supplemental health care insurance for the elderly. But it also included a surtax on middle- and upper-income seniors which was quickly repealed when the will of a majority of Americans was taken into consideration.

Now, what is more dangerous than a government that may err on occasion or supposed leaders that are incapable of recognizing an error and taking a course of correction?

□ 1100

Mr. Speaker, the Senate Democrats yesterday recklessly voted to disregard the will of the American majority and essentially endorse a government shutdown rather than take any course of correction on what is a fundamentally flawed law that is raising premiums and already limiting access.

In my home State of Pennsylvania, countless children in disadvantaged homes are covered under the Children's Health Insurance Program, or CHIP. The CHIP program originated in Pennsylvania and provides support to parents of these children to allow them to buy health insurance for their children from the commercial insurance market. The CHIP program provides access to quality health care, not with government-run programs, but through a partnership with the private sector. Under ObamaCare, these children are being ripped out of CHIP and placed in medical assistance where the parents will be hard-pressed to find a pediatrician even willing to see, let alone treat, their child.

Mr. Speaker, the unwillingness to admit the errors of ObamaCare and take corrective action is even throwing America's most vulnerable children, who are growing up in poverty circumstances, under the bus. They deserve better.

## PRESIDENT OBAMA'S FAILURE OF LEADERSHIP

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, I want to give high praise to my colleagues on this side of the aisle who have been here this morning talking about the really, really important issues that are facing our country these days.

Why are we here in Washington, D.C., on a Saturday? We should be at home in our districts. Republicans believe that the wisdom of the world is not in Washington, D.C.; it is back in our districts; it is back with the American people. But we're here because of a failed policy that was passed without bipartisan support but strictly on behalf of liberals in this body, in the Senate, and the failed policies of a very liberal President. So we wouldn't have to be here today if it weren't for that failed policy.

Unfortunately, our colleagues on the other side of the aisle are trying to put the blame on us for saying that we're here because we're fighting what we see as a failed policy. The American people see it as a failed policy also. The majority of the American people are opposed to what we have come to call ObamaCare. It was not passed by bipartisan vote. Our colleagues keep talking about bipartisanship. It was passed purely on a partisan basis. No Republican has ever voted for ObamaCare, and every Republican who has had the opportunity to vote against it, has voted against it. Why? Because we believe we represent the American people. We don't want to shut down the Federal Government. In fact, we've passed bills to keep the government running; but we want to have the policy right.

My colleague from Connecticut talked about the need for compromise and he said, erroneously, this is the first time that we would shut down the government over a policy. He must have forgotten that the Federal Government has shut down 17 times before—sometimes when Democrats were totally in control, sometimes when there was split government, but it has happened 17 times before.

What are we doing here on our side of the aisle? We're fighting for the American people. We know this is a failed policy, and we do not want to see this failed policy go any further than it has gone. As my colleagues have said, the sad thing about it is our President is willing to negotiate with a country that we call a terrorist country but is not willing to negotiate on this. He said: What I haven't been willing to negotiate, what I will not negotiate, is on the debt ceiling. He doesn't want to negotiate on ObamaCare either. But we know that the President did negotiate in August 2011. We know that five other Presidents have negotiated on this issue. We also know that there are going to be people who are not going to be covered by this program that is supposed to be covering all Americans. And, Mr. Speaker, I include, for the RECORD, an article by Daniel Henninger in the September 25 Wall Street Journal, called, ''Let ObamaCare Collapse,'' because it points out many, many of the problems with this program that haven't all been pointed out this morning.

And we have another issue that we're going to be facing in the next few days, and that is the raising of the debt limit. I want to quote someone who talked about the failure of leadership if we have to face raising the debt limit:

> The fact that we are here today to debate raising America's debt limit is a sign of leadership failure. It is a sign that the U.S. Government can't pay its own bills. It is a sign that we now depend on ongoing financial assistance from foreign countries to finance our government's reckless fiscal policies. Increasing America's debt weakens us domestically and internationally. Leadership means that ''the buck stops here.'' Instead, Washington is shifting the burden of bad choice today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. Americans deserve better.

That was then-Senator Barack Obama on the floor of the U.S. Senate March 20, 2006.

Yes, indeed, Mr. President, we have a failure of leadership, and the buck stops with you.

[From the Wall Street Journal, Sept. 25, 2013]

LET OBAMACARE COLLAPSE

(By Daniel Henninger)

Congress can't kill the entitlement state. Only the American people can.

What the GOP's Defund-ObamaCare Caucus is failing to see is that ObamaCare is no longer just ObamaCare. It is about something that is beyond the reach of a congressional vote.

As its Oct. 1 implementation date arrives, ObamaCare is the biggest bet that American liberalism has made in 80 years on its foundational beliefs. This thing called ''ObamaCare'' carries on its back all the justifications, hopes and dreams of the entitlement state. The chance is at hand to let its

political underpinnings collapse, perhaps permanently.

If ObamaCare fails, or seriously falters, the entitlement state will suffer a historic loss of credibility with the American people. It will finally be vulnerable to challenge and fundamental change. But no mere congressional vote can achieve that. Only the American people can kill ObamaCare.

No matter what Sen. Ted Cruz and his allies do, ObamaCare won't die. It would return another day in some other incarnation. The Democrats would argue, rightly, that the ideas inside ObamaCare weren't defeated. What the Democrats would lose is a vote in Congress, nothing more.

A political idea, once it becomes a national program, achieves legitimacy with the public. Over time, that legitimacy deepens. So it has been with the idea of national social insurance.

German Chancellor Otto von Bismark's creation of a social insurance system in the 19th century spread through Europe. After the devastation of World War I, few questioned its need. In the U.S., Franklin Roosevelt's Social Security system was seen as an antidote to the Depression. The public's three-decade support for the idea allowed Lyndon Johnson to pass the Medicare and Medicaid entitlements even in the absence of an economic crisis.

Going back at least to the Breaux-Thomas Medicare Commission in 1999, endless learned bodies have warned that the U.S. entitlement scheme of Social Security, Medicare and Medicaid is financially unsupportable. Of Medicare, Rep. Bill Thomas said at the time, ''One of the biggest problems is that the government tries to administer 10,000 prices in 3,000 counties, and it gets it wrong most of the time.'' But change never comes.

Medicaid is the worst medicine in the United States. It grinds on. Doctors in droves are withdrawing from Medicare. No matter. It all lives on.

An established political idea is like a vampire. Facts, opinions, votes, garlic: Nothing can make it die.

But there is one thing that can kill an established political idea. It will die if the public that embraced it abandons it.

Six months ago, that didn't seem likely. Now it does.

The public's dislike of ObamaCare isn't growing with every new poll for reasons of philosophical attachment to notions of liberty and choice. Fear of ObamaCare is growing because a cascade of news suggests that ObamaCare is an impending catastrophe.

Big labor unions and smaller franchise restaurant owners want out. UPS dropped coverage for employed spouses. Corporations such as Walgreens and IBM are transferring employees or retirees into private insurance exchanges. Because of ObamaCare, the Cleveland Clinic has announced early retirements for staff and possible layoffs. The federal government this week made public its estimate of premium costs for the federal health-care exchanges. It is a morass, revealing the law's underappreciated operational complexity.

But ObamaCare's Achilles' heel is technology. The software glitches are going to drive people insane.

Creating really large software for institutions is hard. Creating big software that can communicate across unrelated institutions is unimaginably hard. ObamaCare's software has to communicate—accurately—across a mind-boggling array of institutions: HHS, the IRS, Medicare, the state-run exchanges, and a whole galaxy of private insurers' and employers' software systems.

Recalling Rep. Thomas's 1999 remark about Medicare setting prices for 3,000 counties, there is already mispricing of ObamaCare's insurance policies inside the exchanges set up in the states.

The odds of ObamaCare's eventual self-collapse look stronger every day. After that happens, then what? Try truly universal health insurance? Not bloody likely if the aghast U.S. public has any say.

Enacted with zero Republican votes, ObamaCare is the solely owned creation of the Democrats' belief in their own limitless powers to fashion goodness out of legislated entitlements. Sometimes social experiments go wrong. In the end, the only one who supported Frankenstein was Dr. Frankenstein. The Democrats in 2014 should by all means be asked relentlessly to defend their monster.

Republicans and conservatives, instead of tilting at the defunding windmill, should be working now to present the American people with the policy ideas that will emerge inevitably when ObamaCare's declines. The system of private insurance exchanges being adopted by the likes of Walgreens suggests a parallel alternative to ObamaCare may be happening already.

If Republicans feel they must ''do something'' now, they could get behind Sen. David Vitter's measure to force Congress to enter the burning ObamaCare castle along with the rest of the American people. Come 2017, they can repeal the ruins.

The discrediting of the entitlement state begins next Tuesday. Let it happen.

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

## AFFORDABLE AND ACCESSIBLE HEALTH CARE

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

Mr. TIPTON. Mr. Speaker, let's begin with where we can all agree as Americans: at the very beginning of the debate when it came to health care in 2008, it was about affordability and accessibility when it comes to health care. We can't disagree about that. As Americans and small businessmen, we felt the pain of seeing ever-increasing premiums, but we also wanted to make sure that we had access to real doctors.

What are the results that are now coming out of the Affordable Care Act? Let me give you an example that was just emailed to me last night out of a small community church in my district in Durango, Colorado. They were just able to extend their plan before the Affordable Care Act takes effect. For six employees working at the church, their premiums are now going to be $50,665 for the collective group this year. When the Affordable Care Act impacts them in the next cycle, those rates will rise for those same six employees to $72,069, a 48.7 percent increase.

So the question we have to ask is: Has the Affordable Care Act achieved the goal that, as Americans, we can all agree that we desire to be able to have—affordability?

Let's talk to those six people working in that small church in Durango, Colorado, who are relying on charitable contributions to be able to have their jobs, to have affordable health care. The answer is no.

Let's talk to senior citizens that I visited with throughout the Third Congressional District of Colorado, many of whom just became senior citizens and are now required to sign up for Medicare under the law. Just because of a birthday over the last year or two, they are now finding that they cannot even find a doctor who will accept Medicare.

I just held a meeting with better than 20 physicians in Grand Junction, Colorado, several of whom expressed that by the year 2014 they're closing their practices. So have we addressed accessibility in America? We have not.

What the administration fails to understand is there's a quantitative difference between affordability and accessibility and just having an insurance card. We can insure every American, but does that mean you have access to quality health care at an affordable price?

The Republican Party is putting forward real solutions to be able to address this challenge. Let's let the free markets actually work. Let's have real competition. Let's allow businesses to be able to come together to be able to form real groups and to be able to negotiate lower rates. Let's incentivize rather than disincentivize, as the President's law does, those private medical health care savings accounts if we really care about health care. Let's, indeed, make sure that people with preexisting conditions have access and affordable health care as well.

These are the plans that we are putting forward; but it's going to require that we work together. What is not helpful is when we hear an administration say it is nonnegotiable while at the same time saying we have to work together. We can't work together if we cannot have a dialogue. That is what this House of Representatives is putting forward—real solutions to be able to address the real problems to help real Americans that are struggling right now.

And the bottom line is, if we want health care, we also need jobs. If you talk to the people in my district, small businesses, they aren't able to hire right now simply because of the cost of the Affordable Care Act and the impacts that they're feeling. These are affecting real Americans, real people, and real lives. The solution cannot and should not be just bigger government, just a legacy piece of legislation.

I believe that the American people deserve a policy that will actually work for them. That can only be achieved if we work together. We are putting those ideas forward today. We are not about shutting down this government. We want to keep it open. That's the policy of our conference. But we also need to have a policy that's making sure that government laws are not hurting the American people. The Affordable Care Act is hurting the American people, will hurt the economy, will hurt jobs.

This is something that we can achieve a positive solution on if the administration will open that door to dialogue rather than distrust. Let's work for the American people rather than for bigger government.

## NO SPECIAL EXEMPTION FOR MEMBERS OF CONGRESS UNDER OBAMACARE

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

Mr. ROSS. Mr. Speaker, you know the only thing worse right now than having the implementation of this health care law known as ObamaCare on October 1 would be the implementation of this law with special consideration to Members of Congress. And some may say that's not going to happen because Members of Congress are subjected to and not exempted from ObamaCare; and the short answer to that is yes, but the real answer is no. And the real answer is no because there is a state of confusion over whether we, as Members of Congress and certain staff members, can continue to receive a 72 percent contribution to our health care benefits.

Now to understand this, let's go back to how this even became an issue. Senator GRASSLEY, at the time that the ObamaCare bill was being debated, wanted to make sure that Members of Congress and their staff were subjected to the pains and the ills and everything else of ObamaCare. He offered an amendment that said:

> Notwithstanding any other provision of law, Members of Congress and congressional employees would be required to use their employer contribution to purchase coverage through a State-based exchange rather than using the traditional Federal Employees Health Benefits Plan.

That was offered. What became law is different. The language that became law specifically says that Members of Congress and congressional staff with respect to their service as a Member of Congress or congressional staff shall be health plans that are either created under this act or the exchanges. Then it went on to further say that staff is just considered those who are employed by the Members of Congress. It doesn't include staff of committee and staff of leadership.

Now why all the confusion? I don't know, but I know for a fact that when the Office of Personnel Management came out with their letter on August 7 and said, without any basis—any basis in law or fact—and said, you know what, we're going to let Congress continue to have their 72 percent contribution even though the law was clear when it was passed that we are not going to receive anything other than the subsidies allowed under the law, and those subsidies only are available to those who make 400 percent of poverty level or less.

□ 1115

And so we're here on the eve of watching a health care plan go into place when the American public has given us—and probably deservedly so—an approval rating in single digits, and say, There they go again. Congress has found a special provision for themselves so they will not feel the pain and the economic harm caused by this health care bill.

Mr. Speaker, we can correct this. We can stand up as a collegial body, Republican and Democrat, and say we believe we need to be subjected to the law 100 percent and we think OPM is wrong. And if we want the American public to have what they desperately need to have in this Congress, which is the credibility of this Congress, we need to pass my amendment to the continuing resolution being offered today that says that this OPM letter was wrong and that all Members of Congress, all staff, the President, the Vice President, and all political employees will be subjected to the laws of ObamaCare and not receive this contribution. My friends back home will not receive this contribution. We shouldn't carve out a specialty to ourselves.

Further, what is worse is that if we don't make some change to this law, people will say there will be a brain drain. I see more of a litigation train starting—a litigation train because we've already put in the law a special class of employees. My employees are now subject to the laws of ObamaCare, but the leadership and their employees aren't. I see litigation ensuing on employment discrimination cases that are absolutely unnecessary and could be avoided if we have the foresight, if we have the ability to say, America, we're going to correct this; we're going to make sure that we are subject to all the laws, 100 percent, the same way we ask you to be.

Therefore, Members, I ask, I implore you to please consider this amendment, consider doing what is right, not only under the law but in the eyes of our constituency.

## FRAUD AND ABUSE IN OBAMACARE

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

Mrs. BLACK. Mr. Speaker, in just 3 days, the ObamaCare exchanges are set to go live, and the security of millions of Americans' most sensitive personal information remains at risk.

For the purposes of enrolling people in the exchanges, the administration is building the largest network of Americans' personal information ever created, called the Federal Services Data Hub. This data hub will have the names, birth dates, Social Security numbers, taxpayer status, gender, email addresses, and telephone numbers of millions of Americans expected to apply for coverage in the exchanges. This poses an alarming and obvious risk for identity theft and cybersecurity attacks.

To date, there has been no independent certification that the information will be kept safe. We are simply supposed to rely on this administration's word that reliable security systems will be in place come October 1. This is the same administration that has already failed to meet half of their self-imposed deadlines for the implementation of this disastrous law.

Their word is simply not good enough, and this is why 13 States' attorneys general have sent a letter to HHS Secretary Kathleen Sebelius expressing their concerns over whether there are adequate safety measures to protect their constituents' personal data.

Making this situation even worse are the ObamaCare ''navigators'' that are tasked with assessing this information to help people enroll. These navigators are not required by the Federal Government to have background checks or to even have a high school diploma. And yet they will be tasked with handling Americans' most sensitive personal information, such as medical records and even tax returns. In fact, earlier this month, a navigator applicant in Minnesota recently received 2,400 Social Security numbers by mistake. This raises serious concerns about the lack of safeguards in place to protect our personal information.

Mr. Speaker, we know that ObamaCare is simply not ready for prime time. We cannot allow Americans' most personal information to be exposed to these threats. It is completely irresponsible for this President to be encouraging people to sign up when these threats exist.

The President has already delayed portions of this law to help Big Business and insurance companies. It is time for him to work with this Congress to stop this train wreck and to shield the American public from widespread fraud and abuse.

## HOW WILL OBAMACARE AFFECT YOU?

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

Mr. POE of Texas. Mr. Speaker, I posted on my Facebook page the question, How has ObamaCare affected you or will it affect you in the future? I received almost 400 responses. I will just read a few of those. I certainly won't read the ones that were volatile, Mr. Speaker, because a lot of people are just mad.

It is true that about 20 percent of those responses like ObamaCare and about 80 percent, not so much.

Leisa says:

> My son was lowered to 29 hours last week for a new full-time norm because owner doesn't want to pay ObamaCare.

Sharon says this:

> My mother is diabetic and couldn't take insulin for 3 days because she couldn't get her test strip prescription filled due to a Medicare glitch because of ObamaCare.

Kristy:

My hardworking husband can only find temporary contract work. No one wants to hire permanent positions, and those that do have permanent positions are hard to even get an interview with. I hope it doesn't last long. We have a baby due in mid-October, and already have three children.

Joseph:

I expect my employer will not be able to afford future raises due to the enormous expense he has to pay under ObamaCare.

Victoria:

My husband has not been able to get a job because folks are not hiring due to ObamaCare. They are actually laying people off. My parents are elderly and they have three doctors who have quit medicine because of ObamaCare. So no, Mr. Poe, it is not the greatest thing ever.

April says this:

Since the implementation of ObamaCare, I have not been able to find a job. No one wants to hire a permanent position. Everything is part-time or temporary for all those jobs, and they also tell me that I'm overqualified. I think the whole ObamaCare thing needs to be done away with.

Genelle says:

My husband and I are in our seventies. Our copays for prescriptions have doubled. Our doctor told us that he will not be able to treat us with the same quality we now get when ObamaCare goes into full steam.

Mary Lou probably said it the best. She said:

Ted, we pray even more fervently that we just don't get sick.

Those are some responses of people out there who actually work for a living and are concerned about health care. They're not so sold on this.

So here we are, on this Saturday afternoon, and the President is spending time negotiating with the Iranians about things in Iran. He's spending time negotiating with the Russians about things that are going on in Syria. But he won't negotiate with Congress. I don't get that.

Why doesn't he come over here to the House? Let's sit down on an informal basis and just chat about the problems we have. Is it the idea that the people of Syria and Russia and Iran are more important to talk with than Members of Congress? I don't get it.

Like Mary Lou said, ''ObamaCare: we just don't want to get sick.''

And now, today, we're facing a debt ceiling problem, we're facing a continuing to fund the Federal Government problem, we have ObamaCare that gives special treatment for about 1,200 groups that got waivers. None of these people I mentioned got waivers. Let's talk about those things. Let's find out. And maybe we can work out something. But let's at least talk.

So, Mr. Speaker, you're in good with the President. Give him a phone call. Ask him to come over here and chat this afternoon with the House—the Democrats, the Republicans—and let's work something out about the continuing resolution, about the debt ceiling, but at least let's talk and negotiate and not refuse to talk to even Members of the House of Representatives.

And that's just the way it is.

## AT A CROSSROADS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. MICA) for 2½ minutes.

Mr. MICA. Mr. Speaker, it's Saturday morning and we're here in the House of Representatives in an unusual session. I'm glad some people had the opportunity to go home last night and come back this morning.

Some people say, Oh, this is unusual duty, you're working hard, and all of that. And I say to them that I represent the millions of people across the United States who are going to work, sometimes at midnight, work all night, and get up in the morning and go to work at 6 o'clock. They're struggling to put food on the table. They're struggling to educate their children. They're struggling to pay their mortgage and keep their home and their family together.

So I believe that it's Congress' responsibility, and there's no question about it that we work—we work on Saturday, we work on Sunday, we work on Monday, and we'll work until we get this situation resolved.

Now where are we? We're at a crossroads. Rarely, in the history of our Nation, have we come to a crossroads like this. We have the biggest government program probably since World War II in ObamaCare and the President's health care plan going into effect in a few days. We have the government running out of money in a few days, on October 1. And then we have the country facing a financial deficit in less than 2 weeks.

So this is an important crossroads. We need to get it right because there are a lot of hardworking Americans counting on us.

We must avoid the biggest government takeover of health care or any segment of our economy in history. We must avoid forcing people into part-time employment and the government making decisions about our health care. Even the unions are walking away from this plan now. We have a short time to accomplish that.

The deficit is $17 trillion, and they want to extend it almost another trillion—$900 billion—for 1 year. Since the beginning of the Obama administration, in 5 years, we've gone from $9 trillion to $17 trillion in debt—almost doubling it.

Finally, funding the government. We must keep the government open. We must be responsible stewards for the public. But the spending spree in Washington has to stop. Republicans have held the line. We need to hold the line responsibly. We can cut waste, we can cut inefficiencies, and we can make government accountable to the people.

## 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 28 minutes a.m.), the House stood in recess.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of Georgia) at noon.

## PRAYER

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

Dear Lord, we give You thanks for giving us another day.

We come to You as a Nation in the midst of great uncertainty and worry. As people look for causes and solutions, the temptation is great to seek ideological position.

We ask that You might send Your Spirit of peace and reconciliation, that instead of ascendancy over opponents, the Members of this people's House and all elected to represent our Nation might work together humbly, recognizing the best in each other's hopes to bring to resolution the current impasse over the economy.

Give Your Spirit of consolation to those who are concerned about the stability of their income, especially those who serve in our Armed Forces. May their welfare inspire those engaged in this debate to find fair and lasting solutions.

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

Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Ohio (Mrs. BEATTY) come forward and lead the House in the Pledge of Allegiance.

Mrs. BEATTY led the Pledge of Allegiance as follows:

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

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## EPA REGULATIONS DRIVE UP ENERGY COSTS

(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 current administration has dictated that the Environmental Protection Agency is to unilaterally institute regulations without seeking congressional approval. South Carolina energy producers have been forced to expedite the closing of 12 coal facilities, which has driven up energy costs for consumers, has destroyed jobs, and has made our workers less competitive. Earlier this month, the EPA acted alone again by proposing new regulations.

This week, I spearheaded a letter to the President and EPA Administrator, which was signed by other members of the South Carolina delegation, that supported legislative review. The American people deserve to have a voice in these new policies to promote jobs and lower energy costs.

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

My sympathy to Sarah Clarkson and her family of Columbia, South Carolina, on the death yesterday of her husband, A. Crawford Clarkson, Jr.—a true southern gentleman of Scottish heritage, a naval officer awarded the Order of the Palmetto by Governor Carroll Campbell.

## A GOVERNMENT SHUTDOWN

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

Ms. CHU. Mr. Speaker, yet again, House Republicans have taken us down to the wire—refusing to pass a budget or to pay our bills on time.

As The Wall Street Journal asked recently of the GOP: ''Are you nuts?''

If their antics force the government to shut down, our military, including people serving overseas right now, will not be paid on time. If they default on our bills, 10 million Americans won't receive their Social Security checks on time, and families will pay higher interest rates on their mortgages, loans, and credit cards. The last time Republicans took us to the brink, the S&P downgraded our credit rating. If the GOP doesn't compromise, they could trigger a worldwide financial crisis and cause long-term economic damage.

Since when have these cutthroat tactics been an acceptable way to govern? The answer is: they are not.

## DELAY, DEFUND, REPEAL, AND REPLACE OBAMACARE

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

Mrs. BLACKBURN. Mr. Speaker, it's interesting what brings us here to the House floor this Saturday morning as we are looking at a continuing resolution to fund the government and as we are looking at ways to address what is happening with ObamaCare—where 17 percent of our Nation's economy is being nationalized and federalized.

Those are concerns that we are hearing from our constituents. They do not want ObamaCare to be put into action, and they do not want these insurance exchanges to be stood up and put into action. There are a lot of good reasons why.

First of all, they are not ready. That's why we need to delay this for 1 year. Delay it. We know that there are problems with the exchanges. We know that there are problems with all of the interactive technologies. We know that ObamaCare has already missed over half of its deadlines.

Why would you move forward on a program that is not ready for prime time?

Delay, defund, repeal, replace. That is what we need to do with ObamaCare.

## THE AMERICAN PEOPLE WANT COMPROMISE

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

Mr. BUTTERFIELD. Mr. Speaker, Republican extremists have put the Federal Government on the brink of a shutdown in less than 3 days. On yesterday, the Senate sent over a resolution that funds the government through November 15 using the sequester level of $986 billion.

What is the Republican leadership going to do with this resolution that will keep the lights on through November 15?

Are you going to continue to listen to the 40–50 ultraconservatives in your Conference whose agenda is to disparage President Obama and hold us hostage until we gut the Affordable Care Act, as the gentlelady from Tennessee just made reference to, and make deeper cuts that hurt the American people?

Is this where we are headed?

I pray for reasonableness on the part of my Republican colleagues. I know it's not all Republicans who are swinging the wrecking ball, but it's a critical mass within the Republican ranks that is beyond reason.

A very sad day in American history is upon us.

I urge Speaker BOEHNER to listen to voices of reason in his Conference and to pull together like-minded Republicans who can join with like-minded Democrats and get this done. The American people want compromise. They want it today.

## THE PRESIDENT WILL NOT NEGOTIATE OR COMPROMISE

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

Ms. FOXX. Mr. Speaker, a ''compromise'' is an ''agreement reached by each side making concessions,'' but how can we reach a compromise if President Obama isn't even willing to negotiate?

The President has said he will not negotiate raising the debt ceiling even though every major attempt to deal with the deficit over the last 30 years has been tied to the debt limit. He will not negotiate delaying the individual mandate even though he delayed the employer mandate until 2015. He will not negotiate repealing the medical device tax even though 33 Democrats voted to do precisely that.

However, he is willing to negotiate with labor unions and special interests over their objections to ObamaCare. He is willing to negotiate with dictators who use chemical weapons against their own citizens. He is willing to negotiate with Iran.

He is just not willing to negotiate with Congress, and he is not willing to listen to the American people, who are demanding a reprieve from his half-baked health care law and real solutions to America's debt and deficit problems.

## COMPROMISE, NOT A SHUTDOWN

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

Mrs. BEATTY. Mr. Speaker, Congress is faced with much unfinished business—a budget that needs to be passed, a sequester that needs to be repealed, and a debt limit that needs to be lifted.

I remind my Republican colleagues that citizens want us united. They want compromise, not to be shut down.

If the United States defaults on its debt, the results could be devastating. A default could mean 3.4 million veterans not receiving disability benefits; drug reimbursements for Medicare could stop; and in the first week, 10 million Americans would not receive their Social Security—but in these frightening times, all hope is not lost.

John Hogan, founder of TeenForce, which is an enterprise dedicated to solving the youth employment crisis in America, recently received the White House Champions of Change award—from the President of these United States—for contributions to the administration's Youth Jobs program.

John and his family are here today. Let John and other ''champions of change'' serve as an example to us all—that in hard times, if we work together, if we compromise, we can make a difference.

## OBAMACARE

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, we are just 3 days away from October 1—the day ObamaCare's health care exchanges are scheduled to open. Yet every constituent phone call, news headline, and report I come across further proves that this law is simply unaffordable and unworkable.

On Thursday, at 11:22 a.m., President Obama said:

Most of the stories you'll hear about how ObamaCare can't work is just not based on facts . . . We're only 5 days from finishing the job.

Exactly 23 minutes later, I received a news alert, saying the White House postponed another portion of ObamaCare—the sixth unilateral delay.

Worse, in my home State of Texas, premiums will increase by 53 percent for young males and by 11 percent for females.

Mr. Speaker, I have heard the personal stories, and I have seen the facts. ObamaCare is unaffordable and unworkable. Americans want, need, and deserve patient-centered reforms, not this ''government knows best'' health care law.

## DAMAGING THE NATION'S ECONOMY

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

Mr. ELLISON. Mr. Speaker, I remember being in this House not that long ago—August 2011—when we were told that we've got to threaten the breaking of the debt ceiling of the United States because of debt and deficit. The deficit has come down. So here we are again, threatening to harm the economic fortunes of Americans with a shutdown and even the debt ceiling, but we are not talking debt and deficit anymore—now we are talking ObamaCare.

My advice to my Republican colleagues is to try to overturn the Affordable Care Act at the ballot box. Oh, that didn't work. Here is another piece of advice: go to court and try to have it found unconstitutional. Oh, boy, that didn't work out either. Okay. Try to go through the regular legislative process. Well, 43 times later, that didn't work. So now we are going to literally damage the economy of this Nation?

The fact is that this is wrong. It is going to hurt veterans, seniors. It is going to hurt children, and it is going to hurt our parks. It is going to hurt our whole country. So I pray that my colleagues stop this.

## COMPROMISE

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

Mr. LAMALFA Mr. Speaker, again, we hear about compromise. Yet, the President says he is unwilling to talk to us, that he is unwilling to negotiate. How is that compromise?

We hear more and more talk about shutdowns. Now, if the Republicans talk about shutdowns, they talk about offering solutions, including the Full Faith and Credit Act, in order to keep the government open and operating for the American people.

Finally, in this debate, in this drama, we hear deception or that people are using tactics to threaten the American people and scare them, Mr. Speaker, by saying that their Social Security is going to be taken away, which it would not be, if the Democrats actually pushed this thing to a shutdown.

Let's stop the deception and, once again, stop the drama so that maybe my daughter would actually watch us on TV—because she is sick of the drama at school. We are sick of the drama here, so let's get together and get this stuff done. We've got 48 hours or less to get this out. Let's work together and compromise. Let's work with the President, work with the Senate, and work amongst ourselves.

## MR. SPEAKER, IT IS TIME TO LISTEN AND TIME TO TALK

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

Ms. HANABUSA. Mr. Speaker, can you just tell me what's going on so I can tell my constituents?

I can't believe we are here on Saturday morning, 3 days away from a potential government shutdown, with no plan from you. I can't believe that we are about 20 days away from the greatest Nation on this Earth—the United States—defaulting on our obligation, with no plan from you.

Mr. Speaker, being ''Speaker'' means leading. The majority party—your party—has an obligation to all of the people of this great Nation to lead. Instead, you choose to play games with people's livelihoods and with the full faith and credit of our Nation—the greatest Nation on this Earth.

It is our Nation, Mr. Speaker.

Mr. Speaker, it is time for you to listen to the people—don't shut down government; don't play with the debt ceiling. It is time to listen, time to talk.

□ 1215

## GOVERNMENT SHUTDOWN

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

Mr. VEASEY. Mr. Speaker, we are faced with the threat of a government shutdown on Tuesday due to the Republican Party/Tea Party extremists' inability to compromise and pass a spending bill for fiscal year 2014.

Once again, we've been pushed to the brink of a government shutdown by fringe Tea Party members whose only goal seems to be to deny hardworking taxpayers the right to insurance.

While the Republican-led House has voted 42 times to sabotage uninsured Americans gaining health care coverage, not once have they allowed a vote to repeal and replace the sequester. Over 400 hardworking taxpayers in Fort Worth, Texas, have lost their jobs at Bell Helicopter due to the sequester. To make matters worse, once again Republicans are placing the livelihoods of American families at risk by threatening to furlough government employees. The bottom line here is that Congress has a lot of work to do this weekend and in the weeks and months to follow.

This is the work that we as Members of Congress were elected to do. I take this responsibility very seriously and expect my colleagues to as well.

## GOVERNMENT SHUTDOWN

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

Ms. HAHN. Mr. Speaker, once again, the clock is ticking. And with another deadline looming before Congress, Republicans are bullying this Nation with the threat of a government shutdown unless we get rid of the Affordable Care Act.

The Republicans have tried over 40 times to repeal the Affordable Care Act, and it hasn't gotten them anywhere. Now they've found themselves a hostage and they're saying, Give us what we want, or we're going to blow up the economy and shut down this government. That will cause critical services to be stopped for the American people, which could mean that over 3 million veterans will not receive their disability benefits, 10 million Americans may not receive their Social Security checks on time, and the SEC and EPA will be closed for business.

Careening from one fiscal crisis to the next is no way to run this country. That's not how we're supposed to do business. There are enough problems in this Nation without Congress manufacturing new ones. Let's end this manmade crisis and get to the business of not hurting the American people.

## GOVERNMENT SHUTDOWN

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

Mr. CARTWRIGHT. Mr. Speaker, once again Congress is set to play politics by threatening to shut down the government, rather than work toward a compromise.

Just last month, we marked a disgraceful anniversary of our Nation, the S&P's downgrading of the full faith and credit of the United States.

Gridlock and extremism did what wars, natural disasters, and other natural crises could not do: cause credit rating agencies to question whether or not America had the political will to pay its debts as they come due.

Now we're faced with another deadline with the end of the fiscal year fast approaching, a budget that needs to be passed and a debt limit that needs to be lifted so we can continue to do business.

Congress has a lot of work to do. We need to do it fast. This is the work we were elected to do. Let's stop holding blame-game press conferences and get the job done.

## GOVERNMENT SHUTDOWN

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

Ms. FRANKEL of Florida. Mr. Speaker, with all due respect to my friends on the other side of the aisle, this shutdown talk has evolved to ridiculousness.

To quote Dr. Seuss:

When beetles fight these battles in a bottle with their paddles
And the bottle's on a poodle and the poodle's eating noodles . . .
They call this a muddle puddle tweetle poodle beetle noodle bottle paddle battle.

Mr. Speaker, it's time to work together and stop these beetles. I mean, stop the battle.

## GOVERNMENT SHUTDOWN

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

Mr. KILDEE. Mr. Speaker, like a number of the previous speakers, I'm a freshman and I'm really frustrated.

I'm frustrated because we haven't done our job, but I'm mostly frustrated because I continually hear the talking point spouted that the President will not negotiate, and that's the reason we're in the position we're in. Nothing could be further from the truth.

The President won't negotiate on the full faith and credit of the United States, just like we can't negotiate on our oath of office and you can't negotiate on the law of gravity. Some things can't be negotiated.

What's frustrating to me is that the failure to negotiate falls clearly on the shoulders of the Republicans. The Senate and the House passed budgets. What the leadership on the Republican side failed to do is to appoint conferees to do what? To negotiate a budget, one that we might not like, the Senate might not like, but that we come together on and adopt a budget that the American people can support.

This is a failure to negotiate, that's right. But it's a failure to do what every fourth-grade civics student knows: how a bill becomes a law, negotiate the differences.

## GOVERNMENT SHUTDOWN

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

Mr. PALLONE. Mr. Speaker, I heard the same thing on the Republican side of the aisle: Why doesn't the President compromise?

The bottom line is that the President is always willing to negotiate on the issues of the budget, as are the House Democrats. But what we are seeing from the GOP is that they just want to kill the Affordable Care Act. That's what this is all about. They do not want the Affordable Care Act to proceed.

I know for myself that in my district there are plenty of people who just can't wait until October 1. They don't have insurance, they want a good benefit package. It makes absolutely no sense to link the budget, which has nothing to do with the Affordable Care Act or ObamaCare, and say, Well, we want to kill that because we don't like it.

We had an election last November. Less than a year ago, President Obama said he was going to continue with the Affordable Care Act, and his opponent said, no, he would repeal it, and the President won. This is over. The Republicans should not continue to come back and insist that there be changes, repeal, defunding of the Affordable Care Act. That's not the way this government operates.

No one on the Republican side of the aisle has asked to sit down with the Democrats, and no one on the Republican side of the aisle has suggested they'll do anything, but they have to repeal the Affordable Care Act. That's what this is all about, and it should not be, Mr. Speaker.

## GOVERNMENT SHUTDOWN

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

Ms. JACKSON LEE. Mr. Speaker, we're here on a Saturday, and we're probably in the I-don't-believe-it crowd. It's not because we're here on a Saturday, but because the people's business must be done.

I hope that the backdrop of the U.N. resolution that dealt with 15 countries that stood together to bind themselves against Syria's holding of chemical weapons may be an example for the coming together of this body. Something historic happened because people listened to each other. I hope that as we move towards some mode of peace, as we work to reconcile the terrible violence in Syria, the killing of Syrians, we first ensure that those chemical weapons do no harm to anyone in this world.

I hope the Republicans can listen and understand that it is always the other person's interests that should be promoted and put first. That is to say, this Nation must fund itself and we must pay our bills. A good lesson, for once, from the United Nations. We all would do well to understand that we can work together.

## APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276h and the order of the House of January 3, 2013, of the following Members on the part of the House to the Mexico-United States Interparliamentary Group:

Mr. PASTOR, Arizona
Ms. LINDA T. SÁNCHEZ, California
Mr. GENE GREEN, Texas
Mr. POLIS, Colorado
Mr. GALLEGO, Texas

## WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES AND RELATING TO CONSIDERATION OF SENATE AMENDMENT TO H.R. 2642, FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 361 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 361

*Resolved,* That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of September 30, 2013, relating to any of the following: (1) A measure making continuing appropriations for the fiscal year ending September 30, 2014. (2) A measure relating to the public debt limit.

SEC. 2. Upon adoption of this resolution, the House hereby (1) takes from the Speaker's table the bill (H.R. 2642) to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes, with the Senate amendment thereto; and (2) concurs in the Senate amendment with an amendment substituting for the matter proposed to be inserted by the Senate amendment the text of H.R. 2642, as passed by the House, modified by the insertion of a new title IV consisting of the text of H.R. 3102, as passed by the House, with designations, short titles, and cross-references conformed accordingly.

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

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman and my friend from Worcester, Massachusetts, (Mr. MCGOVERN), 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. SESSIONS. 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 Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, House Resolution 361 provides this body with an expedited procedure necessary to ensure that all legislation needed to prevent a government shutdown can be expeditiously considered without delay. That is why we are here today, Mr. Speaker.

Additionally, this resolution allows for consideration of legislation designed to ensure that our government

does not default on its debt obligations.

Finally, House Resolution 361 provides the necessary framework to move forward with consideration of the farm bill, with our friends in the Senate.

Mr. Speaker, at midnight on Monday, just 2 days from now, the Federal Government would shut down if Congress does not act to provide the necessary appropriations. There are varying schools of thought on what these appropriations should look like, but I believe that all Members, regardless of party affiliation, are united in the understanding that a government shutdown is detrimental to this Nation and to the American people.

Over the next couple of days, there will be much deliberation over how to appropriately fund this effort and the government. This resolution before us today is necessary to ensure that once a decision is reached, this body can quickly react without undue delay to prevent a government shutdown.

□ 1230

I recognize that this is an important time, as do all of my colleagues. Even the House Chaplain is here on the floor of the House today because he has great expectations that we, as a body, can work together to do the things that will ensure that our government is seen in the light by the American people as doing the right thing for them, because that is what our job and our oath of office is, to make sure that the American people are protected and that we, as one Nation under God, will move forward together.

I urge my colleagues to vote ''yes'' on the resolution, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman, my friend from Texas, the chairman of the Rules Committee, for yielding me the customary 30 minutes. And I yield myself such time as I may consume.

Mr. Speaker, this is a martial law rule that will allow for consideration of a yet-to-be-seen continuing resolution and a yet-to-be-seen debt ceiling bill. This martial law rule also adds to the farm bill the dreadful and hurtful cuts to food stamps that the Republicans approved last week, a cut that will throw 3.8 million people off the program, including 170,000 unemployed veterans.

This was a truly awful piece of legislation; and the way the Republicans continue to diminish the plight of poor people, the way they continue to beat up on programs that benefit them stuns me. It takes my breath away.

Mr. Speaker, once again, the Republican majority is back on the House floor, trampling upon regular order and eliminating any possibility of a fair and transparent legislative process.

When the majority assumed control of this Chamber in 2011, they promised to adhere to regular order. On March 10, 2010, National Journal reporter Major Garrett asked Speaker JOHN BOEHNER:

> If you are Speaker, will you ever bring a bill to the floor that hasn't been true to the 3-day rule?

Speaker BOEHNER replied with one word, ''No.''

In the same interview, Congressman BOEHNER said:

> We need to stop writing bills in the Speaker's Office and let Members of Congress be legislators again. We have nothing to fear from the battle of ideas.

Those promises seem a million miles away today.

Sadly, since that time, the Republican majority has repeatedly violated their own promises of openness and transparency; 33 times, the majority has violated its own 3-day promise and rushed legislation to the House floor. They have avoided the committee process and brought legislation straight to the House floor 48 times. And despite promising to let the House ''work its will,'' the majority has approved 157 closed or structured rules and just 31 open or modified rules. In short, the majority has shut out the Democrats and shut out many Republicans and shut down the democratic process.

Why have they done this? Not because they are letting the House work its will. They have abandoned regular order because an extreme faction of the Republican Party is so uncompromising that they are willing to shut down our government or implode our economy unless they get their way.

As a potential government shutdown looms just a couple of days from now, we still do not know what the Republican majority is planning to do. What we do know is that whatever they propose will have been written behind closed doors in an attempt to appease the most extreme elements of the Republican Conference.

Mr. Speaker, time is running out. Now more than ever, the American people deserve a fair and transparent legislative process so that we can keep our government open and our economy on track. Implementing martial law, as this rule would do, would be a step in the wrong direction. And I urge my colleagues to reject today's rule and protect our democratic process.

Finally, Mr. Speaker, I would strongly urge my Republican friends not to shut this government down. Now, we've heard rumors that behind closed doors, Republicans are gathering and are trying to figure out what to do. And I know that you have to check with TED CRUZ before you bring anything to the House floor. But the rumors that we are hearing is that what you are proposing is even more right-wing than what the Senate has already rejected, in other words, a nonstarter.

I would urge my friends, do not put the American people through yet another manufactured crisis that will do great damage to our economy. Stop the drama. This has become theater of the absurd.

I am praying that there are some grownups in the Republican Conference who will take charge and avoid an unnecessary shutdown by passing a clean CR and also by passing a clean debt ceiling bill that isn't porked up with Tea Party sweeteners. Time is running out. The American people are frustrated. It's time to get real. This isn't a game. People will be hurt by your intransigence. Do the right thing. Do your job.

I reserve the balance of my time.

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

With great respect for the gentleman from Massachusetts, we have been debating these issues for a long, long time—not just the closed rule and the way that the ObamaCare bill was rushed to the floor of the House in March a couple of years ago, but since then, a complete denial about what really the real impact of ObamaCare is.

And the gentleman is right, the gentleman is absolutely correct: Republicans, 100 percent of us, are absolutely opposed to ObamaCare. But there are reasons why. It's not some narrow political ideology. In fact, it's reality.

And the reality is—and I will lay these out in several different formats, Mr. Speaker, just to make it easy for the American people to understand what we're talking about—the cost to taxpayers. And I know we were told there won't be any cost to taxpayers; but, in fact, there was a $716 billion cut to Medicare. That means senior care. This ObamaCare cuts seniors' care. It takes $716 billion out of Medicare to pay for ObamaCare. That's wrong. That is taking this out on America's seniors.

Next, there will be $1.8 billion that we know about that we will be spending over the next decade alone to fund ObamaCare.

The cost to families. I'm from Dallas, Texas. On average, Texas families face a potential premium increase from 5 to 43 percent in the individual market and a 23 percent increase for small groups. That's the little bit that we know about the announcement that came out the other day. It could be up to a 43 percent increase.

The cost to employers. Well, the cost to employers is also a cost to their workers. It's a cost to the economy. It's a cost to stock prices, which people have their pensions in. Recently, Delta Airlines announced that ObamaCare will cost the company $100 million in increased premiums in just 1 year. That's a huge cost, $100 million.

The impact on health insurance coverage. Americans are losing their current health insurance. Employers have begun dropping spouses from their health insurance. Just last week, UPS also announced an extra 15,000 spouses of its employees will be dropped from their health insurance plan.

ObamaCare's impact on American jobs: fewer jobs. According to the CBO, ObamaCare will shrink employment by .5 percent. Well, let's see what that does. It doesn't just decrease it by .5 percent. It really means that full-time workers are becoming part-time workers directly as a result of ObamaCare.

ObamaCare puts 3.2 million jobs at risk in the franchise industry alone. Fewer hours and more part-time jobs. Since ObamaCare was passed, there have been seven part-time jobs created for every one full-time job.

That's simple. I get that. As a former employer, I understood if you put rules and regulations on who is required to pay for full-time workers, they simply understood that and ducked out by hiring part-time employees. Full-time growth has only expanded by .23 percent. That's two-tenths of 1 percent since ObamaCare has passed.

This is not the direction America ought to be going. The Republican Party is opposed to ObamaCare. We are here on the floor of the House of Representatives again; and I think we are gathering support across the lines of the American people, including union leaders who say this is the wrong way to go.

I don't know that this is the last time to say ''no.'' But we are taking every opportunity we can, as the Republican Party, to say that where we are headed with this costly health care change, which will diminish and destroy America's greatest health care system in the world, is what we are going to stand up for.

Mr. Speaker, I believe that the facts of the case are a daunting task for our American economy to overcome. And that's why the Republican Party, the party of full-time jobs and careers, is on the floor of the House of Representatives, thoughtfully articulating here and to the American people about why we're doing what we're doing.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to insert into the RECORD an article entitled, ''Why a Government Shutdown Could Be a Pricey Proposition,'' talking about the cost to the taxpayers if the Republicans move ahead with the shutdown.

WHY A GOVERNMENT SHUTDOWN COULD BE PRICEY PROPOSITION

(By Carrie Dann)

[From NBC News, Sep 28, 2013]

If past is prologue, a looming government shutdown could actually cost U.S. taxpayers money. A lot of money.

According to the Office of Management and Budget, the two shutdowns in 1995 and 1996 cost taxpayers $1.4 billion combined. Adjust for inflation and you've got $2 billion in today's dollars.

Those two shutdowns lasted a total of 27 days, but there's no telling how long the government could be shuttered this time around if Congress fails to act by Monday at midnight. Even shorter shutdowns have proven successful at draining government funds.

In the immediate aftermath of the first government shutdown in 1981, the most conservative estimate—conducted by the General Accounting Office (now called the Government Accountability Office)—put the cost of shutting the government down for a single day at $8.2 million, or almost $21 million in today's dollars. A House panel later concluded that the day-long furlough cost taxpayers 10 times more than that.

''Past shutdowns have disrupted the economy, and this shutdown would as well,'' President Barack Obama said at an address at the White House on Friday. ''It would throw a wrench into the gears of our economy at a time when those gears have gained some traction.''

It may seem counter-intuitive that pressing the pause button on the federal government's operations could come with such a hefty price tag . . . so why does it take so much cash to keep the government's lights off? And why do estimates vary so widely?

First, there's the actual mechanics of preparing for a shutdown, like alerting staff of procedures and preparing to secure files and facilities. For example, during the first five day shutdown in 1995, the Labor Department alone spent almost $12,000 on postage, printing and paper for furlough notices. The Treasury Department calculated the cost of developing contingency shutdown plans at just over $400,000.

That process—and some of the costs associated with it—is already underway days or even weeks before a shutdown deadline, whether the crisis is averted or not.

''Those costs begin to be incurred now, when the debate is still going on,'' said Bruce Yandle, a professor of economics at Clemson University who served as the executive director of the Federal Trade Commission during the Reagan Administration. ''It's what employees are already discussing around the water cooler. It's already affecting decisions being made by management.''

The impact of a brief shutdown—or even just the threat of one—for government contractors can also mean higher costs for federal agencies in the future, although it's almost impossible to assign a dollar amount, says Roy Meyers, a political science professor at the University of Maryland Baltimore County and a former CBO analyst.

''It can reduce the profits of the contractors,'' says Meyers. ''And the next time they consider working with the federal government, they count that as a risk, and they charge more.''

That impact could be felt acutely in the Washington, D.C., area, where many contractors are based. And that could be compounded by the impact on tourism in the District as federally-funded museums and monuments are shuttered. The shutdowns of the 1990s cost the District of Columbia an estimated $50 million in lost business and cancellations, officials said at the time.

There's also the issue of back-pay for furloughed workers. While only those workers deemed ''non-essential'' would stay home during a shutdown—about 40 percent of the federal workforce during the mid-1990s—there's a precedent for lawmakers granting those individuals their pay once the government is back up and running, even though they weren't producing any work.

Cost estimates must also factor in delays in the collection of fines and fees typically gathered by federal agencies.

OMB said after the twin shutdowns in 1995 and 1996 that $2.2 billion worth of licenses for U.S. exports were delayed and that some $60 million in environmental fines and settlements were not collected or negotiated.

Most of those fees eventually get collected, says Yandle, but the delays and the inconvenience to businesses and consumers can end up having resonance that won't show up in cost estimates at all.

''Those costs that cannot be estimated are often much more important than those that can,'' he said.

Meyers argues that a shutdown's cost to the budget or the effects on the overall economy estimates—flawed as they may be—pale in comparison the societal cost of a government that seems bent on playing political chicken rather than focusing on solving problems.

''The real costs are really not in terms of consumer confidence or any of the standard measures in macroeconomics or even the federal budget,'' he said. ''The real costs are in trust in government and belief that government officials are paying attention to the real issues of the country.''

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

Let me just say, before I yield to the gentlelady from New York, the Republican talking points we just heard are absolutely wrong, absolutely wrong.

To suggest that somehow senior citizens will get less care is just false. The fact of the matter is we see expanding care for senior citizens. We see preventative care being covered without copays. We see the doughnut hole in the Medicare prescription drug bill that the Republicans passed, where seniors are asked to pay huge out-of-pocket expenses, closing down.

We are seeing young people being able to stay on their parents' insurance until they are 26. It is no longer considered to be a preexisting condition if you are a woman in this country because of the Affordable Care Act. And I could go down the list of all the things that have been accomplished.

Now, let me just say to my Republican friends, you lost the last election. You lost big. President Obama won reelection. Your whole election was about the Affordable Care Act. He won reelection by 5 million votes. Democrats picked up seats in the Senate. We even picked up seats in the House. And by the way, in terms of the congressional races, Democrats received 1 million more votes than Republicans did. You lost the last election.

Now, if you don't like the Affordable Care Act, there's a way you can deal with it: you can go out and try to win some more seats. And then you can come to the floor, introduce bills, bring them through committee, you know, have the Senate do the same thing, conference them, and then send them to the President's desk. And by the way, you can try to win the Presidency. That's the normal way to do legislative business.

What you are doing here is you have distorted the legislative process. This is making a mockery of the legislative process. You have turned this House of Representatives into a laughingstock. And the bottom line is, what the American people want us to do right now is to keep the government moving ahead, keep it running—not shut it down—deal with the debt ceiling without holding that hostage to all the Tea Party sweeteners, and do our job.

Democrats are willing to work with Republicans to get things done. But instead, you are all huddled in this secret meeting somewhere in the Capitol, where there's no transparency, where we have absolutely no say, where we're going to be told, Here it is; take it or leave it. That's not the way this process should work. This process has become a disgrace.

So I say to my colleagues that the notion that somehow your health care

benefits have been decreased because of the Affordable Care Act is just so far from the truth, it's comical.

At this point, I yield 5 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the distinguished ranking member of the Rules Committee.

Ms. SLAUGHTER. Thank you very much. I appreciate my colleague for yielding.

Mr. Speaker, I think the gentleman from Massachusetts did a very good job of refuting what we heard in the talking points, but let me add just one or two things to it.

We've always known that if people say an untruth often enough, loud enough, that they begin to believe it themselves. But we still hope that the country out there at large will not.

Let me just put it this way as succinctly as I can. The same group that's fighting today also fought the Social Security law and the Medicare law. They hated it all. They didn't want any of that done, and I don't believe that the American people now are feeling very good about giving up either one of those.

Their fear right now is that when this bill goes into effect—not until January—all the awful things you have heard about are not even in effect yet because this bill is not in effect—that it is going to be a success, and they are going to have a lot of explaining to do.

Now, a report just released that I heard about yesterday showed that only 1 percent of businesses in the United States of America have made any changes at all. And, indeed, small business gets great benefits providing health care in tax rebates.

Now, the most important thing I want to say—because the contrast to what we're doing here today is so glaring. When we did the health care bill—and every President since Teddy Roosevelt has tried to—when we did it, it went through the committee process in both Houses, and everybody had a chance. Every committee in the House and in the Senate contains both Republicans and Democrats who proposed amendments. Some of them were accepted. In fact, one of the ones we are working with now is to try to make some sense out of the one that was added by Senator GRASSLEY over in the Senate, a Republican.

The idea that we rammed this thing through in the middle of the night and nobody had ever seen it is absurd.

□ 1245

Everybody knew about it. The whole thing was transparent. The committee meetings were all open, and everybody had a chance.

Never in the world have we ever seen people fight so hard to do away with a piece of legislation that is a legitimate law. And what do they do with the rest of it? They have dropped the entire process of governing the House of Representatives. We have, over this year, seen not a piece of work get down. Appropriations bills in the House and Senate, none. Absolutely none. So we are having to do a continuing resolution because we have no budget. A budget was passed in the House; a budget was passed in the Senate. The Republicans in the House of Representatives have refused what is normal process, to sit down and confer over that budget and give us a budget.

Since January of 2011, 42 votes have been held here to defund or to undermine the historic law. They have repeatedly failed to complete the most basic of congressional functions, which is passing the appropriations legislation to keep the government open. In fact, what their mantra is: Do we need to create jobs in America? Well, let's repeal ObamaCare. Do we need to balance our budget? Well, let's repeal ObamaCare. We need to keep the government open; oh, my goodness, let's repeal ObamaCare—the answer to everything and the cure for absolutely nothing.

And now their legislative malpractice—and I don't know of anything else that you can call it—has led us to the brink of a major crisis. Reading just this morning from Frank Keating, the former Republican Governor of Oklahoma: What in the world is going on here? What in the world do we think we're doing?

As they begin to see the consequences of their action, they're doubling down, putting forth a list of demands that even the greediest child on Christmas morning would be put to shame. In exchange for averting government shutdown and a global economic crisis, the House majority considers making the following demands:

A 1-year delay of the individual mandate, which would gut the health care law; the implementation of Congressman RYAN's tax reform plan, which does away with Medicare, by the way, despite the fact that voters, as my colleague said, rejected his draconian vision as he ran for Vice President last year; and the repeal of Dodd-Frank.

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

Mr. MCGOVERN. I yield an additional 1 minute to the gentlelady.

Ms. SLAUGHTER. The repeal of Dodd-Frank so that we can go back to an era of unregulated Wall Street banks; and they want to construct the Keystone pipeline.

None of this has anything in the world to do with what is facing us today. They want to do away with all of the environmental regulations. The list goes on and on.

It is time for this temper tantrum to end and for cooler heads to prevail. There must be some cooler heads here on the other side. With time running out, the majority has to act to keep this government open and try to get this economy on track. The American people must be spared from the consequences of a majority that cannot find the will or the ability to legislate.

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

Ten days ago, we had a debate on this floor where we heard about what the Republican Party was doing: Taking food away from disabled people; that's not true. Today, we hear about how Republicans want to repeal all laws that are related to clean water, clean air, all of these onerous things that they talk about; not true. We're for clean water; we're for clean air.

I, myself, and many of my colleagues, are outdoorsmen who believe in not only the wilderness of this country but also the freedoms that come with that. We're for clean water and clean air, but we're not for the rules and regulations that kill jobs like the Democrats' war on coal, and that's when Republicans do stand up, Mr. Speaker. We stand up and say: We're not going to tolerate taking away our constitutional rights nor the rights of free people to have their jobs by rules and regulations that are based upon premises that just aren't even true, that cannot stand the test of sound science.

Mr. Speaker, at this time, I yield 5 minutes to the gentleman from Texas (Mr. BURGESS), who is one of the brightest Members of our body and who also sits on the Rules Committee.

Mr. BURGESS. Mr. Speaker, I thank the chairman for yielding to me.

I just heard a term used here, ''legislative malpractice.'' It's an interesting term because I believe it applies so succinctly to the process that gave us the Affordable Care Act.

Many people now don't even remember December 21, 2009. It is but a distant and dim memory; but on that very night, on the longest and the darkest evening of the year, the Senate held a cloture vote to allow the Affordable Care Act to proceed to a vote in the full Senate. It passed the 60-vote margin. On Christmas Eve, the Affordable Care Act passed by that same 60-vote margin, right ahead of a big snowstorm because all of the Senators wanted to get out of town.

Let's think about this for a minute. Were there hearings on H.R. 3590 in the House of Representatives? No, there were not. There were health care hearings, to be sure. Those led to a big, explosive growth in attendance at our town halls in the summer of 2009, but there was never a hearing on H.R. 3590, save the hearing in the Rules Committee the night before it came to the floor of the House in March of 2010. The hearings on H.R. 3200 were vastly different from the law as written in H.R. 3590.

And here's the real crux, Mr. Speaker. Here's what's really wrong and why Washington is in such a lather right now: The Affordable Care Act was never intended to become law. It was a vehicle to get the Senators home on Christmas Eve before the snowstorm. It was never intended to be law. The law that was passed by the Senate was a rough draft. It's equivalent to saying the dog ate my homework so I turned in the rough draft; and, unfortunately, the rough draft got signed into law the

following March, and that's why there's so much difficulty with this.

You know, HR directors across this country, labor lawyers across this country are just literally pulling their hair out trying to make heads or tails of what they are required to do under the law. They get conflicting information from people at the Federal agencies.

Goodness knows, in our committee hearings on Energy and Commerce, we have yet to have an administration person come in and really be prepared to answer our questions. What they are prepared to do is to try to mislead us and try to fill the time and try to filibuster and live through the hearing of the day and then get on to whatever it is they do.

I asked the Director of the Center for Consumer Information and Insurance Oversight just last week: Will you be ready on October 1? A yes or no question; I asked for a simple yes or no answer. He gave me a long, convoluted answer about people going online and this, that, and the other. I said: You can't answer the question ''yes'' or ''no?'' He repeated his long discourse.

But then what happened, while the President himself was out giving a speech on the greatness of the Affordable Care Act, oh, yeah, the Department of Health and Human Services put out a little memo that, in fact, people won't be able to go online. They might have to fax their information in on October 1.

And here's the real point. Sure, you can criticize Republicans for having 42 votes to repeal parts of the Affordable Care Act. Guess what? Seven times we've been successful. It passed the Senate and went on to the President and he signed it. Gone are the 1099s; gone are the CLASS Act. There are some things that, in fact, have happened to actually make the Affordable Care Act a little bit better. But who has been the delayer in chief on the Affordable Care Act? It has been the White House. It has been the President himself.

Why do I say that? They extol the benefits of coverage for preexisting conditions, but no one can go to the Department of Health and Human Services and sign up for that Federal preexisting program. They closed the window on February 1 and said, Good luck. We'll see you next January 1 when you can sign up for ObamaCare. That's no answer to the problem.

And look at what happened on July 2, right before everybody was to leave for the July Fourth holiday: 6 o'clock in the evening, on a blog post, they delayed the employer mandate.

Now look, HR directors across the country are calling my office and asking: What Twitter feed do we need to follow to find out what's happening to this law? Do I need to go on Instagram to keep up with what's happening in this law? What's going to be delayed next?

The President of the United States has been the delayer in chief. The caps on out-of-pocket maximums, delayed for another year. Small business health exchanges, gone for another year. The story repeats itself over and over again. I dare say, we will see a compression of morbidities next week and the week after, after this thing is supposed to go live.

Mr. Speaker, the fact of the matter is, had we had hearings, we might have actually come to an answer that would be more logical. Why didn't we ask any Governor what they thought of what the Congress was doing with health care in 2009? Where was Governor Mitch Daniels, who had managed to hold down cost in his State employees' health care by 11 percent over 2 years with his Healthy Indiana Plan? Why didn't we have him into committee to find out how he had managed to do that? Why didn't we have the Governor of Utah, who was attempting to set up exchanges in his State?

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

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

Mr. BURGESS. The Governor of Utah had been trying to set up exchanges in his own State for some time. He came to our committee and testified after the fact, after this thing had passed, after the Republicans were back in the majority and we invited him in. He said: I don't know what to do. I'm on shifting sands. Nothing seems stable right now.

Where were the Governors when this law was written? Where were the Governors in our hearing?

Mr. Speaker, we are at a crucial time in our country. The House is going to put forward legislation today that will keep our government open and funded. I pray—I pray—that HARRY REID and the President of the United States will not shut the government down.

Mr. MCGOVERN. Mr. Speaker, oh, my goodness.

First of all, I would say to the gentleman from Texas who just went on this kind of diatribe trashing the President of the United States and the Affordable Care Act, rather than doing that, maybe he can enlighten us about what's going on in that secret meeting downstairs? What has the right wing decided to do in terms of bringing a CR to the floor or debt ceiling? I'd be happy to yield 10 seconds to him to tell us what's coming to the floor.

I was referring to the other gentleman from Texas, but if this gentleman from Texas can inform us what, in fact, is coming.

Mr. SESSIONS. I certainly can, and I appreciate the gentleman yielding.

Mr. MCGOVERN. I yield the gentleman 10 seconds.

Mr. SESSIONS. We're gathering our ideas together, and we're going to come to this floor of the House this afternoon and, with resolve, help the American people.

Mr. MCGOVERN. That's not particularly enlightening; but, let me ask the gentleman: Are we going to have any hearings on what is being decided in the back room somewhere in the Capitol here? Will Members be able to offer amendments? Or are we just going to be given something and told to take it or leave it?

I yield 10 seconds to the gentleman.

Mr. SESSIONS. I appreciate the gentleman engaging me.

An announcement has been made, Mr. Speaker, that the Rules Committee will be in this afternoon to do just that. I thank the gentleman

Mr. MCGOVERN. Mr. Speaker, in other words, none of the committees of jurisdiction that oversee a lot of the issues in the CR will be having any hearings or there will be any markups on that.

I would also say to the gentleman from Texas (Mr. BURGESS) who kind of went on about no hearings, there were lots of hearings on the Affordable Care Act. Maybe he didn't go to them, but there were lots of them, number one.

I would like to ask him: How many hearings were there on the bill that the Republicans brought up last week to cut the food stamp program by $40 billion, throwing 3.8 million low-income people off the program, throwing 170,000 veterans off the program? How many hearings on that? None. Zero.

This is becoming a habit in this House where the committees of jurisdiction don't even have a say. The Agriculture Committee didn't have a chance to hold a hearing or even a markup on that bill. This is the way this House is being run.

I would just again remind the gentleman from Texas (Mr. BURGESS) again, look, you may not like the Affordable Care Act—I get it—but it passed with a majority of votes in the House and a majority of votes in the Senate. The President signed it into law. That's the way we do things here. That's the way laws are passed. And you didn't like it and you went to the Supreme Court, and the Supreme Court upheld it. I'm sorry you don't like it, but the majority voted for it, and I think a majority of people in this country, once they understand that all the falsehoods and distortions that are being told here are nothing more than Republican talking points, I think they'll appreciate the fact that health care will be a right in this country and not a privilege.

The SPEAKER pro tempore. The Chair reminds all Members to direct their remarks to the Chair and not to others in the second person.

Mr. MCGOVERN. I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Let me begin by paraphrasing Sir Walter Scott, and I think it's really an accurate description of what is going on on the other side of the aisle with the Republican majority. Sir Walter Scott said:

> Oh, what a tangled web we weave when first we practice to deceive.

This is about deception of where we are moving forward.

Mr. Speaker, I rise in opposition to this rule. It aims to put our country on the same radical, dangerous, ideological path that was decisively repudiated at the polls last November. We all know one definition of insanity is doing the same thing over and over. Well, here we are again.

The House majority is trying to move one step closer to locking in the deep, automatic cuts caused by sequestration. Everyone in this room knows these cuts are destroying jobs all across America, robbing children of the education they need, slowing the pace of lifesaving research, and threatening everything from public safety to public health. Even the chair of the Appropriations Committee—I might add, a Republican—has said:

> Sequestration—and its unrealistic and ill-conceived discretionary cuts—must be brought to an end.

□ 1300

This rule does exactly the opposite. It allows the majority to advance a budget that makes these dangerous cuts permanent.

This resolution also seeks—for the 43rd time—to deny quality, affordable health care to millions of Americans. In fact, the Affordable Care Act has passed the Congress—House and Senate. It was signed into law by the President. It was upheld by the Supreme Court. And it was reaffirmed by the American people at the ballot box.

Let me say to my colleagues on the other side of the aisle: get over it. The Nation doesn't want to repeal this bill. They do want, if there are problems, to make changes. In short, it is the law of the land—one that will help Americans lead healthier lives without having to worry about being bankrupted by an injury or an illness.

And what my colleagues want to do, quite frankly, is they want to return your decisions on your health care back to the insurance companies to make the decisions on your health care, and to tell you that they're not going to cover you for a preexisting condition. They won't cover your child who may have asthma or autism, or for someone like myself, who is a cancer survivor.

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

Mr. MCGOVERN. I yield the gentlewoman an additional 1 minute.

Ms. DELAURO. And because they cannot repeal the law through the usual process, the majority is threatening to bring down the government—and soon, the economy—to get their way. This could not be more irresponsible.

They also want to push forward a rule that will move their farm bill with $40 billion in cuts in the food stamp programs, while at the same time providing $90 billion in crop insurance subsidies for wealthy agribusiness. Deep cuts to the food stamp program have nothing to do with cutting the debt and everything to do with the majority's radical ideology.

The Department of Agriculture reports it spent $14 billion on crop insurance last year alone. This majority chooses to force over 4 million low-income Americans to go hungry—children, seniors, veterans, and working families—while continuing to provide the richest of subsidies to the rich.

Let's be clear: we are at the eleventh hour. It is time for the majority to stop playing games, stop trying to repeal the last election, and stop trying to push a government and the entire economy into a shutdown. We have to do better.

I urge my colleagues to oppose this rule.

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentleman from Houston, Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, our job description is ''Representative,'' and we are reelected every year to come to change the law, no matter what might have happened in previous Congresses.

Today, in a few hours, the Nation is going to see the constitutional conservative majority in the House stay true to our word to our districts and to our Nation to stand on principle. We will have the courage of our convictions to do what we need to do to slow down this destructive law that was rammed through this House in less than 24 hours—so rapidly that even Speaker PELOSI said we had to pass the law to find out what was in it.

We are elected every Congress to come back and try to change the law. But today, the Nation will see the courage of the conviction of the constitutional conservatives that are in the majority in this House doing our job for our districts and our Nation. We will be 100 percent unified in this effort because we're standing on principle.

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

Maybe the gentleman from Texas can enlighten us as to what's going on in the secret meeting downstairs with the Republicans because we have no idea what's going to come to the floor. We have no idea about what's going to be in this continuing resolution or whether we're going to have a debt ceiling bill or anything. We're in the dark here. We'd like to know. I think the American people would like to know what's in this bill.

Can you enlighten us about what's happening in this secret meeting? Is TED CRUZ in the meeting? What's going on?

I yield to the gentleman from Texas for 5 seconds.

Mr. SESSIONS. I thank the gentleman for yielding.

It is a meeting all Republican Members are attending, and we are meeting together and speaking. We will be up in the Rules Committee this afternoon.

Mr. MCGOVERN. Reclaiming my time, I would say to the other gentleman from Texas that we're all elected, too. We respect and appreciate and value the Constitution every bit as much as he does, and there is a constitutional way to run the government, which we are all supporting here.

It seems what the gentleman wants to do is just trash all that. He wants to say that what happens in the House and the Senate doesn't matter; the President signs it, it doesn't matter; the Supreme Court rules, it doesn't matter. I don't know where he's coming from.

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

(Ms. JACKSON LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman from Massachusetts for yielding and for his leadership.

We do live in a constitutional Republic. That constitutional Republic requires for this Nation not to be held hostage by self-centered special interests.

We come to the floor today to stand in opposition to the minority of the majority holding the vast numbers of Americans who want a rational approach, to continue the operation of this government, and to be able to make a difference.

So I rise today and say that martial law—even the concept of it—is one that finds itself with a very difficult premise. Whatever we want to throw down today, the American people have to take it. And so if someone rises and says there are Medicare cuts, we have to take it and believe that it happens. The Affordable Care Act did not do that. In fact, the Affordable Care Act rescued seniors from the abyss of the doughnut hole. When you threw them over the doughnut hole, when they were drowning in the doughnut hole because of Medicare part D, we've helped them cut their prescription costs.

And so this misrepresentation about the Affordable Care Act and the urgency to defund it is a misnomer, it's incorrect, and it's just plain wrong.

This proposed CR, or continuing resolution, that now wants to delay the individual mandate, Mr. Speaker, I don't think my colleagues remember the hours and days and weeks of hearings that we had in this place. Maybe they don't remember the little girl who was suffering from leukemia that went into an insurance company with her family in California and died because the insurance company would not cover her because she had a preexisting disease. I wonder what it feels like to see your child die in your arms because there is no insurance.

I will not vote for anything that will delay the individual mandate while young women over the age of 26 who are susceptible to early cancer will not be able to find affordable, reasonable health insurance. Not on my watch.

I will not vote for this rule. And I ask you not to vote for it. It is interesting that we can cut $40 billion out of food subsistence for 46 million Americans—

75 percent are children, 23 percent are disabled, 11 percent are elderly, and some of them are the families of soldiers—but we can vote today to give fat cats subsidies.

You will divide us like that if you want to make sure that you take care of your district and not take care of America. Well, I came today to rise on the floor of the House to say that the Founding Fathers stuck together in the Thirteen Colonies when they declared their independence. There's something about unity for the greater good. And I refuse to let this House fall on the spear for individual selfish perspectives—because I got mine, you get yours. America deserves better. We will vote in the best interest of America. It is to continue this government and provide for ObamaCare and make sure that there's health care for a better America.

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

I appreciate the gentlewoman's arguments that she makes on the floor, but the facts of the case are the facts of the case.

ObamaCare took $716 billion out of Medicare to fund ObamaCare. Secondly, since ObamaCare was passed, there have been seven part-time jobs added for every one new full-time job added.

We cannot pay for this bill. It is nonsustaining, and it's harming America and its future. That's why Republicans are here, gathering in strength and in numbers with resolve again today.

I reserve the balance of my time.

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

Mr. Speaker, it's pretty clear what's going on here today. My Republican friends didn't get their way so now they're throwing a tantrum.

I see many more Members on the floor today as these speeches have gone on. I'm just curious: Can anybody enlighten us on what in fact happened in your secret conference, what we're going to vote on? I think the American people would like to know.

I yield to anybody if they can tell me one fact that has been decided.

I guess nobody wants to tell us.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, the gentleman from Massachusetts yielded to me, but I don't know what they've got cooking over there.

What I do know is this, Mr. Speaker—and this is abundantly clear: unless we take up the Senate bill, unless we take up what the Senate has passed, we will be in a situation where whatever is put on the floor and passes will have to go back to the Senate. And HARRY REID has indicated we don't have time.

So unless we take up the Senate bill, we are going to head for a shutdown. That means the Republican majority has just shut down the government.

Now we still have time. Reasonable heads can still prevail. But if we do anything other than keep the government open until November 15 vis-a-vis the Senate bill, the Republicans will have done what they did 17 years ago: shut the government down.

This is extremely irresponsible, Mr. Speaker. It's extremely irresponsible because people on Social Security who need to call and get their questions answered—and who might need to get some real responsive answers—won't get them because there won't be people there to man the phones.

Veterans' services will be slowed down, as well as national parks, medical research, and all types of people working for the Federal Government will have a painful payday. They'll have time when they're in suspended animation. No matter what is going on, their lives will be turned upside down, as they don't know what is going to happen.

So we're not taking up the Senate bill, apparently. We don't know what we are taking up, but we're not taking up that. And that is irresponsible and wrong.

Why are we doing this? Is there some big reason? The reason was the deficit. You recall, Mr. Speaker, August 2011, the Republicans threatened to break the debt ceiling and default on America's full faith and credit because of debt and deficit. We're not even talking about that today. It's all now about ObamaCare.

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

There's a lot of words that are coming out of my friends' mouths about a secret meeting, about things that are happening, like they can't figure it out.

Mr. Speaker, right behind me are going to be 230 strong Republican Members of Congress who were in a meeting where we, with great resolve, saw the future of this country. They saw it not only the same way, but we're going to do our job.

I think the height of irresponsibility is any of these two bodies sending their Members home. Speaker JOHN BOEHNER has the Republican Members of Congress who are here, ready, willing, and able to vote.

And you're right, you did hear these Members gathering together with excitement about helping our future, helping the American people. That's why we're here today. We're proud to be Republicans. We're proud to be Americans, one Nation under God.

I reserve the balance of my time.

□ 1315

Mr. MCGOVERN. Mr. Speaker, I would just say to the gentleman, if it's not a secret meeting, can someone tell us what happened in it, or is just for Republicans only? I think we ought to know what we're voting on before we vote on it. Maybe that's a radical idea in this Republican-controlled House, but I think it's a reasonable request.

At this time I'd like to yield 2 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, it is time for my Republican colleagues to do more than repeal. It is time for my Republican colleagues to pass a bill.

Who can deny that the House is controlled by my Republican colleagues? They control every committee, they control every subcommittee. They are in control. Who can deny that they have the opportunity to pass the perfect bill to deal with health care in this country?

Where is the bill that will deal with closing the doughnut hole for senior citizens? Where is the bill that will help those who have preexisting conditions to acquire insurance? Where is the bill that will deal with the cap that has been placed on insurance prior to ObamaCare?

They are in charge. The logical question is: Why haven't they passed a bill since the Affordable Care Act passed more than 3 years ago?

It is time to do more than repeal. You have to have a bill. It is time for my Republican colleagues to do the logical thing, to do the judicious thing, to do the prudent thing: pass your bill. Then we can see how ObamaCare passed to what you have, which of course is the perfect bill.

It's time to do more than repeal. It is time to pass a bill.

Mr. SESSIONS. Mr. Speaker, we have our Republican majority Members here ready, willing, and able not just to do the work of the American people, but to do the things that will make sense about our future for the next generation of Americans.

I am through with any speakers that we now have and would reserve the balance of my time for the gentleman to close and use his time as he chooses.

Mr. MCGOVERN. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 2½ minutes remaining.

Mr. MCGOVERN. I yield myself the balance of my time.

Mr. Speaker, we are voting on a martial law rule that will allow us to bring up either a continuing resolution or a debt ceiling bill this very day, and nobody has seen anything. Nobody has seen any language.

There has been a secret meeting with Republicans to talk about what they can pass, but none of that information has been shared with us. There have been no hearings. There's been nothing. What a lousy way to run a government. This is not the way it should be done, And it doesn't have to be done this way.

Mr. Speaker, the stakes are very high. You know, come Monday at midnight, if we don't do the right thing, the government is going to shut down. And as I said earlier in the debate, that is going to cost the American taxpayers a great deal of money. Shutdowns aren't free.

Part of the problem here is that my Republican friends can't get over the

fact that they lost the Presidential election. The right wing is holding the economy hostage based on a fixation on this view that everybody in this country doesn't deserve health care, when I think the majority of Americans believe that everybody should have access to good, quality health care in this country.

I know you don't like the Affordable Care Act, but it passed. It passed the House and the Senate, signed by the President. The Supreme Court even upheld it. If you want to work with us to make it better, we're willing to do that. But the idea that you want to hold this economy hostage to repeal this is just ridiculous.

I would urge my colleagues, in closing, to listen to your constituents. The majority of people in this country do not want you to shut this government down. The majority of people do not want you to defund the Affordable Care Act. Listen to your constituents—and not some guy in the other body, who one of his own colleagues referred to a ''whacko bird.''

The bottom line is: do the right thing. Do the right thing. Keep this government open. Do not shut the government down. I appeal to the grownups in the Republican Conference to come together. Let's have a compromise that we can pass and that we can send to the President and keep this government going and also address our debt ceiling issue. But let's stop the theatrics.

Let's do the right thing. Let's vote on a clean CR and send it over to the Senate, and then let's get on with our other business.

I yield back the balance of my time.

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

Mr. SESSIONS. Mr. Speaker, thank you very much. In fact, I will confine my remarks to you, Mr. Speaker, because we appreciate your great service. We also know that you represent JOHN BOEHNER, our great Speaker, who has Republican Members here today to do the business of the American people. We are not a body that cuts and runs; we're a body that stays here and gets our work done.

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

The gentleman from Massachusetts asked and made a point about same-day rules. In fact, Democrats in the 110th Congress were faced with this circumstance 17 times; in the 111th Congress, 26 times. It becomes normal and regular that you have to be here to get your work done, and that is what we're doing.

Mr. Speaker, plain and simple: the Republican Party is here today because we are opposed to ObamaCare and the big government that comes behind it. We're opposed to what it is doing not just to the American people and our economy, but taking freedom away from people and making us more reliant upon the Federal Government. Less pride and freedom will be available in America if we do not do something about it.

The cost is simple. The cost means that we're finding that $716 billion was taken by the Democrats out of senior care in ObamaCare to fund the ObamaCare issue. The bottom line is, since ObamaCare was passed, there have been seven part-time jobs created for every one full-time job. That is not a future that we are going to stand with. The Republican Party is here in strength and numbers today.

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

The previous question was ordered.

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.

Mr. MCGOVERN. 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 226, nays 191, not voting 14, as follows:

[Roll No. 493]

YEAS—226

Aderholt
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NAYS—191

Amash
Andrews
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Broun (GA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—14

Clay
Davis (CA)
Fattah
Gibbs
Gutiérrez
Kind
McCarthy (NY)
Pelosi
Rohrabacher
Ros-Lehtinen
Rush
Schock
Visclosky
Young (FL)

□ 1343

Mrs. BEATTY, Messrs. JEFFRIES, RANGEL, and BARROW of Georgia

changed their vote from ''yea'' to ''nay.''

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.

□ 1345

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

## DRUG QUALITY AND SECURITY ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3204) to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3204

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Drug Quality and Security Act''.

**SEC. 2. REFERENCES IN ACT; TABLE OF CONTENTS.**

(a) REFERENCES IN ACT.—Except as otherwise specified, amendments made by this Act to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

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

Sec. 1. Short title.
Sec. 2. References in Act; table of contents.

TITLE I—DRUG COMPOUNDING

Sec. 101. Short title.
Sec. 102. Voluntary outsourcing facilities.
Sec. 103. Penalties.
Sec. 104. Regulations.
Sec. 105. Enhanced communication.
Sec. 106. Severability.
Sec. 107. GAO study.

TITLE II—DRUG SUPPLY CHAIN SECURITY

Sec. 201. Short title.
Sec. 202. Pharmaceutical distribution supply chain.
Sec. 203. Enhanced drug distribution security.
Sec. 204. National standards for prescription drug wholesale distributors.
Sec. 205. National standards for third-party logistics providers; uniform national policy.
Sec. 206. Penalties.
Sec. 207. Conforming amendment.
Sec. 208. Savings clause.

**TITLE I—DRUG COMPOUNDING**

**SEC. 101. SHORT TITLE.**

This Act may be cited as the ''Compounding Quality Act''.

**SEC. 102. VOLUNTARY OUTSOURCING FACILITIES.**

(a) IN GENERAL.—Subchapter A of chapter V (21 U.S.C. 351 et seq.) is amended—

(1) by redesignating section 503B as section 503C; and

(2) by inserting after section 503A the following new section:

**''SEC. 503B. OUTSOURCING FACILITIES.**

''(a) IN GENERAL.—Sections 502(f)(1), 505, and 582 shall not apply to a drug compounded by or under the direct supervision of a licensed pharmacist in a facility that elects to register as an outsourcing facility if each of the following conditions is met:

''(1) REGISTRATION AND REPORTING.—The drug is compounded in an outsourcing facility that is in compliance with the requirements of subsection (b).

''(2) BULK DRUG SUBSTANCES.—The drug is compounded in an outsourcing facility that does not compound using bulk drug substances (as defined in section 207.3(a)(4) of title 21, Code of Federal Regulations (or any successor regulation)), unless—

''(A)(i) the bulk drug substance appears on a list established by the Secretary identifying bulk drug substances for which there is a clinical need, by—

''(I) publishing a notice in the Federal Register proposing bulk drug substances to be included on the list, including the rationale for such proposal;

''(II) providing a period of not less than 60 calendar days for comment on the notice; and

''(III) publishing a notice in the Federal Register designating bulk drug substances for inclusion on the list; or

''(ii) the drug compounded from such bulk drug substance appears on the drug shortage list in effect under section 506E at the time of compounding, distribution, and dispensing;

''(B) if an applicable monograph exists under the United States Pharmacopeia, the National Formulary, or another compendium or pharmacopeia recognized by the Secretary for purposes of this paragraph, the bulk drug substances each comply with the monograph;

''(C) the bulk drug substances are each manufactured by an establishment that is registered under section 510 (including a foreign establishment that is registered under section 510(i)); and

''(D) the bulk drug substances are each accompanied by a valid certificate of analysis.

''(3) INGREDIENTS (OTHER THAN BULK DRUG SUBSTANCES).—If any ingredients (other than bulk drug substances) are used in compounding the drug, such ingredients comply with the standards of the applicable United States Pharmacopeia or National Formulary monograph, if such monograph exists, or of another compendium or pharmacopeia recognized by the Secretary for purposes of this paragraph if any.

''(4) DRUGS WITHDRAWN OR REMOVED BECAUSE UNSAFE OR NOT EFFECTIVE.—The drug does not appear on a list published by the Secretary of drugs that have been withdrawn or removed from the market because such drugs or components of such drugs have been found to be unsafe or not effective.

''(5) ESSENTIALLY A COPY OF AN APPROVED DRUG.—The drug is not essentially a copy of one or more approved drugs.

''(6) DRUGS PRESENTING DEMONSTRABLE DIFFICULTIES FOR COMPOUNDING.—The drug—

''(A) is not identified (directly or as part of a category of drugs) on a list published by the Secretary, through the process described in subsection (c), of drugs or categories of drugs that present demonstrable difficulties for compounding that are reasonably likely to lead to an adverse effect on the safety or effectiveness of the drug or category of drugs, taking into account the risks and benefits to patients; or

''(B) is compounded in accordance with all applicable conditions identified on the list described in subparagraph (A) as conditions that are necessary to prevent the drug or category of drugs from presenting the demonstrable difficulties described in subparagraph (A).

''(7) ELEMENTS TO ASSURE SAFE USE.—In the case of a drug that is compounded from a drug that is the subject of a risk evaluation and mitigation strategy approved with elements to assure safe use pursuant to section 505–1, or from a bulk drug substance that is a component of such drug, the outsourcing facility demonstrates to the Secretary prior to beginning compounding that such facility will utilize controls comparable to the controls applicable under the relevant risk evaluation and mitigation strategy.

''(8) PROHIBITION ON WHOLESALING.—The drug will not be sold or transferred by an entity other than the outsourcing facility that compounded such drug. This paragraph does not prohibit administration of a drug in a health care setting or dispensing a drug pursuant to a prescription executed in accordance with section 503(b)(1).

''(9) FEES.—The drug is compounded in an outsourcing facility that has paid all fees owed by such facility pursuant to section 744K.

''(10) LABELING OF DRUGS.—

''(A) LABEL.—The label of the drug includes—

''(i) the statement 'This is a compounded drug.' or a reasonable comparable alternative statement (as specified by the Secretary) that prominently identifies the drug as a compounded drug;

''(ii) the name, address, and phone number of the applicable outsourcing facility; and

''(iii) with respect to the drug—

''(I) the lot or batch number;

''(II) the established name of the drug;

''(III) the dosage form and strength;

''(IV) the statement of quantity or volume, as appropriate;

''(V) the date that the drug was compounded;

''(VI) the expiration date;

''(VII) storage and handling instructions;

''(VIII) the National Drug Code number, if available;

''(IX) the statement 'Not for resale', and, if the drug is dispensed or distributed other than pursuant to a prescription for an individual identified patient, the statement 'Office Use Only'; and

''(X) subject to subparagraph (B)(i), a list of active and inactive ingredients, identified by established name and the quantity or proportion of each ingredient.

''(B) CONTAINER.—The container from which the individual units of the drug are removed for dispensing or for administration (such as a plastic bag containing individual product syringes) shall include—

''(i) the information described under subparagraph (A)(iii)(X), if there is not space on the label for such information;

''(ii) the following information to facilitate adverse event reporting: www.fda.gov/medwatch and 1–800–FDA–1088 (or any successor Internet Web site or phone number); and

''(iii) directions for use, including, as appropriate, dosage and administration.

''(C) ADDITIONAL INFORMATION.—The label and labeling of the drug shall include any other information as determined necessary and specified in regulations promulgated by the Secretary.

''(11) OUTSOURCING FACILITY REQUIREMENT.—The drug is compounded in an outsourcing facility in which the compounding of drugs occurs only in accordance with this section.

''(b) REGISTRATION OF OUTSOURCING FACILITIES AND REPORTING OF DRUGS.—

''(1) REGISTRATION OF OUTSOURCING FACILITIES.—

''(A) ANNUAL REGISTRATION.—Upon electing and in order to become an outsourcing facility, and during the period beginning on October 1 and ending on December 31 of each year thereafter, a facility—

''(i) shall register with the Secretary its name, place of business, and unique facility identifier (which shall conform to the requirements for the unique facility identifier established under section 510), and a point of contact email address; and

''(ii) shall indicate whether the outsourcing facility intends to compound a drug that appears on the list in effect under section 506E during the subsequent calendar year.

''(B) AVAILABILITY OF REGISTRATION FOR INSPECTION; LIST.—

''(i) REGISTRATIONS.—The Secretary shall make available for inspection, to any person so requesting, any registration filed pursuant to this paragraph.

''(ii) LIST.—The Secretary shall make available on the public Internet Web site of the Food and Drug Administration a list of the name of each facility registered under this subsection as an outsourcing facility, the State in which each such facility is located, whether the facility compounds from bulk drug substances, and whether any such compounding from bulk drug substances is for sterile or nonsterile drugs.

''(2) DRUG REPORTING BY OUTSOURCING FACILITIES.—

''(A) IN GENERAL.—Upon initially registering as an outsourcing facility, once during the month of June of each year, and once during the month of December of each year, each outsourcing facility that registers with the Secretary under paragraph (1) shall submit to the Secretary a report—

''(i) identifying the drugs compounded by such outsourcing facility during the previous 6-month period; and

''(ii) with respect to each drug identified under clause (i), providing the active ingredient, the source of such active ingredient, the National Drug Code number of the source drug or bulk active ingredient, if available, the strength of the active ingredient per unit, the dosage form and route of administration, the package description, the number of individual units produced, and the National Drug Code number of the final product, if assigned.

''(B) FORM.—Each report under subparagraph (A) shall be prepared in such form and manner as the Secretary may prescribe by regulation or guidance.

''(C) CONFIDENTIALITY.—Reports submitted under this paragraph shall be exempt from inspection under paragraph (1)(B)(i), unless the Secretary finds that such an exemption would be inconsistent with the protection of the public health.

''(3) ELECTRONIC REGISTRATION AND REPORTING.—Registrations and drug reporting under this subsection (including the submission of updated information) shall be submitted to the Secretary by electronic means unless the Secretary grants a request for waiver of such requirement because use of electronic means is not reasonable for the person requesting waiver.

''(4) RISK-BASED INSPECTION FREQUENCY.—

''(A) IN GENERAL.—Outsourcing facilities—

''(i) shall be subject to inspection pursuant to section 704; and

''(ii) shall not be eligible for the exemption under section 704(a)(2)(A).

''(B) RISK-BASED SCHEDULE.—The Secretary, acting through one or more officers or employees duly designated by the Secretary, shall inspect outsourcing facilities in accordance with a risk-based schedule established by the Secretary.

''(C) RISK FACTORS.—In establishing the risk-based schedule, the Secretary shall inspect outsourcing facilities according to the known safety risks of such outsourcing facilities, which shall be based on the following factors:

''(i) The compliance history of the outsourcing facility.

''(ii) The record, history, and nature of recalls linked to the outsourcing facility.

''(iii) The inherent risk of the drugs compounded at the outsourcing facility.

''(iv) The inspection frequency and history of the outsourcing facility, including whether the outsourcing facility has been inspected pursuant to section 704 within the last 4 years.

''(v) Whether the outsourcing facility has registered under this paragraph as an entity that intends to compound a drug that appears on the list in effect under section 506E.

''(vi) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

''(5) ADVERSE EVENT REPORTING.—Outsourcing facilities shall submit adverse event reports to the Secretary in accordance with the content and format requirements established through guidance or regulation under section 310.305 of title 21, Code of Federal Regulations (or any successor regulations).

''(c) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall implement the list described in subsection (a)(6) through regulations.

''(2) ADVISORY COMMITTEE ON COMPOUNDING.—Before issuing regulations to implement subsection (a)(6), the Secretary shall convene and consult an advisory committee on compounding. The advisory committee shall include representatives from the National Association of Boards of Pharmacy, the United States Pharmacopeia, pharmacists with current experience and expertise in compounding, physicians with background and knowledge in compounding, and patient and public health advocacy organizations.

''(3) INTERIM LIST.—

''(A) IN GENERAL.—Before the effective date of the regulations finalized to implement subsection (a)(6), the Secretary may designate drugs, categories of drugs, or conditions as described such subsection by—

''(i) publishing a notice of such substances, drugs, categories of drugs, or conditions proposed for designation, including the rationale for such designation, in the Federal Register;

''(ii) providing a period of not less than 60 calendar days for comment on the notice; and

''(iii) publishing a notice in the Federal Register designating such drugs, categories of drugs, or conditions.

''(B) SUNSET OF NOTICE.—Any notice provided under subparagraph (A) shall not be effective after the earlier of—

''(i) the date that is 5 years after the date of enactment of the Compounding Quality Act; or

''(ii) the effective date of the final regulations issued to implement subsection (a)(6).

''(4) UPDATES.—The Secretary shall review, and update as necessary, the regulations containing the lists of drugs, categories of drugs, or conditions described in subsection (a)(6) regularly, but not less than once every 4 years. Nothing in the previous sentence prohibits submissions to the Secretary, before or during any 4-year period described in such sentence, requesting updates to such lists.

''(d) DEFINITIONS.—In this section:

''(1) The term 'compounding' includes the combining, admixing, mixing, diluting, pooling, reconstituting, or otherwise altering of a drug or bulk drug substance to create a drug.

''(2) The term 'essentially a copy of an approved drug' means—

''(A) a drug that is identical or nearly identical to an approved drug, or a marketed drug not subject to section 503(b) and not subject to approval in an application submitted under section 505, unless, in the case of an approved drug, the drug appears on the drug shortage list in effect under section 506E at the time of compounding, distribution, and dispensing; or

''(B) a drug, a component of which is a bulk drug substance that is a component of an approved drug or a marketed drug that is not subject to section 503(b) and not subject to approval in an application submitted under section 505, unless there is a change that produces for an individual patient a clinical difference, as determined by the prescribing practitioner, between the compounded drug and the comparable approved drug.

''(3) The term 'approved drug' means a drug that is approved under section 505 and does not appear on the list described in subsection (a)(4) of drugs that have been withdrawn or removed from the market because such drugs or components of such drugs have been found to be unsafe or not effective.

''(4)(A) The term 'outsourcing facility' means a facility at one geographic location or address that—

''(i) is engaged in the compounding of sterile drugs;

''(ii) has elected to register as an outsourcing facility; and

''(iii) complies with all of the requirements of this section.

''(B) An outsourcing facility is not required to be a licensed pharmacy.

''(C) An outsourcing facility may or may not obtain prescriptions for identified individual patients.

''(5) The term 'sterile drug' means a drug that is intended for parenteral administration, an ophthalmic or oral inhalation drug in aqueous format, or a drug that is required to be sterile under Federal or State law.''.

''(d) OBLIGATION TO PAY FEES.—Payment of the fee under section 744K, as described in subsection (a)(9), shall not relieve an outsourcing facility that is licensed as a pharmacy in any State that requires pharmacy licensing fees of its obligation to pay such State fees.''.

(b) FEES.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

**"PART 9—FEES RELATING TO OUTSOURCING FACILITIES**

**"SEC. 744J. DEFINITIONS.**

''In this part:

''(1) The term 'affiliate' has the meaning given such term in section 735(11).

''(2) The term 'gross annual sales' means the total worldwide gross annual sales, in United States dollars, for an outsourcing facility, including the sales of all the affiliates of the outsourcing facility.

''(3) The term 'outsourcing facility' has the meaning given to such term in section 503B(d)(4).

''(4) The term 'reinspection' means, with respect to an outsourcing facility, 1 or more inspections conducted under section 704 subsequent to an inspection conducted under such provision which identified noncompliance materially related to an applicable requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction.

**"SEC. 744K. AUTHORITY TO ASSESS AND USE OUTSOURCING FACILITY FEES.**

''(a) ESTABLISHMENT AND REINSPECTION FEES.—

''(1) IN GENERAL.—For fiscal year 2015 and each subsequent fiscal year, the Secretary shall, in accordance with this subsection, assess and collect—

''(A) an annual establishment fee from each outsourcing facility; and

''(B) a reinspection fee from each outsourcing facility subject to a reinspection in such fiscal year.

''(2) MULTIPLE REINSPECTIONS.—An outsourcing facility subject to multiple reinspections in a fiscal year shall be subject to a reinspection fee for each reinspection.

''(b) ESTABLISHMENT AND REINSPECTION FEE SETTING.—The Secretary shall—

''(1) establish the amount of the establishment fee and reinspection fee to be collected under this section for each fiscal year based on the methodology described in subsection (c); and

''(2) publish such fee amounts in a Federal Register notice not later than 60 calendar days before the start of each such year.

''(c) AMOUNT OF ESTABLISHMENT FEE AND REINSPECTION FEE.—

''(1) IN GENERAL.—For each outsourcing facility in a fiscal year—

''(A) except as provided in paragraph (4), the amount of the annual establishment fee under subsection (b) shall be equal to the sum of—

''(i) $15,000, multiplied by the inflation adjustment factor described in paragraph (2); plus

''(ii) the small business adjustment factor described in paragraph (3); and

''(B) the amount of any reinspection fee (if applicable) under subsection (b) shall be equal to $15,000, multiplied by the inflation adjustment factor described in paragraph (2).

''(2) INFLATION ADJUSTMENT FACTOR.—

''(A) IN GENERAL.—For fiscal year 2015 and subsequent fiscal years, the fee amounts established in paragraph (1) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year by the amount equal to the sum of—

''(i) 1;

''(ii) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by the proportion of personnel compensation and benefits costs to total costs of an average full-time equivalent position of the Food and Drug Administration for the first 3 years of the preceding 4 fiscal years; plus

''(iii) the average annual percent change that occurred in the Consumer Price Index for urban consumers (U.S. City Average; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of an average full-time equivalent position of the Food and Drug Administration for the first 3 years of the preceding 4 fiscal years.

''(B) COMPOUNDED BASIS.—The adjustment made each fiscal year under subparagraph (A) shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2014 under subparagraph (A).

''(3) SMALL BUSINESS ADJUSTMENT FACTOR.—The small business adjustment factor described in this paragraph shall be an amount established by the Secretary for each fiscal year based on the Secretary's estimate of—

''(A) the number of small businesses that will pay a reduced establishment fee for such fiscal year; and

''(B) the adjustment to the establishment fee necessary to achieve total fees equaling the total fees that the Secretary would have collected if no entity qualified for the small business exception in paragraph (4).

''(4) EXCEPTION FOR SMALL BUSINESSES.—

''(A) IN GENERAL.—In the case of an outsourcing facility with gross annual sales of $1,000,000 or less in the 12 months ending April 1 of the fiscal year immediately preceding the fiscal year in which the fees under this section are assessed, the amount of the establishment fee under subsection (b) for a fiscal year shall be equal to \1/3\ of the amount calculated under paragraph (1)(A)(i) for such fiscal year.

''(B) APPLICATION.—To qualify for the exception under this paragraph, a small business shall submit to the Secretary a written request for such exception, in a format specified by the Secretary in guidance, certifying its gross annual sales for the 12 months ending April 1 of the fiscal year immediately preceding the fiscal year in which fees under this subsection are assessed. Any such application shall be submitted to the Secretary not later than April 30 of such immediately preceding fiscal year.

''(5) CREDITING OF FEES.—In establishing the small business adjustment factor under paragraph (3) for a fiscal year, the Secretary shall—

''(A) provide for the crediting of fees from the previous year to the next year if the Secretary overestimated the amount of the small business adjustment factor for such previous fiscal year; and

''(B) consider the need to account for any adjustment of fees and such other factors as the Secretary determines appropriate.

''(d) USE OF FEES.—The Secretary shall make all of the fees collected pursuant to subparagraphs (A) and (B) of subsection (a)(1) available solely to pay for the costs of oversight of outsourcing facilities.

''(e) SUPPLEMENT NOT SUPPLANT.—Funds received by the Secretary pursuant to this section shall be used to supplement and not supplant any other Federal funds available to carry out the activities described in this section.

''(f) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purpose of paying the costs of oversight of outsourcing facilities.

''(g) COLLECTION OF FEES.—

''(1) ESTABLISHMENT FEE.—An outsourcing facility shall remit the establishment fee due under this section in a fiscal year when submitting a registration pursuant to section 503B(b) for such fiscal year.

''(2) REINSPECTION FEE.—The Secretary shall specify in the Federal Register notice described in subsection (b)(2) the manner in which reinspection fees assessed under this section shall be collected and the timeline for payment of such fees. Such a fee shall be collected after the Secretary has conducted a reinspection of the outsourcing facility involved.

''(3) EFFECT OF FAILURE TO PAY FEES.—

''(A) REGISTRATION.—An outsourcing facility shall not be considered registered under section 503B(b) in a fiscal year until the date that the outsourcing facility remits the establishment fee under this subsection for such fiscal year.

''(B) MISBRANDING.—All drugs manufactured, prepared, propagated, compounded, or processed by an outsourcing facility for which any establishment fee or reinspection fee has not been paid, as required by this section, shall be deemed misbranded under section 502 until the fees owed for such outsourcing facility under this section have been paid.

''(4) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 calendar days after it is due, such fee shall be treated as a claim of the United States Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.

''(h) ANNUAL REPORT TO CONGRESS.—Not later than 120 calendar days after each fiscal year in which fees are assessed and collected under this section, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to include a description of fees assessed and collected for such year, a summary description of entities paying the fees, a description of the hiring and placement of new staff, a description of the use of fee resources to support inspecting outsourcing facilities, and the number of inspections and reinspections of such facilities performed each year.

''(i) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2014 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section an amount equivalent to the total amount of fees assessed for such fiscal year under this section.''.

**SEC. 103. PENALTIES.**

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

''(ccc)(1) The resale of a compounded drug that is labeled 'not for resale' in accordance with section 503B.

''(2) With respect to a drug to be compounded pursuant to section 503A or 503B, the intentional falsification of a prescription, as applicable.

''(3) The failure to report drugs or adverse events by an entity that is registered in accordance with subsection (b) of section 503B.''.

(b) MISBRANDED DRUGS.—Section 502 (21 U.S.C. 352) is amended by adding at the end the following:

''(bb) If the advertising or promotion of a compounded drug is false or misleading in any particular.''.

**SEC. 104. REGULATIONS.**

In promulgating any regulations to implement this title (and the amendments made by this title), the Secretary of Health and Human Services shall—

(1) issue a notice of proposed rulemaking that includes the proposed regulation;

(2) provide a period of not less than 60 calendar days for comments on the proposed regulation; and

(3) publish the final regulation not more than 18 months following publication of the proposed rule and not less than 30 calendar days before the effective date of such final regulation.

**SEC. 105. ENHANCED COMMUNICATION.**

(a) SUBMISSIONS FROM STATE BOARDS OF PHARMACY.—In a manner specified by the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), the Secretary shall receive submissions from State boards of pharmacy—

(1) describing actions taken against compounding pharmacies, as described in subsection (b); or

(2) expressing concerns that a compounding pharmacy may be acting contrary to section 503A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353a).

(b) CONTENT OF SUBMISSIONS FROM STATE BOARDS OF PHARMACY.—An action referred to in subsection (a)(1) is, with respect to a pharmacy that compounds drugs, any of the following:

(1) The issuance of a warning letter, or the imposition of sanctions or penalties, by a State for violations of a State's pharmacy regulations pertaining to compounding.

(2) The suspension or revocation of a State-issued pharmacy license or registration for violations of a State's pharmacy regulations pertaining to compounding.

(3) The recall of a compounded drug due to concerns relating to the quality or purity of such drug.

(c) CONSULTATION.—The Secretary shall implement subsection (a) in consultation with the National Association of Boards of Pharmacy.

(d) NOTIFYING STATE BOARDS OF PHARMACY.—The Secretary shall immediately notify State boards of pharmacy when—

(1) the Secretary receives a submission under subsection (a)(1); or

(2) the Secretary makes a determination that a pharmacy is acting contrary to section 503A of the Federal Food, Drug, and Cosmetic Act.

**SEC. 106. SEVERABILITY.**

(a) IN GENERAL.—Section 503A (21 U.S.C. 353a) is amended —

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''unsolicited'';

(2) by striking subsection (c);

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively; and

(4) in subsection (b)(1)(A)(i)(III), by striking ''subsection (d)'' and inserting ''subsection (c)''.

(b) SEVERABILITY.—If any provision of this Act (including the amendments made by this Act) is declared unconstitutional, or the applicability of this Act (including the amendments made by this Act) to any person or circumstance is held invalid, the constitutionality of the remainder of this Act (including the amendments made by this Act) and the applicability thereof to other persons and circumstances shall not be affected.

**SEC. 107. GAO STUDY.**

(a) STUDY.—Not later than 36 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on pharmacy compounding and the adequacy of State and Federal efforts to assure the safety of compounded drugs.

(b) CONTENTS.—The report required under this section shall include—

(1) a review of pharmacy compounding in each State, and the settings in which such compounding occurs;

(2) a review of the State laws and policies governing pharmacy compounding, including enforcement of State laws and policies;

(3) an assessment of the available tools to permit purchasers of compounded drugs to determine the safety and quality of such drugs;

(4) an evaluation of the effectiveness of the communication among States and between States and the Food and Drug Administration regarding compounding; and

(5) an evaluation of the Food and Drug Administration's implementation of sections 503A and 503B of the Federal Food, Drug, and Cosmetic Act.

## TITLE II—DRUG SUPPLY CHAIN SECURITY

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Drug Supply Chain Security Act''.

**SEC. 202. PHARMACEUTICAL DISTRIBUTION SUPPLY CHAIN.**

Chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

**''Subchapter H—Pharmaceutical Distribution Supply Chain**

**''SEC. 581. DEFINITIONS.**

''In this subchapter:

''(1) AFFILIATE.—The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

''(A) one business entity controls, or has the power to control, the other business entity; or

''(B) a third party controls, or has the power to control, both of the business entities.

''(2) AUTHORIZED.—The term 'authorized' means—

''(A) in the case of a manufacturer or repackager, having a valid registration in accordance with section 510;

''(B) in the case of a wholesale distributor, having a valid license under State law or section 583, in accordance with section 582(a)(6), and complying with the licensure reporting requirements under section 503(e), as amended by the Drug Supply Chain Security Act;

''(C) in the case of a third-party logistics provider, having a valid license under State law or section 584(a)(1), in accordance with section 582(a)(7), and complying with the licensure reporting requirements under section 584(b); and

''(D) in the case of a dispenser, having a valid license under State law.

''(3) DISPENSER.—The term 'dispenser'—

''(A) means a retail pharmacy, hospital pharmacy, a group of chain pharmacies under common ownership and control that do not act as a wholesale distributor, or any other person authorized by law to dispense or administer prescription drugs, and the affiliated warehouses or distribution centers of such entities under common ownership and control that do not act as a wholesale distributor; and

''(B) does not include a person who dispenses only products to be used in animals in accordance with section 512(a)(5).

''(4) DISPOSITION.—The term 'disposition', with respect to a product within the possession or control of an entity, means the removal of such product from the pharmaceutical distribution supply chain, which may include disposal or return of the product for disposal or other appropriate handling and other actions, such as retaining a sample of the product for further additional physical examination or laboratory analysis of the product by a manufacturer or regulatory or law enforcement agency.

''(5) DISTRIBUTE OR DISTRIBUTION.—The term 'distribute' or 'distribution' means the sale, purchase, trade, delivery, handling, storage, or receipt of a product, and does not include the dispensing of a product pursuant to a prescription executed in accordance with section 503(b)(1) or the dispensing of a product approved under section 512(b).

''(6) EXCLUSIVE DISTRIBUTOR.—The term 'exclusive distributor' means the wholesale distributor that directly purchased the product from the manufacturer and is the sole distributor of that manufacturer's product to a subsequent repackager, wholesale distributor, or dispenser.

''(7) HOMOGENEOUS CASE.—The term 'homogeneous case' means a sealed case containing only product that has a single National Drug Code number belonging to a single lot.

''(8) ILLEGITIMATE PRODUCT.—The term 'illegitimate product' means a product for which credible evidence shows that the product—

''(A) is counterfeit, diverted, or stolen;

''(B) is intentionally adulterated such that the product would result in serious adverse health consequences or death to humans;

''(C) is the subject of a fraudulent transaction; or

''(D) appears otherwise unfit for distribution such that the product would be reasonably likely to result in serious adverse health consequences or death to humans.

''(9) LICENSED.—The term 'licensed' means—

''(A) in the case of a wholesale distributor, having a valid license in accordance with section 503(e) or section 582(a)(6), as applicable;

''(B) in the case of a third-party logistics provider, having a valid license in accordance with section 584(a) or section 582(a)(7), as applicable; and

''(C) in the case of a dispenser, having a valid license under State law.

''(10) MANUFACTURER.—The term 'manufacturer' means, with respect to a product—

''(A) a person that holds an application approved under section 505 or a license issued under section 351 of the Public Health Service Act for such product, or if such product is not the subject of an approved application or license, the person who manufactured the product;

''(B) a co-licensed partner of the person described in subparagraph (A) that obtains the product directly from a person described in this subparagraph or subparagraph (A) or (C); or

''(C) an affiliate of a person described in subparagraph (A) or (B) that receives the product directly from a person described in this subparagraph or subparagraph (A) or (B).

''(11) PACKAGE.—

''(A) IN GENERAL.—The term 'package' means the smallest individual saleable unit of product for distribution by a manufacturer or repackager that is intended by the manufacturer for ultimate sale to the dispenser of such product.

''(B) INDIVIDUAL SALEABLE UNIT.—For purposes of this paragraph, an 'individual saleable unit' is the smallest container of product introduced into commerce by the manufacturer or repackager that is intended by the manufacturer or repackager for individual sale to a dispenser.

''(12) PRESCRIPTION DRUG.—The term 'prescription drug' means a drug for human use subject to section 503(b)(1).

''(13) PRODUCT.—The term 'product' means a prescription drug in a finished dosage form for administration to a patient without substantial further manufacturing (such as capsules, tablets, and lyophilized products before reconstitution), but for purposes of section 582, does not include blood or blood components intended for transfusion, radioactive drugs or radioactive biological products (as defined in section 600.3(ee) of title 21, Code of Federal Regulations) that are regulated by the Nuclear Regulatory Commission or by a State pursuant to an agreement with such Commission under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), imaging drugs, an intravenous product described in clause (xiv), (xv), or (xvi) of paragraph (24)(B), any medical gas (as defined in section 575), homeopathic drugs marketed in accordance with applicable guidance under this Act, or a drug compounded in compliance with section 503A or 503B.

''(14) PRODUCT IDENTIFIER.—The term 'product identifier' means a standardized graphic that includes, in both human-readable form and on a machine-readable data carrier that conforms to the standards developed by a widely recognized international standards development organization, the standardized numerical identifier, lot number, and expiration date of the product.

''(15) QUARANTINE.—The term 'quarantine' means the storage or identification of a product, to prevent distribution or transfer of the product, in a physically separate area

clearly identified for such use or through other procedures.

''(16) REPACKAGER.—The term 'repackager' means a person who owns or operates an establishment that repacks and relabels a product or package for—

''(A) further sale; or

''(B) distribution without a further transaction.

''(17) RETURN.—The term 'return' means providing product to the authorized immediate trading partner from which such product was purchased or received, or to a returns processor or reverse logistics provider for handling of such product.

''(18) RETURNS PROCESSOR OR REVERSE LOGISTICS PROVIDER.—The term 'returns processor' or 'reverse logistics provider' means a person who owns or operates an establishment that dispositions or otherwise processes saleable or nonsaleable product received from an authorized trading partner such that the product may be processed for credit to the purchaser, manufacturer, or seller or disposed of for no further distribution.

''(19) SPECIFIC PATIENT NEED.—The term 'specific patient need' refers to the transfer of a product from one pharmacy to another to fill a prescription for an identified patient. Such term does not include the transfer of a product from one pharmacy to another for the purpose of increasing or replenishing stock in anticipation of a potential need.

''(20) STANDARDIZED NUMERICAL IDENTIFIER.—The term 'standardized numerical identifier' means a set of numbers or characters used to uniquely identify each package or homogenous case that is composed of the National Drug Code that corresponds to the specific product (including the particular package configuration) combined with a unique alphanumeric serial number of up to 20 characters.

''(21) SUSPECT PRODUCT.—The term 'suspect product' means a product for which there is reason to believe that such product—

''(A) is potentially counterfeit, diverted, or stolen;

''(B) is potentially intentionally adulterated such that the product would result in serious adverse health consequences or death to humans;

''(C) is potentially the subject of a fraudulent transaction; or

''(D) appears otherwise unfit for distribution such that the product would result in serious adverse health consequences or death to humans.

''(22) THIRD-PARTY LOGISTICS PROVIDER.—The term 'third-party logistics provider' means an entity that provides or coordinates warehousing, or other logistics services of a product in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of a product, but does not take ownership of the product, nor have responsibility to direct the sale or disposition of the product.

''(23) TRADING PARTNER.—The term 'trading partner' means—

''(A) a manufacturer, repackager, wholesale distributor, or dispenser from whom a manufacturer, repackager, wholesale distributor, or dispenser accepts direct ownership of a product or to whom a manufacturer, repackager, wholesale distributor, or dispenser transfers direct ownership of a product; or

''(B) a third-party logistics provider from whom a manufacturer, repackager, wholesale distributor, or dispenser accepts direct possession of a product or to whom a manufacturer, repackager, wholesale distributor, or dispenser transfers direct possession of a product.

''(24) TRANSACTION.—

''(A) IN GENERAL.—The term 'transaction' means the transfer of product between persons in which a change of ownership occurs.

''(B) EXEMPTIONS.—The term 'transaction' does not include—

''(i) intracompany distribution of any product between members of an affiliate or within a manufacturer;

''(ii) the distribution of a product among hospitals or other health care entities that are under common control;

''(iii) the distribution of a product for emergency medical reasons including a public health emergency declaration pursuant to section 319 of the Public Health Service Act, except that a drug shortage not caused by a public health emergency shall not constitute an emergency medical reason;

''(iv) the dispensing of a product pursuant to a prescription executed in accordance with section 503(b)(1);

''(v) the distribution of product samples by a manufacturer or a licensed wholesale distributor in accordance with section 503(d);

''(vi) the distribution of blood or blood components intended for transfusion;

''(vii) the distribution of minimal quantities of product by a licensed retail pharmacy to a licensed practitioner for office use;

''(viii) the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug by a charitable organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

''(ix) the distribution of a product pursuant to the sale or merger of a pharmacy or pharmacies or a wholesale distributor or wholesale distributors, except that any records required to be maintained for the product shall be transferred to the new owner of the pharmacy or pharmacies or wholesale distributor or wholesale distributors;

''(x) the dispensing of a product approved under section 512(c);

''(xi) products transferred to or from any facility that is licensed by the Nuclear Regulatory Commission or by a State pursuant to an agreement with such Commission under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021);

''(xii) a combination product that is not subject to approval under section 505 or licensure under section 351 of the Public Health Service Act, and that is—

''(I) a product comprised of a device and 1 or more other regulated components (such as a drug/device, biologic/device, or drug/device/biologic) that are physically, chemically, or otherwise combined or mixed and produced as a single entity;

''(II) 2 or more separate products packaged together in a single package or as a unit and comprised of a drug and device or device and biological product; or

''(III) 2 or more finished medical devices plus one or more drug or biological products that are packaged together in what is referred to as a 'medical convenience kit' as described in clause (xiii);

''(xiii) the distribution of a collection of finished medical devices, which may include a product or biological product, assembled in kit form strictly for the convenience of the purchaser or user (referred to in this clause as a 'medical convenience kit') if—

''(I) the medical convenience kit is assembled in an establishment that is registered with the Food and Drug Administration as a device manufacturer in accordance with section 510(b)(2);

''(II) the medical convenience kit does not contain a controlled substance that appears in a schedule contained in the Comprehensive Drug Abuse Prevention and Control Act of 1970;

''(III) in the case of a medical convenience kit that includes a product, the person that manufacturers the kit—

''(aa) purchased such product directly from the pharmaceutical manufacturer or from a wholesale distributor that purchased the product directly from the pharmaceutical manufacturer; and

''(bb) does not alter the primary container or label of the product as purchased from the manufacturer or wholesale distributor; and

''(IV) in the case of a medical convenience kit that includes a product, the product is—

''(aa) an intravenous solution intended for the replenishment of fluids and electrolytes;

''(bb) a product intended to maintain the equilibrium of water and minerals in the body;

''(cc) a product intended for irrigation or reconstitution;

''(dd) an anesthetic;

''(ee) an anticoagulant;

''(ff) a vasopressor; or

''(gg) a sympathomimetic;

''(xiv) the distribution of an intravenous product that, by its formulation, is intended for the replenishment of fluids and electrolytes (such as sodium, chloride, and potassium) or calories (such as dextrose and amino acids);

''(xv) the distribution of an intravenous product used to maintain the equilibrium of water and minerals in the body, such as dialysis solutions;

''(xvi) the distribution of a product that is intended for irrigation, or sterile water, whether intended for such purposes or for injection;

''(xvii) the distribution of a medical gas (as defined in section 575); or

''(xviii) the distribution or sale of any licensed product under section 351 of the Public Health Service Act that meets the definition of a device under section 201(h).

''(25) TRANSACTION HISTORY.—The term 'transaction history' means a statement in paper or electronic form, including the transaction information for each prior transaction going back to the manufacturer of the product.

''(26) TRANSACTION INFORMATION.—The term 'transaction information' means—

''(A) the proprietary or established name or names of the product;

''(B) the strength and dosage form of the product;

''(C) the National Drug Code number of the product;

''(D) the container size;

''(E) the number of containers;

''(F) the lot number of the product;

''(G) the date of the transaction;

''(H) the date of the shipment, if more than 24 hours after the date of the transaction;

''(I) the business name and address of the person from whom ownership is being transferred; and

''(J) the business name and address of the person to whom ownership is being transferred.

''(27) TRANSACTION STATEMENT.—The 'transaction statement' is a statement, in paper or electronic form, that the entity transferring ownership in a transaction—

''(A) is authorized as required under the Drug Supply Chain Security Act;

''(B) received the product from a person that is authorized as required under the Drug Supply Chain Security Act;

''(C) received transaction information and a transaction statement from the prior owner of the product, as required under section 582;

''(D) did not knowingly ship a suspect or illegitimate product;

''(E) had systems and processes in place to comply with verification requirements under section 582;

''(F) did not knowingly provide false transaction information; and

''(G) did not knowingly alter the transaction history.

''(28) VERIFICATION OR VERIFY.—The term 'verification' or 'verify' means determining whether the product identifier affixed to, or imprinted upon, a package or homogeneous case corresponds to the standardized numerical identifier or lot number and expiration date assigned to the product by the manufacturer or the repackager, as applicable in accordance with section 582.

''(29) WHOLESALE DISTRIBUTOR.—The term 'wholesale distributor' means a person (other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or repackager) engaged in wholesale distribution (as defined in section 503(e)(4), as amended by the Drug Supply Chain Security Act).

**''SEC. 582. REQUIREMENTS.**

''(a) IN GENERAL.—

''(1) OTHER ACTIVITIES.—Each manufacturer, repackager, wholesale distributor, and dispenser shall comply with the requirements set forth in this section with respect to the role of such manufacturer, repackager, wholesale distributor, or dispenser in a transaction involving product. If an entity meets the definition of more than one of the entities listed in the preceding sentence, such entity shall comply with all applicable requirements in this section, but shall not be required to duplicate requirements.

''(2) INITIAL STANDARDS.—

''(A) IN GENERAL.—The Secretary shall, in consultation with other appropriate Federal officials, manufacturers, repackagers, wholesale distributors, dispensers, and other pharmaceutical distribution supply chain stakeholders, issue a draft guidance document that establishes standards for the interoperable exchange of transaction information, transaction history, and transaction statements, in paper or electronic format, for compliance with this subsection and subsections (b), (c), (d), and (e). In establishing such standards, the Secretary shall consider the feasibility of establishing standardized documentation to be used by members of the pharmaceutical distribution supply chain to convey the transaction information, transaction history, and transaction statement to the subsequent purchaser of a product and to facilitate the exchange of lot level data. The standards established under this paragraph shall take into consideration the standards established under section 505D and shall comply with a form and format developed by a widely recognized international standards development organization.

''(B) PUBLIC INPUT.—Prior to issuing the draft guidance under subparagraph (A), the Secretary shall gather comments and information from stakeholders and maintain such comments and information in a public docket for at least 60 days prior to issuing such guidance.

''(C) PUBLICATION.—The Secretary shall publish the standards established under subparagraph (A) not later than 1 year after the date of enactment of the Drug Supply Chain Security Act.

''(3) WAIVERS, EXCEPTIONS, AND EXEMPTIONS.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Drug Supply Chain Security Act, the Secretary shall, by guidance—

''(i) establish a process by which an authorized manufacturer, repackager, wholesale distributor, or dispenser may request a waiver from any of the requirements set forth in this section, which the Secretary may grant if the Secretary determines that such requirements would result in an undue economic hardship or for emergency medical reasons, including a public health emergency declaration pursuant to section 319 of the Public Health Service Act;

''(ii) establish a process by which the Secretary determines exceptions, and a process through which a manufacturer or repackager may request such an exception, to the requirements relating to product identifiers if a product is packaged in a container too small or otherwise unable to accommodate a label with sufficient space to bear the information required for compliance with this section; and

''(iii) establish a process by which the Secretary may determine other products or transactions that shall be exempt from the requirements of this section.

''(B) CONTENT.—The guidance issued under subparagraph (A) shall include a process for the biennial review and renewal of such waivers, exceptions, and exemptions, as applicable.

''(C) PROCESS.—In issuing the guidance under this paragraph, the Secretary shall provide an effective date that is not later than 180 days prior to the date on which manufacturers are required to affix or imprint a product identifier to each package and homogenous case of product intended to be introduced in a transaction into commerce consistent with this section.

''(4) SELF-EXECUTING REQUIREMENTS.—Except where otherwise specified, the requirements of this section may be enforced without further regulations or guidance from the Secretary.

''(5) GRANDFATHERING PRODUCT.—

''(A) PRODUCT IDENTIFIER.—Not later than 2 years after the date of enactment of the Drug Supply Chain Security Act, the Secretary shall finalize guidance specifying whether and under what circumstances product that is not labeled with a product identifier and that is in the pharmaceutical distribution supply chain at the time of the effective date of the requirements of this section shall be exempted from the requirements of this section.

''(B) TRACING.—For a product that entered the pharmaceutical distribution supply chain prior to January 1, 2015—

''(i) authorized trading partners shall be exempt from providing transaction information as required under subsections (b)(1)(A)(i), (c)(1)(A)(ii), (d)(1)(A)(ii), and (e)(1)(A)(ii);

''(ii) transaction history required under this section shall begin with the owner of such product on such date; and

''(iii) the owners of such product on such date shall be exempt from asserting receipt of transaction information and transaction statement from the prior owner as required under this section.

''(6) WHOLESALE DISTRIBUTOR LICENSES.—Notwithstanding section 581(9)(A), until the effective date of the wholesale distributor licensing regulations under section 583, the term 'licensed' or 'authorized', as it relates to a wholesale distributor with respect to prescription drugs, shall mean a wholesale distributor with a valid license under State law.

''(7) THIRD-PARTY LOGISTICS PROVIDER LICENSES.—Until the effective date of the third-party logistics provider licensing regulations under section 584, a third-party logistics provider shall be considered 'licensed' under section 581(9)(B) unless the Secretary has made a finding that the third-party logistics provider does not utilize good handling and distribution practices and publishes notice thereof.

''(8) LABEL CHANGES.—Changes made to package labels solely to incorporate the product identifier may be submitted to the Secretary in the annual report of an establishment, in accordance with section 314.70(d) of chapter 21, Code of Federal Regulations (or any successor regulation).

''(9) PRODUCT IDENTIFIERS.—With respect to any requirement relating to product identifiers under this subchapter—

''(A) unless the Secretary allows, through guidance, the use of other technologies for data instead of or in addition to the technologies described in clauses (i) and (ii), the applicable data—

''(i) shall be included in a 2-dimensional data matrix barcode when affixed to, or imprinted upon, a package; and

''(ii) shall be included in a linear or 2-dimensional data matrix barcode when affixed to, or imprinted upon, a homogeneous case; and

''(B) verification of the product identifier may occur by using human-readable or machine-readable methods.

''(b) MANUFACTURER REQUIREMENTS.—

''(1) PRODUCT TRACING.—

''(A) IN GENERAL.—Beginning not later than January 1, 2015, a manufacturer shall—

''(i) prior to, or at the time of, each transaction in which such manufacturer transfers ownership of a product, provide the subsequent owner with transaction history, transaction information, and a transaction statement, in a single document in an paper or electronic format; and

''(ii) capture the transaction information (including lot level information), transaction history, and transaction statement for each transaction and maintain such information, history, and statement for not less than 6 years after the date of the transaction.

''(B) REQUESTS FOR INFORMATION.—Upon a request by the Secretary or other appropriate Federal or State official, in the event of a recall or for the purpose of investigating a suspect product or an illegitimate product, a manufacturer shall, not later than 1 business day, and not to exceed 48 hours, after receiving the request, or in other such reasonable time as determined by the Secretary, based on the circumstances of the request, provide the applicable transaction information, transaction history, and transaction statement for the product.

''(C) ELECTRONIC FORMAT.—

''(i) IN GENERAL.—Beginning not later than 4 years after the date of enactment of the Drug Supply Chain Security Act, except as provided under clause (ii), a manufacturer shall provide the transaction information, transaction history, and transaction statement required under subparagraph (A)(i) in electronic format.

''(ii) EXCEPTION.—A manufacturer may continue to provide the transaction information, transaction history, and transaction statement required under subparagraph (A)(i) in a paper format to a licensed health care practitioner authorized to prescribe medication under State law or other licensed individual under the supervision or direction of such a practitioner who dispenses product in the usual course of professional practice.

''(2) PRODUCT IDENTIFIER.—

''(A) IN GENERAL.—Beginning not later than 4 years after the date of enactment of the Drug Supply Chain Security Act, a manufacturer shall affix or imprint a product identifier to each package and homogenous case of a product intended to be introduced in a transaction into commerce. Such manufacturer shall maintain the product identifier information for such product for not less than 6 years after the date of the transaction.

''(B) EXCEPTION.—A package that is required to have a standardized numerical identifier is not required to have a unique device identifier.

''(3) AUTHORIZED TRADING PARTNERS.—Beginning not later than January 1, 2015, the

trading partners of a manufacturer may be only authorized trading partners.

''(4) VERIFICATION.—Beginning not later than January 1, 2015, a manufacturer shall have systems in place to enable the manufacturer to comply with the following requirements:

''(A) SUSPECT PRODUCT.—

''(i) IN GENERAL.—Upon making a determination that a product in the possession or control of the manufacturer is a suspect product, or upon receiving a request for verification from the Secretary that has made a determination that a product within the possession or control of a manufacturer is a suspect product, a manufacturer shall—

''(I) quarantine such product within the possession or control of the manufacturer from product intended for distribution until such product is cleared or dispositioned; and

''(II) promptly conduct an investigation in coordination with trading partners, as applicable, to determine whether the product is an illegitimate product, which shall include validating any applicable transaction history and transaction information in the possession of the manufacturer and otherwise investigating to determine whether the product is an illegitimate product, and, beginning 4 years after the date of enactment of the Drug Supply Chain Security Act, verifying the product at the package level, including the standardized numerical identifier.

''(ii) CLEARED PRODUCT.—If the manufacturer makes the determination that a suspect product is not an illegitimate product, the manufacturer shall promptly notify the Secretary, if applicable, of such determination and such product may be further distributed.

''(iii) RECORDS.—A manufacturer shall keep records of the investigation of a suspect product for not less than 6 years after the conclusion of the investigation.

''(B) ILLEGITIMATE PRODUCT.—

''(i) IN GENERAL.—Upon determining that a product in the possession or control of a manufacturer is an illegitimate product, the manufacturer shall, in a manner consistent with the systems and processes of such manufacturer—

''(I) quarantine such product within the possession or control of the manufacturer from product intended for distribution until such product is dispositioned;

''(II) disposition the illegitimate product within the possession or control of the manufacturer;

''(III) take reasonable and appropriate steps to assist a trading partner to disposition an illegitimate product not in the possession or control of the manufacturer; and

''(IV) retain a sample of the product for further physical examination or laboratory analysis of the product by the manufacturer or Secretary (or other appropriate Federal or State official) upon request by the Secretary (or other appropriate Federal or State official), as necessary and appropriate.

''(ii) MAKING A NOTIFICATION.—

''(I) ILLEGITIMATE PRODUCT.—Upon determining that a product in the possession or control of the manufacturer is an illegitimate product, the manufacturer shall notify the Secretary and all immediate trading partners that the manufacturer has reason to believe may have received such illegitimate product of such determination not later than 24 hours after making such determination.

''(II) HIGH RISK OF ILLEGITIMACY.—A manufacturer shall notify the Secretary and immediate trading partners that the manufacturer has reason to believe may have in the trading partner's possession a product manufactured by, or purported to be a product manufactured by, the manufacturer not later than 24 hours after determining or being notified by the Secretary or a trading partner that there is a high risk that such product is an illegitimate product. For purposes of this subclause, a 'high risk' may include a specific high risk that could increase the likelihood that illegitimate product will enter the pharmaceutical distribution supply chain and other high risks as determined by the Secretary in guidance pursuant to subsection (h).

''(iii) RESPONDING TO A NOTIFICATION.—Upon the receipt of a notification from the Secretary or a trading partner that a determination has been made that a product is an illegitimate product, a manufacturer shall identify all illegitimate product subject to such notification that is in the possession or control of the manufacturer, including any product that is subsequently received, and shall perform the activities described in subparagraph (A).

''(iv) TERMINATING A NOTIFICATION.—Upon making a determination, in consultation with the Secretary, that a notification is no longer necessary, a manufacturer shall promptly notify immediate trading partners that the manufacturer notified pursuant to clause (ii) that such notification has been terminated.

''(v) RECORDS.—A manufacturer shall keep records of the disposition of an illegitimate product for not less than 6 years after the conclusion of the disposition.

''(C) REQUESTS FOR VERIFICATION.—Beginning 4 years after the date of enactment of the Drug Supply Chain Security Act, upon receiving a request for verification from an authorized repackager, wholesale distributor, or dispenser that is in possession or control of a product such person believes to be manufactured by such manufacturer, a manufacturer shall, not later than 24 hours after receiving the request for verification or in other such reasonable time as determined by the Secretary, based on the circumstances of the request, notify the person making the request whether the product identifier, including the standardized numerical identifier, that is the subject of the request corresponds to the product identifier affixed or imprinted by the manufacturer. If a manufacturer responding to a request for verification identifies a product identifier that does not correspond to that affixed or imprinted by the manufacturer, the manufacturer shall treat such product as suspect product and conduct an investigation as described in subparagraph (A). If the manufacturer has reason to believe the product is an illegitimate product, the manufacturer shall advise the person making the request of such belief at the time such manufacturer responds to the request for verification.

''(D) ELECTRONIC DATABASE.—A manufacturer may satisfy the requirements of this paragraph by developing a secure electronic database or utilizing a secure electronic database developed or operated by another entity. The owner of such database shall establish the requirements and processes to respond to requests and may provide for data access to other members of the pharmaceutical distribution supply chain, as appropriate. The development and operation of such a database shall not relieve a manufacturer of the requirement under this paragraph to respond to a request for verification submitted by means other than a secure electronic database.

''(E) SALEABLE RETURNED PRODUCT.—Beginning 4 years after the date of enactment of the Drug Supply Chain Security Act (except as provided pursuant to subsection (a)(5)), upon receipt of a returned product that the manufacturer intends to further distribute, before further distributing such product, the manufacturer shall verify the product identifier, including the standardized numerical identifier, for each sealed homogeneous case of such product or, if such product is not in a sealed homogeneous case, verify the product identifier, including the standardized numerical identifier, on each package.

''(F) NONSALEABLE RETURNED PRODUCT.—A manufacturer may return a nonsaleable product to the manufacturer or repackager, to the wholesale distributor from whom such product was purchased, or to a person acting on behalf of such a person, including a returns processor, without providing the information described in paragraph (1)(A)(i).

''(c) WHOLESALE DISTRIBUTOR REQUIREMENTS.—

''(1) PRODUCT TRACING.—

''(A) IN GENERAL.—Beginning not later than January 1, 2015, the following requirements shall apply to wholesale distributors:

''(i) A wholesale distributor shall not accept ownership of a product unless the previous owner prior to, or at the time of, the transaction provides the transaction history, transaction information, and a transaction statement for the product, as applicable under this subparagraph.

''(ii)(I)(aa) If the wholesale distributor purchased a product directly from the manufacturer, the exclusive distributor of the manufacturer, or a repackager that purchased directly from the manufacturer, then prior to, or at the time of, each transaction in which the wholesale distributor transfers ownership of a product, the wholesale distributor shall provide to the subsequent purchaser—

''(AA) a transaction statement, which shall state that such wholesale distributor, or a member of the affiliate of such wholesale distributor, purchased the product directly from the manufacturer, exclusive distributor of the manufacturer, or repackager that purchased the product directly from the manufacturer; and

''(BB) subject to subclause (II), the transaction history and transaction information.

''(bb) The wholesale distributor shall provide the transaction history, transaction information, and transaction statement under item (aa)—

''(AA) if provided to a dispenser, on a single document in a paper or electronic format; and

''(BB) if provided to a wholesale distributor, through any combination of self-generated paper, electronic data, or manufacturer-provided information on the product package.

''(II) For purposes of transactions described in subclause (I), transaction history and transaction information shall not be required to include the lot number of the product, the initial transaction date, or the initial shipment date from the manufacturer (as defined in subparagraphs (F), (G), and (H) of section 581(26)).

''(iii) If the wholesale distributor did not purchase a product directly from the manufacturer, the exclusive distributor of the manufacturer, or a repackager that purchased directly from the manufacturer, as described in clause (ii), then prior to, or at the time of, each transaction or subsequent transaction, the wholesale distributor shall provide to the subsequent purchaser a transaction statement, transaction history, and transaction information, in a paper or electronic format that complies with the guidance document issued under subsection (a)(2).

''(iv) For the purposes of clause (iii), the transaction history supplied shall begin only with the wholesale distributor described in clause (ii)(I), but the wholesale distributor

described in clause (iii) shall inform the subsequent purchaser that such wholesale distributor received a direct purchase statement from a wholesale distributor described in clause (ii)(I).

''(v) A wholesale distributor shall—

''(I) capture the transaction information (including lot level information) consistent with the requirements of this section, transaction history, and transaction statement for each transaction described in clauses (i), (ii), and (iii) and maintain such information, history, and statement for not less than 6 years after the date of the transaction; and

''(II) maintain the confidentiality of the transaction information (including any lot level information consistent with the requirements of this section), transaction history, and transaction statement for a product in a manner that prohibits disclosure to any person other than the Secretary or other appropriate Federal or State official, except to comply with clauses (ii) and (iii), and, as applicable, pursuant to an agreement under subparagraph (D).

''(B) RETURNS.—

''(i) SALEABLE RETURNS.—Notwithstanding subparagraph (A)(i), the following shall apply:

''(I) REQUIREMENTS.—Until the date that is 6 years after the date of enactment of the Drug Supply Chain Security Act (except as provided pursuant to subsection (a)(5)), a wholesale distributor may accept returned product from a dispenser or repackager pursuant to the terms and conditions of any agreement between the parties, and, notwithstanding subparagraph (A)(ii), may distribute such returned product without providing the transaction history. For transactions subsequent to the return, the transaction history of such product shall begin with the wholesale distributor that accepted the returned product, consistent with the requirements of this subsection.

''(II) ENHANCED REQUIREMENTS.—Beginning 6 years after the date of enactment of the Drug Supply Chain Security Act (except as provided pursuant to subsection (a)(5)), a wholesale distributor may accept returned product from a dispenser or repackager only if the wholesale distributor can associate returned product with the transaction information and transaction statement associated with that product. For all transactions after such date, the transaction history, as applicable, of such product shall begin with the wholesale distributor that accepted and verified the returned product. For purposes of this subparagraph, the transaction information and transaction history, as applicable, need not include transaction dates if it is not reasonably practicable to obtain such dates.

''(ii) NONSALEABLE RETURNS.—A wholesale distributor may return a nonsaleable product to the manufacturer or repackager, to the wholesale distributor from whom such product was purchased, or to a person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A)(i).

''(C) REQUESTS FOR INFORMATION.—Upon a request by the Secretary or other appropriate Federal or State official, in the event of a recall or for the purpose of investigating a suspect product or an illegitimate product, a wholesale distributor shall, not later than 1 business day, and not to exceed 48 hours, after receiving the request or in other such reasonable time as determined by the Secretary, based on the circumstances of the request, provide the applicable transaction information, transaction history, and transaction statement for the product.

''(D) TRADING PARTNER AGREEMENTS.—Beginning 6 years after the date of enactment of the Drug Supply Chain Security Act, a wholesale distributor may disclose the transaction information, including lot level information, transaction history, or transaction statement of a product to the subsequent purchaser of the product, pursuant to a written agreement between such wholesale distributor and such subsequent purchaser. Nothing in this subparagraph shall be construed to limit the applicability of subparagraphs (A) through (C).

''(2) PRODUCT IDENTIFIER.—Beginning 6 years after the date of enactment of the Drug Supply Chain Security Act, a wholesale distributor may engage in transactions involving a product only if such product is encoded with a product identifier (except as provided pursuant to subsection (a)(5)).

''(3) AUTHORIZED TRADING PARTNERS.—Beginning not later than January 1, 2015, the trading partners of a wholesale distributor may be only authorized trading partners.

''(4) VERIFICATION.—Beginning not later than January 1, 2015, a wholesale distributor shall have systems in place to enable the wholesale distributor to comply with the following requirements:

''(A) SUSPECT PRODUCT.—

''(i) IN GENERAL.—Upon making a determination that a product in the possession or control of a wholesale distributor is a suspect product, or upon receiving a request for verification from the Secretary that has made a determination that a product within the possession or control of a wholesale distributor is a suspect product, a wholesale distributor shall—

''(I) quarantine such product within the possession or control of the wholesale distributor from product intended for distribution until such product is cleared or dispositioned; and

''(II) promptly conduct an investigation in coordination with trading partners, as applicable, to determine whether the product is an illegitimate product, which shall include validating any applicable transaction history and transaction information in the possession of the wholesale distributor and otherwise investigating to determine whether the product is an illegitimate product, and, beginning 6 years after the date of enactment of the Drug Supply Chain Security Act (except as provided pursuant to subsection (a)(5)), verifying the product at the package level, including the standardized numerical identifier.

''(ii) CLEARED PRODUCT.—If the wholesale distributor determines that a suspect product is not an illegitimate product, the wholesale distributor shall promptly notify the Secretary, if applicable, of such determination and such product may be further distributed.

''(iii) RECORDS.—A wholesale distributor shall keep records of the investigation of a suspect product for not less than 6 years after the conclusion of the investigation.

''(B) ILLEGITIMATE PRODUCT.—

''(i) IN GENERAL.—Upon determining, in coordination with the manufacturer, that a product in the possession or control of a wholesale distributor is an illegitimate product, the wholesale distributor shall, in a manner that is consistent with the systems and processes of such wholesale distributor—

''(I) quarantine such product within the possession or control of the wholesale distributor from product intended for distribution until such product is dispositioned;

''(II) disposition the illegitimate product within the possession or control of the wholesale distributor;

''(III) take reasonable and appropriate steps to assist a trading partner to disposition an illegitimate product not in the possession or control of the wholesale distributor; and

''(IV) retain a sample of the product for further physical examination or laboratory analysis of the product by the manufacturer or Secretary (or other appropriate Federal or State official) upon request by the manufacturer or Secretary (or other appropriate Federal or State official), as necessary and appropriate.

''(ii) MAKING A NOTIFICATION.—Upon determining that a product in the possession or control of the wholesale distributor is an illegitimate product, the wholesale distributor shall notify the Secretary and all immediate trading partners that the wholesale distributor has reason to believe may have received such illegitimate product of such determination not later than 24 hours after making such determination.

''(iii) RESPONDING TO A NOTIFICATION.—Upon the receipt of a notification from the Secretary or a trading partner that a determination has been made that a product is an illegitimate product, a wholesale distributor shall identify all illegitimate product subject to such notification that is in the possession or control of the wholesale distributor, including any product that is subsequently received, and shall perform the activities described in subparagraph (A).

''(iv) TERMINATING A NOTIFICATION.—Upon making a determination, in consultation with the Secretary, that a notification is no longer necessary, a wholesale distributor shall promptly notify immediate trading partners that the wholesale distributor notified pursuant to clause (ii) that such notification has been terminated.

''(v) RECORDS.—A wholesale distributor shall keep records of the disposition of an illegitimate product for not less than 6 years after the conclusion of the disposition.

''(C) ELECTRONIC DATABASE.—A wholesale distributor may satisfy the requirements of this paragraph by developing a secure electronic database or utilizing a secure electronic database developed or operated by another entity. The owner of such database shall establish the requirements and processes to respond to requests and may provide for data access to other members of the pharmaceutical distribution supply chain, as appropriate. The development and operation of such a database shall not relieve a wholesale distributor of the requirement under this paragraph to respond to a verification request submitted by means other than a secure electronic database.

''(D) VERIFICATION OF SALEABLE RETURNED PRODUCT.—Beginning 6 years after the date of enactment of the Drug Supply Chain Security Act, upon receipt of a returned product that the wholesale distributor intends to further distribute, before further distributing such product, the wholesale distributor shall verify the product identifier, including the standardized numerical identifier, for each sealed homogeneous case of such product or, if such product is not in a sealed homogeneous case, verify the product identifier, including the standardized numerical identifier, on each package.

''(d) DISPENSER REQUIREMENTS.—

''(1) PRODUCT TRACING.—

''(A) IN GENERAL.—Beginning July 1, 2015, a dispenser—

''(i) shall not accept ownership of a product, unless the previous owner prior to, or at the time of, the transaction, provides transaction history, transaction information, and a transaction statement;

''(ii) prior to, or at the time of, each transaction in which the dispenser transfers ownership of a product (but not including dispensing to a patient or returns) shall provide the subsequent owner with transaction history, transaction information, and a transaction statement for the product, except that the requirements of this clause shall

not apply to sales by a dispenser to another dispenser to fulfill a specific patient need; and

''(iii) shall capture transaction information (including lot level information, if provided), transaction history, and transaction statements, as necessary to investigate a suspect product, and maintain such information, history, and statements for not less than 6 years after the transaction.

''(B) AGREEMENTS WITH THIRD PARTIES.—A dispenser may enter into a written agreement with a third party, including an authorized wholesale distributor, under which the third party confidentially maintains the transaction information, transaction history, and transaction statements required to be maintained under this subsection on behalf of the dispenser. If a dispenser enters into such an agreement, the dispenser shall maintain a copy of the written agreement and shall not be relieved of the obligations of the dispenser under this subsection.

''(C) RETURNS.—

''(i) SALEABLE RETURNS.—A dispenser may return product to the trading partner from which the dispenser obtained the product without providing the information required under subparagraph (A).

''(ii) NONSALEABLE RETURNS.—A dispenser may return a nonsaleable product to the manufacturer or repackager, to the wholesale distributor from whom such product was purchased, to a returns processor, or to a person acting on behalf of such a person without providing the information required under subparagraph (A).

''(D) REQUESTS FOR INFORMATION.—Upon a request by the Secretary or other appropriate Federal or State official, in the event of a recall or for the purpose of investigating a suspect or an illegitimate product, a dispenser shall, not later than 2 business days after receiving the request or in another such reasonable time as determined by the Secretary, based on the circumstances of the request, provide the applicable transaction information, transaction statement, and transaction history which the dispenser received from the previous owner, which shall not include the lot number of the product, the initial transaction date, or the initial shipment date from the manufacturer unless such information was included in the transaction information, transaction statement, and transaction history provided by the manufacturer or wholesale distributor to the dispenser. The dispenser may respond to the request by providing the applicable information in either paper or electronic format. Until the date that is 4 years after the date of enactment of the Drug Supply Chain Security Act, the Secretary or other appropriate Federal or State official shall grant a dispenser additional time, as necessary, only with respect to a request to provide lot level information described in subparagraph (F) of section 581(26) that was provided to the dispenser in paper format, limit the request time period to the 6 months preceding the request or other relevant date, and, in the event of a recall, the Secretary, or other appropriate Federal or State official may request information only if such recall involves a serious adverse health consequence or death to humans.

''(2) PRODUCT IDENTIFIER.—Beginning not later than 7 years after the date of enactment of the Drug Supply Chain Security Act, a dispenser may engage in transactions involving a product only if such product is encoded with a product identifier (except as provided pursuant to subsection (a)(5)).

''(3) AUTHORIZED TRADING PARTNERS.—Beginning not later than January 1, 2015, the trading partners of a dispenser may be only authorized trading partners.

''(4) VERIFICATION.—Beginning not later than January 1, 2015, a dispenser shall have systems in place to enable the dispenser to comply with the following requirements:

''(A) SUSPECT PRODUCT.—

''(i) IN GENERAL.—Upon making a determination that a product in the possession or control of the dispenser is a suspect product, or upon receiving a request for verification from the Secretary that has made a determination that a product within the possession or control of a dispenser is a suspect product, a dispenser shall—

''(I) quarantine such product within the possession or control of the dispenser from product intended for distribution until such product is cleared or dispositioned; and

''(II) promptly conduct an investigation in coordination with trading partners, as applicable, to determine whether the product is an illegitimate product.

''(ii) INVESTIGATION.—An investigation conducted under clause (i)(II) shall include—

''(I) beginning 7 years after the date of enactment of the Drug Supply Chain Security Act, verifying whether the lot number of a suspect product corresponds with the lot number for such product;

''(II) beginning 7 years after the date of enactment of such Act, verifying that the product identifier, including the standardized numerical identifier, of at least 3 packages or 10 percent of such suspect product, whichever is greater, or all packages, if there are fewer than 3, corresponds with the product identifier for such product;

''(III) validating any applicable transaction history and transaction information in the possession of the dispenser; and

''(IV) otherwise investigating to determine whether the product is an illegitimate product.

''(iii) CLEARED PRODUCT.—If the dispenser makes the determination that a suspect product is not an illegitimate product, the dispenser shall promptly notify the Secretary, if applicable, of such determination and such product may be further distributed or dispensed.

''(iv) RECORDS.—A dispenser shall keep records of the investigation of a suspect product for not less than 6 years after the conclusion of the investigation.

''(B) ILLEGITIMATE PRODUCT.—

''(i) IN GENERAL.—Upon determining, in coordination with the manufacturer, that a product in the possession or control of a dispenser is an illegitimate product, the dispenser shall—

''(I) disposition the illegitimate product within the possession or control of the dispenser;

''(II) take reasonable and appropriate steps to assist a trading partner to disposition an illegitimate product not in the possession or control of the dispenser; and

''(III) retain a sample of the product for further physical examination or laboratory analysis of the product by the manufacturer or Secretary (or other appropriate Federal or State official) upon request by the manufacturer or Secretary (or other appropriate Federal or State official), as necessary and appropriate.

''(ii) MAKING A NOTIFICATION.—Upon determining that a product in the possession or control of the dispenser is an illegitimate product, the dispenser shall notify the Secretary and all immediate trading partners that the dispenser has reason to believe may have received such illegitimate product of such determination not later than 24 hours after making such determination.

''(iii) RESPONDING TO A NOTIFICATION.—Upon the receipt of a notification from the Secretary or a trading partner that a determination has been made that a product is an illegitimate product, a dispenser shall identify all illegitimate product subject to such notification that is in the possession or control of the dispenser, including any product that is subsequently received, and shall perform the activities described in subparagraph (A).

''(iv) TERMINATING A NOTIFICATION.—Upon making a determination, in consultation with the Secretary, that a notification is no longer necessary, a dispenser shall promptly notify immediate trading partners that the dispenser notified pursuant to clause (ii) that such notification has been terminated.

''(v) RECORDS.—A dispenser shall keep records of the disposition of an illegitimate product for not less than 6 years after the conclusion of the disposition.

''(C) ELECTRONIC DATABASE.—A dispenser may satisfy the requirements of this paragraph by developing a secure electronic database or utilizing a secure electronic database developed or operated by another entity.

''(5) EXCEPTION.—Notwithstanding any other provision of law, the requirements under paragraphs (1) and (4) shall not apply to licensed health care practitioners authorized to prescribe or administer medication under State law or other licensed individuals under the supervision or direction of such practitioners who dispense or administer product in the usual course of professional practice.

''(e) REPACKAGER REQUIREMENTS.—

''(1) PRODUCT TRACING.—

''(A) IN GENERAL.—Beginning not later than January 1, 2015, a repackager described in section 581(16)(A) shall—

''(i) not accept ownership of a product unless the previous owner, prior to, or at the time of, the transaction, provides transaction history, transaction information, and a transaction statement for the product;

''(ii) prior to, or at the time of, each transaction in which the repackager transfers ownership of a product, provide the subsequent owner with transaction history, transaction information, and a transaction statement for the product; and

''(iii) capture the transaction information (including lot level information), transaction history, and transaction statement for each transaction described in clauses (i) and (ii) and maintain such information, history, and statement for not less than 6 years after the transaction.

''(B) RETURNS.—

''(i) NONSALEABLE PRODUCT.—A repackager described in section 581(16)(A) may return a nonsaleable product to the manufacturer or repackager, or to the wholesale distributor from whom such product was purchased, or to a person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A)(ii).

''(ii) SALEABLE OR NONSALEABLE PRODUCT.—A repackager described in section 581(16)(B) may return a saleable or nonsaleable product to the manufacturer, repackager, or to the wholesale distributor from whom such product was received without providing the information required under subparagraph (A)(ii) on behalf of the hospital or other health care entity that took ownership of such product pursuant to the terms and conditions of any agreement between such repackager and the entity that owns the product.

''(C) REQUESTS FOR INFORMATION.—Upon a request by the Secretary or other appropriate Federal or State official, in the event of a recall or for the purpose of investigating a suspect product or an illegitimate product, a repackager described in section 581(16)(A) shall, not later than 1 business day, and not to exceed 48 hours, after receiving the request or in other such reasonable time as determined by the Secretary, provide the applicable transaction information, transaction

history, and transaction statement for the product.

''(2) PRODUCT IDENTIFIER.—

''(A) IN GENERAL.—Beginning not later than 5 years after the date of enactment of the Drug Supply Chain Security Act, a repackager described in section 581(16)(A)—

''(i) shall affix or imprint a product identifier to each package and homogenous case of product intended to be introduced in a transaction in commerce;

''(ii) shall maintain the product identifier information for such product for not less than 6 years after the date of the transaction;

''(iii) may engage in transactions involving a product only if such product is encoded with a product identifier (except as provided pursuant to subsection (a)(5)); and

''(iv) shall maintain records for not less than 6 years to allow the repackager to associate the product identifier the repackager affixes or imprints with the product identifier assigned by the original manufacturer of the product.

''(B) EXCEPTION.—A package that is required to have a standardized numerical identifier is not required to have a unique device identifier.

''(3) AUTHORIZED TRADING PARTNERS.—Beginning January 1, 2015, the trading partners of a repackager described in section 581(16) may be only authorized trading partners.

''(4) VERIFICATION.—Beginning not later than January 1, 2015, a repackager described in section 581(16)(A) shall have systems in place to enable the repackager to comply with the following requirements:

''(A) SUSPECT PRODUCT.—

''(i) IN GENERAL.—Upon making a determination that a product in the possession or control of the repackager is a suspect product, or upon receiving a request for verification from the Secretary that has made a determination that a product within the possession or control of a repackager is a suspect product, a repackager shall—

''(I) quarantine such product within the possession or control of the repackager from product intended for distribution until such product is cleared or dispositioned; and

''(II) promptly conduct an investigation in coordination with trading partners, as applicable, to determine whether the product is an illegitimate product, which shall include validating any applicable transaction history and transaction information in the possession of the repackager and otherwise investigating to determine whether the product is an illegitimate product, and, beginning 5 years after the date of enactment of the Drug Supply Chain Security Act (except as provided pursuant to subsection (a)(5)), verifying the product at the package level, including the standardized numerical identifier.

''(ii) CLEARED PRODUCT.—If the repackager makes the determination that a suspect product is not an illegitimate product, the repackager shall promptly notify the Secretary, if applicable, of such determination and such product may be further distributed.

''(iii) RECORDS.—A repackager shall keep records of the investigation of a suspect product for not less than 6 years after the conclusion of the investigation.

''(B) ILLEGITIMATE PRODUCT.—

''(i) IN GENERAL.—Upon determining, in coordination with the manufacturer, that a product in the possession or control of a repackager is an illegitimate product, the repackager shall, in a manner that is consistent with the systems and processes of such repackager—

''(I) quarantine such product within the possession or control of the repackager from product intended for distribution until such product is dispositioned;

''(II) disposition the illegitimate product within the possession or control of the repackager;

''(III) take reasonable and appropriate steps to assist a trading partner to disposition an illegitimate product not in the possession or control of the repackager; and

''(IV) retain a sample of the product for further physical examination or laboratory analysis of the product by the manufacturer or Secretary (or other appropriate Federal or State official) upon request by the manufacturer or Secretary (or other appropriate Federal or State official), as necessary and appropriate.

''(ii) MAKING A NOTIFICATION.—Upon determining that a product in the possession or control of the repackager is an illegitimate product, the repackager shall notify the Secretary and all immediate trading partners that the repackager has reason to believe may have received the illegitimate product of such determination not later than 24 hours after making such determination.

''(iii) RESPONDING TO A NOTIFICATION.—Upon the receipt of a notification from the Secretary or a trading partner, a repackager shall identify all illegitimate product subject to such notification that is in the possession or control of the repackager, including any product that is subsequently received, and shall perform the activities described in subparagraph (A).

''(iv) TERMINATING A NOTIFICATION.—Upon making a determination, in consultation with the Secretary, that a notification is no longer necessary, a repackager shall promptly notify immediate trading partners that the repackager notified pursuant to clause (ii) that such notification has been terminated.

''(v) RECORDS.—A repackager shall keep records of the disposition of an illegitimate product for not less than 6 years after the conclusion of the disposition.

''(C) REQUESTS FOR VERIFICATION.—Beginning 5 years after the date of enactment of the Drug Supply Chain Security Act, upon receiving a request for verification from an authorized manufacturer, wholesale distributor, or dispenser that is in possession or control of a product they believe to be repackaged by such repackager, a repackager shall, not later than 24 hours after receiving the verification request or in other such reasonable time as determined by the Secretary, based on the circumstances of the request, notify the person making the request whether the product identifier, including the standardized numerical identifier, that is the subject of the request corresponds to the product identifier affixed or imprinted by the repackager. If a repackager responding to a verification request identifies a product identifier that does not correspond to that affixed or imprinted by the repackager, the repackager shall treat such product as suspect product and conduct an investigation as described in subparagraph (A). If the repackager has reason to believe the product is an illegitimate product, the repackager shall advise the person making the request of such belief at the time such repackager responds to the verification request.

''(D) ELECTRONIC DATABASE.—A repackager may satisfy the requirements of paragraph (4) by developing a secure electronic database or utilizing a secure electronic database developed or operated by another entity. The owner of such database shall establish the requirements and processes to respond to requests and may provide for data access to other members of the pharmaceutical distribution supply chain, as appropriate. The development and operation of such a database shall not relieve a repackager of the requirement under subparagraph (C) to respond to a verification request submitted by means other than a secure electronic database.

''(E) VERIFICATION OF SALEABLE RETURNED PRODUCT.—Beginning 5 years after the date of enactment of the Drug Supply Chain Security Act, upon receipt of a returned product that the repackager intends to further distribute, before further distributing such product, the repackager shall verify the product identifier for each sealed homogeneous case of such product or, if such product is not in a sealed homogeneous case, verify the product identifier on each package.

''(f) DROP SHIPMENTS.—

''(1) IN GENERAL.—A wholesale distributor that does not physically handle or store product shall be exempt from the provisions of this section, except the notification requirements under clauses (ii), (iii), and (iv) of subsection (c)(4)(B), provided that the manufacturer, repackager, or other wholesale distributor that distributes the product to the dispenser by means of a drop shipment for such wholesale distributor includes on the transaction information and transaction history to the dispenser the contact information of such wholesale distributor and provides the transaction information, transaction history, and transaction statement directly to the dispenser.

''(2) CLARIFICATION.—For purposes of this subsection, providing administrative services, including processing of orders and payments, shall not by itself, be construed as being involved in the handling, distribution, or storage of a product.''.

**SEC. 203. ENHANCED DRUG DISTRIBUTION SECURITY.**

Section 582, as added by section 202, is amended by adding at the end the following:

''(g) ENHANCED DRUG DISTRIBUTION SECURITY.—

''(1) IN GENERAL.—On the date that is 10 years after the date of enactment of the Drug Supply Chain Security Act, the following interoperable, electronic tracing of product at the package level requirements shall go into effect:

''(A) The transaction information and the transaction statements as required under this section shall be exchanged in a secure, interoperable, electronic manner in accordance with the standards established under the guidance issued pursuant to paragraphs (3) and (4) of subsection (h), including any revision of such guidance issued in accordance with paragraph (5) of such subsection.

''(B) The transaction information required under this section shall include the product identifier at the package level for each package included in the transaction.

''(C) Systems and processes for verification of product at the package level, including the standardized numerical identifier, shall be required in accordance with the standards established under the guidance issued pursuant to subsection (a)(2) and the guidances issued pursuant to paragraphs (2), (3), and (4) of subsection (h), including any revision of such guidances issued in accordance with paragraph (5) of such subsection, which may include the use of aggregation and inference as necessary.

''(D) The systems and processes necessary to promptly respond with the transaction information and transaction statement for a product upon a request by the Secretary (or other appropriate Federal or State official) in the event of a recall or for the purposes of investigating a suspect product or an illegitimate product shall be required.

''(E) The systems and processes necessary to promptly facilitate gathering the information necessary to produce the transaction information for each transaction going back to the manufacturer, as applicable, shall be required—

''(i) in the event of a request by the Secretary (or other appropriate Federal or State official), on account of a recall or for the purposes of investigating a suspect product or an illegitimate product; or

''(ii) in the event of a request by an authorized trading partner, in a secure manner that ensures the protection of confidential commercial information and trade secrets, for purposes of investigating a suspect product or assisting the Secretary (or other appropriate Federal or State official) with a request described in clause (i).

''(F) Each person accepting a saleable return shall have systems and processes in place to allow acceptance of such product and may accept saleable returns only if such person can associate the saleable return product with the transaction information and transaction statement associated with that product.

''(2) COMPLIANCE.—

''(A) INFORMATION MAINTENANCE AGREEMENT.—A dispenser may enter into a written agreement with a third party, including an authorized wholesale distributor, under which the third party shall confidentially maintain any information and statements required to be maintained under this section. If a dispenser enters into such an agreement, the dispenser shall maintain a copy of the written agreement and shall not be relieved of the obligations of the dispenser under this subsection.

''(B) ALTERNATIVE METHODS.—The Secretary, taking into consideration the assessment conducted under paragraph (3), shall provide for alternative methods of compliance with any of the requirements set forth in paragraph (1), including—

''(i) establishing timelines for compliance by small businesses (including small business dispensers with 25 or fewer full-time employees) with such requirements, in order to ensure that such requirements do not impose undue economic hardship for small businesses, including small business dispensers for whom the criteria set forth in the assessment under paragraph (3) is not met, if the Secretary determines that such requirements under paragraph (1) would result in undue economic hardship; and

''(ii) establishing a process by which a dispenser may request a waiver from any of the requirements set forth in paragraph (1) if the Secretary determines that such requirements would result in an undue economic hardship, which shall include a process for the biennial review and renewal of any such waiver.

''(3) ASSESSMENT.—

''(A) IN GENERAL.—Not later than the date that is 18 months after the Secretary issues the final guidance required under subsection (h), the Secretary shall enter into a contract with a private, independent consulting firm with expertise to conduct a technology and software assessment that looks at the feasibility of dispensers with 25 or fewer full-time employees conducting interoperable, electronic tracing of products at the package level. Such assessment shall be completed not later than 8½ years after the date of enactment of the Drug Supply Chain Security Act.

''(B) CONDITION.—As a condition of the award of the contract under subparagraph (A), the private, independent consulting firm shall agree to consult with dispensers with 25 or fewer full-time employees when conducting the assessment under such subparagraph.

''(C) CONTENT.—The assessment under subparagraph (A) shall assess whether—

''(i) the necessary software and hardware is readily accessible to such dispensers;

''(ii) the necessary software and hardware is prohibitively expensive to obtain, install, and maintain for such dispensers; and

''(iii) the necessary hardware and software can be integrated into business practices, such as interoperability with wholesale distributors, for such dispensers.

''(D) PUBLICATION.—The Secretary shall—

''(i) publish the statement of work for the assessment under subparagraph (A) for public comment prior to beginning the assessment;

''(ii) publish the final assessment for public comment not later than 30 calendar days after receiving such assessment; and

''(iii) hold a public meeting not later than 180 calendar days after receiving the final assessment at which public stakeholders may present their views on the assessment.

''(4) PROCEDURE.—Notwithstanding section 553 of title 5, United States Code, the Secretary, in promulgating any regulation pursuant to this section, shall—

''(A) provide appropriate flexibility by—

''(i) not requiring the adoption of specific business systems for the maintenance and transmission of data;

''(ii) prescribing alternative methods of compliance for any of the requirements set forth in paragraph (1) or set forth in regulations implementing such requirements, including—

''(I) timelines for small businesses to comply with the requirements set forth in the regulations in order to ensure that such requirements do not impose undue economic hardship for small businesses (including small business dispensers for whom the criteria set forth in the assessment under paragraph (3) is not met), if the Secretary determines that such requirements would result in undue economic hardship; and

''(II) the establishment of a process by which a dispenser may request a waiver from any of the requirements set forth in such regulations if the Secretary determines that such requirements would result in an undue economic hardship; and

''(iii) taking into consideration—

''(I) the results of pilot projects, including pilot projects pursuant to this section and private sector pilot projects, including those involving the use of aggregation and inference;

''(II) the public meetings held and related guidance documents issued under this section;

''(III) the public health benefits of any additional regulations in comparison to the cost of compliance with such requirements, including on entities of varying sizes and capabilities;

''(IV) the diversity of the pharmaceutical distribution supply chain by providing appropriate flexibility for each sector, including both large and small businesses; and

''(V) the assessment pursuant to paragraph (3) with respect to small business dispensers, including related public comment and the public meeting, and requirements under this section;

''(B) issue a notice of proposed rulemaking that includes a copy of the proposed regulation;

''(C) provide a period of not less than 60 days for comments on the proposed regulation; and

''(D) publish in the Federal Register the final regulation not less than 2 years prior to the effective date of the regulation.

''(h) GUIDANCE DOCUMENTS.—

''(1) IN GENERAL.—For the purposes of facilitating the successful and efficient adoption of secure, interoperable product tracing at the package level in order to enhance drug distribution security and further protect the public health, the Secretary shall issue the guidance documents as provided for in this subsection.

''(2) SUSPECT AND ILLEGITIMATE PRODUCT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Drug Supply Chain Security Act, the Secretary shall issue a guidance document to aid trading partners in the identification of a suspect product and notification termination. Such guidance document shall—

''(i) identify specific scenarios that could significantly increase the risk of a suspect product entering the pharmaceutical distribution supply chain;

''(ii) provide recommendation on how trading partners may identify such product and make a determination on whether the product is a suspect product as soon as practicable; and

''(iii) set forth the process by which manufacturers, repackagers, wholesale distributors, and dispensers shall terminate notifications in consultation with the Secretary regarding illegitimate product pursuant to subsections (b)(4)(B), (c)(4)(B), (d)(4)(B), and (e)(4)(B).

''(B) REVISED GUIDANCE.—If the Secretary revises the guidance issued under subparagraph (A), the Secretary shall follow the procedure set forth in paragraph (5).

''(3) UNIT LEVEL TRACING.—

''(A) IN GENERAL.—In order to enhance drug distribution security at the package level, not later than 18 months after conducting a public meeting on the system attributes necessary to enable secure tracing of product at the package level, including allowing for the use of verification, inference, and aggregation, as necessary, the Secretary shall issue a final guidance document that outlines and makes recommendations with respect to the system attributes necessary to enable secure tracing at the package level as required under the requirements established under subsection (g). Such guidance document shall—

''(i) define the circumstances under which the sectors within the pharmaceutical distribution supply chain may, in the most efficient manner practicable, infer the contents of a case, pallet, tote, or other aggregate of individual packages or containers of product, from a product identifier associated with the case, pallet, tote, or other aggregate, without opening each case, pallet, tote, or other aggregate or otherwise individually scanning each package;

''(ii) identify methods and processes to enhance secure tracing of product at the package level, such as secure processes to facilitate the use of inference, enhanced verification activities, the use of aggregation and inference, processes that utilize the product identifiers to enhance tracing of product at the package level, including the standardized numerical identifier, or package security features; and

''(iii) ensure the protection of confidential commercial information and trade secrets.

''(B) PROCEDURE.—In issuing the guidance under subparagraph (A), and in revising such guidance, if applicable, the Secretary shall follow the procedure set forth in paragraph (5).

''(4) STANDARDS FOR INTEROPERABLE DATA EXCHANGE.—

''(A) IN GENERAL.—In order to enhance secure tracing of a product at the package level, the Secretary, not later than 18 months after conducting a public meeting on the interoperable standards necessary to enhance the security of the pharmaceutical distribution supply chain, shall update the guidance issued pursuant to subsection (a)(2), as necessary and appropriate, and finalize such guidance document so that the guidance document—

''(i) identifies and makes recommendations with respect to the standards necessary for adoption in order to support the secure, interoperable electronic data exchange among the pharmaceutical distribution supply chain that comply with a form and format developed by a widely recognized international standards development organization;

''(ii) takes into consideration standards established pursuant to subsection (a)(2) and section 505D;

''(iii) facilitates the creation of a uniform process or methodology for product tracing; and

''(iv) ensures the protection of confidential commercial information and trade secrets.

''(B) PROCEDURE.—In issuing the guidance under subparagraph (A), and in revising such guidance, if applicable, the Secretary shall follow the procedure set forth in paragraph (5).

''(5) PROCEDURE.—In issuing or revising any guidance issued pursuant to this subsection or subsection (g), except the initial guidance issued under paragraph (2)(A), the Secretary shall—

''(A) publish a notice in the Federal Register for a period not less than 30 days announcing that the draft or revised draft guidance is available;

''(B) post the draft guidance document on the Internet Web site of the Food and Drug Administration and make such draft guidance document available in hard copy;

''(C) provide an opportunity for comment and review and take into consideration any comments received;

''(D) revise the draft guidance, as appropriate;

''(E) publish a notice in the Federal Register for a period not less than 30 days announcing that the final guidance or final revised guidance is available;

''(F) post the final guidance document on the Internet Web site of the Food and Drug Administration and make such final guidance document available in hard copy; and

''(G) provide for an effective date of not earlier than 1 year after such guidance becomes final.

''(i) PUBLIC MEETINGS.—

''(1) IN GENERAL.—The Secretary shall hold not less than 5 public meetings to enhance the safety and security of the pharmaceutical distribution supply chain and provide for comment. The Secretary may hold the first such public meeting not earlier than 1 year after the date of enactment of the Drug Supply Chain Security Act. In carrying out the public meetings described in this paragraph, the Secretary shall—

''(A) prioritize topics necessary to inform the issuance of the guidance described in paragraphs (3) and (4) of subsection (h); and

''(B) take all measures reasonable and practicable to ensure the protection of confidential commercial information and trade secrets.

''(2) CONTENT.—Each of the following topics shall be addressed in at least one of the public meetings described in paragraph (1):

''(A) An assessment of the steps taken under subsections (b) through (e) to build capacity for a unit-level system, including the impact of the requirements of such subsections on—

''(i) the ability of the health care system collectively to maintain patient access to medicines;

''(ii) the scalability of such requirements, including as it relates to product lines; and

''(iii) the capability of different sectors and subsectors, including both large and small businesses, to affix and utilize the product identifier.

''(B) The system attributes necessary to support the requirements set forth under subsection (g), including the standards necessary for adoption in order to support the secure, interoperable electronic data exchange among sectors within the pharmaceutical distribution supply chain.

''(C) Best practices in each of the different sectors within the pharmaceutical distribution supply chain to implement the requirements of this section.

''(D) The costs and benefits of the implementation of this section, including the impact on each pharmaceutical distribution supply chain sector and on public health.

''(E) Whether electronic tracing requirements, including tracing of product at the package level, are feasible, cost effective, and needed to protect the public health.

''(F) The systems and processes needed to utilize the product identifiers to enhance tracing of product at the package level, including allowing for verification, aggregation, and inference, as necessary.

''(G) The technical capabilities and legal authorities, if any, needed to establish an interoperable, electronic system that provides for tracing of product at the package level.

''(H) The impact that such additional requirements would have on patient safety, the drug supply, cost and regulatory burden, and timely patient access to prescription drugs.

''(I) Other topics, as determined appropriate by the Secretary.

''(j) PILOT PROJECTS.—

''(1) IN GENERAL.—The Secretary shall establish 1 or more pilot projects, in coordination with authorized manufacturers, repackagers, wholesale distributors, and dispensers, to explore and evaluate methods to enhance the safety and security of the pharmaceutical distribution supply chain. Such projects shall build upon efforts, in existence as of the date of enactment of the Drug Supply Chain Security Act, to enhance the safety and security of the pharmaceutical distribution supply chain, take into consideration any pilot projects conducted prior to such date of enactment, including any pilot projects that use aggregation and inference, and inform the draft and final guidance under paragraphs (3) and (4) of subsection (h).

''(2) CONTENT.—

''(A) IN GENERAL.—The Secretary shall ensure that the pilot projects under paragraph (1) reflect the diversity of the pharmaceutical distribution supply chain and that the pilot projects, when taken as a whole, include participants representative of every sector, including both large and small businesses.

''(B) PROJECT DESIGN.—The pilot projects under paragraph (1) shall be designed to—

''(i) utilize the product identifier for tracing of a product, which may include verification of the product identifier of a product, including the use of aggregation and inference;

''(ii) improve the technical capabilities of each sector and subsector to comply with systems and processes needed to utilize the product identifiers to enhance tracing of a product;

''(iii) identify system attributes that are necessary to implement the requirements established under this section; and

''(iv) complete other activities as determined by the Secretary.

''(k) SUNSET.—The following requirements shall have no force or effect beginning on the date that is 10 years after the date of enactment of the Drug Supply Chain Security Act:

''(1) The provision and receipt of transaction history under this section.

''(2) The requirements set forth for returns under subsections (b)(4)(E), (c)(1)(B)(i), (d)(1)(C)(i), and (e)(4)(E).

''(3) The requirements set forth under subparagraphs (A)(v)(II) and (D) of subsection (c)(1), as applied to lot level information only.

''(l) RULE OF CONSTRUCTION.—The requirements set forth in subsections (g)(4), (i), and (j) shall not be construed as a condition, prohibition, or precedent for precluding or delaying the provisions becoming effective pursuant to subsection (g).

''(m) REQUESTS FOR INFORMATION.—On the date that is 10 years after the date of enactment of the Drug Supply Chain Security Act, the timeline for responses to requests for information from the Secretary, or other appropriate Federal or State official, as applicable, under subsections (b)(1)(B), (c)(1)(C), and (e)(1)(C) shall be not later than 24 hours after receiving the request from the Secretary or other appropriate Federal or State official, as applicable, or in such other reasonable time as determined by the Secretary based on the circumstances of the request.''.

**SEC. 204. NATIONAL STANDARDS FOR PRESCRIPTION DRUG WHOLESALE DISTRIBUTORS.**

(a) AMENDMENTS.—

(1) REQUIREMENT.—Section 503(e) (21 U.S.C. 353(e)) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) REQUIREMENT.—Subject to section 583:

''(A) IN GENERAL.—No person may engage in wholesale distribution of a drug subject to subsection (b)(1) in any State unless such person—

''(i)(I) is licensed by the State from which the drug is distributed; or

''(II) if the State from which the drug is distributed has not established a licensure requirement, is licensed by the Secretary; and

''(ii) if the drug is distributed interstate, is licensed by the State into which the drug is distributed if the State into which the drug is distributed requires the licensure of a person that distributes drugs into the State.

''(B) STANDARDS.—Each Federal and State license described in subparagraph (A) shall meet the standards, terms, and conditions established by the Secretary under section 583.

''(2) REPORTING AND DATABASE.—

''(A) REPORTING.—Beginning January 1, 2015, any person who owns or operates an establishment that engages in wholesale distribution shall—

''(i) report to the Secretary, on an annual basis pursuant to a schedule determined by the Secretary—

''(I) each State by which the person is licensed and the appropriate identification number of each such license; and

''(II) the name, address, and contact information of each facility at which, and all trade names under which, the person conducts business; and

''(ii) report to the Secretary within a reasonable period of time and in a reasonable manner, as determined by the Secretary, any significant disciplinary actions, such as the revocation or suspension of a wholesale distributor license, taken by a State or the Federal Government during the reporting period against the wholesale distributor.

''(B) DATABASE.—Not later than January 1, 2015, the Secretary shall establish a database of authorized wholesale distributors. Such database shall—

''(i) identify each authorized wholesale distributor by name, contact information, and each State where such wholesale distributor is appropriately licensed to engage in wholesale distribution;

''(ii) be available to the public on the Internet Web site of the Food and Drug Administration; and

''(iii) be regularly updated on a schedule determined by the Secretary.

''(C) COORDINATION.—The Secretary shall establish a format and procedure for appropriate State officials to access the information provided pursuant to subparagraph (A) in a prompt and secure manner.

''(D) CONFIDENTIALITY.—Nothing in this paragraph shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

''(3) COSTS.—

''(A) AUTHORIZED FEES OF SECRETARY.—If a State does not establish a licensing program for persons engaged in the wholesale distribution of a drug subject to subsection (b), the Secretary shall license a person engaged in wholesale distribution located in such State and may collect a reasonable fee in such amount necessary to reimburse the Secretary for costs associated with establishing and administering the licensure program and conducting periodic inspections under this section. The Secretary shall adjust fee rates as needed on an annual basis to generate only the amount of revenue needed to perform this service. Fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(B) STATE LICENSING FEES.—Nothing in this Act shall prohibit States from collecting fees from wholesale distributors in connection with State licensing of such distributors.''.

(2) WHOLESALE DISTRIBUTION.—Section 503(e) (21 U.S.C. 353(e)), as amended by paragraph (1), is further amended by adding at the end the following:

''(4) For the purposes of this subsection and subsection (d), the term 'wholesale distribution' means the distribution of a drug subject to subsection (b) to a person other than a consumer or patient, or receipt of a drug subject to subsection (b) by a person other than the consumer or patient, but does not include—

''(A) intracompany distribution of any drug between members of an affiliate or within a manufacturer;

''(B) the distribution of a drug, or an offer to distribute a drug among hospitals or other health care entities which are under common control;

''(C) the distribution of a drug or an offer to distribute a drug for emergency medical reasons, including a public health emergency declaration pursuant to section 319 of the Public Health Service Act, except that, for purposes of this paragraph, a drug shortage not caused by a public health emergency shall not constitute an emergency medical reason;

''(D) the dispensing of a drug pursuant to a prescription executed in accordance with subsection (b)(1);

''(E) the distribution of minimal quantities of drug by a licensed retail pharmacy to a licensed practitioner for office use;

''(F) the distribution of a drug or an offer to distribute a drug by a charitable organization to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

''(G) the purchase or other acquisition by a dispenser, hospital, or other health care entity of a drug for use by such dispenser, hospital, or other health care entity;

''(H) the distribution of a drug by the manufacturer of such drug;

''(I) the receipt or transfer of a drug by an authorized third-party logistics provider provided that such third-party logistics provider does not take ownership of the drug;

''(J) a common carrier that transports a drug, provided that the common carrier does not take ownership of the drug;

''(K) the distribution of a drug, or an offer to distribute a drug by an authorized repackager that has taken ownership or possession of the drug and repacks it in accordance with section 582(e);

''(L) salable drug returns when conducted by a dispenser;

''(M) the distribution of a collection of finished medical devices, which may include a product or biological product, assembled in kit form strictly for the convenience of the purchaser or user (referred to in this subparagraph as a 'medical convenience kit') if—

''(i) the medical convenience kit is assembled in an establishment that is registered with the Food and Drug Administration as a device manufacturer in accordance with section 510(b)(2);

''(ii) the medical convenience kit does not contain a controlled substance that appears in a schedule contained in the Comprehensive Drug Abuse Prevention and Control Act of 1970;

''(iii) in the case of a medical convenience kit that includes a product, the person that manufacturers the kit—

''(I) purchased such product directly from the pharmaceutical manufacturer or from a wholesale distributor that purchased the product directly from the pharmaceutical manufacturer; and

''(II) does not alter the primary container or label of the product as purchased from the manufacturer or wholesale distributor; and

''(iv) in the case of a medical convenience kit that includes a product, the product is—

''(I) an intravenous solution intended for the replenishment of fluids and electrolytes;

''(II) a product intended to maintain the equilibrium of water and minerals in the body;

''(III) a product intended for irrigation or reconstitution;

''(IV) an anesthetic;

''(V) an anticoagulant;

''(VI) a vasopressor; or

''(VII) a sympathomimetic;

''(N) the distribution of an intravenous drug that, by its formulation, is intended for the replenishment of fluids and electrolytes (such as sodium, chloride, and potassium) or calories (such as dextrose and amino acids);

''(O) the distribution of an intravenous drug used to maintain the equilibrium of water and minerals in the body, such as dialysis solutions;

''(P) the distribution of a drug that is intended for irrigation, or sterile water, whether intended for such purposes or for injection;

''(Q) the distribution of medical gas, as defined in section 575;

''(R) facilitating the distribution of a product by providing solely administrative services, including processing of orders and payments; or

''(S) the transfer of a product by a hospital or other health care entity, or by a wholesale distributor or manufacturer operating at the direction of the hospital or other health care entity, to a repackager described in section 581(16)(B) and registered under section 510 for the purpose of repackaging the drug for use by that hospital, or other health care entity and other health care entities that are under common control, if ownership of the drug remains with the hospital or other health care entity at all times.''.

(3) THIRD-PARTY LOGISTICS PROVIDERS.—Section 503(e) (21 U.S.C. 353(e)), as amended by paragraph (2), is further amended by adding at the end the following:

''(5) THIRD-PARTY LOGISTICS PROVIDERS.—Notwithstanding paragraphs (1) through (4), each entity that meets the definition of a third-party logistics provider under section 581(22) shall obtain a license as a third-party logistics provider as described in section 584(a) and is not required to obtain a license as a wholesale distributor if the entity never assumes an ownership interest in the product it handles.''.

(4) AFFILIATE.—Section 503(e) (21 U.S.C. 353(e)), as amended by paragraph (3), is further amended by adding at the end the following:

''(6) AFFILIATE.—For purposes of this subsection, the term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

''(A) one business entity controls, or has the power to control, the other business entity; or

''(B) a third party controls, or has the power to control, both of the business entities.''.

(5) STANDARDS.—Subchapter H of chapter V, as added by section 202, is amended by adding at the end the following:

**''SEC. 583. NATIONAL STANDARDS FOR PRESCRIPTION DRUG WHOLESALE DISTRIBUTORS.**

''(a) IN GENERAL.—The Secretary shall, not later than 2 years after the date of enactment of the Drug Supply Chain Security Act, establish by regulation standards for the licensing of persons under section 503(e)(1) (as amended by the Drug Supply Chain Security Act), including the revocation, reissuance, and renewal of such license.

''(b) CONTENT.—For the purpose of ensuring uniformity with respect to standards set forth in this section, the standards established under subsection (a) shall apply to all State and Federal licenses described under section 503(e)(1) (as amended by the Drug Supply Chain Security Act) and shall include standards for the following:

''(1) The storage and handling of prescription drugs, including facility requirements.

''(2) The establishment and maintenance of records of the distributions of such drugs.

''(3) The furnishing of a bond or other equivalent means of security, as follows:

''(A)(i) For the issuance or renewal of a wholesale distributor license, an applicant that is not a government owned and operated wholesale distributor shall submit a surety bond of $100,000 or other equivalent means of security acceptable to the State.

''(ii) For purposes of clause (i), the State or other applicable authority may accept a surety bond in the amount of $25,000 if the annual gross receipts of the previous tax year for the wholesaler is $10,000,000 or less.

''(B) If a wholesale distributor can provide evidence that it possesses the required bond in a State, the requirement for a bond in another State shall be waived.

''(4) Mandatory background checks and fingerprinting of facility managers or designated representatives.

''(5) The establishment and implementation of qualifications for key personnel.

''(6) The mandatory physical inspection of any facility to be used in wholesale distribution within a reasonable time frame from the initial application of the facility and to be conducted by the licensing authority or by the State, consistent with subsection (c).

''(7) In accordance with subsection (d), the prohibition of certain persons from receiving or maintaining licensure for wholesale distribution.

''(c) INSPECTIONS.—To satisfy the inspection requirement under subsection (b)(6), the

Federal or State licensing authority may conduct the inspection or may accept an inspection by the State in which the facility is located, or by a third-party accreditation or inspection service approved by the Secretary or the State licensing such wholesale distributor.

''(d) PROHIBITED PERSONS.—The standards established under subsection (a) shall include requirements to prohibit a person from receiving or maintaining licensure for wholesale distribution if the person—

''(1) has been convicted of any felony for conduct relating to wholesale distribution, any felony violation of subsection (i) or (k) of section 301, or any felony violation of section 1365 of title 18, United States Code, relating to product tampering; or

''(2) has engaged in a pattern of violating the requirements of this section, or State requirements for licensure, that presents a threat of serious adverse health consequences or death to humans.

''(e) REQUIREMENTS.—The Secretary, in promulgating any regulation pursuant to this section, shall, notwithstanding section 553 of title 5, United States Code—

''(1) issue a notice of proposed rulemaking that includes a copy of the proposed regulation;

''(2) provide a period of not less than 60 days for comments on the proposed regulation; and

''(3) provide that the final regulation take effect on the date that is 2 years after the date such final regulation is published.''.

(b) AUTHORIZED DISTRIBUTORS OF RECORD.—Section 503(d) (21 U.S.C. 353(d)) is amended by adding at the end the following:

''(4) In this subsection, the term 'authorized distributors of record' means those distributors with whom a manufacturer has established an ongoing relationship to distribute such manufacturer's products.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 2015.

**SEC. 205. NATIONAL STANDARDS FOR THIRD-PARTY LOGISTICS PROVIDERS; UNIFORM NATIONAL POLICY.**

Subchapter H of chapter V, as amended by section 204, is further amended by adding at the end the following:

**''SEC. 584. NATIONAL STANDARDS FOR THIRD-PARTY LOGISTICS PROVIDERS.**

''(a) REQUIREMENTS.—No third-party logistics provider in any State may conduct activities in any State unless each facility of such third-party logistics provider—

''(1)(A) is licensed by the State from which the drug is distributed by the third-party logistics provider, in accordance with the regulations promulgated under subsection (d); or

''(B) if the State from which the drug distributed by the third-party logistics provider has not established a licensure requirement, is licensed by the Secretary, in accordance with the regulations promulgated under subsection (d); and

''(2) if the drug is distributed interstate, is licensed by the State into which the drug is distributed by the third-party logistics provider if such State licenses third-party logistics providers that distribute drugs into the State and the third-party logistics provider is not licensed by the Secretary as described in paragraph (1)(B).

''(b) REPORTING.—Beginning 1 year after the date of enactment of the Drug Supply Chain Security Act, a facility of a third-party logistics provider shall report to the Secretary, on an annual basis pursuant to a schedule determined by the Secretary—

''(1) the State by which the facility is licensed and the appropriate identification number of such license; and

''(2) the name and address of the facility and all trade names under which such facility conducts business.

''(c) COSTS.—

''(1) AUTHORIZED FEES OF SECRETARY.—If a State does not establish a licensing program for a third-party logistics provider, the Secretary shall license the third-party logistics provider located in such State and may collect a reasonable fee in such amount necessary to reimburse the Secretary for costs associated with establishing and administering the licensure program and conducting periodic inspections under this section. The Secretary shall adjust fee rates as needed on an annual basis to generate only the amount of revenue needed to perform this service. Fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) STATE LICENSING FEES.—

''(A) STATE ESTABLISHED PROGRAM.—Nothing in this Act shall prohibit a State that has established a program to license a third-party logistics provider from collecting fees from a third-party logistics provider for such a license.

''(B) NO STATE ESTABLISHED PROGRAM.—A State that does not establish a program to license a third-party logistics provider in accordance with this section shall be prohibited from collecting a State licensing fee from a third-party logistics provider.

''(d) REGULATIONS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Drug Supply Chain Security Act, the Secretary shall issue regulations regarding the standards for licensing under subsection (a), including the revocation and reissuance of such license, to third-party logistics providers under this section.

''(2) CONTENT.—Such regulations shall—

''(A) establish a process by which a third-party accreditation program approved by the Secretary shall, upon request by a third-party logistics provider, issue a license to each third-party logistics provider that meets the requirements set forth in this section;

''(B) establish a process by which the Secretary shall issue a license to each third-party logistics provider that meets the requirements set forth in this section if the Secretary is not able to approve a third-party accreditation program because no such program meets the Secretary's requirements necessary for approval of such a third-party accreditation program;

''(C) require that the entity complies with storage practices, as determined by the Secretary for such facility, including—

''(i) maintaining access to warehouse space of suitable size to facilitate safe operations, including a suitable area to quarantine suspect product;

''(ii) maintaining adequate security; and

''(iii) having written policies and procedures to—

''(I) address receipt, security, storage, inventory, shipment, and distribution of a product;

''(II) identify, record, and report confirmed losses or thefts in the United States;

''(III) correct errors and inaccuracies in inventories;

''(IV) provide support for manufacturer recalls;

''(V) prepare for, protect against, and address any reasonably foreseeable crisis that affects security or operation at the facility, such as a strike, fire, or flood;

''(VI) ensure that any expired product is segregated from other products and returned to the manufacturer or repackager or destroyed;

''(VII) maintain the capability to trace the receipt and outbound distribution of a product, and supplies and records of inventory; and

''(VIII) quarantine or destroy a suspect product if directed to do so by the respective manufacturer, wholesale distributor, dispenser, or an authorized government agency;

''(D) provide for periodic inspection by the licensing authority, as determined by the Secretary, of such facility warehouse space to ensure compliance with this section;

''(E) prohibit a facility from having as a manager or designated representative anyone convicted of any felony violation of subsection (i) or (k) of section 301 or any violation of section 1365 of title 18, United States Code relating to product tampering;

''(F) provide for mandatory background checks of a facility manager or a designated representative of such manager;

''(G) require a third-party logistics provider to provide the applicable licensing authority, upon a request by such authority, a list of all product manufacturers, wholesale distributors, and dispensers for whom the third-party logistics provider provides services at such facility; and

''(H) include procedures under which any third-party logistics provider license—

''(i) expires on the date that is 3 years after issuance of the license; and

''(ii) may be renewed for additional 3-year periods.

''(3) PROCEDURE.—In promulgating the regulations under this subsection, the Secretary shall, notwithstanding section 553 of title 5, United States Code—

''(A) issue a notice of proposed rulemaking that includes a copy of the proposed regulation;

''(B) provide a period of not less than 60 days for comments on the proposed regulation; and

''(C) provide that the final regulation takes effect upon the expiration of 1 year after the date that such final regulation is issued.

''(e) VALIDITY.—A license issued under this section shall remain valid as long as such third-party logistics provider remains licensed consistent with this section. If the Secretary finds that the third-party accreditation program demonstrates that all applicable requirements for licensure under this section are met, the Secretary shall issue a license under this section to a third-party logistics provider receiving accreditation, pursuant to subsection (d)(2)(A).

**''SEC. 585. UNIFORM NATIONAL POLICY.**

''(a) PRODUCT TRACING AND OTHER REQUIREMENTS.—Beginning on the date of enactment of the Drug Supply Chain Security Act, no State or political subdivision of a State may establish or continue in effect any requirements for tracing products through the distribution system (including any requirements with respect to statements of distribution history, transaction history, transaction information, or transaction statement of a product as such product changes ownership in the supply chain, or verification, investigation, disposition, notification, or recordkeeping relating to such systems, including paper or electronic pedigree systems or for tracking and tracing drugs throughout the distribution system) which are inconsistent with, more stringent than, or in addition to, any requirements applicable under section 503(e) (as amended by such Act) or this subchapter (or regulations issued thereunder), or which are inconsistent with—

''(1) any waiver, exception, or exemption pursuant to section 581 or 582; or

''(2) any restrictions specified in section 582.

''(b) WHOLESALE DISTRIBUTOR AND THIRD-PARTY LOGISTICS PROVIDER STANDARDS.—

''(1) IN GENERAL.—Beginning on the date of enactment of the Drug Supply Chain Security Act, no State or political subdivision of a State may establish or continue any standards, requirements, or regulations with respect to wholesale prescription drug distributor or third-party logistics provider licensure that are inconsistent with, less stringent than, directly related to, or covered by the standards and requirements applicable under section 503(e) (as amended by such Act), in the case of a wholesale distributor, or section 584, in the case of a third-party logistics provider.

''(2) STATE REGULATION OF THIRD-PARTY LOGISTICS PROVIDERS.—No State shall regulate third-party logistics providers as wholesale distributors.

''(3) ADMINISTRATION FEES.—Notwithstanding paragraph (1), a State may administer fee collections for effectuating the wholesale drug distributor and third-party logistics provider licensure requirements under sections 503(e) (as amended by the Drug Supply Chain Security Act), 583, and 584.

''(4) ENFORCEMENT, SUSPENSION, AND REVOCATION.—Notwithstanding paragraph (1), a State—

''(A) may take administrative action, including fines, to enforce a requirement promulgated by the State in accordance with section 503(e) (as amended by the Drug Supply Chain Security Act) or this subchapter;

''(B) may provide for the suspension or revocation of licenses issued by the State for violations of the laws of such State;

''(C) upon conviction of violations of Federal, State, or local drug laws or regulations, may provide for fines, imprisonment, or civil penalties; and

''(D) may regulate activities of licensed entities in a manner that is consistent with product tracing requirements under section 582.

''(c) EXCEPTION.—Nothing in this section shall be construed to preempt State requirements related to the distribution of prescription drugs if such requirements are not related to product tracing as described in subsection (a) or wholesale distributor and third-party logistics provider licensure as described in subsection (b) applicable under section 503(e) (as amended by the Drug Supply Chain Security Act) or this subchapter (or regulations issued thereunder).''.

**SEC. 206. PENALTIES.**

(a) PROHIBITED ACT.—Section 301(t) (21 U.S.C. 331(t)), is amended—

(1) by striking ''or'' after ''the requirements of section 503(d),''; and

(2) by inserting '', failure to comply with the requirements under section 582, the failure to comply with the requirements under section 584, as applicable,'' after ''in violation of section 503(e)''.

(b) MISBRANDING.—Section 502 (21 U.S.C. 352), as amended by section 103, is further amended by adding at the end the following:

''(cc) If it is a drug and it fails to bear the product identifier as required by section 582.''.

**SEC. 207. CONFORMING AMENDMENT.**

(a) IN GENERAL.—Section 303(b)(1)(D) (21 U.S.C. 333(b)(1)(D)) is amended by striking ''503(e)(2)(A)'' and inserting ''503(e)(1)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2015.

**SEC. 208. SAVINGS CLAUSE.**

Except as provided in the amendments made by paragraphs (1), (2), and (3) of section 204(a) and by section 206(a), nothing in this title (including the amendments made by this title) shall be construed as altering any authority of the Secretary of Health and Human Services with respect to a drug subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)) under any other provision of such Act or the Public Health Service Act (42 U.S.C. 201 et seq.).

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

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself 3 minutes.

I rise today in strong support of H.R. 3204, the Drug Quality and Security Act.

I am so proud to say that this piece of legislation is a product of true bipartisan and bicameral work. The Senate and the House, Republicans and Democrats, came together to produce a bill that will protect American patients by ensuring that they receive safe drugs.

This legislation will strengthen the prescription drug supply chain in order to protect American families against counterfeit drugs. The bill also eliminates and prevents increases in drug prices; it avoids additional drug shortages; and it eliminates hundreds of millions of dollars worth of duplicative government red tape on American businesses, which is harming job growth.

The supply chain provisions of the Drug Quality and Security Act are the product of many years of tireless work. We know from stakeholders like Pfizer and Perrigo in Michigan that this is not just a patient safety issue; it's a jobs issue. This bill will bring certainty to the drug supply chain and ensure that patients will continue to receive the medicine that they need without interruption. This bill also addresses drug compounding.

H.R. 3204 is the result of the Energy and Commerce Committee's thorough investigation of the NECC meningitis outbreak, which began its devastating spread almost a year ago today. To date, the CDC has linked 64 deaths and nearly 750 cases in 20 States to contaminated drugs from the NECC. My home State of Michigan has been the hardest hit by the outbreak, with 19 lives needlessly lost—three in my district. The sad truth is that, yes, they could have been prevented.

This legislation is an important step in helping to prevent any such tragedy from ever occurring again. By reviewing countless documents, holding four committee hearings, and reviewing various legislative proposals, we better understand what is needed to help prevent a future NECC, and we have built that into this legislation.

Mr. Speaker, this bill upholds the current section 503(a) of the law, and provides it with the clarity that FDA needs by eliminating the unconstitutional provisions. The bill also requires FDA to engage in meaningful communication with State boards of pharmacy. Further, under this bill, entities engaged in sterile drug compounding can voluntarily register with FDA and operate under FDA regulation. Finally and importantly, this bill protects traditional pharmacy compounding that occurs in community pharmacies across the country. That's why the bill has the support of the National Community Pharmacists Association, and I would like to thank them for working with us so closely.

I also want to thank Chairman PITTS, Chairman MURPHY, Vice Chair BLACKBURN, Mr. LATTA, and particularly Mr. GRIFFITH for their outstanding leadership on these issues. I want to commend Mr. WAXMAN, Mr. PALLONE, Mr. DINGELL, Ms. DEGETTE, Mr. GREEN, and Mr. MATHESON for their work as well.

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

Mr. UPTON. I yield myself an additional 1 minute.

I also want to thank Chairman HARKIN and Senator ALEXANDER for their leadership, and I've talked with them a number of times over the last number of weeks.

I want to thank our staffs on both sides, particularly on our side: Clay Alspach, Paul Edattel, John Stone, and Carly McWilliams. It is because of their collaborative and tireless efforts that we are near the resolution of last year's deadly outbreak, and their work is to be applauded.

To all of the families who have lost loved ones and to those who are still suffering today—and I talked to someone just within the last hour whose relative is still suffering—we are near the resolution of last year's deadly outbreak.

To those families who have lost loved ones and to those who are still suffering today, with this bill, we say: never again.

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

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

I rise to support the passage of the Drug Quality and Security Act.

It has been a year now since the tragic fungal meningitis outbreak caused by the New England Compounding Center in Massachusetts. At least 64 people died, and over 750 people were sickened. More than 14,000 others are still waiting—and must live in fear for years—to see whether they, too, will get meningitis. This was the largest outbreak of health care-associated infections in U.S. history and one of the Nation's worst public health disasters in recent memory.

In recognizing the need to act in the face of this tragedy, Members on both sides of the aisle in both Houses of Congress came together in the months following the outbreak to try to figure out how to solve this problem.

One thing was clear: FDA's authorities over compounding pharmacies were not up to the task. Divergent court decisions on the underlying statute had forced the agency to cobble together a piecemeal approach to regulating compounding pharmacies that was different in some parts of the country than in others. That untenable legal situation created loopholes that companies like NECC were able to exploit.

FDA was also facing a pharmacy compounding industry that had dramatically changed since 1997, the last time Congress passed legislation on this issue. Since that time, hospitals have grown dependent on so-called ''outsourcers,'' very large compounding pharmacies that mix batches of customized drugs for hospitals.

The legislation we are considering today will take a major step toward addressing these issues.

First, it will correct the constitutional defect in the underlying law that has wreaked havoc on FDA's ability to regulate compounders.

Second, it will give hospitals and doctors the ability to access a source of compounded medicines that are made in a facility that is subject to stringent FDA quality standards and oversight. All other compounding pharmacies will continue to be subject to current law.

Third, the bill will remedy one of the major problems that surfaced in the NECC situation—a lack of effective communication between State boards of pharmacy and the FDA. Specifically, it will create a system in which State boards of pharmacy and FDA can notify each other when there are concerns about violations occurring at a particular compounding pharmacy.

These authorities represent a significant improvement over current law, and they will go a long way toward better protecting public health.

The SPEAKER pro tempore (Mr. HOLDING). The time of the gentleman has expired.

Mr. WAXMAN. I yield myself an additional 30 seconds.

Mr. Speaker, in addition to these important compounding authorities, this legislation will establish an electronic, interoperable system at the Federal level that tracks each package of drugs at the unit level and that involves the entire supply chain. This will help prevent Americans from being harmed by counterfeit and substandard medicines.

There is no question in my mind that this bill represents a step forward, and I urge all of my colleagues to support it.

I reserve the balance of my time.

Mr. UPTON. At this time, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS), the chairman of the Health Subcommittee.

Mr. PITTS. Mr. Speaker, I am very pleased that the House is considering today H.R. 3204, the Drug Quality and Security Act. This legislation would address two important issues affecting the quality and security of America's drug supply.

First, the bill would protect traditional pharmacies and clarify laws related to human drug compounding in response to last year's nationwide meningitis outbreak—one of the largest public health crises in recent memory.

Second, the bill would strengthen the prescription drug supply chain in order to protect American families against counterfeit drugs.

As we all remember, in the summer and fall of 2012, a Massachusetts company, the New England Compounding Center, the NECC, shipped over 17,000 vials of an injectable steroid solution from three contaminated lots to health care facilities across the country. After receiving injections of NECC's contaminated steroid, over 64 people died from complications associated with fungal meningitis, and 750 others were stricken with meningitis or other persistent fungal infections.

Title I of H.R. 3204 is based off of Representative MORGAN GRIFFITH's Compounding Clarity Act and is the culmination of a nearly yearlong House Energy and Commerce Committee investigation. It clarifies FDA's authority over the practice of compounding drugs, and it requires FDA to engage in dialogue with State regulators to prevent against another tragedy like NECC's while protecting the role of traditional pharmacies in compounding.

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Title II, based on Representative BOB LATTA's Safeguarding America's Pharmaceuticals Act, addresses the safety of the Nation's prescription drug supply chain, as drugs travel from the manufacturer to the pharmacy. It creates a uniform national standard for drug supply chain security to protect Americans against counterfeit drugs while eliminating needless levels of bureaucracy.

The Drug Quality and Security Act is the result of months of bipartisan, bicameral negotiation, and I would like to thank Chairman UPTON, Ranking Member WAXMAN, Chairman Emeritus DINGELL, Representatives GRIFFITH, LATTA, PALLONE, DEGETTE, and GENE GREEN for their work on this important legislation, and also Senators HARKIN and ALEXANDER in the Senate.

Finally, I would like to thank the staff of the Energy and Commerce Health Subcommittee, especially Clay Alspach, Paul Edattel, Carly McWilliams, Heidi Stirrup, and Monica Volante.

This bill is supported by PhRMA, the Generic Pharmaceutical Association, the National Community Pharmacists Association, the Healthcare Supply Chain Association, and the Pharmaceutical Distribution Security Alliance, among others.

I would urge all of my colleagues to support this commonsense, bipartisan legislation.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), the ranking member on the Health Subcommittee.

Mr. PALLONE. Thank you, Mr. WAXMAN.

Mr. Speaker, I rise in support of the Drug Quality and Security Act. This bill represents a bipartisan, bicameral effort to clarify current pharmaceutical compounding laws and secure our Nation's pharmaceutical drug supply chain. It's the culmination of several months of hard work and tireless negotiations between our committee and the Senate Health Committee.

As a result of the terrible tragedy in Massachusetts, the House Energy and Commerce Committee held hearings and engaged with stakeholders and the FDA in order to understand the existing problems and the best options for addressing them. What became clear was a need for patients and providers to have access to safe compounded drugs. This legislation helps ensure that quality compounded drugs are available to patients who need them.

This effort also makes clear that FDA's authorities over compounding pharmacies needed to be fixed. A court split decision over the statute had hampered FDA's ability to effectively enforce their authority over compounding pharmacies and ensure the safety and effectiveness of compounded medications. The bill before us will fix this constitutional flaw by deleting the provisions that were deemed unconstitutional by the courts.

The bill will permit compounders who wish to practice outside the scope of traditional pharmacy to register as outsourcing facilities, but those who choose to remain traditional pharmacies will continue to be regulated as they are under current law. This gives doctors and hospitals the ability to purchase compounded drugs for their patients made in a facility that is subject to stringent FDA quality standards and oversight.

In addition, the legislation offers providers and patients better information about compounded drugs by directing FDA to make a list of FDA-regulated outsourcing facilities available and requiring detailed labeling on compounded drugs. It will also improve communications and coordination with FDA and State authorities.

The second title of the bill establishes a uniform, national drug-tracing framework to track prescription drugs from the manufacturer to the pharmacy, and raises the standards for prescription drug wholesalers and third-party logistic providers across the U.S. This is the result of several years of work to address the growing problems of pharmaceutical theft, counterfeiting, and diversion.

The bill before us today makes significant improvements from the bill that passed the House earlier this year.

Most notably, it develops a workable pathway to unit-level, interoperable tracing in a decade.

I think we should all be proud of the work our staffs have done. I would like to thank again Mr. WAXMAN, Mr. UPTON, as well as Chairman PITTS, Mr. DINGELL, Ms. DEGETTE, Mr. GREEN, Mr. MATHESON, Mr. LATTA, and Mr. GRIFFITH for their work on this bill.

Mr. Speaker, the American people deserve the peace of mind to know that the medicines they take are safe and effective. The Drug Quality and Security Act is a critically important step in protecting the public's health, and I urge Members to support this bipartisan, bicameral legislation.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. LATTA), a member of the committee.

Mr. LATTA. I thank the chairman for yielding.

Mr. Speaker, I rise today in support of the Drug Quality and Security Act of 2013.

Title II of this legislation, Drug Supply Chain Security, is based on H.R. 1919, the Safeguarding America's Pharmaceuticals Act of 2013, which I introduced along with Congressman MATHESON. H.R. 1919 was passed on the floor by a voice vote on June 3 of this year.

Title II of this bill relates to the drug supply chain, and I am pleased that a bipartisan, bicameral agreement was reached to secure our drug supply chain and protect patients. Securing our Nation's pharmaceutical supply chain is extremely important, and passage of this bill is an important step forward in protecting America's families.

Pharmaceutical distribution occurs nationwide, and it is estimated that within the United States there are more than 4 billion prescriptions filled each year. By replacing the current patchwork of multiple State laws with a uniform national standard, we're improving safety, eliminating duplicative regulations, and creating certainty for all members of the pharmaceutical supply chain. When anyone takes a prescribed medication, he or she should have full confidence that the medication is as prescribed and that no counterfeit or adulterated drug has entered the supply chain.

To protect patient safety, the bill creates a uniform national standard for securing the drug distribution supply chain, thereby preventing duplicative State and Federal requirements relating to tracing. No State can impose additional or inconsistent regulations related to tracing products on supply chain members. The bill increases security of the supply chain by establishing tracing requirements for manufacturers, wholesale distributors, pharmacies, and repackagers based on the changes in ownership. The bill also establishes a collaborative, transparent process between the FDA and stakeholders to study ways to even further secure the drug supply chain through public meetings and pilot projects.

I was successful in including language in the FDA user fee law to allow hospital systems to repackage drugs within a hospital system in the instance of a drug shortage.

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

Mr. UPTON. I yield the gentleman an additional 30 seconds.

Mr. LATTA. I will continue working with hospital systems on the issue of permitting these systems to prepare batches of compounded drugs in advance of a specific physician prescription or order.

Mr. Speaker, I want to especially thank Chairman UPTON and Subcommittee Chairman PITTS for all their assistance in advancing this legislation. I want to thank the Health Subcommittee staff, especially my legislative director, Allison Witt, for all their hard work.

Mr. Speaker, I urge full support of H.R. 3204.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised not to traffic the well while another Member is under recognition.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the chairman emeritus of our committee.

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

Mr. DINGELL. Mr. Speaker, this is a good bill. It's not perfect, but it is a huge stride forward.

It represents a major step in securing our pharmaceutical supply chain and improving FDA's authority to oversee compounding pharmacies. It also is done under a bipartisan, bicameral, cooperative, and enthusiastic effort by Members on both sides of the aisle and of the Capitol working together.

It addresses the problems of the deadly fungal meningitis outbreak of several years ago, which were traced to lots of supposedly sterile steroid injections made at the New England Compounding Center. There were 264 cases of fungal meningitis in my home State and 19 deaths. This will address that concern in a very excellent way.

It also sees to it that FDA and the States are able to cooperate together, have better funding and more authority over compounding pharmacies. It also does something else, which is very important: it sees to it that now we can track and trace pharmaceuticals through the channels of trade, a very important need. And it is for the first time going to see to it that Americans are able to address their concerns about the safety of pharmaceuticals in these important areas.

I want to thank Chairman UPTON for his leadership, Ranking Member WAXMAN, Representatives PALLONE, MATHESON, DEGETTE, LATTA, PITTS, and GRIFFITH, and my good friend, Mr. GREEN, for their hard work on this legislation. I hope that we can quickly send this legislation to the President's desk for signature.

Now just one thought: why is it that on legislation of this kind, this body can work together, and we are not capable of dealing with massive problems like government shutdowns and dealing with continuing resolutions? Perhaps maybe a little bit of informed, intelligent behavior by this House on other matters would be in order.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GRIFFITH), who played a very large part on the compounding side of this legislation.

Mr. GRIFFITH of Virginia. Mr. Speaker, I thank Subcommittee Chairman PITTS for giving me the freedom to work on this. I appreciate it very much.

It has been a year since last fall's fungal meningitis outbreak associated with the tainted sterile compounded drugs from the New England Compounding Center. In my district and in our area in Virginia, we had several deaths, we had 50 confirmed cases, and we had approximately 1,400 patients who were notified that they could have been exposed to fungal meningitis because they received tainted steroid injections.

In working on this bill, I appreciated the bipartisan manner that we used to address this and to work on this matter, particularly with my colleagues across the aisle, Representatives GENE GREEN and DIANA DEGETTE, for whom I am very grateful for all of their time and effort by both them and their staffs. I should also thank my staff member who worked on this most, which was Adam Harbison.

Having said that, I agree with Mr. DINGELL that it is a good bill and not a perfect bill, but I am glad to see that language from the Griffith-Green-DeGette effort was adopted and the FDA will be required to engage in meaningful communication with all of the States when potential problems are identified, as this has always been my priority.

In my opinion, this was the biggest failure of the FDA in handling the NECC case, as they were warned about problems by at least two States prior to this problem coming to the forefront with all of these deaths and with this horrible situation. Two States had sent out a warning signal. The State of Colorado had said, Wait a minute, we're not going to let these folks operate here. The State of Ohio had notified the FDA that they had concerns about NECC being a manufacturer, yet there was not any swift action taken on NECC or even an attempt to alert other States, including the State of Massachusetts, to the problems that were happening.

I know there's a lot of concern out there by some in the medical community, particularly the doctors and some others, but this does not change the existing law on office use, and it does not change the existing law on repackaging.

There were legal questions that evolved with this situation surrounding the advertising requirements of the original bill. I was a little surprised that the FDA had waited 10 years to bring that up, but this bill fixes that problem and takes away that cloud of uncertainty as to whether or not the whole bill was not constitutional because the advertising sections were not constitutional.

This is a good bill. I'm just talking about the compounding sections, but also the track-and-trace sections are very good. I think we are drawing a clear line defining so that the FDA can better determine who are the traditional compounding pharmacies and who are really outsourcers or manufacturers. I think that is great that this bill has that in here.

I would be remiss if I didn't tell a story that struck me last week as we are on that 1-year anniversary.

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

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

Mr. GRIFFITH of Virginia. Last week, I went to have lunch with my sons at their elementary school. As I was going in, the elementary school secretary said to me, ''I know I probably shouldn't say anything, but I want to thank you for working on this compounding bill.''

Doug Wingate, who died a year ago, was my family's best friend, and he and his wife were supposed to be on a cruise for their 25th anniversary and instead we were attending his funeral. His wife last week was on that cruise with her son, but we can never bring her husband back. This bill will make sure that we don't have that problem again, and the other Doug Wingates of the world will not have to die in order for us to change the law to make a better protected system for the American people.

□ 1415

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlelady from the State of Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, almost exactly 1 year ago, as you've heard, there was a tragic meningitis outbreak in Massachusetts; 64 people lost their lives, and 750 people were sickened.

In the investigation of NECC, the compounding pharmacy, there was found black specks floating in the vials. There was found fungal material. The factory, itself, had greenish yellow residue on supposedly sterile equipment and surfaces that tested positive for mold and bacteria.

In a series of hearings in our committee, we learned that the Food and Drug Administration Modernization Act of 1997 left a loophole large enough to allow large drug compounders to escape oversight by the FDA. The wording of the act also led to litigation and confusing court decisions about the FDA's authority over those manufacturers.

This bill takes the first, albeit important, step to address these issues. It incorporates important pieces of bipartisan legislation, as you've heard, that I have introduced with the gentleman from Virginia (Mr. GRIFFITH) and the gentleman from Texas (Mr. GENE GREEN). It deletes the provisions from existing law that were deemed unconstitutional by the courts. It also enhances cooperation between State boards of pharmacy and the FDA; and it gives doctors and hospitals the ability to purchase compounded drugs for their patients made in a facility that is subject to stringent FDA quality standards and oversight. Importantly, all other compounding pharmacies would continue to be subject to current law. Finally, the Drug Quality and Security Act will require within a decade the implementation of a nationwide system for the tracking and tracing of drugs as they move through the supply chain from manufacturer to pharmacy.

I believe this will go a long way toward preventing dangerous counterfeit and substandard medicines from entering our drug supply. We still have work to do. We all agree with that. And I am committed to strengthening the law.

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

Mr. WAXMAN. I yield the gentlelady an additional 30 seconds.

Ms. DEGETTE. I am committed to strengthening this law so that we never have any other tragedy such as what Mr. GRIFFITH discussed, where we have a Doug Wingate who right now is missing his 25th anniversary cruise because he was killed by these tainted drugs.

I'm proud to have worked with my colleagues from both sides of the aisle. I associate myself with the chairman emeritus' remarks that we should be able to do this on the continuing resolution and on the debt limit.

I also want to thank all of our staff; and, in particular, my chief of staff, Lisa Cohen, who spent the entire August recess working on this. And I thank the chairman.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Dr. BURGESS, vice chair of both the Health and the O and I Subcommittees.

Mr. BURGESS. I thank the chairman for yielding.

Mr. Speaker, as an original cosponsor and as a negotiator of the House legislation, I rise in the strongest support of the track-and-trace provisions which would protect the public and give confidence to doctors in practice that the drugs they are dispensing, in fact, came from the manufacturer.

In regard to the language over compounding, there is, in fact, much to like. There was additional work that could have been done; but, unfortunately, due to the intransigent insistence of the Senate, we are considering these two issues together.

Sixty American lives were lost a year ago. Excellent investigative work was done by our Subcommittee on Oversight and Investigations. And it is disturbing to me personally that not one person at the Food and Drug Administration has been held accountable for their failure to use existing authority or informing the State of what they knew.

My test for consideration of new categories of regulation is that it must not impact the traditional practice of medicine, pharmacy, or compounding.

Mr. Speaker, no bill is perfect. There's always the risk of unintended consequences. I sincerely hope that this language will pass this test; but if it does not, I hope that our committee and this body will stand ready to do the necessary oversight and correct any unintended consequences.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 2 minutes to the gentleman from Texas, (Mr. GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of the Drug Quality and Security Act. This important bill is the result of weeks of bipartisan and bicameral negotiations.

I want to thank my colleagues, Representatives MORGAN GRIFFITH and DIANA DEGETTE, for joining me in our efforts over many months. I also want to thank Chairman UPTON, Ranking Member WAXMAN, Chairman PITTS, Ranking Member PALLONE, Chairman Emeritus DINGELL, and my good friend Congressman MATHESON for all their leadership through this process and their commitment to getting this final product to the floor. It was a group effort, which is how this body should function all the time.

This bill is not perfect. We heard those concerns, and we have tried to address them, but the nature of compromise is not getting everything. The Energy and Commerce Committee investigated last year's outbreak and found there were breakdowns in the regulations at the State and, most concerning, at the Federal level.

Large operators were able to sell products interstate in an unregulated gray area. In the case of the NECC, their sterile facilities were far from sterile. They operated without fear of penalties for far too long, and people died because of that.

I'm proud to say that this bill fixes the problems that led to the fungal meningitis outbreak, and it requires the FDA to succeed where it failed in the past. Bad actors concerned more with profit than with public health ought not to be able to operate with impunity again.

I hope that the FDA uses their enforcement discretion to maintain patient access to important drugs from nuclear pharmacies, certain repackaged drugs, and drugs for ''office use.''

While I acknowledge there are problems, it is most important that we act to protect the public health. Our constituents, when they seek care, will now have the confidence that a sterile compounded product really is sterile.

We must make sure another fungal meningitis outbreak is never allowed to occur again. This bill succeeds in that goal, and I am proud to support it.

Mr. UPTON. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Pennsylvania, Dr. Murphy, the chairman of the Oversight and Investigations Subcommittee.

Mr. MURPHY of Pennsylvania. I thank the chairman.

Mr. Speaker, we are here today in part to deal with the issue of the compounding pharmacies which allows the FDA to have greater oversight over interstate sales.

How we got here is a tragedy. In our Oversight and Investigation Subcommittee, we found that some 64 people died from this pain medication manufactured by the New England Compounding Center. These patients trusted that the steroids injected into their spine or their joints to relieve chronic pain was perfectly safe because of the confidence our Nation's health care providers place in the Food and Drug Administration.

That drug was contaminated with fungus and hurt people dramatically. More than 700 people received these lethal injections. Today, most are living with the unbearable horror of not knowing whether they will survive and must spend weeks in the hospital, missing work, holidays, and time with family, and must take large doses of morphine to ease the pain. Each day is lived under the deadly threat of an infection that could reach their brains and perhaps kill them.

This outbreak is one of the worst public health disasters in our country's history and a terrible tragedy and an epic failure.

Sadly, during our hearings, it was pointed out that while the FDA was still having multiple visits to compounding pharmacies, they still told us they did not have the authority. Unfortunately, several years had dragged on where the FDA heard numerous complaints about the problems with NECC. They told us it was too complex to act on it; but, clearly, it was not complex nor was it a surprise. Neither NECC nor its sister company, Ameridose, were operating in the shadows. They were under the nose of the FDA for a decade. The field staff were aware of it. There were warning signs, alarm bells, flashing red lights, complaints from patients, nurses, pharmacists, doctors, pain clinics, hospitals, and drug companies. So the FDA told us they need more authority. This bill will grant it to them.

But I must say, in the context of this, when Dr. Hamburg told us it was too complex, I applaud Dr. Woodcock who told us they need to think more like physicians and less like attorneys. That is the right attitude.

So with the passage of this bill, the FDA will have the authority it needs, will have to also make sure that they have the fortitude to take action on any compounding pharmacy that they see not up to the high level of standards the FDA sets, that all citizens expect.

The Drug Quality and Security Act will end these problems, we hope, and these inspection holidays and reassure the American public that these medications—wherever they are manufactured—and most by compounding pharmacies do a superb job of maintaining sterile conditions. But in all cases, the FDA will have the authority to make sure they have the inspections and they have the team that can go in there and take solid action when these centers do not adhere to those high standards.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, the bill before us today has two main components. We talk about the drug compounding issue and also the issue of the drug supply chain, how we can track medications through the pharmaceutical supply chain to make sure that the materials are safe and have not been subject to counterfeit medications entering that supply chain.

I would like to speak primarily about the supply chain component of the bill. That component of the bill is a product of several years of work and collaboration between a number of Members on both sides of the aisle, working with, beyond Members, a lot of stakeholders—the pharmaceutical supply chain stakeholders, the Food and Drug Administration, and others. And this act, in part, is going to provide immediate steps to help strengthen our drug supply chain from counterfeiters and other bad actors. It also establishes a clear and defined path toward full electronic product-level traceability.

You know, we've seen this in recent press reports. Counterfeit meds can slip into our drug supply, and it's so tempting to the counterfeiters. When you think of last year alone, the prescription drug market in the United States, Americans spent $325 billion on prescription meds. So this is a lucrative market, and it's very tempting for counterfeiters. And that's why it's so important we ensure the integrity of the drug supply chain, and this bill is going to work to do just that.

The other thing that bill does is it provides some much-needed regulatory certainty for everyone in the supply chain, establishing a national uniform standard for strengthening the integrity of the supply chain. And that's important, as opposed to having each State do their own thing. Then the participants in the supply chain are going to have to do 50 different sets of rules, and that doesn't make sense.

And, finally, the bill establishes a collaborative process between the FDA and the industry to establish protocols for taking this traceability where you can track the meds all the way down to the unit level. That is going to provide the ultimate level of security and certainty for consumers across America and the integrity of the drug supply chain.

I want to thank so many people, but I particularly want to thank Chairman UPTON and Ranking Member WAXMAN for their work on this. I also would like to thank a couple of colleagues who worked on this issue before who are no longer Members of Congress, Mr. Buyer and Mr. Bilbray, who spent a lot of time; in the current Congress, Congressman LATTA and Mr. DINGELL as well.

Mr. UPTON. Mr. Speaker, I have no further requests for time on our side, so I'm ready to close.

Mr. WAXMAN. Mr. Speaker, at this time I yield 2 minutes to a good friend from the State of Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to the act before us. I support the track-and-trace provisions to prevent fake medication from entering the drug supply, and I commend the ranking member for his efforts.

But the voluntary approach to regulating large-scale compounding pharmacies in this bill is not strong enough to ensure the public's safety in this arena.

This is a life-and-death issue. Last year, one single compounding pharmacy in Massachusetts caused a fungal meningitis outbreak that sickened over 700 people and caused over 60 deaths, which is why I introduced legislation to draw a clear line between whether a business is a traditional compounding pharmacy or a drug manufacturer, like the one in New England, and to ensure the proper mandatory FDA regulation of compounding drug manufacturers shipping mass amounts of drugs across State lines.

Under this bill, large-scale, high-risk compounding manufacturers would voluntarily register with the Food and Drug Administration without meaningful enough penalties for failing to comply. That New England Compounding Center, responsible for over 60 deaths, would not have to register. This voluntary approach will continue to expose patients to potentially unsafe mass-produced compounded drugs that are not approved or evaluated by the FDA for safety, efficacy, and adequate directions for use. It is an approach that can do real harm, and it is time for the FDA to be the regulatory agency it was intended to be.

At the very least, given that lives are at stake, the House should consider this issue as a stand-alone bill, through regular order, with the opportunity for amendments.

□ 1430

It should not be on a suspension calendar; and as it is on the suspension calendar, I must oppose this bill.

Mr. UPTON. Mr. Speaker, we have no further speakers, and I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman for yielding to me, and I rise in support of this compromise legislation before us today. I believe that H.R. 3204 will enable our country to further secure our pharmaceutical distribution chain and help keep patients who depend on compounding pharmacies safe.

I am proud of the Energy and Commerce Committee because concerns that many of us had about the previous version of this track-and-trace legislation have been taken care of in this bill. They have been addressed in this bill. The previous bill was H.R. 1919, and we had difficulty with it. So I look forward to supporting this bill. We held hearings, and we are compromising on both sides. I wish Congress would take our lead on other issues and compromise, but I am happy to support this bill. I urge my colleagues to vote ''aye.''

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

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

I want to thank Chairman UPTON, Chairman PITTS, and Ranking Member PALLONE. On the Democratic staff, Tiffany Guarascio for Mr. PALLONE; Greg Sunstrum for Mr. DINGELL; Rachel Stauffer and Lisa Cohen for Ms. DEGETTE; Nate Tipton from Mr. GREEN's office; Joel Bailey for Mr. MATHESON; Karen Nelson, Eric Flamm, and Rachel Sher—all of these people played an essential role in getting this bill through.

I want to single out Mr. GRIFFITH who introduced the bill in the House, along with Ms. DEGETTE and Mr. GREEN, that served as a foundation for the compounding debate. Mr. MATHESON and Mr. LATTA introduced the House track-and-trace bill.

Everybody didn't get what they wanted. This bill is a compromise. This institution has to reach compromises to get things done. We cannot have every issue litigated and relitigated. Once the law is settled, we must go on. And I am chagrinned that we are likely to close the government because, on the other side of the aisle, the leadership in this House wants to keep the fight going on the Affordable Care Act. It is the law. It has been affirmed by the courts. It is about to be put in place. We should work together to solve our country's problems, not make them worse by failing to compromise and work with each other.

I yield back the balance of my time.

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

Mr. Speaker, this legislation that we hopefully will pass in the next few minutes is very important. It clearly, I think, would have saved the lives of those folks that were taken, and it reflects the hard work of our committee on a bipartisan basis.

From the very start, the Oversight and Investigation Subcommittee went to work. It got to the bottom of a very tragic situation that impacted some 20 States, hundreds and hundreds of people, and we've changed that system now. Because of their work and their investigation, we came back and moved legislation through the proper channels, regular order, through the Health Subcommittee and through our committee. We worked very closely with Republicans and Democrats in the Senate to craft this bill that would have stopped this awful thing that happened a year ago.

Congress does work and can work when we work together, and I am proud of this product. I am proud of this legislation. I urge the Senate to take it up in the next day or two so we can, in fact, get it to the President's desk, and I thank every Member who worked so hard.

We saw today certainly the personal impact on all of our districts and on the Members themselves. Many of us, in fact, did know folks directly impacted not only through death, but also those who were impacted because of the impact on their own lives as they still try to recuperate and survive. I urge all of my colleagues to vote ''yes.''

I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, I rise in support of H.R. 3204, the Drug Quality Security Act.

The merits of this legislation are clear: it provides additional oversight of the preparation of compound medications. It institutes new labeling requirements and clarifies existing ones. And it helps us track products from manufacturer to consumer. Coloradans in my district will be safer when this bill is signed into law.

But Mr. Speaker, this bill also serves as a reminder that despite the differences between Republicans and Democrats on so many issues, we still can come together to do the work of the American people.

Last year, we saw the tragic results of unregulated and unsafe compounding. This year, we're seeing Congress respond by passing a bill supported by patient advocates, the public health community, and stakeholders at all parts of the pharmaceutical supply chain.

No, this legislation isn't perfect. But it represents a significant step forward in protecting public health and safety, and it shows that we can join together to get things done.

That's how this chamber should work, Mr. Speaker, and I'm hopeful that the my colleagues on both sides will continue to legislate by seeking common ground, rather than focusing on the issues that divide us.

Mr. SESSIONS. Mr. Speaker, I rise concerning certain provisions of H.R. 3204, legislation addressing human drug compounding and drug supply chain security.

This legislation confirms that Section 503(A), originally passed in 1997, allows the U.S. Food and Drug Administration (FDA) to enter into memorandums of understanding with the states to address ''the distribution of inordinate amounts of compounded products interstate,'' and to make sure that there are procedures that provide ''for appropriate investigation by a State agency of complaints relating to compounded drug products distributed outside such State.''

It is my understanding that this authority is to be used by the FDA to make sure that systems and procedures are set up so that consumers have available redress for any potential problem with compounded prescriptions that are shipped across state lines. I am aware of concerns that the FDA may use this authority to try to restrict interstate commerce rather than following the letter of the law, which seeks to guarantee ''appropriate investigation'' on complaints and other issues that may arise.

Mr. Speaker, I will continue to monitor the implementation of Section 503(A) in consultation with compounding pharmacies in Texas, and call on the FDA to ensure that these provisions are not used to restrict interstate sales of compounded pharmaceuticals within all applicable laws and regulations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3204.

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

A motion to reconsider was laid on the table.

## DEPARTMENT OF STATE OPERATIONS AND EMBASSY SECURITY AUTHORIZATION ACT, FISCAL YEAR 2014

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2848) to authorize appropriations for the Department of State for fiscal year 2014, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2848

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Department of State Operations and Embassy Security Authorization Act, Fiscal Year 2014''.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Appropriate congressional committees defined.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Administration of foreign affairs.
Sec. 102. Contributions to international organizations.
Sec. 103. Contributions for international peacekeeping activities.
Sec. 104. International commissions.
Sec. 105. National Endowment for Democracy.
Sec. 106. Prohibition on use of funds relating to Federal Acquisition Regulation.
Sec. 107. Prohibition on use of funds relating to security and training facility.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 201. Foreign Service Act of 1980.

Sec. 202. Center for strategic counterterrorism communications of the Department of State.
Sec. 203. Anti-piracy information sharing.
Subtitle B—Consular Services and Related Matters
Sec. 211. Extension of authority to assess passport surcharge.
Sec. 212. Authority to restrict passports.
Subtitle C—Reporting Requirements
Sec. 221. Reporting reform.
TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES
Sec. 301. Suspension of foreign service members without pay.
Sec. 302. Repeal of recertification requirement for senior foreign service.
Sec. 303. Limited appointments in the foreign service.
Sec. 304. Limitation of compensatory time off for travel.
Sec. 305. Department of State organization.
Sec. 306. Overseas comparability pay limitation.
TITLE IV—EMBASSY SECURITY AND PERSONNEL PROTECTION
Subtitle A—Review and Planning Requirements
Sec. 411. Designation of high risk, high threat posts and working groups.
Sec. 412. Contingency plans for high risk, high threat posts.
Sec. 413. Strategic review of Bureau of Diplomatic Security.
Sec. 414. Revision of provisions relating to personnel recommendations of Accountability Review Board.
Subtitle B—Physical Security and Personnel Requirements
Sec. 421. Capital security cost sharing program.
Sec. 422. Local guard contracts abroad under diplomatic security program.
Sec. 423. Transfer authority.
Sec. 424. Security enhancements for soft targets.
Sec. 425. Reemployment of annuitants.
Sec. 426. Sense of Congress regarding minimum security standards for temporary United States diplomatic and consular posts.
Sec. 427. Assignment of personnel at high risk, high threat posts.
Sec. 428. Bureau of Diplomatic Security mobile biometric enrollment program.
Subtitle C—Security Training
Sec. 431. Security training for personnel assigned to high risk, high threat posts.
Sec. 432. Report to Congress.
Subtitle D—Expansion of the Marine Corps Security Guard Detachment Program
Sec. 441. Marine Corps Security Guard Program.

**SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**

Except as otherwise provided in this Act, the term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

## TITLE I—AUTHORIZATION OF APPROPRIATIONS

**SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

The following amounts are authorized to be appropriated for the Department of State under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For ''Diplomatic and Consular Programs'', $8,481,854,000 for fiscal year 2014.

(A) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of such amounts, not less than $26,839,000 for fiscal year 2014 is authorized to be appropriated for the Bureau of Democracy, Human Rights and Labor.

(B) WORLDWIDE SECURITY PROTECTION.—Of such amounts, not less than $2,182,135,000 for fiscal year 2014 is authorized to be appropriated for worldwide security protection.

(2) CAPITAL INVESTMENT FUND.—For ''Capital Investment Fund'', $76,900,000 for fiscal year 2014.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—For ''Educational and Cultural Exchange Programs'', $535,000,000 for fiscal year 2014, of which funding for educational and cultural programs that occur in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife should be prioritized.

(4) CONFLICT STABILIZATION OPERATIONS.—

(A) IN GENERAL.—For ''Conflict Stabilization Operations'', $45,207,000 for fiscal year 2014.

(B) TRANSFER.—Subject to subparagraph (C) of this paragraph, of the amount authorized to be appropriated pursuant to paragraph (1), up to $35,000,000 is authorized to be transferred to, and merged with, the amount specified in subparagraph (A) of this paragraph.

(C) NOTIFICATION.—If the Secretary of State exercises the transfer authority described in subparagraph (B), the Secretary shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(5) REPRESENTATION ALLOWANCES.—For ''Representation Allowances'', $6,933,000 for fiscal year 2014.

(6) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For ''Protection of Foreign Missions and Officials'', $27,750,000 for fiscal year 2014.

(7) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service'', $9,073,000 for fiscal year 2014.

(8) REPATRIATION LOANS.—For ''Repatriation Loans'', $1,374,000 for fiscal year 2014.

(9) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—

(A) IN GENERAL.—For ''Payment to the American Institute in Taiwan'', $21,778,000 for fiscal year 2014.

(B) TRANSFER.—Subject to subparagraph (C) of this paragraph, of the amount authorized to be appropriated pursuant to paragraph (1), up to $15,300,000 is authorized to be transferred to, and merged with, the amount specified in subparagraph (A) of this paragraph.

(C) NOTIFICATION.—If the Secretary of State exercises the transfer authority described in subparagraph (B), the Secretary shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(10) OFFICE OF THE INSPECTOR GENERAL.—For ''Office of the Inspector General'', $119,056,000 for fiscal year 2014, including for the Special Inspector General for Iraq Reconstruction and the Special Inspector General for Afghanistan Reconstruction, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)(1)) as such section relates to the inspection of the administration of activities and operations of each Foreign Service post.

(11) INTERNATIONAL CHANCERY CENTER.—For ''International Chancery Center (ICC)'', $5,450,000 for fiscal year 2014.

(12) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For ''Embassy Security, Construction and Maintenance'', $2,649,351,000 for fiscal year 2014.

**SEC. 102. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**

There are authorized to be appropriated for ''Contributions to International Organizations'', $1,400,000,000 for fiscal year 2014, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes. The Secretary shall notify the appropriate congressional committees not less than fifteen days prior to obligating funds authorized under this section to implement or establish any principle commission or organization required by a treaty that has not been ratified by the Senate.

**SEC. 103. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.**

There are authorized to be appropriated for ''Contributions for International Peacekeeping Activities'', $1,942,000,000 for fiscal year 2014 for the Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes, except that such amounts may not be used to support any United Nations Unmanned Aerial Systems (drone) activities or missions operating in United States airspace, including United States territories and possessions. Notwithstanding any other provision of law, funds authorized to be appropriated under this section are authorized to remain available until September 30, 2015.

**SEC. 104. INTERNATIONAL COMMISSIONS.**

The following amounts are authorized to be appropriated under ''International Commissions'' for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For ''International Boundary and Water Commission, United States and Mexico''—

(A) for ''Salaries and Expenses'', $44,722,000 for fiscal year 2014; and

(B) for ''Construction'', $31,400,000 for fiscal year 2014.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For ''International Boundary Commission, United States and Canada'', $2,449,000 for fiscal year 2014.

(3) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission'', $7,012,000 for fiscal year 2014.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $31,445,000 for fiscal year 2014.

(5) BORDER ENVIRONMENT COOPERATION COMMISSION.—For ''Border Environment Cooperation Commission'', $2,386,000 for fiscal year 2014.

**SEC. 105. NATIONAL ENDOWMENT FOR DEMOCRACY.**

There are authorized to be appropriated for the ''National Endowment for Democracy'' for authorized activities $117,764,000 for fiscal year 2014.

**SEC. 106. PROHIBITION ON USE OF FUNDS RELATING TO FEDERAL ACQUISITION REGULATION.**

No funds under this Act are authorized to be appropriated to enter into a contract with

any offeror or any of its principals if the offeror certifies, pursuant to the Federal Acquisition Regulation, that the offeror or any of its principals—

(1) within a three-year period preceding this offer has been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property; or

(2) are presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (1); or

(3) within a three-year period preceding this offer, has been notified of any delinquent Federal taxes in an amount that exceeds $3,000 for which the liability remains unsatisfied.

**SEC. 107. PROHIBITION ON USE OF FUNDS RELATING TO SECURITY AND TRAINING FACILITY.**

No funds under this Act are authorized to be appropriated for any new Department of State security and training facility, including the proposed Foreign Affairs Security Training Center, for which there is not a completed, independent feasibility study that has been provided to the appropriate congressional committees, verifying that safety and security training for all Department personnel who require such training cannot reasonably be provided at the existing Federal Law Enforcement Training Facility.

## TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

### Subtitle A—Basic Authorities and Activities

**SEC. 201. FOREIGN SERVICE ACT OF 1980.**

Section 501 of the Foreign Service Act of 1980 (22 U.S.C. 3981) is amended by inserting ''If a position designated under this section is unfilled for more than one single assignment cycle, such position shall be filled, as appropriate, on a temporary basis, in accordance with section 303 or 309.'' after ''Positions designated under this section are excepted from the competitive service.''.

**SEC. 202. CENTER FOR STRATEGIC COUNTERTERRORISM COMMUNICATIONS OF THE DEPARTMENT OF STATE.**

(a) STATEMENT OF POLICY.—As articulated in Executive Order 13584, issued on September 9, 2011, it is the policy of the United States to actively counter the actions and ideologies of al-Qa'ida, its affiliates and adherents, other terrorist organizations, and violent extremists overseas that threaten the interests and national security of the United States.

(b) ESTABLISHMENT OF CENTER FOR STRATEGIC COUNTERTERRORISM COMMUNICATIONS.—There is authorized to be established within the Department of State, under the direction of the Secretary of State, the Center for Strategic Counterterrorism Communications (in this section referred to as the ''CSCC'').

(c) MISSION.—The CSCC may coordinate, orient, and inform Government-wide public communications activities directed at audiences abroad and targeted against violent extremists and terrorist organizations, especially al-Qa'ida and its affiliates and adherents.

(d) COORDINATOR OF THE CENTER FOR STRATEGIC COUNTERTERRORISM COMMUNICATIONS.—The head of the CSCC should be the Coordinator. The Coordinator of the CSCC should—

(1) report to the Under Secretary for Public Diplomacy and Public Affairs; and

(2) collaborate with the Bureau of Counterterrorism of the Department of State, other Department bureaus, and other United States Government agencies.

(e) DUTIES.—The CSCC may—

(1) monitor and evaluate extremist narratives and events abroad that are relevant to the development of a United States strategic counterterrorism narrative designed to counter violent extremism and terrorism that threaten the interests and national security of the United States;

(2) develop and promulgate for use throughout the executive branch the United States strategic counterterrorism narrative developed in accordance with paragraph (1), and public communications strategies to counter the messaging of violent extremists and terrorist organizations, especially al-Qa'ida and its affiliates and adherents;

(3) identify current and emerging trends in extremist communications and communications by al-Qa'ida and its affiliates and adherents in order to coordinate and provide guidance to the United States Government regarding how best to proactively promote the United States strategic counterterrorism narrative developed in accordance with paragraph (1) and related policies, and to respond to and rebut extremist messaging and narratives when communicating to audiences outside the United States;

(4) facilitate the use of a wide range of communications technologies by sharing expertise and best practices among United States Government and non-Government sources;

(5) identify and request relevant information from United States Government agencies, including intelligence reporting, data, and analysis;

(6) identify shortfalls in United States capabilities in any areas relevant to the CSCC's mission, and recommend necessary enhancements or changes; and

(7) establish measurable goals, performance metrics, and monitoring and evaluation plans to focus on learning, accountability, and policymaking.

(f) STEERING COMMITTEE.—

(1) IN GENERAL.—The Secretary of State may establish a Steering Committee composed of senior representatives of United States Government agencies relevant to the CSCC's mission to provide advice to the Secretary on the operations and strategic orientation of the CSCC and to ensure adequate support for the CSCC.

(2) MEETINGS.—The Steering Committee should meet not less often than once every six months.

(3) LEADERSHIP.—The Steering Committee should be chaired by the Under Secretary of State for Public Diplomacy. The Coordinator for Counterterrorism of the Department of State should serve as Vice Chair. The Coordinator of the CSCC should serve as Executive Secretary.

(4) COMPOSITION.—

(A) IN GENERAL.—The Steering Committee may include one senior representative designated by the head of each of the following agencies:

(i) The Department of Defense.

(ii) The Department of Justice.

(iii) The Department of Homeland Security.

(iv) The Department of the Treasury.

(v) The National Counterterrorism Center of the Office of the Director of National Intelligence.

(vi) The Joint Chiefs of Staff.

(vii) The Counterterrorism Center of the Central Intelligence Agency.

(viii) The Broadcasting Board of Governors.

(ix) The Agency for International Development.

(B) ADDITIONAL REPRESENTATION.—Representatives from United States Government agencies not specified in subparagraph (A) may be invited to participate in the Steering Committee at the discretion of the Chair.

**SEC. 203. ANTI-PIRACY INFORMATION SHARING.**

The Secretary of State is authorized to provide for the participation by the United States in the Information Sharing Centre located in Singapore, as established by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).

### Subtitle B—Consular Services and Related Matters

**SEC. 211. EXTENSION OF AUTHORITY TO ASSESS PASSPORT SURCHARGE.**

Paragraph (2) of section 1(b) of the Act of June 4, 1920 (41 Stat. 750; chapter 223; 22 U.S.C. 214(b)), is amended by striking ''2010'' and inserting ''2016''.

**SEC. 212. AUTHORITY TO RESTRICT PASSPORTS.**

(a) IN GENERAL.—The Secretary of State is authorized to—

(1) limit to one year or such period of time as the Secretary of State shall determine appropriate the period of validity of a passport issued to a sex offender; and

(2) revoke the passport or passport card of an individual who has been convicted by a court of competent jurisdiction in a foreign country of a sex offense.

(b) LIMITATION FOR RETURN TO UNITED STATES.—Notwithstanding subsection (a), in no case shall a United States citizen convicted by a court of competent jurisdiction in a foreign country of a sex offense be precluded from entering the United States due to a passport revocation under such subsection.

(c) REAPPLICATION.—An individual whose passport or passport card was revoked pursuant to subsection (a)(2) may reapply for a passport or passport card at any time after such individual has returned to the United States.

(d) DEFINITIONS.—For purposes of this section:

(1) SEX OFFENDER.—The term ''sex offender'' means an individual who is listed on the National Sex Offender Registry established pursuant to section 119 of the Sex Offender Registration and Notification Act (42 U.S.C. 16915).

(2) SEX OFFENSE.—The term ''sex offense'' means a sex offense as defined in section 111(5) of the Sex Offender Registration and Notification Act (42 U.S.C. 16915).

### Subtitle C—Reporting Requirements

**SEC. 221. REPORTING REFORM.**

(a) IN GENERAL.—The following provisions of law are repealed:

(1) Subsections (c)(4) and (c)(5) of section 601 of Public Law 96–465.

(2) Section 585 of Public Law 104–208.

(3) Subsections (b) and (c) of section 11 of Public Law 107–245.

(4) Section 181 of Public Law 102–138.

(5) Section 1012(c) of Public Law 103–337.

(6) Section 527(f) of Public Law 103–236.

(7) Section 304(f) of Public Law 107–173.

(8) Subsections (a) and (b) of section 4 of Public Law 79–264.

(9) Sections 3203 and 3204(f) of Public Law 106–246.

(b) CONFORMING AMENDMENT.—Section 11 of Public Law 107–245 is amended by striking ''(a) IN GENERAL.—''.

(c) REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress a report on all assessed and voluntary contributions, including in-kind,

of the United States Government to the United Nations and its affiliated agencies and related bodies during the previous fiscal year.

(2) CONTENT.—Each report required under subsection (a) shall include the following elements:

(A) The total amount of all assessed and voluntary contributions, including in-kind, of the United States Government to the United Nations and its affiliated agencies and related bodies during the previous fiscal year.

(B) The approximate percentage of United States Government contributions to each United Nations affiliated agency or related body in such fiscal year when compared with all contributions to each such agency or body from any source in such fiscal year.

(C) For each such United States Government contribution—

(i) the amount of the contribution;

(ii) a description of the contribution (including whether assessed or voluntary);

(iii) the department or agency of the United States Government responsible for the contribution;

(iv) the purpose of the contribution; and

(v) the United Nations or its affiliated agency or related body receiving the contribution.

(3) SCOPE OF INITIAL REPORT.—The first report required under this subsection shall include the information required under this section for the previous three fiscal years.

(4) PUBLIC AVAILABILITY OF INFORMATION.—Not later than 14 days after submitting a report under this subsection, the Director of the Office of Management and Budget shall post a public version of such report on a text-based, searchable, and publicly available Internet Web site.

## TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

### SEC. 301. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

(a) SUSPENSION.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end the following new subsection:

''(c)(1) In order to promote the efficiency of the Service, the Secretary may suspend a member of the Foreign Service without pay when the member's security clearance is suspended or when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed.

''(2) Any member of the Foreign Service for whom a suspension is proposed in accordance with paragraph (1) shall be entitled to—

''(A) written notice stating the specific reasons for the proposed suspension;

''(B) a period of not less than 30 days after receipt of any notice under subparagraph (A) to respond orally and in writing to the proposed suspension, which period may be extended upon a showing of good cause;

''(C) representation by an attorney or other representative; and

''(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

''(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11.

''(4) In the case of a grievance filed under paragraph (3)—

''(A) the review by the Foreign Service Grievance Board shall be limited to a determination of whether the provisions of paragraphs (1) and (2) have been fulfilled; and

''(B) the Foreign Service Grievance Board may not exercise the authority provided under section 1106(8).

''(5) In this subsection:

''(A) The term 'reasonable cause to believe a member has committed a crime' means the member has been indicted by a grand jury.

''(B) The term 'suspend' or 'suspension' means the placing of a member of the Foreign Service in a temporary status without duties and pay.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT OF SECTION HEADING.—Section 610 of the Foreign Service Act of 1980, as amended by subsection (a) of this section, is further amended, in the section heading, by inserting ''; SUSPENSION'' before the period at the end.

(2) CLERICAL AMENDMENT.—The item relating to section 610 in the table of contents in section 2 of the Foreign Service Act of 1980 is amended to read as follows:

''Sec. 610. Separation for cause; suspension.''.

### SEC. 302. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

Subsection (d) of section 305 of the Foreign Service Act of 1980 (22 U.S.C. 3945) is repealed.

### SEC. 303. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

Section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949) is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsection (b) or (c)'';

(2) in subsection (b)—

(A) in paragraph (3)—

(i) by inserting ''(A),'' after ''if''; and

(ii) by inserting before the semicolon at the end the following: '', or (B), the career candidate is serving in the uniformed services, as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301 et seq.), and the limited appointment expires in the course of such service'';

(B) in paragraph (4), by striking ''and'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding after paragraph (5) the following new paragraph:

''(6) in exceptional circumstances where the Secretary determines the needs of the Service require the extension of a limited appointment, (A), for a period of time not to exceed 12 months (if such period of time does not permit additional review by boards under section 306), or (B), for the minimum time needed to settle a grievance, claim, or complaint not otherwise provided for in this section.''; and

(3) by adding at the end the following new subsection:

''(c) Non-career Foreign Service employees who have served five consecutive years under a limited appointment may be reappointed to a subsequent limited appointment if there is a one year break in service between each such appointment. The Secretary may in cases of special need waive the requirement for a one year break in service.''.

### SEC. 304. LIMITATION OF COMPENSATORY TIME OFF FOR TRAVEL.

Section 5550b of title 5, United States Code, is amended by adding at the end the following new subsection:

''(c) The maximum amount of compensatory time off earned under this section may not exceed 104 hours during any leave year (as defined by regulations established by the Office of Personnel Management).''.

### SEC. 305. DEPARTMENT OF STATE ORGANIZATION.

The Secretary of State may, after consultation with the appropriate congressional committees, transfer to such other officials or offices of the Department of State as the Secretary may determine from time to time any authority, duty, or function assigned by statute to the Coordinator for Counterterrorism, the Coordinator for Reconstruction and Stabilization, or the Coordinator for International Energy Affairs.

### SEC. 306. OVERSEAS COMPARABILITY PAY LIMITATION.

(a) IN GENERAL.—Subject to the limitation described in subsection (b), the authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1904), shall remain in effect through September 30, 2014.

(b) LIMITATION.—The authority described in subsection (a) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member's official duty station were in the District of Columbia.

## TITLE IV—EMBASSY SECURITY AND PERSONNEL PROTECTION

### Subtitle A—Review and Planning Requirements

### SEC. 411. DESIGNATION OF HIGH RISK, HIGH THREAT POSTS AND WORKING GROUPS.

(a) IN GENERAL.—Title I of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4801 et seq.; relating to diplomatic security) is amended by inserting after section 103 the following new sections:

### ''SEC. 104. DESIGNATION OF HIGH RISK, HIGH THREAT POSTS.

''(a) INITIAL DESIGNATION.—Not later than 30 days after the date of the enactment of this section, the Secretary shall submit to the appropriate congressional committees a report, in classified form, that contains an initial list of diplomatic and consular posts designated as high risk, high threat posts.

''(b) DESIGNATIONS BEFORE OPENING OR REOPENING POSTS.—Before opening or reopening a diplomatic or consular post, the Secretary shall determine if such post should be designated as a high risk, high threat post.

''(c) DESIGNATING EXISTING POSTS.—The Secretary shall regularly review existing diplomatic and consular posts to determine if any such post should be designated as a high risk, high threat post if conditions at such post or the surrounding security environment require such a designation.

''(d) DEFINITIONS.—In this section and section 105:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

''(2) HIGH RISK, HIGH THREAT POST.—The term 'high risk, high threat post' means a United States diplomatic or consular post, as determined by the Secretary, that, among other factors, is—

''(A) located in a country—

''(i) with high to critical levels of political violence and terrorism; and

''(ii) the government of which lacks the ability or willingness to provide adequate security; and

''(B) with mission physical security platforms that fall below the Department of State's established standards.

### ''SEC. 105. WORKING GROUPS FOR HIGH RISK, HIGH THREAT POSTS.

''(a) ESTABLISHMENT.—Before opening or reopening a high risk, high threat post, the Secretary shall establish a working group

that is responsible for the geographic area in which such post is to be opened or reopened.

''(b) DUTIES.—The duties of the working group established in accordance with subsection (a) shall include—

''(1) evaluating the importance and appropriateness of the objectives of the proposed post to the national security of the United States, and the type and level of security threats such post could encounter;

''(2) completing working plans to expedite the approval and funding for establishing and operating such post, implementing physical security measures, providing necessary security and management personnel, and the provision of necessary equipment;

''(3) establishing security 'tripwires' that would determine specific action, including enhanced security measures or evacuation of such post, based on the improvement or deterioration of the local security environment; and

''(4) identifying and reporting any costs that may be associated with opening or reopening such post.

''(c) COMPOSITION.—The working group should be composed of representatives of the—

''(1) appropriate regional bureau;

''(2) Bureau of Diplomatic Security;

''(3) Bureau of Overseas Building Operations;

''(4) Bureau of Intelligence and Research; and

''(5) other bureaus or offices as determined by the Secretary.

''(d) CONGRESSIONAL NOTIFICATION.—Not less than 30 days before opening or reopening a high risk, high threat post, the Secretary shall notify the appropriate congressional committees in classified form of—

''(1) the decision to open or reopen such post; and

''(2) the results of the working group under subsection (b).''.

(b) CONFORMING AMENDMENT.—The table of contents of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 is amended by inserting after the item relating to section 103 the following new items:

''Sec. 104. Designation of high risk, high threat posts.

''Sec. 105. Working groups for high risk, high threat posts.''.

**SEC. 412. CONTINGENCY PLANS FOR HIGH RISK, HIGH THREAT POSTS.**

Section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a); relating to diplomatic security) is amended—

(1) in paragraph (1)(A)—

(A) by inserting ''and from complex attacks (as such term is defined in section 416 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986),'' after ''attacks from vehicles''; and

(B) by inserting ''or such a complex attack'' before the period at the end;

(2) in paragraph (7), by inserting before the period at the end the following: '', including at high risk, high threat posts (as such term is defined in section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986), including options for the deployment of additional military personnel or equipment to bolster security and rapid deployment of armed or surveillance assets in response to an attack''.

**SEC. 413. STRATEGIC REVIEW OF BUREAU OF DIPLOMATIC SECURITY.**

(a) IN GENERAL.—The Secretary of State shall complete a strategic review of the Bureau of Diplomatic Security of the Department of State to ensure that the mission and activities of the Bureau are fulfilling the current and projected needs of the Department of State.

(b) CONTENTS OF REVIEW.—The strategic review described in subsection (a) shall include assessments of—

(1) staffing needs for both domestic and international operations;

(2) facilities under chief of mission authority adhering to security standards;

(3) security personnel with the necessary language skills for assignment to overseas posts;

(4) programs being carried out by personnel with the necessary experience and at commensurate grade levels;

(5) necessary security training provided to personnel under chief of mission authority for expected assignments and objectives;

(6) balancing security needs with an ability to carry out the diplomatic mission of the Department of State;

(7) the budgetary implications of balancing multiple missions; and

(8) how to resolve any identified deficiencies in the mission or activities of the Bureau.

**SEC. 414. REVISION OF PROVISIONS RELATING TO PERSONNEL RECOMMENDATIONS OF ACCOUNTABILITY REVIEW BOARD.**

(a) IN GENERAL.—Section 304(c) of the Diplomatic Security Act (22 U.S.C. 4834(c)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''Whenever'' and inserting ''If''; and

(B) by striking ''has breached the duty of that individual'' and inserting ''has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious injury, loss of life, or significant destruction of property, or the serious breach of security that is the subject of the Board's examination as described in subsection (a)'';

(2) in paragraph (2), by striking ''finding'' each place it appears and inserting ''findings''; and

(3) in the matter following paragraph (3)—

(A) by striking ''has breached a duty of that individual'' and inserting ''has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual''; and

(B) by striking ''to the performance of the duties of that individual''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any case of an Accountability Review Board that is convened under section 301 of the Diplomatic Security Act (22 U.S.C. 4831) on or after the date of the enactment of this Act.

## Subtitle B—Physical Security and Personnel Requirements

**SEC. 421. CAPITAL SECURITY COST SHARING PROGRAM.**

(a) SENSE OF CONGRESS ON THE CAPITAL SECURITY COST SHARING PROGRAM.—It is the sense of Congress that the Capital Security Cost Sharing Program should prioritize the construction of new facilities and the maintenance of existing facilities at high risk, high threat posts.

(b) RESTRICTION ON CONSTRUCTION OF OFFICE SPACE.—Section 604(e)(2) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–453; 22 U.S.C. 4865 note) is amended by adding at the end the following new sentence: ''A project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal department or agency if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by paragraph (1), except that such project may include office space or other accommodations for members of the United States Marine Corps.''.

**SEC. 422. LOCAL GUARD CONTRACTS ABROAD UNDER DIPLOMATIC SECURITY PROGRAM.**

(a) IN GENERAL.—Section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''With respect'' and inserting ''Except as provided in subsection (d), with respect''; and

(B) in paragraph (3), by striking ''subsection (d)'' and inserting ''subsection (e)'';

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(3) by inserting after subsection (c) the following new subsection:

''(d) AWARD OF LOCAL GUARD AND PROTECTIVE SERVICE CONTRACTS FOR HIGH RISK, HIGH THREAT POSTS.—With respect to any local guard contract for a high risk, high threat post (as such term is defined in section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986) that is entered into after the date of the enactment of this subsection, the Secretary of State—

''(1) shall comply with paragraphs (1), (2), (4), (5), and (6) of subsection (c) in the award of such contract;

''(2) after evaluating proposals for such contract, may award such contract to the firm representing the best value to the Government in accordance with the best value tradeoff process described in subpart 15.1 of the Federal Acquisition Regulation (48 C.F.R. 6 15.101–1); and

''(3) shall ensure that contractor personnel under such contract providing local guard or protective services are classified—

''(A) as employees of the contractor;

''(B) if the contractor is a joint venture, as employees of one of the persons or parties constituting the joint venture; or

''(C) as employees of a subcontractor to the contractor, and not as independent contractors to the contractor or any other entity performing under such contracts.''.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that includes—

(1) an explanation of the implementation of subsection (d) of section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, as amended by subsection (a)(3) of this section; and

(2) for each instance in which an award is made pursuant to such subsection (d) of such section 136, a written justification providing the basis for such award and an explanation of the inability to satisfy the needs of the Department of State by technically acceptable, lowest price evaluation award.

**SEC. 423. TRANSFER AUTHORITY.**

Section 4 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295) is amended by adding at the end the following new subsection:

''(j)(1) In addition to exercising any other transfer authority available to the Secretary of State, and subject to paragraphs (2) and (3), the Secretary may transfer to, and merge with, any appropriation for embassy security, construction, and maintenance such amounts appropriated for fiscal year 2014 for any other purpose related to the administration of foreign affairs on or after October 1, 2013, if the Secretary determines such transfer is necessary to provide for the security of sites and buildings in foreign countries under the jurisdiction and control of the Secretary.

''(2) Any funds transferred pursuant to paragraph (1)—

''(A) shall not exceed 20 percent of any appropriation made available for fiscal year 2014 for the Department of State under the heading 'Administration of Foreign Affairs', and no such appropriation shall be increased by more than 10 percent by any such transfer; and

''(B) shall be merged with funds in the heading to which transferred, and shall be available subject to the same terms and conditions as the funds with which merged.

''(3) Not later than 15 days before any transfer of funds pursuant to paragraph (1), the Secretary of State shall notify in writing the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives. Any such notification shall include a description of the particular security need necessitating the transfer at issue.''.

**SEC. 424. SECURITY ENHANCEMENTS FOR SOFT TARGETS.**

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended, in the third sentence, by inserting ''physical security enhancements and'' after ''may include''.

**SEC. 425. REEMPLOYMENT OF ANNUITANTS.**

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking ''to facilitate the'' and all that follows through ''Afghanistan,''; and

(ii) by inserting before the semicolon at the end the following: ''and, when after an exhaustive, open, and competitive search, no qualified, full-time, current employees (including members of the Civil Service) of the Department of State have been identified''; and

(B) by moving subparagraph (C) two ems to the left; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''2010'' and inserting ''2018''; and

(B) in subparagraphs (B) and (C), by striking ''2009'' and inserting ''2018'' each place it appears.

**SEC. 426. SENSE OF CONGRESS REGARDING MINIMUM SECURITY STANDARDS FOR TEMPORARY UNITED STATES DIPLOMATIC AND CONSULAR POSTS.**

It is the sense of Congress that—

(1) the Overseas Security Policy Board's security standards for United States diplomatic and consular posts should apply to all such posts regardless of the duration of their occupancy; and

(2) such posts should comply with requirements for attaining a waiver or exception to applicable standards if it is in the national interest of the United States as determined by the Secretary of State.

**SEC. 427. ASSIGNMENT OF PERSONNEL AT HIGH RISK, HIGH THREAT POSTS.**

(a) IN GENERAL.—The Secretary of State shall station key personnel for sustained periods of time at high risk, high threat posts (as such term is defined in section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, as added by section 411 of this Act) in order to—

(1) establish institutional knowledge and situational awareness that would allow for a fuller familiarization of the local political and security environment in which such posts are located; and

(2) ensure that necessary security procedures are implemented.

(b) QUARTERLY BRIEFINGS.—The Secretary of State shall quarterly brief the appropriate congressional committees on the personnel staffing and rotation cycles at high risk, high threat posts.

**SEC. 428. BUREAU OF DIPLOMATIC SECURITY MOBILE BIOMETRIC ENROLLMENT PROGRAM.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees regarding the mobile biometric enrollment program of the Bureau of Diplomatic Security that includes the following:

(1) An overview of the mobile biometric enrollment program and the Department of State's use of biometric technologies to secure access to United States diplomatic and consular posts.

(2) An assessment of the effectiveness and uses of such biometric technologies.

(3) An assessment of the costs, benefits, and implementation time that would be involved in extending the mobile biometric enrollment program initially to all high risk, high threat posts (as such term is defined in section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, as added by section 411 of this Act), and then to all remaining diplomatic and consular posts.

**Subtitle C—Security Training**

**SEC. 431. SECURITY TRAINING FOR PERSONNEL ASSIGNED TO HIGH RISK, HIGH THREAT POSTS.**

(a) IN GENERAL.—Title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851 et seq.; relating to diplomatic security) is amended by adding at the end the following new sections:

**''SEC. 416. SECURITY TRAINING FOR PERSONNEL ASSIGNED TO A HIGH RISK, HIGH THREAT POST.**

''(a) IN GENERAL.—Individuals assigned permanently to or who are in long-term temporary duty status as designated by the Secretary at a high risk, high threat post shall receive security training described in subsection (b) on a mandatory basis in order to prepare such individuals for living and working at such posts.

''(b) SECURITY TRAINING DESCRIBED.—Security training referred to in subsection (a)—

''(1) is training to improve basic knowledge and skills; and

''(2) may include—

''(A) an ability to recognize, avoid, and respond to potential terrorist situations, including a complex attack;

''(B) conducting surveillance detection;

''(C) providing emergency medical care;

''(D) ability to detect the presence of improvised explosive devices;

''(E) minimal firearms familiarization; and

''(F) defensive driving maneuvers.

''(c) EFFECTIVE DATE.—The requirements of this section shall take effect upon the date of the enactment of this section.

''(d) DEFINITIONS.—In this section and sections 417 and 418:

''(1) COMPLEX ATTACK.—The term 'complex attack' has the meaning given such term by the North Atlantic Treaty Organization as follows: 'An attack conducted by multiple hostile elements which employ at least two distinct classes of weapon systems (i.e., indirect fire and direct fire, improvised explosive devices, and surface to air fire).'.

''(2) HIGH RISK, HIGH THREAT POST.—The term 'high risk, high threat post' has the meaning given such term in section 104.

**''SEC. 417. SECURITY MANAGEMENT TRAINING FOR OFFICIALS ASSIGNED TO A HIGH RISK, HIGH THREAT POST.**

''(a) IN GENERAL.—Officials described in subsection (c) who are assigned to a high risk, high threat post shall receive security training described in subsection (b) on a mandatory basis in order to improve the ability of such officials to make security-related management decisions.

''(b) SECURITY TRAINING DESCRIBED.—Security training referred to in subsection (a) may include—

''(1) development of skills to better evaluate threats;

''(2) effective use of security resources to mitigate such threats; and

''(3) improved familiarity of available security resources.

''(c) OFFICIALS DESCRIBED.—Officials referred to in subsection (a) are—

''(1) members of the Senior Foreign Service appointed under section 302(a)(1) or 303 of the Foreign Service Act of 1980 (22 U.S.C. 3942(a)(1) and 3943) or members of the Senior Executive Service (as such term is described in section 3132(a)(2) of title 5, United States Code);

''(2) Foreign Service officers appointed under section 302(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3942(a)(1)) holding a position in classes FS–1, FS–2, or FS–3;

''(3) Foreign Service Specialists appointed by the Secretary under section 303 of the Foreign Service Act of 1980 (22 U.S.C. 3943) holding a position in classes FS–1, FS–2, or FS–3; and

''(4) individuals holding a position in grades GS–13, GS–14, or GS–15.

''(d) EFFECTIVE DATE.—The requirements of this section shall take effect beginning on the date that is one year after the date of the enactment of this section.

**''SEC. 418. LANGUAGE REQUIREMENTS FOR DIPLOMATIC SECURITY PERSONNEL ASSIGNED TO HIGH RISK, HIGH THREAT POST.**

''(a) IN GENERAL.—Diplomatic security personnel assigned permanently to or who are in long-term temporary duty status as designated by the Secretary at a high risk, high threat post should receive language training described in subsection (b) in order to prepare such personnel for duty requirements at such post.

''(b) LANGUAGE TRAINING DESCRIBED.—Language training referred to in subsection (a) should prepare personnel described in such subsection to—

''(1) speak the language at issue with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on subjects germane to security; and

''(2) read within an adequate range of speed and with almost complete comprehension on subjects germane to security.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 is amended by inserting after the item relating to section 415 the following new items:

''Sec. 416. Security training for personnel assigned to a high risk, high threat post.

''Sec. 417. Security management training for officials assigned to a high risk, high threat post.

''Sec. 418. Language requirements for diplomatic security personnel assigned to high risk, high threat post.''.

**SEC. 432. REPORT TO CONGRESS.**

Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this subtitle.

**Subtitle D—Expansion of the Marine Corps Security Guard Detachment Program**

**SEC. 441. MARINE CORPS SECURITY GUARD PROGRAM.**

(a) IN GENERAL.—Pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802; enacted as part of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99–399)), the Secretary of State, in consultation with the Secretary of Defense, shall

conduct an annual review of the Marine Corps Security Guard Program, including—

(1) an evaluation of whether the size and composition of the Marine Corps Security Guard Program is adequate to meet global diplomatic security requirements;

(2) an assessment of whether the Marine Corps security guards are appropriately deployed among United States embassies, consulates, and other diplomatic facilities to respond to evolving security developments and potential threats to United States interests abroad; and

(3) an assessment of the mission objectives of the Marine Corps Security Guard Program and the procedural rules of engagement to protect diplomatic personnel under the Program.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for three years, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees an unclassified report, with a classified annex as necessary, that addresses the requirements specified in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks and place any extraneous material into the RECORD on this measure.

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

There was no objection.

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

Mr. Speaker, the Department of State Operations and Embassy Security Authorization Act is a measure to provide our diplomats with the tools that they need to do the job effectively, as efficiently as possible, as safely as possible, and it has been over 10 years now since the last Department of State authorization bill was passed into law. Now in the interim, our ability to exercise oversight and push for reform within the Department has been eroded. That is why it is so essential that we get this authorization into law—because it is not good for Congress; it is not good for the Department; it is not good for the taxpayer. Authorizing these programs is going to increase our oversight ability. It will improve Members' ability to legislate new programs. It will save money. It will reform old programs. And when we do not authorize, as you know, departments are less accountable; they can drift.

As Members know, the Department's failings on security were laid bare in Benghazi, Libya. The Accountability Review Board, looking into Benghazi, found:

Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a special mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place.

That was the finding; the local guard force in place to protect Benghazi was inadequate.

The closure of 21 U.S. embassies in August and the recent closure of our embassy in Beirut demonstrate the continued threat to our facilities and personnel overseas. Indeed, this week, the Department renewed its global terrorism alert for U.S. citizens. This is why this bill authorizes full funding for embassy security.

One of the principal functions of the Department is to protect our facilities and personnel that are stationed overseas. The other body, our colleagues in the Senate, have also introduced legislation on embassy security, and we have been in consultation with them because we intend to have this signed into law.

This legislation carries much of the same language, including:

One, language requirements for diplomatic security personnel in line with the ARB report recommendations. We need the security personnel to be able to speak that local dialect.

Two, implementation of the expanded marine security guard program, including a plan to deploy these additional personnel and station them appropriately. We need the marines at the gate. We need to be able to guard the gate. It needs to be reinforced.

Three, authority to protect soft targets overseas.

Four, regulations for the reemployment of personnel to fill staffing gaps at high-risk, high-threat posts. We need that personnel to be able to get that retraining to speak the local dialect in order to help protect that facility.

Importantly, this bill contains a provision, championed by committee members Mr. RADEL and Ms. FRANKEL, which will award local security guard contracts now on the basis of best value rather than lowest cost. For our highest threat posts, we need only the highest quality security personnel, not personnel that's going to flee in the face of a threat.

This bill also requires the Department to develop contingency plans for increasing security at high-threat posts. These plans must include options for employing additional military personnel and equipment to bolster security in response to a threat, as well as plans for a rapid deployment of assets in response to an attack. We need a rapid response force to be stood up so that they can be called into action if there's a threat in this part of the world to our consulates and to our embassies.

The strong emphasis on embassy security in this legislation, H.R. 2848, and the legislation that's over in the Senate is timely and responsive to urgent needs. Working in a bipartisan manner, this bill was able to authorize full funding for embassy security while still producing a fiscally responsible product.

Overall, this bill is a 9 percent cut from the fiscal year 2012 level, and this includes a cut of nearly 22 percent, that's $2.4 billion, in Department administration costs. Further savings to the taxpayer have been achieved by placing a cap on pay for those personnel stationed overseas by closing a bureaucratic loophole that allowed personnel to draw both a pension and a salary, except in the most extenuating of circumstances, by capping the amount of paid time off for employees and authorizing current employees to fill staffing vacancies. By doing it that way, we negate the need to hire more Foreign Service Officers.

So this bill also reforms some of the core management functions of the Department by prohibiting those convicted of fraud or embezzlement or theft or other offenses from receiving government contracts in the future. The bill also prohibits funding for the proposed Foreign Affairs Security Training Center unless there's an independent feasibility study that's completed and presented to the appropriate congressional committee.

This bill also has strong bipartisan support. When I say ''strong,'' Mr. ENGEL and myself have worked with Members on both sides of the aisle. We took some 11 amendments. We've worked out the differences. We got bipartisan support in the committee, and I urge my colleagues to vote for this legislation so it can be promptly sent to the Senate and then on to the President for his signature, thereby ensuring that our embassies and personnel stationed abroad are protected at a time of their greatest need.

I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H.R. 2848, the Department of State Operations and Embassy Security Authorization Act, and I yield myself such time as I may consume.

I want to say once again, it has been a pleasure to work with Chairman ROYCE once again in a bipartisan fashion. I am very proud of what we have done on the Foreign Affairs Committee this year in a bipartisan fashion, and this is just another example of it. Everybody had input. All sides had corrections. We incorporated many, many different things together, and I think we have a very, very good product.

This important legislation authorizes the resources necessary to protect our dedicated diplomats and provides basic authorities to the State Department to advance United States interests and values around the world. The funds authorized in this bill support all of the State Department's global operations for less than 3 percent of the Defense Department's total budget. To me, that's a very, very wise investment in U.S. national security.

□ 1445

As all of us know, our diplomats and aid workers face unprecedented threats

in the Middle East, South Asia, North Africa, and other volatile regions of the world. The attack on our consulate in Herat, Afghanistan, 2 weeks ago, is a stark reminder of these very real dangers.

The bill before us today fully funds the President's request for diplomatic security. This will allow the State Department to construct six new secure embassies, support 151 new diplomatic security personnel and build facilities for 26 additional Marine Security Guard detachments.

This legislation also includes a number of other provisions to better protect our men and women serving abroad, including many that were included in an embassy security bill that I introduced earlier this year. Among other things, H.R. 2848 would enhance the coordination between the State and Defense Departments in times of emergency, require security and language training for State Department employees before they deploy to dangerous locations, and improve the process by which the State Department makes security-related decisions.

In addition, this legislation includes elements of a bipartisan bill introduced by Representatives RADEL and FRANKEL that gives the State Department flexibility to award local guard contracts at high-threat posts on the basis of best value rather than on who had the lowest bid. In the past, having to accept the lowest bids sometimes resulted in poorly trained local security forces that endangered the safety of our diplomats and development experts.

Finally, this legislation includes another bipartisan provision, drafted by Representatives PERRY and MENG, that provides additional accountability for State Department officials when their job performance is unsatisfactory.

Mr. Speaker, I'd like to point out that we haven't had a State Department authorization bill signed into law since 2002. The chairman and I are both convinced that this is something that needs to be changed. That's another reason we're doing this very, very important bill.

In order for Congress to properly oversee the State Department's operations and activities, we need to resume the practice of passing our authorization bill on a regular basis and encourage our Senate colleagues to do the same.

Again, I want to commend Chairman ROYCE for his hard work on this legislation, and I look forward to working with him to further improve the bill as it moves through the legislative process, again, in a bipartisan manner.

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

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), chairman of the Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations and, I would add, Mr. Speaker, the author of important State authorization and embassy security laws in past Congresses.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank, first of all, Chairman ROYCE and Ranking Member ELIOT ENGEL for drafting this extraordinarily timely and important legislation. This is an essential bill, and it must be passed and signed into law.

Mr. Speaker, on Tuesday of this week, my subcommittee staff director, Greg Simpkins, and I returned from a 4-day trip to Nigeria, including the city of Jos, the scene of recent fire bombings of Christian churches by Boko Haram, a terrorist organization that has killed thousands of Nigerian Christians and some Muslims as well. Boko Haram—like al-Shabaab, the cowards who slaughtered Kenyans in a shopping center in Nairobi last week—poses serious and escalating threats to indigenous Africans and American personnel overseas.

The Embassy Security Act, like the Secure Embassy Construction and Counterterrorism Act of 1999, a law that I authored, is designed to significantly enhance protection at our missions abroad. Significantly, more than a dozen years ago that law came to the floor on the heels of al Qaeda bombings in Nairobi and Dar es Salaam at our embassies in 1998.

I chaired the hearings following that tragic loss of life. Admiral Crowe, who led the Accountability Review Boards at that time, testified. But it is clear that the promised action following those earlier attacks has not been fully implemented. There are serious, significant security gaps that must be remedied more than a decade later. The Royce bill does that. We seem not to have adequately learned the lessons from the terror attacks against our distinguished ambassador and three extraordinarily brave individuals in Benghazi.

The Royce-Engel bill before us today contains a number of significant provisions, including necessary security upgrades for our embassies and consulates abroad. Our embassy in Abuja, Nigeria, was constructed with the upgrades recommended by earlier legislation. Greg and I saw that firsthand this week. But so many older facilities do not meet those high standards, including lifesaving setbacks from roads and thoroughfares. Chairman ROYCE's bill will address those gaps in essential security features at our overseas posts.

I'm especially appreciative that the Foreign Affairs committee accepted my amendment that originally passed as a provision of my International Megan's Law 3 years ago—it passed the House, never got through the Senate, we all know that drill—which limits to 1 year or such time as the Secretary of State shall determine appropriate the period of validity of a passport issued to a convicted sex offender.

In 2008, the General Accountability Office found that some 4,500 convicted pedophiles got passports. That's every year. That's almost 50,000 over a 10-year period—the life of a passport. And the evidence suggests some may travel to places with impunity in Bangkok and all over the world and abuse children. Poverty worldwide has made this exploitation even more prevalent—more kids now are at risk. This provision will empower the Secretary of State and the President to mitigate their travel to abuse children.

This is an excellent bill. Again, I commend Chairman ROYCE and ELIOT ENGEL for working in such a constructive, bipartisan way.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MEEKS), a very senior and important member of the Foreign Affairs Committee.

Mr. MEEKS. Mr. Speaker, first, let me thank Chairman ROYCE and Ranking Member ENGEL for providing leadership and working together to get this bill done in a bipartisan manner.

This is a bill where everybody had their input and everybody gave some and everybody said what was involved, and we were able to come up with a bill that is a compromise bill that's in the best interest of all of us, especially the men and women who serve us in the State Department abroad.

There's generally two groups of individuals that we have a huge responsibility for. They are our men and women on the battlefield, who are in the military. We need to make sure that they have everything that they need for their protection and their success in their mission. Likewise, the men and women who serve as our diplomats, what huge and important jobs they have. We have an absolute responsibility to make sure that we give them everything that they need to make sure that they're secure so their missions can be successful.

That's what this bill does. It looks at the security issue in a manner to make sure that our embassies are safe and secure. For example, it establishes working groups to ensure that new or reopening posts are provided the necessary security measures and funding. We had some before that had to be closed. We want to make sure we look at it and focus so that they get what they need.

It requires a strategic review of the Bureau of Diplomatic Security to ensure that its missions and activities are meeting current and projected needs. That's tremendously important. And it authorizes the State to utilize best value rather than lowest cost for security guard contracts at high-risk and high-threat posts.

Furthermore—which I think is absolutely key—it gives full authorization for the National Endowment for Democracy, of which I once sat as a board member, to support the work of the four affiliated core institutes, including the National Democratic Institute and the American Center for International Labor Solidarity, to develop

independent media, human rights protections, and other democratic institutions, values, and processes around the world. This is great work. This is work that will help democracy flourish throughout this place that we call Earth, making it a more peaceful and better place for us all to get along.

As we've seen recently, we've come a long way in the last 4 weeks in moving diplomatically and trying to resolve issues together. If we give our diplomats the kind of protection they need, then I believe that we can make sure that this place we call Earth is much safer tomorrow than it is today.

I thank, again, the chairman and the ranking member for the manner in which they have worked to resolve and bring this bill to the floor, and urge my colleagues to vote for it.

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, first of all, I want to compliment the chairman and the ranking member for their hard work on this bill and for the arguments that have been presented in favor of the bill today. But it's because of those arguments that I have to rise today in grave opposition to this bill because of a provision in this bill that could seriously undercut our Nation's ability to protect its embassies.

It's been over a year since terrorists attacked our diplomatic mission in Benghazi, leaving four Americans dead. In the wake of the attack, the State Department's investigation board questioned the ''grossly inadequate'' security at the mission and recommended that staff at high-threat posts undergo extensive security training at a State Department center.

The independent, nonpartisan Government Accountability Office, however, has called current training facilities ''inadequate'' and has said that they pose a ''critical challenge.''

The State Department has long recognized this serious deficiency and has been looking for a dedicated training site for over 3 years. In testimony before Congress this year, Assistant Secretary Gregory Starr said:

> The capacity of the current facility . . . cannot meet our training needs . . . doesn't even meet our highest threat-level requirement and . . . at some point may not be available to us.

And yet this bill on the floor of the House today specifically prohibits the Department of State from developing the center it so critically needs for diplomatic security.

Make no mistake about it: it's not because of cost. It's not because of efficiency. It's because of a protection for those inadequate facilities because of the districts they're in.

This is an urgent need that must be accomplished in a fiscally responsible manner, but is one that this body cannot or must not delay with more bureaucracy. And that is exactly what this bill will do. America has an obligation that we have adequately trained those responsible for the protection of our diplomats and their families around the world. It's absolutely unconscionable that we are prohibiting the State Department from moving forward on the facility they need to prevent another Benghazi attack.

I urge my colleagues to vote against this bill. A ''no'' vote might not stop it, but it'll send a message to the Senate to fix it in conference.

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

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

I want to assure the gentleman from Virginia, and all Members here, Mr. Speaker, that this committee has been highly attentive to the Benghazi attack. Indeed, that's one of the reasons we're here on this bill.

To the gentleman from Virginia who spoke earlier, I would just note that if standing up a new Foreign Affairs Training Center in his district, as has been proposed, is a good use of our limited fiscal resources, then he has nothing to fear from this bill.

While there have been proposals to completely prohibit such an expenditure, they are not included in this legislation. But what our bill does do is it requires an independent feasibility study first, to assess whether current facilities are inadequate, before we spend the better part of a billion dollars on a completely new facility.

If the gentleman from Virginia is suggesting he's opposed to this legislation, then I would point out that initial estimates by the Department of State are that this new facility could cost up to $950 million—and at least $450 million.

□ 1500

I would also call attention to the Members of this body that Congress has not received a copy of any feasibility studies related to the proposed new Foreign Assistance Training Center—FAST-C, as it's called.

There are valid concerns that the FAST-C center is not needed and the same functions could be achieved by collaborating with the Department of Homeland Security Federal Law Enforcement Training Facility. Further, I would point out that the Federal Law Enforcement Training Facility has quoted a price nearly 50 percent lower than what it would cost to build the new FAST-C facility.

Now, before State moves forward, the Congress needs more information, and the Department of State needs to demonstrate more due diligence on this endeavor, especially in light of the recent facility construction debacles that we've seen around the world, including in Afghanistan.

I would further point out that in July, the State Department noted ''ongoing serious fiscal challenges'' and the need for ''additional due diligence in determining how to move forward with the FAST-C facility at Fort Pickett.''

Lastly, Mr. Speaker, there are serious questions about whether the existing DHS facility in Glynco, Georgia, could be used at a much lower cost to the American taxpayer.

We all understand the responsibility to represent our districts, but it should not come at the cost of blocking legislation that will answer the need, in terms of security, for our personnel overseas. Again, I would point out that this does not prohibit such an expenditure. It merely requires an independent feasibility study to assess whether or not it is appropriate.

I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, at this time I yield 3 minutes to the gentlelady from New York (Ms. MENG), a very valuable member of the Foreign Affairs Committee, whose provision will hold the State Department more accountable, and her provision was incorporated into this bill.

Ms. MENG. Mr. Speaker, I rise today in strong support of H.R. 2848, the Fiscal Year 2014 Department of State Operations and Embassy Security Act. This bill authorizes funds for the State Department to advance U.S. interests around the world and strengthen our national security.

The bill fully funds the President's request for diplomatic security, as I have long urged that it should. Importantly, it also makes several important changes to how we protect our diplomats and embassies abroad and how we ensure accountability at the State Department.

Mr. Speaker, this past December, an accountability review board, or ARB, was convened to assess the State Department's policies and response to the attack in Benghazi. However, under the current authorizing statute, an ARB can only recommend disciplinary action against a State Department employee where there has been a ''breach of duty,'' a standard which is both very high and very hard to understand. As a result, the Benghazi ARB was unable to recommend disciplinary action against even a single State Department employee.

On this point, Mr. Speaker, I refer you to section 414 of the bill before us today. It is entitled the ''Revision of Provisions Relating to Personnel Recommendation of the ARB.'' The section was drafted and inserted by me and my esteemed colleague from Pennsylvania (Mr. PERRY).

By making it easier for future ARBs to recommend disciplinary actions, section 414 will ensure greater accountability and responsibility at the State Department in the years to come and help prevent future Benghazis.

This effort on the part of myself and Mr. PERRY is representative of the bipartisan nature of this bill—the first such bill that would pass Congress in over a decade.

On a variety of issues, including the crucial maintenance and strengthening of Iran's sanctions, the committee has worked effectively and constructively as our country needs it to. This is in large part due to the stellar leadership

of Chairman ROYCE and Ranking Member ENGEL, and I thank them so much for their mentorship.

It is ironic that our committee stands on the verge of a significant bipartisan breakthrough at this time. Perhaps our work can inspire some much-needed reasonableness and compromise in these Halls in the hours, days, and weeks to come.

Mr. ROYCE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I mentioned before Ms. FRANKEL had worked very hard, and we incorporated some of her work into this bill as well. So I yield 2 minutes to the gentlewoman from Florida (Ms. FRANKEL).

Ms. FRANKEL of Florida. Mr. Speaker, this is a very good example of what happens when colleagues work together. I want to thank Mr. ROYCE and Mr. ENGEL very much for including in this legislation language from a bipartisan bill sponsored by myself and my colleague, Mr. TREY RADEL, also from Florida.

This particular provision would authorize the State Department to use the ''best value'' contracting award method in high-risk, high-threat areas around the world, ensuring the safety of American men and women serving our country abroad.

With this bipartisan effort, the State Department will be allowed to consider factors beyond only price in making security contracts, giving the State Department the flexibility and tools they need to keep those who serve us abroad safe from harm and ensure taxpayer money is being used effectively.

Mr. Speaker, the attack on our embassy in Benghazi was a tragic reminder of the security environment in which many of our diplomats serve. And it is our responsibility here in Congress to do everything in our power to protect Americans and our embassies overseas.

Again, I thank Mr. ROYCE and Mr. ENGEL for their good work.

Mr. ROYCE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. It is my pleasure now to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a former member of our committee.

Ms. JACKSON LEE. I want to thank the chairman and the ranking member for the great work on an issue that so many of us have noted and advocated for over the years.

As a former member of this committee during the time of the Democratic majority, I still continue to have a great sense of the importance of the work. Having traveled to a number of countries and engaged with our diplomatic staff and the State Department, let me put on the record the crucial work that our diplomatic corps—our diplomat staff, the staff at the State Department, the Secretary of State—does and is engaged in for the safety and security of the American people. Their work is vital. They are partners with the defense; but more importantly, they are partners for reconciliation and coming together. It is evident by their great work of where we are in Syria, along with the President, and of course, most recently, some of the outreach that has gone on with Iran.

But my main point for speaking today is, having physically visited a number of the diplomatic sites in high-risk and high-threat posts, I am ecstatic about this legislation that provides a matrix, along with working groups for security measures and funding, along with the review of a diplomatic security, with the support of the National Endowment for Democracy, which, when I went to oversee the Algerian election, they were very much involved, as they are and as they were in Egypt, and as they were in many other places where there are difficult circumstances. And then of course to be able to enhance security for the diplomatic staff and security, to protect the civilian, but also the military. Our marines are very able, as those who are there at posts; they provide enhanced security for those particular posts.

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

Mr. ENGEL. I yield the gentlelady 1 minute.

Ms. JACKSON LEE. One of the things that I am most excited about—and I thank the author of the amendment—and that is the issue of best value for security. That is a crucial bipartisan agreement that makes common sense; that on the security of our men and women who leave these shores to be instruments of peace, diplomatic engagement, and be the face of the American people in very difficult posts—whether it's Iraq, Afghanistan, or whether it may be Egypt, whether it may be Pakistan, and other places beyond—that it is our duty to ensure that the posts that they are in have the highest level of security quality, both from technology and also from the physical bricks and mortar.

So I rise today because I wanted to first acknowledge the valiant service of all of those who have served. I also want to make note of those who we have lost, who have served in the diplomatic corps in places far beyond our borders, and to thank them and thank those who serve in the State Department and who are serving as we speak; and the United States Marines, who across the world secure these very valiant public servants.

I support the legislation.

Mr. ROYCE. Mr. Speaker, I reserve the balance of my time to close.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume to conclude.

I again would like to thank Chairman ROYCE for his efforts in putting this bill together.

I have a copy of the bill in front of me. It is H.R. 2848. It says:

In the House of Representatives, July 30, 2013, Mr. Royce, for himself and Mr. Engel, introduced the following bill; which was referred to the Committee on Foreign Affairs.

I read that because I think, again, it highlights, as so many of our colleagues have said, that this bill is really Congress at its best and the committee at its best. People had concerns; we worked together, and we thrashed them out. We put together a product that those people who were most concerned with this were able to agree. I hope that that will be infectious, and perhaps we can take it out of our committee and move it to the Congress on other things that we're not having so much agreement with these days. But I again want to thank Chairman ROYCE.

The State authorization, an embassy security bill, is a very, very important part of our oversight of the State Department. The bill will bolster the State Department's security efforts, and who really can oppose that.

So I urge its passage. I thank the chairman again, and I yield back the balance of my time.

Mr. ROYCE. I thank Mr. ENGEL, and I yield myself the balance of my time.

Mr. Speaker, I would point out again that, in the past, State Department authorization bills that have passed the House—even under suspension—have failed due to inaction in the other body. Now, because of the strong bicameral interest in embassy security, we have an opportunity to break this bad habit and return to our core responsibility.

Congressman ENGEL from New York and myself have discussed these issues not only with our Members, but with Members of the Senate. If enacted, this bill of course will only be the fourth time in the last 17 years that Congress has passed a State Department authorization.

We need to seize this opportunity to move meaningful legislation at a time when Members of this body and in the Senate understand that this is a chance to direct this issue of embassy security and provide that additional security.

I very much want to express my appreciation for the collaboration I've had with Mr. ENGEL, our ranking member, on this piece of legislation. This is a bipartisan bill, as he shared with you. Together, we have worked to incorporate the ideas of the members of our committee. A large number of those committee members have offered amendments that are in this legislation.

So to conclude, I would point out that H.R. 2848 is a strongly bipartisan measure. It is fiscally responsible; it is constructive in its reforms; and it is deliberate in its efforts to keep our personnel stationed overseas as safe as we can keep them.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 2848, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

## RECESS

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

Accordingly (at 3 o'clock and 15 minutes p.m.), the House stood in recess.

□ 1944

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 7 o'clock and 44 minutes p.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.J. RES. 59, CONTINUING APPROPRIATIONS RESOLUTION, 2014, AND PROVIDING FOR CONSIDERATION OF H.R. 3210, PAY OUR MILITARY ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 113–238) on the resolution (H. Res. 366) providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes, and providing for consideration of the bill (H.R. 3210) making continuing appropriations for military pay in the event of a Government shutdown, which was referred to the House Calendar and ordered to be printed.

## PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.J. RES. 59, CONTINUING APPROPRIATIONS RESOLUTION, 2014, AND PROVIDING FOR CONSIDERATION OF H.R. 3210, PAY OUR MILITARY ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 366 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 366

*Resolved,* That upon adoption of this resolution it shall be in order to take from the Speaker's table the joint resolution (H.J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with each of the two amendments printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question except that the question of adoption of the motion shall be divided between the two House amendments.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3210) making continuing appropriations for military pay in the event of a Government shutdown. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) 40 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

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

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the ranking member of the committee and my friend, 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. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. SESSIONS. House Resolution 366 provides for consideration of the Senate amendment to H.J. Res. 59, the Continuing Appropriations Act for Fiscal Year 2014, and a closed rule for consideration of H.R. 3210, the Pay Our Military Act of 2013.

Mr. Speaker, at midnight on Monday, just 2 days from now, the Federal Government will shut down if Congress does not act to provide the necessary appropriations. The legislation before us today will ensure that a shutdown does not happen; and, if adopted, the House amendments would make important steps to ensure that ObamaCare, the Affordable Care Act that President Obama and every Democrat voted for, does not have the opportunity to hurt American jobs and drag down our economy.

The first of these three amendments would repeal the medical device tax included in ObamaCare. This medical device tax is also known as what might be the tax that will harm not only the creation of investment but also the products of medical devices, including pacemakers and other medical products that keep America's health care a leading edge. The medical device industry provides our Nation with innovative health care services as well as much-needed jobs for many, many hardworking Americans. ObamaCare's onerous medical device tax—what we also call the pacemaker tax—is already causing job loss in this industry and negatively impacting innovation of new and other lifesaving devices.

I would like to insert into the RECORD a letter from a gentleman from Dallas, Texas, Mr. Walt Humann, CEO of OstoeMed, who came to my office over a year ago in June of 2012. He spoke with me about how innovative medical devices clearly help not only Americans, but doctors perform very difficult and leading-edge surgeries. And I will tell you that Mr. Humann spoke very clearly about how this onerous tax would literally tax the production, not the sale, but the production of medical devices to an industry that needs more and more innovation. That clearly explains the damaging effects that this has on American businesses. His letter, Mr. Speaker, clearly outlines how it harms not only his company, but the industry as a whole.

The second amendment would delay all aspects of ObamaCare for 1 year. This proposal is an important step to prevent the costly job-killing regulations contained in President Obama's health care plan from becoming an unfortunate reality. The President has already delayed several pieces of the law; and just as he begins to see how ill-conceived and unworkable his plan is, it's time for us to stop it dead in its tracks. So much for the hundreds of waivers that he has issued; so much for him delaying for his friends in business; so much for him delaying the pieces that he wants to, knowing that the harm will be on individuals all across America. It makes sense to delay the entire law for a year in an effort to protect American families from paying higher health care premiums and having fewer options.

This is important, and the Republican Party is on the floor of the House of Representatives today on behalf of taxpayers and what we believe is about 60 percent of Americans who are opposed to this bill starting to work October 1. So that's why we are here.

Finally, this rule provides for consideration of H.R. 3210, the Pay Our Military Act. This important piece of legislation is designed to ensure that our Nation's men and women in the military continue to receive their paychecks in the event that the Senate does not adopt a responsible CR and forces our government into a shutdown.

Our Nation's military puts their lives on the line, and they have throughout the history of our country. They remain engaged in combat operations as we go to sleep tonight. They are protecting this great Nation, and the services that the men and women of the military provide to the United States of America should be aided and helped, and we should make sure that we do not stop the pay to the men and women

of the United States military. In the event of a government shutdown, this body should take the necessary measures to ensure that our servicemen and -women continue to be compensated for their services.

So, Mr. Speaker, we have finished a Rules Committee meeting upstairs. We spoke about this, the impacts, at the committee hearing that allowed Mrs. LOWEY, on behalf of the minority, and Mr. HAL ROGERS, our Appropriations Committee chairman, to talk about the important part of what we're trying to do today.

So I urge my colleagues to vote ''yes'' on the rule and ''yes'' on the underlying legislation.

I reserve the balance of my time.

OSTEOMED,
*June 5, 2012.*

Hon. PETE SESSIONS,
*House of Representatives,*
*Washington, DC.*

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

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

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

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

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

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

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

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

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

Sincerely,

WALTER J. HUMANN,
*President & CEO, OsteoMed.*

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

What we have before us today is not a solution; it's another attempt to undermine the Affordable Care Act. As written, this dangerous proposal has no chance of becoming law. It is not only a political nonstarter but a bad Federal policy. According to the nonpartisan Congressional Budget Office, a repeal of the medical device tax alone would add $30 billion to the Federal deficit.

However, finding a solution to the crisis before us may not be the majority's top priority. Based upon news reports from earlier in the day, it seems that far from responsible governing, the majority is concerned with simply keeping their political house of cards from falling down.

According to POLITICO, Majority Leader ERIC CANTOR said:

> We've had enough disunity in our party. The headlines are Republicans fighting Republicans. This will unite us.

By now, the majority's inability to find consensus within its own ranks is well known. It started almost as soon as they assumed power, as extremists within their own party refused to provide relief aid to victims of Hurricane Sandy for more than 3 months. Divisions within the majority also led to the first ever expiration of the Violence Against Women Act in over 20 years; most recently, a failure on the House floor to pass a bipartisan farm bill, which had never happened before. The bill had been 5 years in the making, and they couldn't get it done.

Unable to find consensus on even the most noncontroversial bills, the majority has held more than 41 votes on the one issue that unites them. If we are to believe the majority leader, the one issue that unites them is to try to kill the health care bill for Americans.

Now, polls have shown that the American people want action on everything from strengthening gun laws to passing immigration reform. Yet, instead of addressing any of these issues, the majority has tried any way they can to repeal, defund, undermine, delay, whatever, the historic health care law. And remember that Presidents—most of them since the time of Teddy Roosevelt—have tried to achieve health care.

Frustration has reached a boiling point within the majority's ranks. Republican Senator JOHN MCCAIN has declared parts of his own party ''whacko birds'' and said:

> Many in this group didn't come to power to get things done. They came to power to keep things from getting done.

Well said, Senator.

By now, the majority is well aware that a 1-year delay in the Affordable Care Act threatens access to secure and affordable health care for millions of Americans and that my Democrat colleagues and I refuse to take away health care for American families just because the majority is unable and unwilling to find common ground.

And oh, by the way, we've done nothing about the business of the House. We're doing this resolution, in the first place, because the appropriations bills were not dealt with.

In fact, the whole process has changed here. What used to be the committee process and then go to Rules and then go to the floor has changed; you just go directly to Rules. I would sure like to see the old days come back.

The fact of the matter is this bill will be dead on arrival once it's sent to the Senate. Senator REID has made that abundantly clear all day long. For the majority to continue to bring it forward shows that today's proposal is nothing more than an attempt to seek political cover as Republicans shut the government down.

Today, Senator HARRY REID said:

> The American people will not be extorted by Tea Party anarchists. To be absolutely clear, the Senate will reject both the 1-year delay of the Affordable Care Act and the repeal of the medical device tax. After weeks of futile political games from Republicans, we are still at square one.

As if this weren't enough, the process that has led us here has trampled upon the majority's promises of an open and transparent House. Unlike the process that led to the passage of the Affordable Care Act, today's legislation was written behind closed doors, leaving out almost half of the Members of the House of Representatives, the Democrat Party. There was absolutely no input at all from members of the minority, and that is definitely unlike the health care act, which went through the full committee process.

This afternoon, the majority met in the basement of the Capitol. After a secretive, closed-door meeting, they emerged with this partisan legislation in hand and told us to take it or leave it.

Mr. Speaker, every single one of us was elected by our fellow citizens and told to do our part in building a more prosperous country. With the closed, secretive, and partisan process that the majority has repeatedly pursued, they are shutting out half the Chamber and half of our country from participating in a democratic process.

In closing, the majority has every right to pursue their legislative priorities, no matter how misguided we may feel they are, but they do not have the right to take the Nation hostage nor threaten the full faith and credit of the United States in order to get their way.

Let me be clear: a vote for this rule and a vote for this bill are affirmative votes for a government shutdown, because everyone here knows there will be no adequate time for any more ping-ponging. I strongly urge my colleagues to vote ''no'' on the rule and the underlying legislation.

I reserve the balance of my time.

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

I am intrigued by the notion today that Republicans were meeting secretively. In fact, we have had several meetings over the past few days, and probably two or three today, and the nature of that is to make sure that our Members, some 233 Republican Members across this country, that Republican leadership like myself is hearing from them, that we are moving together and talking about the terrible and disastrous effects of ObamaCare and how we're going to work together.

□ 2000

Some of the common things that have been talked about in those meetings, as if we need to remind ourselves—but I will again—in that ObamaCare bill, $716 billion was cut and taken away from senior health care to go directly to ObamaCare. But we've also seen the real effects of ObamaCare, as we know that since ObamaCare has been passed, there have been 7 part-time jobs created for every one new full-time job.

Mr. Speaker, we're here on the floor of the House of Representatives because our country is in trouble. This is a continually difficult time for Americans back home not just to find work, but to keep work.

We find that large companies, these large corporations that are talked about from time to time on this floor, especially by our friends, are moving people off the health care that they're on because it makes sense to do it, but also because of the expense.

We saw just in the last few weeks large companies like UPS and Walgreens move their employees and make very, very difficult decisions. Just like Delta Air Lines had to make a decision. They announced that ObamaCare alone would cost Delta Air Lines over $100 million next year alone.

These are destructive and devastating consequences of ObamaCare. The Republican Party is on the floor because this law is going to start very quickly: October 1 and January 1. People begin signing up October 1.

Of course, what we've seen is the President very clearly over the last few years has given waivers to the people that he chose to give waivers to. He turned around and let business off the hook. But he keeps the law on individuals. He keeps this onerous law on individuals—and it's causing chaos and panic.

It's causing chaos for people like my family and others who have children that they have to take care of that are sometimes disabled. And we are seeing problems because now we're not sure in this mix who will be the doctor. Will that be a doctor we've gone to in the past? Will that be a doctor that one time we may see and another time we may not see?

There is uncertainty. And this uncertainty has been driven to what I believe has become reality. And the reality is, if you look, there is a CBS and New York Times poll showing that a majority of Americans disapprove of ObamaCare. And when a majority of Americans say this to CBS News and The New York Times, I think even our colleagues, the Democrats, should listen.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), my distinguished colleague on the Rules Committee.

Mr. MCGOVERN. I thank the gentlelady for yielding.

Mr. Speaker, there is supposed to be an orderly, thoughtful process around here. Just in case any of my colleagues were asleep in high school civics the day they taught how a bill becomes law, let me go over it slowly.

The House holds hearings and markups in subcommittees and committees, brings a bill to the floor, debates it, votes on amendments, and then votes on final passage. The Senate does the same thing. Then, the House and the Senate meet in a conference committee, agree to a final package, vote on that, and send it to the President for him to either sign or veto.

Does any of this sound even vaguely familiar to my Republican colleagues? Because they did a ''Schoolhouse Rock'' cartoon about it and everything.

Instead, here we are, just a matter of days—hours, really—from a Republican-caused government shutdown. Here we are with yet another completely unnecessary, deeply harmful, politically motivated crisis.

My Republican friends have made it clear that they will not vote for a continuing resolution unless that bill strips funding to implement the Affordable Health Care Act, or ObamaCare. But here's the problem, Mr. Speaker. Mitt Romney tried to make that same argument in the 2012 election. And he lost badly—by 5 million votes. Republicans tried to argue against ObamaCare in the Senate elections. And they lost. They tried to make those same arguments in the House elections, and they lost by about 1 million votes. Thanks to some ingenious redistricting, though, they were able to keep their majority.

And now they're trying to use that narrow majority to undo the results of the 2012 election. But guess what, Mr. Speaker? It isn't going to happen. They don't have the votes. The numbers do not add up. The Affordable Care Act is the law of the land. It's been in effect for 2 years, and it's going to stay that way. If Republicans don't like it, they can make their case to the American people in 2014.

But instead of facing that reality like thoughtful, serious grownups, the Republican majority continues to throw temper tantrum after temper tantrum, threatening to shut the government down, default on the Nation's bills, and throw the economy into a tailspin. It's absurd. Unfortunately, it's hurting real people. A Republican shutdown of government would actually cost us more money, Mr. Speaker.

The Senate has already acted. They passed a clean continuing resolution that keeps the government funded through November 15. Now I don't particularly like that bill because it keeps in place the Republicans' beloved sequester, which is not only unreasonable but it is doing real harm to our economy. But apparently that's not good enough for the extremists in the Republican Conference. They would rather drive this economy off a cliff than make a reasonable compromise.

Instead, they have unveiled a bill that includes two major changes to the Affordable Care Act, including a 1-year delay in the implementation of that law. Senator REID has made it clear that the Senate will not consider any of these changes, and it's clear the Republicans simply want to shut this government down.

So that's where we are, Mr. Speaker.

In closing, I would just urge my Republican friends, Please don't do this. I have to believe that there are enough grownups on the other side of the aisle who are willing to stand up and say, Enough is enough. In the meantime, we should reject this rule, reject the underlying bill, and get back to work.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. HASTINGS), my distinguished colleague on the Rules Committee.

Mr. HASTINGS of Florida. Thank you very much, Ms. SLAUGHTER, for yielding the time.

Mr. Speaker, in the face of the President saying that he will veto any measure that seeks to defund ObamaCare and in the face of the Senate Majority Leader saying that he will accept nothing in the Senate other than a clean continuing resolution, I can't believe that my colleagues on the other side really believe that they are going to prevail and cause the President, with his signature legislation, to change his mind or that of the Senate Majority Leader.

The Senate doesn't come back in until Monday at 2 o'clock, and that means the clock will run out. You say on the other side that you don't want to shut the government down, and yet exactly what you are doing here this evening will do exactly that. It will shut the government down.

Now there's a certain amount of absurdity that carries throughout our history. I would commend to my colleagues on the other side that they read Jon Meacham's book, ''Thomas Jefferson: The Art of Power.'' At a point in the course of that book, Jefferson becomes the President. And when he becomes the President, in his inaugural address he commented about the majority needing to protect the minority. He said, If you do not do that—this is in his inaugural address—you become an oppressor.

That's exactly what's happening. You have one wing of your party, a rump group, that are strong and united. They're entitled to that particular undertaking, but all they're doing, when all is said and done, is hurting America. They're not helping anyone but themselves.

The simple fact of the matter is that in your majority you let a mob of 40 people—probably as many as 60—determine what democracy is going to look like for insurance for the rest of America. I call that mobocracy, not democracy.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS), a most distinguished colleague on the Rules Committee.

Mr. POLIS. Mr. Speaker, what on Earth are we doing here? This is the wealthiest, most free, greatest Nation on the face of the Earth, and we're seriously debating a Republican proposal to close down our Federal Government? Why are we doing this to ourselves?

I understand that a majority of the people in this body, the House of Representatives, controlled by Republicans, don't like the Affordable Care Act. I understand that. It's been very clear. They've voted on repealing it 43 times. That's very, very clear.

However, we have a system of government established in our Constitution. We have a separation of powers. The Supreme Court has ruled on the Affordable Care Act. We have a Senate that does not want to repeal the Affordable Care Act, and we have a President that doesn't want to repeal the Affordable Care Act. That's clear. It was not repealed. This House can pass it as many times as we want. It still isn't repealed.

So when this House doesn't get its way, it wants to shut down the entire Federal Government just because they couldn't get the President, who was elected by the people of this country, or the Senate that was elected by the people in the 50 States of this country, to go along with what this body wants? That's arrogant. That's harmful to the American people. That threatens to destroy wealth and value creation and jobs in our country.

Whether it's pharmaceutical companies who rely on the FDA moving drugs through the approval process, whether it's our troops overseas, whether it's our patent offices, the private sector and the job creation engine of this country relies on the rules that we set in the marketplace. That's what the capitalist system is founded upon.

The Republican Party, by shutting down the government just because everybody won't go along with what they want, is threatening to destroy wealth and value creation in this country, destroy jobs, and threatening our place as a global leader.

I strongly encourage my colleagues to vote ''no'' on this Republican proposal to shut down the government and let's move forward and pass the continuing resolution here in the House, by Monday, send it to President Obama, and let's keep this country moving forward.

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

Mr. Speaker, for every opportunity that Republicans have to talk about how bad this bill is, there is an equal opportunity for our colleagues to talk about how great it is. But the facts of the case are the American people don't see it yet. The reason why we don't see it is because this President and this administration have given out over 1,200 waivers to people, saying, It's okay for you to not have to come under this law; what you do is okay. But it's not okay for the American people, individuals of this Nation, the men and women who get up and go to work every day.

And let's note, too, that we have a section of this bill that's about paying the military in case we do shut down. I would think that our colleagues on the other side of this building would want to make sure that we pay members of our military. They're important to this country. This body is going to do it.

Mr. Speaker, at this time I yield 4 minutes to the gentleman from Georgia (Mr. WOODALL), a distinguished young gentleman of the Rules Committee.

Mr. WOODALL. Thank you, Mr. Chairman, for yielding me the time and thank you for your leadership on the Rules Committee because when I signed up for Rules Committee, I knew I was going to get a lesson in rhetoric up there. I look at some of my colleagues from the Rules Committee on the other side. We have some long days and some long nights up there. But 9 times out of 10, it's about things that matter. It's about substance. And that's what it's about today.

To talk about a Republican bill to shut down the government is obviously nonsense, Mr. Speaker. I know there's not a point of order here against nonsense on the House floor. If there was, I would have brought it up. Because that's nonsense.

This is a bill to keep the government open. It uses the exact same funding level that the Senate just sent back to us. I've got a lot of colleagues on my side of the aisle who would like for that funding level to be lower. I promise you, if we could get the group together who wanted to lower that funding level, we could do that here, too. But we didn't. This is a bill that brings exactly the same funding level that the Senate sent over to us.

What else does this bill do? This bill empowers the government to continue to pay our men and women in uniform if, by some outside chance, our colleagues in the Senate abdicate responsibility and can't pass a bill. I think we all agree on that. I don't think there's a man or woman in this Chamber that thinks military families ought to have to worry because we can't come together on a bill.

□ 2015

We are going to come together. But that worry is in their hearts and their minds today. We have an opportunity to take it away, and we should.

In terms of bringing people together, Mr. Speaker, you know, something else that's in this bill is the repeal of the medical device tax. We talk about jobs bills here on the floor of the House regularly. If you have a medical device

manufacturer in your district, let them talk to you about the impact this tax is having on their business. It is killing jobs. It is destroying American leadership in this area.

This is not a divisive issue. We agree on this issue here. Our friends in the Senate, Mr. Speaker, voted 79–20 in favor of this very same issue.

I understand folks are worn out, Mr. Speaker. It's been a long weekend. It's been a long couple of weeks. But the American people deserve to know the truth of what's going on here on the floor tonight.

The truth is the passage of this rule and this underlying legislation keeps the doors of the government open; repeals the job-killing medical device tax that both the House and Senate have said they wanted to repeal; protects changes of the Affordable Care Act that American families have come to depend on, like keeping children on their policies; but eliminates all of the uncertainty of all of the broken portions of the Affordable Care Act, all of the broken portions of ObamaCare, all of the portions that have already seen 1,200 waivers—and waivers again just yesterday. It doesn't ask to repeal it, Mr. Speaker. It asks to delay it for 1 year so all the uncertainty that's happened can be explored.

Every Member in this Chamber has someone in his district who has lost their insurance policy, Mr. Speaker. Everyone in this Chamber has a person in their district who heard from the President of the United States: If you like your insurance policy, you can keep it. And every single one of you know, Mr. Speaker, that someone in your district has had that promise broken for them.

Let's keep what's working. Let's stop what's broken. Let's come together. Let's get this passed. We owe it to the American people.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank Ranking Member SLAUGHTER for yielding me the time.

It is clear that the Republican majority is here tonight to begin the process of shutting down the Government of the United States. How irresponsible; how counterproductive; and what a politically manufactured crisis.

The uncertainty this behavior engenders across our Nation, the fits and starts, on-again-off-again approach the majority is employing is not in the interest of economic growth and job creation, nor America's standing globally.

Speaker BOEHNER said he would not bring a bill to the floor that hasn't been posted online for at least 72 hours. Well, it's obvious he and the House Republicans won't keep their promise. In fact, this is the 34th time that legislation has been brought to the floor with less than 72 hours to read it. So we find ourselves on the brink of a government-wide shutdown, driven by a minority of the majority of just one House of Congress.

Simply put: the Republicans want to shut down the Federal Government because they're mad about the results of the 2012 elections. Republicans are mad that the Supreme Court held that the Affordable Care Act was constitutional. Threatening a government shutdown because you don't get your way is not how we should be going about conducting the people's business.

According to a CBS News poll, 80 percent of Americans say threatening a government shutdown during budget debate is not an acceptable way to negotiate.

Our entire country will be affected by what is happening here. Moody's Analytics estimates that a shutdown of 3 to 4 weeks would cut economic growth in half.

Why do this when our economy is recovering? Housing loans won't be made, small business loans; our national parks will be closed; lifesaving research won't be conducted. Why do this? Why put the country through all this?

Previous government shutdowns and manufactured crises have had severe consequences. During the first 1995 shutdown, 800,000 workers were furloughed. And during the debt ceiling fight in 2011, the Dow Jones industrial average tumbled 1,700 points, or nearly 14 percent.

Let's stop the antics and govern, not shut down the Government of the United States.

I ask my colleagues to vote against this measure and support economic growth not manufactured crises.

Mr. SESSIONS. Mr. Speaker, you know, one of the most commonsense classes that we've ever had of new Members of Congress has arrived in Washington. They're in their first year, and they're seeing some amazing things that are happening.

I yield 2 minutes to the gentleman from North Carolina (Mr. PITTENGER), one of these new freshman gentlemen.

Mr. PITTENGER. Let's talk about responsibility tonight, Mr. Speaker.

You know, we've gotten notices from our constituents for the last many weeks that their premiums now, they're getting their notices, they're going up. I had one doctor who wrote me with his family that's gone up 200 percent—$11,000 deductible; yet he has to pay $1,100 a month. Another friend called me, his premium is 250 percent more.

So let's talk about responsibility. Let's talk about what made America great in terms of health care.

People come from all over the world to our shores for great health care. Do you know why, Mr. Speaker? Innovation. America has the greatest health care in the world; yet innovation now is going to be curtailed. The great research hospitals of this country now are having to cut back because they don't see that opportunity.

We have changed the whole direction through centralized planning, through a great bureaucracy running health care that's going to cut into innovation. It's not going to make us the country we were.

You know, there was a time when we used to have to pay about $9,000 for laser surgery, and today it's about $1,500. That's because of innovation; it's because of competition. We're going to lose competition in the market today, Mr. Speaker. That doesn't make sense.

I would like to say a bit about this investment tax, 3.8 percent. I wonder how many people in the country right now are just waking up to the fact that when they go sell their home, they're going to pay another 3.8 percent tax. All that was written in that 2,000-page document has finally come to light, and that's why people are so concerned.

We have got to change this, Mr. Speaker. That's why I want to advocate that we defer this for a whole year. Let the truth come out, and then let's make a wise decision for the American people.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, many of us promised our constituents that we would come back here to Washington and fight for them. I imagine that there are some families in America right now holding an 8-year-old or a 10-year-old, maybe a teenager, with a preexisting disease. Maybe like the little girl that I heard about when we were debating the Affordable Care Act that had leukemia, and time after time after time she was rejected by insurance companies until she died.

And so I asked the question earlier tonight: What is the morally right thing to do? And I want to announce what is going to happen tonight.

Let us be very clear. Let us not be full of smoke and mirrors. Tonight, the Republican majority will vote to shut the government down. I'll say it again: they will vote to shut the government down. They will look that family in the eye, and they will say that they are delaying the Affordable Care Act—long approved. But they are actually destroying it and eliminating it. A delay is eliminating it.

They will stop the American people on October 1 from getting premiums between $100 and $130. They will stop seniors from being able to have help with their prescription part D, their prescription drugs, choosing dog food over their prescription. They will stop preventative care. They will stop research for cancer and leukemia and heart disease and stroke. They will stop the preventative care nonpayments. And they will also stop those young families from being able to have insurance.

Remember what I said: What is the morally right thing to do? Is it morally right to be able to provide for the American people health care that they've never had? Is it the morally right thing to shut down the government so that seniors trying to get

Medicare benefits will not have anybody to process them, or Social Security, or the disabled, or downpayment for homes for young families?

I came here to stand for the American people. Tonight you will witness the shutdown of the government. That is what the vote will be, a shutdown of this government.

Mr. SESSIONS. Mr. Speaker, you know, I would have to beg to differ with the gentlewoman. That's not what this bill is about. Evidently, the gentlewoman has not had time to read the bill. We are not debating shutting down the House. We are debating what is called a continuing resolution, Mr. Speaker. So I would encourage her to please go, and we will help her at the Rules Committee and make sure she understands what the bill is about.

Mr. Speaker, at this time, I yield 2 minutes to the gentleman from North Carolina (Mr. MEADOWS), a distinguished young man.

Mr. MEADOWS. Mr. Speaker, I rise today to hopefully address some of the things that were just mentioned.

We talk about a moral obligation. Truly, it is troubling to me to hear so much talk in terms of a moral obligation when my State, the State of North Carolina, is about to see the largest increase in insurance premiums because of the Affordable Care Act in the country. When we talk about 27-year-olds that can purchase insurance today, Mr. Speaker, for $35 a month, and it goes to over $180 a month, what is morally right about that, I ask you, Mr. Speaker?

You know, we've talked a whole lot in this Chamber about the fact that there was a vote taken, that a President was elected. Indeed, we did elect a President a mere 9 months ago. But I want to remind you, Mr. Speaker, that I was also elected some 9 months ago. And we did not elect a dictator; we elected a President. We did not have a vote that did not elect Representatives. It is time that the Representatives start representing the people that they were elected to uphold and protect.

You know, we've heard a lot in this Chamber this evening about the government—the government this, the government that. When do we start focusing on the people? Because it is the people who are losing jobs. It's the people who can't keep their insurance. It's the people whose insurance premiums are going up. It's the people who are losing their jobs and being cut back on hours to get part-time.

It is time that we stop acting like loyal subjects and start acting like the Representatives that we were voted into office to uphold and represent the people of this great country.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentlelady for yielding.

Mr. Speaker, we are debating a continuing resolution, a budget. A budget deals with amounts that we appropriate. This budget represents great compromise—$250 billion less than the President first proposed.

But we are told we cannot pass this continuing resolution, we cannot keep the government open unless we repeal or delay the Affordable Care Act, an act which was fought over in the last Presidential election, which was passed by both Houses of Congress, signed by the President. The President campaigned for reelection saying he would implement it; the Republicans said don't. The President and the Democratic Senate were reelected.

We think the Affordable Care Act will help more Americans get affordable health insurance. Republicans don't agree. So they should campaign on it in the next election. If they can get the votes, elect enough Senators, et cetera, repeal it. But that's not what they're doing. They are blackmailing the country. They are saying they will shut down the government, or worse—they will destroy the full faith and credit of the United States in a few weeks if we don't repeal or delay ObamaCare.

This is antidemocratic. It's like a 1930s gangster film—that's a nice government you got there, that's a nice economy you got there; pity if it should happen to blow up if you don't pay us off by giving us what we want.

What if the Democratic majority in the Senate said: we won't approve a continuing resolution; we will shut down the government unless both Houses pass a strong gun control bill, or an immigration bill with a fast track to citizenship? The Republicans would be greatly outraged, would be rightly outraged at that blackmail. But that's what they are doing here today. The minority is blackmailing the majority of the country.

This is subversive to democratic government. Government by blackmail cannot be allowed to destroy the American form of government, which is what this attempt represents. If we give into this, then the minority can rule against the majority. If you want to repeal the Affordable Care Act, elect a President, elect a majority in both Houses, and go do it. But we must not give into this threat to democratic government and transform it into a different type of government. That's why we must pass the continuing resolution without these subversive amendments.

□ 2030

Mr. SESSIONS. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Bucks County, Pennsylvania, Congressman FITZPATRICK.

Mr. FITZPATRICK. Mr. Speaker, I thank the chairman for his leadership on this continuing resolution, which, if adopted, will guarantee that the government continues to operate.

I rise this evening in support of the rule and the repeal of the medical device tax, which is one of 20 unnecessary taxes used to fund the President's misguided health care law.

Southeastern Pennsylvania, and in particular the Eighth Congressional District, is home to exceptional medical device manufacturers and innovative health care companies that are truly making a difference. This unique and essential form of manufacturing is an area in which America excels.

Simply put, the medical device tax is a punitive gross receipts tax. It hurts American businesses by eroding their competitive advantage to innovate in the United States. It hurts high-skilled workers whose companies are putting the future of their industry at risk. It discourages innovators from choosing health care as a pursuit. It drives up the cost of health care for Americans.

Dave Holcombe of Souderton, Pennsylvania, wrote to me:

> Nationwide, our industry directly employees over 400,000 people and supports nearly 2 million related jobs. The recently implemented tax on medical devices will likely result in the loss of as many as 43,000 of these high-paying, high-skilled American jobs, reducing American competitiveness and innovation and preventing patients from receiving the lifesaving medical devices and care that they need.

Tom Molz, the president and CEO of the Stout Medical Group in my district wrote:

> This tax will force medical device companies to go to other countries, resulting in the loss of jobs and the loss of all other taxes generated by those jobs. The medical device industry is one of the few industries with a strong manufacturing base. It would be very disappointing to lose this base and the jobs associated with this industry.

And, finally, Jeffrey Lawler of Kintnersville, Bucks County, Pennsylvania, explained:

> Medical technology is one of the only American manufacturing sectors that is a net exporter, exporting $5.4 billion more than it imports. It also accounts for 40 percent of the global technology market. But the U.S.'s lead has shrunk dramatically in the last decade, and this tax serves as a detrimental blow, helping to further shorten the gap.

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

Mr. SESSIONS. Mr. Speaker, I yield an additional minute to the gentleman from Pennsylvania.

Mr. FITZPATRICK. Mr. Speaker, these are real jobs, these are real concerns, and this tax has real consequences.

The repeal of the tax is a strong way to support American businesses, protect American workers, and ensure Americans have affordable access to world-class health care. This is an issue that has wide bipartisan support, as we heard earlier. Seventy-nine United States Senators have already expressed support for repeal of this tax. This should be sent to the United States Senate.

I urge support of the rule and passage of the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, the Republicans aren't kidding anyone tonight. They have the ability this

evening to take up the continuing resolution that was passed in the Senate. If they passed it here tonight, it would go to the President, we would have a budget, the President would sign it, and the government would not shut down.

The government is going to shut down because they refuse to do that. They are the ones that are shutting the government down because they want to debate again the Affordable Care Act.

Now, this is the 45th time. I've come to the floor almost every time on these votes to try to repeal the Affordable Care Act. It is a farce.

What is the debate? We had an election last November. The President campaigned on the Affordable Care Act. His Republican opponent said he would repeal it. The President won.

Now I hear my colleague from Texas come here and say: oh, I've got a poll that says that people don't like the Affordable Care Act. Well, I can come up with any poll you want. I can bring you a poll down here that shows people like it or don't. Then he says: well, I've got all my constituents, they don't like it, and they're suffering this way, that. I can bring all my constituents that are waiting for October 1 so they can sign up because they don't have health insurance.

Why are we debating this tonight? We should not be debating the Affordable Care Act for the 45th time. It is the obligation of those who are in the majority to govern, not to shut the government down. That is what they want to do—shut the government down.

Then he goes on to say: oh, that's okay, we are going to pay the military. Well, I'm glad that we are going to pay the military, but what about all the other functions that are involved with the armed services? What about the support services? What about everything else that goes on with the military? That's all going to shut down. So don't give me this argument about how we are going to pay the military.

The bottom line is he knows, and they all know on the Republican side of the aisle, that by taking this vote tonight they are forcing or they are getting closer and closer to a shutdown that they are responsible for because they refuse to accept the reality that the Affordable Care Act is law.

I am not going to debate the Affordable Care Act anymore tonight. I know it's a good law; I know my constituents want it. But that's not the issue. The issue is that you are going to risk the full faith and credit of this government. That's what the issue is.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Speaker, when the American Government shuts down early next week, it will be plain that the Republicans in Congress are responsible. Unfortunately, it will be our neighbors back home and small businesses back home that will have to deal with the consequences.

When the Tea Party Republicans pushed the country towards default previously, they caused real economic damage. America's credit rating was downgraded, and their previous government shutdown cost American taxpayers over $2 billion. Now they're back for more, and they appear quite willing to cause significant economic damage again.

There is more to this story. Over the past few months, while our neighbors back home have been working hard at their jobs, getting their kids back into school, the story here in Congress has been one of dysfunction rooted in the House Republicans' inability and refusal to negotiate an overall budget for the United States with the U.S. Senate. They passed a make-believe budget proposal that was so unrealistic they could not bring themselves to come to a budget conference with the Senate.

So, without a budget, House Republicans left the country in limbo, and they embraced the severe and mindless sequester cuts as their spending strategy.

In contrast, Democrats have offered a balanced plan authored by Congressman CHRIS VAN HOLLEN from Maryland, but now we are here in the eleventh hour. The Tea Party Republicans are holding the American economy hostage, and they have charted a course for job losses and real pain. The Republicans are very poor fiscal stewards for American families and businesses. They are reckless and irresponsible.

I urge all my colleagues to vote ''no'' on their government shutdown plan.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank the gentlelady.

Mr. Speaker, I have been sitting here listening to the chairman talk about the disastrous effects of ObamaCare—destruction, devastation, chaos.

I want to read some Facebook messages that I received from members of the south Florida community this week.

One man wrote:

> Years ago, I finally scraped together enough money to buy health insurance for my family and purchased it. Months later, my wife had irregular bleeding, and we went to see her doctor. He did a pap test, and it came back normal. The bleeding stopped and life went on.
>
> Not long after, she began to bleed. Another pap test was done. Later the problem was finally diagnosed as cervical cancer.
>
> After that, I was contacted by my insurance company and told it was a preexisting condition. They dropped us, returned my premiums, and paid nothing.
>
> I was pauperized trying to pay and keep up with the surgeon for follow-up on my wife.
>
> It took years and a willingness to walk away from that debt to recover. The very talented surgeon that saved my wife's life got mostly stiffed, and the taxpayers picked up the hospital tab.
>
> We need ObamaCare.

Or how about this message from a woman in Broward County:

> I was never able to be insured except through a group plan at work. When I stopped working due to my health, it was impossible to obtain a policy. I had tried different companies, but was rejected each time due to my congenital heart defect.
>
> I went uninsured for about 3 years. Once the Affordable Care Act's preexisting condition plan started, I finally got coverage through the preexisting insurance pool.
>
> Unfortunately, I just learned that I need my fifth open-heart surgery again and know ObamaCare will cover me, whereas no other private insurer will. I am willing to explain the struggles of individuals like myself who were born with pediatric problems, but have grown into aging adults who are not poor enough for Medicaid or old enough for Medicare and are always denied private individual insurance.
>
> To deny care for those of us who were born with a medical issue that we did not choose to have, it is reckless to exempt us from being insured.

Mr. Speaker, what is reckless and destructive and devastating and chaotic is the Republican majority's decision to drive this government to close. There has been enough delay. Too many Americans have been waiting far too long for access to affordable health care.

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

I will remind my friends that we hear stories after stories about companies dropping their employees from their employee-sponsored health care plans because of the costs and the way the health care bill is written.

I think it is very interesting how—I have great sympathy for individuals who are having problems. They are in the district that I represent from Dallas also—the vast majority of people who are going to be just like them, huge amounts of people, are now being impacted by ObamaCare.

It goes back to an argument that we made years and years ago moving forward: don't impact the people that have health care and insurance; help the people that don't have that. This is a case that is happening all across this country.

The problem is the President played a Robin Hood plan. He went after everybody that has got insurance, he went after everybody that had a job, he went after employers. Rather than us taking care of those that did not—and let's say there were going to be 23 million people that were going to be covered, and I believe that that was the number years ago—23 million people times about $5,000 a contribution so that they could get an insurance plan would be far less destructive on our economy than going after 230 million people and destroying their health care plans.

This comes back to a simple ideology, Mr. Speaker. They want a government-run health care system. That is what they are after—a government-

run health care system, just like they want in other areas of the free economy. That's why they've done so many outward things with not only student loans to the banking industry, health care industry, the energy industry; they have an attack and an assault on employers and the American people.

I have great respect for these individuals that we're talking about. I share their concern and I guarantee you I and my office will help these people and have been helping these people, and we care about them.

But that's not what we fixed. We did a Robin Hood plan to take from everybody else and put everybody in trouble then, including the economy, including jobs, and we are now a part-time American economy.

By the way they wrote the bill, it is not only expensive but it kills jobs. It is just as effective as what their EPA war on coal is. It is an attack and assault on the free enterprise system and free people.

To say that the Republican Party doesn't care about these individuals is simply not true. We would offer a plan, a different way to look at it, and take the 230 million Americans that had something and worry about the others. That is what we have been trying to do all 17 years I've been in Congress.

The biggest divide in this country is on taxes, and it's on health care. Republicans want normal, regular people to be able to have health care. That is what we believe in. That's the difference and the real story behind tonight.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I hope all of America is listening tonight because we are seeing one of the darkest moments in the history of this Congress for what we are about.

□ 2045

The Republican Party is held hostage by a Senator 8 months here to undermine the democratic process. Here we are, and they will shut down the government of the United States because we will not enforce the law.

Affordable Care is the law.

Everything the distinguished gentleman from Texas just said he said during debate. We're not debating. It's the law. It's the law of the land. It has been upheld by the Supreme Court. It has been debated in the elections. President Obama ran on it. Romney said, if he got elected, he'd throw it away. The President said, if he got elected, he would make it work.

And the people spoke.

Make no mistake about it, my friends, the Republicans. The American people are never going to forget that it was you who shut down the government of the people.

Mr. SESSIONS. Mr. Speaker, it is not I. It will not be I. I am here to help, and the legislation that's on the floor is about a continuing resolution.

At this time, I yield 2 minutes to the gentleman from Houston, Texas, Congressman CULBERSON.

Mr. CULBERSON. Mr. Speaker, the Democrat side of the aisle can say it until they're blue in the face that the sky is green. That doesn't make it green. It is not true.

This legislation is designed to keep the government open by fully funding it at levels that the Senate has already agreed to.

I think it's also good to get a few other things straight around here and point out that Social Security checks, even in the unlikeliest event the government were to close down, will continue to flow because employees of all mandatory programs administered by the government are considered to be essential. Social Security checks are obviously essential. Those employees are essential. Social Security will continue to flow.

My colleague from Texas said that children would be thrown off of their parents' insurance policies. That law took effect last year. It's not affected by what's before the House today. My colleague also said children or people with preexisting conditions could be denied coverage. That is also incorrect, because that law took effect last year.

The bill before the House today fully funds the government. We are even separately funding the military, and we are going to give a stark choice to the President of the United States and the Senate: Do you want to shut down the government or do you want to force on the American people a 2,500-page bill that was forced through here so fast that Speaker PELOSI said that we have to pass the bill to find out what's in it?

One of my colleagues from North Carolina just pointed out that many Americans are waking up today to discover there is a 3.8 percent tax on the sales of their homes. How many other surprises do we have in this 2,500-page bill?

All Republicans are asking tonight is to give the Nation a year to study a 2,500-page bill that even Speaker PELOSI didn't have a clue as to what was in it. We as a Nation deserve to read and understand one of the most important pieces of legislation passed in the history of Congress—which will socialize the greatest health care system ever created. We are in the House tonight, fulfilling our responsibility as adults to fund the government, to fund the military—and by the way, the Senate has had the Defense Department appropriations bill for over 90 days and the Military Construction and VA for 90 days each.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, by refusing to advance a resolution that can pass the Senate, the Republican majority has made the reckless and irresponsible choice to shut down the Federal Government.

The Affordable Care Act is the law of the land. It was passed by a majority in this House and the Senate. It was signed into law by the President, and it has been upheld by the Supreme Court. To try to repeal the Affordable Care Act at a time when we are talking about funding the government is like mixing apples with oranges. I've heard so many horror stories about the Affordable Care Act, all of which are irresponsible. Let me say some facts about it.

In my State of New York, people who enroll in the highest tiered plans our health insurance exchange will offer can expect to see a 53 percent reduction compared to this year's individual rates. The average approved rates for the individual silver plan in New York are 10 percent lower than previously forecasted by the CBO. These reductions don't even take into account the subsidies that will be available for many New Yorkers who are purchasing coverage on the exchange, which will lead to even lower costs.

It is time for Republicans to accept reality and to allow this law to start helping the American people. The government should not be shut down. This is a very, very dangerous course. Would you rather see small business owners struggle as the SBA will be unable to review loan applications or loan guarantees? Republicans should not shut the government down.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS. Mr. Speaker, I rise in opposition to this rule and to the underlying amendments.

I want to be very clear. I don't even have a voice, but I want to let America know that House Republicans are shutting down the government. They are doing it intentionally. They are doing it on purpose.

Mr. Speaker, 1.4 million Active Duty personnel won't get their paychecks. About half of the Federal civilian employees won't get paid. Those who do show up at work won't be paid. House Republicans are shutting down the government. Even as we mourn the tragedy at the Navy Yard here in Washington, Active Duty military would be guaranteed to receive their pay, but their civilian counterparts, who risk their lives in service to the mission, would not. House Republicans are shutting down the government. We are losing waves of Federal employees in furloughs. We are undermining their benefits and freezing their salaries.

I urge my colleagues to reject this.

Tonight, I want it to be known that the Senate won't take it up. The President won't sign it. House Republicans are shutting down the government.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

To advise the gentlewoman, I am through with my speakers, and I will then, as she finishes, offer a close.

The SPEAKER pro tempore. The gentleman from Texas has 2½ minutes remaining. The gentlewoman from New York has 1½ minutes remaining.

Ms. SLAUGHTER. I understand that the gentleman is prepared to close.

With that, Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, what you are proposing in this legislation—basically shutting down the government and stiffing our creditors—is really stupid, and here is why.

We have got to move on. We have had a debate about health care. Some of us are strongly in favor of this legislation, and some of us are strongly opposed to it. That's a legitimate policy debate, but the folks for it won in Congress; they won in the Supreme Court; and they won in the last Presidential election. At a certain point—I've been on the losing side, by the way—it's time to say, Sober up. Move on. Get on with the program. Focus on what are the implementation challenges, and work on them together.

But the notion that we would actually suggest that it's possible for us to consider stiffing our creditors in shutting down the government and inflicting pain on innocent people—that's bizarre. It has no place in this debate. Sometimes we win debates and sometimes we lose, but either side, we've got to move on.

Ms. SLAUGHTER. Mr. Speaker, in closing, I want to urge my colleagues to vote ''no'' on this rule and ''no'' on this bill because—no question about it—a ''yes'' vote on either one of them is a vote for the shutdown in the House. The Senate will not take this up—we are absolutely certain of it—and we are on the road to a shutdown. The Republican Party insists on doing that. Do not help them. Vote ''no.''

I yield back the balance of my time.

Mr. SESSIONS. I yield myself the balance of my time.

Mr. Speaker, I would like to just go through the things that we've talked about that are the attributes of why we are here tonight.

The cost to taxpayers: $716 billion was cut from senior care, Medicare, to fund ObamaCare. That harms our seniors.

Just one example of the cost to employers: Delta Air Lines announced that ObamaCare will cost its company $100 million in increased health care costs over the next year.

Americans are losing their current health care coverage. We read about it, and we know that UPS, Walgreens, and many other employers are losing their health care coverage that they have today.

Fewer hours and fewer full-time jobs. Since ObamaCare was passed, there have been seven part-time jobs for every one full-time job that was added.

Mr. Speaker, this is not a way to move our country forward. The Republican Party is prepared. We believe and can substantiate that a ''yes'' vote is for making sure that we keep this government open—something that the American people want and need. That's why the Republican Party—233 strong—is here tonight. I urge my colleagues to vote ''yes'' on the rule and ''yes'' on the underlying legislation.

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

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition to the rule and the underlying resolution.

I oppose this rule because it conditions the funding needed to avoid a government shutdown on a one-year delay in the implementation of the Affordable Care Act and a repeal of the excise tax on certain medical device that helps defray the cost of the affordable, quality healthcare made available for the first time to millions of Americans by the Affordable Care Act (ACA).

I oppose this rule because the two amendments it makes in order to the ''clean'' continuing resolution passed yesterday by the Senate will, if approved, result in a shutdown of the government.

Both President Obama and Senate Majority Leader REID have it crystal clear that they will not accept any continuing resolution containing any provision to delay, defund, or weaken the Affordable Care Act.

The Affordable Care Act, or Obamacare, was passed by both houses of Congress and signed into law by the President three years ago. It has been upheld by the Supreme Court. It is here to stay.

Mr. Speaker, you would think our friends across the aisle would have gotten this message by now because they have tried to repeal or undermine the Affordable Care Act more than 40 times without success.

As former President Clinton would say: ''Here's another Obamacare score for you: 'Obamacare—42, House Republicans—zero'.''

Since it is clear that anti-Obamacare amendments made in order by this rule are not going to become law, the only purpose to be served by this latest kamikaze mission by our friends across the aisle is to shut down the government and harm the economic recovery and disrupt the lives of millions of Americans who provide and depend upon the services provide by the federal government.

Mr. Speaker, it is well and good that House majority has finally realized the importance of ensuring that our troops are paid so they can provide for their families.

However, this piecemeal approach of singling out worthy beneficiaries on an ad hoc basis is inadequate as it denies many other critical services that Americans depend so heavily on.

That is why it is grossly irresponsible for House Republicans to be wasting time on a resolution like the one before us that will lead to a government shutdown.

Mr. Speaker, we need to pass the clean CR approved by the Senate so we can keep our promises to our veterans, as well as the doctors, nurses, and hospital workers who take care of our wounded and healthy warriors.

We need to pass the clean CR approved by the Senate so we can fund our engineers and technicians who maintain all of our critical military equipment to keep our troops safe and take care of national security infrastructure.

We need to pass the clean CR approved by the Senate so we can fund our IT security folks who protect us from cyber-attacks, and our astronauts who risk their lives to push the technical boundaries of knowledge for all mankind.

These exceptional Americans, and the people who depend on them and benefit from their work, do not deserve to be locked out of their workplaces on Tuesday.

These exceptional Americans deserve a Congress that does its job and keeps America open for business.

Mr. Speaker, make no mistake about it, given the lateness of the hour and the irresponsibility of the House majority in wasting time trying to defund or impede the implementation of the Affordable Care Act, any vote other than one to concur in the clean continuing resolution passed yesterday by the Senate is a vote to shut down the government.

For these reasons and more, I oppose this rule and the underlying amendments it makes in order and urge my colleagues to join me in urging the passage of H.J. Res. 59 as amended by the Senate so that Americans can rest assured that their government will be open for business and to serve them on Tuesday morning.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and the motion to suspend on H.R. 2251.

The vote was taken by electronic device, and there were—yeas 229, nays 192, not voting 10, as follows:

[Roll No. 494]

YEAS—229

| | | |
|---|---|---|
| Aderholt | Coffman | Gardner |
| Amash | Cole | Garrett |
| Amodei | Collins (GA) | Gerlach |
| Bachmann | Collins (NY) | Gibbs |
| Bachus | Conaway | Gibson |
| Barletta | Cook | Gingrey (GA) |
| Barr | Cotton | Gohmert |
| Barton | Cramer | Goodlatte |
| Benishek | Crawford | Gosar |
| Bentivolio | Crenshaw | Gowdy |
| Bilirakis | Culberson | Granger |
| Bishop (UT) | Daines | Graves (GA) |
| Black | Davis, Rodney | Graves (MO) |
| Blackburn | Denham | Griffin (AR) |
| Boustany | Dent | Griffith (VA) |
| Brady (TX) | DeSantis | Grimm |
| Bridenstine | DesJarlais | Guthrie |
| Brooks (AL) | Diaz-Balart | Hall |
| Brooks (IN) | Duffy | Hanna |
| Broun (GA) | Duncan (SC) | Harper |
| Buchanan | Duncan (TN) | Harris |
| Bucshon | Ellmers | Hartzler |
| Burgess | Farenthold | Hastings (WA) |
| Calvert | Fincher | Heck (NV) |
| Camp | Fitzpatrick | Hensarling |
| Campbell | Fleischmann | Herrera Beutler |
| Cantor | Fleming | Holding |
| Capito | Flores | Hudson |
| Carter | Forbes | Huelskamp |
| Cassidy | Fortenberry | Huizenga (MI) |
| Chabot | Foxx | Hultgren |
| Chaffetz | Franks (AZ) | Hunter |
| Coble | Frelinghuysen | Hurt |

Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NAYS—192

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Walz
Wasserman Schultz
Waters
Watt
Welch
Wilson (FL)
Yarmuth

NOT VOTING—10

Davis (CA)
Holt
McCarthy (NY)
Meeks
Pelosi
Rohrabacher
Ros-Lehtinen
Rush
Visclosky
Waxman

□ 2118

Messrs. BRADY of Pennsylvania, PETERS of California, and CARSON of Indiana changed their vote from ''yea'' to ''nay.''

Mr. GRAVES of Missouri changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 191, not voting 9, as follows:

[Roll No. 495]

YEAS—231

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NAYS—191

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Davis (CA)
Holt
McCarthy (NY)
Meeks
Pelosi
Rohrabacher
Ros-Lehtinen
Rush
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2125

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.

## EDWARD J. DEVITT UNITED STATES COURTHOUSE

The SPEAKER pro tempore (Mr. WOMACK). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2251) to designate the United States courthouse located at 118 South Mill Street, in Fergus Falls, Minnesota, as the ''Edward J. Devitt United States Courthouse'', as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 4, not voting 11, as follows:

[Roll No. 496]

YEAS—416

Aderholt
Amash
Amodei
Andrews
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Bass
Beatty
Becerra
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter
Cartwright
Cassidy
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Cotton
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Daines
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSantis
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Gutiérrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Himes
Hinojosa
Holding
Honda
Horsford
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meng
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Negrete McLeod
Neugebauer
Noem
Nolan
Nugent
Nunes
Nunnelee
O'Rourke
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Perlmutter
Perry
Peters (CA)
Peters (MI)
Peterson
Petri
Pingree (ME)
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Pocan
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Radel
Rahall
Rangel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schock
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
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Southerland
Speier
Stewart
Stivers
Stockman
Stutzman
Swalwell (CA)
Takano
Terry
Thompson (CA)
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Thornberry
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Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Wagner
Walberg
Walden
Walorski
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NAYS—4

Denham
Johnson (GA)
Massie
Sanford

NOT VOTING—11

Davis (CA)
Grijalva
Holt
LaMalfa
McCarthy (NY)
Meeks
Pelosi
Rohrabacher
Ros-Lehtinen
Rush
Visclosky

□ 2132

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to designate the United States courthouse and Federal building located at 118 South Mill Street, in Fergus Falls, Minnesota, as the 'Edward J. Devitt United States Courthouse and Federal Building'.''.

A motion to reconsider was laid on the table.

## CONTINUING APPROPRIATIONS RESOLUTION, 2014

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution 366, I call up the joint resolution (H.J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Strike all after the first word and insert the following:

*the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2014, and for other purposes, namely:*

*SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2013 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2013, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:*

*(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2013 (division A of Public Law 113–6), except section 735.*

*(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2013 (division B of Public Law 113–6).*

*(3) The Department of Defense Appropriations Act, 2013 (division C of Public Law 113–6).*

*(4) The Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6).*

*(5) The Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2013 (division E of Public Law 113–6).*

*(6) The Full-Year Continuing Appropriations Act, 2013 (division F of Public Law 113–6).*

*(b) The rate for operations provided by subsection (a) for each account shall be calculated to reflect the full amount of any reduction required in fiscal year 2013 pursuant to—*

*(1) any provision of division G of the Consolidated and Further Continuing Appropriations*

*Act, 2013 (Public Law 113–6), including section 3004; and*

*(2) the Presidential sequestration order dated March 1, 2013, except as attributable to budget authority made available by—*

*(A) sections 140(b) or 141(b) of the Continuing Appropriations Resolution, 2013 (Public Law 112–175); or*

*(B) the Disaster Relief Appropriations Act, 2013 (Public Law 113–2).*

*SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for: (1) the new production of items not funded for production in fiscal year 2013 or prior years; (2) the increase in production rates above those sustained with fiscal year 2013 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2013.*

*(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.*

*SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.*

*SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2013.*

*SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.*

*SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2014, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2014 without any provision for such project or activity; or (3) November 15, 2013.*

*SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.*

*SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.*

*SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2014 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.*

*SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.*

*SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2013, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2013, to be continued through the date specified in section 106(3).*

*(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2013 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.*

*SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2013, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.*

*SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).*

*SEC. 114. (a) Each amount incorporated by reference in this joint resolution that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.*

*(b) Of the amounts made available by section 101 for ''Social Security Administration, Limitation on Administrative Expenses'' for the cost associated with continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, $273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $469,639,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act.*

*(c) Section 5 of Public Law 113–6 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.*

*SEC. 115. Section 3003 of division G of Public Law 113–6 shall be applied to funds appropriated by this joint resolution by substituting ''fiscal year 2014'' for ''fiscal year 2013'' each place it appears.*

*SEC. 116. Section 408 of the Food for Peace Act (7 U.S.C. 1736b) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''December 31, 2012''.*

*SEC. 117. Amounts made available under section 101 for ''Department of Commerce—National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction'' may be apportioned up to the rate for operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System and the Geostationary Operational Environmental Satellite system.*

*SEC. 118. The authority provided by sections 1205 and 1206 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) shall continue in effect, notwithstanding subsection (h) of section 1206, through the earlier of the date specified in section 106(3) of this joint resolution or the date of the enactment of an Act authorizing appropriations for fiscal year 2014 for military activities of the Department of Defense.*

*SEC. 119. Section 14704 of title 40, United States Code, shall be applied to amounts made available by this joint resolution by substituting the date specified in section 106(3) of this joint resolution for ''October 1, 2012''.*

*SEC. 120. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds under the heading ''District of Columbia Funds'' for such programs and activities under title IV of H.R. 2786 (113th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under ''District of Columbia Funds—Summary of Expenses'' as included in the Fiscal Year 2014 Budget Request Act of 2013 (D.C. Act 20–127), as modified as of the date of the enactment of this joint resolution.*

*SEC. 121. Notwithstanding section 101, amounts are provided for ''The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Defender Services'' at a rate for operations of $1,012,000,000.*

*SEC. 122. For the period covered by this joint resolution, section 550(b) of Public Law 109–295 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''October 4, 2013''.*

*SEC. 123. The authority provided by section 532 of Public Law 109–295 shall continue in effect through the date specified in section 106(3) of this joint resolution.*

*SEC. 124. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this joint resolution.*

*SEC. 125. (a) Any amounts made available pursuant to section 101 for ''Department of Homeland Security—U.S. Customs and Border Protection—Salaries and Expenses'', ''Department of Homeland Security—U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology'', and ''Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses'' shall be obligated at a rate for operations as necessary to respectively—*

*(1) sustain the staffing levels of U.S. Customs and Border Protection Officers, equivalent to the staffing levels achieved on September 30, 2013, and comply with the last proviso under the heading ''Department of Homeland Security—U.S. Customs and Border Protection—Salaries and Expenses'' in division D of Public Law 113–6;*

*(2) sustain border security operations, including sustaining the operation of Tethered Aerostat Radar Systems; and*

*(3) sustain the staffing levels of U.S. Immigration and Customs Enforcement agents, equivalent to the staffing levels achieved on September 30, 2013, and comply with the sixth proviso under the heading ''Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses'' in division D of Public Law 113–6.*

*(b) The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.*

*SEC. 126. In addition to the amount otherwise provided by section 101 for ''Department of the Interior—Department-wide Programs—Wildland Fire Management'', there is appropriated $36,000,000 for an additional amount for fiscal year 2014, to remain available until expended, for urgent wildland fire suppression activities: Provided, That of the funds provided, $15,000,000 is for burned area rehabilitation: Provided further, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.*

*SEC. 127. In addition to the amount otherwise provided by section 101 for ''Department of Agriculture—Forest Service—Wildland Fire Management'', there is appropriated $600,000,000 for an additional amount for fiscal year 2014, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.*

*SEC. 128. The authority provided by section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note) shall continue in effect through the date specified in section 106(3) of this joint resolution.*

*SEC. 129. The authority provided by subsection (m)(3) of section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106–79), as amended, shall continue in effect through the date specified in section 106(3) of this joint resolution.*

*SEC. 130. Activities authorized under part A of title IV and section 1108(b) of the Social Security Act (except for activities authorized in section 403(b)) shall continue through the date specified in section 106(3) of this joint resolution in the manner authorized for fiscal year 2013, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.*

*SEC. 131. Notwithstanding section 101, the matter under the heading ''Department of Labor—Mine Safety and Health Administration—Salaries and Expenses'' in division F of Public Law 112–74 shall be applied to funds appropriated by this joint resolution by substituting ''is authorized to collect and retain up to $2,499,000'' for ''may retain up to $1,499,000''.*

*SEC. 132. The first proviso under the heading ''Department of Health and Human Services—Administration for Children and Families—Low Income Home Energy Assistance'' in division F of Public Law 112–74 shall be applied to amounts made available by this joint resolution by substituting ''2014'' for ''2012''.*

*SEC. 133. Amounts provided by section 101 for ''Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance'' may be obligated up to a rate for operations necessary to maintain program operations at the level provided in fiscal year 2013, as necessary to accommodate increased demand.*

*SEC. 134. During the period covered by this joint resolution, amounts provided under section 101 for ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'' may be obligated at a rate necessary to assure timely execution of planned advanced research and development contracts pursuant to section 319L of the Public Health Service Act, to remain available until expended, for expenses necessary to support advanced research and development pursuant to section 319L of the Public Health Service Act (42 U.S.C. 247d–7e) and other administrative expenses of the Biomedical Advanced Research and Development Authority.*

*SEC. 135. Notwithstanding any other provision of this joint resolution, there is appropriated for payment to Bonnie Englebardt Lautenberg, widow of Frank R. Lautenberg, late a Senator from New Jersey, $174,000.*

*SEC. 136. Notwithstanding section 101, amounts are provided for ''Department of Veterans Affairs—Departmental Administration—General Operating Expenses, Veterans Benefits Administration'' at a rate for operations of $2,455,490,000.*

*SEC. 137. The authority provided by the penultimate proviso under the heading ''Department of Housing and Urban Development—Rental Assistance Demonstration'' in division C of Public Law 112–55 shall continue in effect through the date specified in section 106(3) of this joint resolution.*

*This joint resolution may be cited as the ''Continuing Appropriations Resolution, 2014''.*

MOTION OFFERED BY MR. ROGERS OF KENTUCKY

Mr. ROGERS of Kentucky. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. ROGERS of Kentucky moves that the House concur in the Senate amendment to House Joint Resolution 59 with each of the two amendments printed in House Report 113–238.

The text of House amendment No. 1 to the Senate amendment to the text is as follows:

In the matter proposed to be inserted by the Senate amendment, strike section 105 and all that follows through section 129 and insert the following (renumbering succeeding sections accordingly):

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2014, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2014 without any provision for such project or activity; or (3) December 15, 2013.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2014 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2013, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2013, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2013 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2013, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this joint resolution that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) Of the amounts made available by section 101 for ''Social Security Administration, Limitation on Administrative Expenses'' for the cost associated with continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, $273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $469,639,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act.

(c) Section 5 of Public Law 113–6 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

SEC. 115. Section 3003 of division G of Public Law 113–6 shall be applied to funds appropriated by this joint resolution by substituting ''fiscal year 2014'' for ''fiscal year 2013'' each place it appears.

SEC. 116. Section 408 of the Food for Peace Act (7 U.S.C. 1736b) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''December 31, 2012''.

SEC. 117. Amounts made available under section 101 for ''Department of Commerce—National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction'' may be apportioned up to the rate for operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System and the Geostationary Operational Environmental Satellite system.

SEC. 118. The authority provided by sections 1205 and 1206 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) shall continue in effect, notwithstanding subsection (h) of section 1206, through the earlier of the date specified in section 106(3) of this joint resolution or the date of the enactment of an Act authorizing appropriations for fiscal year 2014 for military activities of the Department of Defense.

SEC. 119. Section 14704 of title 40, United States Code, shall be applied to amounts made available by this joint resolution by substituting the date specified in section 106(3) of this joint resolution for ''October 1, 2012''.

SEC. 120. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds under the heading ''District of Columbia Funds'' for such programs and activities under title IV of H.R. 2786 (113th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under ''District of Columbia Funds—Summary of Expenses'' as included in the Fiscal Year 2014 Budget Request Act of 2013 (D.C. Act 20–127), as modified as of the date of the enactment of this joint resolution.

SEC. 121. Notwithstanding section 101, amounts are provided for ''The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Defender Services'' at a rate for operations of $1,012,000,000.

SEC. 122. For the period covered by this joint resolution, section 550(b) of Public Law 109–295 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''October 4, 2013''.

SEC. 123. The authority provided by section 532 of Public Law 109–295 shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 124. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 125. (a) Any amounts made available pursuant to section 101 for ''Department of Homeland Security—U.S. Customs and Border Protection—Salaries and Expenses'', ''Department of Homeland Security—U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology'', and ''Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses'' shall be obligated at a rate for operations as necessary to respectively—

(1) sustain the staffing levels of U.S. Customs and Border Protection Officers, equivalent to the staffing levels achieved on September 30, 2013, and comply with the last proviso under the heading ''Department of Homeland Security—U.S. Customs and Border Protection—Salaries and Expenses'' in division D of Public Law 113–6;

(2) sustain border security operations, including sustaining the operation of Tethered Aerostat Radar Systems; and

(3) sustain the staffing levels of U.S. Immigration and Customs Enforcement agents, equivalent to the staffing levels achieved on September 30, 2013, and comply with the sixth proviso under the heading ''Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses'' in division D of Public Law 113–6.

(b) The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 126. In addition to the amount otherwise provided by section 101 for ''Department of the Interior—Department-wide Programs—Wildland Fire Management'', there is appropriated $36,000,000 for an additional amount for fiscal year 2014, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That of the funds provided, $15,000,000 is for burned area rehabilitation: *Provided further*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further*, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.

SEC. 127. In addition to the amount otherwise provided by section 101 for ''Department of Agriculture—Forest Service—Wildland Fire Management'', there is appropriated $600,000,000 for an additional amount for fiscal year 2014, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further*, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.

SEC. 128. The authority provided by section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 129. (a) The authority provided by subsection (m)(3) of section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106–79), as amended, shall continue in effect through the date specified in section 106(3) of this joint resolution.

(b) For the period covered by this joint resolution, the authority provided by the provisos under the heading ''Dwight D. Eisenhower Memorial Commission—Capital Construction'' in division E of Public Law 112–74 shall not be in effect.

SEC. 130. Section 1244(c)(3) of the National Defense Authorization Act for Fiscal Year 2008 (8 U.S.C. 1157 note) is amended by adding at the end the following:

''(C) FISCAL YEAR 2014.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the total number of principal aliens who may be provided special immigrant status under this section in fiscal year 2014 during the period ending on December 15, 2013 shall be the sum of—

''(I) the number of aliens described in subsection (b) whose application for special immigrant status under this section is pending on September 30, 2013; and

''(II) 2,000.

''(ii) EMPLOYMENT PERIOD.—The 1-year period during which the principal alien is required to have been employed by or on behalf of the United States Government in Iraq under subsection (b)(1)(B) shall begin on or after March 20, 2003, and end on or before September 30, 2013.

''(iii) APPLICATION DEADLINE.—The principal alien seeking special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with subsection (b)(4) not later than December 15, 2013.''.

SEC. 131. (a) REPEAL OF MEDICAL DEVICE EXCISE TAX.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

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

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

(3) The table of subchapters for chapter 32 of such Code is amended by striking the item relating to subchapter E.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this joint resolution.

The text of House amendment No. 2 to the Senate amendment to the text is as follows:

In the matter proposed to be inserted by the Senate amendment, strike section 106 and all that follows through section 129 and insert the following (renumbering succeeding sections accordingly):

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2014, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2014 without any provision for such project or activity; or (3) December 15, 2013.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2014 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this

joint resolution that would impinge on final funding prerogatives.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2013, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2013, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2013 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2013, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this joint resolution that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) Of the amounts made available by section 101 for ''Social Security Administration, Limitation on Administrative Expenses'' for the cost associated with continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, $273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $469,639,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act.

(c) Section 5 of Public Law 113–6 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

SEC. 115. Section 3003 of division G of Public Law 113–6 shall be applied to funds appropriated by this joint resolution by substituting ''fiscal year 2014'' for ''fiscal year 2013'' each place it appears.

SEC. 116. Section 408 of the Food for Peace Act (7 U.S.C. 1736b) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''December 31, 2012''.

SEC. 117. Amounts made available under section 101 for ''Department of Commerce—National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction'' may be apportioned up to the rate for operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System and the Geostationary Operational Environmental Satellite system.

SEC. 118. The authority provided by sections 1205 and 1206 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) shall continue in effect, notwithstanding subsection (h) of section 1206, through the earlier of the date specified in section 106(3) of this joint resolution or the date of the enactment of an Act authorizing appropriations for fiscal year 2014 for military activities of the Department of Defense.

SEC. 119. Section 14704 of title 40, United States Code, shall be applied to amounts made available by this joint resolution by substituting the date specified in section 106(3) of this joint resolution for ''October 1, 2012''.

SEC. 120. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds under the heading ''District of Columbia Funds'' for such programs and activities under title IV of H.R. 2786 (113th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under ''District of Columbia Funds—Summary of Expenses'' as included in the Fiscal Year 2014 Budget Request Act of 2013 (D.C. Act 20–127), as modified as of the date of the enactment of this joint resolution.

SEC. 121. Notwithstanding section 101, amounts are provided for ''The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Defender Services'' at a rate for operations of $1,012,000,000.

SEC. 122. For the period covered by this joint resolution, section 550(b) of Public Law 109–295 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''October 4, 2013''.

SEC. 123. The authority provided by section 532 of Public Law 109–295 shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 124. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 125. (a) Any amounts made available pursuant to section 101 for ''Department of Homeland Security—U.S. Customs and Border Protection—Salaries and Expenses'', ''Department of Homeland Security—U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology'', and ''Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses'' shall be obligated at a rate for operations as necessary to respectively—

(1) sustain the staffing levels of U.S. Customs and Border Protection Officers, equivalent to the staffing levels achieved on September 30, 2013, and comply with the last proviso under the heading ''Department of Homeland Security—U.S. Customs and Border Protection—Salaries and Expenses'' in division D of Public Law 113–6;

(2) sustain border security operations, including sustaining the operation of Tethered Aerostat Radar Systems; and

(3) sustain the staffing levels of U.S. Immigration and Customs Enforcement agents, equivalent to the staffing levels achieved on September 30, 2013, and comply with the sixth proviso under the heading ''Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses'' in division D of Public Law 113–6.

(b) The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 126. In addition to the amount otherwise provided by section 101 for ''Department of the Interior—Department-wide Programs—Wildland Fire Management'', there is appropriated $36,000,000 for an additional amount for fiscal year 2014, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That of the funds provided, $15,000,000 is for burned area rehabilitation: *Provided further*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further*, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.

SEC. 127. In addition to the amount otherwise provided by section 101 for ''Department of Agriculture—Forest Service—Wildland Fire Management'', there is appropriated $600,000,000 for an additional amount for fiscal year 2014, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further*, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.

SEC. 128. The authority provided by section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 129. (a) The authority provided by subsection (m)(3) of section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106–79), as amended, shall continue in effect through the date specified in section 106(3) of this joint resolution.

(b) For the period covered by this joint resolution, the authority provided by the provisos under the heading ''Dwight D. Eisenhower Memorial Commission—Capital Construction'' in division E of Public Law 112–74 shall not be in effect.

SEC. 130. Section 1244(c)(3) of the National Defense Authorization Act for Fiscal Year 2008 (8 U.S.C. 1157 note) is amended by adding at the end the following:

''(C) FISCAL YEAR 2014.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the total number of principal aliens who may be provided special immigrant status under this section in fiscal year 2014 during the period ending on December 15, 2013 shall be the sum of—

''(I) the number of aliens described in subsection (b) whose application for special immigrant status under this section is pending on September 30, 2013; and

''(II) 2,000.

''(ii) EMPLOYMENT PERIOD.—The 1-year period during which the principal alien is required to have been employed by or on behalf

of the United States Government in Iraq under subsection (b)(1)(B) shall begin on or after March 20, 2003, and end on or before September 30, 2013.

''(iii) APPLICATION DEADLINE.—The principal alien seeking special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with subsection (b)(4) not later than December 15, 2013.''.

SEC. 131. (a) ONE-YEAR DELAY IN IMPLEMENTATION OF ACA.—Notwithstanding any other provision of law (including section 106 of this joint resolution), to the extent that a provision of ACA (or a change in law attributable to such a provision) is scheduled to and would otherwise take effect on a date during the period beginning on October 1, 2013, and ending on December 31, 2014, such provision (or change) shall not be effective during the 1-year period beginning on such date. During such 1-year period, the previous sentence shall be implemented in a manner as to continue the law as in effect as of the day before such date and shall take into account changes that would otherwise be made without regard to any such provision. Upon the expiration of such 1-year period, except as may otherwise be provided, the provisions of ACA (including the changes in law attributable to such provisions) shall be implemented as if the previous provisions of this subsection had not applied. Section 2713(a)(4) of the Public Health Service Act (42 U.S.C. 300gg–13(a)(4)) shall not be effective for any period before January 1, 2015, with respect to the requirement for specific coverage for any sponsor of a group health plan (or, in the case of student health plans, the institution of higher education offering such plans), health insurance issuer, or individual opposing such requirement for coverage based on religious or moral objections.

(b)(1) INTERNAL REVENUE CODE OF 1986.—In the case of any amendment made by ACA to the Internal Revenue Code of 1986, such amendment shall not apply to—

(A) except as otherwise provided in this paragraph, taxable years or plan years, as the case may be, beginning during 2014,

(B) in the case of sections 36B and 4980H of such Code, months beginning during 2014,

(C) in the case of section 4191 of such Code, sales during 2014,

(D) in the case of subchapter B of chapter 34 of such Code, policy and plan years beginning during 2014,

(E) in the case of section 5000B of such Code, services performed during 2014,

(F) in the case of sections 6055 and 6056 of such Code, calendar year 2014,

(G) in the case of any amendment made by ACA to section 6103 of such Code, disclosures during 2014,

(H) in the case of any amendment made by section 9004 of the Patient Protection and Affordable Care Act, distributions made during 2014, and

(I) in the case of any amendment made by section 1409 of the Health Care and Education Reconciliation Act of 2010, transactions entered into during 2014.

(2)(A) ANNUAL FEES.—Sections 9008 and 9010 of the Patient Protection and Affordable Care Act shall not apply to annual payment dates (within the meaning of such sections) during 2014.

(B) PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND.—Notwithstanding any other provision of law, during 2014, no amount may be—

(i) appropriated, credited, or otherwise transferred to the Patient-Centered Outcomes Research Trust Fund, or

(ii) transferred from such Fund.

Subsections (a) and (b)(1) shall not apply to section 9511 of the Internal Revenue Code of 1986.

(3)(A) COORDINATION WITH PROVISIONS SUSPENDED UNDER THIS SUBSECTION.—Subsection (a) shall not apply with respect to any provision of ACA to which this subsection applies.

(B) COORDINATION WITH PROVISIONS NOT SUSPENDED UNDER SUBSECTION (a).—Paragraph (1) shall not apply to—

(i) section 9815 of the Internal Revenue Code of 1986,

(ii) the amendments made by section 1322(h) of the Patient Protection and Affordable Care Act, and

(iii) the amendments made by section 1004(d) of the Health Care and Education Reconciliation Act of 2010.

(c) IMPLEMENTATION.—The Secretaries of Health and Human Services and the Treasury shall take such steps as may be required to implement the provisions of this section on a timely basis.

(d) ACA DEFINED.—In this section, the term ''ACA'' means—

(1) the Patient Protection and Affordable Care Act (Public Law 111–148), including any amendment made by such Act; and

(2) title I and subtitle B of title II of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), including any amendment made by such title or subtitle.

The SPEAKER pro tempore. Pursuant to House Resolution 366, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from Kentucky (Mr. ROGERS) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. ROGERS of Kentucky. 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 further consideration of H.J. Res. 59.

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to move forward with H.J. Res. 59, the continuing resolution that will keep the doors of the government open after the end of the fiscal year on Monday.

It's unfortunate that yet again we are in this situation facing yet another shutdown showdown with no solution to our many fiscal problems in sight. Funding the government with a continuing resolution should not be plan A, plan B, or even plan Z. But our challenges are many, our timeline is short, so passing this CR today is absolutely essential.

The House passed a version of this bill last Friday. The Senate amended it and sent it back to us to consider once again. The motion before us agrees to the Senate amendments with two further amendments: one delaying ObamaCare for a year, and one repealing the medical device tax.

Included in each amendment are three changes that I've requested. The first changes the date back to the House-passed end date of the CR of December 15 to give us more time to pass the fiscal year 2014 appropriations bills. I've been flexible on this issue from the very beginning, but this longer timeframe will help us avoid the potential need for another CR in the interim.

The second change would make a technical change to an anomaly for the Eisenhower Commission added by the Senate. This change will simply continue the status quo of a hold on that project.

Finally, the third will add a new anomaly to extend the authority for the United States to issue special immigrant visas for the length of this CR. This authority is necessary to ensure that the visas continue for Iraqis who assisted the U.S. during the war, many of whom put their lives on the line to do so. It's become clear that since this CR was first introduced that this new provision has wide bipartisan support.

Mr. Speaker, one of our primary jobs as Members of Congress is to provide our people with important programs and services only the Federal Government can provide and to ensure that these services are available. This bill does that. However, it's also our responsibility to address the Nation's fiscal challenges head-on with a realistic and pragmatic approach that will allow for attainable solutions.

With the debt ceiling looming, a fragile economy in recovery, and the threat of additional, draconian sequestration cuts that will gut our national defense, it's essential that we come together to find common ground. One side cannot do it alone, and inaction or failure on these crucial issues could lead to disastrous results for our people and our Nation for years to come.

Let me take a moment now to remind us all of just a few of the consequences if the government were to shut down: our troops will not be paid and national security will be put at risk; our borders will weaken; our most vulnerable citizens, the elderly and our veterans, may not get the assistance they rely upon; our businesses, facing great uncertainty, will take a hit; our economy will suffer.

We must act responsibly to keep our government open and our country on stable economic footing. Now and in the near future, we must also act as productive partners to keep the Nation safe, provide our people with essential services, rein in unsustainable entitlement programs, and secure a responsible and realistic Federal budget.

And we must remember that we do this not just for ourselves and our districts, but we do it for the Nation as a whole. I hope that today—with the countdown to shutdown clocks ticking away—my colleagues will understand that funding the government is one of those essential duties, and I ask you to vote ''yes'' on this continuing resolution.

I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume to discuss the majority's intransigence.

The bill the House is considering tonight takes yet another step towards total dysfunction. Instead of working with Democrats to prevent a shutdown, the majority has gotten even more extreme by writing a bill that has no chance of becoming law and will be the 43rd vote on repealing or undermining the Affordable Care Act.

While the old saying goes, if at first you don't succeed, try and try again, I say to my colleagues across the aisle tonight: stop trying. You will not succeed in giving our medical choices back to the insurance companies and keeping health insurance costs too high for too many families, and it continues the Republican war on women by allowing a woman's employer to determine what safe and legal health services she can access.

The bill the Senate returned to the House would not increase spending, but one provision within the jurisdiction of Ways and Means would cost $30 billion. The majority is wasting time as we get closer and closer to a shutdown, because we all know this bill will be dead on arrival in the Senate.

Here's a sample of what the House majority shutdown will do: small business owners will stop receiving Federal loans to hire and expand their businesses; the National Institutes of Health will stop receiving new patients; veterans' benefits will be disrupted; and housing loans for middle class families will be put on hold.

These are the painful results of the Republicans' refusal to act responsibly.

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They walked out of negotiations with the President last year. They ignored the President's deficit reduction plan in his budget. They refused to go to conference on a budget resolution. And they repeatedly voted down Democrat amendments to replace sequestration.

And now, when it's time to fulfill our most basic task of funding government operations, Republicans push us further to the brink of a shutdown. Anyone who votes to amend the Senate bill is voting for a shutdown.

Vote ''no'' on the Republican shutdown proposal, and I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 5 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), vice chairman of the Energy and Commerce Committee.

Mrs. BLACKBURN. Mr. Speaker, I rise in support of amendment No. 1 to the continuing resolution, the bill that is bringing us to the floor tonight, and how vital it is that we address the funding needs of this Nation and how vital it is that we do it in a manner that is respectful of the American people and of our constituents. One of the things they have repeatedly said is they want to make certain that we delay the onset of ObamaCare, and that is what we are going to do.

Included in the amendment would be the delay of the 20 new taxes of ObamaCare. It would delay the individual mandate and the costly surtax for noncompliance. It would delay the employer mandate, the Medicaid expansions, the new exchanges, and all those subsidies to try to get people to enroll. It would delay the dozens of enforcement powers which ObamaCare gives to the IRS. And it would delay the collection of all your personal information and data by the navigators and those seeking to put this program into effect with these exchanges.

So that is what this amendment would do.

Why are we doing this? Number one, this is a program that is too expensive to afford. We have seen that already it has tripled in cost. From its $860 billion estimate, it is up to $2.6 trillion. We know that it is making $600 billion in cuts to Medicare. We know that it is not ready for prime time. There have been 1,200 waivers given to this program. People that are friends of the administration were seeking to be opted out. And it's not good for the American people.

There have been 19 administrative and Presidential delays of this program. We also have learned that there are missed deadlines. We see the impact that it's having on our hospitals. They're laying off people. Hospital doors are closing. Jobs are being lost. Insurance costs are escalating. They have missed 47 percent of all their deadlines as they have sought to put this into place. And the list goes on and on.

But most important is what we hear from our constituents, what we hear from the American people, and the rate shock that is out there. And among my constituents I have a small business owner who wrote me this week. Her insurance cost is going up five times over what it is right now; a teacher with a husband and two children, 105 percent.

We also have people that are writing in and they're talking about how disappointed they are. They had a plan they liked, but they can't keep it now. One said, ''Our insurance would cost more than what we make. We would be paying our employer $71.50.'' Another said they have lost their insurance. The reason they were given is because of ObamaCare. Discontinued due to ObamaCare. This is what we're hearing from our constituents.

Parents of children, a family, a child, type 1 diabetes. They need those reimbursement accounts. They're being cut in half. They're not able to keep that. For an employer whose employees are seeing their out-of-pocket expense go up, do you know what that amounts to for this family? It's a $7,600 pay cut.

So what we do is come to the floor tonight to say it's not ready. We are seeing the impact of delay after delay that is being done by this administration. And what we are saying is that it is time, as a fairness issue to the American people, to delay the whole thing. Delay it for a year. Continue to work on it. Make certain that we listen to the American people and respond to their wish.

Delay ObamaCare.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), a distinguished ranking member on the Appropriations Committee.

Ms. DELAURO. Mr. Speaker, let me begin by quoting Sir Walter Scott:

> What a tangled web we weave, when first we practice to deceive.

This amendment is an exercise in deception. It is designed to shut the government down. It drastically underfunds the fundamental priorities of the American people, and it tries yet again to delay families' access to affordable health care. We do not have time for this sort of recklessness.

The nonpartisan Congressional Budget Office and Federal Reserve Chairman Ben Bernanke warned us that the automatic across-the-board cuts could cost us as many as 750,000 jobs in 2013. The majority wants to make these cuts permanent, regardless of the job loss, damage to our economy, or harm to working families across the country.

Because of the deep cuts enshrined here, over 57,000 children lose access to early learning through Head Start. These children never get that opportunity back. The biomedical research that saves lives is being curtailed, delayed, or lost. Educational programs are sharply reduced for over a million of our most disadvantaged kids, even though one in five children currently live in poverty.

Hundreds of thousands of unemployed adults are losing access to job training. Low-income seniors lose out on 5 million congregate and home-delivered meals. Mental health programs are being gutted. And with this funding, labor, health, and education programs are slashed 17 percent.

Beyond the deep cuts, the Republican majority is, once again, trying to use the budget process to take the government hostage unless we delay the Affordable Care Act. Because of the Affordable Care Act, Americans with preexisting conditions finally have coverage. Women's health is finally on an equal footing. Maternity and pediatric care is covered, and preventive care can be obtained with no out-of-pocket costs. The doughnut hole is closing for seniors. Young people stay on their parents' plans. It empowers patients and doctors. And yes, insurance companies no longer can make the decision about whether or not you will get health insurance or not get it.

The Affordable Care Act is, at last, affordable health care for more American families.

We stand on the verge of a government shutdown. Instead of behaving responsibly, of working towards a reasonable compromise, the majority continues to put their personal, radical ideology above the fundamental priorities of the American people. This is

wrong. I urge my colleagues to vote against it.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. Mr. Speaker, almost 3½ years ago, many stood in this Chamber claiming to have made history by overhauling our Nation's health care laws and subjecting one-sixth of our economy to Federal control. The American people disagree. They understand that ObamaCare broke with history—and that's exactly the problem here today.

When government mandates that every American buy insurance established by bureaucrats and threatens to severely tax them if they don't, that is an unconstitutional mandate. This country was founded on the principles of limited government, personal responsibility, and consent of the governed. But ObamaCare is based on limitless government, bureaucratic arrogance, and a disregard of the will of the people.

That is why 3½ years ago, Washington broke with history. Washington ignored our country's founding principles. Back home, Hoosiers still know what this town forgot. They know that their freedom diminishes when government raises taxes, empowers bureaucrats, and issues oppressive mandates. That's exactly why ObamaCare was unpopular 3 years ago, and it is unpopular 3 days ahead of its implementation.

The People's House refuses to ignore the will of the American people.

Today, Senate Democrats who refuse to acknowledge ObamaCare's mounting failures have left Washington, D.C. for the weekend but families back home don't have the luxury of ignoring this train wreck.

With just three days until millions of Americans are forced onto ObamaCare's exchanges, my colleagues and I will vote to stop ObamaCare. We will vote to protect religious freedom with strong conscience protections. We will vote to restore individual choice and freedom. We will vote to return to this nation's founding principles.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. I want to thank the gentlelady for yielding.

Mr. Speaker, I rise in strong opposition to the Republican amendments that are designed, quite frankly, to shut the government down.

It's no secret that the Tea Party Republicans came here not as public servants but to destroy and decimate our government. And to add insult to injury, they want to destroy and dismantle the Affordable Care Act, which is the law of the land and was upheld by the Supreme Court. This is morally wrong and is lawless, quite frankly. And not to mention that they want to put insurance companies, once again, back in charge of the health care decisions that should be made by our constituents. This hostage-taking must end.

Mr. Speaker, why in the world would any Member of Congress want to jeopardize the jobs of our dedicated government workers who provide desperately needed services to millions of our constituents—and who, by the way, have their own families to feed?

Today, the Tea Party extremists who came here to shut down the government will see their dream come true. These dangerous amendments would hurt children, seniors, and families—yes, the most vulnerable—and would create havoc and uncertainty in so many lives. But it's their first step to create a country, quite frankly, based on a free-for-all—survival of the fittest—that none of us will recognize. That's what happens when there is no government, Mr. Speaker.

We should reject these irresponsible, dangerous, and un-American amendments. They will shut down the government. And the American people, quite frankly, do not deserve this.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGston), the distinguished chairman of the Labor-HHS Subcommittee on Appropriations.

Mr. KINGSTON. I thank the chairman for the time.

Mr. Speaker, I want to say that we're here tonight on a continued debate over ObamaCare for a good reason. In fact, there's three reasons.

Number one, health care is one-sixth of the economy. I think that before we turn over one-sixth of the economy to the Federal Government, we need to be very clear on the path that we're going on. Right now, the path is anything but clear. In fact, to quote one of the leading Democrat architects from the Senate, Senator BAUCUS, he said it's a train wreck.

So to me, to continue the debate on ObamaCare is the proper thing to do. One-sixth of the economy, Mr. Speaker. Think about that.

Secondly, in terms of our health care system now, as flawed as it may be, it's still the best health care system in the world. Indeed, 40 percent of the medical tourists come to America for procedures and operations. You can't say that about any other country.

Number three, ObamaCare has failed. Two of its prime objectives were, number one, to decrease the cost of health care, and number two, to increase the access. And let's examine those. Do you know anybody whose health care premium has decreased this year? I have asked this question many, many times back home and on the floor of the House. And I've invited people to call my office if their premiums have in fact decreased. I haven't heard from an individual. I haven't heard from a business. I've talked to many businesses who have had 25 and 30 percent increases. My own daughter's premium, a healthy 30-year-old, went from $170 a month to $270 a month.

□ 2200

The premiums are not going down because the cost isn't going down. ObamaCare has failed on that.

Then number two—and very importantly—accessibility has not increased. Two Fortune 500 companies in my home State of Georgia have announced the following: one says that they will no longer cover 15,000 spouses of their employees under their health care.

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

Mr. ROGERS of Kentucky. I yield 1 minute to the gentleman.

Mr. KINGSTON. I thank the gentleman.

Another Fortune 500 company in Georgia has announced that 20,000 part-time employees will no longer have company-sponsored health care. We're hearing this over and over again.

I talked to one man who has a successful startup business. He got to 42 employees and he said, And I quit growing because I did not want to get to 50 because not only am I concerned about the cost of ObamaCare, but I don't know how it's going to be implemented. I don't know the rules of it.

So I would say this debate is well worth having. And I would say to our Democrat friends, whether you're voting for it or not, at this point it's not a matter of philosophy; it's a matter of admitting that it is a matter of mistake to go on with ObamaCare. It has not decreased the cost, and it has not increased the access of health care.

Before we say good-bye to the best health care system in the world and one-sixth of our economy, turning it over to the Federal Government, we need to stop and retool and start all over. So it is the right thing to do to fund the government, avoiding a shutdown, but not to fund ObamaCare.

Mrs. LOWEY. I just want to thank my friend, the gentleman, Mr. KINGston, for making a good case for the Affordable Care Act. You want to turn it back over to the insurance companies who are raising these rates in your district and my district.

I'm very pleased to yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, as a member of the House Appropriations Committee, I rise in opposition to this, the 43rd attempt to defund, delay, or undermine the Affordable Care Act by House Republicans.

What is even more disturbing is that this latest attempt comes with the very distinct possibility for a costly and disruptive government shutdown.

As Members of Congress, we have a constitutional obligation to fund our government. The Senate sent us a bill yesterday that would accomplish that goal; but rather than pass it, House Republicans are pressing their ideological agenda once more, pushing us closer to a government shutdown.

Look, I get it. The Republican Conference is desperate to halt the Affordable Care Act because they bet against it and they came up short; but now they're gambling with our entire economy. They're desperate because they

bet against a law that is already benefiting millions of Americans, from seniors on Medicare, to children with preexisting conditions, to millions of Americans who are being overcharged by their insurance companies. And starting January 1, millions more uninsured Americans will be able to obtain quality, affordable health insurance. In fact, just this week, it was announced that a family of four in my congressional district making $50,000 a year will be able to obtain private health insurance for as little as $24 a month.

The Affordable Care Act is working, and I urge my colleagues to stop betting the same losing hand on our economy. Enough already. Let it go.

Now, let me tell you something that your little stunt that you're pulling here—which has no chance of becoming law—what it does for the millions of breast cancer survivors like me.

Ninety-five days from today, the millions of survivors, the 150 million people who live in this country with a preexisting condition, you are trying to rob us of the peace of mind that that provision gives us.

What you're trying to do is make sure that every single day, when each of us who survived cancer or another life-threatening illness, waiting for the other shoe to drop, what you're trying to do is say you should stay living in fear for an insurance company to boot you off your insurance because of the possibility of you getting sick again. It's unconscionable. It's unacceptable. Walk a mile in our shoes.

The SPEAKER pro tempore. The Chair would remind Members they should address their remarks to the Chair.

Mr. ROGERS of Kentucky. Mr. Speaker, may I inquire of the time remaining.

The SPEAKER pro tempore. The gentleman from Kentucky has 16 minutes remaining, and the gentlewoman from New York has 20¾ minutes remaining.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. PAULSEN), a very important member of the Ways and Means Committee of the House.

Mr. PAULSEN. Mr. Speaker, we all know that the medical technology industry is one of America's leading manufacturing industries and has huge potential to continue being a vehicle for creating jobs.

This American success story employs more than 400,000 workers, pays salaries 40 percent higher than the average national wage, is one of our country's few industries that actually exports more than it imports; and it is an industry that is fueled by innovation and is made up of mostly small businesses. Eighty percent of these businesses have less than 50 employees; 98 percent of them have less than 500. Most importantly, however, this is an industry that saves and improves lives for patients.

Medical devices helped slash the death rate from heart disease by a stunning 50 percent and cut the death rate from stroke by 30 percent. But, Mr. Speaker, last January, a new $30 billion medical device tax was enacted as a part of ObamaCare. It's not a tax on profit; it's a tax on revenue. It's a tax on sales.

Nobody can explain why this industry was singled out, other than tens of billions of dollars needed to be brought in to pay for an over-trillion-dollar law. But you know what, the effects have been devastating—10,000 job losses across the country have been announced; companies are moving their operations overseas. And once these jobs move overseas, they don't just come back.

Countless small, privately held companies, they've cut jobs and investment in research and development to deal with this onerous policy; and research and development is the very lifeblood of this industry.

I have a letter, Mr. Speaker, from 975 organizations in support of repealing the device tax. The signers include the Chamber of Commerce, the National Association of Manufacturers, numerous doctors and physicians and health care groups, and others who are directly impacted by the tax. I will include it in the RECORD.

Mr. Speaker, we know this tax is bad policy. We know there is support in this Chamber and in the Senate to repeal this tax. Last year, the House passed my repeal legislation with overwhelming bipartisan support, but the Senate didn't act before the end of the year. But this year, we have 263 cosponsors of my legislation to repeal this tax—far more than last year and more than enough to pass it in the House.

Last April, when the Senate was debating their budget resolution, 79 Senators voted their intention to also repeal the device tax, and 33 of those Senators were Democrats. Mr. Speaker, how often do we have such an overwhelming bipartisan support on an issue? This is our opportunity.

Winston Churchill is to have said that people ''occasionally stumble over the truth, but most of them pick themselves up and hurry off as if nothing ever happened.''

The truth that we all know about the medical device tax is that it has destroyed jobs, it's destroyed innovation, and it has hurt patient care. These are the very pillars that the health care reform was actually supposed to support.

Repealing this policy sends a very strong and commonsense message to the American people that Congress may not always agree on what is the right path forward, but we can absolutely recognize when a policy has set us on the wrong path; and today we have an opportunity to right this wrong.

This amendment repeals a tax that is threatening America's global leadership in innovation. This is about saving lives. It's important that we do act now—and today. Let's stop the job losses. Let's protect these high-wage jobs; and let's ensure that America continues to invent, continues to innovate, and continues to develop the very cutting-edge and lifesaving technologies for our patients.

Vote for the repeal of the medical device tax.

SEPTEMBER 28, 2013.

Hon. HARRY REID,
*Majority Leader, U.S. Senate.*
Hon. JOHN BOEHNER,
*Speaker of the House, U.S. House of Representatives.*
Hon. MITCH MCCONNELL,
*Republican Leader, U.S. Senate.*
Hon. NANCY PELOSI,
*Minority Leader, U.S. House of Representatives.*

DEAR MAJORITY LEADER REID, SPEAKER BOEHNER, MINORITY LEADER MCCONNELL AND MINORITY LEADER PELOSI: As Congress nears the end of the calendar year, we respectfully request that repeal of the medical device excise tax be addressed as a top priority. Implementation of what was to be a $20 billion excise tax and is now estimated to collect over $30 billion in taxes—is adversely impacting patient care and innovation, and will substantially increase the costs of health care. The Senate and House have both passed repeal legislation with strong bipartisan majorities. On behalf of the more than 975 undersigned organizations, associations, companies, patients, providers and venture capital firms representing hundreds of thousands medical technology jobs, we ask that you act to repeal the medical device tax during this session of Congress.

As you know, the medical device industry is a unique American success story—both for patients and our economy. The United States is the world leader in manufacturing life-saving and life-enhancing treatments, and the industry is an important engine for economic growth. The industry employs more than 400,000 workers nationwide; generates approximately $25 billion in payroll; pays out salaries that are 40 percent more than the national average ($58,000 vs. $42,000); and invests nearly $10 billion in research and development (R&D) annually. The industry is fueled by innovative companies, the majority of which are small businesses with 80 percent of companies having fewer than 50 employees and 98 percent with fewer than 500 employees.

Unfortunately, the health care law imposes over $30 billion in new excise taxes on medical technology companies that are stifling innovation and U.S. competitiveness. The tax is already having an adverse impact on R&D investment and job creation, jeopardizing the U.S. global leadership position in medical device innovation. If this tax is not repealed, it will continue to force affected companies to cut manufacturing operations, research and development, and employment levels to recoup the lost earnings due to the tax. It will also adversely impact patient access to new and innovative medical technologies.

In short, this tax on innovation should be repealed for the following three important reasons:

The tax stifles innovation and has already costs thousands of high-paying jobs. It has increased the effective tax rate for medical technology companies, thereby reducing financial resources that should be used for R&D, clinical trials and investments in manufacturing. The impact is especially hard on smaller companies whose innovations are not immediately profitable.

The tax will increase health care costs as confirmed by a report issued in April 2010 by the Office of the Actuary at the Centers for Medicare and Medicaid Services (CMS). In some cases, the 2.3% tax will be passed on to

consumers, leading to higher health care costs.

The tax is not being offset by increased demand for medical devices. In fact, it is important to note that there is no evidence suggesting a device industry ''windfall'' from healthcare reform. Unlike other industries that may benefit from expanded coverage, the majority of device-intensive medical procedures are performed on patients that are older and already have private insurance or Medicare coverage. Where states have dramatically extended health coverage, such as in Massachusetts where they added 400,000 new covered lives, there is no evidence of a device ''windfall.''

At a time when the federal government is working to promote investment in U.S. industries of the future, it is inconsistent that a tax of this magnitude is placed on the medical device industry. We must do all we can to encourage and promote research, development, investment and innovation. Instead, increased taxes, such as this one on the medical device industry, coupled with the increased regulatory uncertainty the industry also faces, is leading to further job losses, hindering the development of breakthrough treatments and delaying patient access to medical technology.

We respectfully request timely action on legislation to repeal this over $30 billion excise tax.

3C Spine, Inc., 3D Medical Manufacturing, Inc., 3M Healthcare, A-dec, A.R. Hinkel Company, Abaxis, Abbey Moor Medical, Abiomed, Inc., Acacia Research Corporation, Academy of General Dentistry, AccessClosure, Accuitive Medical Ventures, Accuray Incorporated, Acertara Acoustic Laboratories, LLC, Aciont Inc., ActivaTek Inc., Active Implants, Actus Medical, Acumen Healthcare Solutions, LLC.

Adagio Medical, Inc., Adept-Med International, Inc., Adhezion Biomedical, LLC, ADM Tronics, Adroit Medical, Advanced BioHealing, A Shire Company, Advanced Bionics, Advanced Circulatory Systems, Inc., Advanced Medical Technology Association, Advanced Orthopaedic Solutions (AOS), Advanced Surgical Instruments, Advanced Technology Ventures, AdvanDx, Aerocrine, Inc., Aesculap, Inc., AestheTec, Inc, Aethlon Medical, Inc., AFC Tool, Affinity Capital, Agamatrix, Inc., Agendia, Inc., Alabama Dental Association,

Albright Technologies, Alcon, A Novartis Group Company, Aleeva Medical Inc, Align Technology, Inc., Alkaline Corporation, Allegro Diagnostics Corp., Allergan, Allvivo Vascular, Inc., ALPCO Diagnostics, Alphatec Spine, Inc., Alta Partners, ALung Technologies, Inc., AlvaMed Inc., Alverix, Inc., Ambio Health, Ambu, Inc., Amedica Analogic Corp, America's Blood Centers (ABC), American Academy of Facial Plastic & Reconstructive Surgery.

American Academy of Pediatric Dentistry, American Academy of Periodontology, American Association of Endodontists, American Association of Neurological Surgeons, American Association of Oral and Maxillofacial Surgeons, American Association of Orthodontists, American College of Prosthodontists, American College of Radiology, American Dental Association, American Medical Systems, American Society of Cataract and Refractive Surgery, American Society of Dentist Anesthesiologists, American Society of Plastic Surgeons, Andersen Products, Andover Healthcare, Andrew Technologies, Angel Medical Systems, AngioDynamics.

AngioScore Inc., Anulex Technologies, Inc., AOTI Inc., Apnex Medical, Inc., Apollo Endosurgery, Applied Dexterity, Inc., Applied Research & Photonics, Inc., Aptus Endosystems, Inc., Aqueduct Neurosciences, Inc., Aqueous Biomedical, Inc., AcrueSys, Inc., ARC Medical, Inc., Ardiem Medical, Inc., Argenta Advisors, ARIBEX, Inc., Arizona BioIndustry Association, ArKal Medical, Inc., ARKRAY Arteriocyte, ARTHROSURFACE, INCORPORATED.

Articulinx, Asante Solutions, Inc., Aso LLC, Aspen Medical Products, Associated Industries of Massachusetts (AIM), Associates of Cape Cod, Inc., Astute Medical, AtCor Medical Holdings, Ltd., ATEK Medical, Ativa Medical, ATL Technology Utah, Atlanta BioMedical Corporation (ABC), Atlas Spine, Inc., Atos Medical Inc., AtriCure, Inc., Atrium Medical Corporation, Aurident, Inc., Autonomic Technologies, Inc., Auxogyn, Inc., Avacen MOD Corporation.

Avantis Medical Systems, Inc., Avedro, Avinger, Axiom Medical, Inc., AxioMed Spine Corporation, AxoGen, Inc., B. Braun Medical, Inc., Balchem Corporation, Banyan Biomarkers, BARONova, Inc., BaroSense, Inc., BARRX Medical, Inc., Baxano Surgical, Inc., Baxter Healthcare, BayBio, BD, BEACON (Biomedical Engineering Alliance & Consortium), Beaver Visitec, Beckman Coulter, Belmont Instrument Corporation.

BeneChill, Inc., Benvenue Medical, Inc., Berlin Heart, Inc., Berman Medical BioBDx, Bioanalytical Systems, Inc., BioBDx, BioCardia, Inc., BioCare Systems, Inc., BIOCOM, Bioconnect Systems, Inc., BioDerm, Inc., BioElectronics, BioFlorida, BIOforward, BioHouston, BioMedical Life Systems, BioMedix, bioMerieux, Inc., Biomerix Corporation, Biomet, Inc., Biomimedica.

BioMimetic Therapeutics, Inc., Bionix Development Corporation, BioOhio, Biophan Technologies, Inc., BIOSAFE, Inc., Bioscale, Bioscience Association of Maine, BioSculpture Technology, Inc., BioSET, Inc., Biotest Laboratories, Inc., BIOTRONIK, Inc., Bioventus LLC, Birchwood Labatories Inc., Boston Healthcare Associates, Inc., Boston Scientific Corporation, Botanical Laboratories, BrainScope Company, Inc., Breathe Technologies, Breg, BridgePoint Medical, BTE Technologies, Inc., Busse Hospital Disposables.

C.R. Bard, Inc., Cabochon Aesthetics, Inc., Cadence, Inc., Caldera Medical, Inc., California Healthcare Institute (CHI), Calypso Medical, Canaan Partners, Cannuflow Inc., Cantel Medical Corp., Cantimer, Inc., Cape Cod, Inc., Carbylan Biosurgery, Inc., Cardia Access, Cardiac Dimensions, Inc., Cardiac Science, CardiacAssist, Inc., CardiAQ Valve Technologies, Inc., Cardinal Health, Cardinal Scale Manufacturing Company.

CardioDx, Inc., CardioFocus, Inc., CardioKinetix Inc., CardioMEMS, Inc., CardioNexus Corporation, Cardiovascular Systems, Inc., CareFusion Corporation, Carmell Therapeutics Corporation, CarrierCOM, Carrot Medical, Carticept Medical, Cartiva, Inc., Case Medical, Inc., Catheter Connections, Inc., Cayenne Medical, CEA Medical Manufacturing, CEA Technologies, Inc., Celleration, Cellestis Inc., Center for Medical Device Innovations.

Cepheid, CeQur, Cerephex Corporation, Ceterix Orthopaedics, Checkpoint Surgical, CHF Solutions, Inc., Christcot Medical Company, Cianna medical, Circadiance, City Hill Ventures, LLC, CivaTech Oncology, Claret Medical, Inc., Clarity Medical Systems, Inc., Claro Scientific, LLC, Clarus Medical, LLC, ClarVista Medical, Cleveland Medical Devices Inc., Clinical Research Consultants, Inc., CoAlign Innovations, Inc., CoAxia, Inc., Cochlear.

Cohera Medical, Inc., Coherex Medical, Colorado Bioscience Association (CBSA), Colorado Dental Association (CDA), Columbus Chamber of Commerce, Command Medical Products, Inc., COMPASS International Innovations, Compression Therapy Concepts, Concert Medical, Congress of Neurological Surgeons, ConMed Linvatec, CONNECT, Consensus Orthopedics, Inc., ConvaTec Inc., Cook Medical, Core Medical Imaging, Corgenix Medical Corporation, Corin USA Limited, Corindus Vascular Robotics, Corinthian Ophthalmic, Inc., Cormatrix.

Corventis, Inc., COTERA, Inc., Council for Affordable Health Coverage, Covalent Medical, Inc., Covidien, Creatv MicroTech, Inc., Critech Research, Critical Diagnostics, Crux Biomedical, Cryothermic Systems, CSA Medical, Inc., Curexo Technology Corporation, Curo Medical, Inc., CurveBeam, CV Ingenuity, CVRx Inc., CyberHeart, Cyberonics, Cynosure, CytoMedical Design Group LLC.

Cytopherx, Cytori Therapeutics, Inc., CytoSorbents Corporation, D&D Medical, Inc., D&R Products, Dallen Medical, dataCon Inc., DataPhysics Research, Inc., DaVinci Biomedical Research Prod., Inc., De Novo Ventures, DEKA R&D Corp, Delcath Systems, Inc., Dental Trade Alliance (DTA), Denterprise International, Inc., DERMA SCiENCES, INC., Design Mentor, Devicix, DFine, Inc., DG Medical, Digirad, Direct Flow Medical.

Disposable Instrument Co., Inc., DJO Global, Inc., Domain Associates, L.L.C., Domain Surgical, Inc., Drexler Medical, Dynatronics, E. Benson Hood Laboratories, Inc., EarlySense Inc., eCardio Diagnostics, Echelon Biosciences, Inc., Echo Therapeutics, Edwards Lifesciences, EKOS Corporation, Electrical Geodesics, Inc., Electromed, Inc., Ellipse Technologies, Inc., Ellman International, Emergence, Emergent Medical Partners.

Emerson Consultants, Inc., Endo Health Solutions, Inc., Endo-Therapeutics, Inc., EndoChoice, Inc., EndOclear, LLC, EndoGastric Solutions, EndoShape, Inc., eNeura Therapeutics, Engineered Medical Systems/Pulmodyne, Entellus Medical, EnteroMedics, Inc., EPIC Research & Diagnostics, Erchonia Corp., Essex Woodlands, eVent Medical, Evergreen Medical Technologies, Exactech, Experien Group, ExploraMed Development, LLC, FAST Diagnostics.

FemCap Inc., Ferris Mfg. Corp., Fidia Pharma USA Inc., Figure 8 Surgical, Fisher Wallace Laboratories, Fjord Ventures, Flexicath, Inc., Flexuspine, Inc., Flight Medical, Flocel Inc., Florida Medical Manufacturers' Consortium, Inc., Fluidnet Corporation, ForSight Labs, Fortimedix USA, Inc., FOUNDRY NEWCO XI, Fresenius Medical Care NA, Freshmedx, Frontier Scientific Inc., FTSI, FUJIFILM SonoSite Inc., Fujirebio Diagnostics, Inc., Galil Medical.

Galt Medical, Gambro, GE Healthcare, Genesis Plastics Welding, GENICON, Gentis Inc., Georgia Bio, Georgia Dental Association, GI Dynamics, Inc., Gilero, LLC, Glaukos Corporation, Glenveigh Medical, Globe Composite Solutions, Ltd., Globus Medical, GluMetrics, Gradient Technologies, LLC, Great Lakes NeuroTechnologies Inc., Greatbatch Medical, Ground Zero Pharmaceuticals, GT Urological, LLC, Gulden Opthalmics,

Haemonetics Corp., Halo Healthcare Inc., HALT Medical, Inc., Hausmann Industries, Inc., Health Industry Distributors Association (HIDA), Health IT Now Coalition, HealthCare Institute of New Jersey, HealthpointCapital, HeartFlow, HeartWare International, Inc., Heidelberg Engineering, HEMERUS, Hemosphere, Hill-Rom, Hispanic Dental Association (HDA), HITACHI MEDICAL SYSTEMS AMERICA, INC., Holaira, Hologic/Gen-Probe, Home Dialysis Plus, Hospira Inc., Hotspur-Cardiac Care.

Hotspur Technologies, Inc., HoverTech International, Hull Associates, Hycor Biomedical, Inc., Hydrocision, ibiliti-iCAD, Inc., ICAP Patent Brokerage, Ichor Medical Systems, ICONACY Orthopedic Implants, LLC,

ICU Medical, Inc., IKARIA, Illinois Biotechnology Industry Organization—iBIO, Illinois State Dental Society, IlluminOss Medical, Inc., ImaCor, Imalux Corporation, IMARC Research, ImpediMed.

Impliant, Inc., ImThera Medical, Inc., InaVein, LLC, Incept LLC, Incline Therapeutics, Indiana Chamber of Commerce, Indiana Dental Association, Indiana Health Industry Forum, Indiana Manufacturers Association, Indiana Medical Device Manufacturers Council, InfoBionic, Infraredx, Inc., InfraScan, Inc., InjectiMed, Inc., Innovative Pulmonary Solutions, Inc., Innovative Surgical Designs, Inc., Innovative Trauma Care Inc, Innovent Medical Solutions, Ltd., Inogen, Insight Medical, inSite Medical Technologies.

Instratek, Inc., Insulet Corporation, Insurgical LLC, Intact Vascular, Inc., Integra LifeSciences, International Franchise Association, International Medical Industries, Inc., International Sterilization Laboratory LLC, Intersect ENT, InterValve, Inc., Interventional Autonomics Corporation, IntraPace, IntriCon, IntriMed Technologies, Intrinsic Therapeutics, Intuitive Marketing Strategists, Intuity Medical, Inc., Ionix Medical, Inc., Iowa Dental Association, iRhythm Technologies, Inc., Irvine Chamber of Commerce.

iSonea, Limited, ISTO Technologies, Inc., Ivantis, Inc., Ivera Medical Corporation, Ivivi Health Sciences LLC, iWalk, J.H. Garver Consulting, LLC, Jabil, Jack Saladow & Associates, Kalypto Medical, KCI, Kensey Nash Corporation, KFx Medical Corporation, Kimberly-Clark Health Care, Kinamed Inc., Knee Creations, LLC, KRONUS, Inc., Kspine, Inc., LAAx, Inc., Laser Peripherals, LLC, LeukoDx Ltd., LFI Medical.

Life Core Technologies, Life Science Tennessee, Life Spine, Inc., Life Technologies, Lifecore Biomedical, LLC, LifeScience Alley, LifeScience Plus, Inc., LifeWave, Lightstone Ventures, Linde Healthcare, LipoScience, Inc., LogicMark, LLC, Logikos, Inc., Lonestar Heart, Inc., Louisiana Dental Association, Luminex Corporation, Lutonix, Inc., Mack Medical, MacuCLEAR, Inc., Magellan Technologies, Inc., Magnolia Medical Technologies, Inc., Maine Standards Company, LLC.

Mammotome, Manufacturers Association of Maine, Mardil Medical, Inc., MarketLab, Masimo, Massachusetts Dental Society, Massachusetts Medical Device Industry Council MedIC, MassBio, Materna Medical, Mauna Kea Technologies, MB Venture Partners, LLC, MBio Diagnostics, Inc., MBL International Corporation, Mectra Labs Inc., MED-EL Corporation, Medafor, Inc., MedDx Capital Advisors, Medenovo, LLC, Medical Device Consultants, Inc., Medical Device Manufacturers Association, Medical Engineering Innovations, Inc., Medical Imaging & Technology Alliance.

Medical innovations Intl. Inc., Medical Polymers, Inc., Mediclever, Medigroup, Inc., MediStim USA, Inc., MedOne Surgical, Inc., Medrobiotics Corporation, MedShape, MedTech Association of New York, Med Waves, Inc., Megadyne, Mercury Medical, Merit Medical Systems, Inc., Metric Medical Devices, Inc., Metronom Health, Inc., Mettler Electronics Corp., Mevion Medical Systems, Inc., MGC Diagnostics, Micardia Corporation, Micell Technologies, MichBio, Michigan Dental Association.

MicroCube, Microline Surgical, Inc., Micronics, Inc., MicroTransponder Inc., Midmark Corporation, Mighty Oak Medical, Millar Instruments, Inc., MIM Software Inc., Minerva Medical, Minnesota Dental Association, Minnetronix, Mirabilis Medica, Inc., Mirador Biomedical, Miramar Labs, Mississippi Dental Association, Missouri Biotechnology Association, MitraGen, Mitralign, Inc., Molecular Detection, Inc., Monebo TEchnologies, Inc., Moog Medical Devices.

Morgenthaler Ventures, Morris Innovative, Mound Laser & Photonics Center, MOXI Enterprises, LLC, Moximed, MPM Capital, MPR Product Development, Mustang Medical, Mustang Vacuum Systems, MyoCardioCare, Inc., Myomo, Inc., Myo Science, nanoMAG LLC, nanoMR, Nanostim, Nasiff Associates Inc., National Association for the Support of Long Term Care (NASL), National Association of Manufacturers (NAM), National Federation of Independent Business, National Venture Capital Association (NVCA), Natus Medical Incorporated, NaviMed Capital.

Naviscan, Inc., NDH Medical, Nebraska Dental Association, Nelson Laboratories, Inc., Neocure, Neodyne Biosciences, Neograft Technologies, Inc., Neomend, Inc., NeoMetrics, Inc., NeoTract, Inc., Neovista Inc., Neuro Kinetics, Inc., Neuro Resource Group, Inc., Neuro-Fitness LLC, Neuronetics, Inc., NeuroPace, NeuroTherm, NeuroTronik, NeuroVista Corportation, NeuroWave Systems Inc., Neuvomedica Ltd., NeuWave Medical.

Nevada Dental Association, Nevro, New Enterprise Associates, New Hampshire Dental Society, New Jersey Life Sciences Vendors Alliance, New Leaf Venture Partners, NexDx, Inc., NinePoint Medical, Niveus Medical, Nocimed, LLC, Non-Invasive Medical Systems, Nonin Medical, Norris Capital, Inc., North Carolina Biosciences Organization, North Carolina Dental Society, Nova Biomedical, NovaSom, Novasys Medical, NRG, NuMED, Inc., NuOrtho Surgical, Inc., NuVasive.

Nuvimedix LLC, NxStage Medical, Inc., NxThera, Inc, O.E. Meyer Co., Obalon Therapeutics, OBMedical Company, OCTANe, Ohio Chamber of Commerce, Ohio Manufacturers' Association, OmniGuide Surgical, OmniGuide, Inc., OMNIlife science, Inc., On-X Life Technologies, Inc., Onciomed, Inc., OncoHealth, ONSET Ventures, OPHTEC USA, Inc., OptiMedica, OptiScan Biomedical, Inc., Orange County Business Council.

OraSure Technologies, Inc., Oraya Therapeutics, Orbital Research Inc., Orchid Orthopedic Solutions, Oregon Bioscience Association, Orlucent, Ortho Kinematics, OrthoCor Medical, Orthodontic Manufacturers Association, Orthofix International N.V., OrthogenRx, Inc., Orthopaedic Implant Company (OIC), OrthoSensor, OrthoWorx, OsteoMed, Ostial Corporation, Ottobock U.S. HealthCare, Owens & Minor, Palo Alto Health Sciences, Inc., Paracor Medical, Inc., Paradigm Spine, LLC, PasticsOne.

Pathfinder Therapeutics, Inc., Pathway Medical Technologoes, Patient Pocket, LLC, Penn-Century, Inc., Pennsylvania Bio, Pennsylvania Dental Association, Penumbra, Inc., PercSys, Percutaneous Systems, Philips Electronics North America, Phillips Consulting Group, LLC, Phlebotics, Inc., PhotoMed Technologies, Inc., PhotoThera, Inc., Pioneer Surgical, Pittsburgh Life Sciences Greenhouse, Pittsburgh Technology Council Pivot Medical Inc., Plasma Technologies, Inc., Plexus Corp., Pluromed, Inc., Poilgrim Software, Inc., Portaero.

Preceptis Medical, Inc., Precise-Pak Inc., Pressure Biosciences, Inc. (PBIO), Presymtec Medical, Prism VentureWorks, Prizm Medical, Inc., Pro2Med Inc., ProMedTek, Prosolia, Inc., Prospect Venture Partners, Prospex Medical, Proteus Bimedical, Inc., PuriCore, QHeart Medical Inc., Qualcomm Life, Inc., QualPro Consulting, Quasar Bio-Tech Inc., Quidel Corporation, RBC Capital Markets, Redpoint Corporation.

Regenesis Bomedical, Inc., Regulatory & Quality Solutions LLC, Reichert Technologies, Reimbursement Strategies, LLC, Relievant Medsystems, Inc., ReShape Medical Inc., ResMed, Respicardia, Inc., Respira Therapeutics, Inc., Respiratory Motion, Inc., Respiratory Research, Inc., Respiratory Technologies Inc., Response Biomedical Corporation, ReVent Medical, Inc., Reverse Medical, ReVision Optics, Inc., RhinoSystems, Inc., Rhythmlink International, LLC, Richmond Products Inc., Rinovum Women's Health, Inc., RITM America.

Robomedica, Inc., Roche Diagnostics, Rochester Electro-Medical, Inc., Rodman Media Corp, RODO Medical, Inc., Round-Table Healthcare Partners, ROX Medical, Royal Oak Medical Devices, LLC, RxFunction, Inc., s2a molecular, inc., Safeguard Scientifics, Inc., Sakura Finetek USA, Inc., Saladax Biomedical, Inc., Salix Pharmaceuticals, Inc., SandBox Medical LLC, Sanofi, SCBIO, Scientific Imaginetics, SDRS LLC, Sebacia Inc., Second Sight Medical Products, Inc., Sekisui Diagnostics.

Sensable, Sequent Medical Inc., SI-BONE, Inc., Siemens Healthcare, Sight Sciences Inc., SightLine Partners, SIGNUS Medical, LLC, Silere Medical Technology, Inc, Silicon Valley Leadership Group, Silver Bullet Therapeutics, Inc., Sirtex Medical Inc, Skyline Ventures, Small Bone Innovations, Inc., Smart Perfusion, LLC, Smith & Nephew, Inc., Smiths Medical, Soft Tissue Regeneration, Inc., Solace Therapeutics, Solta Medical, Inc., Solvonics Medical.

Sonendo, Inc., Sonitus Medical Inc., Sonoma Orthopedics, SonoSite Inc., Sorin Group USA, Inc., Soteira, Inc., Sotera Wireless, South Carolina Dental Association (SCDA), Southeastern Medical Device Association, Southern California Biomedical Council (SoCalBio), SP Surgical, SPE Medical, SpectraScience, Inc, Spherlngenics, Inc., Spinal Kinetics, Spinal Modulation, Inc., Spinal Ventures, LLC, SpinalMotion, Inc., Spine Wave, Inc., SpineAlign Medical Inc., SpineGuard.

Spineology Inc., Spinofix, Inc., Spiracur Inc., Spiration, Inc., SPIWay, LLC Split Rock Partners, St. Jude Medical, STAAR Surgical Company, STD Med, Inc., SteriPack USA, Ltd, Steris Corporation, Stimwave, Stout Medical Group, Strada Consulting, Streamline, Inc., Streck, Inc., Strohl Medical, Stryker, Sunshine Heart, SunShine Medical LLC.

superDimension, Ltd., Surface Solutions Labs, Inc., SurgeOptix, SurModics, Inc., Svelte Medical Systems, Inc., Swan Valley Medical, Incorporated, Sylvan Fiberoptics, Synapse Biomedical, Inc., Synarc, Inc., SynCardia Systems, Inc., Synecor, LLC, Synergy Life Science Partners, Syntermed, Inc., Sysdyne Corporation, Tactile Systems Technology, Inc., Tandem Diabetes, Targeson, Inc.,Target Discovery, Inc., Tarsus Medical Inc., TearScience, Inc., TEI Biosciences Inc., TEKNA Manufacturing, LLC.

Teleflex Incorporated, Temptime, Tenaxis Medical, Inc., Teratech Corporation, Terumo BCT, Inc., Terumo Medical, Tethys Bioscience, Inc.,Texas Healthcare and Bioscience Institute, The Eclipse Group, The Foundry, The Innovation Factory, The Plastics Industry Trade Association (SPI), The Spectranetics Corporation, The Tech Council of Maryland, The Vertical Group, Therapeutic Resources, Inc., TheraTogs, Inc., ThermalTherapeutic Systems, Inc.

Thermo Fisher Scientific, ThermoGenesis Corp., Therox, THI, Inc., Thoratec Corporation, Three Arch Partners, ThreeWire, Thubrikar Aortic Valve, Inc., TIDI Products, Tissue Regenix USA Inc., Titan Spine, LLC, Toshiba America Medical Systems, Inc., Tosoh Bioscience Inc., Trademark Medical, Transcend Medical, Transcorp Spine,TransEnterix, TransMedics, Inc., Transonic Systems, Inc., Trillium Diagnostics, LLC, Trillium Engineering.

TriReme Medical, Inc., TriVascular, Inc., Twin Star Medical, TYRX, Inc., U.S. Chamber of Commerce, Ulthera, UltiMed, Unilife medical solutions, Uresil, Urologix, Inc., Uromedica, Inc., Uroplasty, Inc., Urovalve, Inc., USGI Medical, Inc., USHIFU, LLC, Utah Dental Association, Utah Technology Council, Valeritas, Inc., Valley Ventures, ValveXchange, Inc., Vapotherm.

Vascular Solutions, Inc., Vector Resources, Vector Surgical, LLC, VectraCor, Inc., Velico Medical, Inc., Velomedix, Inc., Ven-Tel Plastics Corporation, VENITI, Inc., Venous Health, Ventus Medical, Inc., Veracyte, Verax Biomedical Incorporated, Veritomyx, Inc., Versant Ventures, VertiFlex® Inc., Vertos Medical Inc., Vibrynt, Inc., VIDA Diagnostics, Vidacare, Viking Systems, Inc., Virginia Bio.

Virginia Biotechnology Association, Virginia Dental Association, VirtualScopics, Inc., Viscogliosi Bros., LLC, Vision-Sciences, Inc., VisionCare Ophthalmic Technologies, VisionQuest Industries, Inc., Vital Images, Inc., Vital Therapies, Inc., Vital/Med Systems Corporation, Vitalcor, Viveve, Volcano Corporation, VueTek Scientific, LLC, W. L. Gore & Associates, Warsaw-Kosciusko County Chamber of Commerce, Washington Biotechnology. & Biomedical Association, Water Street Healthcare Partners, Waters Corporation, WaterStreet.

WaveTec Vision, Welch Allyn, Wenzel Spine, Inc., Wescor, White Pine Medical, Inc., Wilson Sonsini Goodrich & Rosati, Wisconsin Dental Association, Woolfson Eye Institute, Wright Medical, Wyoming Dental Association, X-Spine, Xlumena, Yukon Medical, ZELTIQ, Zilico Limited, Zimmer, Inc., Zoe Medical, Inc., ZOLL Medical, Zyga Technologies, Zynex.

Mrs. LOWEY. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH), the distinguished ranking member of the Appropriations Committee.

Mr. FATTAH. I thank the gentlelady.

Mr. Speaker, I've been here for 10 terms, and I've seen a lot. I was here when most of the Members of my party voted against the prescription drug program offered by the other team. President Bush pushed it through, and it created a $7 trillion hole in the budget. It wasn't paid for.

But after we won the majority, we won the Presidency, we didn't go back to try to undo it. We actually worked to fix it a little bit—we got rid of the doughnut hole—and we embraced it and moved forward.

There seems to be a problem on the other side. They don't seem to want to come to grips with the fact that the game is over, that the teams have left the field, and that this question about the affordable health care bill is settled law; that is to say, that this consistency would be admirable except it's somewhat of a kind of foolish consistency to come 40-plus times, attempting to delay or to repeal the ObamaCare Act, as they refer to it. It doesn't make any sense.

We're not in negotiations with the President. We're trying to pass a bill that the Senate will pass, and the Senate has made it clear that they have no intention of retreating or equivocating one inch on this matter. So all we're doing is spinning our wheels.

So to delay health care, I would say this: health care delayed is health care denied. And our country, after some 90-plus years, multiple Presidents, has come to the conclusion that when there are Americans who need access to health care, that there's going to be a way for them to get it.

Those changes are going to open on October 1 no matter what we do. The majority needs to speak a little hard truth in the mirror to itself on this matter. The sooner the better.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT), who is the vice chairman of the Appropriations Subcommittee on State and Foreign Operations.

Mr. DENT. Mr. Speaker, I want to say very clearly: I certainly oppose shutting down the government. I certainly oppose defaulting on this country's obligations. We have an obligation to govern; I take that very seriously. I do support the underlying bill under consideration here today, specifically because of the repeal of the medical device tax, which in my district is real.

The medical device tax is stifling innovation; it is costing us jobs; and it is raising costs, which unfortunately appears to be the health care law trifecta—raising costs, stifling innovation, and destroying jobs.

Specifically, one company in my district, with nearly 2,000 employees, said that there are no raises for their employees because of this tax this year. Another small company called me up. He makes prosthetic limbs for many folks, including troops who come back from the wars. He said, you know, we've been in business for 100 years; we have a little over 50 people. We're probably not going to make it because of this. They need our help. They're crying out for help.

Look, I understand we have to keep the government open, but we know that 79 Senators are on record in support of repealing this tax, Republican and Democrat, States from Minnesota to Massachusetts to New Jersey to Pennsylvania. This is a very big deal, but we need to do it.

I also know there is a delay of the law in this bill. I fully expect that when this is sent over to the Senate, the Senate will likely pull that out, but they will likely seriously consider the medical device tax. Let's get that done. It's imperative for us to do so. Again, so many people's livelihoods are dependent on this.

We make things in this country; we make medical devices in this country; and we ought to make sure that we don't do anything to harm them. Many of these manufacturers are going to be moving operations overseas. We know this. Let's not let it happen.

America has an advantage in this area; let's try to maintain it. A 2.3 percent tax really is harming these small startup companies that need access to capital. It's going to be much harder for folks. I can take you to the University of Pennsylvania and show you startups that are helping us deal with concussions, that are not going to be able to bring their product to market.

At this point I would again ask for support of the bill.

Mrs. LOWEY. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished whip from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentlelady for yielding.

Mr. Speaker, the gentleman from Georgia said that this health care was about one-sixth of the economy; he's right. This continuing resolution is about 100 percent of the economy.

Why are we here, Mr. Speaker? The American people are asking themselves: What is this debate about? We passed a budget in this House setting spending at $967 billion. The Senate passed a budget at $1.058 trillion. There's a $91 billion difference between the Senate and the House. This House, which talks about negotiations, has refused to go to conference.

□ 2215

So we have not reached an agreement on a number; that's why we are here. Nor have we passed two-thirds of the appropriations bills through this House. In fact, one was brought to the floor and pulled off the floor because at the $967 billion Republican budget, you cannot pass those appropriations bills if there were no Democrat in the House. My friend, Mr. ROGERS, knows that.

My friend, Mr. ROGERS, talked about responsibility. We ought to be responsible. I believe that on the Republican side of the aisle there are at least 150 Members who believe that we ought to be responsible, who believe this constant harping on the Affordable Care Act, which was the central part of the last election, and you want to deny the fact that elections make a difference.

One of the speakers got up and said this mandate is unconstitutional, so he also wants to deny the fact that the Supreme Court of the United States has specifically said it is constitutional. But it doesn't comport with your view; and, therefore, you reject it as you have rejected the results of the election.

Mr. Speaker, as the Representatives of 316 million Americans, we have a special obligation to see past the politics of the moment and embrace the spirit of cooperation for the sake of the public good, not our good, not our politics. Not a single one of us is here because we were thought to be the best at doing nothing or saying no. Each of us was sent here because our neighbors believe we have something positive to contribute, that we could do what is right for our country.

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

Mrs. LOWEY. I yield an additional minute to the gentleman from Maryland.

Mr. HOYER. Not for our politics, but for our country and for our people.

We have not a matter of days, but hours left to prevent our government from shutting down. A shutdown is not a tactic; it is not a strategy. It is a failure for this country. Let us not be the country whose representatives cannot work together to fulfill the most basic function of government.

My friends across the aisle voted over 40 times to derail the Affordable Care Act without success. When do you say enough is enough, let us move on responsibly to make government work—at, by the way, your level? The President has said he would sign a bill at your level, not a negotiated level, at your level. You've won, but you can't take yes for an answer. The Senate rejected it, as they will reject this new attempt.

Instead, now is the time to try a different approach.

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

Mrs. LOWEY. I yield an additional 30 seconds to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, it is time to let this House and not just a small faction of the House, which I tell my responsible friends on the Republican side of the aisle, you ought to reject, you ought to say enough is enough, you ought to say let's move on, you've had your votes, we lost.

Let us live up to the responsibility that our Founders instilled in this great people's House and continue to be the democracy that is the envy of the world. Let us make sure that when people look at America they look at America as a country that works, at an America that can be united, at an America that believes ''e pluribus unum'' still is our motto.

The SPEAKER pro tempore. The Chair would remind Members to address their remarks to the Chair.

Mrs. LOWEY. Mr. Speaker, I'm very pleased to yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), the distinguished ranking member of the Ways and Means Committee.

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

Mr. LEVIN. Mr. Speaker, I urge that we need to pause to consider the real meaning of what's happening tonight. This is more than about a vote or two. I think this is a fateful occasion. It signifies this:

The Republican Party in the House is being thoroughly radicalized. There are Republicans cheering as the U.S. ship of state goes over the cliff.

A House Republican colleague of ours said this, as reported today:

> I do believe Republicans will be blamed. There are some, I think, who would relish a showdown. I think that's unfortunate. It's worse than unfortunate. It's historically reckless and radical. This is an eventful and, I think, shameful night for the Republican Party in the House of Representatives.

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

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS), the distinguished leader of the Steering and Policy Committee of the House of Representatives.

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

Mr. ANDREWS. Mr. Speaker, imagine you lived in a town where the mayor and the council were fighting over a tax increase of the budget, and the mayor of the town said: If I don't get my way, I'm going to stop paying the police department, close the schools, turn off the street lights and not pick up the trash. That mayor would get recalled by the end of the week.

That is what the Republican majority is doing to the country here tonight. They made it very clear they don't like the Affordable Care Act. Forty-six times they voted to repeal it.

Now they're saying something a little bit different. They're saying to the country: you can either have a budget that makes the country run without the Affordable Care Act, or you can't have a country with a budget that runs.

This is not the way to legislate; this is not the way to do the people's business. We should have the Senate bill on the floor and vote on it. This will surely cause a shutdown of the government.

It is an outrage, it is an abandonment of responsibility, and all Members should oppose these amendments so we can keep this government open.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentlelady from Indiana (Mrs. BROOKS).

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today in support of this amendment.

When the Affordable Care Act was passed, I am certain that the other side did not intend that so many jobs would be lost. Over 10,000 device jobs have already been lost or announced lost in this country. The tax on medical innovation in place since the beginning of this year has already killed these jobs, jobs like 1,700 at Abbott Labs; 2,400 announced by Boston Scientific; 300 to 400 in my State, Cook Medical in Indiana; 200, Hill-Rom; Medtronic, 1,000 jobs lost; Zimmer, 450.

Twenty thousand Hoosiers are employed by the medical device industry in Indiana—many all across the country. The average wage is $60,000. This tax can result in a loss of over 45,000 jobs nationwide.

It is hurting people with diseases. These innovations that these companies produce help save lives. They do help people with their diseases and with things that are happening with their bodies. It is not an exaggeration to say that this tax has deadly results.

For months, I've heard there's bipartisan support. Where is it?

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, this bill shuts down the government. The Senate passed a clean CR. We could take it up right now, we could pass it, and we could keep the government open.

But if we do something to change this Senate bill and we amend it and send it back, the time that would be needed to avoid a shutdown would be gone. No matter what your views are on these amendments, a vote for them is a shutdown, make no mistake about it.

The Republican majority knows this. They are well aware what they're doing is designed to shut down the government. They're shutting it down. The only question before the American people now is will they continue to tolerate this kind of behavior.

We are here to govern; we are here to look after the American people. We are here to make sure that the full faith of this government maintains, and not just in the financial sense but in the mental sense. People have to believe in us.

When they shut this government down, they do something fundamental. They shake the confidence of this Nation. It is wrong. We should oppose it. Vote ''no'' on all these amendments.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I have been listening to this debate, and we are not coming to grips with what the central issue is.

The bottom line is we understand that on this side we have people who believe the ObamaCare legislation will be very detrimental to the people of the United States. We have people on this side of the aisle who believe it will be very good for the people of the United States.

How do we work this out in a democratic process? We try to find a compromise. This bill is not about whether ObamaCare is going to come in or not. What we are voting on is whether or not you will accept the compromise which we have reached out to offer to say, look, there's apprehension in the private sector and the government people tell us they aren't even ready to enforce ObamaCare; let's postpone it for a year.

That's what this vote is all about: Will you accept the compromise? If this government shuts down, it's because you have not accepted the compromise that Republicans have reached out to you and offered.

We have to understand, in this democratic process it's not like the President says: There will be no negotiations, no negotiations. He will negotiate with foreign dictators before he will negotiate with us.

We have reached out with a compromise. Please accept the compromise and keep the government open.

The SPEAKER pro tempore. The Chair would once again remind Members to address their remarks to the

Chair and not to others in the second person.

Mrs. LOWEY. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from Georgia (Mr. SCOTT).

Mr. DAVID SCOTT of Georgia. Mr. Speaker, let's say exactly what this is. This is about a shutdown being ordered by the Republican Party. It is your initiative.

The reason for that is because you have been hijacked by a small group of extreme folks who simply hate this President. That's all that this is about.

The American people reject it because we had the election and the majority of the American people elected President Obama. You hate that when you see that because—shake your head if you want to—you cannot separate ObamaCare from the President of the United States. It's one and the same. You're the ones that are offering the shutdown.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair has on at least three occasions reminded Members to address their remarks to the Chair. The Chair would advise the gentleman to address his remarks to the Chair.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, Alexander Hamilton and Thomas Jefferson hated each other so much. But that hate that they had for each other did not come before the love of their country. Your hate for this President is coming before the love of this country because if you loved this country, you would not be closing it down.

The SPEAKER pro tempore. Once again, the Chair would ask Members to address their remarks to the Chair.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MEADOWS).

Mr. MEADOWS. Mr. Speaker, my remarks will change based on the last remarks that were just given.

I think it's important that we do not challenge in this Chamber the love that each Member here has for their country. Many of us have made great sacrifices to represent the people, Mr. Speaker, that we represent.

To question that is certainly looking at history with a very myopic view. Because if we were to blame this just on the Tea Party or some extreme group, we would be ignoring history. This government has been shut down 17 times, Mr. Speaker, and 13 of those times it was when a Democrat was in that chair.

□ 2230

I think it's clear that, under Tip O'Neill, it was shut down more than anybody else, and it's important that we make sure that it's clarified tonight.

One other clarification: the motto behind you, Mr. Speaker, is not what was put forth by the whip from the other side. It says, ''In God we trust.''

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker and my colleagues, the Republicans would not work with us and figure out how ObamaCare should meet the needs of the American people, but it was passed into law. The courts approved it. The electorate voted and approved the President, who supported it. And now the Republicans say they are offering a compromise?

Their compromise would deny people for a year health care because of preexisting conditions, and it would make sure that the people who can't afford health care can't get it for a year, but it does worse than that. It takes people on Medicare, and it keeps them from getting the break on their prescription drugs and keeps their doctors from getting the increase in reimbursement for their services. It would stop the expansion of Medicaid for very low-income people.

This isn't just postponing it. It is undercutting the Affordable Care Act, and the tax provision on medical devices will only widen the deficit. Their provision will cost us money. If they shut down the government, it will hurt a lot of people, not just government employees but people all across the country.

Reject this Republican proposal, and let's improve funding for the government.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN. Thank you, Mr. Chairman.

Mr. Speaker, Mr. WAXMAN just got up and eloquently spoke about the need to keep these insurance reforms in place, particularly about preexisting conditions. I would encourage him to read the bill—and it does that.

What the bill, in fact, does say is that those insurance reforms that were in place in the provisions of ObamaCare prior to 1 October will remain in place and that the rest of it will, in fact, be delayed.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Massachusetts (Mr. NEAL).

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

Mr. NEAL. The job killer that we are threatening tonight has nothing to do with the medical device tax. It has to do with our giving up our responsibilities. The idea that we would threaten the full faith and credit of the United States is the issue that's in front of us.

We negotiated that medical device tax. It was originally proposed at 5 percent, and we cut it to 2.3 percent, in addition to which, based upon an industry request, we extended it to foreign competition.

Now, an issue that has been conveniently left out of this discussion is: Who is the biggest purchaser of medical devices? Medicare. By expanding the Affordable Care Act, we are going to have more customers who are going to purchase more medical devices. That's the reality actuarially of what we are discussing tonight.

This notion that you can separate the revenue portion from the overall legislation is ill-considered, and everybody knows it. This was negotiated in the full light of day—thoroughly discussed.

Return to the argument I made a moment ago. If you're interested in not killing jobs, stop this ruse that you're playing on the American people tonight and with the full faith and credit of the United States—with the debt obligations that we have.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Speaker, sometimes I wonder if we are discussing the same bill.

This is a bill that is to keep the government open. I looked at the Affordable Care Act. The President made a guarantee, a simple guarantee: If you like your health care plan, you can keep it.

When I go to a store and I buy a product and it comes with a guarantee and it doesn't work, you take it back; you get your money back; and you look for a new product. People are losing their health care plans.

Now is the time to take some time for what would be bipartisan health care reform, not a bill that was rammed through on a party-line vote so that we could pass it to find out what was in it. The American people are finding out what's in it. It's time for a new product, and it's time for bipartisan health care reform.

I ask for the folks across the aisle to come together, and let's do something that empowers the American people and not the elites at HHS here in Washington, D.C.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the distinguished ranking member.

Mr. Speaker, for people who are tuning in to this debate, I want to make sure there is no confusion. This is not ''Saturday Night Live.'' This is the Republican majority at work. Only they are not working—it is a game. It is a game that they have played since day one. This has been the Congress of chronic chaos since day one, and tonight is just another episode, my colleagues, of that Congress of chronic chaos.

Forget ''Saturday Night Live,'' Mr. Speaker. When I grew up on Long Island, I used to watch one of my favorite cartoons, the ''Road Runner.'' Do you remember the ''Road Runner,'' Mr. Speaker? In every episode, another cliff. They have turned governing into an old cartoon of the ''Road Runner.''

This is not a game. The American people deserve better than this. This is

not about the Affordable Care Act, Mr. Speaker. This is not about ObamaCare, Mr. Speaker. This is about whether we govern. This is about whether they are willing to hold this economy hostage to their ideology. This is about whether they are willing to put people out of work because of their extremism—and they use the Affordable Care Act as a subterfuge.

Mitt Romney said they're going too far. Karl Rove said they're going too far. The Chamber of Commerce said they're going too far. The Wall Street Journal said they're going too far. And what are they doing tonight? Going farther. They're doubling down.

The American people have gone from deep disappointment in this dysfunctional majority to absolute outrage with this dysfunctional majority. Mr. Speaker, the American people who are watching this and watching this Congress want reasonable leaders with reasonable solutions and commonsense ideas for this country, not shutdowns, not showdowns, not cliffs, not chaos, not cartoons, which we get tonight and which we have gotten every single night since this majority became the majority. When this government shuts down because of them, Mr. Speaker, Americans are going to have to continue to pay their taxes.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON), who is the chairman of the Appropriations Subcommittee on the MilCon and VA.

Mr. CULBERSON. Thank you, Mr. Chairman.

Mr. Speaker, as we say in Texas, it's time to get a few things straight around here.

We in the House of Representatives passed a Defense Department appropriations bill back in June. We passed a Military Construction-VA appropriations bill back in June to make sure our veterans were taken care of. We passed legislation to protect our homeland. The Department of Homeland Security is fully funded. Everything the President asked for and everything the agencies asked for passed out of the House earlier this summer. We even passed an Energy and Water appropriations bill.

They are sitting in the Senate, and they could have been passed back over here very, very easily because the Senate has been known to move like lightning when they need to. They've even deemed the bills before they've passed. Yet, in the democratic process, all of us have learned ever since elementary school that the democratic process requires compromise: two sides that disagree find a way to come closer together.

For the first time today since 1979, the President of the United States reached out to the dictator in Tehran, who has sworn to erase Israel from the map. The President of the United States will talk to the dictator of Tehran, but he won't even negotiate with the House of Representatives—with the majority that was elected by our constituents to do everything in our power to delay, defund, or stop ObamaCare.

The last time we sent this bill to the Senate, it was a complete and total defunding of ObamaCare. It stopped it cold. We have compromised as the democratic process requires. Tonight, we offer the Democrat minority a compromise. Let's just delay it for a year. Let's give the Nation a chance to see what's in that 2,500-page bill that NANCY PELOSI had no idea what it was. At the time, she said that we have to pass the law before we find out what's in it. We are discovering every day new horror stories.

The American people deserve to have time to see what this monstrosity will do before it is implemented. We are simply offering a compromise of a year's delay. We are even fully funding the troops—another compromise. That's the way it works in the democratic process, but it's hard to do it with people who won't even talk to you.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, we are just 2 days away from a Republican government shutdown. Now, you can try to deny it, but you're going to have to wear the jacket.

The Fiscal Times says that it's going to cost $150 million a day to shut down the government.

The Chicago Tribune says that the National Park Service would close all 401 national parks, and approximately half the government's civilian workforce—about 1.2 million employees—is expected to have furloughs.

The Washington Post said that the Department of Veterans Affairs told congressional officials last Friday that all benefit checks it issues, including disability claims and pension payments, will be disrupted if a government shutdown lasts for a while.

ABC News talks about the suspension of approval of applications for small business loans and about medical research being interrupted.

The Wall Street Journal has a warning, too. It says that some Republicans think they are sure to hold seats in the House in 2014—no matter what happens—because of gerrymandering, but even those levees won't hold if there is a wave of revulsion against the GOP. Marginal seats still matter for controlling Congress. The kamikazes could end up ensuring the return of all-Democratic rule.

Mr. ROGERS of Kentucky. Might I inquire of the time remaining, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Kentucky has 3½ minutes remaining, and the gentlewoman from New York has 5 minutes remaining.

Mr. ROGERS of Kentucky. I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the gentlelady from New York.

Mr. Speaker, I would like to announce breaking news. Texas happens to be a very diverse State, and my good friend from Texas just stood up and made an absurd proclamation—absolutely absurd.

In coming from a State where there are 6 million-plus uninsured individuals, he knows full well that tonight, when we vote to shut down the government, he will, in fact, also eliminate the Affordable Care Act, not delay it. What he will do is he will then tell those who have a preexisting disease that the law is delayed. He will tell children who need preventative care that the law is delayed. Further, he will tell our creditors that we are irresponsible as a country, and he will tell the American people, whose jobs depend upon the government operating, that you don't count.

I don't want to live in a Nation where someone can say to the Nation and say to the people that you don't count.

I have said it before, and I am saying it again: When we vote tonight, we will be voting to shut down the government. You will be voting to ignore the States and the responsibilities of this country in paying its debt.

Mr. Speaker, I rise in strong opposition to the amendment, which is another attempt to veer away from the responsibilities of running the country and into the ditch of selfishness and bitterness which is truly the realm of the un-Patriotic!

I oppose this amendment because it puts an anchor on a clean continuing resolution which unnecessarily and perniciously weighs down the hopes and dreams of my constituents in Houston and the American people. It conditions the funding needed to avoid a government shutdown on a repeal of the excise tax on certain medical devices that helps defray the cost of the affordable, quality healthcare made available for the first time to millions of Americans by the Affordable Care Act (ACA).

I oppose this rule because the amendment it makes "in order" to the "clean" continuing resolution passed yesterday by the Senate will, if approved, result in a shutdown of the government. Both President Obama and Senate Majority Leader Reid have it crystal clear that they will not accept any continuing resolution containing any provision to delay, defund, or weaken the Affordable Care Act.

The ACA was carefully crafted so that it will not add to the budget deficit. To help pay for the expansion of health coverage to 27 million uninsured Americans, the ACA either reduces Medicare payments or increases taxes for a wide range of industries that will benefit from health reform, including hospitals, home health agencies, clinical laboratories, health insurance providers, drug companies, and manufacturers of medical devices.

The concept of "shared sacrifice" is something that every American should embrace; and the medical device tax is part of that sacrifice in which we all share—a true embodiment of this sacred notion.

A 2.3–percent excise tax is imposed on the sale of any taxable medical device by the

manufacturer or importer of the device starting in 2013. Eyeglasses, contact lenses, hearing aids, or any other medical device that the public generally buys at retail for individual use are exempted. Sales for further manufacture or for export are also tax-exempt.

Last year the House passed H.R. 436, which would have repealed the tax, and bills to repeal the tax have been introduced in both the House and Senate this year. Nobody likes higher taxes but—this tax was thoroughly debated—and let us be clear—it is not as if the medical device industry did not have its voice heard—and it is clear that they still have some influence since bills have been introduced to repeal.

As the end of the fiscal year quickly approaches, the sad truth remains unchanged: the Speaker has surrendered the gavel to the tea party's desperate attempts to force a Republican government shutdown to put insurance companies back in charge of Americans' health care.

Democrats have an alternative, introduced by my colleague, Mr. VAN HOLLEN, to fund the government and end the devastating, across-the-board cuts of the sequester with a mix of spending cuts and revenue increases in order to reduce the deficit in a responsible way.

I agree with President Obama that the full faith and credit of the United States is non-negotiable. The United States has been the worldwide standard bearer for many years and many other nations have been comfortable holding our paper, but now our preeminent financial status is in jeopardy.

Mr. Speaker, you may recall that two years ago the Nation's credit rating was downgraded for the first time ever because of politicized negotiations and the initial failure to reach an agreement—and now we risk that and more because an odd lot of Members in this body and one, perhaps two in our bicameral twin, wish ill on the American people out of some misguided principle.

Refusing to raise the debt ceiling poses a cataclysmic danger to the stability of our markets and the economic security of our middle class and complete devastation for the poor.

As Federal Reserve Chairman Ben Bernanke stated last week: ''A government shutdown, and perhaps even more so a failure to raise the debt limit, could have very serious consequences for the financial markets and for the economy . . .''

Here are some of those consequences:

Higher interest rates for mortgages, auto loans, student loans, and credit cards. Higher interest rates and less access to business loans needed to finance payrolls, build inventories, or invest in equipment & construction.

Families' retirement savings in 401(k)s dropping as the stock market plummets.

3.4 million veterans not receiving disability benefits.

10 million Americans not receiving their Social Security check on time in just the first week.

Drug reimbursements under Medicare stopping, and doctors and hospitals not getting paid.

Mr. Speaker, let's get to work on behalf of the American people and pass a clean CR and raise the debt limit—now! The people expect nothing less, and time is of the essence.

Mr. Speaker, I rise in strong opposition to the Blackburn Amendment, which delays for one year any provision of the ACA that takes effect between October 1, 2013 and December 31, 2014.

I oppose this amendment for several reasons. First, the amendment will lead to a government shutdown because it imposes a condition that House Republicans know the Senate and the President will not accept.

Second, I oppose the amendment because it is bad for America and Americans. The proponents of the Blackburn Amendment claim the amendment only delays the imposition of the Affordable Care Act's individual mandate for one year. They are wrong.

In fact, the amendment delays the effectiveness of any provision that takes effect between October 1, 2013 and December 31, 2014. Thus, the amendment operates directly on the following benefits of the Affordable Care Act:

1. The ban on pre-existing condition discrimination for adults;

2. The ban on gender rating (charging women more than men for the same policy);

3. The 3:1 age rating, which limits the amount charged to older people for insurance;

4. The elimination of annual limits on healthcare costs; and

5. The availability of health insurance premium tax credits and other provisions that would save millions of middle class families hundreds of billions of dollars.

Mr. Speaker, this marks the the 43rd time House Republicans have tried to repeal, defund, or delay the Affordable Care Act. To date the record is: ObamaCare—42, House Republicans—zero.

Mr. Speaker, the Blackburn Amendment is misguided, ill-considered, and harmful to America, and especially my constituents in the 18th Congressional District of Texas. Specifically, the Blackburn Amendment would allow insurers to continue denying coverage to those with pre-existing conditions. Were this amendment to become law, up to 17 million children nationally, and 46,000 in my congressional district, could again be denied coverage by insurers due to a pre-existing conditions and it would allow insurers to continue discriminating against women and those with medical conditions in setting premiums.

Were the Blackburn Amendment to become law, employers would be permitted to refuse to offer insurance that covers preventive services, including contraception for 50,000 women in my district, that they object to on any religious or moral grounds.

Were the Blackburn Amendment to become law, it would take away tax credits and subsidies to help Americans purchase insurance which would adversely affect 446,800 persons in Harris County and more than 2.5 million persons in my home State of Texas.

Were the Blackburn Amendment to become law, it would take away tax credits and subsidies to help Americans purchase insurance. This would adversely affect 153,000 persons in my district and 105 million Americans nationally.

Were the Blackburn Amendment to become law, it would delay an increase in tax credits to help small businesses buy insurance for their employees. This provision has already helped 360,000 small businesses provide insurance to more than 2 million persons.

Mr. Speaker, instead of debating amendments that have no chance of becoming law and will hurt Americans and our economy, let us work together on behalf of the American people and pass a clean CR and keep the government open to do the people's business.

I urge all my colleagues to join me in voting against the Blackburn Amendment.

Mr. ROGERS of Kentucky. I continue to reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the gentlelady from Wisconsin (Ms. MOORE).

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Ms. MOORE. Mr. Speaker, be not deceived. The people are not mocked. In 24 hours, if we don't send an exact bill back to the Senate, not a colon, not a semicolon, not a paragraph, not a word different, the government will shut down.

This debate is not about medical devices, about birth control, about ObamaCare, the Affordable Care Act; it is about continuing to have our government operate for another few days. We have 24 hours for this Congress to agree on the exact bill. And I agree with my other colleagues, this whole debate is a subterfuge and a proxy for a strong desire to bring this Nation to its knees and to punish the people for electing Barack Obama President of the United States.

Mrs. LOWEY. Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, soon the government of the world's greatest country will shut down, and it will reopen only when the public decides that one party is uncompromising and unreasonable.

A CR sets our spending level. This CR sets the spending level right there at the Republican Ryan budget level: $250 billion below the President's request and $72 billion below Senate Democrats. When it comes to spending levels, we have compromised. It is manifestly unreasonable to say you're going to shut down the government to achieve a legislative objective.

What if Democrats said, We're going to shut down the government if we don't get immigration reform, gay rights, or gun control? We are as passionately dedicated to those issues as our colleagues on the other side of the aisle are to their ceaseless desire to repeal ObamaCare, but we will not shut down the government. We will not destroy the American economy to get our way. We will not take hostages. We will prevail when we persuade Republicans or elect Democrats. We will not hurt this country to get our objectives.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. PITTENGER).

Mr. PITTENGER. Thank you, Mr. Chairman.

Mr. Speaker, this discussion tonight reminds me of a courtroom scene with Jack Nicholson in ''A Few Good Men'': The truth? You can't handle the truth.

Mr. Speaker, we have shown the other side how premiums are going up, 200 percent and 300 percent. We've told them about the loss of jobs, that we

lost full-time jobs; the unions don't like it; we've lost innovation; we have enormous tax increases. They just don't hear it. Mr. Speaker, the American people are not lemmings, and they don't want to follow the lemmings going off the cliff.

Mr. Speaker, it's time that we recheck this and stop this crazy, delusional idea that nationalized, centralized planning will work.

Mrs. LOWEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman has 2 minutes remaining, and the gentleman from Kentucky has 2½ minutes remaining.

Mrs. LOWEY. Mr. Speaker, my friend, Mr. ROGERS, and I have been trying to pass a bill that would reflect the needs of the people of the United States of America.

My friends know that this bill is delusionary. It just reflects the dysfunction of my friends on the other side of the aisle. To allow the extreme wing of the Republican Party to control this debate does not make sense at all.

The truth is we are 2 days away from a shutdown. My friends know that this bill is not going to be accepted by the Senate. They sent over a bill that we could have all passed, sit down and work together, and keep this government from shutting down.

The dysfunction that is occurring because of the Republican wing of the party does not make sense to me at all. You're bowing to the extremists, the Tea Party, who really don't want to see this process move forward.

We know that the Affordable Care Act is the law of the land. We know it's been affirmed by the Supreme Court of the United States. Let's move on. Let's not waste time. People are out of work. Children are not getting what they need in school. The National Institutes of Health are not getting the resources that they need. Let's stop this game. Let's stop the dysfunction. Let's stop playing games.

This is the reality. Let's work together and pass a bill, a continuing resolution, and then I'm sure Chairman ROGERS and I could pass an omnibus bill with the Senate to move forward with the work that we are elected to accomplish.

I yield back the balance of my time.

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

We've heard time and again tonight from the other side that this debate and vote is about shutting down the government. Pardon me. I thought we were voting on a continuing resolution. What do you think a continuing resolution is? It's to continue the government.

Those on the other side also want to say that we're defunding ObamaCare. We're not. We did that in the first bill we sent over to the Senate. The Senate rejected that and sent it back. Now this side of the aisle is offering a peaceable offer.

People all over this country are telling all of us how much they are worried about this ObamaCare that they're having to contend with starting this Monday. They're saying, Please, give us a break. Give us some time to adjust to this. Even the President admitted that the law was not for prime time for the business community, and he gave businesses an extra year. He's excused so many other people that we don't even know about, and yet the individual mandate, the requirement of the law that individuals must comply with, he will not yield on.

That's what this bill does. It says let's take a year off and let's work this thing, let's get the computers which are not working to work. Let's get the computers working right. Let's get the staff in the field. Let's get people out there who can sign people up. That takes time, Mr. Speaker. That's what this bill is all about. It says delay for just 1 year the individual mandate, which is really all that's left that's still in force. Let's take a year and perfect, if you can, this bill for the individual.

To say that what we're after tonight is to shut down the government is just not so. This is a continuing resolution. This continues the government. Like it or not, that's what it does. So I urge a ''yes'' vote.

I yield back the balance of my time.

Mr. KIND. Mr. Speaker, I rise today in support of the repeal of the medical device tax, but in opposition to this partisan effort to repeal the device tax without fully paying for it.

As lead Democratic sponsor on the Protect Medical Innovation Act that repeals the device tax, I have been, and continue to be, strongly supportive of repealing the medical device tax. There are over 8,000 medical device firms in the United States that employ over 420,000 people, including thousands of high paying manufacturing and research and development jobs in Wisconsin. The medical device industry is one of the most innovative and creative in the U.S. economy today. Their innovation is the key to providing cutting edge, life-saving technology to patients. Some of the greatest cost savings we've seen in the health care system have come through technological breakthroughs in the medical device and biotechnology industries. The device tax will limit the innovation that has extended lives and help cut health care costs due to the squeeze that the tax creates on R&D budgets. Innovative start-up companies that typically lose money in their early years are especially threatened since the tax is based on revenue, regardless of profit. It is important to protect American manufacturing and research jobs in this vital industry by repealing the medical device tax. However, the proper and responsible method of repeal is to fully pay for it without adding to the deficit. What we are doing today is nothing more than political theater.

After years of listening to Republicans berate Democrats for ''out of control government spending'', the House is voting today to repeal the device tax without any measure to pay for it. The President and House Democrats were committed to ensuring that the Affordable Care Act (ACA) was fully paid for, and in fact, the ACA reduces the deficit, saving more than $200 billion over 10 years and more than $1 trillion over its first 20 years. I fought against including the medical device tax during debate on the ACA and remain opposed to it now, but I am also committed to fiscal responsibility. I've been consistent in pushing for major legislation to be paid for so that we don't leave our debts to our children and grandchildren. In 2003, I opposed the Republican Part D Prescription Plan because the legislation wasn't paid for. That legislation added hundreds of billions of dollars to the deficit. I'm disappointed that the House Republican majority is again trying to take the easy way out by increasing the deficit.

I reluctantly vote no on this amendment to repeal the device tax because it fails to pay for what is an important policy objective—repeal of the medical device tax. I will continue working with my Republican colleagues and our friends in the Senate to repeal the device tax but we need to do so in a fiscally responsible way. I stand ready to work with my colleagues to find a bipartisan way to accomplish that objective.

Mr. GENE GREEN of Texas. Mr. Speaker, it is time we end these games and pass a clean continuing resolution. The American people and our economy deserve the certainty of knowing that our government will remain open for business.

I am disappointed that a topic of such importance: the medical device tax repeal, is being reduced to the level of political squabbling over the CR. I fully support repealing this tax. I didn't support it being included in the ACA and do believe it is bad policy.

But, to repeal this tax should be part of a larger effort to improve the ACA, not a half baked political stunt. This topic deserves thoughtful and careful debate. It should not be paired with delaying the individual mandate, which is a provision, upheld by the Supreme Court and critical to the success of the ACA, and used to take hostage funding for our government.

I am voting no on the tax repeal, not because I oppose the policy, but because I do not support this type of political stunt when we have a job to do.

We must avoid a government shutdown. Our constituents expect for us to act responsibly and rationally. Vote no on the amendment and let's move a clean CR and show the American people that we can work together.

Then, we can reconvene next week and debate the merits of the device tax repeal.

Instead, I fear, we will never see the Protect Medical Innovation Act, H.R. 523, again, because this is not a serious attempt at fixing a real problem. H.R. 523 has 263 cosponsors, including me. It is clearly enough to pass this chamber. Mr. Speaker, bring that bill to the floor, and I will strongly support it.

Prove to the American people and to the medical device manufacturers, who drive innovation, that this is an important issue that you are committed to.

Bring H.R. 523 to the floor and let's pass that as soon as we pass a clean CR.

Mr. MARCHANT. Mr. Speaker, I rise to support the Continuing Resolution and its delay and defunding of Obamacare for one year and all of the taxes assessed to pay for Obamacare. The President's health care law has already produced a significant drag on our economy, making it harder for employers to hire workers and those in need of work to find employment.

We must defund Obamacare before it can do additional damage to our economy and health care system. Health insurance premiums across the country are skyrocketing, and employers are shifting workers from full time status to part time. Employers have been given an extension in complying with the law, but individuals are still subject to the mandate. This double standard is not fair and must be changed.

This resolution also repeals the medical device tax, a very unpopular tax created by Obamacare that is stifling future medical research and development. I encourage my colleague to join me in defunding Obamacare and support this resolution.

Ms. Kaptur. Mr. Speaker, I rise in strong opposition to the bill before us.

The United States has been the world's shining example in how democracy can work.

Our history shows that the nation is stronger when we come together to govern and solve the serious issues that face our country.

Yet, tonight we find ourselves on the precipice of a government shutdown. Make no mistake, the bill we considering at this late hour essentially ensures that the government will shut down.

We cannot continue to "govern" by staggering from manufactured crisis to manufactured crisis. The madness must stop.

It seems we have learned nothing from recent history. To use just one example, during the fiscal cliff in December of 2012, the Dow fell more than 400 points or 3.1 percent.

These sudden drops in the stock market have real impacts, particularly for individuals who have substantial amounts of their family's hard earned savings in the market for retirement.

Our economy is still in the process of recovering from the Great Recession. We should be debating ways to spur economic growth, not debating a shutdown that will slow economic growth.

For the entire country, the Republican shutdown proposal will have real immediate negative consequences.

The impacts will be felt in our economy and in the services that the Federal Government provides, which the taxpayers pay for.

According to the Administration:

Nearly 1.4 million active duty military personnel deployed at home and overseas defending our nation's interests would not be paid for their work until after the shutdown ends.

Hundreds of thousands of Federal employees would be immediately and indefinitely furloughed, and many Federal employees and contractors that continue to work would not be paid during the shutdown.

Housing loans to low and middle-income families in rural communities would be put on hold, as would start-up business loans for farmers and ranchers.

SBA would stop approving applications for small businesses to obtain loans and loan guarantees. In a typical month, SBA approves over $1 billion in loan assistance to small businesses.

All facilities and services in our national parks would be closed, as would the Smithsonian, impacting the hundreds of thousands of people that visit these sites daily.

This would have severely negative impacts on the surrounding local communities that rely on the revenue generated by travel and tourism to these destinations.

Important government research into life-threatening diseases, environmental protection, and other areas would be halted.

The government would stop issuing permits to conduct drilling operations on Federal lands, and would stop or delay environmental reviews of planned transportation and energy-related projects, keeping companies from working on these projects.

If this CR were to become law, defunding the Affordable Care Act, not only would it put health insurance companies back in charge of our health care, it would end free preventive services that 105 million Americans including 71 million Americans in private plans and 34 million seniors in Medicare have received.

The list of those who would lose under this bill is too long to enumerate. The Affordable Care Act is law. Elections have consequences.

We all know this bill is dead on arrival in the Senate and the President has said he would veto it should it reach his desk. We are wasting our time. Instead we should pass a clean CR and get on with the business of the American people.

In closing, I urge my colleagues to vote against this measure and urge my Republican colleagues to accept reality and not shut the government down.

Ms. BROWN of Florida. Mr. Speaker, I rise today in complete disgust and opposition to the House Republicans misguided plan to shutdown the government. As the current continuing resolution is set to expire on Monday at midnight, the sad truth remains that Speaker Boehner has surrendered the gavel to the Tea Party's hopeless attempts to defund or delay the Affordable Care Act. With the Affordable Care Act, passing both chambers of the United States Congress, being signed into law by the President of the United States, upheld by the United States Supreme Court, and securing the approval of the American people during the last election, it is now time for House Republicans to accept reality and discontinue their obstructionist tactics of trying to prevent a law that is beneficial for millions of Americans across this country. As House Republicans continue to use the Affordable Care Act as the hostage that will trigger a government shutdown, the fact remains that even if the government shuts down, the Affordable Care Act will continue to be implemented with the health insurance exchanges opening on Tuesday, October 1, 2013. Earlier this week, the Senate passed legislation that will keep the government funded and prevent a government shutdown, if the Republican leadership was serious about keeping its commitment to the American people, the House should immediately schedule a vote on the legislation passed in the Senate.

The American people have seen enough. The time has come for Republicans to abandon their reckless and irresponsible agenda and in Democrats to honor America's commitments, create jobs, and strengthen the middle class.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 366, the previous question is ordered.

Pursuant to clause 1(c) of rule XIX, further consideration of the motion offered by the gentleman from Kentucky is postponed.

## PAY OUR MILITARY ACT

Mr. KINGSTON. Mr. Speaker, pursuant to House Resolution 366, I call up the bill (H.R. 3210) making continuing appropriations for military pay in the event of a Government shutdown, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. POE of Texas). Pursuant to House Resolution 366, the bill is considered read.

The text of the bill is as follows:

H.R. 3210

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Pay Our Military Act".

**SEC. 2. CONTINUING APPROPRIATIONS FOR MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—There are hereby appropriated for fiscal year 2014, out of any money in the Treasury not otherwise appropriated, for any period during which interim or full-year appropriations for fiscal year 2014 are not in effect—

(1) such sums as are necessary to provide pay and allowances to members of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code), including reserve components thereof, who perform active service during such period;

(2) such sums as are necessary to provide pay and allowances to the civilian personnel of the Department of Defense (and the Department of Homeland Security in the case of the Coast Guard) whom the Secretary concerned determines are providing support to members of the Armed Forces described in paragraph (1); and

(3) such sums as are necessary to provide pay and allowances to contractors of the Department of Defense (and the Department of Homeland Security in the case of the Coast Guard) whom the Secretary concerned determines are providing support to members of the Armed Forces described in paragraph (1).

(b) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" means—

(1) the Secretary of Defense with respect to matters concerning the Department of Defense; and

(2) the Secretary of Homeland Security with respect to matters concerning the Coast Guard.

**SEC. 3. TERMINATION.**

Appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation (including a continuing appropriation) for any purpose for which amounts are made available in section 2; (2) the enactment into law of the applicable regular or continuing appropriations resolution or other Act without any appropriation for such purpose; or (3) January 1, 2015.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE.

Mr. KINGSTON. 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 consideration of H.R. 3210.

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

There was no objection.

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

H.R. 3210 is called the Pay Our Military Act, and it's been introduced by Representative MIKE COFFMAN and Representative LOUIE GOHMERT, along with a number of other Members of Congress. The purpose of it is to authorize the Secretary of Defense and the Secretary of Homeland Security to continue to provide pay and allowances without interruption to the 1.4 million members of the Army, Navy, Air Force, Marine Corps, and Coast Guard, the men and women who perform services during any potential funding gap. Without this action, their pay could be delayed.

Our troops should not suffer for Washington's failure to act. As the representative of more than 35,000 troops who are in and out of war zones, I know that they and their families cannot afford to miss one paycheck. Regardless of what happens in politics, we as Democrats and Republicans should be able to come together and ensure that our sailors, soldiers, and airmen are all paid and paid on time.

During the government shutdown in 1995, soldiers were paid because the Department of Defense had already been funded for the year. Their appropriation bill had already been passed by both Houses and signed into law by the President of the United States. That is not the case today; therefore, H.R. 3210 is essential. Not only would it pay our troops, but it would permit the payment of civilian personnel and contractors whom the Secretary determines are providing support to the Members of our armed services.

I reserve the balance of my time.

Mr. MORAN. Mr. Speaker, I yield myself such time as I may consume to address this bill in general.

This bill is an act of political theater. It attempts to cover up the underlying problem of a government shutdown with what in essence is a rhetorical gimmick. The bill claims to support our troops, which the majority knows that the minority party wants to do at least as much as they do. There's no disagreement in terms of the desire to make sure that all of our noble men and women in uniform and the civilians who work for the Defense Department and the contractors that contribute to our national security are all paid. We all want to do that. So why do we have this bill?

Well, this bill attempts to reassure the public, who might be confused, as to what the adverse impacts of a government shutdown might be.

□ 2300

Mr. Speaker, it's important that the public understand that even with this bill, what we will do tonight, what the majority will do tonight will, nevertheless, fail to provide the materials essential to support and maintain the readiness of our U.S. forces.

I'll list any number of activities that will, notwithstanding this bill, go unfunded if the government is shut down. And because of the action that really the majority will take tonight, it looks increasingly likely that will happen at the beginning of next week.

Mr. Speaker, when we finish tonight, we will set in motion a situation where military medical treatment facilities will have to scale back operations. They will try not to impact inpatient care or acute and emergency outpatient care; but routine medical and dental procedures, elective surgery is likely to be stopped. Most maintenance activities would stop. Military members would continue to receive private sector care under TRICARE, but medical provider bills are going to go unpaid until appropriations are enacted.

New contracts, including contract renewals and extensions and the issuance of task orders, those are not likely to be executed. Any new contract will not be paid until appropriations are enacted. Death benefits to the family members of military personnel killed in the line of duty are not likely to be paid until appropriations are enacted; in other words, they won't be if the government is shut down.

Almost all travel for temporary duty and some permanent change of station moves would be delayed, canceled, or cut short. Many professional training and educational activities would be stopped.

The bill fails to fund the materiel support needed to conduct training and ensure the readiness of our forces at home. Regular training exercises, including large-scale training rotations that are absolutely essential, depend on equipment that is in proper working order, facilities that have been properly maintained, and the supplies needed to support soldiers, sailors, airmen, and marines.

The bill fails to fund the procurement and research accounts that maintain the technological advantage of U.S. forces. It fails to fund the ships, the aircraft, ground equipment, sensors, and ammunition that our troops rely upon in combat. My friend from Georgia knows that about 40 percent of the DOD appropriations bill goes to acquire and enhance this equipment. Failure to fund these accounts hurts the readiness of U.S. forces and degrades our defense industrial base.

Now let me mention some of the other activities that will not be exempted, notwithstanding the fact that this bill will be passed virtually overwhelmingly. The Department of Veterans Affairs personnel charged with claims processing for veterans, including those returning from the last 12 years of combat, will not be paid. This legislation will nullify the progress that has been made by the VA on reducing the unacceptably high claims backlog.

A shutdown cuts foreign military financing to Israel, a vital partner and ally that depends upon $3.1 billion being provided at the beginning of the fiscal year; and, thus, it undermines our national security in an ever-changing and unstable region by degrading Israel's ability to maintain a qualitative military advantage.

These cuts will also have a direct impact on the industrial base throughout the United States, costing countless jobs that are funded through Israel's purchase of goods and services. Additionally, a shutdown will have a direct impact on our counterterrorism efforts, will halt programs that combat transnational crime, terrorism, and proliferation of weapons of mass destruction. This could severely impact activities supporting our homeland security. It will stop counterdrug, anticrime, and border security efforts in Mexico and Central America that secure our own borders, as well as programs that advance democracy, including civil society and the rule of law.

When the government shuts down, overseas operations are heavily affected. It would put at risk the physical protection for diplomatic personnel and facilities overseas and severely limit the ability of the State Department to provide for and maintain missions in increasingly dangerous locations. With all the rhetoric about Benghazi—and we share the concern about what happened—this, again, puts people at risk overseas.

It would stop commercial export sales. A shutdown would force the State Department to impose indiscriminate cuts to embassy security and protection of personnel, thereby eroding the security of the United States Government diplomatic facilities and making it all but impossible to meet the requirements to provide safe and secure embassies overseas.

All national parks would be closed, memorials and museums. There are 401 of these locations throughout the country. Cumberland Island National Seashore would be closed. The Martin Luther King National Historic Site would be closed. The Chattahoochee River National Recreational Area would be closed. Fort Frederica National Monument on St. Simmons Island would be closed. And that's just to mention a few Federal facilities that I suspect the gentleman who is managing this bill is fully familiar with.

We'll let go of 4,000 weather forecasters. We could go on and on. The Smithsonian will be closed. The Lincoln Memorial will be shut down. The National Zoo, Yellowstone.

What are we doing this for? This doesn't make sense. All the wildlife refuges will be closed for hunting. This is hunting season.

You know, this may not seem like a big deal; but I think the American people, when this is done, are going to realize the same thing they did back in 1995: wait a minute, we want these Federal activities. We need these Federal facilities. We need these jobs. Open up our government. And any Congress that acts to close it down is disserving the American public.

We are not fulfilling our responsibilities if we allow this government to

shut down, but that's exactly what we are doing with the action that the majority will be taking tonight.

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

Mr. KINGSTON. Mr. Speaker, I can't imagine why HARRY REID and the Senate would shut down all these things for a health care bill called ObamaCare which is raising the cost of medicine and decreasing access to it.

I yield 1½ minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I thank the chair.

Mr. Speaker, the government should stay open. I support the legislation, but it can be improved.

All employees who work without pay should be paid on time, including, for example, the CIA. I went to the memorial service where the CIA employees were killed in Khost; and they're side by side with the American military. The FBI, who is on the scene in Kenya now, investigating al-Shabab and the attack; DEA, Customs and Border Patrol agents, prison guards, doctors and nurses at VA hospitals, air traffic controllers, and Federal firefighters, many who gave their lives fighting wildfires around the country. Otherwise, they would be working without pay if the government closes.

I believe that all Federal employees should be paid. We should not forget that several Federal employees were killed at the Navy Yard. I went to the memorial service and saw the pain of their families. And the CNO, who spoke, said they were supporting the fleet.

So in closing, I am going to support this amendment; but Federal employees and their families should not be punished because the administration and the Congress cannot agree.

Mr. MORAN. Mr. Speaker, I want to associate myself with the comments of my good friend from Virginia (Mr. WOLF). I completely agree with him that we want both DOD personnel and the personnel of our other Federal agencies to be able to continue to come to work. I appreciate his comments.

Mr. Speaker, at this time, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the very distinguished minority whip of the Congress who not only has substantial military activity within his district but very ably represents tens of thousands of Federal employees.

Mr. HOYER. Mr. Speaker, I thank my friend from Virginia (Mr. MORAN) for yielding.

For 33 years, the gentleman from Virginia who just spoke and I have sought equity and fairness for our Federal employees, whether they be in uniform or in civilian clothes.

I refer to this bill as ''selective responsibility.'' They know that the shutdown of government is irresponsible; and they know that neither the President nor the Senate is to agree, as they have not over and over and over again, to the proposal they have made. They know that they don't want to be so irresponsible as to put the men and women who defend our country at risk.

And I might say, I believe every one of us in this House is going to vote for this bill. But my friend from Virginia (Mr. WOLF), who is my good friend and with whom I have worked side by side in a bipartisan way effectively for many, many interests—he's right.

Now let me say that on the 16th of September, 10 people were struck down working for the defense of this country. I understand you will say, Oh, your bill covers them. I have attended two funerals, one on Wednesday and one today. I have spoken at both. With Mr. WOLF, I went to the marine barracks this past Sunday. The Commander in Chief, President Obama, spoke. Secretary Hagel, the Secretary of the Department of Defense, spoke. Secretary Mabus, the Secretary of the Navy, spoke. CNO Admiral Greenert spoke. And NAVSEA commander, which is located, of course, at the Navy Yard, Vice Admiral Bill Hilarides, spoke. They spoke about one Navy—uniform, civilian—working as a team. But they spoke more broadly than that in that all Federal employees are one team, joined together to make our government work as effectively as it can.

We are the board of directors of that government; and I can't believe there is one of us, Mr. Speaker, that would serve on a board of directors and treat a large portion of our employees with such disrespect, with such lack of consideration, with such contempt at times as we treat our civilian employees.

This bill does not cover the FBI. It doesn't cover CIA. Now you will argue, Oh, well, they're in the defense, and they'll be critical employees. But only some. It doesn't cover the National Institutes of Health to try to make America a healthier Nation. You want to defund ObamaCare; you want to defund NIH. And you will say, Of course not, Mr. HOYER. This isn't a shutdown of government. It's a continuing resolution.

Well, we know it has some poison pills in it. We know the Senate won't buy it. We know that time is running out, but we're going to do it anyway.

This bill won't help the Food and Drug Administration. It won't help the Centers for Disease Control. It won't help Homeland Security, except in certain narrow instances.

The SPEAKER pro tempore (Mr. POE of Texas). The time of the gentleman has expired.

Mr. MORAN. I yield the gentleman an additional 2 minutes.

Mr. HOYER. It won't affect the Border Patrol. It won't affect the FAA, except in certain limited instances.

What do you think the morale of the people who work for us, the board of directors, is at this point in time? I will tell you: it's on the floor. That's not good for our country.

This is selective responsibility. Responsibility would be, let's fund government, and then let's debate these issues. We have debated this issue; and by the way, we won the debate in the election—not on this floor, in the election. But you refuse to accept the results of the election.

We are all going to vote for this bill; but I will tell my friends on both sides of the aisle, it is time for us to give respect to our nonuniformed Federal personnel because they are critical to the success of this country, to the success of our people. And we can argue about how large or how small our government is, but we should not argue about the quality of people that we want in the government. We should not argue about the fact that we want their morale to be high because they feel respected, because they feel wanted and worthwhile and that the missions they perform, whatever their role, are appreciated as important for the American people.

Any corporate head that you talk of and talk to and talk about will tell you you want to make sure your people understand that you believe in their worth. Because if you do not, you will not get what you want. We will all support this bill, but it is selective responsibility and will not excuse your rampant irresponsibility.

□ 2315

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the chairman of the Army Caucus, Judge JOHN CARTER from Texas.

Mr. CARTER. Mr. Speaker, this rhetoric is wonderful and I'm enjoying it, but I represent Fort Hood, Texas. Fort Hood has put more human beings in the fight in the last 10 or 11 years than any place on Earth.

Not only soldiers go to war, but wives or husbands or spouses and children stay home. And they have the same human problems that everybody, every one of us have. I would venture to bet that every Member of this Congress when they're away from their spouse at some time has a conversation with their spouse to find out that the water heater went out or the air conditioner isn't working or the kids have a problem in school or some other thing. You know, it weighs on us even when we have this job in this beautiful Chamber. But think about the soldier on the line in Afghanistan, with every waking and sleeping minute he's there, someone is trying to take his life; and yet they talk now freely with their families back home, and that same weight on them is magnified a thousand times.

This bill tonight is about human beings, the fighting warriors of the United States of America and their families. And this bill tries to make sure that, in the outside chance that we ''reasonable people'' in this Chamber and the other Chamber can come to a compromise to keep this government going, and in the outside chance that nobody wants, that this government shuts down for whatever period of time, that the fighting men and women of this Nation and their families at home will have a paycheck.

I think that this is such a small token to put before people who risk their lives, it would be almost a shame to debate any other way. I move that we pass this bill, and I hope, as my colleague said, 100 percent of us vote for it.

Mr. MORAN. Does my friend from Georgia have many other speakers?

Mr. KINGSTON. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Georgia has 14½ minutes remaining, and the gentleman from Virginia has 4½ minutes remaining.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Mr. Speaker, I would like to thank the gentleman from Georgia for yielding.

I have come to the floor many times this year to remind my colleagues that our Nation has no greater asset than the folks serving our Nation, including those who make up our Department of Defense, both military and civilian alike. And today I am glad to support this bill, and I am pleased to see the House is moving to ensure that our servicemembers and civilian Department of Defense employees and contractors will be paid, but we must also not forget all of the other Federal employees who serve our Nation on a daily basis. They do a fantastic job also.

I am proud to represent tens of thousands of Federal employees and retirees who live in the First District of Virginia. These hardworking patriots serve our Nation on a daily basis, whether it be keeping our skies safe for travelers with the FAA, or supporting our troops on the front lines of the war on terror through the FBI and CIA, or the nurses and doctors in our veterans' hospitals.

I firmly believe that the government must continue to operate to ensure our servicemembers and all of our Federal employees continue to be paid and the government operations that folks count on each and every day are not interrupted. The American public and the Nation's public servants deserve our extraordinary efforts to make sure this happens. They deserve our best.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT), the Representative of the Warner Robins Air Force Base and a member of the Armed Services Committee.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I thank my colleague from Georgia for his leadership on this bill.

Mr. Speaker, the House is at work and the Senate is at home. The President is absent again. But none of us would be debating the future of this country without the men and women in the United States military. That's what makes theirs special and different.

Now, I listened as some argued against this bill and then said we would all support this bill. Good. Good. Then let's put 435 green lights on the board and let's show the country that we're united in this.

Just today, 300 men and women from Moody Air Force Base, which my colleague represents as well as I do, many of the families down there in Georgia said good-bye to their families and friends and got on a plane. Why? Because we asked them to.

Over 90 days ago, this House right here passed an appropriations bill that fulfilled our promise to pay our soldiers in a timely manner and did all of the things that you said needed to be done with research and equipment and the other things. This House did that, and the Senate chose not to take action. Because of the Senate's inaction on the bill, the House is again working to do the right thing while, again, the Senate is at home, and we are working to pay our men and women who are defending our freedom.

Now, I know many of my colleagues—it sounds like maybe all of my colleagues on both sides of the aisle—are going to support the legislation in this House. All we're asking is for the Senate, HARRY REID, and the President to have enough honor to make sure the families of our soldiers are not used as political leverage and guaranteed that they are paid on time. This amendment does just that.

Mr. MORAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. GARAMENDI), who has real-life practical experience in knowing what it's like to administer an agency—in this case, the Interior Department—during a shutdown.

Mr. GARAMENDI. Mr. Speaker, 18 years and 3 days ago, I was Deputy Secretary at the United States Department of the Interior. It was a vibrant place. The attorneys were doing their work. The accountants were busy. The national parks were open, and the rangers were at the gates. They were explaining the great wonders of this land. The Fish & Wildlife Service was caring for those creatures that we care so much about. The researchers at the U.S. Geological Survey were doing their thing, and then Congress failed to pass an appropriation bill. The next day it was silent. The entire building was empty. The rangers shut the doors to the national parks. The research ceased.

To this day, I don't believe there's a person in this room or in this Capitol that can remember what the fight was about, but America can remember the shutdown of the government. And here today, we're in it once again. And the question that the American people will ask is: What is this all about? And the end result of it is that the status of this House will diminish once more.

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

Mr. MORAN. I yield an additional 1 minute to the gentleman.

Mr. GARAMENDI. Mr. Speaker, the one result of all this will be a further diminution in the status of the Congress.

There's a way to resolve this, but it's not to resolve it by delaying for 1 year all of the good that is in the Affordable Care Act, all of the insurance reform—and I was the insurance commissioner and I can tell you how important it is that the insurance reform is there—and all of the Medicaid programs and the millions of Americans that have the opportunity, all of those children that are now being covered. For what? For the 42nd, 43rd time, another failed effort, instead of sitting down and working to solve the problem.

It's a tragedy that we are about to go through this process. For what? So that some of the wealthiest, most profitable business in America can have a $30 billion tax reduction? I suppose that's important. So that you can say once again the Affordable Care Act, ObamaCare, is wrong?

I remember the days when the Nation shut down its government. It was bad.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume just to clarify one thing.

Under the current President, the national debt now is 100 percent of the GDP. For every $1 we spend, 42 cents is borrowed. That's bad enough, but now the President offers no reform to bend the spending curve whatsoever. Instead, he pushes forward a failed health care policy that has a price tag of $1.7 trillion. It does not decrease the cost of medicine, and it does not increase the access to medicine, which were the two primary objectives which we heard over and over again by the other party. That's why we're here tonight. This is one-sixth of the economy. And yet we hear the same dogma over and over again. That's why this debate is taking place.

We have passed a continuing resolution to keep the government funded so that these civilian employees and all other government employees that we hear so much about can continue to receive their paychecks. But HARRY REID and the Senate does not want to keep the government open because they're insisting on supporting a $1.7 trillion addition to the national debt, a health care policy which increases the cost of medicine and decreases the access.

With that, Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PERRY), an Active Duty member of the United States Army who has the rank of colonel.

Mr. PERRY. Mr. Speaker, I thank the gentleman for yielding me time.

We're talking this evening about a continuing resolution, continuing to fund our government. I find it odd that the other side is complaining about our plan, yet their plan is pass it clean. That's the Senate and the President: Pass it clean. I'm not going to negotiate. Pass it clean.

We're $17 trillion in debt, spending an average of $1 trillion more in the last 4½, 5 years than we take in. And so the answer is just continue. That's a plan.

So we've offered a plan. And we get it; we get it that you don't like it. We

don't like your plan, but we're here trying to compromise, and this amendment is part of that compromise. Yet you say work with us to make ObamaCare better, Mr. Speaker. Work with us. Yet on this, you want to complain. We're saying work with us to make the CR better. Make sure our troops and contracts, kinetic activity, are paid. Make sure that we take care of the one thing in the Constitution, the one thing that says ''provide''—because words mean things, Mr. Speaker—''provide for the common defense.'' ''Provide.''

The other phrase is ''promote.'' So we're here to make and set priorities. So we're saying as the House of Representatives, paying our military is a priority, as it should be.

Mr. Speaker, I have embarked with those soldiers, men and women overseas, and watched them leave their families, watched them leave their babies behind. I have watched them. Theirs, as we say, is not to question why; theirs is to do and die.

□ 1130

Please work with us. Please do not argue. Please join us and pass this amendment.

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

Mr. KINGSTON. Mr. Speaker, may I inquire how much time we have left?

The SPEAKER pro tempore. The gentleman from Georgia has 8 minutes remaining, and the gentleman from Virginia has 2½ minutes remaining.

Mr. KINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), a coauthor of this legislation for many years.

Mr. GOHMERT. Mr. Speaker, this is an important bill, and I appreciate so much my friend who knows about serving in the military, MIKE COFFMAN, getting this to floor.

My friend and I, JACK KINGSTON, had pushed this over 2½ years ago, when it became clear that both parties were going to use our military to get people to vote for a CR they might not otherwise have voted for. We had, I think, over 200 cosponsors on our bill. But as far as the discharge petition that would have forced it to the bill, he wanted to sign on but they didn't want to go against our leadership.

So I'm very grateful this bill is on the floor now. I'm very grateful. And I appreciate the Speaker for letting it come forward. Because there's one thing the military doesn't need, and that is to be in harm's way and have to worry about whether their loved ones are going to get the check that will allow them to pay their rent or for their car, or is it going to get repossessed.

From my 4 years in the military at Fort Benning, I'm told it hasn't changed much from this standpoint: people live from month to month. They don't get paid all that much. So this is critical to get this done.

I'm glad the bill is coming. I'm glad to hear our colleagues on the other side of the aisle are going to vote with us, it sounds like. And as far as the effort to have civilians that work for the Department of Defense paid, I would hope that my colleagues across the aisle saved a little bit of righteous indignation for the Democrats at the other end of the hall.

They have had the Department of Defense appropriations bill for months. They've been sitting on it. It would get everybody paid. It would take care of all those things we've been hearing our military is not going to able to do because we're not passing the bill. So we need to get the Senate to pass the DOD bill and that'll take care of that—civilians and everybody.

We passed the Department of Defense bill, we passed the Energy and Water bill, we passed the Department of Homeland Security. They haven't taken up anything. We passed a veterans' bill. They haven't taken up any of those. They've been sitting around talking about how the Republicans are out of control at the end of the hall.

And yet we have Democrats in this town that say we'll be flexible with Putin; we'll be flexible and sit down and talk with Iran, even though they want to destroy our way of life. But oh, no, the Republicans, won't talk with them. I know we share a love for America and wanting to do the right thing, but for heaven's sake, have as much flexibility with the Republicans as you do with the Russians and Iranians. That shouldn't be too much to ask.

George Washington had a prayer. He prayed we would never forget those who serve in the field. And I'm glad this bill will remember them.

Mr. MORAN. Mr. Speaker, I yield 1 minute to the very distinguished gentlelady from New York (Mrs. LOWEY), the ranking member of the full Appropriations Committee.

Mrs. LOWEY. Mr. Speaker, it is 48 hours, 30 minutes before the Republicans plan to shut down this government.

Of course, there will be bipartisan support for this bill. However, this bill to continue funding the military is a farce. The bill claims to support the troops, but fails to provide the materiel essential to support forces and maintain the readiness of our deployed forces.

In FY 2014, the administration requested funds for operation and maintenance and procurement accounts that provide supplies, maintenance, ammunition, and equipment needed for the troops. The bill by the majority to fund the troops would not provide this materiel to support the troops.

So, again, I say to my colleagues on the other side of the aisle, Aren't we embarrassed to be part of this dysfunctional Congress, with all the work that must be done in our districts back home?

We should begin to work together, not just say that it's inevitable that we're going to close the government down. Let's do it. We can do it. And do it now.

The SPEAKER pro tempore. The gentleman from Virginia has 1½ minutes remaining. The gentleman from Georgia has 5 minutes remaining.

Mr. KINGSTON. Mr. Speaker, I yield myself 1½ minutes.

I just want to remind everybody we're here not because of the House Republican Appropriations Committee but because of the Senate Democrat Appropriations Committee which, to date, has not passed one single bill. We've passed the Defense bill. We've passed Homeland Security. We passed Military Construction.

What have HARRY REID and the Democrats, the Members of your party done? Zero. Not one bill. What did they do last year? We passed seven appropriations bills. What did HARRY REID and the Democrats do in the Senate? They passed one. That's why we're here debating the continuing resolution. It is not our desire to be here on this. We would rather have regular order. Indeed, we have worked hard for regular order.

But, Mr. Speaker, I have the honor of representing Moody Air Force Base; the Townsend Bombing Range; the 224th Signal Group in Brunswick, Georgia; the 165th Air Wing in Savannah, Georgia; the Combat Readiness Training Center in Savannah, Georgia; Fort Stewart in Hinesville, Georgia; Hunter Army Airfield in Savannah, George; Kings Bay Naval Base in St. Mary's, Georgia; and members of the 48th Brigade all over my district. I have marines. I have three Coast Guard stations. On their behalf, we cannot let their pay be interrupted.

The things that these fighting men and women in uniform are doing for the United States of America should be off the table. That's why we're here in support of this bill.

I reserve the balance of my time.

Mr. MORAN. Mr. Speaker, since I have only 1½ minutes, I think I'll let the gentleman from Georgia yield to further speakers, but I do want to ask if the gentleman would yield some time, though, if he has time available, to engage in a colloquy. But on his time.

Mr. KINGSTON. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Georgia has 3½ minutes remaining, and the gentleman from Virginia has 1½ minutes remaining.

Mr. KINGSTON. Mr. Speaker, I have our last speaker, who's going to close for us. Mr. COFFMAN is going to consume 3 minutes. So if the gentleman from Virginia wants to talk in 30 seconds, I will accommodate my friend.

I yield 30 seconds to the gentleman from Virginia.

Mr. MORAN. Let me ask my very good friend from Georgia if he knows why over in the Senate the minority has insisted upon the cloture rule; in other words, filibustering the appropriation rules, and why they have not appointed conferees to the budget conference?

Mr. KINGSTON. Reclaiming my time, I would only say this. It's hard to figure out what the United States is doing at all under HARRY REID's leadership.

Mr. MORAN. Mr. Speaker, I yield 1 minute to my good friend from North Carolina (Mr. PRICE), the ranking member of the Homeland Security Appropriations Subcommittee.

Mr. PRICE of North Carolina. I thank the gentleman.

Mr. Speaker, most of us will vote for this bill, but it's not going to fix the damage to our country of a shutdown, nor can it mask what's going on here tonight: another chapter of Republican hostage-taking, threatening to shut down the government, or to refuse to pay the country's bills, if they don't get their way politically.

It's been pretty confusing tonight with all this talk about who's willing to negotiate. Republicans know very well that it is they who have refused to go to conference with the Senate on the budget. They also know that it's their leaders who cut off discussions of a comprehensive budget deal with the President back in December.

What they're doing tonight is the opposite of negotiate—take-it-or-leave-it politics, threatening government collapse and economic ruin in pursuit of a political agenda they could not advance by legitimate means.

We need to get back to the basics: keep the government open, pay the country's bills, and negotiate a real and comprehensive budget plan.

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

Mr. MORAN. I yield myself the balance of my time.

Mr. Speaker, the problem with this bill is that it assumes a government shutdown. If it didn't assume a government shutdown, then it wouldn't separate Department of Defense personnel from non-Department of Defense personnel. Why would you need it if we were assuming that we're going to be able to fund the government? That's the underlying problem with this bill.

We're going to vote for it because we feel that Department of Defense personnel ought to be paid. Of course, we do. Of course, we're going to vote for this. But why are you doing it? You're only doing it because you assume that you're going to shut the government down. That's the problem with this bill. There's no other purpose for this bill.

I yield back the balance of my time.

Mr. KINGSTON. Mr. Speaker, if the HARRY REID Democrat Senate would pass the Defense appropriations bill, we would not be here tonight having this debate.

With that, I yield the balance of my time to the gentleman from Colorado (Mr. COFFMAN), the author of the bill, a retired marine—although marines never retire.

Mr. COFFMAN. Mr. Speaker, as we near the final days of the fiscal year and come face-to-face with the possibility of a government shutdown, I have introduced this legislation in order to ensure that our military is not used as a political pawn in negotiations between the United States House and the Senate.

My legislation, H.R. 3210, the Pay Our Military Act, ensures that until such time as the President signs a continuing resolution, our military and the Department of Defense civilians and contractors who support our men and women in uniform will continue to be paid, regardless of a shutdown.

I've had five overseas deployments during my military career between the Army and the Marine Corps. I returned from my last assignment with the Marine Corps in Iraq in 2006. I fully understand the stresses that our men and women in uniform face on a day-to-day basis, particularly when we are still a Nation at war.

Things are very different today than it was when I was a Marine Corps light armored infantry officer during the first Gulf war. We didn't have the Internet. All of our communications from home were delivered by regular mail that could take weeks to reach us. Back then, you literally checked out when you left your family and checked back in when you came back home.

Today, most of our deployed military personnel, whether sailors aboard a ship in the Persian Gulf or soldiers and marines at forward operating bases in Afghanistan, have some level of access to instant communications with their families. Today, a marine rifleman can literally be out on a combat patrol, return to his base camp, and then be on the Internet communicating with his family in real-time.

When things don't go well at home, the stress that our deployed men and women are already under is multiplied, particularly if their families go without an income and suffer financial hardships due to a government shutdown. In the event of a government shutdown, we must ensure that the men and women who defend our Nation in the armed services, and their families, will continue to be paid.

Mr. Speaker, regardless of what happens in the days ahead, this is a bill that should receive unanimous support. I urge my colleagues on both sides of the aisle to support this legislation, and hope that the Senate will act on it before it might be too late.

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

Ms. JACKSON LEE. Mr. Speaker, I rise to speak in support of H.R. 3210, the so-called "Pay Our Troops Act," which is intended to ensure that our troops are paid in the event House Republicans succeed in shutting down the government.

The men and women of the Armed Forces who risk their lives to protect our freedoms surely are deserving of the support and resources needed to perform their duties, and that includes being paid in full and on time so they can provide for their families and loved ones.

Mr. Speaker, it would not be necessary to have to devote the considerable amount of time needed to debate and pass this legislation in the House and Senate and present it to the President if the House would simply pass the clean continuing resolution passed yesterday by the Senate.

The CR approved by the Senate funds the government and avoids a shutdown. President Obama has stated that he will sign it into law.

The clean CR passed by the Senate ensures that all the employees of the Federal Government are paid for the valuable and important service they provide to our Nation.

Mr. Speaker, instead of exempting certain groups and persons from the harm caused by a government shutdown, we should instead be focused on avoiding a shutdown, which helps no one and hurts our economy.

Those of who were serving in this body 17 years ago remember the harm caused when the Republicans shut down the government on two different occasions, which directly cost taxpayers $1.4 billion. That is $2.1 billion in today's dollars.

The last time Republicans engineered a shutdown of the government: 368 national park sites were closed; 200,000 applications for passports went unprocessed; $3.7 billion of $18 billion in local contracts went unpaid.

My state of Texas would be hit very hard and suffer unnecessarily if a government shutdown is not prevented.

Within days Texas would begin experiencing the impact of cutbacks in the $64.7 billion in Federal spending that it receives annually, including the loss of:

$518 million in Federal highway funds, $411 million for interstate highway maintenance, $130 million in home energy assistance for the poor, $71 million in Homeland Security grants, $55 million in coordinated border infrastructure, and $97 million in Federal adoption assistance.

As a senior member of the Homeland Security Committee, I am particularly concerned over the impact of a government shutdown on operations and activities that protect and secure the homeland Impacts of shutdown in Texas on homeland security.

For example, a shutdown would adversely affect the following:

Law Enforcement and Other Training: Law enforcement training would cease, including those conducted through the Federal Law Enforcement Training Center and the Secret Service's J. Rowley Training Center. This would impact CBP, ICE, Secret Service, the Federal Air Marshal Service, and would delay their ability to bring new hires into operational service. TSA would also not be able to conduct training for screeners, Behavior Detection Officers or canine units.

Frontline Personnel Hardships: The majority of the workforces in Custom and Border Protection's (CBP) Border Patrol, Immigration and Customs Enforcement, (ICE) enforcement efforts, Transportation Security Administration (TSA) aviation passenger screening, and the Coast Guard, who are heavily reliant upon receiving biweekly paychecks, would not be paid biweekly during a Federal funding hiatus.

Grant Programs for State and Local Preparedness: All DHS and Federal Emergency Management Agency (FEMA) personnel working on grants programs would be furloughed, ceasing any further activity intended to help build state and local resiliency. Should a Federal funding hiatus be prolonged, state and local communities may have to eliminate jobs

that are dependent upon grants funding. Further activity under the Securing the Cities program would be suspended.

In addition, a government shutdown will hurt children, seniors, working families, and the economically vulnerable:

Military Readiness: In Texas, approximately 52,000 civilian Department of Defense employees would be furloughed, reducing gross pay by around $274.8 million in total.

Law Enforcement and Public Safety Funds for Crime Prevention and Prosecution: Funding will be halted to Texas on an annualized portion of the $1,103,000 in Justice Assistance Grants that support law enforcement, prosecution and courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, and crime victim and witness initiatives.

Vaccines for Children: In Texas around 9,730 fewer children will not receive vaccines for diseases such as measles, mumps, rubella, tetanus, whooping cough, influenza, and Hepatitis B due to reduced funding for personnel who administer programs that provide funding for vaccinations.

Nutrition Assistance for Seniors: Texas would lose approximately $3,557,000 in funds that make it possible to provide meals for seniors.

For these reasons, we should be working to pass H.J. Res. 59 as amended by the Senate. That is the best way to keep faith with all persons who serve the American people as employees of the Federal Government, and those who depend upon the services they provide.

□ 2345

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 366, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

## CONTINUING APPROPRIATIONS RESOLUTION, 2014

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the motion offered by the gentleman from Kentucky will resume.

The Clerk read the motion.

The SPEAKER pro tempore. The question of adoption of the motion is divided between the two House amendments.

The first portion of the divided question is: Will the House concur in the Senate amendment with House amendment No. 1 printed in House Report 113–238?

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the first portion of the divided question will be followed by 5-minute votes on the remaining portion of the divided question, if ordered, passage of H.R. 3210, and the motion to suspend the rules on H.R. 2848.

The vote was taken by electronic device, and there were—yeas 248, nays 174, not voting 9, as follows:

[Roll No. 497]

YEAS—248

Aderholt
Amash
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Bustos
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Delaney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Enyart
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Maffei
Maloney, Sean
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Perry
Peters (CA)
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Rahall
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schneider
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NAYS—174

Andrews
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Himes
Hinojosa
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Matsui
McCollum
McDermott
McGovern
Meng
Michaud
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Davis (CA)
Higgins
Holt
McCarthy (NY)
Meeks
Pelosi
Rush
Schrader
Visclosky

□ 0010

Mr. PAYNE changed his vote from ''yea'' to ''nay.''

Messrs. DELANEY and GIBSON changed their vote from ''nay'' to ''yea.''

So the first portion of the divided question was adopted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The second portion of the divided question is: Will the House concur in the Senate amendment with House amendment No. 2 printed in House Report 113–238?

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

Mr. ROGERS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 231, nays 192, not voting 8, as follows:

[Roll No. 498]

YEAS—231

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NAYS—192

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heck (WA)
Himes
Hinojosa
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—8

Davis (CA)
Higgins
Holt
McCarthy (NY)
Meeks
Pelosi
Rush
Visclosky

□ 0016

So the second portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PAY OUR MILITARY ACT

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 3210) making continuing appropriations for military pay in the event of a Government shutdown, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 8, as follows:

[Roll No. 499]

YEAS—423

Aderholt
Amash
Amodei
Andrews
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Bass
Beatty
Becerra
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter
Cartwright
Cassidy
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Cotton
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Daines
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guthrie
Gutiérrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Himes
Hinojosa
Holding
Honda
Horsford
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
LaMalfa
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Massie
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meng
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Negrete McLeod
Neugebauer
Noem
Nolan
Nugent
Nunes
Nunnelee
O'Rourke
Olson
Owens
Palazzo
Pallone

Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Perlmutter
Perry
Peters (CA)
Peters (MI)
Peterson
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Radel
Rahall
Rangel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schock
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stewart
Stivers
Stockman
Stutzman
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Titus
Tonko
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Wagner
Walberg
Walden
Walorski
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Davis (CA)
Higgins
Holt
McCarthy (NY)
Meeks
Pelosi
Rush
Visclosky

□ 0022

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## DEPARTMENT OF STATE OPERATIONS AND EMBASSY SECURITY AUTHORIZATION ACT, FISCAL YEAR 2014

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2848) to authorize appropriations for the Department of State for fiscal year 2014, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 37, not voting 10, as follows:

[Roll No. 500]

YEAS—384

Aderholt
Amodei
Andrews
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Bass
Beatty
Becerra
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonamici
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bridenstine
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Calvert
Camp
Capito
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter
Cartwright
Cassidy
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Cotton
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Daines
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle
Duckworth
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers
Engel
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guthrie
Gutiérrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Himes
Hinojosa
Holding
Honda
Horsford
Hoyer
Hudson
Huffman
Huizenga (MI)
Hunter
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
LaMalfa
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meng
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Negrete McLeod
Neugebauer
Noem
Nolan
Nugent
Nunes
O'Rourke
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Perlmutter
Perry
Peters (CA)
Peters (MI)
Peterson
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Poe (TX)
Polis
Pompeo
Price (GA)
Price (NC)
Quigley
Radel
Rahall
Rangel
Reed
Reichert
Renacci
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schock
Schrader
Schwartz
Scott, Austin
Scott, David
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stewart
Stivers
Stockman
Stutzman
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Titus
Tonko
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Wagner
Walberg
Walden
Walorski
Walz
Wasserman Schultz
Waters
Watt
Waxman
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wolf
Womack
Yarmuth
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NAYS—37

Amash
Bishop (UT)
Brooks (AL)
Broun (GA)
Burgess
Campbell
Duncan (TN)
Fleming
Forbes
Foxx
Franks (AZ)
Gardner
Garrett
Gohmert
Goodlatte
Griffith (VA)
Huelskamp
Hultgren
Hurt
Jones
Lamborn
Lummis
Massie
Moran
Mulvaney
Nunnelee
Posey
Ribble
Rigell
Sanford
Schweikert
Scott (VA)
Sensenbrenner
Smith (MO)
Weber (TX)
Wittman
Woodall

NOT VOTING—10

Cantor
Davis (CA)
Higgins
Holt
McCarthy (NY)
Meeks
Pelosi
Rush
Visclosky
Williams

□ 0029

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## HOUR OF MEETING ON MONDAY, SEPTEMBER 30, 2013

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Monday, September 30, 2013.

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

There was no objection.

## SAFE CLIMATE CAUCUS

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

Mr. WAXMAN. Mr. Speaker, on Friday, the world's best scientists rendered a conclusive verdict: climate change is real, it is caused by human activity, and its consequences will be catastrophic.

What the scientists are telling us is that evidence is now just as strong that carbon pollution is causing climate change as is the claim that cigarettes cause cancer. They are sounding the

fire alarm, and the President is sending in the firefighters. EPA, the Energy Department, Interior, and the State Department are all working to bring down emissions and protect this planet. But here in Congress, House Republicans are denying the science and ignoring the scientists. They are living in a fantasy land and drafting bills to tie the hands of the rescue squad.

This is willful ignorance. It is endangering the world our children and future generations will inherit. This is wrong and immoral. We must not become the last bastion of the Flat Earth Society. We need to act and we need to act now.

## ADJOURNMENT

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

The motion was agreed to; accordingly (at 12 o'clock and 33 minutes a.m.), under its previous order, the House adjourned until Monday, September 30, 2013, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

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

3138. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Designation of Areas for Air Quality Planning Purposes; California; Morongo Band of Mission Indians [EPA-R09-OAR-2012-0936; FRL-9901-13-Region 9] received September 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3139. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Quinoxyfen; Pesticide Tolerances [EPA-HQ-OPP-2012-0911; FRL-9398-9] received September 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3140. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the Washington State Implementation Plan; Approval of Motor Vehicle Emission Budgets and Determination of Attainment for the 2006 24-Hour Fine Particulate Standard; Tacoma-Pierce County Nonattainment Area [EPA-R10-OAR-2012-0760; FRL-9901-02-Region 10] received September 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3141. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-1038; Directorate identifier 2011-NM-166-AD; Amendment 39-17537; AD 2013-15-21] (RIN: 2120-AA64) received September 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3142. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0637; Directorate Identifier 2012-NM-006-AD; Amendment 39-17532; AD 2013-15-16] (RIN: 2120-AA64) received September 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. GOODLATTE: Committee on the Judiciary. H.R. 2122. A bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents (Rept. 113–237). Referred to the Committee of the Whole House on the state of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 366. Resolution providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes, and providing for consideration of the bill (H.R. 3210) making continuing appropriations for military pay in the event of a Government shutdown (Rept. 113–238). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

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

By Mr. COFFMAN (for himself, Mr. KINGSTON, Mr. GOHMERT, Mr. LATHAM, and Mrs. WALORSKI):

H.R. 3210. A bill making continuing appropriations for military pay in the event of a Government shutdown; to the Committee on Appropriations. considered and passed.

By Mr. HUIZENGA of Michigan (for himself, Mr. MEEKS, Mr. ROYCE, Mr. DAVID SCOTT of Georgia, Mr. STIVERS, Mr. PETERS of Michigan, Mr. BACHUS, Ms. MCCOLLUM, Mr. MURPHY of Florida, and Mr. DOYLE):

H.R. 3211. A bill to amend the Truth in Lending Act to improve upon the definitions provided for points and fees in connection with a mortgage transaction; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself, Mr. MORAN, Mr. WOLF, Mr. MEADOWS, Mr. KENNEDY, Mr. SHERMAN, Mr. LIPINSKI, Mr. HOLDING, and Mr. BURGESS):

H.R. 3212. A bill to ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction by countries with which the United States enjoys reciprocal obligations, to establish procedures for the prompt return of children abducted to other countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GRAYSON:

H.R. 3213. A bill making appropriations for all departments and agencies of the Federal Government for fiscal year 2014, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGO:

H.R. 3214. A bill making continuing appropriations for personnel critical to national security during a Government shutdown; to the Committee on Appropriations.

By Mr. GALLEGO:

H.R. 3215. A bill to amend the Legislative Reorganization Act of 1946 to suspend the salary of Members of Congress and deem Members of Congress as ''non-essential'' employees during a government shutdown; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON (for himself and Mr. GOHMERT):

H.R. 3216. A bill to ensure that members of the Armed Forces and Federal law enforcement officers continue to receive their pay and allowances despite a shutdown of the Federal Government or in the event that the debt of the United States Government reaches the statutory limit; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, and 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. LAMBORN:

H.R. 3217. A bill to ensure the pay and allowances of members of the Armed Forces in the event that the debt limit is reached or during a funding gap, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUGENT (for himself, Ms. CASTOR of Florida, Mr. ROONEY, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, Mr. GARCIA, Mr. YOUNG of Florida, Mr. MILLER of Florida, Mr. POSEY, Mr. WEBSTER of Florida, Mr. ROSS, and Mr. YOHO):

H.R. 3218. A bill to delay increases in flood insurance premium rates under the national flood insurance program until completion of the pending study regarding the affordability of such rates and congressional consideration of reforms to make such rates affordable, and for other purposes; to the Committee on Financial Services, 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.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. COFFMAN:

H.R. 3210.

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

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress

the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. HUIZENGA of Michigan:

H.R. 3211.

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

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3.

By Mr. SMITH of New Jersey:

H.R. 3212.

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

Article I, Section 8.

By Mr. GRAYSON:

H.R. 3213.

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

Article I, Section 9, Clause 7

''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law...:

Article I, Section 8, Clause 1

''The Congress shall have Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . .''

By Mr. GALLEGO:

H.R. 3214.

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

THE U.S. CONSTITUTION ARTICLE I, SECTION 8:

POWERS OF CONGRESS CLAUSE 18

The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. GALLEGO:

H.R. 3215.

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

THE U.S. CONSTITUTION ARTICLE I, SECTION 8:

POWERS OF CONGRESS CLAUSE 18

The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. KINGSTON:

H.R. 3216.

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

Article I, Section 9, Clause 7: ''No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law.. . .''

Article I, Section 8, Clause 1: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . .''

Article I, Section 8, Clauses 12 and 13: Congress shall have power ''[t]o raise and support Armies . . .'' and ''[t]o provide and maintain a Navy.''

By Mr. LAMBORN:

H.R. 3217.

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

The U.S. Constitution, Article 1, Section 8, Clause 1:

''The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States.''

By Mr. NUGENT:

H.R. 3218.

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

Article 1, Section 8 of the United States Constitution.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 318: Mr. RYAN of Ohio.

H.R. 567: Mr. STOCKMAN.

H.R. 721: Mr. POCAN.

H.R. 724: Mr. LAMBORN, Mr. CRAMER, Mr. TIPTON, and Mr. AMODEI.

H.R. 800: Ms. SHEA-PORTER.

H.R. 915: Mr. GIBSON, Mr. SCHNEIDER, and Mr. MEADOWS.

H.R. 1077: Mr. FARENTHOLD and Mr. PALAZZO.

H.R. 1094: Ms. BROWN of Florida and Mr. FATTAH.

H.R. 1146: Mr. LOEBSACK.

H.R. 1148: Mr. FARR and Mr. BARLETTA.

H.R. 1252: Mr. GRAYSON and Ms. SHEA-PORTER.

H.R. 1281: Mr. JONES, Mr. MCKEON, Mr. PIERLUISI, Mr. SCHIFF, Mr. NEAL, Mr. LANGEVIN, Mr. DOYLE, Mr. TONKO, Ms. WASSERMAN SCHULTZ, Ms. DEGETTE, Ms. ESHOO, Mrs. LOWEY, Mr. BARTON, Mr. DANNY K. DAVIS of Illinois, and Mr. GARAMENDI.

H.R. 1658: Mr. KIND.

H.R. 1717: Mr. REICHERT.

H.R. 1779: Mr. BUCSHON and Mr. WHITFIELD.

H.R. 1825: Mr. PITTENGER.

H.R. 1971: Mr. ROTHFUS.

H.R. 2016: Mr. COHEN.

H.R. 2415: Mr. HASTINGS of Florida, Mrs. KIRKPATRICK, Ms. JENKINS, Mr. BRALEY of Iowa, Mr. FOSTER, Mr. NEAL, Ms. LOFGREN, Mrs. DAVIS of California, Mr. YOUNG of Indiana, and Mr. COSTA.

H.R. 2482: Mr. LOEBSACK.

H.R. 2632: Ms. PINGREE of Maine.

H.R. 2717: Mr. RANGEL.

H.R. 2760: Ms. MATSUI.

H.R. 2876: Mr. JOHNSON of Ohio, Mr. GIBBS, and Mr. BROUN of Georgia.

H.R. 2904: Mr. KENNEDY.

H.R. 2905: Mr. KENNEDY.

H.R. 2957: Mrs. KIRKPATRICK, Mr. BARLETTA, and Mr. LOEBSACK.

H.R. 2974: Ms. BROWNLEY of California.

H.R. 3076: Mr. RIBBLE.

H.R. 3111: Mr. O'ROURKE.

H.R. 3152: Mr. BARROW of Georgia.

H.R. 3160: Mr. BENISHEK, Mr. RUNYAN, Mr. BUCHANAN, and Mr. JOHNSON of Ohio.

H.R. 3175: Mr. GIBBS, Mr. GINGREY of Georgia, Mr. HUELSKAMP, Mr. JONES, Mr. MULVANEY, Mr. SANFORD, Mr. WOODALL, and Mr. Yoder.

H.R. 3189: Mr. COFFMAN and Mrs. LUMMIS.

H.R. 3207: Ms. SCHAKOWSKY and Mr. FALEOMAVAEGA.

H.J. Res. 66: Mr. RIBBLE.

H. Res. 302: Mr. PALLONE.

## 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. ROGERS OF KENTUCKY

H.R. 3210, the Pay Our Military Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.