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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 3, 2011.

I hereby appoint the Honorable TED POE to act as Speaker pro tempore on this day.

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, so caught up in the problems and responsibilities of human life and the common good of the Nation, Congress takes a moment to turn to You.

Our selective memory recalls only pieces of the past. With limited vision of the future, we glimpse only some of the consequences of our actions or our failure to act today.

But in You is found the beginning and the end of everything. Be present to us in this our day.

As we try to handle as much as we are able, free us by renewed faith in Your guidance and goodness. In this ever-changing world, help us to place our trust in You, Heavenly Father. For You manage all natural events and human affairs to achieve Your holy will for us and all Your children both now and forever.

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

GAO STUDY: BILLIONS OF DOLLARS GOING TO WASTE

(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, Damian Paletta of the Wall Street Journal reported on the study by the Government Accountability Office revealing bloated budgets in government programs. The study examined a number of Federal agencies and found duplicative overlaps leading to wasteful spending of the taxpayers' money. The GAO found inefficiencies with 82 Federal programs to improve teacher quality, 56 programs to help people gain a working knowledge of finances, and 47 Federal programs for job training and employment. The study concluded that the effectiveness of many of these programs has not been assessed.

At a time when the President proposes trillion-dollar deficits, the Fed-

eral Government cannot afford to be throwing away the people's money on wasteful programs. Efficiency should be at the forefront of all Federal spending to promote small-business job creation. I commend the efforts of Senator TOM COBURN of Oklahoma for being a driving force behind the study to uncover the overlapping of these programs.

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

REPUBLICAN BUDGET

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

Mr. BACA. Mr. Speaker, creating jobs and strengthening the economy must be the number one priority in Congress. Unemployment across the Nation remains far too high. In my district, unemployment still remains near 14 percent. Yet instead of focusing on creating jobs, the Republican budget plan passed last month would cause 700,000 Americans to lose their jobs. They will struggle to put food on the table.

This budget is an assault on middle- and low-income families. Thousands of teachers will be laid off, job training programs across the country will be eliminated, Pell Grants will be slashed for low-income college students, and investment in education will decrease.

And now the Republicans are proposing yet another tax on middle class families to pay for the 1099 reporting fix.

I urge my Republican friends to stand with the American middle class families and break free from the right-wing extremists. Let's work together on a real budget that creates jobs and responsibly lowers the deficit.

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H1527

FOREIGN CRIMINALS WON'T GO HOME

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

Mr. POE of Texas. Mr. Speaker, there are thousands of foreign criminals in the United States prisons. Up to 19 percent of our jails house criminal aliens. These do not include immigration violations either. They have been convicted of everything from rape, robbery and murder. Then, after they serve their sentence, when we try to deport them, many of their native countries won't take them back.

The number of foreign criminals in this situation is staggering. There are over 140,000 of these outlaws that have been sent home but won't go back. So what do we do? By law they get a get-out-of-jail-free card to live in the United States because we cannot permanently keep these misfits in jail.

The worst offending countries include Cuba, China, India, Jamaica and Pakistan. Maybe we should stop foreign aid altogether or refuse to issue legal visas to these countries that refuse to take back their criminals. There must be unpleasant consequences for countries that refuse to take their convicted nationals back home.

And that's just the way it is.

THE PATIENCE OF AMERICA IS WEARING THIN, AND SO IS MINE

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

Mr. PENCE. Two weeks ago, after 90 hours of debate, House Republicans in this majority passed a long-term funding resolution that found more than \$100 billion in savings off the President's budget. It defunded their government takeover of health care. It even denied all Federal funding to Planned Parenthood of America.

But while House Republicans have done the people's business, at this moment, Mr. Speaker, the Senate has virtually done nothing except find a way to fund the government for another 2 weeks, and the White House just appointed a few negotiators yesterday—just 2 short days before government funding would have run out to begin with.

Look, the patience of the American people is wearing thin, and so is mine.

Our Nation is facing a fiscal crisis of epic proportions—\$1.65 trillion in deficits this year, \$14 trillion national debt. The time to put our fiscal house in order is now. No more delays. No more kicking the cans.

Let's have the debate. Let's hash it out. Let's defund ObamaCare. Let's defund Planned Parenthood, and let's use this moment to have this fight to make a downpayment on restoring fiscal sanity to Washington, D.C.

PORT OF SAVANNAH

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

Mr. BARROW. Mr. Speaker, I rise today in support of America's ports, especially the one in Savannah, Georgia.

After spending last week touring the rural areas of my district, it's hard to overstate the Savannah port's importance, even for areas outside of Savannah.

The Port of Savannah—the fastest growing port in the Nation and the second largest on the east coast—supports more than 295,000 jobs and contributes over \$15 billion in income to Georgia's economy. It's also a major economic hub for a 26-State region that stretches deep into the Midwestern part of the country.

Farmers, manufacturers, and miners ship product in and out of the port. And for thousands of small businesses around the country, the Savannah port is their sole access to the rest of the world.

Let's make sure our goods can reach international markets and get America back to work. I urge my colleagues to invest in our ports so that we can compete in today's economy and the economy of the future.

DEFENSE OF MARRIAGE ACT

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

Mr. FARENTHOLD. Mr. Speaker, on February 23, the Justice Department announced it would no longer defend the Defense of Marriage Act. The Defense of Marriage Act was a bipartisan effort to preserve the sanctity of marriage that, among other things, defined marriage as a legal union between a man and a woman.

The Attorney General and President have independently determined that this is unconstitutional. Anyone who's taken a civics class or a government course will tell you that's not the President's or the Justice Department's job. It's the Supreme Court's job. This is an express violation of the separation of powers principle found in the Constitution, and it presents a dangerous precedent for future administrations to follow.

Regardless of where you stand on this issue, whether marriage is a biblically sanctioned union between a man and a woman or otherwise, there could be no doubt that this power grab by the President and the Justice Department is not what our Founding Fathers intended when they created the checks and balances system of our Constitution.

The Obama administration, if it disagrees with a law passed by Congress and signed by a previous President, it should use the legislative process to change that law—not usurp the power of another branch of government.

This is not a gay rights issue. This is a separation of powers issue.

HONORING THE NOGALES APACHES ON WINNING THE ARIZONA STATE HIGH SCHOOL DIVISION 4A-1 BASKETBALL CHAMPIONSHIP

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

Mr. GRIJALVA. Mr. Speaker, I rise today to congratulate the Nogales Apaches on winning the Arizona State High School Division 4A-1 basketball championship.

The Apaches' victory over Scottsdale Saguardo to win the title on Saturday came after their upset victory of the top-ranked Glendale Kellis team on Thursday. This win marked the first time in 28 years that a Nogales school has reached a championship game in any sport. So this is a particularly gratifying victory.

Coach Ricardo De La Riva deserves a great deal of credit for leading his team through the season, through the upset victories, and through the long process of building a successful and cohesive team.

This is a group that truly plays with heart. It represents the best of the community, as shown by the seven busloads of fans who traveled for several hours from Nogales to Glendale for the championship game.

As Coach De La Riva told the Arizona Daily Star after the game: "This is a true team. We don't have stars. We don't have egos. We just play." His team reminds us of what scholastic sport is all about.

I join with everyone else in congratulating the school, the team, and the community of Nogales in Santa Cruz. Congratulations.

WE NEED ENERGY INDEPENDENCE

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

Mr. BURTON of Indiana. Mr. Speaker, we have severe economic problems in this country. I think everybody understands that.

But there is an economic problem staring us in the face that people may not really be aware of yet, and that is the cost of energy. We're not drilling here, we're not drilling in the ANWR, off the coast of the Continental Shelf, not in the Gulf of Mexico. We're not doing anything to become energy independent.

And right now in the northern tier of Africa and in the Middle East, there's all kinds of conflict. And if the Straits of Hormuz, if the Persian Gulf or the Suez Canal are blocked in any way, we could lose 30 percent or more of our energy. The lights in this place, the gasoline that we buy would be maybe double what it is today. And the impact of this economy would be unbelievable,

and yet we're not doing a thing about it.

The President, in my opinion, Mr. Speaker, is being derelict in his responsibility in making sure that we're moving towards energy independence. They talk about windmills and solar and nuclear, and that's all great; but that's going to take a lot of time.

We have a tremendous amount of energy in this country. We can be energy independent within 10 years if we get on with it. We're too dependent on foreign energy. It's dangerous.

REPEALING THE 1099 PROVISION'S NEGATIVE ECONOMIC CON- SEQUENCES

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

Mr. RICHMOND. Mr. Speaker, my Republican colleagues came down here yesterday, and will do so again today, like a well-rehearsed choir singing the same song: Repeal the 1099 provision, repeal the 1099 provision. They sang it in perfect harmony.

However, they conveniently left out two verses. One, last year 239 Democrats and only two Republicans voted to repeal it. Second, they will pay for the repeal by reaching into the pockets of working Americans and yanking out \$25 billion. That's just wrong.

So, Mr. Speaker, I remind my colleagues that their song has two additional verses. Just because they won't sing about their tax increase doesn't mean the American people won't feel it. I, too, want to repeal the 1099 provision, but this is not the way to pay for it.

Mr. Speaker I yield back because I will not be a co-conspirator to snatching \$25 billion out of the bank accounts of hardworking Americans.

REPUBLICANS' "NO-JOB AGENDA"

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

Mr. ELLISON. Mr. Speaker, we've now entered about the 55th day when the Republican majority has been in control of the House, and they've yet to introduce a single bill to create a single job for anyone anywhere.

The Republican majority has, however, introduced cuts to our national budget that will take away vital programs and cut jobs—cut jobs like cops and nurses and teachers and things like that.

The Republican majority doesn't seem to be interested in jobs, and their no-job agenda will not escape the view of the American people.

The American people sent us all here to make sure that we have a more perfect Union, that we have prosperity in our land. We don't have it because unemployment is just too high, and the Republican majority is not doing a thing about it.

It's time to get on with the business of creating jobs and get rid of the Republican no-job agenda.

□ 1020

NO JOBS BILLS

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

Ms. EDWARDS. Mr. Speaker, well, here we are. It's 8 weeks into the 112th Congress and still not a single Republican proposal to create jobs and strengthen our economy. No jobs proposals and no jobs.

Instead, we have a series of reports stating really clearly that the Republicans' slash-and-burn budgets would eliminate jobs, hundreds of thousands of them, and send our economy spiraling back into recession. Even Goldman Sachs says that the Republican continuing resolution would depress economic growth by 2 percent and raise unemployment by 1 percent. Mark Zandi, the economist, notes that this slash-and-burn idea of spending would cost our country 700,000 jobs.

So here we are again, 8 weeks into the new leadership, and all we get is negative growth and job loss.

So, Mr. Speaker, where are my colleagues? They need to get serious about creating jobs, strengthening our economy, and ensuring long-term growth for our children and grandchildren.

I would urge us to get together, House Democrats, Senate Democrats, and Republicans, in a good-faith effort to pass a funding bill for the remainder of the year that really guarantees our future and creates jobs for our economy. The American people cannot afford to see our economy sliding backwards.

DON'T CUT NIH FUNDING

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

Mr. COHEN. Mr. Speaker, St. Jude Children's Research Hospital is located in Memphis, Tennessee. It is, according to U.S. News and World Report, the world's greatest children's and catastrophic illness research hospital.

The Republican budget that passed this House talks about a lot of issues, but it cuts \$2.5 billion from the President's requests for the National Institute of Health, \$2.5 billion less than the President recommends, and a \$1.6 billion cut from last year. For the children and the adults and everyone who has cancer and needs a cure, which they are finding with the help of the NIH and St. Jude and other research hospitals, that's a death sentence. People will die.

If there is a place the Republicans should not cut, Mr. Speaker, it's at NIH grants to find cures for cancer, for

Alzheimer's, for Parkinson's, for diabetes, for heart disease. I ask you for the living Americans to not cut grants to the National Institute of Health and let us have lives that go further than they otherwise would because of these crippling, catastrophic illnesses.

SMALL BUSINESS PAPERWORK MANDATE ELIMINATION ACT OF 2011

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 129, I call up the bill (H.R. 4) to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Pursuant to House Resolution 129, the amendment in the nature of a substitute consisting of the text of the amendment recommended by the Committee on House Ways and Means, printed in H.R. 705 is adopted and the bill, as amended, is considered read.

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

H.R. 4

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 "Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011".

SEC. 2. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS TO PAYMENTS MADE TO CORPORATIONS AND TO PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.

(a) APPLICATION TO CORPORATIONS.—Section 6041 of the Internal Revenue Code of 1986 is amended by striking subsections (i) and (j).

(b) PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (a) of section 6041 of such Code is amended—

(1) by striking "amounts in consideration for property," and

(2) by striking "gross proceeds," both places it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2011.

SEC. 3. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 4. INCREASE IN AMOUNT OF OVERPAYMENT OF HEALTH CARE CREDIT WHICH IS SUBJECT TO RECAPTURE.

(a) IN GENERAL.—Clause (i) of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows:

"(i) IN GENERAL.—In the case of a taxpayer whose household income is less than 400 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subparagraph (A) shall in no event exceed the applicable dollar amount determined in accordance with the following table (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year):

“If the household income (expressed as a percent of poverty line) is:

The applicable dollar amount is:

Less than 200%	\$600
At least 200% but less than 300%	\$1,500
At least 300% but less than 400%	\$2,500.”

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 75 minutes.

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

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4.

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

There was no objection.

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

Today the House considers H.R. 4, legislation repealing one of the job-killing tax increases enacted in the Democrats' health care law last year. This legislation provides a pathway to achieving a goal that is shared by Republicans and Democrats in the House and Senate alike, and by the Obama administration—repealing the form 1099 reporting requirements enacted last year.

Before I get into the details of H.R. 4, I would like to take a moment to recognize and commend my colleague and friend, Congressman DAN LUNGREN of California. He first brought this issue to light, and through his hard work we are here today to vote on a bill that has enjoyed strong bipartisan support.

We have been here talking about 1099s before. Some have even gone so far as to say there seems to have been 1,099 votes to repeal 1099s. While we have attempted in the past to repeal this misguided feature of last year's health overhaul, today we turn a corner and move H.R. 4 from the House to the Senate, so that it will hopefully soon be sent to the President for his signature. Only then will small businesses and families have certainty that they will not be buried under an avalanche of tax paperwork.

In 2010, as one of many ways to finance a trillion dollar health care law, tax information reporting rules were expanded. These new rules require businesses to issue a form 1099 for any payments to corporations rather than just individuals, and for any payments for property rather than just services or investment income that exceeds \$600 over the course of a year.

This previously little-known provision quickly became an item of great concern to small business employers across the country. The National Federation of Independent Business, whose 350,000 members support H.R. 4, said this newly enacted reporting requirement would have a direct negative impact on small business.

Also brought forward by Mr. TIBERI of Ohio in September of last year, a form 1099 reporting requirement was expanded again to help pay for the small business lending law. This expansion treats the recipient of rental income from real estate as engaging in the trade or business of renting property. Unless repealed, families and individuals will be forced to fill out paperwork if they do something as basic as replace a refrigerator in an apartment they rent out. The National Association of Realtors, which supports H.R. 4, called this provision not only another paperwork burden but a trap for all small landlords.

Mr. Speaker, neither of these provisions reflects the wishes or needs of the American people. The most important issue on their minds is jobs. Let me say it again: jobs, jobs, and jobs. But despite the call for policies that can create a better climate for job creation, Congress has enacted policies that make this harder.

H.R. 4 will accomplish three goals. First, the legislation repeals the expanded 1099 reporting requirements on small businesses. Second, it repeals the new 1099 reporting requirements for rental property.

□ 1030

Third, it protects taxpayers by recovering overpayments of taxpayer-funded government subsidies.

What that means, and I know we are going to hear a lot about it from the other side today, is that if this bill passes, anyone earning more than 400 percent of poverty, nearly \$95,000 for a family of four in 2014, and who is ineligible for the exchange subsidies under the 2010 health care law will be required to pay back all, not just some, of the improper payments. I would like to note that this is the same level Democrats used in the original law enacted last March.

For those earning less than 400 percent of poverty, the level of repayment of those overpayments is also increased. This is similar to the path taken by Democrats in December when they adjusted the repayment amounts as a way to finance the so-called “doc fix.”

Now, I noticed yesterday that there was a lot of huffing and puffing on the floor about alleged tax increases in H.R. 4. I want to be sure to clear up any confusion on this point.

The Joint Committee on Taxation says in its score that in addition to a \$20 billion spending cut, there is a \$5 billion increase in revenue to the government from this one provision. But that doesn't mean people are necessarily paying more in taxes. Now, how is that possible? Simple. According to the nonpartisan Joint Com-

mittee on Taxation, under the better enforcement rules of H.R. 4, some people won't go into the exchange to accept a taxpayer-funded subsidy because they would be required to pay a larger share or, in some cases, all of the subsidy back under H.R. 4. Paying back money you weren't entitled to is not a tax increase.

For example, under current law, a household making \$105,000 might think it's worth understating its income, or at least not updating their income information, in order to receive a \$12,000 exchange subsidy because they would only have to pay back \$3,000 if caught; but the household is less likely to do so under H.R. 4 because it would have to pay back the entire subsidy given there was no eligibility for the subsidy in the first place.

So let's be clear here. Voluntarily choosing not to enroll in government health care and thus foregoing the associated tax subsidies that one may not be eligible for might result in more government revenue, according to the Joint Committee on Taxation. But that is not a tax increase.

H.R. 4 is endorsed by more than 225 organizations, including the American Farm Bureau, the U.S. Chamber of Commerce, the American Osteopathic Association, and Americans for Tax Reform. Grover Norquist of ATR wrote he was especially pleased about the repeal of the 1099 provisions and the bill is “a net tax cut.” That's because despite the claims to the contrary, H.R. 4 reduces Federal spending by nearly \$20 billion over the next 10 years. It also reduces the deficit by \$166 million over that same time. That's probably why the bill is supported by Americans for Prosperity and the National Taxpayers Union as well.

Mr. Speaker, today we have the opportunity to come together and advance a bill that is a win for small business, a win for families, and a win for taxpayers across America. Cast a “yes” vote for H.R. 4 and give them that win.

SUPPORTERS OF 1099 REPEAL (AS OF 3/2/11)

[COMMITTEE ON WAYS AND MEANS]

Aeronautical Repair Station Association; Agricultural Retailers Association; Air Conditioning Contractors of America; Alabama Nursery & Landscape Association; Alliance for Affordable Services; Alliance of Independent Store Owners and Professionals; American Association for Laboratory Accreditation; American Bakers Association; American Bankers Association; American Beekeeping Federation; American Council of Engineering Companies; American Council of Independent Laboratories; American Farm Bureau Federation®; Americans for Prosperity; American Foundry Society; American Hotel & Lodging Association; American Institute of Architects; American Institute of Certified Public Accountants;

American Medical Association; American Mushroom Institute.

American Nursery & Landscape Association; American Osteopathic Association; American Petroleum Institute; American Physical Therapy Association; American Rental Association; American Road & Transportation Builders Association; American Sheep Industry Association; American Society of Association Executives; American Society of Interior Designers; American Soybean Association; American Subcontractors Association, Inc.; American Sugar Alliance; American Supply Association; American Veterinary Distributors Association; American Veterinary Medical Association; Americans for Tax Reform; AMT—The Association For Manufacturing Technology; Arizona Nursery Association; Assisted Living Federation of America; Associated Builders and Contractors.

Associated Equipment Distributors; Associated General Contractors of America; Associated Landscape Contractors of Colorado; Association of Free Community Papers; Association of Ship Brokers & Agents; Association of Small Business Development Centers; Automotive Aftermarket Industry Association; Automotive Recyclers Association; Bowling Proprietors Association of America; California Association of Nurseries and Garden Centers; California Landscape Contractors Association; Commercial Photographers International; Community Papers of Florida; Community Papers of Michigan; Community Papers of Ohio and West Virginia; Computing Technology Industry Association; Connecticut Nursery & Landscape Association; Council of Smaller Enterprises; Direct Selling Association; Door and Hardware Institute.

Electronic Security Association; Electronics Representatives Association (ERA); Farm Credit Council; Financial Services Institute, Inc.; Florida Nursery, Growers & Landscape Association; Free Community Papers of New York; Georgia Green Industry Association; Hampton Roads Technology Council; Healthcare Distribution Management Association; Hearth, Patio & Barbecue Association; Idaho Nursery & Landscape Association; Illinois Green Industry Association; Illinois Landscape Contractors Association (ILCA); Illinois Technology Association (ITA); Independent Community Bankers of America; Independent Electrical Contractors, Inc.; Independent Office Products & Furniture Dealers Association; Indiana Nursery and Landscape Association; Indoor Tanning Association; Industrial Supply Association.

Industry Council for Tangible Assets; International Association of Refrigerated Warehouses; International Foodservice Distributors Association; International Franchise Association; International Housewares Association; International Sleep Products Association; Kentucky Nursery and Landscape Association; Louisiana Nursery and Landscape Association; Maine Landscape and Nursery Association; Manufacturers' Agents Association for the Foodservice Industry; Manufacturers' Agents National Association; Manufacturing Jewelers and Suppliers of America; Maryland Nursery and Landscape Association; Massachusetts Nursery & Landscape Association, Inc.; Michigan Nursery and Landscape Association; Mid-Atlantic Community Papers Association; Midwest Free Community Papers; Minnesota Nursery & Landscape Association; Motor & Equipment Manufacturers Association; NAMM, National Association of Music Merchants.

National Apartment Association; National Association for Printing Leadership; National Association for the Self-Employed; National Association of Federal Credit

Unions; National Association of Home Builders; National Association of Manufacturers; National Association of Mortgage Brokers; National Association of Mutual Insurance Companies; National Association of Realtors®; National Association of RV Parks & Campgrounds; National Association of State Departments of Agriculture; National Association of Theatre Owners; National Association of Wheat Growers; National Association of Wholesaler-Distributors; National Barley Growers Association; National Cattlemen's Beef Association; National Chicken Council; National Christmas Tree Association; National Club Association; National Community Pharmacists Association.

National Corn Growers Association; National Cotton Council; National Council of Agricultural Employers; National Council of Farmer Cooperatives; National Electrical Contractors Association; National Electrical Manufacturers Representatives Association; National Federation of Independent Business; National Home Furnishings Association; National Lumber and Building Material Dealers Association; National Milk Producers Federation; National Multi Housing Council; National Newspaper Association; National Office Products Alliance; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; National Small Business Association; National Small Business Network; National Sunflower Association; National Taxpayers Union.

National Tooling and Machining Association; National Utility Contractors Association; Nationwide Insurance Independent Contractors Association; Nebraska Nursery and Landscape Association; New Mexico Family Business Alliance; New Mexico Nursery & Landscape Association; New York State Nursery and Landscape Association; North American Die Casting Association; North Carolina Green Industry Council; North Carolina Nursery and Landscape Association; Northeastern Retail Lumber Association; Northwest Dairy Association; NPES The Association for Suppliers of Printing, Publishing & Converting Technologies; OFA—An Association of Floriculture Professionals; Office Furniture Dealers Alliance; Ohio Nursery and Landscape Association; Oregon Association of Nurseries; Oregon Nursery Association; Outdoor Power Equipment Institute; Pennsylvania Landscape and Nursery Association.

Pet Industry Distributors Association; Petroleum Marketers Association of America; Plumbing-Heating-Cooling Contractors Association; Precision Machined Products Association; Precision Metalforming Association; Printing Industries of America; Professional Golfers Association of America; Professional Landscape Network; Professional Photographers of America; Promotional Products Association International; Public Lands Council; S Corp Association; Safety Equipment Distributors Association; Saturation Mailers Coalition; SBE Council; Secondary Materials and Recycled Textiles Association; Self-Insurance Institute of America (SIIA); Service Station Dealers of America and Allied Trades; SIGMA, the Society for Independent Gasoline Marketers of America; Small Business Council of America.

Small Business Legislative Council; SMC Business Councils; Society of American Florists; Society of Independent Gasoline Marketers of America; Society of Sport & Event Photographers; South Carolina Nursery & Landscape Association; Southeastern Advertising Publishers Association; Southeast Dairy Farmers Association; Southeast Milk, Inc.; Specialty Equipment Market Association; Specialty Tools & Fasteners Distributors Association; SPI: The Plastics Industry Trade Association; Start Over! Coalition;

Stock Artists Alliance; TechQuest Pennsylvania; TechServe Alliance; Tennessee Nursery & Landscape Association; Texas Community Newspaper Association; Texas Nursery & Landscape Association; Textile Care Allied Trades Association.

Textile Rental Services Association of America; The National Grange of the Order of Patrons of Husbandry; Tire Industry Association; Toy Industry Association, Inc.; Turfgrass Producers International; U.S. Apple Association; U.S. Canola Association; U.S. Chamber of Commerce; United Egg Producers; United Fresh Produce Association; United Producers, Inc.; United States Dry Bean Council; USA Dry Pea & Lentil Council; USA Rice Federation; Utah Nursery & Landscape Association; Virginia Christmas Tree Growers Association; Virginia Green Industry Council; Virginia Nursery & Landscape Association; Virginia Technology Alliance; Washington State Nursery & Landscape Association; Western Growers Association; Western Peanut Growers Association; Western United Dairymen; Window and Door Manufacturers Association; Wisconsin Community Papers; Wood Machinery Manufacturers of America.

I reserve the balance of my time.

Mr. LEVIN. I yield myself as much time as I shall consume.

Let's be clear what the issue is today. The issue is not repeal of this provision, of 1099. We on this side not only favor repeal, but all of us who were here last session voted for it. We voted to repeal it. It failed because only two people on the minority, then minority side, voted for the bill. They didn't like the pay-for.

Mr. CAMP mentions the NFIB. They supported our effort last year to repeal 1099.

So, again, the issue is not repeal. We have made that clear in the past, while the effort to repeal was blocked on the Republican side last session. The reason they did not vote "yes," they said, was because they did not like the pay-for.

The pay-for closed tax loopholes, closed tax loopholes, and they stood up and said, no, we can't vote for the bill because of that. Ironically, most of the loopholes closed in that effort have now become law. So that effort last year to block repeal essentially was to block the loophole effort that has now become the law of this land. That should be clear. The issue is not repeal. The issue is how you pay for that repeal.

The Senate has now voted to repeal 1099 and apparently the now majority does not like the pay-for in the Senate bill.

What does this bill provide? Well, in very simple terms, in clear terms, in unmistakable terms, the pay-for is an increase on middle-income families. It increases how much they will have to pay to the IRS if their income increases over what was projected when they would have obtained health insurance.

Let me be very clear, the people were playing by the rules once the law became effective. It wasn't that they were ineligible. They were eligible, period. So no one should say they were not eligible, that somehow they misled,

that somehow they misrepresented. Now, these are middle-income families who would have become eligible playing by the rules.

So this is a tax increase, if this bill becomes effective, on middle-income families in future years. Mostly, it will be on families with incomes between \$80,000 and \$110,000. These are estimates.

It can well be that a small increase in income beyond what was anticipated can lead to an increase by as much as \$12,000. That's the amount that could be required in a check from the taxpayer to the IRS, and Joint Tax projects that the average increase will be about \$3,000.

Well, it's been said, it was said in our committee and then before the Rules Committee yesterday, that it's not a tax increase. So let me be clear by reading the language that's in the bill:

If the advance payments to a taxpayer exceed the credit allowed by this section, the tax imposed by this chapter for the taxable year shall be increased.

It is in clear simple English. So let no one stand up here and say it's not a tax increase when it is.

Let me also, if I might, read from the Statement of Administration Policy that was issued yesterday.

"Specifically, H.R. 4 would result in tax increases on certain middle class families that incur unexpected tax liabilities, in many cases totaling thousands of dollars, notwithstanding that they followed the rules."

I want to read it again.

"Specifically, H.R. 4 would result in tax increases on certain middle class families that incur unexpected tax liabilities, in many cases totaling thousands of dollars, notwithstanding that they followed the rules."

Now, it was said yesterday at the Rules Committee that this is not a tax increase because it would become effective at a later date, 2014, when the subsidies under the health reform bill become effective.

□ 1040

Well, if you use that logic, we could, this year, increase taxes for everybody by, say, 5 percent, and that would not be a tax increase because it would be for a later year.

In a word, if this bill would become law, it would mean a tax increase for hundreds of thousands of middle income taxpayers.

Also, according to Joint Tax, it would have this effect, that about 266,000 people would not be covered with health insurance because of the provisions in this bill.

So, in a few words, what this bill would do would be to saddle middle income taxpayers in future years, pure and simple. What we should do is to go back and find a responsible way to pay for the repeal of 1099.

And I close by the following paragraph from the Statement of Administration Policy, "The administration

looks forward to continuing to work with the Congress on the repeal of the information reporting requirements in the course of the legislative process, including finding an acceptable offset for the cost of the repeal."

What this bill would do would be to provide an unacceptable offset, one that would burden hundreds of thousands of middle income taxpayers in our country. We should not do that, period.

I reserve the balance of my time.

Mr. CAMP. I yield 2 minutes to the gentlewoman from Washington State (Mrs. McMORRIS RODGERS).

Mrs. McMORRIS RODGERS. Thank you, Mr. Chairman.

I rise in strong support of H.R. 4, the Small Business Paperwork Reduction Mandate Elimination Act of 2011. There's not a single issue that I hear more about from Washington State businesses than the 1099 requirement that made its way into last year's health care law. Not only is this provision an administrative nightmare for employers, it has the potential to devastate small businesses. In fact, NFIB estimates that the average business will have to submit at least 95 forms under the new requirement, a costly increase from the current handful that's required today.

Even tax consultants have said this 1099 is more onerous than any tax that the IRS could collect from small businesses. At a time when our economy is struggling, jobs are scarce and unemployment continues to hover near 10 percent, the last thing we should do is make it more difficult on our employers, particularly the small businesses that make up the backbone of our economy and create most of the jobs in America.

The 1099 is just one in a number of policies that have created a climate of fear and uncertainty for the private sector. Businesses don't know what regulatory hurdles they will have to jump through or the increased costs they will incur in the short or long term. We need to give them certainty. We need to have them start expanding and grow their businesses again. And a first good step is the repeal of the 1099 requirement.

I urge support.

Mr. LEVIN. I yield such time as he may consume to someone who has been leading the effort to repeal 1099 in a responsible way for the middle-income families of America, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman from Michigan (Mr. LEVIN) for yielding me this time.

Mr. Speaker, I rise in strong opposition to this bill not because I oppose the repealing of the 1099 reporting requirements. I do. I have a record of supporting 1099 repeal and relieving America's small businesses from onerous paperwork and onerous regulations. What I'm opposed to is paying for this small business tax bill by increasing taxes on working middle class

Americans. And that is exactly what this legislation will do.

Let's not kid ourselves. Democrats offered a different path. Last July, we put forward legislation to repeal the 1099 reporting requirements, and we paid for it by eliminating loopholes in the Tax Code that reward those exporting U.S. jobs overseas. And, the Senate has offered an alternative path as well. Last month, they overwhelmingly passed a bipartisan repeal of the 1099 reporting requirement, which did not include a tax increase on middle class workers.

But my Republican colleagues in the majority here in the House, who have continually preached lower taxes, less regulation and fiscal discipline, have refused either of these alternative approaches. Instead, my Republican colleagues are forcing a vote today on H.R. 4, a measure that will impose a \$25 billion new tax on middle class families. Yes, you heard that right. It is only 59 days since my Republican colleagues have assumed majority control of the House of Representatives, and they're already breaking their campaign pledge of no new taxes, a pledge that 234 of 241 sitting Republican Members of the House signed.

And, no, Republicans are not taxing the wealthiest 1 percent to pay for this small business relief bill. They are raising taxes on middle class workers, like firefighters, police officers, nurses and teachers, the very American families who work day in and day out to make their financial ends meet, the very American families under attack today in Wisconsin, in Indiana, in Ohio, and across the Midwest.

Now, the Republicans will not admit that embedded in H.R. 4 is a tax increase on the middle class. But the facts are the facts. The Joint Committee on Taxation says the Republican bill is a tax increase, citing how it will raise \$25 billion in new revenue. That is congressional-speak for a tax increase. Even Grover Norquist, the author of the "Taxpayer Protection Pledge," has said, "Americans for Tax Reform has always followed Committee on Joint Taxation methodology."

Yet, still my Republican friends deny and deny and deny. But, my friends, read my lips—Republicans are raising taxes. Just look at the contents of the bill. Under the Democratic health reform law, an American family of four earning \$88,000 a year is obligated to pay no more than 9.5 percent of their income on health care premium costs. In this example, that is \$8,360 that comes out of their pocket on a typical family policy valued at \$13,000. So the family would pay, out of their pocket, \$8,360 in annual premiums for their health care coverage, and the Federal Government would provide a tax credit—not a subsidy, not a subsidy, a tax credit—valued at \$4,640 to cover the rest. These are not subsidies, but tax credits to working people. They work exactly like the child tax credit or the tax credit to make college more affordable.

How many of all of our constituents use those tax credits? Do they believe it is welfare, a form of welfare? I don't think so. They understand the difference between a subsidy and a tax credit. These are not subsidies for the middle class. They are tax credits for the middle class. These are tax relief measures for the middle class.

The Affordable Care Act also ensures that the Federal funding going towards a family's health premium is paid directly to the insurance carrier, to the insurance company, not to the family. In short, the family receiving this tax credit will never, ever personally touch that money, not a single dime do they feel. It never transfers through them.

□ 1050

However, under the Republican bill, H.R. 4, if that very same family that earns \$88,000, the breadwinner of the family is called into the boss's office and the boss says: You know what, you're on your track to management. You're doing such a great job, we're going to give you a \$250 bonus. Take the family out to dinner. It's the holiday season.

And you're overjoyed. You go back to your family and say, I am management material. I got a \$250 bonus. I'm taking everybody out to dinner tonight.

Well, here's the rub: you would go from the 398 percentile of the Federal poverty level to the 401 percentile of the poverty level. When that happens, you would then owe the Federal Government for that \$250. In April of the next year the Federal Government would say: Not so fast, you owe us \$4,640 to make up for your having accessed those tax credits.

That's right, they would have to pay back every single dime that went directly to that health insurer, to that health insurance company when a dime never crossed their fingers. Not a single dime crossed their fingers.

Say it ain't so, Joe—that's what families back home in my district are saying. But I can't; it's true. Republicans are raising taxes.

The 1099 provisions should be repealed. I agree with that, but not on the backs of middle class workers and middle class Americans.

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

I would just like to say that the example the gentleman from New York cited, that if the family or individual honestly reported their income without this change that we are proposing today, they would still have to repay the entire amount of the subsidy to the government.

I submit for the RECORD a letter from Americans for Tax Reform that says this legislation is not a tax increase and is not a violation of the taxpayer protection pledge.

N.B. The following letter applies in full to House consideration of H.R. 4, "The Small Business Paperwork Mandate Elimination Act of 2011."—RLE, 03-02-2011

AMERICANS FOR TAX REFORM,
Washington, DC, February 24, 2011.

Hon. DAVE CAMP,
House of Representatives, Committee on Ways
and Means, Washington, DC.

DEAR CHAIRMAN CAMP: I write today to reiterate the support of Americans for Tax Reform for H.R. 705, the "Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011." I also wish to clarify that H.R. 705 is a net tax cut, and is therefore not a violation of the Taxpayer Protection Pledge.

Two bills in the last Congress (one of which was Obamacare) greatly increased "1099-MISC" information reporting for small employers, and introduced this reporting for the first time to families renting out real property. These requirements are unnecessary, onerous, and would lead to major compliance issues—as the IRS itself admits. H.R. 705 repeals these two provisions, which is a victory for taxpayers.

The official score of H.R. 705 from the Joint Committee on Taxation (JCX-14-11) shows that this bill is a net tax cut. By repealing the 1099-MISC provisions, taxes are cut by a gross amount of \$24.7 billion from 2011-2021. By requiring erroneously-obtained Obamacare exchange credit advances to be paid back by more recipients, JCT scores a dual effect from the bill. Gross taxes would increase by \$5 billion, and spending ("outlay effects," as shown in footnote 2) would be reduced by \$19.9 billion.

Thus, the gross tax cut effects of repealing the 1099-MISC reporting requirements are "paid for" by a small gross tax increase and a large spending cut. Overall, the bill is a net tax cut of \$19.7 billion from 2011-2021.

Because no bill which is a net tax cut can possibly be in violation of the Taxpayer Protection Pledge, the latter simply does not apply in this matter. Americans for Tax Reform has always followed JCT scoring methodology in this area, including when JCT disaggregates between spending and revenue effects of tax legislation. Spending cuts should never be confused with tax increases, and JCT does a good job pointing out when spending policy is present in tax bills. Those trying to call this bill a net tax hike are simply seeking to mislead the public, or cannot accurately read a JCT score.

I encourage all Members of Congress to support this tax cut/spending cut bill when it is considered by the full House.

Sincerely,

GROVER G. NORQUIST.

I yield 2 minutes to the gentleman from California (Mr. HERGER), a member of the Ways and Means Committee.

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 4.

Coming from a small business background myself, I know personally the paperwork burden of misguided government regulations imposed on our Nation's entrepreneurs and job creators. If the expanded 1099 reporting requirement in the Democrats' health care law takes effect, it will be one of the most far-reaching and burdensome unfunded mandates ever created. Small businesses will be required to fill out hundreds, or even thousands, of these forms every year. Yet the revenue supposedly raised by this reporting amounts to less than 1 percent of the estimated annual tax gap.

This 1099 rule is devastating to small businesses, and it must be repealed now. H.R. 4 addresses the budgetary costs of repealing the 1099 requirement

by cutting wasteful government spending. The Democrats' health law provides subsidies for low-income people to buy health insurance; but if their income goes up and they don't need help any more, they still get to keep a large portion of the subsidy. Getting rid of excess subsidies is not a tax increase. It's simply being responsible with the taxpayers' money.

Mr. Speaker, the American people have told us they want two things: more jobs and less spending. The bill before us advances both of these goals, and it deserves the support of every Member of this House.

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

There has been a reference here to taxpayers who did not honestly report their income. I must say that's an egregious misstatement. The way this works, or will work, is people will report their income honestly, and they do so based on their taxable income of a particular year.

The problem with this bill is if the income often unexpectedly goes up in a subsequent year, how much will the taxpayer be required to pay to the IRS. That's what the issue is. And as Mr. CROWLEY said, there are other programs where people report their income. They report it honestly, and then there is a change and the question is whether they should have to later pay some income tax to the IRS and, if so, how much.

What this bill does in its present form is to recreate a "cliff" which we smoothed out in previous legislation, and the cliff is 400 percent of poverty. And if unexpectedly you go over that amount in a subsequent year, essentially what this provision would say is that the middle-income taxpayer would have to pay far, far more in taxes in that subsequent year. And the burden would essentially be on middle-income taxpayers. That's undeniable. It would be on income from people who are honest, who are middle-income taxpayers.

So I hope no one will use the term "ineligible" or use the term "dishonest." That's selling short the people of this country, the middle-income taxpayers.

And, indeed, the effort of 1099 was to make sure that smaller businesses and others reported accurately their income. That was its purpose. Now, it is clear that the way it was devised created all kinds of problems in terms of management of the small business, and so we moved to repeal it. But it is ironic that if essentially 1099 is now used by repealing it, when the effort was to have people honestly report their income, it would essentially penalize people, middle-income taxpayers, who honestly reported their income and became eligible for a tax credit.

Let me just in that respect read from Families USA: "Unfortunately, H.R. 4 proposes paying for the repeal of the 1099 reporting requirement with a provision that would disproportionately harm middle class Americans. The Affordable Care Act protects individuals

and families who run the risk of having income that may bump them up over the eligibility limits for premium credits by capping the tax penalty they will owe if the monthly premium credit received during the year exceeds the amount of credit due based on unexpected changes in income or family status. This legislation would eliminate the safe harbor for middle-income families and would increase the cap for lower-income families by \$500."

And it closes, and again I'm quoting: "Although we recognize that Congress needs to repeal the 1099 reporting requirement so that it is no longer a distraction from the way the Affordable Care Act benefits millions of small businesses, funds intended to help America's middle class families should not be used as a piggy bank to mend this legislative problem. We urge you to find an alternative and more responsible offset for this legislation that does not increase taxes on America's hardworking middle class families."

Undeniably, that is what this legislation would do. It is middle class families who honestly reported their income, period.

□ 1100

There is a fraud provision in the act, which is a very stringent one, that covers the case of anybody who is dishonest; but what you're doing is penalizing middle-income families who were honest, honest, honest.

I yield such time as he may consume to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Thank you, Mr. LEVIN.

I am a bit disturbed as well about the description of the individuals we're talking about here, as though everyone is trying to scam the system.

I would just point out, in the bill H.R. 4994, which had bipartisan support last year—with every Republican but one—we passed it to eliminate the cliff and to eliminate the possibility of a massive increase in taxes on the middle class. So we have already addressed this. What your bill today will do is put that back in place.

I would just ask my colleague Mr. CAMP:

What is it about the example I gave that's wrong? What is it about the example of a family of four, earning \$88,000 a year? Based on their prior income taxes, they're eligible for the tax credits in the next year, assuming as they do, because they live a pretty dull life, a pretty hard life, trying to maintain their home, get their kids a quality education. Probably, at this point, maybe one of their kids is in college already; and by the way, they're probably accessing the Child Tax Credit, so they're used to taking tax credits.

Now this is one other additional tax credit that they can avail themselves of—to do what? Not to get the \$4,460 and take it and go out and buy a car, not to get the \$4,460 to go on vacation or to scam somehow—but to buy what?

Health care insurance for their families, health care insurance, which is something we all would want to provide for our families.

What is it about this example? When they get the \$250 bonus and they get pushed into the 400 percentile of poverty, that they now have to pay back their \$4,460, what is it about my statement that's wrong? I haven't heard yet—because it's not wrong, because that family would be exposed to a massive tax increase, one that they cannot afford.

So don't describe these people as dishonest. Don't describe the middle class worker as trying to scam the system. Not everyone tries to do that. By the way, you might find that in the lowest poverty level, and I would dare say the top 1 percent try to scam the system, I would probably think, all the time. So let's not disparage anymore the middle class that we already have by presenting this bill this morning.

Mr. CAMP. I yield 2½ minutes to a distinguished member from the Ways and Means Committee, the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, I would just like to point out the louder one yells and the more one says it, as I told my children when they were little, doesn't make it true or correct.

I think that we need to get down to the facts in this matter. Saying that paying back an overpayment is a tax increase is dissembling at best. It is the return of money that was not entitled by a particular individual.

Democrats were for this before they were against it. To say it's a tax increase is simply wrong. Democrats created this mess. Democrats made the IRS, of all organizations, the arbiter of health care. I mean I think we need to get down to the truth here and not make the mistake of—since we're incurring issues of values and honor and faith here, Isaiah the prophet made the comment that beware of those who call good "evil" and evil "good" or sweet "sour" or sour "sweet." There is a consequence that comes with that, and the American people are entitled to the truth.

Democrats increase taxes. Democrats increase costs. Democrats increase complexity of government. My friends on the other side of the aisle, frankly, misrepresented the facts of this bill at best or are completely ignorant of the process they set in motion unilaterally. Indeed, to call this a tax increase reminds me of the health care debate last year when we were told we just had to read the bill to find out what was in it.

I don't think you read the bill under any circumstances.

Mr. Speaker, I rise today in support of this Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011. I want to read some correspondence from the middle class families in my district who think this is the right

thing to do, who believe that people aren't entitled to something that they earned under law and that people who get paid something don't believe it should be paid back.

My citizens and my constituents: Greg from Independence, Kentucky, wrote: "We don't need this new 1099 requirement for small business. Get out of the way so we can prosper." That means creating taxpayers, not raising taxes.

Eric from Cynthiana told me: "Small businesses are already being crushed by overreaching government mandates and undue burdens. I'm personally sick of this foolishness."

Joann from DeMossville wrote in to tell me how she would personally be affected. She stated: "My husband is a sole proprietorship, and I currently complete and submit 1099s for his subcontractors. So, if we spend \$600 at Home Depot, I now need to send them a 1099? Sounds like a good use of my time and IRS resources."

Tom in Burlington may have summed up the requirement the best when he simply called it "a nightmare for business."

Mr. Speaker, we need small businesses to focus on what they do best—to innovate, grow and hire. This reporting requirement needs to be removed now. It's burdensome, and it's going to drive up costs and cost us jobs. If allowed to go into effect, it will slow job growth and will lead to higher prices for consumers. Let our job creators create jobs and focus on that.

I urge support for H.R. 4.

Mr. LEVIN. I yield such time as he may consume to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman for yielding to me.

I wonder if my friend from Kentucky heard from his middle class taxpayers. I know he's heard from the small business owners. We've all heard from them. But has he heard from the middle class? When they get imposed this tax upon them, have they said, "Don't put this tax on me"? No, because, quite frankly, they don't know what's happening. They wouldn't dream that you would do this to them. They wouldn't dream that somehow you might possibly inflict and impose upon them a \$4,460 tax.

If your constituents earning \$88,000 go over by one penny—one cent—over the 400 percentile of poverty—one penny—they have to pay back \$4,460, which they never ever physically touched, which they never received. It went to the insurance company. The insurance companies get taken care of. They get their money. They're fine. By one penny over the Federal poverty level, your middle class families have to pay back \$4,460. Does that sound fair to you?

Now, maybe for one penny over, they have to give a little something back. Maybe for every dollar over, they'll have to give a little something back. But to pay back \$4,460 so they can provide their families with health care? I'd

say to the boss, Do me a favor, don't give me the penny bonus. Don't give me the \$250 bonus. Don't reward hard work. Don't reward me for doing good work because if you give me the bonus I'm going to have to pay \$4,460.

Does that make any sense to you?

What about making pay work? What about asking Americans to do their jobs, to do them well; and if you do it well, you'll get a bonus, and you'll get ahead, and your families will be taken care of?

Under this bill, this is a nightmare for the middle class families—a nightmare—because they're not going to be able to pay that. It totally subverts the intention of what we tried to do in the first place, and that is to provide health care to the middle class.

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

I appreciate that language: to get back to what they tried to do in the first place. Let's look at what they did in the first place.

Their bill, their original bill, said anyone who earned more than 400 percent of poverty—that's \$93,800 for a family of four—would be required to repay the entire amount of the exchange subsidy. That is exactly what this bill does. This bill does what the original health care legislation did. Then they raised it, and said, well, if you made up to \$117,000 for a family of four, you had to repay the entire subsidy. They had a cliff in their bill, and there is a cliff now. What we are saying is we need to see that the American taxpayer is protected.

With that, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

□ 1110

Mr. BRADY of Texas. Mr. Speaker, I want to follow on with what Chairman CAMP made such an important point of here. This new national takeover of health care is just a mess in so many ways. Two of them we highlight today. One, our Democratic friends heaped a huge new pay-for burden on our small businesses that none of them frankly can comply with. And then they create a loophole where some people in America can get taxpayer subsidies even if they don't qualify for them.

So let's be clear. Today we are fixing two huge Democratic messes that they made, and we're going to fix them because our small businesses can't take more of this burden. Many of them are barely hanging on as it is today. Secondly, with these huge deficits, we can't afford more fraud and abuse in our government system. So we apply a pretty simple principle: if you get Federal money you don't qualify for, you're going to have to repay it. Not everyone. If you're moderate income or below, we understand you don't have that money. But if you're making higher than the national average, if you're making \$70,000, \$80,000, \$90,000 a year and you got a subsidy from some other

family that you don't deserve, you're going to have to give it back.

That's what this bill does. It takes a huge burden off our small businesses they never should have had but our Democrat friends put on them, and then we're going to ask people to repay money they should never have got that our Democrat friends allowed them to get. This actually is a bipartisan bill. At the end of the day, watch the vote. You'll see so many people in this Congress saying it's time to fix this. We're going to fix this mess today.

Mr. LEVIN. Mr. Speaker, before I yield to the gentleman from Wisconsin, I just want to say three quick things.

It is such a misstatement for someone to come here and say "even if they did not qualify." That is not correct. They qualified. So don't come here and say they didn't qualify. Essentially what you're saying is middle income taxpayers came and defrauded when the truth is they told the truth. And indeed there's a provision relating to fraud if someone were guilty of that. It allows for full repayment in cases of fraud, and there's a provision that imposes a civil penalty up to \$25,000.

The last thing before I yield, I want to make clear, last December, we fixed, Mr. CAMP, the cliff. You voted for it. It was 409-2. I don't think you were one of the "2." This resurrects the cliff, purely and simply, and catches hundreds of thousands of taxpayers in the future, middle income taxpayers.

I now yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. KIND), an active member of our committee.

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

Mr. KIND. I thank the gentleman for yielding.

Mr. Speaker, I'm sure my good friend and colleague, the previous speaker from Texas, also realizes that this money that they will owe on this hidden tax is something they never see to begin with. This is a tax credit that goes directly to the private health insurance companies. And this bill would be better titled the Republican Tax Trap of 2014, 2015, 2016, and on and on and on, because that's exactly what's going to happen. There's this hidden tax trap that's going to affect hundreds of thousands of working class, middle class families through no fault of their own.

I think my colleague and friend from New York explained very succinctly what would happen here with the cliff. If you're at 400 percent poverty level, a family of four at roughly \$88,000 a year, and you receive a little bit of extra income, you receive a little bit of a bonus that might put you just over the edge, you're going to be hit with a \$4,600 tax liability at the end of the year. Now they're not going to be in a position to deal with that. So either they're going to have to find a way to come up with the money to pay the Republican tax that they didn't expect, or it's going to

discourage work and they're not going to try to earn as much income because they don't want to go over that 400 percent level, or they're not going to participate in a health insurance exchange to begin with. We've got a score on that as well: that over 266,000 families will choose not to participate in a health insurance exchange for fear of this hidden Republican tax trap that we have before us today.

And what's ironic about this is this insurance exchange that's part of the Affordable Care Act is a bill that I and others have worked on for years in a bipartisan fashion, called the SHOP Act. Republicans were in favor of creating these health insurance exchanges, coupled with tax credits, so that small businesses, family farmers, individuals, finally had a place where they could go and shop for affordable health care coverage with competing private health plans finally competing for their business for a change, so that they had the same type of leverage that large corporations do. This has been proven in models and pilot projects throughout the Nation that have shown how effective these health insurance exchanges work.

What they're doing now with this legislation, with the offset that they're proposing, hitting the middle class, is doing things to undermine, once again, the health insurance exchanges and the ability for small businesses and individuals to go out and obtain affordable coverage. That's unfortunate, but it's consistent with the zeal on the other side of doing everything they can to undermine the Affordable Care Act, regardless of who it hurts, regardless of the additional tax burden.

As my friend from Michigan indicated, we fixed this problem last December in a bipartisan fashion, so instead of creating a cliff, which was a mistake in the original bill, there would be a gradual phaseout of these tax credits; so it wouldn't be a hidden tax trap as my Republican colleagues are calling for today.

But at some point we're going to have to come to grips that a lot of what's in the Affordable Care Act is necessary and long overdue, not least of which, and I think this is going to be the key to health care reform and its final verdict, is the ability for us to change the way we pay for health care in this country, changing the fee for service that exists in Medicare today to a fee for value or a quality-based reimbursement system. We can start by doing that with Medicare, and the tools are in place under health care reform to do that. This will extend then to the private health insurance industry.

This, too, is a bipartisan issue. Newt Gingrich has been talking about it; Dr. Bill Frist; Tommy Thompson, my former Governor and former Secretary of HHS, has been talking about changing the reimbursement system in health care so we reward value and quality and outcome of care as opposed to the volume-based payments which is

literally bankrupting our Nation today. Health care costs are the largest and fastest growing expense that we have at all levels, Federal, State and local level, and for businesses and families alike. It's one of the reasons why I've got folks in Wisconsin at each other's throats right now talking about public employee benefits, and the biggest cost driver in State budgets today are rising health care costs.

So why not embrace the reforms that we have in health care reform that will lead us to a value-based reimbursement system, which many people on a bipartisan basis have been talking about for years. We were finally able to get those tools in place under the Affordable Care Act. We just can't do it overnight. You don't change the way you pay for one-fifth of the entire U.S. economy overnight.

We've got accountable care organizations, medical homes, bundling programs to incent value-based payments. But we also have the National Academy of Sciences, the Institute of Medicine, doing a 2-year study right now to change the fee for service under Medicare to a fee for value system and they will present an actionable plan to the administration to implement it, which gives us, I think, the best hope of changing the outdated and perverse incentive system that we have in the delivery of health care today. It's leading to overutilization in health care. And studies have shown that close to one out of every three health care dollars, or about \$800 billion a year, are going to tests and procedures that don't work.

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

Mr. LEVIN. I yield the gentleman 2 additional minutes.

Mr. KIND. One out of every three health care dollars, or \$800 billion we're spending a year that we're not getting a good bang for the buck. It's going to tests and procedures that don't work. And because of the overutilization and the overtreatment that some patients are receiving, they're being left worse off, rather than better off.

That's going to be the game-changer when it comes to true fiscal responsibility in this place. It's something that everyone's been ducking. For the last couple of weeks we've been talking about this continuing resolution that only deals with 12 percent of the Federal pie. Unfortunately it goes after the most vulnerable people in our society, especially our kids' education. Yet we all know where the big money lies. It's in the health care programs, Medicare and Medicaid. It's in defense spending. If we don't get serious in turning the cost curve around when it comes to health care, then we're just fooling ourselves with everything else that we're doing with the budget.

We've addressed that in the Affordable Care Act with programs that are set up now and payment reform that is moving forward to change how we pay for health care so we can improve the

quality of care for all Americans but at a much better bang for the buck for the American taxpayer. That's what we should be coming together on, rather than discouraging people from participating in an exchange which will create true competition with these private insurance companies, which again is long overdue, and instead of offering this legislation today that sets up this Republican tax trap for middle class working families who will be surprised at the end of the year because they put in a little bit more time and they earned a little bit more income or they got that last-minute bonus from their employees, and then suddenly they realize, oh, my God, we're going to owe \$4,600 because of what they're doing here today.

□ 1120

It's outrageous. It's unfair. There are better offsets.

And here's an idea. The retired CEO of Chevron just this past week said: Hey, when oil is above 70 bucks a barrel, let's stop the subsidies, let's stop the tax breaks.

This is a retired CEO of a major oil-producing company that's saying that this is nonsense that we're still wasting so much money, around 50 billion dollars per year by subsidizing Big Oil when oil is above 70 bucks a barrel. Today, it's over \$100 a barrel. That would be a more appropriate offset.

I'm going to hand off to my friend from Oregon to pick it up at that point.

Mr. CAMP. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the House Administration Committee, the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding the time.

My name happens to appear on this bill as the original author of this bill, H.R. 4. I remember when I introduced this last April, Members on that side of the aisle were told by their leadership don't dare go on this bill to repeal this necessary provision of the Affordable Care Act.

By the way, if it is truly an affordable care act, why has Secretary Sebelius granted over 700 waivers to companies and unions? Because it's not affordable. Why has virtually every member of my constituency who has health insurance had an increase in their premiums as a direct result of the "Affordable Care Act"? Just a passing question because I'm asked that all the time by my constituents.

Why did I introduce this? Because provision 9006 of the bill has nothing to do with affordable care and has everything to do with the capacity of our friends on the other side to find ingenious ways of impacting business because I guess business is considered bad. Well, I've got an answer for you today to the question of who creates jobs. This is who creates jobs: small business. And this particular section of

your so-called Affordable Care Act kills business, kills small business. What does it do? It is based on the assumption that everybody cheats. Why? Because the 1099 form is usually utilized for the purpose of making sure you carry out your obligation to pay payroll tax.

But what did we do in the so-called Affordable Care Act? We increased the reach of 1099s so that when you have no obligation to pay anything, you have to report on the person on the other side of the business transaction; so that they, supposedly, are cheating, and therefore we have what's known as the universal snitch act.

The idea that it's going to gain \$19 billion, in my judgment, is created out of whole cloth. You have to assume that almost everybody cheats to get your \$19 billion.

And here's the game here in Washington, D.C.: We create a new obligation on business that's never existed before. We then secretly put it in a bill—virtually no one on this floor knew it was in the bill—and then we score it for gaining \$19 billion to the Treasury. And if I dare come to this floor to repeal it, I'm obligated to come up with \$19 billion in new taxes or some sort of a spending cut?

The American people ought to understand the game that's played. In secret, we pass something like this, which has an unbelievably pernicious effect on business. Now, how does it have such an effect? It requires every single person involved in business or trade to go into accounting to make sure that every time they reach that threshold of \$600 or more with anybody they purchase something from they have to file a 1099.

Here's what someone in my district just emailed me, a small business person, a woman:

"I have 15 employees. As owner, I am the HR department, the bookkeeping department, the administration department, and still serve my customers while surviving this economic climate. It will be a tremendous burden, both in time and dollars, to send out 1099s to all my vendors—appliance manufacturers, parts distributors, other suppliers, utility companies."

It is a job-killer provision. We brought this H.R. 4 to the floor to get rid of a job-killer provision.

The other reason why it is a double-edged sword on small business is, if you want to minimize the number of 1099s that you file, you will not go to your local hardware store. You will not go to your local restaurant. You will go to the big box store. You will go to the chain restaurant. And we are killing small business on this floor.

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

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

Mr. DANIEL E. LUNGREN of California. So I understand the sincerity of the other side of the aisle, of those who are concerned about the middle class.

Who do you think small business is? This is the middle class in my district and virtually every district across the country. These are the people who create jobs. You will put a dagger in their side. And now you come up and argue against passing this legislation because you are concerned about the middle class.

You are killing the middle class with the provision in the health care reform bill, so-called. What we are trying to do is to get rid of that. We are trying help the middle class. We are trying to help the job creators. We are trying to help the people in our districts who don't have jobs.

Don't distract the debate on this job-killer piece of legislation. Give us some relief, which is being called for all around the country.

Mr. LEVIN. Mr. Speaker, before I yield to Mr. BLUMENAUER, I yield 30 seconds to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I appreciate the comments of my friend from California, and I don't question his motivation. But I would suggest that if the assumption is that we believe everyone cheats, I think that's wrong.

What I hear from the other side—from the gentleman from California, but generally from the other side—is that the belief is the middle class cheats; the middle class cheats, and that's why we have to impose this upon them. And I would use an example of a middle class business man or woman. That business man or woman who files an individual tax form as a small business person no longer will have to file the 1099 forms, but if they make \$88,000 a year and they are 397 percentile of Federal poverty and they have an unexpected increase in income, they will be subject to the \$4,460 middle class tax hike.

Mr. LEVIN. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Ways and Means Committee.

Mr. BLUMENAUER. Thank you, Mr. LEVIN, I appreciate that.

It's a little interesting when we hear our friends come to the floor with the same talking points. My good friend from California talks about the government takeover of health care—which of course PolitiFact called the 2010 political lie of the year.

Allowing 33 million additional Americans to have access to—

POINT OF ORDER

Mr. DANIEL E. LUNGREN of California. Point of order, Mr. Speaker.

The SPEAKER pro tempore. State your point.

Mr. DANIEL E. LUNGREN of California. The gentleman made a personal reference to me, stating that I made a statement on the floor, and then called that the biggest lie of the year. Is that, in fact, an appropriate comment to be made on the floor during debate?

The SPEAKER pro tempore. The gentleman from California has not stated a point of order.

Would the gentleman proceed to state the point.

Mr. DANIEL E. LUNGREN of California. I would make a point of order that the gentleman has made a personal reference to me and then followed that up by saying that what I said was a lie.

The SPEAKER pro tempore. Is the gentleman demanding that words be taken down?

Mr. DANIEL E. LUNGREN of California. Not at this time, Mr. Speaker. But I would ask that the Speaker admonish Members not to question the motivation of other Members in reference to any debate that is taking place.

The SPEAKER pro tempore. The gentleman from Oregon may proceed.

Mr. BLUMENAUER. . . .

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman from Oregon will take a seat.

The Clerk will report the words.

Mr. BLUMENAUER. I ask unanimous consent, Mr. Speaker, to withdraw the previous statement.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Oregon may proceed.

Mr. BLUMENAUER. I appreciate the opportunity, because I want to be very clear about what I intended, what I thought I said and I think a review of the tape would reveal. I am not calling anybody a liar.

What I intended to say, and I will ask unanimous consent to put in the RECORD, is that as we have repeated talking points about a government takeover of health care, this has been judged by an independent journalistic undertaking as the political lie of the year.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. All I just want to make clear in the RECORD, I never made a reference to the government takeover of health care in my speech, and the gentleman was errant in making a personal reference to what I had just said.

Mr. BLUMENAUER. I apologize if the person who said "government takeover of health care" was not you. It is repeated so often by my Republican friends, including the Speaker of the House, time and time again, that sometimes I get confused because it is a litany that is used. It is in fact, and I would ask unanimous consent, Mr. Speaker, to put in the RECORD the PolitiFact article.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. BLUMENAUER. Because those words are still echoing in the Chamber. It has been said by somebody on the other side of the aisle earlier:

"PolitiFact editors and reporters have chosen 'government takeover of health care' as the 2010 Lie of the Year. They chose it as the year's most significant falsehood by an overwhelming margin. The label 'government takeover' has no basis in reality, but instead reflects a political dynamic where conservatives label any increase in government authority in health care as a 'takeover.'"

They point out: "The law that Congress passed, parts of which have already gone into effect, rely largely on the free market. Employers will continue to provide health insurance to the majority of Americans through private insurance companies. Contrary to the claim, more people will get private health insurance. The government will not seize control of hospitals or nationalize doctors. The law does not include a public option. It gives tax credits to people who have difficulty affording insurance, so they can buy their coverage from private providers. It relies on a free market with regulations, not socialized medicine. We have concluded it is inaccurate to call the plan a government takeover because it relies largely on the existing health system of coverage provided by employers."

Mr. Speaker, part of what we're seeing here, though, is this drama that is pulled out where talking points are repeated in an effort to obscure the facts going forward. The majority knows that the Democrats have attempted to adjust the 1099. We don't want it in there. We voted for fixes. It will be fixed between the House and the Senate.

What's killing small business is the crushing burden of health care, where they are trying to provide for their employees. What is killing small business is that they can't compete with big business. They have a system that has provided a downward spiral. What's providing the driving force for the government deficit is increasing costs of providing health care, for example, through Medicare. This used to be an area of bipartisan cooperation.

The Health Care Reform Act includes every significant area of reducing health care costs as either a pilot or a demonstration. It points a path towards saving hundreds of billions of dollars. Those used to be bipartisan.

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

Mr. LEVIN. I yield the gentleman 2 additional minutes.

Mr. BLUMENAUER. Those used to be bipartisan; but instead of working with us to refine and accelerate the provisions, people are trying to put sand in the gears. And as my friends from Michigan and from New York have pointed out, there are going to be some—we hope they are unintended victims—but there are going to be innocent victims, people in the middle class and the near middle class who don't have the control of billionaire hedge funds to control their income.

There are things that can happen that will adjust it up or down. There

will be a significant penalty. We have worked to fix that cliff. We've approved it. We don't need to reinstate the cliff, the tax on honest mistakes. As has been pointed out, there are provisions to deal with fraud.

This is part of the drip, drip, drip to try and undermine health care reform, not accelerate it. It's a part of misrepresentation politically that the American public frankly doesn't deserve. It's a lost opportunity for us to reduce the deficit, improve health care, and lower costs.

□ 1150

This is very personal to people like me. I come from an area of the country that provides high-quality health care at a low cost. My people are penalized. Health care reform is moving to try to help people like that as we overall improve health care around the country and protect the deficit.

I am sorry for any ambiguity or misunderstanding from my comments, but I am frustrated when I hear the Republican side of the aisle continue to repeat this political lie of the year. It doesn't help the debate, it doesn't help us move forward, and we are going to have to move forward to solve the problems of this country.

[From PolitiFact, Dec. 16, 2010]

POLITIFACT'S LIE OF THE YEAR: 'A GOVERNMENT TAKEOVER OF HEALTH CARE'
(By Bill Adair, Angie Drobnic Holan)

In the spring of 2009, a Republican strategist settled on a brilliant and powerful attack line for President Barack Obama's ambitious plan to overhaul America's health insurance system. Frank Luntz, a consultant famous for his phraseology, urged GOP leaders to call it a "government takeover."

"Takeovers are like coups," Luntz wrote in a 28-page memo. "They both lead to dictators and a loss of freedom."

The line stuck. By the time the health care bill was headed toward passage in early 2010, Obama and congressional Democrats had sanded down their program, dropping the "public option" concept that was derided as too much government intrusion. The law passed in March, with new regulations, but no government-run plan.

But as Republicans smelled serious opportunity in the midterm elections, they didn't let facts get in the way of a great punchline. And few in the press challenged their frequent assertion that under Obama, the government was going to take over the health care industry.

PolitiFact editors and reporters have chosen "government takeover of health care" as the 2010 Lie of the Year. Uttered by dozens of politicians and pundits, it played an important role in shaping public opinion about the health care plan and was a significant factor in the Democrats' shellacking in the November elections.

Readers of PolitiFact, the St. Petersburg Times' independent fact-checking website, also chose it as the year's most significant falsehood by an overwhelming margin. (Their second-place choice was Rep. Michele Bachmann's claim that Obama was going to spend \$200 million a day on a trip to India, a falsity that still sprouts.)

By selecting "government takeover" as Lie of the Year, PolitiFact is not making a judgment on whether the health care law is good policy.

The phrase is simply not true.

Said Jonathan Oberlander, a professor of health policy at the University of North Carolina-Chapel Hill: "The label 'government takeover' has no basis in reality, but instead reflects a political dynamic where conservatives label any increase in government authority in health care as a 'takeover.'"

AN INACCURATE CLAIM

"Government takeover" conjures a European approach where the government owns the hospitals and the doctors are public employees. But the law Congress passed, parts of which have already gone into effect, relies largely on the free market:

Employers will continue to provide health insurance to the majority of Americans through private insurance companies.

Contrary to the claim, more people will get private health coverage. The law sets up "exchanges" where private insurers will compete to provide coverage to people who don't have it.

The government will not seize control of hospitals or nationalize doctors.

The law does not include the public option, a government-run insurance plan that would have competed with private insurers.

The law gives tax credits to people who have difficulty affording insurance, so they can buy their coverage from private providers on the exchange. But here too, the approach relies on a free market with regulations, not socialized medicine.

PolitiFact reporters have studied the 906-page bill and interviewed independent health care experts. We have concluded it is inaccurate to call the plan a government takeover because it relies largely on the existing system of health coverage provided by employers.

It's true that the law does significantly increase government regulation of health insurers. But it is, at its heart, a system that relies on private companies and the free market.

Republicans who maintain the Democratic plan is a government takeover say that characterization is justified because the plan increases federal regulation and will require Americans to buy health insurance.

But while those provisions are real, the majority of Americans will continue to get coverage from private insurers. And it will bring new business for the insurance industry: People who don't currently have coverage will get it, for the most part, from private insurance companies.

Consider some analogies about strict government regulation. The Federal Aviation Administration imposes detailed rules on airlines. State laws require drivers to have car insurance. Regulators tell electric utilities what they can charge. Yet that heavy regulation is not described as a government takeover.

This year, PolitiFact analyzed five claims of a "government takeover of health care." Three were rated Pants on Fire, two were rated False.

CAN'T DO IT IN FOUR WORDS

Other news organizations have also said the claim is false.

State said "the proposed health care reform does not take over the system in any sense." In a New York Times economics blog, Princeton University professor Uwe Reinhardt, an expert in health care economics, said, "Yes, there would be a substantial government-mandated reorganization of this relatively small corner of the private health insurance market (that serves people who have been buying individual policies). But that hardly constitutes a government takeover of American health care."

FactCheck.org, an independent fact-checking group run by the University of Pennsyl-

vania, has debunked it several times, calling it one of the "whoppers" about health care and saying the reform plan is neither "government-run" nor a "government takeover."

We asked incoming House Speaker John Boehner's office why Republican leaders repeat the phrase when it has repeatedly been shown to be incorrect. Michael Steel, Boehner's spokesman, replied, "We believe that the job-killing ObamaCare law will result in a government takeover of health care. That's why we have pledged to repeal it, and replace it with common-sense reforms that actually lower costs."

Analysts say health care reform is such a complicated topic that it often cannot be summarized in snappy talking points.

"If you're going to tell the truth about something as complicated as health care and health care reform, you probably need at least four sentences," said Maggie Mahar, author of Money-Driven Medicine: The Real Reason Health Care Costs So Much. "You can't do it in four words."

Mahar said the GOP simplification distorted the truth about the plan. "Doctors will not be working for the government. Hospitals will not be owned by the government," she said. "That's what a government takeover of health care would mean, and that's not at all what we're doing."

HOW THE LINE WAS USED

If you followed the health care debate or the midterm election—even casually—it's likely you heard "government takeover" many times.

PolitiFact sought to count how often the phrase was used in 2010 but found an accurate tally was unfeasible because it had been repeated so frequently in so many places. It was used hundreds of times during the debate over the bill and then revived during the fall campaign. A few numbers:

The phrase appears more than 90 times on Boehner's website, GOPLeader.gov.

It was mentioned eight times in the 48-page Republican campaign platform "A Pledge to America" as part of their plan to "repeal and replace the government takeover of health care."

The Republican National Committee's website mentions a government takeover of health care more than 200 times.

Conservative groups and tea party organizations joined the chorus. It was used by FreedomWorks, the Heritage Foundation and the Cato Institute.

The phrase proliferated in the media even after Democrats dropped the public option. In 2010 alone, "government takeover" was mentioned 28 times in the Washington Post, 77 times in Politico and 79 times on CNN. A review of TV transcripts showed "government takeover" was primarily used as a catchy sound bite, not for discussions of policy details.

In most transcripts we examined, Republican leaders used the phrase without being challenged by interviewers. For example, during Boehner's Jan. 31 appearance on Meet the Press, Boehner said it five times. But not once was he challenged about it.

In rare cases when the point was questioned, the GOP leader would recite various regulations found in the bill and insist that they constituted a takeover. But such followups were rare.

AN EFFECTIVE PHRASE

Politicians and officials in the health care industry have been warning about a "government takeover" for decades.

The phrase became widely used in the early 1990s when President Bill Clinton was trying to pass health care legislation. Then, as today, Democrats tried to debunk the popular Republican refrain.

When Obama proposed his health plan in the spring of 2009, Luntz, a Republican strategist famous for his research on effective

phrases, met with focus groups to determine which messages would work best for the Republicans. He did not respond to calls and e-mails from PolitiFact asking him to discuss the phrase.

The 28-page memo he wrote after those sessions, "The Language of Healthcare 2009," provides a rare glimpse into the art of finding words and phrases that strike a responsive chord with voters.

The memo begins with "The 10 Rules for Stopping the 'Washington Takeover' of Healthcare." Rule No. 4 says people "are deathly afraid that a government takeover will lower their quality of care—so they are extremely receptive to the anti-Washington approach. It's not an economic issue. It's a bureaucratic issue."

The memo is about salesmanship, not substance. It doesn't address whether the lines are accurate. It just says they are effective and that Republicans should use them. Indeed, facing a Democratic plan that actually relied on the free market to try to bring down costs, Luntz recommended sidestepping that inconvenient fact:

"The arguments against the Democrats' healthcare plan must center around politicians, bureaucrats and Washington . . . not the free market, tax incentives or competition."

Democrats tried to combat the barrage of charges about a government takeover. The White House and House Speaker Nancy Pelosi repeatedly put out statements, but they were drowned out by a disciplined GOP that used the phrase over and over.

Democrats could never agree on their own phrases and were all over the map in their responses, said Howard Dean, former head of the Democratic National Committee.

"It was uncoordinated. Everyone had their own idea," Dean said in an interview with PolitiFact.

The Democrats are atrocious at messaging," he said. "They've gotten worse since I left, not better. It's just appalling. First of all, you don't play defense when you're doing messaging, you play offense. The Republicans have learned this well."

Dean grudgingly admires the Republican wordsmith. "Frank Luntz has it right, he just works for the wrong side. You give very simple catch phrases that encapsulate the philosophy of the bill."

A RESPONSIVE CHORD

By March of this year, when Obama signed the bill into law, 53 percent of respondents in a Bloomberg Poll said they agreed that "the current proposal to overhaul health care amounts to a government takeover."

Exit polls showed the economy was the top issue for voters in the November election, but analysts said the drumbeat about the "government takeover" during the campaign helped cement the advantage for the Republicans.

Rep. Earl Blumenauer, an Oregon Democrat whose provision for Medicare end-of-life care was distorted into the charge of "death panels" (last year's Lie of the Year), said the Republicans' success with the phrase was a matter of repetition.

"There was a uniformity of Republican messaging that was disconnected from facts," Blumenauer said. "The sheer discipline . . . was breathtaking."

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. Mr. Speaker, the time to act on this provision is now. Why? It's very, very simple. It's about jobs. It's about removing an onerous

provision, a burdensome provision on small businesses that create jobs. If we wonder why we have a high unemployment rate, it is because of provisions like this.

This 1099 provision was bad legislation from day one. The American people have made it clear they want this law repealed.

The President thinks it's bad, Democrats think it's bad, Republicans think it's bad, even the Senate thinks it's bad. It has taken long enough to move on this. Let's do it. Let's get it done. Further delay is unacceptable.

Look, if we don't repeal this now, businesses are going to assume more expenses. If we repeal it later, we continue to delay this.

They will incur expenses that, once it is repealed, they wouldn't have had to incur from the beginning. I am already hearing from many, many Louisiana businesses right now that want to grow, want to hire; and they are worried about this. They are already spending money to prepare for this.

That's why we need to take care of it now. We want to create jobs, repeal this provision now and let's move forward. The American people want to see action on this from this Congress, and they want to see it now. It's important now to do it.

Americans are growing impatient. Small business owners are growing impatient. I ask that we repeal this provision today. Repeat it now.

Mr. LEVIN. I yield myself 15 seconds.

The gentleman who just spoke voted "no" on repeal last July, as did the gentleman from California who spoke before him. You both had a chance to vote "no," and you failed to do so. You didn't like a pay-for that closed a tax loophole.

I yield 5 minutes to the gentleman from Massachusetts (Mr. NEAL), a distinguished member of the Ways and Means Committee.

Mr. NEAL. I thank Mr. LEVIN for yielding the time.

Mr. Speaker, this provision came over from the Senate. As Mr. LEVIN has correctly noted, Members on this side of the aisle have already cast a vote to repeal this measure. The difficulty that's in front of us today is the manner in which this has been presented to all of us.

Now, we are going to hear a lot of conflicting opinions today about the new taxes in this bill. Like everybody else here in this Chamber, I am opposed to raising taxes on the middle class. Hardly is that a leap of faith into uncharted waters. We all share that common belief.

But the problem with the provision that's offered today is the disguised nature of raising taxes on the middle class. Let's get to the heart of this bill. It repeals a new reporting requirement on small businesses.

This provision expanded a type of reporting that already goes on where businesses report to the Internal Revenue Service on large payments sent to

contractors. This type of third-party reporting is meant to ensure those contractors report honestly to the IRS on the income they earn.

A reminder, it is estimated that there is up to \$300 billion a year of unreported income in the United States. And before we get to some of the cuts that have been proposed in this institution, we ought to be focusing our attention on how we might collect that unreported and underreported income that is such an important part of the underground economy in the United States.

You would think that that opportunity would avail itself based upon the mindless process that took place here a couple of weeks ago where we began with a series of 2-minute votes over 2 days to cut very important initiatives that the American people have come to rely on. And I would suggest to my friends on the other side of the aisle that they take note of that Wall Street Journal poll this morning as to what these cuts mean and how they are going down with the American people.

In our committee markup, there was a great deal of discussion about the burden on small businesses that this new reporting requirement imposes, and I think that for the most part we are all in agreement that the burden here may well outweigh the benefit.

But let's not ignore what we have found out about tax evasion at our markup. I asked Tom Barthold from the Joint Committee on Taxation about his estimate that the reporting requirement would raise \$22 billion in revenue. Now, Tom Barthold is not a Democrat; he is not a Republican. He is an economist who likes to give unjaded information to those of us who then implement policy.

I asked him how much of this was tax evasion, contractors underreporting income and how much was the penalties on those innocent third parties who got tripped up on the rules. He told us that almost all of it was due to tax avoidance, tax evasion.

So without any hearings or debate about how to best capture that \$22 billion, we eliminated this reporting requirement and would raise taxes on middle-income families.

I want to urge my friends on the other side, before we travel down this path of cutting very important initiatives for the American family—and I can't wait till we have the first vote in this institution up or down on Social Security to see if the rhetoric really matches the reality. Then I am hopeful that if we move to the discussion and debate on Medicare, we will see if the rhetoric matches the reality.

But I would hope that before we move on this mindless trail of these proposed cuts that have taken place over the last 3 weeks, that we might consider what to do about the whole notion of tax evasion. I hope that those on the other side of the aisle would join me in my efforts to ferret out tax abuse.

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

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

Mr. NEAL. I have been on this issue for a career of what to do about American companies that change their address so that they become a citizen of Bermuda to avoid American income taxes, while there are hundreds of thousands of American soldiers overseas, why our VA hospitals are going to be necessary for the 31,000 that have been wounded in honorable service to this country, and why, before we propose the cuts that we have proposed, we are not after tax evasion the way that we should be. That ought to be something that men and women of good will in this institution all ought to be able to agree upon.

Mr. CAMP. Mr. Speaker, I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I truly believe that the best thing that this Congress can do is focus on jobs, making sure that someone might have access to health care through a job. But increasing the cost of doing business certainly does not contribute to our effort to help create jobs.

I rise in support of H.R. 4. Repealing the 1099 mandate would only help, and certainly in my district, family farmers, ranchers, small businesses.

Let me tell you briefly about a restaurant owner, a small operation.

□ 1200

He will go from four 1099s to over 200 1099s, and that's after spending \$7,000 in new software, Mr. Speaker. That certainly provides opportunities for a misplaced digit in an identification number that will lead to the wrong person being audited, Mr. Speaker.

And when we look at all the information given here, certainly it makes sense to recapture an overpayment of a subsidy so that we can return to the people the opportunity to go out, create jobs and, in the end, ultimately provide more health care for the American people.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman for yielding.

According to the President's health care law, starting next year any business that purchases more than \$600 worth of goods or services from another business is required to submit a 1099 tax form to the Internal Revenue Service. I'm a strong supporter of job creation. However, I do not think building more bureaucratic barriers for small business and creating additional positions at the IRS is the kind of job growth this country needs. As Alan Meyers, an electrician in my district,

stated in a letter to my office: "This is absurd. The small business men of this country have more paperwork than they can get done now."

While we have disagreed about the full repeal of the health overhaul law, the administration and many of my colleagues on the other side of the aisle have recently decided they strongly agree with Republican Members in Congress that the 1099 reporting provisions should be repealed. However, a few weeks ago, we received the President's budget which would only repeal the 1099 requirement for goods but keep it for services—a glaring contradiction to the President's stated strong support for the full repeal of this harmful provision.

So I'm pleased that the House has chosen to move forward with the full repeal of this unprecedented burden on small business. Furthermore, if my colleagues on the other side of the aisle are truly serious about reducing waste, fraud, and abuse in our health care system, then they, too, can support this measure with full voice, since it is paid for by reducing overpayments of exchange subsidies.

In this economic environment, Congress needs to be working to remove the barriers to job creation and finding ways to rein in the cost of health care, not imposing new government mandates to squeeze every dollar out of small businesses.

While we await action from the Senate on H.R. 2, the full repeal of this health care overhaul, I urge my colleagues to vote in support of H.R. 4 today to fix one of the many flaws in the President's health care law.

Mr. LEVIN. I yield 2 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Energy and Commerce Committee.

Mr. WAXMAN. Madam Speaker, there is widespread bipartisan agreement that the 1099 reporting rules need revision. In fact, the agreement is so widespread that I'm mystified why we're having this debate. The Senate passed a repeal of this policy earlier this year on a bipartisan basis. The House, last year, failed to pass a repeal of the provision only because of Republican opposition. But now we all agree, let's repeal it.

What's the hang-up? The hang-up is the Republicans want to pay for this business tax cut on the backs of lower- and middle-income families. This bill would increase taxes by \$25 billion in total on families earning less than \$110,000. Families with incomes around \$90,000 per year could see increases in taxes of \$3,000, according to the Joint Committee on Taxation.

This is a remarkable piece of legislation because it unwinds a near-unanimous agreement that we had last year. This policy wouldn't just increase taxes. It would discourage enrollment in health plans in health exchanges.

Under the Republican proposal, people who are eligible for tax credits would have to think very hard as to

whether they were estimating their income accurately. They are estimating this income in the beginning of the year, but later in the year, they may get a raise, they may get a promotion. They may even get a job. And then they could be hit with a huge repayment penalty for a simple mistake: a promotion or a new job.

The Joint Committee on Taxation estimates that this deterrent effect would increase the number of uninsured by 266,000 people. Let's withdraw this pay-for and let's get something more reasonable. And under these circumstances, I cannot support the bill in its present form today, although I certainly support the changes in the 1099 reporting rules.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the chairman.

Madam Speaker, I also rise in strong support of the legislation here today that would repeal this burdensome 1099 tax requirement contained in the new health care law. Failure to eliminate this provision would result in vast amounts of new paperwork and additional accounting burdens for 30 million businesses that are still struggling in a very downbeat economy.

Now, while having gone virtually unnoticed in the context of the entire health care debate, this provision has created quite a bit of concern for companies who are already facing increased regulatory compliance costs as they get ready for this new provision to take effect.

Madam Speaker, almost every week I get a chance to visit with a small business back in Minnesota in my district; and nearly every one of them has asked me in bewilderment and in complete disbelief why they would be required to have to do this because of the amount of time and the amount of energy it will take to comply with this new requirement. So now, if there's a small business owner and they want to go into a Target store and they purchase \$600 worth of office supplies annually, they are now going to be required to file a new 1099 form—not only with the IRS, but with the Target Corporation. It's a waste of time, and time is money.

We need to be thinking about how we can help our Nation's small businesses get back on track by growing jobs and helping our economy move forward. It's not the way to do it by increasing more burdensome paperwork and bureaucratic paperwork. We need to let them be productive, to unleash their productivity, rather than filling out unnecessary forms.

Madam Speaker, I know, with the elimination of this onerous reporting requirement, small businesses are now going to be able to focus where they should focus their resources: on growing jobs and creating a better economy instead of processing additional paperwork and navigating bureaucratic red tape.

Mr. CAMP. Madam Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Nevada (Mr. HELLER).

Mr. HELLER. I thank the chairman for yielding time.

I'm an original cosponsor of H.R. 4 and proudly voted for this measure in the House Ways and Means Committee last month.

Madam Speaker, today's debate marks the second time, over the course of 3 months, that the House has taken the opportunity to discuss the disastrous consequences the health care bill has and will continue to have on our economy.

The House passed H.R. 2, which repealed the health care bill, with bipartisan support in January. Today we consider one of the many provisions of the bill that suppress economic recovery and job creation. The 1099 reporting mandate will impose substantial paperwork and reporting burdens on an estimated 40 million entities, including governments, nonprofits, and small businesses. Instead of fostering job creation in the private sector—which is what our economy needs—the previous Congress has passed a provision that would direct precious time and resources to collecting volumes of information and filling out mounds of new paperwork for businesses all throughout this country.

Once the economic engine of this Nation, small businesses are now buckling under the weight of onerous mandates and high taxes from a Federal Government that spends too much, taxes too much, and borrows too much. As a result, unemployment in Nevada has reached record highs that currently stand at nearly 15 percent.

Efforts to repeal the 1099 provision enjoy bipartisan, bicameral support.

I am pleased the House will pass H.R. 4 as part of our commitment to alleviate the burden the previous Congress placed on small businesses and American taxpayers. I remain committed to overturn the health care bill in its entirety. I support targeted legislation such as H.R. 4 to provide economic relief as soon as possible.

□ 1210

Mr. LEVIN. It is now my pleasure to yield 3 minutes to the distinguished gentleman from New York (Mr. RANGEL).

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

Mr. RANGEL. Madam Speaker, I would have hoped that today we would have taken advantage of the fact that all of us want to get rid of a part of the President's affordable health bill that we believe has not reached the objective that we wanted. Everybody, including the President of the United States, believes that 1099 in the present form should not be there. Republicans and Democrats have voted to make certain that it not be there. The last time we attempted to correct it, we felt that

because of the billions of dollars that would be lost by trying to get rid of it, we passed a law and it was rejected because the majority party didn't like what we call the pay-for. Since that time, the pay-for has been passed into law, it has been accepted, and now we are trying to find a new one.

I don't know why in God's heavens as to why we couldn't have sat down to find one, as long as we certainly wanted to avoid fraud on the taxpayer, and work out something that is fair. I can't believe that the majority doesn't believe that what we are trying to do is to avoid having an unintended tax on hardworking people.

And so if this is going to hold it up and cause us now to throw the baby out with the bath water, to have us rejecting what we want to do, and that is to get rid of 1099 in its present form, I think it is unfortunate.

Now, I do recognize, Mr. Chairman and members of our distinguished committee, that political promises were made before the election. The question now has to be that even though there have been commitments by certain parties in the majority, that they have to provide savings through cutting, those two things should be somehow related. Every cut that we have in the budget, whether it is the continuing resolution or the budget of 2011 or 2010, doesn't mean that there is a savings.

So telling the voters and our constituents that we have slashed something out of the budget, it really goes beyond politics because never in the discussions that I have had in the Ways and Means Committee with the majority or with the Democratic Caucus have we ever said: Are those people who are going to be helped or hurt Democrats? Are those people Republicans? Or did we not say that we were sincerely trying to help all Americans to make certain they have affordable health care.

For the majority not to want to correct whatever they think is wrong, but to make a campaign commitment they are going to eliminate the bill, eliminate the President, and just make certain they have \$100 billion in cuts, I think is really unfair to present these political problems to the American people.

So I do hope that after we reject this, not because the goal is not one that is bipartisan and with the support of the administration, but because how it is paid for is detrimental to the taxpayer, whether he or she be Republican or Democrat.

Mr. CAMP. At this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. Madam Speaker, I rise today enthusiastically supporting H.R. 4, the 1099 repeal bill. This piece of legislation is a victory for common sense. It is proof that the House is dedicated to getting the government off of the backs of American small businesses and working for the people again.

This bill does three things: it reduces the deficit; it protects our taxpayers from waste; and it eases the burdens on small businesses who too often have to deal with government breathing down their necks and stifling their growth. If this provision were left untouched in the President's health care law, small businesses across the country would be buried in paperwork. Instead of growing their businesses, advertising their services and selling their products and hiring workers and growing our economy, business owners would be stuck behind a desk filling out IRS forms.

Just this morning in the Wall Street Journal, it was reported by a survey that the small business owners are finding it more and more difficult to file their tax forms because of the onerous paperwork. It is unconscionable that the Democrat Congress paid for their massive spending on their health care bill on the backs of American small businesses; but today we're going to fix that.

As a member of Ways and Means, I am extremely proud to have seen this repeal bill take shape in our committee. I am proud that we pay for this bill by protecting taxpayers instead of demanding more money of them. By reducing waste, fraud, and abuse in the Democrats' health care law, we pay for this 1099 repeal, which reduces the deficit by \$166 million in the first 10 years, and by billions of dollars over the long run, while reducing the Federal spending by nearly \$200 billion over 10 years.

This is a huge victory, but it marks the beginning of a new way that we are doing business here in Washington. This new House majority will continue to enact commonsense policy that does not add to the debt or hide their true costs with accounting gimmicks.

The SPEAKER pro tempore (Mrs. EMERSON). The time of the gentlewoman has expired.

Mr. CAMP. I yield the gentlewoman an additional 30 seconds.

Mrs. BLACK. We can get government working for the American people today, and this is a good start.

Mr. LEVIN. I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL), an active member of our committee.

Mr. PASCRELL. Madam Speaker, you know, there is an old western song: "I'm looking for love in all the wrong places." Remember that song? It's not too old. Not too old.

We're looking for revenue in all the wrong places; not only in reference to what we did in cutting indiscriminately \$60 billion which mostly affects the middle class, and I think very dangerously. So this provision was in the health care bill which deals with bureaucracy at its worst, I would agree. But in July of 2010, we voted with I think only, correct me if I'm wrong, two Republicans. We had a shot at this in the very beginning of mankind, right, last summer, to vote against it. I believe every Democrat voted against this provision, and two Republicans

joined us, the gentleman from Louisiana on the opposition side—the honorable opposition side—who is no longer with us, and I don't know if he lost because he voted with us, and another gentleman from North Carolina who voted with us. We had a shot at this. We could have taken care of this last year, and you chose not to. So let's set the record straight.

So here we are with this 1099 form. It's going to take some time to fill it out. We don't like that bureaucracy. The thing comes down to, as Mr. WAXMAN said, as Mr. NEAL said, how do you pay for it?

Now beware, the distinguished chairman for the Ways and Means Committee, a Wall Street poll today, not the New York Times, not the Village Voice, not fill in the blanks, that poll shows that over 74 percent, I think, of the American people, that's us, believe that we should eliminate tax credits for big oil and gas companies.

So I'm sure now that the loyal opposition sees that poll in that newspaper, that you will join us in putting to rest forever those folks who least need any help from the government getting help from the government.

This is going to cost us \$22 billion. Both sides agree that one of the great benefits of this country is economic mobility.

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

Mr. LEVIN. I yield the gentleman an additional 2 minutes.

□ 1220

Mr. PASCRELL. I thank the gentleman from Michigan.

This bill punishes those who get ahead by raising the tax liabilities on families who have worked hard and who may have gotten raises or promotions.

For a family of four in my district, the Eighth District of New Jersey—please visit us. We would love to have you, Mr. Chairman—who makes \$80,000 a year, it will mean the family will get a 50 percent reduction on their premiums if they purchase health insurance in the marketplace—from the private sector, I might add. There is no government operation here. If they get a raise, however, and move above the threshold, they pay back a reasonable amount now; but in this legislation, under this bill, if they work a little harder and receive a financial benefit, the family will be punished. They'll be forced to repay the tax credit.

There is no answer to that question. It's a fact of life.

This means that the family which I'm talking about now will be hit with a surprise—get this, Madam Speaker—of an \$11,200 tax bill. It's a \$20,000 premium. They make \$80,000. It's quite a hefty fee, I might add. Everything is wonderful with health care in the United States right now, but you're going to have added on—because you made a few bucks more—\$11,200. Unintended consequences. Looking for love

in all the wrong places. So let us be perfectly clear to the Members voting on this legislation:

It's not a subsidy. There is not only a definitional difference but a substantial difference between a subsidy and a tax credit. When you take away that tax credit from a middle class American who uses it when purchasing insurance, plain and simple, his taxes go up.

Mr. CAMP. I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Thank you, Mr. Chairman.

Madam Speaker, I rise in support of the underlying bill today, which goes a long way toward job creation.

Jobs, jobs, jobs. We heard about that in the November election. We heard about the fact that small business owners, in particular, were going to be hampered by a provision, by actually two provisions: one provision in the health care bill that appears that everyone now seems to be opposed to but that the majority voted for; and then another provision that appeared in a bill in September of 2010 that even went further than the underlying provision in the health care bill, which applied to folks who own rental property or to someone who has a vacation home or to somebody who has retail property that he's leasing out or to somebody who is leasing out a room in his home. Suddenly, now we're going to require them to 1099 folks as well.

What an amazing provision that passed in September of 2010. The bill corrects that. The bill corrects both aspects.

I heard this over and over during my campaign. Think about this: Bob Roach, an independent insurance agent, goes out to Staples and buys paper. He's going to have to 1099 Staples. He goes to a hardware store to fix something in his office. He's going to have to 1099 the hardware store. It goes on and on and on. When a law-abiding small business owner—maybe a sole proprietor—now is being made the person who has to go out and be an extension of the IRS, it is truly amazing.

Then the pay-for is requiring people who get more than they're entitled to to pay it back—what a novel concept—with no penalties, no interest. Just pay back something that they're not entitled to.

Now, I was talking to my immigrant dad and immigrant mom about this. My dad has a sixth grade education, and my mom has an eighth grade education. They were, first of all, quite surprised by the fact that a family of four, making \$88,000 a year, would get a subsidy. My mom and dad dreamed of making \$88,000. They never came close to it—but they're middle class, and they're not looking for a subsidy, and they certainly would pay it back if they got more than they were entitled to.

Madam Speaker, this is about fairness. This is about jobs. This is about

equity. This is about moving our economy forward. This is about law-abiding citizens not becoming extensions of the IRS. You're either for them or against them. I urge support of the bill.

Mr. LEVIN. I yield myself 15 seconds.

The gentleman from Ohio mentioned jobs, jobs, jobs. In a colloquial sense, this bill would do a "job" on middle-income taxpayers.

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

Mr. DOGGETT. I thank the gentleman.

I voted previously to repeal these 1099 reporting requirements. But for broad Republican opposition, these requirements would have been repealed a long time ago.

I was a little amused to hear one of our Republican colleagues actually say this morning that he is bewildered as to why there are all these requirements on small businesses around the country as a result of this provision. I can cure your bewilderment: Get a mirror out and look at the mirror. You will see the Republicans who voted against repealing this provision last year.

No, this is not about repealing 1099. It is about shifting the burden onto working families while at the same time protecting insurance monopolies.

Despite the vigorous, determined efforts of these Republicans to undermine every aspect of health insurance reform, under current law, working families will receive an opportunity to access health insurance. Each year, the government will match some of what workers pay for their health insurance. The precise amount of the match is determined by how low a worker's salary is. A minimum-wage worker would get a little more assistance than someone who is at a little higher level. This bill ensures that the health insurance companies will get to keep all of that Federal match, but it treats the working families considerably differently.

If you have an employee who really shows ability and who may have a fairly menial or mundane job but who does it and does it with pride and does it well and if that employee excels and if the employer rewards him with a bonus and recognizes that that employee is really trying hard and then decides we're going to give you a little promotion and that you'll get a little more pay or, perhaps, as with so many families around this country, that employee decides "I'll never make it for my family on this. I'm going to moonlight. I'm going to take an extra job," then under any of these developments for the enterprising worker, the Republicans today propose a penalty, a tax on success.

At the end of that year, after those law-abiding employees have properly estimated their income from those 12 months earlier, if their pay has gone up a dollar over the level, they'll get a steep penalty. They may have to pay literally thousands of dollars back even though they only got a bonus of a few

hundred dollars. They would owe the value, perhaps, of the entire credit to the IRS.

What type of people are we talking about?

If the law had been fully effective, as I wish it had been this year, and if workers who were earning \$43,560 got a bonus that took them up to \$43,600, they would have owed the full amount of the credit at the end of the year. \$1,000 or perhaps \$3,000 or \$4,000 to a family as a penalty—as a tax on success—is a big amount to that family.

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

Mr. LEVIN. I yield the gentleman an additional 2 minutes.

Mr. DOGGETT. Understand the dimensions of how big the burden is that they want to shift to working families: According to their own report on this bill, the total is almost \$25 billion over the next decade. We're not talking about a small amount of money. We're talking about a significant amount of money in this Republican penalty on success.

Why haven't they been out here responding to this penalty on success? They want to refer to these people as "cheats."

These people aren't cheats. They're people who are the best of America, who are striving and working to get ahead, who then get penalized for their success.

□ 1230

They have no answer because there is no answer. We should have passed this bill last year and passed it by paying for it by closing international corporate tax loopholes. Naturally they resist that just as they resist any attempt to control insurance monopolies.

Vote "no" on this penalty for success that would be imposed on our working families. Vote against this piece of legislation.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from North Dakota (Mr. BERG).

Mr. BERG. Madam Speaker, I rise today in firm support of eliminating the 1099 requirement that burdens so many of our small businesses and costs jobs.

Madam Speaker, if Congress is serious about getting Americans back to work and our economy back on track, the choice is clear. We need to repeal this mandate. This law forces American businesses deeper and deeper into the bureaucratic Washington nightmare for small business. And it takes away from their core mission, which is to grow their business and create jobs.

Small business is the core of North Dakota's economy. Farmers, ranchers and small businessmen, they're all burdened by this mandate. And another regulation is another expense that makes it even more difficult for them to do business.

This is commonsense legislation. With national unemployment still hov-

ering around 9 percent, the decision to repeal this mandate should be easy. We desperately need economic renewal, we need private sector job growth, and we need to eliminate the small business paperwork that's in this mandate. It's time to eliminate this onerous mandate and allow business to get back to doing what they do best, and that's create American jobs.

Mr. LEVIN. Madam Speaker, it is now my pleasure to yield 3 minutes to the gentleman from Louisiana (Mr. RICHMOND).

Mr. RICHMOND. Thank you, Ranking Member LEVIN.

Madam Speaker, I agree with the Republican chorus that we've been hearing now for 2 days, which is let's repeal this onerous provision of the 1099 requirement.

However, even as a freshman member of the Democratic Party, let me say, welcome to the party. The Democratic Party started this July 30 of last year to try to repeal this onerous provision and only 2 Republicans voted for it. Two hundred thirty-nine Democrats said, let's do away with this. You're right. It's putting a massive burden on our small businesses.

But not only did you get to the party 7 months late, you got it wrong. You decided to dance with Big Oil and corporations that you didn't want to close the tax loophole. So what's the pay-for? Well, the pay-for is to reach in the pockets of working class Americans and take \$25 billion. Right now, there are people that are at work, and we're here in D.C. and we're going to take \$25 billion out of their pocket. We should be ashamed of ourselves.

I join with my colleagues and my good friend from New York (Mr. CROWLEY) who on yesterday tried to have a discourse about is there a better way to pay for it. No one would yield. No one would take amendments. So I would just say as a new Member, what the American people want, when we agree on an idea, let's repeal the 1099 provision, they want us to get together and figure out how to do it. They want us to see if we can't find some amendments, find some common ground, so that we don't have to penalize working families.

And I would say what they don't want is for us to reach in their pocket, penalize them for success and take \$25 billion, when there are other ways to do it. But what we should do is get together and figure out a way to do it so that we can start moving this country forward.

Mr. CAMP. I yield 1 minute to the gentlewoman from New York (Ms. BUERKLE).

Ms. BUERKLE. Thank you, Mr. Chairman.

Madam Speaker, I rise in support of H.R. 4, the Small Business Paperwork Elimination Act. Too often, Congress and the Federal Government pass and institute regulations without counting the cost to America's businesses, the lifeblood of our economic success.

The Patient Protection and Affordable Care Act's 1099 reporting requirement for small businesses will be, in the words of Nathan Andrews, vice president of Morse Manufacturing, an 88-year-old company in East Syracuse, "a paperwork nightmare." He further adds that the requirement will hamper the ability of his company "to function, grow, and create jobs."

This mandate is really indicative of a larger problem—the stranglehold that regulations have on our country. And while regulations are sometimes necessary and often well-intentioned, they have been increasingly becoming an obstacle to our success as a Nation. By success, I mean creating an environment where businesses can flourish, providing jobs so that the American people can obtain health insurance while still benefiting from the best health care system in the world.

Mr. LEVIN. Madam Speaker, how much time is there on each side?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 10 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 37 minutes remaining.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. At this time I yield 1 minute to the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. Thank you, Mr. Chairman.

Madam Speaker, in a day when America has been suffering for nearly 2 years from significant unemployment, when nearly one in 10 of our neighbors is unemployed, it is our duty to do everything we can to allow these employers to focus on job creation.

Today, we will vote to repeal the burdensome 1099 provision included in ObamaCare. As pledged to the American people, we will work to get this unpopular job-destroying law off the books. We voted to repeal it outright, we voted to defund it, and today we begin the process of repealing it piece by piece.

In order to comply with this 1099 mandate, businesses would have to spend countless hours generating and receiving needless amounts of paperwork. Now I started a small business, and I know the rewards and challenges of entrepreneurship. And I can tell you those challenges don't need to involve filing needless paperwork.

Last summer, when I visited Trisha's Day Spa in Grenada, Mississippi, and I explained to Trisha Shankle the 1099 requirements in ObamaCare, she said that such a requirement would be devastating to her business. That's been the conclusion reached in small businesses around America.

Today, a huge burden will be lifted from the shoulders of small businesses, and for that I am grateful. That's why I'm proud to cosponsor this legislation and why I will vote to repeal it.

Mr. LEVIN. I continue to reserve the balance of my time.

Mr. CAMP. I yield 1 minute to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. Madam Speaker, I rise today in support of H.R. 4, which would eliminate the 1099 mandate instituted by the President's health care bill. I've spoken with countless constituents around the Fourth Congressional District of Colorado, not as Republicans, not as Democrats, but as business owners, as people who have worked to build up their companies from scratch into successful opportunities for themselves and their families. They oppose the 1099 provisions of the health care bill, not because they're Republicans, not because they're Democrats, but because they know it would cause grave impact on their businesses and their ability to continue to thrive and grow and hire new people.

Madam Speaker, they are speaking as the voice of this country's businesses, the backbone of our economy. If we are going to create jobs in this country to move our country forward, then we have got to do it starting by the repealing of the 1099 provisions.

A bill passed last Congress in the 111th Congress, it doesn't matter the day or the time, but what passed was a bill where people said, "We need to pass the bill to know what's in the bill." People read the bill. They know what's in the bill.

In Weld County a businessman is going to spend 40 hours a month to comply with these provisions.

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

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

Mr. GARDNER. In Larimer County, a manufacturing company is going to have to hire new people to comply with the provisions of this act. Is that the kind of job creation this body is looking for?

□ 1240

Let's create penalties on business and hope that it drives the economy? That's not right.

Madam Speaker, today I urge the passage of H.R. 4, with both Republicans and Democrats standing up to fight for businesses in this country to get our economy moving forward again.

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

Mr. CAMP. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WEST).

Mr. WEST. Madam Speaker, I stand here to support H.R. 4 for the repeal of the 1099 bill.

At a time when business owners are trying to survive in a sea of economic turmoil, our government has thrown them an anchor instead of a life preserver. Democrats have borrowed and spent \$1 trillion of their stimulus program, and the unemployment rate has remained stuck at or above 9 percent for nearly 2 years. Our focus must be on measures that will actually help American workers and allow employers to focus on job creation. H.R. 4 will protect small businesses, their workers, and American taxpayers.

H.R. 4 repeals the onerous tax reporting provisions Democrats enacted last year to help pay for both their health care law and the TARP 3 legislation. It also protects taxpayers by reducing waste, fraud and abuse in the Democrats' health care law.

Finally, this bill will reduce the deficit by \$166 million in the first 10 years and by billions of dollars over the long run, while reducing Federal spending by nearly \$20 billion over the next 10 years.

During a time when the unemployment rate is at or above 9 percent, additional government mandates on small businesses is, from the standpoint of economic policy, nothing short of idiotic. We should be looking for ways to free small businesses and companies from unnecessary burdens. We should be looking for ways to encourage entrepreneurship. Instead, we have mandates that impose new obstacles for companies. We should be seeking ways to restart the engine of job growth.

Let me be clear that I accept the proposition that every person and every business entity has both a moral and legal obligation to fully report their taxable income. The fundamental problem with the new 1099 reporting requirement is that they are imposed on a broad universe of small business taxpayers that annually conduct more than \$600 of transactions with other vendors.

The new filing requirements are both burdensome as well as overinclusive.

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

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

Mr. WEST. Madam Speaker, let us remember that even during the State of the Union Address, the President gave his support to repeal this onerous, burdensome, and misguided mandate.

Mr. LEVIN. Madam Speaker, I continue to reserve my time.

Mr. CAMP. Madam Speaker, I yield 2 minutes to the gentleman from Washington (Ms. HERRERA BEUTLER).

Ms. HERRERA BEUTLER. Madam Speaker, today I come to the floor in support of this legislation because business owners in southwest Washington sent me here to clear the runway for them to start growing and hiring more people.

In my district, I know a restaurant owner in Vancouver and a doctor who runs a small practice in Tumwater who simply don't have the resources to comply with the expanded 1099 mandate. I would rather have them focusing on opening a new franchise or offering services to patients—basically being successful entrepreneurs—than spending time reacting to the mountains of new paperwork they're going to owe the IRS.

My entire region in southwest Washington has been suffering under double-digit unemployment for multiple years. In my district's largest county, Clark County, the jobless rate hovers

between 13 and 14 percent—and that's reported, there are a lot of people who have stopped reporting. I know we're not unique. The entire country is depending on Congress to make job creation a serious priority. And by passing this bill today, we're showing the people of southwest Washington and across America that we're taking them very seriously.

As I meet with small business owners in my district, they express two major sentiments to me over and over again: Fear and uncertainty. They're afraid and uncertain about what this government is going to do to them next. What I would like to do today is eliminate the uncertainty around this 1099 mandate. Small businesses from across my district continue to ask me for more predictability from their government when it comes to regulations and taxes. Instead of fear, increased bureaucracy or higher costs, I'm committed to providing them with that predictability.

By voting to repeal the 1099 paperwork mandate today we do two things: First, we take an immediate step that will provide regulatory relief to the clinic in Tumwater and the restaurant in Vancouver. Second, we send a signal to America that Congress is changing the way it views small businesses. They aren't piggybanks, allowed to exist only to foot the bill on terribly ill-conceived and unaffordable government programs.

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

Mr. CAMP. I yield the gentleman 1 additional minute.

Ms. HERRERA BEUTLER. Today this new Congress lets small businesses know that we see them as the heart and soul of what makes this country great, as entrepreneurs that can grow and thrive and succeed as far as their hard work can take them. That's the job creation plan that has worked for this country for the last two centuries, and I'm confident it's the plan that will put folks in southwest Washington and across our country back to work.

Mr. LEVIN. Madam Speaker, I yield myself 1 minute.

One of the speakers on the majority side said that this was an effort to repeal health care piece by piece. That is clearly their misguided motivation. Here what they're trying to do is on the backs of the middle class of America. They don't defend the pay-for except by misrepresentation.

A tax increase is a tax increase is a tax increase on the middle class, on the middle class, on the middle class.

I now yield the balance of my time to the gentleman from New York (Mr. CROWLEY).

The SPEAKER pro tempore. The gentleman from New York is recognized for up to 9 minutes.

Mr. CROWLEY. I thank the gentleman from Michigan for his yielding me the balance of the time.

I want to thank all my colleagues for coming to the floor today to defend the

middle class of this country. We all believe—and I think both Democrats and Republicans, it's been evident here today, all believe—that the 1099 provisions need to be repealed. We recognize that.

We, too, want to help small business. We recognize that small business is the backbone of employment opportunity in our country. And that effort has been bipartisan, it has been bipartisan in the Senate, but not here. It's because we don't like the pay-for provision that my Republican colleagues are proposing and putting forward in this legislation because we believe that they switch the burden from the small business man and woman and they place it on the backs of the working class in this country.

We want to work in a bipartisan way. We believe we can work together and come up with a solution. Now I have to be honest, no one on the other side has asked me for a compromise solution, it hasn't happened. We passed this bill out of committee about 1½ weeks ago, almost 2 weeks ago, and still no one has said JOE, do you have an idea? We have a couple of good ideas over here I'd be willing to share with my colleagues on the other side, but that hasn't happened as of yet. I'm sorry this hasn't happened because I thought with this new Congress we would have more bipartisanship, and unfortunately that hasn't developed as of yet, at least as it pertains to this bill.

I'd also like to note that we're going on our third month here in the House of Representatives, and quite frankly I can't see much of what we've done. I can't say we've done much of anything, quite frankly. I can say that if you add up the total, we've imposed upon the American people an additional \$80 billion in taxes in different various ways, the latest of which will be this \$25 billion that we're going to impose upon the middle class if this bill passes today and somehow becomes law. This bill, if enacted, will be a massive increase of tax on the middle class.

I gave an example earlier today—it must have been about 2 hours ago—of a family of four earning \$88,000, approximately 397 percent of the Federal poverty level.

□ 1250

And I mentioned if the breadwinner of the family, if the husband or his wife or either of the spouses is the breadwinner in that family, and they get a bonus of \$250, I said before that they've done great work. They're management material. It's kind of laughable. "Here's \$250. Go out and buy the family a steak dinner."

That \$250 would bump them up to \$88,250 which would place them at 401 percentile of the Federal poverty level, and it would expose that middle class family because of their \$250 bonus to \$4,460.

Not one, not a single Member of the majority—and we've had over 19 Members of the majority testify or give re-

marks on the floor this morning and this afternoon—not a single one has refuted or in any way questioned the example I've given. You have not refuted that example, which can only bring one to conclude that the example I have given is indeed correct. I don't want it to be correct, but indeed it is correct. And if it is correct, it means a tax, a tax on the middle class—one that they cannot afford, especially during these difficult times. We don't know when these tough times—when they will ever end for the middle class.

And I think it's shameful the way in which the middle class has been characterized on the floor. That somehow they are the folks that cheat the system, that they're the ones that can't be trusted. We're not talking about the rich. We can trust the rich. We know that.

And I don't like class warfare, but you know what? The truth is we've let the people at the highest percent get off with no shared sacrifice whatsoever. No sacrifice. Go on living your lives. We'll have two wars, you know, we'll increase the deficit. But don't worry. You all go on living your lives in mansions and don't worry about the rest of the country because it really won't affect you in the end. You'll always survive. You can always hire a police force to protect you. If you need health care, you can buy a doctor. If you need the garbage picked up, well, you know, sanitation won't pick it up anymore, but you can pay someone and they will cart it away. They're living in a glass house.

But the middle class, who are struggling so much, who are looking for some breaks, looking for an opportunity to afford health care for themselves and for their families—health care. They just want to be on an even plane somewhat of everyone else if they can afford health care.

And the Federal Government is not giving a handout. This is not a subsidy. This is not welfare. These are tax credits, like the college tax credit that many of our constituents afford themselves of. Like the child tax credit that many of our constituents afford themselves of. It's a tax credit to help them afford health insurance for their families. And they never touch the money.

It would be one thing if you said to me they got \$5,000 in vouchers and they took the money and they went off and they bought plane tickets to Hawaii for the family for that year, or they took the money and they bought a new car, or they took the money and they bought furniture for their house. You know, that's scamming the system. That is wrong. That we don't promote.

But they never touch the money. The money goes to the insurance company. You know, the insurance companies who desperately need that money, they get the money. They're covered. They're fine. We don't ask them to be the watchdogs. We don't ask them to make sure the families are in compliance, make sure they're not going to

go over their income levels. They get the money. They walk away. Wipe their hands of it. They're taken care of.

But it's the poor family that inadvertently, unbeknownst to themselves, goes over the limit, and they go over the cliff. And when they go over the cliff, it's at the tune of nearly \$5,000 that they would have to repay.

Instead of rewarding success—which I hear from my Republican colleagues all the time, "We need to reward success"—we're not doing it in this instance. What we are doing is we are taxing success, as my friend from Wisconsin pointed out. We are taxing success.

Often I hear about from my friends on the other side we need to encourage people to work hard, work harder, don't worry about the clock. Don't worry about the clock. Work harder, get ahead. And we should not be stopping that.

But here is a perfect example—and it's not coming from this side of the aisle; it's coming from that side of the aisle—of we're saying, you know what? Maybe you shouldn't work so hard. Maybe you should pay attention to the clock. Maybe you should make sure that when you file you're not tripping yourself up and unfortunately discouraging that family from getting health insurance because they're afraid they'll owe a new tax of nearly \$5,000.

And I agree with my friend from Wisconsin again, this is nothing more than a Republican tax trap. It is a trap to the middle class. It's a trap to them. It's disparaging. And it's unfortunate that my colleagues have placed it in this light that somehow we're reducing or eliminating the burden for one group of workers and placing them on the backs of the middle class worker.

I don't begrudge the small businessmen and women. I was one myself before I came to Congress. I know the burdens. I understand the bills. I understand what comes in. But please don't remove the burden from the small businessman and woman and place that on the backs of middle class taxpayers. That's what you're doing.

If you vote for this bill, you will vote to increase taxes on the middle class. Don't kid yourselves. A tax on the middle class.

Mr. CAMP. Madam Speaker, I yield myself the balance of my time. I can assure the Speaker that I will not be using all of the balance of my time.

There has been a lot of rhetoric today, and as this debate winds down and as we prepare to vote on this legislation, I urge my colleagues to look at the facts.

I think many of the arguments we've heard from the other side ignore reality. It ignores the reality of their own legislation—legislation that they've passed. It ignores the reality of their own votes.

Under the health care bill, you put cliffs in the bill, if we want to talk about cliffs. There are levels where people need to pay back the entire

amount of the subsidy they receive. In the original bill, that was at 400 percent of poverty. That is the level that is no legislation we see today. Later in December, when you wanted to address the doctor fix, you just moved that level up to 500 percent of poverty. There is still a cliff in the bill. There was a cliff in the original bill. There is a cliff now.

Also, this idea that repaying a subsidy to which one is not entitled is somehow a new concept was in the original health care legislation. It still is in the original health care legislation. We just believe we need to take further steps to protect the taxpayers.

And I would also say that if you look at the legislation, there is on page 123 a subpart (b) eligibility determination where applicants apply for the subsidy, and they're required to report certain things. But they're also required under this section to report changes in circumstances. That obligation is on the taxpayer, on the person seeking the subsidy. And that is in their legislation, and we think that's an important concept to protect.

Let's stick with the facts. The fact is the increased tax reporting requirements enacted last year will hurt our ability to create jobs. The 1099 provision hurts our ability to create jobs in this country.

Fact, the unemployment rate has been stuck at or above 9 percent for nearly 2 years, and this Congress owes it to the American people to do everything it can to help small businesses, job creators, and workers get back on their feet.

Fact, repealing the 1099 provision is a top priority of small businesses, and that's why we have over 225 organizations supporting this legislation, including the Nation's largest small business organization, the NFIB.

And, fact, this bill is a tax cut and a spending cut, and that's why it has the support of groups like the Americans for Tax Reform, the National Taxpayer Union and Americans for Prosperity.

Madam Speaker, I urge my colleagues to vote for this bill so small business can get back to what they do best: creating jobs.

I yield back the balance of my time.

Mr. HOLT. Madam Speaker, I rise in opposition to H.R. 4, the Small Business Paperwork Mandate Elimination Act of 2011.

I regret that the authors of this legislation have taken such a thoughtless approach. We could have had before us today a bill that would repeal any unnecessary and burdensome paperwork that is at issue here and we could have done it without putting burden on ordinary families.

This bill would repeal a reporting requirement that would require business owners to provide an IRS form 1099 to all vendors with whom they pay \$600 or more annually for their services.

I agree that this reporting requirement should be repealed. In fact, I voted to repeal this requirement last year. Unfortunately, the bill attracted only two Republican votes and failed to pass the House on July 30, 2010.

This Congress, I am a cosponsor of the Small Business Tax Relief Act of 2011, which would repeal the 1099 reporting requirement.

H.R. 4 would change the subsidies and repayment obligations of the tax credits available for people with incomes below 400 percent of poverty to assist with the cost of obtaining affordable health insurance. This would be a massive tax increase on the middle class.

These tax credits will help low and middle income individuals and families pay insurance premiums. The credits are available for those individuals and families—up to 400 percent of the poverty line and cap the family's share of health insurance premiums at 9.5 percent of adjusted gross income.

This bill would force people to pay back billions of dollars in tax credits they received to obtain affordable health insurance. Since the tax credits go directly to the health insurance company, individuals and families who had small fluctuations in their income would have to pay back money that they never received. For example, under this legislation a family of four earning \$88,000 a year would have to pay \$4,640 that they never received if the family got an unexpected \$250 year-end bonus.

In a time where we want to create jobs, this bill would penalize individuals who found a new job or got promoted. This bill harms average working Americans who cannot obtain insurance through their employers—the exact people we should be helping.

I agree that this reporting requirement should be repealed. That is why I am a cosponsor of the Small Business Tax Relief Act of 2011. That bill would repeal the 1099 reporting requirement, but does not increase taxes on the middle class.

Today, we have a chance to vote against increasing taxes for hard working Americans. I urge my colleagues to vote no on this piece of legislation.

Mr. SENSENBRENNER. Madam Speaker, I rise today in support of the Small Business Paperwork Mandate Elimination Act, as I believe it serves as a critical step in the ongoing process of preventing last year's health care law from destroying American jobs. We cannot ignore the cries from businesses around the country that the 1099 reporting requirement is an unnecessary burden that will cost jobs.

In a time when our economy is struggling to emerge from one of the worst recessions in generations, we must work to free small businesses from onerous regulatory burdens. We cannot afford to promote policies that use needless paperwork as a means to strangle growth and prosperity. The 1099 reporting requirement on transactions greater than \$600 was included in the health care overhaul without consideration of the individuals, families, and small businesses that would suffer as a result. By devoting more resources to comply with this new requirement, we are preventing businesses from doing what is essential: creating jobs.

But the disregard for small businesses did not stop there. Last fall, the 1099 reporting requirement was expanded to include rental property expense payments. Instead of recognizing the disastrous effect of this new requirement, there were those in the last Congress who decided it was a good idea to expand it. Now we are left with even more taxpayers who will suffer the consequences of an already misguided regulation.

Today we have the opportunity to correct the mistakes of the past. H.R. 4 allows this Congress to stand up for small businesses and hard-working taxpayers by eliminating what is obviously a job destroying regulation. By removing the 1099 reporting requirement, we will free businesses from time-consuming paperwork so that they may grow and help our economy recover. We all hear from our constituents, "Where are the jobs?" By supporting this legislation, we can show the American people that we are serious about creating a business environment that promotes job growth and prosperity.

I applaud the gentleman from California for recognizing early on the negative impact this regulation will have on small businesses. I encourage my colleagues in the Senate to consider this legislation quickly so we can bring certainty to American businesses and avoid the obvious complications that the 1099 reporting requirement presents.

Mr. VAN HOLLEN. Madam Speaker, as I have done before, I rise today in strong support of eliminating the 1099 paperwork requirement on small businesses. In fact, I would remind my colleagues on the other side of the aisle that the only reason we are here today—the main reason this is still an issue at all—is because House Republicans opposed eliminating this provision when the Small Business Tax Relief Act of 2010 was brought to the floor of the House in July of last year.

So this issue isn't new, and it really isn't a question of whether there is bipartisan agreement to repeal this onerous requirement. There is. The question is how you pay for it. And that's where today's bill goes astray. We can and should repeal the 1099 reporting requirement. But we should not do it on the backs of middle class Americans buying health insurance for their families who are playing by the rules and complying with the law. And I would point out that the law they're complying with received a near unanimous vote of 409–2 this past December.

I stand ready and willing to work with my colleagues on both sides of the aisle to find an acceptable way to pay for this repeal before the requirement takes effect in 2012. But I strongly believe that effort should focus on ending any of the myriad loopholes and unjustified subsidies in current law before imposing an effective tax increase on the middle class.

Ms. HAYWORTH. Madam Speaker, yesterday morning I received a letter from a constituent, Seth Arluck of New Hampton, NY.

Seth's three-generation family business was hit hard by the housing market crash. The 1099 rule in the Affordable Care Act, Seth says, "would place a disproportionate burden on my very small lumber yard. . . I do not need an additional and unnecessary expense that serves no apparent purpose."

He adds that the penalty for 1099 non-compliance, to fund small-business lending, adds insult to injury: "How clever, fine the heck out of me, and loan me the money to pay fines."

Madam Speaker, this is no way to treat the engine of growth for America. Instead of investing in adapting to his clients' needs in changing times, Seth Arluck will now have to spend precious time and money on paperwork.

The bill we must pass today is an important step toward curing the ill effects of the Affordable Care Act. The Senate has already acted

and I call on President Obama not to delay helping Seth, and so many other of our Nation's job creators put Americans back to work.

MARCH 2, 2011.

Hon. NAN HAYWORTH,
LHOB,
Washington, DC.

DEAR DR. HAYWORTH: I am very concerned about the 1099 reporting provision in the healthcare bill passed in the 111th Congress. This requirement, to issue a 1099 for each business to business expenditure over \$600, would place a disproportionate burden on my very small business. I am the third generation of my family to operate this retail lumber yard in Orange County. Our sales and revenues, so dependent on the housing and home improvement sectors, have seriously declined since 2008. We have gone from seven to four employees including myself and my brother; our part time bookkeeper was one of the staff reductions.

Last year we wrote 600 checks for purchases other than payroll. We have about 150 vendors in our accounts payable. Although many of our purchases are with recurring vendors, there are many one time purchases which exceed \$600: repairs to vehicles and equipment, replacement of computer and office equipment, one time advertising expenses, dues to business organizations, annual insurance premiums, and sundry expenses. How many 1099's would I have to produce? 50, 75, 100? I know that it would exceed the three that are done now for interest and rent. I am now the bookkeeper; do I attempt this challenge or pay my accountant or another outsource. I have forgone many paychecks in the last two years, I do not need an additional and unnecessary expense that serves no apparent purpose.

Another aspect of this requirement is the need to obtain each vendor's Federal I.D. or Social Security number in order to legally comply with 1099 reporting. That means that if a business has any chance of cumulatively exceeding the \$600 threshold, the SSN or EIN has to be asked for in advance. In these times of rampant identity theft, there will be many refusals to furnish these ID numbers. Failure to correctly report a 1099 results in fines. As if that was not daunting enough, the previous Congress passed HR 5297 last September, The Small Business Jobs Act, which increased the penalty for 1099 non-compliance from \$50 to \$250 per violation. The increase in fines was to help fund small business lending. How clever, fine the heck out of me, and loan me the money to pay fines. Thank you 111th Congress.

And what justifies this new layer of regulation? The apparent belief that business is inherently untrustworthy and cheating the U.S. Government of it's rightful tax revenues? Is it the need to find any alleged revenue source, no matter how unsavory, to fund Obamacare? No thank you.

Please repeal the 1099 provision now.

Sincerely,

SETH N. ARLUCK,
President,
New Hampton Lumber Co. Inc.,
New Hampton, NY.

Ms. SCHAKOWSKY. Madam Speaker, I rise in opposition to H.R. 4, the Small Business Paperwork Mandate Elimination Act of 2011.

We all agree that the 1099 reporting requirements added by the Senate to the Affordable Care Act need to go. That is not in question. None of us wants to burden small business men and women with unreasonable reporting burdens. All of us are committed to eliminating this requirement.

In fact, we could have and should have solved this problem last year, when the House

voted on H.R. 5982, the Small Business Tax Relief Act. Unfortunately, all but two Republicans voted against that bill. That bill, like today's bill, would eliminate the 1099 provision. Unlike today's bill, however, it paid for the \$24.9 billion cost of repeal in a very, very different manner.

H.R. 5982, the Democratic approach, would have paid for reform by eliminating tax loopholes that allow corporations to ship jobs overseas. It would have solved the problem while also eliminating incentives to locate operations overseas. Creating American jobs should be our number one priority, and H.R. 5982 would have helped us do that.

H.R. 4, the Republican approach, doesn't close corporate offshoring loopholes. Instead, it puts the \$24.9 billion cost of repealing the 1099 reporting requirements squarely on the backs of middle-class families. It undermines the entire approach of the Affordable Care Act—to help individuals and families obtain affordable, quality health care—by imposing taxes on those who receive assistance to help pay premiums and cost-sharing requirements.

Under the Republican bill, individuals and families who are eligible to get assistance at the beginning of the year are subject to taxation if they are fortunate enough to get a raise or a better job by the end of the year. Even if they are a few dollars over the eligibility limit, the Joint Committee on Taxation estimates that they could be subject to taxes up to \$6,000 under H.R. 4. The assistance, by the way, is given directly to the insurance company but the tax penalty would come directly out of the pockets of families.

The Republican bill not only would impose harsh penalties on middle-class families, it would also undermine the second principle of the Affordable Care Act: to expand coverage. Again according to the Joint Committee on Taxation, it would take away coverage from 266,000 Americans who would no longer take insurance because of concerns that they could potentially be required to pay substantial taxes the following year.

I wish I could vote today to repeal the 1099 reporting requirements, just as I voted to repeal them last year. I cannot, however, solve the burden on small businesses by imposing a burden on middle-class families, particularly when we have so many better choices to pay for repeal.

Mr. REED. Madam Speaker, I rise today to support H.R. 4, the Small Business Paperwork Mandate Elimination Act of 2011. The expanded reporting requirements to the Internal Revenue Service are mandated by the health care reform act of 2010 on any purchase made \$600 or more. This provision would directly impede economic growth in the 29th District of New York. At a time of great uncertainty, the economic recovery in the 29th District continues to lag behind the rest of the nation. This burdensome mandate must be eliminated and I proudly support the repeal for the sake of our small businesses and farmers.

Further, we must act to ensure that "red-tape" measures and over-reaching regulations do not continue. If we are going to reduce government spending, it starts with repealing unnecessary requirements, such as the 1099 requirement. This provision of the health care reform law contributes to the bloating of the Federal Government and must be repealed. As we move forward towards returning fiscal prosperity to our nation, I will remain com-

mitted to the interests of small businesses and farmers, protecting them from burdens which restrict their growth. I urge all of my colleagues to vote in favor of repealing the expanded 1099 requirement.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I voted against the H.R. 4, the "Small Business Paperwork Mandate Elimination Act of 2011" commonly known as "the 1099 provision". I would like to submit a statement for the RECORD to clarify my position on this issue.

Forms 1099 have been used by the IRS for decades to better track income. The rules would have required businesses to file Form 1099 with the IRS to report payments made to corporations for goods and certain services to help the IRS collect taxes that are legally owed, and in turn, keep taxes lower for all taxpayers.

Although I support the measure in principle, I do believe this type of reporting keeps track of what businesses owe the federal government in taxes and close any loopholes for any misreporting. In fact, during the 111th Congress, a repeal bill was approved by the Democratic House that would close tax loopholes for companies that ship jobs overseas and protected people from any tax increases with incomes below 400 percent of the federal poverty level (approximately \$88,000 for a family of four) from having to pay back the IRS their tax credit if they saw a change in income.

The Republican 1099 repeal removes this protection. So, if a family earning \$88,000 a year gets a \$250 Christmas bonus, and because of it, are bumped up to 401 percent of the federal poverty level, this family would be required to refund to the IRS the entire tax credit of \$4,640—out of their own pockets.

As a Senior Member of Congress who proudly represents a vibrant small business sector, I know firsthand the value of small businesses in north Texas. I remain committed to improving tax administration and enhancing voluntary tax compliance without making the middle class pay.

I look forward to working collaboratively with the small business community to improve the ability of small businesses to meet their tax obligations.

Mr. STARK. Madam Speaker, the debate we're having today has nothing to do with repealing the 1099 provision. Like every Democrat here who was in Congress last year, I've already voted to do that.

We brought forth a bill last year to repeal the 1099 provision and paid for it by closing tax loopholes that encourage businesses to move jobs overseas and other loopholes that promote tax avoidance. Even though that bill was endorsed by NFIB, all but two of our Republican colleagues voted no because they preferred to protect big business over small businesses.

Because of Republican opposition last year, we're here again considering legislation to repeal the 1099 provision. Unfortunately, our Republican colleagues have taken an area of agreement and rejected bipartisanship by choosing to tax middle class families. That's right, this Republican bill is a \$25 billion middle class tax increase.

The Affordable Care Act provides tax credits to make health coverage affordable to those with lower and middle incomes. These tax credits are provided in advance and then are

reconciled at the end of the year. In this bill today, Republicans are trying to raise \$25 billion by putting middle class families on the hook for massive tax increases when they reconcile those payments. The Joint Committee on Taxation estimates that this Republican bill will raise taxes on middle class families in this income category by an average of \$3,000. Many families would be liable for much higher tax increases.

The President has announced his strong opposition to this financing mechanism. Consumer Advocates have also spoken out in opposition. These groups include Families USA, Community Catalyst, SEIU and the Center on Budget and Policy Priorities.

All of us want to resolve this 1099 problem. But to do so on the backs of middle income working Americans is flat out wrong. I urge my colleagues to join me in voting no on this bill today so that we can come together and find a way to finance 1099 repeal that doesn't gouge the middle class.

Mr. CANTOR. Madam Speaker, last November, Americans sent a clear message of defiance to the status quo. They saw that government was spending taxpayer money recklessly and making it harder for our job creators to put Americans back to work—and they voted for something better.

House Republicans have responded by doing everything in our power to foster an environment where businesses can expand, investors can invest, and hard work can be rewarded. That means cutting excessive spending and burdensome regulations and growing private-sector jobs and the economy.

Today we are cleaning up the mess resulting from oppressive new 1099 requirements.

Tucked into Obamacare and a so-called small business bill last year, these regulations threaten to wreak havoc upon small businesses. They have become a symbol of the unanticipated pitfalls of big government and partisan legislative procedure.

In this challenging climate, businesses should be able to focus on staying profitable and looking for opportunities to grow. Instead they are being asked to divert precious time and resources to satisfy yet another layer of red tape from Washington.

By repealing these ill-conceived requirements, we take a big step toward putting America back on a growth footing. We reaffirm that this Congress will no longer finance the expansion of government on the backs of our small businesses, America's economic engine.

The United States is the creative capital of the world. We have the most innovative entrepreneurs and the most determined and resilient workforce.

Our businesses and our people have proven that they can out-innovate and out-compete any country in the world. But they can't do it if Washington keeps making it harder for them. And they can't do it if they are plagued by fears of excessive regulation, higher taxes and inflation.

Our job as legislators is to create opportunity—to restore the principle that everyone in America has a fair shot.

That's why it is imperative that we cut needless regulation and bring spending down to sustainable levels. And that's why it is incumbent upon us to support this legislation to make sure small businesses aren't bogged down in needless paperwork so that they can grow and create jobs. I urge my colleagues to support H.R. 4.

Mr. GRAVES of Missouri. Madam Speaker, our nation's small businesses create 7 of every ten 10 new jobs. They represent 99.7 percent of all employer firms, and employ 97.5 percent of all identifiable exporters. They are the entrepreneurs that can lead us out of the economic downturn. We are depending on them to reinvigorate our economy. But the fact is, Washington has not provided them with an environment in which they can thrive.

At House Small Business Committee hearings, owners of small firms have told us week after week that they want Washington to get out of the way so they can do what they do best: create jobs and help move our economy forward. But Washington keeps piling on mandates that hold them back. The expanded 1099 information reporting requirement is a perfect example.

At one of our recent hearings, a small manufacturer from North Carolina said, "The expanded 1099 reporting requirement included in the healthcare law is a good example of the kind of misguided policy that works against the interest of small businesses. Tax filing is never a task small business owners look forward to, but making filing more burdensome only drains resources from already struggling companies." Few industries have been as affected by the economic downturn as home builders. A small home builder from Kentucky said, ". . . [T]here will be significant costs involved to track, aggregate and report required transactions."

Madam Speaker, at a time when we should be making it easier to create jobs and promote economic growth, small businesses don't need another costly and burdensome mandate. I thank Chairman CAMP for his work in advancing this important legislation to the House Floor, and recognize Chairman LUNGREN for his leadership on this issue. I ask my colleagues to support H.R. 4.

Mr. DINGELL. Madam Speaker, I rise in opposition to H.R. 4, the Small Business Paperwork Mandate Elimination Act. I want to say on record, however, that I support repeal of the Affordable Care Act's 1099 mandate. This onerous paperwork requirement was included in the act at the insistence of our colleagues in the other body, and not by us in the House.

The 1099 mandate should be repealed, but it must be done in a fiscally responsible manner than does not harm working families, who struggle every day to cope with the effects of the current recession. The bill we are presently considering passes the cost of the 1099 repeal on to middle class Americans by ensuring that more of them will be subject to increased taxes. Moreover, H.R. 4 will reduce the number of Americans with health coverage by over a quarter-million, according to the Joint Committee on Taxation.

Madam Speaker, H.R. 4 is a poor compromise, reminiscent of the legislative travesty foisted on the American people last December when Senate Republicans insisted unemployment benefits come at the price of tax cuts for the rich. I call on my colleagues to oppose this bill and instead work to find more responsible ways to pay for the repeal of the 1099 mandate, such as closing foreign tax loopholes and eliminating tax breaks for oil companies.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in opposition to H.R. 4, the Small Business Paperwork Elimination Act of 2011. The stated purpose of this is to amend the Internal Revenue Code to repeal a

provision added by the Patient Protection and Affordable Care Act that extends to corporations that are not tax-exempt, the requirement to report payments of \$600 or more.

However, I must say that while I strongly support providing relief to America's small businesses and I absolutely support the landmark Patient Protection and Affordable Care Act, I deeply regret that yet again we have had a closed rule regarding the full consideration and making of useful, meaningful amendments to H.R. 4. When the Republican majority came into this Congress they promised an open and transparent process. This is not open and transparent. It does not provide the assistance to America's small businesses that my colleagues on the other side of the aisle would like us to believe and in fact, further burdens small businesses.

If we had a truly open process, we could have all worked together in a bi-partisan manner to provide real relief to America's middle class and small businesses instead of the tax increase we are being asked to heap onto their backs today.

The simple fact is that H.R. 4 Would Increase Taxes on Middle Class and Raises the Number of Uninsured.

It is not good for the people of the 18th congressional district of Texas, it is not good for the State of Texas, and it is not good for the United States of America.

H.R. 4 Increases Taxes on the Middle Class. H.R. 4 would force many middle-income Americans to pay higher taxes. Simply by accepting a better job, picking up extra shifts or receiving a holiday bonus, these families would have to pay the IRS the value of their health premium tax credits, jeopardizing their financial security.

H.R. 4 Creates a Steep Cliff that will Penalize the Middle Class. It would eliminate protections for families with income between 400 and 500 percent of poverty (\$88,000 to \$110,000 for a family of four). That means if a family's actual annual income was even one dollar above 400 percent of poverty, they could have to pay the IRS the entire value of their health insurance premium tax credits. According to the Joint Committee on Taxation, the average payment for a family between 400 and 450 percent of poverty will go up by \$3,000 due to the Republican policy, for a total of \$6,000 or more in payments to the IRS.

H.R. 4 Undoes the Bipartisan Agreement on Health Care. While there has been contentious disagreement about health reform, the structure of the repayment caps is one of the few health reform issues with strong bipartisan agreement. The House fixed the problem of a steep cliff if one's income increased to 400 percent of poverty by a bipartisan vote of 409–2 last December—and it was signed into law. H.R. 4 undoes that bipartisan agreement so that Republicans can increase taxes on the middle class—those between 400 and 500 percent of poverty—by \$25 billion.

H.R. 4 Leads to an Increase in the Number of Uninsured. According to the Joint Committee on Taxation, the Republican proposal will cause an increase in the uninsured of 266,000. Over a quarter of a million individuals will no longer receive health insurance out of fear that they will be forced to pay substantial amounts to the IRS at tax time.

H.R. 4 Disproportionately Hurts Families Living in High Premium Areas. Families who

have to pay the IRS the value of their health premium tax credits will have to pay even more if they live in parts of the country that have higher premiums due to circumstances in the local market.

So, I urge my colleagues to join me in opposing this bill and supporting true bipartisan relief for America's middle class and small businesses.

Mr. MARINO. Madam Speaker, I rise today in strong support of H.R. 4, the Small Business Paperwork Mandate Elimination Act of 2011. This legislation would repeal one of many burdensome requirements being imposed on Americans, especially the job creators, by the health care law passed last year. This 1099 mandate highlights the problem with ignoring the voice of the American people and passing a "bill so you can find out what is in it."

Small business owners from Northeastern Pennsylvania have found out what was in the health care bill and they are not happy:

Small business owner, Arthur Borden of Lewisburg, states, "It's hard to believe that elected representatives of our people could be so irresponsible to allow such a ridiculous provision as the 1099 mandate included in the recently passed health care law. As the owner of a small business which is already overburdened by rules, regulations, and rolls of red tape, I am appalled and frightened by the prospects of what such an ill conceived law will do."

Small business owner, Bruce Brown of Clarks Summit, states, "Businesses are already overburdened with tax paperwork and reporting requirements, so the additional requirements included in the PPACA will only increase the cost and complexity of complying with the tax code."

Small business owner, Thomas Musser of Mifflinburg, simply states, "I do not support the 1099 tax reporting requirement."

The Pennsylvania based business networking organization, SMC Business Councils, released a survey of its member businesses which found that their members file roughly 10 forms per year; under the new requirement from the health care law, the members estimated that would jump to more than 200 a year. The new costs associated with complying with this mandate would cripple small businesses across my district and the Commonwealth.

I join with my constituents and all small business owners throughout the nation in support of repealing the onerous 1099 reporting requirement. Furthermore, this debate is yet another reminder as to why we need to repeal the jobs-destroying health care bill and begin the process of methodically and thoughtfully reforming the health care system in an open and transparent manner, taking into account viewpoints from both sides of the aisle. Most importantly though, we must take into account the voice of the American people. This was omitted from the process a year ago, and today we begin process of cleaning up the mess that occurs when this omission happens.

□ 1300

The SPEAKER pro tempore. Pursuant to House Resolution 129, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. MCNERNEY. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCNERNEY. I am opposed in its current form.

Mr. CAMP. Madam Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McNerney moves to recommit the bill H.R. 4 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of the bill the following new sections:

SEC. 5. NONREFUNDABLE PERSONAL CREDIT FOR TAXPAYERS SUBJECT TO A TAX INCREASE UNDER THE SMALL BUSINESS PAPERWORK MANDATE ELIMINATION ACT OF 2011.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

"SEC. 25E. CREDIT FOR TAXPAYERS SUBJECT TO A TAX INCREASE UNDER THE SMALL BUSINESS PAPERWORK MANDATE ELIMINATION ACT OF 2011.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the excess (if any) of—

"(1) the regular tax liability of the taxpayer for the taxable year, over

"(2) the regular tax liability of the taxpayer for the taxable year, determined by applying section 36B(f)(2) (as in effect on the day before the date of the enactment of this section) in lieu of section 36B(f)(2) (as in effect on the day after the date of the enactment of this section).

"(b) CARRYFORWARD OF UNUSED CREDIT.—

"(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(1) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year."

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of such Code is amended by inserting "25E," after "25D,"

(2) Section 25(e)(1)(C) of such Code is amended by inserting "25E," after "25D," both places it appears.

(3) Section 25A(i)(5)(B) of such Code is amended by inserting "25E," after "25D,"

(4) Section 25B(g)(2) of such Code is amended by inserting "25E," after "25D,"

(5) Sections 25D(c)(1)(B) and 25D(c)(2)(A) of such Code are both amended by inserting "and section 25E" after "this section".

(6) Section 26(a)(1) of such Code is amended by inserting "25E," after "25D,"

(7) Section 30(c)(2)(B)(ii) of such Code is amended by inserting "25E," after "25D,"

(8) Section 30B(g)(2)(B)(ii) of such Code is amended by inserting "25E," after "25D,"

(9) Section 30D(c)(2)(B)(ii) of such Code is amended by striking "sections 23 and 25D" and inserting "sections 23, 25D, and 25E".

(10) Section 1400C(d) of such Code is amended by inserting "25E," after "25D," both places it appears.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Credit for taxpayers subject to a tax increase under the Small Business Paperwork Mandate Elimination Act of 2011."

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

SEC. 6. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; and", and by inserting after clause (iii) the following new clause:

"(iv) in the case of a major integrated oil company (as defined in section 167(h)(5)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2014.

SEC. 7. MAJOR INTEGRATED OIL COMPANIES INELIGIBLE FOR LAST-IN, FIRST-OUT METHOD OF INVENTORY.

(a) IN GENERAL.—Section 471 of the Internal Revenue Code of 1986 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) MAJOR INTEGRATED OIL COMPANIES INELIGIBLE FOR LAST-IN, FIRST-OUT METHOD.—In the case of a major integrated oil company (as defined in section 167(h)(5)(B))—

"(1) the last-in, first-out method of determining inventories shall in no event be treated as clearly reflecting income, and

"(2) sections 472 and 473 shall not apply."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2014.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year beginning after December 31, 2014—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) if the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 is positive, such amount shall be taken into account over a period of 8 years beginning with such first taxable year.

Mr. MCNERNEY (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

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

Mr. CAMP. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

Mr. MCNERNEY (during the reading). Madam Speaker, once again I ask unanimous consent to dispense with the reading.

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

Mr. CAMP. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

POINT OF ORDER

Mr. CAMP. Madam Speaker, I insist on my point of order.

I make a point of order against the motion because it violates clause 10 of rule XXI, as it has the net effect of increasing mandatory spending within the time period set forth in the rule.

I ask for a ruling of the Chair.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Madam Speaker, everyone knows that times are tough and that individuals, families, and small businesses are having a difficult time making ends meet. That's why it's so important that we provide small businesses, which are the backbone of our economy, with the tools to succeed.

The SPEAKER pro tempore. Does the gentleman wish to address the point of order?

Mr. MCNERNEY. Yes, the gentleman wishes to address the point of order.

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. MCNERNEY. With rising prices of gasoline, and unemployment that remains far too high, helping small businesses is more important than ever.

Mr. CAMP. Madam Speaker, the gentleman is not addressing the point of order.

□ 1310

The SPEAKER pro tempore. Does the gentleman from California wish to address the specific point of order?

Does any other Member wish to address the point of order?

The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. Madam Speaker, the gentleman from California was addressing the point of order. I think he should be allowed to do so.

The SPEAKER pro tempore. The gentleman from California may be heard only on the point of order and may continue if he is speaking directly to the point of order.

Mr. MCNERNEY. Madam Speaker, this directly addresses the tax provision in the Republican bill.

The SPEAKER pro tempore. The gentleman from California may proceed.

Mr. MCNERNEY. This motion to recommit addresses the pay-for in the bill.

The SPEAKER pro tempore. The gentleman from California may proceed.

Mr. MCNERNEY. Madam Speaker, I am a former small business owner, and while I strongly supported our efforts to reform the health care—

Mr. CAMP. Madam Speaker, regular order. The gentleman is not addressing the point of order.

The SPEAKER pro tempore. The Chair will hear the gentleman from California.

Mr. LEVIN. I urge the gentleman from Michigan to let him—

Mr. CAMP. Regular order, Madam Speaker.

The SPEAKER pro tempore. Members will suspend.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. We have a paid-for tax cut that's germane and included in the motion to recommit.

The SPEAKER pro tempore. The gentleman may proceed, but the Chair will hear argument from all Members on the point of order only.

The gentleman from California continues to be recognized.

Mr. MCNERNEY. While I strongly supported our efforts to reform the health care system, I also supported repealing the 1099 reporting requirement. This requirement will negatively affect small businesses' ability to operate smoothly and efficiently. There is a broad bipartisan consensus on this point, and I have received many emails, phone calls and letters from constituents in my district who oppose the 1099 reporting requirement.

I support repealing the 1099 provision—

The SPEAKER pro tempore. The gentleman will suspend.

Remarks must be confined to the procedural issue at hand.

Mr. MCNERNEY. We have a paid for tax cut that is in order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. The gentleman wishes to proceed. The gentleman from California wishes to proceed.

The SPEAKER pro tempore. The gentleman must speak to the specific procedural question.

Mr. LEVIN. And he says he is doing so. He is saying he is doing so.

The SPEAKER pro tempore. There seems to be some question of that.

The gentleman from California may proceed.

Mr. MCNERNEY. I stand here to offer a better alternative. It's paid for. Instead of simply agreeing to the majority's bill, the motion to recommit would repeal the 1099 requirement and provide a new tax cut to the middle-class paid for by closing tax loopholes exploited by large oil companies. It's paid for and it's germane.

Oil companies have earned record profits over the last few years, and it's just unacceptable for them to take advantage of the special loopholes when the middle class is struggling.

Mr. CAMP. Madam Speaker, the gentleman is not addressing the point of order.

The SPEAKER pro tempore. The gentleman from California has not spoken directly to the procedural question of order. The Chair will now recognize other Members.

The Chair recognizes the gentleman from New York.

Mr. CROWLEY. Thank you for allowing me to address the point of order.

Madam Speaker, the rules of the House give a modicum of support to the minority to offer motions to address a different point of view on legislation, albeit in the form of a motion to recommit. The rules of the House, Madam Speaker, allow for the minority to express that point through the motion.

In this motion to recommit, as has been placed forward by the gentleman from California, it is a simple choice between the oil companies and the middle class: Side with the oil companies or side with the middle class.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman is not addressing the procedural issues raised by the point of order.

Mr. CROWLEY. Madam Speaker, if I can, I am addressing the rules of the House that allow for the minority to have an opportunity to make a motion to recommit. It may not be in agreement with the majority. We understand that. They may not like the motion to recommit. We understand that. They may not like the motion to recommit under the rule because it touches onto an area that they are not comfortable with, that is, taxing oil companies.

The SPEAKER pro tempore. The gentleman is not addressing the procedural issue.

Mr. CROWLEY. I am addressing the rules of the House, Madam Speaker.

The SPEAKER pro tempore. The gentleman is not sticking to the precise procedural question at hand, which is clause 10 of rule XXI.

Mr. CAMP. I would ask the Chair to rule, Madam Speaker.

Mr. LEVIN. Madam Speaker, I wish to be heard.

The SPEAKER pro tempore. Does any Member in the body wish to be heard on the point of order under clause 10 of rule XXI specifically?

Mr. LEVIN. Yes, I do.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. Madam Speaker, the rules of the House, as crafted by the majority, do make it difficult for us to craft motions to recommit that are germane.

I submit this is, and I think you should listen to us before you make a ruling. You are the Speaker of the House, acting in that capacity.

This motion would cut taxes, would end oil subsidies, and ensure more Americans have health insurance. It is germane. The Republicans should not try to gag us.

I urge that the Speaker rule this in order.

Mr. CAMP. Madam Speaker, I would ask the Chair to rule.

The SPEAKER pro tempore. The Chair has heard enough and is prepared to rule at this time.

Mr. WEINER. Madam Chair, point of order.

The SPEAKER pro tempore. Does the gentleman from York have a point of order?

Mr. WEINER. Madam Speaker, Members should have an opportunity to be heard on the point of order. Just because one person you might feel didn't address it doesn't mean all of us should be prejudiced in our opportunity to speak.

The SPEAKER pro tempore. Argument is at the discretion of the Chair, to edify her judgment.

The Chair finds that it is time to now rule on the point of order.

The gentleman from Michigan makes a point of order that the motion offered by the gentleman from California violates clause 10 of rule XXI by proposing an increase in mandatory spending over a relevant period of time.

Pursuant to clause 10 of rule XXI and clause 4 of rule XXIX, the Chair is authoritatively guided by estimates from the chair of the Committee on the Budget that the net effect of the provisions in the amendment would increase mandatory spending over a relevant period as compared to the bill.

Accordingly, the point of order is sustained and the motion is not in order.

Mr. LEVIN. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. CAMP. Madam Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on passage of the bill, if arising without further proceedings in recomittal.

The vote was taken by electronic device, and there were—yeas 243, nays 181, not voting 8, as follows:

[Roll No. 161]

YEAS—243

Adams	Alexander	Austria
Aderholt	Altmire	Bachmann
Akin	Amash	Bachus

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

NAYS—181

Ackerman	Cardoza	Costello
Andrews	Carnahan	Courtney
Baca	Carney	Critz
Baldwin	Carson (IN)	Crowley
Barrow	Castor (FL)	Cummings
Bass (CA)	Chandler	Davis (CA)
Berkley	Chu	Davis (IL)
Berman	Cicilline	DeFazio
Bishop (GA)	Clarke (MI)	DeGette
Bishop (NY)	Clarke (NY)	DeLauro
Blumenauer	Clay	Deutch
Boswell	Cleaver	Dicks
Brady (PA)	Clyburn	Dingell
Bralley (IA)	Cohen	Doggett
Brown (FL)	Connolly (VA)	Donnelly (IN)
Butterfield	Conyers	Doyle
Capps	Cooper	Edwards
Capuano	Costa	Ellison

Engel	Loeb sack	Ross (AR)
Eshoo	Lofgren, Zoe	Rothman (NJ)
Farr	Lowey	Roybal-Allard
Fattah	Lujan	Ruppersberger
Filmer	Lynch	Rush
Frank (MA)	Maloney	Ryan (OH)
Fudge	Markey	Sanchez, Loretta
Garamendi	Matheson	Sarbanes
Gonzalez	Matsui	Schakowsky
Green, Al	McCarthy (NY)	Schiff
Green, Gene	McColum	Schrader
Grijalva	McDermott	Schwartz
Gutierrez	McGovern	Scott (VA)
Hanabusa	McIntyre	Scott, David
Hastings (FL)	McNerney	Serrano
Heinrich	Meeks	Sewell
Higgins	Michaud	Sherman
Himes	Miller (NC)	Shuler
Hinche y	Miller, George	Sires
Hirono	Moore	Slaughter
Holden	Moran	Smith (WA)
Holt	Murphy (CT)	Stark
Honda	Nadler	Sutton
Insl ee	Napolitano	Thompson (CA)
Israel	Neal	Thompson (MS)
Jackson (IL)	Olver	Tierney
Jackson Lee	Owens	Tonko
(TX)	Pallone	Towns
Johnson (GA)	Pascarell	Tsongas
Johnson, E. B.	Pastor (AZ)	Van Hollen
Kaptur	Payne	Velázquez
Keating	Pelosi	Visclosky
Kildee	Perlmutter	Walz (MN)
Kind	Peters	Wasserman
Kissell	Pingree (ME)	Schultz
Kucinich	Polis	Waters
Langevin	Price (NC)	Watt
Larsen (WA)	Quigley	Waxman
Larson (CT)	Rahall	Welch
Lee (CA)	Rangel	Wilson (FL)
Levin	Reyes	Woolsey
Lewis (GA)	Richardson	Wu
Lipinski	Richmond	Yarmuth

NOT VOTING—8

Becerra	Hinojosa	Sánchez, Linda
Giffords	Hoyer	T.
Hanna	Jordan	Speier

□ 1343

Mr. LYNCH, Ms. PINGREE of Maine, Messrs. DeFAZIO, ELLISON, WAXMAN, and Ms. BERKLEY changed their vote from "yea" to "nay."

Messrs. ALTMIRE, HUIZENGA of Michigan, and MARCHANT changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BECERRA. Mr. Speaker, earlier today I was unavoidably detained and missed rollcall vote 161. If present, I would have voted "no" on rollcall vote 161.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should be aware that debate on a point of order is solely to edify the judgment of the presiding officer. As such, argument on a point of order must be confined to the question of order and may not range to an underlying substantive question. The Chair endeavors to hear such arguments as may tend to edify her judgment, but when she is prepared to rule, she may decline to hear more.

The optimal accommodation of Members' desires to argue on a point of order can be achieved only when, first, those seeking recognition for that purpose properly confine themselves to the question of order; and, second, those who believe they have heard enough leave it to the presiding officer to decide when she has heard enough.

The Chair enlists the understanding and cooperation of all Members in these matters.

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.

POINT OF ORDER

Mr. WEINER. Madam Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WEINER. Madam Speaker, the voice vote we just took violates clause 5(b) of rule XXI, and this vote shall be taken with a three-fifths required for passage.

The SPEAKER pro tempore. Does any Member wish to speak to the point of order?

Mr. WEINER. Madam Speaker, I do.

The SPEAKER pro tempore. The gentleman from New York is recognized to speak on the point of order.

Mr. WEINER. Thank you.

Madam Speaker, as we all know here, we have a special rule in the House. As I just referenced, it is clause 5(b) of rule XXI, which was put into the rules of the House to make it extraordinarily difficult for us to change tax rates. The reason we did that was out of a bipartisan consideration that we wanted to make sure that legislation we did here didn't have the effect, under the ruse of some other action, of changing effective tax rates for people. So this rule was put into place which said, if you're going to do that, you need to have a three-fifths majority. This bill that we are considering now is, by its action, changing people's effective tax rates.

I'll try to be brief. It's just that I know many Members hadn't been tuned into the debate, and I want to explain this point.

What the bill would do if it were to be passed would be to say, if someone had a marginal increase in their income that took them up into the next bracket, they would lose, not only the subsidy provided under the health care act to buy insurance, but in its entirety a \$200 increase above the bracket would essentially put them into a different tax bracket. This is exactly what this rule was intended to prevent—our taking an action that unwittingly changes where people's tax rates are without our actually having to stand up and do it.

This rule puts a pretty strong level of test into place for us. It says we need a three-fifths majority. It is very difficult for the Chair to rule about a three-fifths, A, on a voice vote. Secondly, I want to be sure that if we go to what is certainly going to be a recorded vote that—

Mr. TERRY. Objection. The gentleman from New York is not speaking to the point of order.

Mr. WEINER. First of all, I can be accused of a lot of things. Not speaking to the point of order isn't one of them.

Madam Speaker, this point of order is specifically whether or not the rule

that we have that says that the movement within tax brackets is subject to a higher order.

Let me also make this argument in support of the point of order.

Mr. TERRY. Objection. The gentleman from New York is not speaking to the point of order.

Mr. WEINER. The gentleman from Nebraska does not control the time.

Point of order. I am on my feet to a point of order. I cannot be taken off my feet by anyone except the Chair. I would urge the respect of the gentleman.

The SPEAKER pro tempore. The Chair will continue to hear the gentleman from New York.

Mr. WEINER. The reason this is so important and that we enforce it now is, just as we all have in our rules the annotations of when this rule has been bent and broken, we don't want at the beginning of this Congress one of the earliest actions we do to be to bend and break and leave in shatters the three-fifths requirement.

You might believe it's a good thing to do. I just think there should be at least three-fifths of us, under the rules that we agreed upon, to raise the tax bracket, particularly since it's on middle class Americans. When you're making 80-some-odd thousand dollars a year and you make an extra \$200 in income, they want to increase your tax bracket. If we're going to do that, let's make sure it's with a three-fifths majority.

I urge that the point of order be upheld and that we have to vote on this by three-fifths.

The SPEAKER pro tempore. Does the gentleman from New York (Mr. CROWLEY) wish to be heard on the point of order?

Mr. CROWLEY. On the point of order, Madam Speaker, specifically, let me just clarify for my friends on the other side, and for those on our side of the aisle as well—for all Members of the House—that clause 5(b) of rule XXI states that passage, again, of a tax increase needs a three-fifths majority of those present for passage if we are changing the tax rates or the brackets of individuals.

□ 1350

I know it's not, again, comfortable, but as the example I laid out in the debate, which was not refuted by anyone, if an individual earning \$88,000 from a family of four receives a \$250 bonus, that would require them to pay \$4,460 in tax. That is, indeed, a new tax; and, therefore, it should be subject to this rule that we would require three-fifths.

I know it's hard, because that's the difficulty of this in changing the tax rates. It should be difficult. That's the rule to make this bipartisan. We do this together, a three-fifths vote.

And, Madam Speaker, we are changing the tax rates. We are changing the brackets; and, therefore, this rule ought to be imposed.

Mr. CAMP. Madam Speaker, I wish to be heard.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. CAMP. Madam Speaker, I would refer the Members of the House to the committee report in this area, and in that committee report it states: The committee has carefully reviewed the provisions of the bill and states that the provisions of this bill do not involve any Federal income tax rate increases within the meaning of the rule.

I would say that the rules of the House in this area refer to specific sections of the Internal Revenue Code. Also, the rules of the House—and I would say my friends are not going far enough in their reading of the rules—define exactly what an income tax increase is. This bill does not amend those specific sections of the Code that are referred to in the rules. Accordingly, a point of order does not lie.

Mr. LEVIN. Madam Speaker, I would like to be heard.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. I just want to read from the bill:

“If the advance payments to a taxpayer exceed the credit allowed by this section, the tax imposed by this chapter for the taxable year shall be increased.”

Mr. GOHMERT. Madam Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

Mr. GOHMERT. Madam Speaker, the point of order began with the words “whether or not.” No point of order can begin with the words “whether or not.”

The SPEAKER pro tempore. The Chair is prepared to rule.

Mr. WEINER. Madam Speaker, may I be heard further on the gentleman from Michigan's point?

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York.

Mr. WEINER. Let me just say very briefly, the gentleman from Michigan is correct. We don't directly do what is described in the rule, but the effect is that it is indisputable that someone who is in one tax bracket after this bill will move into another one.

The purpose of this rule, and clearer from the annotations—we're trying to look at the purpose of this rule, and the reason we have the Speaker interpreting the rule is to prevent that from happening. And if it's good for the goose, it's good for the gander.

You're going to see it happening a lot this term.

Mr. CROWLEY. Madam Speaker, I would like to be heard.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York for a brief moment.

Mr. CROWLEY. Does the committee report get to waive the House rules? The committee report? That's the evidence to waive the House rules? That's a new low standard.

The SPEAKER pro tempore. The Chair is prepared to rule.

Since the 105th Congress, the requirement in clause 5(b) of rule XXI for a three-fifths vote on certain tax measures has comprised the three elements described by Speaker pro tempore Baldwin in the ruling of January 18, 2007.

The first element of the requirement is that the measure amends one of the subsections of the Internal Revenue Code of 1986 that are cited in the rule. The second element is that the measure does so by imposing a new percentage as a rate of tax. The third element is that in doing so the measure increases the amount of tax imposed by any of those cited subsections of the Code.

The Chair is unable to find a provision in the pending bill—H.R. 4, as perfected—that fulfills even the first element of the requirement.

A bill that does not meet any one of the three elements required by clause 5(b) of rule XXI does not carry a Federal income tax rate increase within the meaning of that rule.

Accordingly, the Chair holds that a majority vote is sufficient to pass the pending bill, and the Chair properly announced a majority-based result on the voice vote on passage.

RECORDED VOTE

Mr. CAMP. Madam Speaker, I demand a recorded vote.

The SPEAKER pro tempore. A recorded vote is requested on passage of the bill.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 314, noes 112, not voting 6, as follows:

[Roll No. 162]

AYES—314

Adams	Burgess	Dent
Aderholt	Burton (IN)	DesJarlais
Akin	Butterfield	Diaz-Balart
Alexander	Calvert	Dold
Altmire	Camp	Donnelly (IN)
Amash	Campbell	Dreier
Andrews	Canseco	Duffy
Austria	Cantor	Duncan (SC)
Baca	Capito	Duncan (TN)
Bachmann	Cardoza	Ellmers
Bachus	Carnahan	Emerson
Barletta	Carney	Farenthold
Barrow	Carter	Fincher
Bartlett	Cassidy	Fitzpatrick
Barton (TX)	Castor (FL)	Flake
Bass (NH)	Chabot	Fleischmann
Benishek	Chaffetz	Fleming
Berg	Chandler	Flores
Berkley	Cicilline	Forbes
Biggert	Coble	Fortenberry
Bilbray	Coffman (CO)	Foxx
Bilirakis	Cohen	Franks (AZ)
Bishop (GA)	Cole	Frelinghuysen
Bishop (NY)	Conaway	Galleghy
Bishop (UT)	Connolly (VA)	Gardner
Black	Cooper	Garrett
Blackburn	Costa	Gerlach
Bonner	Costello	Gibbs
Bono Mack	Courtney	Gibson
Boren	Cravaack	Gingrey (GA)
Boswell	Crawford	Gohmert
Boustany	Crenshaw	Gonzalez
Brady (TX)	Critz	Goodlatte
Bralley (IA)	Cuellar	Gosar
Brooks	Culberson	Gowdy
Broun (GA)	Davis (CA)	Granger
Buchanan	Davis (KY)	Graves (GA)
Bueshon	DeFazio	Graves (MO)
Buerkle	Denham	Green, Al

Green, Gene	Matheson	Roskam
Griffin (AR)	McCarthy (CA)	Ross (AR)
Griffith (VA)	McCarthy (NY)	Ross (FL)
Grimm	McCaull	Royce
Guinta	McClintock	Ryunyan
Guthrie	McCotter	Ruppersberger
Hall	McHenry	Ryan (WI)
Harper	McIntyre	Sanchez, Loretta
Harris	McKeon	Scalise
Hartzler	McKinley	Schiff
Hastings (WA)	McMorris	Schilling
Hayworth	Rodgers	Schmidt
Heck	McNerney	Schock
Heinrich	Meehan	Schrader
Heller	Mica	Schweikert
Hensarling	Miller (FL)	Scott (SC)
Herger	Miller (MI)	Scott, Austin
Herrera Beutler	Miller, Gary	Scott, David
Higgins	Mulvaney	Sensenbrenner
Himes	Murphy (PA)	Sessions
Holden	Myrick	Sewell
Huelskamp	Neugebauer	Shimkus
Huizenga (MI)	Noem	Shuler
Hultgren	Nugent	Shuster
Hunter	Nunes	Simpson
Hurt	Nunnelee	Sires
Inslee	Olson	Slaughter
Israel	Owens	Smith (NE)
Issa	Palazzo	Smith (NJ)
Jenkins	Pastor (AZ)	Smith (TX)
Johnson (IL)	Paul	Smith (WA)
Johnson (OH)	Paulsen	Southerland
Johnson, Sam	Pearce	Stearns
Jones	Pence	Stivers
Keating	Perlmutter	Peters
Kelly	Peters	Sullivan
King (IA)	Peterson	Terry
King (NY)	Petri	Thompson (PA)
Kingston	Pingree (ME)	Thornberry
Kinzinger (IL)	Pitts	Tiberi
Kissell	Platts	Tipton
Kline	Poe (TX)	Turner
Labrador	Pompeo	Upton
Lamborn	Posey	Velázquez
Lance	Price (GA)	Price (NC)
Landry	Price (NC)	Quayle
Langevin	Quayle	Quigley
Lankford	Rahall	Walden
Larsen (WA)	Reed	Walsh (IL)
Latham	Rehberg	Walz (MN)
LaTourette	Reichert	Webster
Latta	Renacci	Welch
Lewis (CA)	Reyes	West
Lipinski	Ribble	Westmoreland
LoBiondo	Richardson	Whitfield
Loebsack	Rigell	Wilson (SC)
Long	Rivera	Wittman
Lucas	Roby	Wolf
Luetkemeyer	Roe (TN)	Womack
Lummis	Rogers (AL)	Woodall
Lungren, Daniel	Rogers (KY)	Wu
	Rogers (MI)	Yarmuth
	Rohrabacher	Yoder
	Rokita	Young (AK)
	Rooney	Young (FL)
	Ros-Lehtinen	Young (IN)

NOES—112

Ackerman	Engel	Lofgren, Zoe
Baldwin	Eshoo	Lowey
Bass (CA)	Farr	Lujan
Becerra	Fattah	Lynch
Berman	Finer	Markey
Blumenauer	Frank (MA)	Matsui
Brady (PA)	Fudge	McCollum
Brown (FL)	Garamendi	McDermott
Capps	Grijalva	McGovern
Capuano	Gutierrez	Meeks
Carson (IN)	Hanabusa	Michaud
Chu	Hastings (FL)	Miller (NC)
Clarke (MI)	Hinchey	Miller, George
Clarke (NY)	Hirono	Moore
Clay	Holt	Moran
Cleaver	Honda	Murphy (CT)
Clyburn	Hoyer	Nadler
Conyers	Jackson (IL)	Napolitano
Crowley	Jackson Lee	Neal
Cummings	(TX)	Olver
Davis (IL)	Johnson (GA)	Pallone
DeGette	Johnson, E. B.	Pascarell
DeLauro	Kaptur	Payne
Deutch	Kildee	Pelosi
Dicks	Kind	Polis
Dingell	Kucinich	Rangel
Doggett	Larson (CT)	Richmond
Doyle	Lee (CA)	Rothman (NJ)
Edwards	Levin	Roybal-Allard
Ellison	Lewis (GA)	Rush

Ryan (OH)	Sutton	Wasserman
Sarbanes	Thompson (CA)	Schultz
Schakowsky	Thompson (MS)	Waters
Schwartz	Tierney	Watt
Scott (VA)	Tonko	Waxman
Serrano	Towns	Weiner
Sherman	Tsongas	Wilson (FL)
Stark	Van Hollen	Woolsey

NOT VOTING—6

Giffords	Jordan	Speier
Hanna	Sánchez, Linda	
Hinojosa	T.	

□ 1412

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to my friend, the majority leader, to ask about the schedule for the coming week.

Mr. CANTOR. I thank the Democratic whip, the gentleman from Maryland, for yielding.

Mr. Speaker, on Tuesday the House will meet at 2 p.m. for morning hour and 4 p.m. for legislative business. On Wednesday, the House will meet at 10 a.m. for legislative business, and recess immediately. The House will reconvene at approximately 11 a.m. for the purpose of receiving, in a joint meeting with the Senate, the Honorable Julia Gillard, Prime Minister of Australia. On Thursday, the House will meet at 10 a.m. for morning hour and noon for legislative business. On Friday, the House will meet at 9 a.m. for legislative business, with last votes expected by 3 p.m.

The House will consider a few bills under suspension of the rules on Tuesday and possibly Wednesday, which will be announced by the close of business tomorrow. The House will also consider two bills that were marked up by the Financial Services Committee today: H.R. 836, the Emergency Mortgage Relief Program Termination Act, and H.R. 830, the FHA Refinance Program Termination Act. These bills will eliminate two ineffective mandatory programs that, without congressional action, will continue spending on autopilot.

The House has already had a robust debate on the discretionary side of Federal spending, Mr. Speaker, and will continue to do so, but it's time we turn our attention also to the mandatory side of government spending. I expect further debate on mandatory spending throughout the month of March.

Mr. HOYER. I thank the gentleman for that information. He mentions that we will be considering some bills under suspension, as is normal, and two bills, H.R. 836 and H.R. 830, presumably under a rule.

I ask the gentleman, will those be open rules? And before I yield to him for his response, I want to say that I want to congratulate the gentleman on

the process that we considered H.R. 1. While those of us on this side did not ultimately support H.R. 1, I know that the Speaker and the leader are both pleased with the openness and transparency of the process. There was a preprinting requirement, of course, so it wasn't a totally open rule in that sense. But does the gentleman expect there to be open rules on H.R. 836 and H.R. 830?

Mr. CANTOR. Mr. Speaker, I thank the gentleman. And to the gentleman's specific question about next week, I would respond to the gentleman that we are working with the Rules Committee and its chairman, Chairman DREIER, to be able to announce an open process for the consideration of next week's bills.

Mr. HOYER. I thank the gentleman. Can I inquire is an open process, is that somewhat of a nuance of an open rule?

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I think the gentleman also indicated in his remarks the preprinting requirement in the CR of H.R. 1 provided for it to be a modified rule. And it is in that spirit that I think the Speaker initially began this session, that we are committed to an open process, to have the ventilation of ideas, to have the participation of as many Members as possible in debate of measures coming to the floor. We continue to want to go in that direction, as we have thus far.

Mr. HOYER. I thank the gentleman. Let me say to the gentleman in terms of a constructive discussion that we might have, and I happen to believe that the preprinting requirement is a positive requirement in that it gives notice to people. One of the things, as we know, that it requires, however, is the printing of amendments prior to the time you know the status of the bill at the time you might offer the amendment. I suggest that perhaps we have discussions about how to take into consideration the process where you preprint an amendment, prior to getting to your amendment something is changed by a previous amendment that might require a modification of your amendment in terms of an understanding on both sides that perhaps we would accommodate, either by unanimous consent or some other process, that change.

Mr. CANTOR. I thank the gentleman for raising the point that did come up during the debate of H.R. 1. I would say back to the gentleman that it is probably a very good discussion to take place within the context of the Rules Committee. And we look forward to having that discussion with the gentleman as well.

Mr. HOYER. I thank the gentleman.

The current CR, as the gentleman knows, expires March 18 that we passed earlier this week, the Senate passed, the President has now signed. Can I ask the gentleman his thoughts on going forward what we might be expecting with respect to funding government from March 19 through Sep-

tember 30 for the balance of the fiscal year?

Mr. CANTOR. I thank the gentleman. And as the gentleman has already pointed out, the House, Mr. Speaker, has produced its position in H.R. 1. The difficulty is the Senate has failed to produce a Senate position. So there really is very little foundation upon which to engage in any discussion as to how we are going to get through the remainder of the fiscal year. I know that the minority leader was recently today out saying that the position on the part, I guess, of the Senate, and perhaps your caucus, is that there is a desire to bring about \$41 billion of cuts.

I would say to the gentleman, Mr. Speaker, \$40 billion is not a cut. That's the status quo. And that's been our position all along, is we want to make sure we change the status quo, that we actually do what most Americans are having to do, which is tighten the belt and to cut spending in order to get this economy going.

So I am saying to the gentleman we would encourage the Senate and Leader REID to act so that we can move forward. And until then, Mr. Speaker, I would say to my friend from Maryland that I would expect the House to continue its process of cutting \$2 billion per week until we can see where the gentleman's caucus and then the Democratic leader in the Senate is.

□ 1420

Mr. HOYER. I thank the gentleman for his response. I might want to pursue that response just a little bit, however.

The Pledge to America, as I understand it, said that you were going to cut \$100 billion; is that accurate?

Mr. CANTOR. I would say to the gentleman that the Pledge to America said that we were desirous of reducing discretionary spending, non-security spending, to '08 levels.

Mr. HOYER. And H.R. 1, as I understand it, is scored at \$102 billion or thereabouts; is that accurate?

Mr. CANTOR. I would say back to the gentleman, as he knows, the figure of \$100 billion was taken from the difference between the President's FY11 request and the '08 levels, which is how that figure has become.

So I would say to the gentleman, if he is trying to make the point about 100 versus 61, the gentleman is accurate when he says that the \$100 billion of cuts off the 2011 request by the President is the same as \$61 billion of cuts against the current level of spending at FY10 levels.

So if I could make the gentleman's point for him, which is exactly why I say that insistence upon \$41 billion or \$40 billion in cuts is nothing but defense of the status quo. That's what I would say to the gentleman. That's unacceptable to our side. It's unacceptable to the American people.

Mr. HOYER. I thank the gentleman for explaining my proposition, but if I might clarify a little more, what the

gentleman has said, the way you get to \$100 billion is counting that \$41 billion that you say is the status quo and adding \$60 billion, or \$61 billion to it, to get to \$102 billion, or a little short of that. My point clearly is that the gentleman and his side of the aisle have clearly counted the \$41 billion that he says is the status quo.

The reason he has done so is because, he said, during the course of the campaign, and others said during the course of the campaign, they were to cut \$100 billion. In fact, as I recall, the Speaker and yourself and other leaders made the point during the course of your initial consideration and the offer that was initially made to your conference, that, in fact, the \$41 billion was, in fact, a cut from the President's request of \$41 billion.

We agree with that, but we now believe that your side is saying, oh, no, that doesn't count, notwithstanding the fact it is \$41 billion less than the President requested and you counted that \$41 billion less as part of the \$100 billion you represented was part of the cuts that you had said you were going to make and that you, in fact, made.

So my point is, as the gentleman has pointed out, that your \$60 billion, by your side's argument of cutting \$100 billion, only gets to \$100 billion because you are counting the \$41 billion, which we have cut. Now I say that for this reason: You made the \$100 billion pledge prior to December. You made it prior to the election. Then we, in fact, cut from the figure you were using as the base, the 2011 base of the President's request, we cut \$41 billion by freezing at 2010 levels.

Now, very frankly, my point to you is, as I am sure you know, that we have already come \$41 billion, which means 41 percent of the way to where you wanted to get. We continue to want to discuss this matter. Hopefully we can move together and come to a compromise figure.

I know the gentleman has not served on the Appropriations Committee. He serves on the tax writing committee. But in the Appropriations Committee, we found an ability to come together and make agreement. I am hopeful that we can do the same. But I think it unfair and incorrect, frankly, not to count \$41 billion because we are now starting at 2010 levels as opposed to the level that you started at and we started at, which was the President's 2011 request, and both of us have come that \$41 billion, and the issue is how much further we are going to go.

Mr. CANTOR. I would respond to the gentleman that we have already discussed the math here. The problem is the American people are waiting for us to act. If the gentleman knows the position of Senator REID and where he would like to go, other than maintain the status quo, then that's what we are looking for. The House has made its position known.

Its position, again, is \$100 billion off the 2011 request or \$61 billion off the

2010 levels of current spending. We have maintained that position all along, Mr. Speaker, that freezing spending at today's level is unacceptable. It will bankrupt us if we continue to spend at these levels. We have got to begin to show some fiscal restraint so we can get people back to work in this country.

I am delighted to hear the gentleman say we need to cut more, and I am hopeful that we can continue to see progress on that front. But thus far, the gentleman's colleagues and all of our colleagues on the other side of the Capitol, Senator REID, has not indicated where his position is. That's what we need to know to move forward.

Mr. HOYER. I thank the gentleman for his comments.

I ask the gentleman, might I advise the leader on the other side of the Capitol that there is, in fact, a willingness on your side to compromise between zero and 100?

I yield to the gentleman.

Mr. CANTOR. I would ask the gentleman, Mr. Speaker, does the gentleman know of any position having been taken, any vote that has been taken in the Senate to indicate where they are and whether they have come off their position of defending the status quo?

Again, I would say to the gentleman, his leader, the minority leader, earlier today was in the press indicating that that is her position. She wants to defend the status quo, \$41 billion in cuts. There is not a cut on the current level of spending.

Mr. HOYER. If that's the status quo, then I suggest to the gentleman he is not going to get to \$100 billion, which he represented and his side represents they want to get to. We will see whether or not they are prepared to do that. But I will tell my friend, if that's the position, then I think we will not be able to reach agreement because there appears to be no ability to compromise in that context.

The gentleman counted the \$41 billion during the course of the campaign. The gentleman counted that \$41 billion when he made a representation to his caucus as to why you were offering a \$32 billion cut because, together, given the fact that it was halfway through the year, that that would, in fact, be tantamount to. But again, in each one of those instances, the gentleman counted the \$41 billion. He is now saying, oh, no, that is the status quo.

Does the gentleman know of any budget that President Bush signed in '01, '02, '03, '04, '05, and '06 that maintained either the status quo or cut below the so-called status quo, when your side was in charge of both the House and the Senate and the Presidency?

Mr. CANTOR. Mr. Speaker, the gentleman and I have had similar conversations over the last couple of years. I really think it is best for all of us to see how we are going forward, not

looking back. I know the gentleman would make the suggestion we could learn from past history. I am all about that.

But what I could say, Mr. Speaker, is we need a position by the other side in order to go forward so we can actually do what the American people want, which is to cut spending from current levels.

Mr. HOYER. I thank the gentleman.

I would simply suggest to the gentleman and hope that we can work together, as the gentleman suggests, come to resolution for the balance of the fiscal year.

The gentleman has made a number of comments in the past, with which I agree, that uncertainty undermines the economy. A quote that the gentleman said on the floor last year: Working families and businesses remain gripped by economic uncertainty, and to this day Washington has only made the problem worse. If we want to cut into the 9.8 percent unemployment, Mr. Chairman, we have to instill confidence in the economy and begin to foster an environment for job creation.

I suggest to the gentleman we will not do that until we come to an agreement. Both sides need to work toward that end. I agree with the gentleman on that. I am hopeful that the Senate will, in fact, make a suggestion in the near term; I mean, hopefully, in hours and a few days rather than weeks.

The 18th will be on us, as you know, very soon. If we don't reach an agreement by next Thursday, in my opinion, we will not be able to get the paperwork done to get a bill ready to pass by Friday the 18th, 2 weeks from tomorrow.

□ 1430

I think that will be unfortunate and will lead to uncertainty and disruption, both in the public sector and in the private sector.

Let me ask you one more question on the issue of compromises. Assuming the Senate makes an offer and assuming it passes an offer or reaches an agreement, when it comes back, will there be any hearings on the proposed cuts and the ramifications of those cuts?

I yield to the gentleman.

Mr. CANTOR. I would say to the gentleman, first of all, as to his suggestion about our adding to uncertainty and perhaps facilitating a government shutdown, we have said all along we do not want to shut down the government. We want to cut spending. And as I've said before to the gentleman, it is our intention to continue to go forward reducing spending at the rate of \$2 billion a week until we can see some signal from the Senate that they're serious about wanting to cut spending.

As for the gentleman's inquiry about hearings on specific cuts, as to a potential bill that will govern the route forward for the rest of the fiscal year, I would bring the gentleman's attention to ongoing hearings now as we proceed

throughout this fiscal year about the 2012 budget and spending that we should be about anyway.

And let us not forget the reason why we find ourselves where we are is because the majority from the 111th Congress did not finish the business of this fiscal year, which, again, is why we find ourselves in the position of these expiring short-term CRs.

We are dedicated to the notion of open process, as the gentleman knows, and I know he shares that goal as well, and we will continue to operate in that manner.

Mr. HOYER. I thank the gentleman for that answer.

The reason I ask that question, however, I don't know whether the gentleman had an opportunity to read a column in The New York Times by David Brooks, a relatively conservative columnist in The New York Times, as the gentleman knows, in which he wrote a column called, "The New Normal," and in paragraph 4 in which he stated, "In Washington, the Republicans who designed the cuts"—which are included in H.R. 1—"for this fiscal year seemed to have done no serious policy evaluation."

He goes on about four paragraphs later to say, referring to his austerity principle—there are three austerity principles that he propounds. He said, "Never cut without an evaluation process."

I think that we need cuts. I've said that. The gentleman said that. We are proceeding. In fact, we have done some of those and we have agreement on some of those, as the gentleman knows. But there were no hearings. That's why Mr. Brooks says that they seem to have done no serious policy evaluation of those cuts. That's why I asked that question. But I understand the gentleman's answer.

I will bring this to a close. We have some concerns by the fact that a number of economists, a large number of economists, have expressed concern about the economic ramifications of some of the cuts and the magnitude of the cuts that are included.

As you know, Ben Bernanke indicated that this spending plan could cost a couple of hundred thousand jobs, a number he called "not trivial." And according to Goldman Sachs, we might adversely affect GDP by 1.5 to 2 percentage points in the second and third quarters compared with current law or as the gentleman refers to, the status quo.

I ask the gentleman: Is that of concern to you or do you believe that those evaluations are incorrect?

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

I would say I am always mindful of opinion makers, commentators, and economists and their view as to what's going on here in Washington. But I would say to the gentleman, I think we've been down the road that the gentleman suggests is preferable before. We, on this floor, passed a nearly \$800

billion stimulus bill, at least on the gentleman's side passed it, and we saw the effects of spending that kind of money did not produce the kind of job creation that was desired or was promised. And if I recall, some of the economists that the gentleman refers to probably were ones that supported the notion that the stimulus bill would make sure that unemployment didn't exceed 8 percent if we went ahead and spent that money. I think we've tried that before.

The gentleman also knows that we are borrowing nearly 40 cents out of every dollar we are spending. That is unsustainable. And so if the gentleman's focus is to spend more money from Washington to create jobs, then essentially we are creating jobs and paying people we can't afford to pay.

So what the position is from our side of the aisle, Mr. Speaker, is we want to be honest with the people. We want to look for long-term solutions that get this economy going again.

We all know that most jobs are created in the private sector. We all know that most jobs come from the entrepreneurial aspirations of the people of this country. It is they who continue to point to Washington as the problem. It is they who say that government's explosive growth, government's continued and increasing appetite for capital is making it so we can't see investment occur here in this country. And if you want to fix the economy, deal with the deficit. That's what we're trying to do, Mr. Speaker.

Mr. HOYER. I thank the gentleman for his comment.

And certainly, I agree with him that we need to deal with the deficit. As the gentleman knows, I've been pretty vocal about that and indicated that we need to look at the whole spectrum of spending. Focusing on 14 percent of the budget will not get us there. I think the gentleman probably agrees with that proposition. I know the chairman of the Budget Committee agrees with that proposition. I may not agree with the chairman of the Budget Committee on how he wants to get there, but I think we do agree that we have to look at all of the spending that we do, and that bringing down the deficit is of critical consequence.

Let me say to the gentleman, however, when he speaks about jobs, as he knows, we lost 3.8 million jobs in 2008, the last year of the Bush administration. The last year of the Obama administration, the last 12 months, we have gained 1.1 million private sector jobs. So when the gentleman says that the Recovery Act did not have the effect that the administration hoped for, he is correct. We went up above the 8 percent unemployment. But the gentleman, I'm sure, knows that during the last 12 months we have gained jobs on an average of 569,000 over the last 5 months, so half a million jobs.

Is that enough? It's not. Frankly, we are going to have to be at 300,000 or 400,000 per month to overcome the

number of jobs that were lost prior to or during the recession which started, of course, in 2007.

So I want to agree with the gentleman and hope that we can work together on looking at the entire challenge that confronts us in bringing this deficit down. But I tell my friend to continually focus, as the gentleman has been doing in this colloquy and in other colloquies, on simply the discretionary spending, non-defense and non-security spending, while we certainly need to cut fraud, waste, and abuse, cut duplication and make government simpler and more accessible and more cost effective for the American people, we also need to be, as you said, honest with the American people that if you cut out every penny of the portion of the budget at which you are looking, we will not solve the deficit problem.

So I say to my friend, I will look forward to working with him. Our side looks forward to working with him and his side. I have had discussions—I see Mr. DREIER on the floor. We need to work together on this issue because the gentleman is correct; it is a critical area.

Unless the gentleman wants more time, I will yield back.

I yield to the gentleman.

Mr. CANTOR. I would just say to the gentleman—and thank you for the courtesy of yielding—that is exactly why we are turning to mandatory spending next week. As the gentleman knows, we'll be fast on the discussion of the budget as well. As the gentleman knows and can expect that our budget will approach the issue of entitlements, and we feel it very necessary for us to begin that discussion. And, frankly, we're dismayed by the fact that the White House did not include any mention or discussion or did not deal with entitlements in its budget proposal.

So we hope, and I know the gentleman is earnest in his desire to want to try and deal with the deficit both on the discretionary and the mandatory side. I look forward to working with him toward that end.

Mr. HOYER. I thank the gentleman.

Just in concluding on that, the administration did, of course, appoint a commission, Mr. Bowles and Senator Simpson, which did, in fact, look at the spectrum of spending and made some very substantive recommendations. The administration has commended those recommendations to us for consideration.

□ 1440

But the administration also said that we need to make sure that we invest in growing our economy if we expect to bring the deficit down, investing in the education of our children, investing in our infrastructure, investing in innovation and invention. I agree with the administration on that. I think we need to be very careful that we pay attention to both the investments and to the reduction of the deficits.

—
 HOUR OF MEETING ON TOMORROW

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow; when the House adjourns on that day, it adjourn to meet on Tuesday, March 8, 2011, when it shall convene at 2 p.m. for morning-hour debate and 4 p.m. for legislative business; and when the House adjourns on that day, it adjourn to meet at 10 a.m. on Wednesday, March 9.

The SPEAKER pro tempore (Mr. GIBSON). Is there objection to the request of the gentleman from Virginia?

There was no objection.

—
 PASS FREE TRADE AGREEMENTS

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

Mr. DREIER. Mr. Speaker, I didn't want to prolong the colloquy, but I have to say that both my friends, Mr. HOYER and Mr. CANTOR, were talking about the imperative for job creation and economic growth.

There is a bipartisan consensus in this institution; we all want to see private sector jobs created. We have an opportunity to work together in a bipartisan way to do something that President Obama addressed in his State of the Union message here in this Chamber. He talked about the need for us to pass first the U.S.-Korea free trade agreement; and he also included, I am happy to say, the Colombia and Panama agreements.

All of those agreements have been pending. The Colombia and Panama agreements actually preceded the Korean agreement; and we know if we were to pass all three of these pending trade agreements, we could create good union and nonunion jobs here in this country in the manufacturing sectors of our economy.

If you look at companies like Caterpillar, John Deere, Whirlpool, other manufacturing companies right here in the United States, creating an opportunity for those union and non-working union members to sell their products into Latin America is very important. Let's create jobs; let's pass all three of these agreements.

—
 HONORING THE LIFE OF JOE SILVERSMITH

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

Mr. LUJÁN. Mr. Speaker, I rise today to pay tribute to Marine Corporal Joe Silversmith, who passed away earlier this week at the age of 86. As a Navajo code talker, Corporal Silversmith earned the Silver Congressional Medal of Honor for his service during World War II when he answered the call of duty and served his country in the South Pacific from 1943 to 1946.

Corporal Silversmith was part of an invaluable group of Navajo men who transmitted secret communications during the war that contributed to victory for the Allied forces.

As we take this moment to remember the contributions of Corporal Silversmith, we are reminded of the brave service of all Navajo code talkers. Corporal Silversmith and his brothers in arms were nothing short of heroes for their efforts during the war. Joe Silversmith went on to become a minister after returning home from the war and a well-respected member of the community, always supporting those he ministered to. He will be missed.

As we mourn the passing of Joe Silversmith and celebrate his life, my thoughts and prayers are with his wife, Ramona, and their two daughters during this sad time.

EARLY EDUCATION VITAL FOR CHILDREN

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on Monday, I met with parents of young children in Davie, Florida, in my district who attend early childhood education classes at Crayons Child Care. We spoke about how vital early education is in the development of young children; how early education increases high school graduation rates; how 50 years of solid research has shown that early childhood education reduces crimes and delinquency and yields up to a \$7 return on every dollar invested.

Unfortunately, though, with the passage of H.R. 1 just over a week ago, this body made the largest cut to education in our Nation's history. Now, we all understand that our Nation needs to cut spending; but the society that balances its budgets on the back of its children should not be surprised when the spine of its future is broken. These children are 2, 3, and 4 years old, but the response from Republicans in the House of Representatives is that they would pay for it. That just doesn't make sense. It is morally wrong.

SAFETY OF TRAVELING PUBLIC

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

Mr. DEFAZIO. Mr. Speaker, today President Obama and the Mexican President announced in short order Mexico will begin to reduce its extortionate tariffs on U.S. goods, many from my district and my State. That is good news. But we shouldn't accept a bad deal with Mexico that jeopardizes the safety of the traveling public on our highways; that further jeopardizes our security on the border of Mexico; and, finally, that puts at risk hundreds of thousands of American jobs.

Just think about it: What American trucking company is going to send

their trucks south of the border into the lawless zones with the extortion and the kidnapping and everything else going on down there? No. If we give Mexico free license to drive north into the upper 48 States of the United States, we will lose hundreds of thousands of jobs.

So it is good news they are addressing the tariffs, but we are going to be scrutinizing the details of any deal that this President reaches with the President of Mexico to protect the safety of our traveling public, the security of our borders, and American jobs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the earlier request of the gentleman from Illinois (Mr. JACKSON) to insert extraneous material in the RECORD is granted.

There was no objection.

□ 1010

JOB DISCRIMINATION IS AS PROFOUND AS RACIAL DISCRIMINATION

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

Mr. JACKSON of Illinois. Mr. Speaker, unemployment rates are too high in our Nation: around 9 percent nationally, and within our minority populations, that rate is even higher.

Finding a job is already difficult for hundreds of thousands of Americans, yet a growing number of employers are excluding jobless applicants from consideration—making the job search nearly impossible for those who are unemployed.

Companies have begun to post descriptions of vacancies including statements like “unemployed applicants will not be considered” or “must be currently employed,” leaving those in the most dire need of a job high and dry. It's a practice that I utterly oppose. Congress must put an end to it.

It reminds me of when blacks, women, and Asians were told they need not apply. Mr. Speaker, how on Earth can an unemployed person find a job if he or she is barred from applying?

Unemployment discrimination is as profound as racial discrimination. This is an appalling form of discrimination that deeply harms all Americans, hinders companies from finding the best workers, and further disables our economy. It should not be tolerated in America or anywhere else.

I again call on those plagued by unemployment and joblessness to send me their resumes and their stories to ResumesForAmerica@mail.House.gov.

AMERICARESUMESFOR

From: Joseph Drake [j.fdrake@hotmail.com]

Sent: Tuesday, February 15, 2011 2:19 PM

To: americaresumesfor

Subject: My Resume and Story

DEAR CONGRESS: I am 60 years old, too young to be retired, too old to be unem-

ployed. In the current economy and at my age and health my chances of re-employment diminish. I wasn't planning to retire early, but rather late, because of my small amount of savings. Now, when I do get a job again, I will have to postpone retirement even longer. I had almost no contacts about employment in spite of applying for about 6 to 12 jobs a week since I lost my job. My economic circumstances had gradually eroded so that I had to start living in a rooming house.

Since I returned to Seattle, in 1993, I have largely worked in either retail or parking and had worked for Ampco Parking for 13 years. I haven't had even 72 hours of work since I lost my job last September, and am almost completely dependent on my unemployment check. My bills are piling up. I am planning to start selling my book collection and some of my Videos and DVD's. I am planning to discount my landline and depend solely on my cell phone.

I have lived a diverse and interesting life. Like Obama, I was once a community organizer. I organized A Tenants Union in Santa Cruz, CA once, and then worked in organizing low income workers and neighborhoods, helping their causes and providing services. I have always been someone to volunteer, stating in high school or get involved, and to think of the needs of others. I volunteer at my church on movie nights, as an usher, and on the Peace and Justice Committee.

I have also been a journalist in the past. Now write two blogs and do other online writing. One of the blogs is about my unemployment and life in the margins of America, drawing perspective from the Catholic Worker movement and the social teachings of the church and the bible. My other blog is about the arts. Although I have my own political and religious bias expressed in my blogs, I have my non-Catholic, even non-religious friends, and many conservative friends. In fact some of my blog followers are conservatives to disagree with my solutions, my way of interpreting the social teachings of the church, but admire my concern for the poor and sympathize with my situation. I will probably post a copy of this email for them to read and put a link from my Facebook page to the blog post.

Now I am one of those in need, going to food banks, getting my coffee at Jack in the Box for 55 cents by asking for the senior discount, cutting every corner and buying only what I absolutely need. I hang out in lines with desperate looking characters.

I am uninsured, as Cobra was too expensive for me when I lost my job and I have what was supposed to be a sprain to the finger, but which was probably X-Rayed from the wrong angle, and seems like a permanent injury and deformation. While I can work and use my hand, I can't type with my small finger, or close it completely. Short of going back to the ER and getting more unpayable bills, without benefits I have no means to treat it.

I am hanging in their with the support and prayers of a great church community, my family and friends, my Facebook friends and blog readers. I try to be thankful to God every day for each little thing he provides me and to focus on the bigger issues—like the struggles of the Egyptian people, our nations problems, everyone else who is poor or unemployed. I am hoping, that like the 1930's, we will end the decade as a less selfish, more cooperative, more optimistic nation that when we entered these hard times. I will pray for our nations leaders tonight, that all of you get granted the wisdom to help our suffering people.

I have attached, saved in SkyDrive, my general purpose resume. I have of course

have other resumes, but my general one tells my story.

God Bless you and God Bless all the poor and unemployed,

JOSEPH DRAKE.

AMERICARESUMESFOR

From: Heidi Burrell
[hbur910410@hotmail.com]
Sent: Tuesday, February 15, 2011 2:23 PM
To: americaresumesfor

HELLO: My family and I are Jamaican immigrants and we worked very hard to have the American dream. This means going to school, working 2 jobs and just doing anything that's legal to survive.

I was laid off June 2009 from a big law firm in NYC as a tax accountant making \$70,000 a year. I applied to every job out there, even jobs that were half of my salary. I love the work I do, but companies are afraid to hire me for a 35-50k job. I've been out of work for 2 years June 2011. I was babysitting, until those parents lost their job. I've done other day jobs when they are available. It's very hard when you have kids to worry about.

To the congressman that said people are taking the unemployment checks and saving them . . . which planet are you living on? I receive \$1620 a month: mortgage for my condo: \$812; common charges: 371; insurance: 65, utilities (phone, light, etc): 185; student loan-private (federal on forbearance): 150; credit card: 235.

Thank God I receive food stamps for my children and I receive help from my ex husband (he only works for \$12 per hr). I was never a big spender, my credit card bill happen after I purchase the condo. I cannot afford to go back to school and the grants that NYC offers is suspended. I was never looking to make 70k again, I just need a job that will help cover my living expenses.

Sometimes I feel that I wasted my time and energy doing the right thing. Look at the people on welfare, some never working a day in their life and you bust your butt working hard and going to school and this is what happens. I've attached my resume.

HEIDI.

HEIDI BURRELL

610 Waring ave. Apt. 1H Bronx, NY 10467
(917) 421-6565

heidi.burrell@gmail.com

Objective

To secure a position utilizing my experience in areas of tax, clerical support and accounting.

Education

Pace University—New York, NY; Bachelor of Business Administration 2007; Finance.

Experience

Weil, Gotshal & Manges LLP, New York, NY, Tax Accountant—2008-2009

Prepared federal/state and local supporting schedules for firm's annual partnership tax return.

Managed the timely filing and payment of all sales and use tax, commercial rent tax, and property tax returns.

Analyzed and reconciled expense accounts used for tax purposes.

Managed and maintain an inventory of all records for the partners.

Researched federal/state tax law to remain in compliance with current regulations.

Performed administrative tasks such as updating tax files, filing, copying, sorting mail and mailing partnership return.

Geller and Company, New York, NY, Tax Accountant—2005-2008

Prepared and reviewed 20 international branch supporting schedules for client's tax return.

Created and analyzed client's financial statements.

Prepared quarterly foreign tax projections. Ensured the timely delivery of monthly and quarterly tax payment.

Acted as a liaison and maintained open lines of communication among middle managers and international accounting firms.

Morgan Stanley, New York, NY, Accountant (Internship)—2003-2005

Prepared state and local corporate tax returns, extensions and estimated payments. Responded to state tax notices as needed.

Utilized CorpTax software to prepare returns including input, review of reports, and analyses.

Performed administrative tasks such as updating tax files, typing, filing, data entry and copying.

Skills

Microsoft Office (Word, Excel, Office, Power Point, Access), eForms, SAP, CMS, CCH.

AMERICARESUMESFOR

From: Stephanie Demar
[sdemar44@live.com]
Sent: Wednesday, February 09, 2011 12:43 PM
To: americaresumesfor
Subject: Resume and Story on Unemployment

HELLO REP. JESSE JACKSON JR.: I have been out of work for over three years. I drew unemployment for 2008 and 2009. I have been living with family and friends because I cannot afford to live on my own. I decided to go back to school in 2008 when I lost my job due to a shoulder injury of an unknown suspect who jumped on me outside a local Whataburger Restaurant. This incident cost me my job, stability, and sleepless nights since it occurred because of the intense pain. I am a 33 year old Black female. I recently graduated from college November 15, 2011 from Ashford University in Social Science Education. I am not sure when I will get a job but I have been working as a Substitute Teacher in Arlington ISD here in Arlington Texas. I want to work and have been searching restlessly for years. I do not know what else to do but I know that I am looking for a change to come in my life soon. I have attached my resume as well.

I have recently heard that schools will be losing millions of dollars here in Texas. My concerns are if I recently graduated to become a teacher in Texas. Now that so much money is lost for schools, how I can get a job in my field and what do I tell my children that are asking me why I haven't found a job yet and I graduated from college? How do I tell my students at school to stay in school and go to college if they are watching me diligently look for a job but fail to find one because of all the loss of funds for the education? There are so many teachers who do not know if they are going to have a job next year. How can I think I will have a job in my field if so many are going to be fired?

Thank you,

MS. STEPHANIE DEMAR.

STEPHANIE DEMAR

1611 Hanover Dr. Arlington, TX 76014
6822214278

sdemar44@live.com

A highly qualified Management and Customer Service Professional

Summary of Qualifications

Demonstrated leadership with a proven ability to develop and administer instruction in a formal setting. Skilled in innovative development and challenging others to promote success in all areas of the workplace. Familiar with organizing teams and man-

aged a group of individuals daily which played a significant role in the growth of the company. Excellent customer service and communication skills.

Experience

Substitute Teacher, 9/2010-Present, Arlington ISD, Arlington, TX

Supervised student learning according to the goals and direction of the school and the district

Phlebotomist I & II, 6/2004-4/2008, Carter Blood Care, Bedford, TX

Collected timed specimen from patients; keep lab area neat and clean while following all safety rules. Managed a team of fifteen employees for two years that established many successful blood drives

Education

BA in Social Science with Education Concentration, 5/2008-11/2010, Ashford University, Clinton, IA, GPA: 3.85

Courses Taken Include:

Adult Development & Life Assessment—Provided knowledge of adult development and theoretical concepts of personal and professional learning while improving self-concept.

Contemporary Social Problems—Focused mainly on problems with racism, sexism, drug and alcohol abuse in society while being informed of contemporary problems in the workplace.

Social Psychology—Determined how thoughts, feelings and behavior has a huge impact on everyday living as well as how others are influenced by them in many different social situations.

Acknowledgements

President's Award, May 2009.

Dean's List, September 2008–November 2010.

Magna cum laude Graduate, November 2010.

Perfect Attendance, May 2008–November 2010.

AMERICAN POLICIES

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

Mr. GOHMERT. Mr. Speaker, these are serious times in which we are living. Supposedly there is a Chinese curse that says may you live in interesting times. We certainly do.

I have really been shocked that the mainstream media has not done more in the way of stories on the Americans, the four Americans, on a boat that were hijacked and then killed. Of course it made some news on February 22 when it happened, but it appears it didn't survive much of a 24-hour cycle.

This was an act of war against America. This was an act of war against four peace-loving people who apparently had the gall to travel around and offer Bibles to different places and apparently were spending American blood and treasure in places like Afghanistan and Iraq, only to find out that they were persecuting Christians in a manner that is reminiscent of why people came to Europe and tried to create a country in which Christians could worship freely without being persecuted, tortured, imprisoned, or killed simply for their religious beliefs.

In this case, though, it was a matter of Barbary pirates. I know that most people apparently in Washington have not learned enough from history, but there are so many history lessons that make very clear what Ronald Reagan used to say when he said no country ends up being attacked because they are too strong.

□ 1450

What Barbary pirates have seen and what people around the world have seen, including those in Libya, Turkey, Lebanon, and Iran, is that we have been promoting weakness in the United States and promoting a very weak vision of ourselves around the world.

This story from February 22 indicates that the pirates fired a rocket-propelled grenade at a U.S. Navy destroyer that was following the hijacked yacht with four Americans on board. Then gunfire erupted, and four Americans who had been taken hostage were fatally wounded. They were killed.

I don't know what this administration needs to see in the way of current events or why this administration will not learn from the myriad of lessons from history that when you're dealing with pirates, when you're dealing with religious fanatics—people who want to destroy you and who could care nothing about your life, your pursuit of happiness—you don't placate them; you don't try to negotiate with them; you don't show that, gee, we don't know what to do—or what you will get is more piracy, more terrorism.

There is only one way to respond, which is the way that the United States did in its early days, in the early 1800s, with Thomas Jefferson as President. Some don't go back that far and learn history. All they want to do is look at a fictional approach to U.S. history that says, in essence, gee, we're mean; we're colonialists; we have subjugated people all around the world to our imperialist whims. Unfortunately, despite all the hyperbole and the rhetoric, what we have done is expend American blood and American treasure in the name of freedom, not just American freedom but the freedom of Iraqis, the freedom of Muslims in Eastern Europe, the freedom of people all across Europe—in France, Germany, Belgium, Holland, Poland. All across, Americans have given their lives in the name of freedom. All across the Pacific, they have given their lives, their last full measure of devotion, for freedom.

With no racist view but absolutely, as Jesus said, "Greater love has no one than this, that he lay down his life for his friends."

In the case of Americans, we've lain down lives for people we didn't even know because the concept of freedom was so important.

In our earliest days, Washington, of course, was quite concerned that, in having won the Revolution, we were still not strong enough to survive. So often you'll see in a new government's trying to arise in a country that it

overcommits to other obligations with regard to military, and they lose their young nation. Washington was afraid of that. Through the 1790s, we had Barbary pirates. We had pirates off the coast of North Africa who were capturing American ships and taking American sailors hostage. They would either kill them or they would torture them, but they would ransom them if they had not killed them. At one point, I'd read that as much as 18 percent of the American budget was being spent to pay ransom to get American sailors back.

At one point, Thomas Jefferson was the one who was sent over on behalf of the United States to negotiate with these Muslims about why they were attacking American ships. The discussion apparently included the question:

Why would you attack American ships? We've not harmed you in any way. We're no threat to you. We're not threatening you.

One history lesson indicates that Jefferson was told: Well, under our religion, if we are killed while we are taking action against an infidel, like Americans, then we go straight to paradise, and we're rewarded.

Jefferson was shocked because, as a man who was so well-read, he couldn't believe that any world religion would encourage the killing of innocent people and that the killing of innocent people would gain you a trip to paradise. So he got his own English copy of the Koran, which is still over in the Library of Congress. He couldn't believe it. He wanted to find out for himself.

American history students will know that we finally created the United States Marines. Those who are not familiar with the history may still be familiar with the Marines' Hymn that says, "From the Halls of Montezuma to the shores of Tripoli . . ." Well, it was the shores of Tripoli to which the marines were sent with the message:

We can't continue to pay ransom to bloodthirsty religious zealots, and so we are at war with you until you stop.

It was only then when Americans showed strength that they could not be pushed around, that they would not be taken hostage without a response, and that there would be American blood and treasure spent in the name of freedom to anyone who tries to threaten the freedom of Americans on the high seas or on American soil.

Because the marines fought so valiantly and fiercely and fearlessly, those pirates, the Muslim pirates, learned a valuable lesson of, gee, maybe we ought to leave these people alone for a while—and they did for a long time.

Yet in 1979, after the Carter administration had welcomed back the Ayatollah Khomeini as a man of peace, as one who would bring great peace to the region, the Carter administration had snubbed its nose and abandoned a man who didn't seem to be a very nice man—the Shah of Iran—and rather put all our eggs in one basket with this wonderful man of peace, the Ayatollah

Khomeini, who it turns out would also like to see the United States destroyed, and viewed Americans as infidels as well as the original Barbary pirates did.

I was in the Army at Fort Benning when the hostages were taken. No one at Fort Benning that I knew of was dying to go to Iran, but most everybody I knew at Fort Benning was willing to go and thought we should go because an act of war had been committed against the United States. Under everyone's interpretation of international law, when a United States Embassy or a United States compound is attacked in any nation, it is an attack on that nation's own soil. It is an act of war. This is under everyone's interpretation of international law.

If you go back and if you review the television footage of the day—and I'm relying on my memory of those days because we were certainly paying attention—we didn't know who might be sent. It turns out none of us were sent from Fort Benning because the Carter administration, as eloquent as President Carter was and as peace-loving and as well-meaning as he was, felt surely these people in Iran will see how much I care. They'll see how much I really love them, and we'll negotiate. They'll be impressed by our words. They'll be impressed by our negotiations, and they'll let our people go.

But that's not the way those folks who view us as infidels and who need to be killed work.

In fact, if you go back to your own experience—back to a schoolyard—if a bully is picking on you or especially if a smaller person is picking on a bigger person and you don't defend yourself but instead say "let me pay you money if you'll leave me alone," not only does that smaller person not have respect for the bigger person, but the smaller person will have nothing but hatred, and now you've added contempt because he can't believe somebody is such a coward and so weak when he appears to be so big and strong that he would pay someone who hates him to leave him alone.

□ 1500

So you get hatred, you get contempt, and you get more violence. And that is what we've seen. We have continued to this day to pay the price for the message that was sent in 1979 and 1980 for appearing to be so weak and helpless in the face of Iranians—we were told initially students—who committed an act of war and then gave our hostages to the Iranian Government.

Now as I watched all this unfold, it appeared to me, as a young man in the Army, that—you know, the Ayatollah's spokesman kept coming out and talking about the students—the students attacked, the students have the hostages. That seemed to me, as an inexperienced person in the way of foreign policy but someone who had studied a great deal of world history, that that

was their back door for Iran, that was their way of saying, look, we don't know if the United States is going to be the powerful country we're afraid they might be or if they're really the toothless tiger that we saw tuck their tail between their legs and run out of Vietnam. So let's just test. Let's talk about the students taking the hostages. Let's talk about the students committing the atrocity of invading the embassy. And if America steps up and says you either get our hostages back from the students within 48 or 72 hours or we're coming in and we're addressing this act of war against the United States of America and we're getting our hostages back, and if you kill them, we will be at war with anybody who condoned that action, and that would include the Iranian Government that allowed this to happen and did not intercede when they could have. That's what you have to do and that's what we didn't do.

So it appeared, as it all unfolded, that after 2 or 3 days the Ayatollah realized America is as weak as we hoped they were. This President Carter, he thinks he's a man of peace, we see him as a man of nothing but weakness, as the poorest leader the Americans could offer. So they quit talking about the students have the hostages, the students attacked the embassy, and they started talking about we have the hostages because they gave us time to show whether or not we would react with strength and they saw we reacted with weakness. You can't negotiate with people like that. You instill more contempt on top of the hatred.

And of course I filed, in all three Congresses I've been a part of—and this Congress will be no different—my U.N. voting accountability bill that basically says if you vote against the United States more than half the time in the U.N. in any year, you will receive not one dime of financial assistance from the U.S. in the subsequent year. Now some say, gee, that seems so heartless. Well, the fact is we have been paying money to prop up regimes like Mubarak's. Is it any wonder that the report is he has billions of dollars in the bank when we've been paying Egypt billions of dollars that doesn't appear to have really gotten to the people and helped them? We're doing it all over the world. We're paying tyrants who hate us and would like to see our way of life destroyed with American treasure. It doesn't buy love, it doesn't buy happiness, it buys contempt. And as I've said repeatedly, you don't have to pay people to hate you, they'll do it for free.

In a time when the United States is struggling so with economic issues of just staying afloat, why should we be paying tyrants that hate us and paying people who have not helped their people? I mean, you look at the money that we poured into the Palestinian group and see how much of the money we paid in to help the homeless Palestinians has been paid toward building

homes. It should be a no-brainer. Palestinians, so many of them, hate the Israelis because they have no homes. So they're told, well, blame the Israelis. So they do, and they grow up hating them. Well, why not, with the billions and billions of dollars we've paid out of this country to the Palestinians, why have they not used it to build homes so those people won't continue to hate Israelis and hate Americans?

It's no secret, we're not buying affection with the billions of dollars we're spending overseas. It makes no sense to these countries who hate us that we keep giving them money, but they figure if we're that stupid, sure, they'll take our money, and all the while the dollar gets weaker and weaker and you have more and more claims from people we're giving money to to get rid of the dollar as a reserve currency. And when that happens—if it ever happens—then our economy is in for just the fastest spiral down anyone could possibly imagine. Dollars are required to buy much of the oil in the world. We keep showing this kind of stupidity in our foreign policies and there will be consequences. There were consequences for four Americans who were hijacked and then killed.

As a former judge and State Chief Justice of a Court of Appeals, when I hear stories, I'm constantly looking for evidence so that I can find out, is there any substance to the story that's been heard? Now we see that there was a naval destroyer following, shadowing the hijacked boat of these Americans who were simply going out trying to help people in the world. They were not a threat to anyone, they were providing Bibles and hope from what we can find out.

Well, how does that compare to the incident of the captain of the Bainbridge being taken hostage by three pirates and how it concluded? There were conservative talk show hosts that said, hey, we disagree with so much that President Obama has been doing to this country and in our name, but it looks like he got this one right. Well, a story was circulating—and I was curious whether it had truth to it—that when the SEAL team was deployed, the order was a little different than normal, where instead of the order saying go rescue their hostages and they put together their own game plan for how you go about achieving the goal that's ordered, that this order was a little different, it just said go to the ship and receive further orders there, a little different for a SEAL team, that's what we were hearing, and that they did the drop at night. They had the SEAL team there, and for basically 3 days they had a bead on all three of the pirates in the boat with the captain they had taken hostage, and that at any moment they could have taken out all three pirates for that 3-day period. But the story went, what was circulating, was that the President's order said do not use deadly force under any cir-

cumstances unless the life of the captain is in imminent danger of immediately be taken. Only under those circumstances are you to use deadly force.

□ 1510

Well, when a pirate group attacks a ship, it is an act of war by those pirates. And this administration's response here is just to have a Navy destroyer tag along and try to negotiate.

And they were in the process of trying to negotiate, apparently, when the rocket-propelled grenade was fired at the Navy destroyer and then the four hostages were killed.

Well, the story was the administration didn't want to take any action against the pirates. We'll just negotiate our way through this.

And it's one of the problems with being one of the most gifted orators in American history, if you're that gifted of an orator, the temptation arises for you to think you can talk people into anything. People that hate your country, when they see that you really sympathize with them and not your own hostages as much—certainly there's sympathy for the hostages—but if they perceive that there is sympathy for the pirates or for those attacking Americans, then, sure, they're willing to negotiate, but it appears to be weakness.

And, obviously, these pirates in February were not impressed with America when they took the Americans hostage, committed an act of war, and even had a naval destroyer behind because they perceived we were weak.

Well, the story about the captain of the Bainbridge that was going around was that for basically 3 days, the SEALs were not allowed to take out the pirates, that they could have at any time. And then we heard on the news during that that the captain, while the pirates may have been falling asleep, was able to get out of the boat, get into the water.

As soon as I heard that, I thought, Wow, he was trying to give the SEALs clear shots at the pirates. He must have figured, as I did, that they surely would have taken an open shot if they knew they wouldn't jeopardize the American captain. And so by his jumping out of the boat, it gave them a clear shot to take the pirates out without jeopardizing the captain; but no shots were fired. That surely had to perplex him. It sure did me and many others. Why didn't they just take out the pirates before they drug him back in the boat?

But our American SEALs did nothing. Not because they couldn't or wouldn't; but the story was they were doing that because the President had issued an order that they were not to use deadly force. And the story was going that the captain, when he went out of the boat and these guys came to their senses, that they put their guns down to grab him and put him back into the boat and therefore he was not under immediate threat of death so the SEALs were not allowed to kill him.

It must have perplexed the captain that nothing was done when he got out. But nothing was done. The story went that these SEALs were following orders.

And then came an occasion when one of the pirates that had a gun on his arm or over his shoulder waved his weapon in the direction of the captain and that that's when the SEAL team commander realized he's waving his weapon at the captain, we cannot take a chance. The order to shoot was given—that could have been given anytime for 3 days and ended that terrible ordeal—was given not by the President but by the commander on the scene. And our well-trained SEALs did a remarkable job in taking out two of the pirates and rescuing the captain.

The story went it could have happened anytime, but the order of the President restrained them from doing that because he was convinced they could just surely know how good and loving and peaceful we were and they would eventually let these folks go.

Because this administration apparently had not learned the lesson that Thomas Jefferson had to learn. You can't deal with peaceful negotiating efforts or even paying people money or snubbing your allies and friends to try to convince them that you're really a great person they ought to love. Those things don't work. You have to go to war against them and let them know when they attack Americans, when they attack America that we are coming after them.

We don't have to be at war with a country. We don't have to be at war with an entire race or group of people. There's no need in that. But you go to war with the people that are at war with you, and this administration has not done that.

We have four Americans who are dead. Obviously, this administration didn't want Americans to die. Of course they didn't. That's a terrible thing. And they didn't want it—would loved to have avoided it, certainly. But it's not enough to intend good consequences. You have to study your history lessons and do so objectively, learn from history so you don't repeat the mistakes of the past. And that's what we've been doing.

And as much as I respected and think Ronald Reagan was one of our greatest Presidents, in 1983 when our Marine barracks was blown up and we withdrew from Beirut, it appeared to be further evidence of weakness. And I can't help but believe from people I've talked to that were part of the administration that if he had to do it all over, he would do it in a different manner.

But he had advisers telling him accurately we're in Lebanon on a peace-keeping mission. We have finished the mission. There is no need to keep staying there. Let's go ahead and get out. There's no reason. We've finished our job. Let's get out before any other Americans get killed.

The problem was when we did, it appeared to be follow-up weakness added

to what President Carter had shown on behalf of this country.

And now we see it on the high seas.

We have a naval destroyer. We have SEAL teams. We have Army, Navy, Marines, Coast Guard, we have Air Force that can achieve things nobody in any prior service could have ever dreamed could be accomplished. We have a better military than I ever dreamed we could have had back when we had just gone to an all-volunteer Army and I was concerned about our national safety. Amazing military. Smart, motivated. And yet despite that, we're showing weakness.

Now, the story that was going around was that the captain that ordered the fire got a hot call from the White House saying—really chewing him out, that the SEAL team around didn't know what was being said but they knew that their commander was getting chewed out royally. And supposedly the story that was circulating was that he eventually said, That's fine, sir, and that apparently wasn't the President but said, You can tell the President that if he wants to continue this rear-chewing of me and my team, we're going to arrive at Andrews Air Force base, wherever they came in, at a certain time and the media knows, and you can dress them down there. Or you might want a good photo op and you could be there—told the President he could be there to congratulate them. And of course there was a wonderful photo op, and these great heroes were welcomed by the President as he should have.

That was the story going around back after the attack on the Bainbridge.

And so ever since then, I've been looking—I'd heard this story. I was wondering is there any evidence of similar activity that might give substance to that story. And how we handled these four Americans, these loving, caring Americans being killed on the high seas seems to be that kind of evidence, that this is our mode of operation. You commit an act of war against Americans, you commit an act of war against our ships, and we're going to send a Navy ship to follow you and try to offer you bribes to leave us alone and leave the people alone, but you don't have to worry much.

□ 1520

But after the rocket-propelled grenade was fired, it all went bad and four Americans are dead. It's shocking. We need to show strength.

And I was a year ago in April in West Africa with a group called Mercy Ships that brings healing. The lame walk, the blind see. They bring a ship into a port of a country that needs health care and they provide treatment to thousands of people. And I had gone to see this for myself.

And before I left the ship after the days there over the Easter break, some of the West Africans wanted to visit with me. And the oldest, a wonderful,

wonderful man, I don't know how much education, but a smart man, great wisdom, he said, in essence, we wanted to make sure you understood as Africans we were excited when you elected a black President. We were excited. We thought it was wonderful. But since he has been President, we've become very concerned and a bit afraid because we see him showing weakness for America. And we need you to please convey in Washington that America is the hope for people, Christians like him. People who want peace around the world, we're their hope. And if you show weakness, and if you weaken America, we don't have hope in this world.

As Christians, they knew where they would go in the next life. But they also knew that America stood for hope in this world. And when we show weakness, as we have been doing, then it signals the tyrants to have their way. And we've got to stop that.

Now, may I inquire how much time is remaining?

The SPEAKER pro tempore. The gentleman has 25 minutes left.

Mr. GOHMERT. I wanted to shift gears because we have been doing so much talking about the continuing resolution, which is just an ongoing funding of the way things are going, except for amendments that have been adopted to the CR. And we have talked so much about health care and the President's bill that many call ObamaCare.

And in the CR that was debated for over 90 hours, with an open rule until a unanimous consent agreement was reached, you know, 80 hours or so into the debate, it was the first open rule we have had like that in years. Certainly we didn't have such an open debate and an open rule during the last 2 years during the Democrats' control of the majority in both the House and the Senate. We didn't have an open rule here. And we were advised that it was the first time in America's history that there was not an open rule where you could bring, anybody could bring amendments to the floor and offer them to a bill.

Now, it's not a pretty thing to watch, all that debate going back and forth. And I know I hear some people say, you know, you guys shouldn't bicker so much back and forth, but they show a lack of knowledge about what the Founders intended. And Justice Scalia put it so well to a group when one asked do we have more freedom in America because we have the best Bill of Rights in history. And Scalia, as only he could do, abruptly said, basically, well, no, even the Soviet Union had a better Bill of Rights than we do. And I had forgotten, but back in college, during one of my history and world courses, I had written a paper on the Soviet Government and their Constitution, their Bill of Rights.

And Justice Scalia was exactly right, they had more promises in their Bill of Rights than we do. But as Justice Scalia so aptly pointed out, the reason we have more freedoms in America

than any country in history is because the Founders did not trust government, so they put as many impediments in the path of creating laws as they could. Because they knew if they made it too easy to pass laws, then it would be too easy to subjugate Americans and take away their freedom and have government get bigger and bigger until they basically took away people's freedom and their way of life to which they had become accustomed. They knew that. They had seen that. They learned that from their vast reading of history.

They had such great knowledge of the writings of the philosophers and historians. They understood all that. They did not trust government. So they were not going to be satisfied to have one House as a representative body because it might be too easy for one body, one group to take over control of that one House and then ramrod through all types of oppressive legislation like ObamaCare, for example.

So they were so worried about that they created a second House of Representatives, ended up being called the Senate. And they were selected a different way, by the State legislators, so that they would be responsible to the State legislators so that they wouldn't end up taking away States' rights, and certainly wouldn't allow the House of Representatives to take away a State's rights.

So they thought, gee, two Houses. But even that wasn't good enough because they realized, you know, we could do like as has been done before and have a Prime Minister elected by the legislative body, and he would be the top executive. It's not good enough. It's not enough of an impediment or an obstacle to passing laws. We still want to make it harder to pass laws. So let's create a separate executive branch and have the Executive, the top Executive, the President elected by the entire country, and at least elected by the entire country's Representatives. But that was going to be a different format.

And then they set up the judiciary branch. And both the President could veto and even the judiciary, as it turned out, was going to be able to veto things if it got through the House and Senate and yet took away some constitutional right. They thought they created a good enough system that wouldn't be as abused as the entire system was in the last few years.

They could not have imagined that a 2,900-page bill, ObamaCare, could have been crammed down the throats of American citizens that poll after poll showed did not want it. They would never have imagined that the Senate would not be independent enough and would be so taken over by one political extremist group that they would pass through such an oppressive bill that would force a government takeover and government control of everybody's health care, that would force every American to have their medical records sent to a central repository

that supposedly General Electric would handle because they are good cronies with this administration; and they would take care of every American's records because the Federal Government would have control of all of that.

And not only that, they would take control over all the health care insurance companies. They would take control over ordering what would be allowable under health care, what would not be allowable under health care, all in this massive bill that would provide for supposedly hundreds of thousands of regulations that would follow to interpret those 2,900 pages.

They could never have imagined that it would get that bad in this country that the system they created to throw obstacles in the path of government creating laws that the American people did not want, and certainly not that a majority of Americans didn't want, and by golly, they got it through. They rammed it through. They used carrots. They dangled benefits. They added all kinds of pork to bills.

□ 1530

They threw in something for the big pharmaceuticals. They threw something in for the trial lawyers. They threw something in for the AMA. They certainly threw a big juicy bone in there for AARP—well, a bunch of juicy bones, actually. They threw all these things in for all these interest groups except for the one who poll after poll said we don't want it. Don't do this.

You promised us you would negotiate a health care bill on C-SPAN and we would be able to see who was out for the people. So all the people could assume was that because none of that was done on C-SPAN, other than a dog and pony show after it was basically done and about to be crammed down the Republicans' throats anyway, we had a little summit and it got crammed down our throats anyway and Americans didn't want it.

Well, I did go through the original 1,000-page bill. I went through the 2,000-page bill. I put off going through the 2,900-page bill because who knew if there would be a fourth or a fifth on top of that. I didn't want to end up going through yet another bill that wasn't going to be the one that really was the one that was seriously going to be made law, so I put it off.

And when I got around to going through and reading the 2,900-page bill, you know, I will admit, I was wanting to look at what the sections did, their effect. And so I was struck by finding, really, ingenious or insidious language and drafting provisions, depending on your viewpoint, for example, with abortion. There was a section there saying, you know, you couldn't have Federal funds for abortion, but over in the section that was going to allow it, instead of mentioning the word "abortion," it just referred to the section. So if you went online and did a word search for the word "abortion," you wouldn't see all of the provisions that allowed for

abortion in Federal funding; you would only find a restricted group, that kind of really clever hiding what was going on.

I passed over a lot of the numbers that were utilized. So it was a bit surprising to find out here recently, and going back through, and Ernie Istook, a former Member here I served with, now with the Heritage Foundation, yesterday provided me with copies of specific pages of the bill. Again, this is public law 111-148 and 111-152.

But if you looked at, let's see, consolidated print -26, here it says down here: Hereby appropriated to the Secretary out of any funds in the Treasury, not otherwise appropriated, \$30 million for the first fiscal year.

And it goes on, and another page says: There are hereby appropriated to the trust fund, the following, and it appropriated 10 million for this, 50 million for that, 150 million for that, another 150 million, another 150 million.

And you go through these, and it's staggering how much money was actually not authorized, but they used appropriating language. Because, as many people know, and I am finding more and more that are watching C-SPAN, but they know, gee, normally you have a budget. Well, there was no budget last year. The majority didn't want people to see exactly how the money would be budgeted, so they didn't bother with one in election year. First time in decades, as I understand it. But we didn't have a budget. And then we had this, beginning of this continuing resolution stuff. But normally you will have a budget. You will have an authorization for expenditure, but then it had to be followed up with an appropriation.

Well, ObamaCare went straight to it and appropriated vast amounts of money. In fact, in this first year of 2011, fiscal year 2011, there is \$4.951 billion appropriated in the bill. They apparently not only overran all the obstacles and hurdles that the Founders put in our way to come up with so that we would not come up with legislation that Americans did not want, they overcame that. Then, just to make sure that it would be difficult to ever stop this by unfunding it, they actually didn't just authorize, they appropriated \$105.464 billion in this ObamaCare bill, over \$105 billion from 2011 through 2019, \$105 billion.

Now, the rules get a little complicated around here, and any amendment that seeks to rescind a prior appropriation is going to be subject to a point of order objection and not be allowed because it legislates in an appropriating bill, and under our rules you can't legislate in an appropriating bill.

So the only way—and these people that put this language in here, they knew it. When they were telling America we know we are broke; we have got to rein in spending, all the while they were sticking in \$105 billion of spending in one bill, not authorizing, not saying, gee, you may not be able to afford this

5 or 6 or 7 years from now. So, instead, they just said we are appropriating it and you can't do anything about it, because under the House rules you try to bring up an amendment to rescind that, it's subject to a point of order objection and we can keep it from coming out.

The only way that I understand that this \$105 billion that's now been appropriated by the last Congress, the only way that can be taken out is to have a provision in the original bill from the appropriators, not an amendment, a provision that rescinds this \$105 billion of appropriations in this prior law from last year, and it's in the original bill. And then the Rules Committee waives any point of order objections to that rescission being in the appropriating bill. My understanding is that's the only way we can get it done.

The amendments we were trying to do and that we got done apparently are not going to accomplish that. We are going to have it in an original committee bill rescinding all of this massive amount of money. Right now, we will be borrowing 42 cents of every dollar of that \$105 billion. It's irresponsible. It's almost inconceivable, except here it is in black and white in front of us.

America deserves better than this.

I told some folks back home, I have mentioned before, it strikes me that this government in this last not just 4 years, but even going back into the last few years and especially the TARP bailout that was such a disaster and should never have been passed, that this government became like a parent who had an overwhelming desire to spend and could not control their own spending.

So the parent goes to the bank and says, You have got to loan me massive amounts of money. And the bank says, How are you going to pay it back? You are not going to live long enough to ever pay this back. And the parent says, No, but I have got my children here, and they are going to have children and those children will have children. So my children, my grandchildren, my great-grandchildren, I am pledging they are going to pay back all of this self-centered massive amounts of money I am throwing upon me and my friends, and I am pledging and promising my children will be indentured servants for the rest of their lives because I can't stop spending.

Now, in a case like that, you would probably have the Child Protective Service come swooping in and say you are an unfit parent. You have no business having children when you are selling your children's future for your own use of money now. How irresponsible that is. Do you care nothing about the children that you can't quit lavishing all that money and paying your friends for doing nothing?

□ 1540

You can't control your spending, so that your children, grandchildren and

great-grandchildren can have freedom like you had it? You can't control that? You're an irresponsible parent, and you shouldn't even have these children if you're going to do that. I've heard the Child Protective Services in Texas come in on a lot weaker claims to take children away from parents than that. It's irresponsible what we're doing. And to pass a bill that was against the vast majority will of the American people and to stick in \$105 billion of spending is just irresponsible. It's got to stop.

On one final note before my time concludes, having been a judge and a State chief justice, I'm sensitive when I hear judges threatened. And especially in the wake of the GABRIELLE GIFFORDS shooting and the loss of life in Arizona, we really should not be provoking actions to the point of violence or threatening actions. And I have certainly had my share of death threats as a judge. But it was usually only when they included my family that it got serious. And we have a group that's held itself out for years now, Common Cause, as this wonderful nonpartisan group. And yet you see over and over, like you did here recently with the rally they held in California with Van Jones—such an impassioned socialist—speaking and stirring people up against Justice Thomas and Justice Scalia.

Justice Thomas himself, after one of the most embarrassing episodes in American history, the way he was treated as he went through the hearings for confirmation to the Supreme Court, he said himself, it's a modern day lynching, high-tech lynching. And in his book, "My Grandfather's Son," where he describes coming out of poverty, severe poverty, and making it on nothing but hard work and his brilliant intellect he achieved the great heights he has. And I have heard him say himself, he started out in college as an angry black man and left-wing extremist who came to realize more oppressive government is not the answer. But he also came to see firsthand, as he has described it, that if you're an African American and you spout the words that the liberal left tells you to say, then they love you. But if you dare—as he points out, otherwise I wouldn't use these words—but he says if you dare to step off the plantation and think for yourself, then here comes all the groups that come after you. And we have seen that with this attack from Common Cause that they are using to fundraise this attack after Justices Thomas and Scalia.

And, again, I look for evidence, are they nonpartisan? Well, it seems like they only come after conservatives, mainstream Americans, but they encourage left-wing extremism on a wholesale basis. But to be attacking Justices Thomas and Scalia and stir up sentiment, they sent out the e-mails urging people to come, they sent out the notices of what they were doing, urging people to come. They knew who they were sending those to. They urged

these people to come. And what they got was the friends that they had invited saying that they wanted to string up, basically lynch, one of the most honorable people in the America, Clarence Thomas, that came from the most oppressive background and fought and worked his way up, as he would tell you, with the help of loving grandparents to the status that he has, and they want to do a high-tech lynching of him now.

Except the people that they stirred up aren't going to be satisfied with high tech. They want to lynch him, and they want to lynch his wife. And when you look for evidence, well, have they been saying this all along about other incidences that were similar? Well, when we got a national leader of the ACLU, they never mentioned one word about perhaps she should recuse herself from things that involve the ACLU, and our sympathies go out any time anyone loses a spouse, but when people on the Supreme Court who came from leftist backgrounds had spouses that had direct interests that were affected, Common Cause was silent. Oh, no, they raised their money on going after people that are mainstream conservatives and believe in the Constitution meaning what it says.

And after bringing this up at a press conference this afternoon, we get word that Common Cause has come out and said, we apologize. We never meant for them to say that. No, actually, that's not what they said. They came out and said—this is laughable—they didn't come out and condemn people that want to lynch a Supreme Court justice or justices and their spouses, family and torture them and do these terrible things. No, it didn't say anything about that. It just said this is laughable because they are still raising money. And it is time the Justice Department started being fair about justice and not "just us" at their Justice Department but look into Common Cause and look at whether they really deserve to be called "not for profit" and "nonpartisan" because what they are doing to stir up Americans against honorable Americans is intolerable. America deserves better.

The adage is, Democracy ensures—America, any country—Democracy ensures that people are governed no better than they deserve. My hope and prayer is we deserve better in the next election.

THE EPIC STRUGGLE OF PUBLIC SERVANTS

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

Mr. KUCINICH. Mr. Speaker, today in the State of Ohio, the State of Wisconsin and the State of Indiana there are epic struggles underway where those who serve the public, who teach

our children, who police our streets, who fight the fires and who perform a myriad of services at a State, county and municipal level, are under attack. Their wages are under attack and their benefits, pensions and working conditions are under attack. And these public workers are being made the scapegoats in all of the budget challenges which States face. They are now blaming the workers.

Our whole economy has been turned into a somewhat efficient engine that takes the wealth of the American people and accelerates the wealth to the top. That, after all, is what our tax system is about. That's what Wall Street is about. That's what banking is about. That's what our energy policy is about, taking the wealth of millions and giving it to a few oil companies. If you examine every area of our economy, you'll see that we're at a time in the history of America where the rich truly are getting richer, the poor are getting poorer, and the middle class is getting destroyed.

Enter public workers, people who have dedicated their lives to public service, people who are truly public servants in the truest sense of the word, people who were told that if they agreed to public service that they would have certain guarantees. And so they dedicated their lives.

□ 1550

Ohio has a new Governor, a person who I served with in this House, and from the moment he has come into office, he and his supporters, have run an agenda that is aimed at vitiating the rights of public workers. This resulted yesterday in the passage by a single vote in the Ohio Senate of S.B. 5, a bill that will strip collective bargaining rights just about across the board from public workers, that would take away public employees' right to strike, that would make the penalty for a strike removal with replacement workers that will open the door to privatization of services.

Now, my read of what is going on in Ohio, which is my home State, is this: That by attempting to crush public workers, by telling them you will not have any ability to negotiate your benefits, you will not have any ability to negotiate your working conditions, your health benefits, your pension, these provisions are not subject to discussion; the number of people working with you at any time, not subject to discussion. What has happened is that we have seen accomplished an economic attack on workers which will lead to them working for less, but opening the door to privatization schemes which, Mr. Speaker, works like this: You make public workers the issue. You say that they are paid too much when I have here a matter for the record from the Economic Policy Institute which says that Ohio public sector workers are undercompensated compared to private sector counterparts. But facts, unfortunately, mean little in this debate.

But you tell the public that these public workers are overpaid. And this new law, Senate Bill 5, would enable the State of Ohio to do this, you then say we are going to privatize this section of the workforce. We are going to put the work out for bids. We are going to get a private company in here to do it. And oh, we promise it will be done more efficiently.

While the taxpayers then go to sleep, they wake up one day and they discover that what has happened is that they have permitted a privatization of their services and they end up inevitably paying more and getting less. The corporations walk away with the profits; the privatized workers get paid less in order to enable the corporations to make more money.

So ultimately what Senate Bill 5 in Ohio will do is end up costing the State government even more. There is not going to be any savings when you set the stage for a weakening of workers, when you set the stage for making it illegal for them to strike and then knocking them out with replacement workers and then setting things on a path to privatization. That is what this bill is about.

You look in Wisconsin, and I believe it was Paul Krugman and others who pointed out that in Wisconsin, there was a provision in the Wisconsin budget from the Governor of Wisconsin's bill, it says sale or contractual operation of State-owned heating, cooling, and power plants, saying that the department may sell any State-owned heating, cooling, and power plant, or may contract with a private entity in the operation of any such plant, with or without solicitation of bids.

So you can have a private contractor just give it away without any bids at all. They are power plants that serve facilities in the State of Wisconsin. These are the kinds of thing that we can expect in Ohio, except in this case we are talking about the privatization of public services. Now, the privatization of public services in a way is well established already, unfortunately.

The AFL-CIO Public Employee Department produced a paper which talks about when you get into privatization, the public ends up having really little accountability on the question of public funds. They point out that private business has no business allocating public funds or monitoring the use of public funds. It is a question of fiscal accountability.

Look, we know when there are massive amounts of money available that goes from the public sector to the private sector, let's take Iraq or Afghanistan with respect to contracts, billions of dollars disappear, get wasted. It ends up being a racket. Reduce it to a State level, and you have the potential for fraud. You have the weakening of the community's ability to assert collective interests. And as I said, the resulting savings that taxpayers are being told will occur are actually directed to the corporations so they get higher

profits. Privatization is inevitably a racket.

As a Member of Congress in my home district in Cleveland, the Defense Finance Administration wanted to privatize a number of accounting jobs in Cleveland. Mr. Speaker, I had a 7-year battle with the Defense Finance Administration where we proved that the taxpayers were getting taken for a ride in this privatization plan that was being promoted by our government to the tune of tens of millions of dollars. We reversed the privatization. Privatization is at the core of this battle in Ohio because the assets of the State are worth countless billions of dollars.

You can take a workforce that is over 300,000, about 350,000 public workers in Ohio, that would be affected by S.B. 5. There is not a service that can't be privatized, but then the public doesn't have any control over it. They can't call up their elected official and complain about a service that is privatized. They have to call up the corporation. And they end up paying more in taxes. People need to understand that. States have budget difficulties they have to deal with. I've got that. I understand that. States need a revenue-sharing plan from the Federal Government, but the Federal Government doesn't have the money right now. Why doesn't the Federal Government have the money? Well, how about the fact that the Federal Government is spending trillions of dollars on wars, one of which is based on lies, the other one based on a misreading of history.

Joseph Stiglitz, a Nobel Prize winning economist, in his book with Linda Bilmes, it's called "The Three Trillion Dollar War," has stated that the cost of the work in Iraq will run between 3 and \$5 trillion, just to U.S. taxpayers; the cost of the war in Afghanistan is already over half a trillion dollars. The long-term cost of that, since we are still in a period of acceleration of that war, will certainly go into the trillions of dollars.

We saw a couple of years ago Wall Street come to this Capitol. Suddenly, the waves parted: \$700 billion in loans when Wall Street was flagging. That could have been anticipated that Wall Street would create incredible speculation when Glass-Steagall was effectively repealed when they took down the wall that separated commercial from investment banking. Those who were the cops on the beat kind of walked away while this bubble was building on mortgage-backed securities, hedge funds, speculating, inflating the bubble, it burst, and all Americans got hurt. But all Americans didn't get made whole. Most Americans have experienced a 30 percent drop in the value of their mortgages while Wall Street is enjoying record profits once again, while Wall Street, once again, is experiencing high salaries and high bonuses.

Not on Main Street, though. On Main Street, they have 15 million unemployed, 12 million underemployed, 50

million people without health insurance, and 10-12 million people whose homes are or have been in jeopardy.

So then you go back to the State level where States are pressed, but States are pressed in part because of the mismanagement of the national economy and because we have a monetary policy that has worked for Wall Street but it certainly hasn't worked for Main Street. So by the time this debate gets down to a State level, those executives who are more inclined towards a corporate point of view are saying, look, easy, we'll just knock out the public unions.

□ 1600

But there are serious implications to this type of thinking, because what we are actually doing is setting aside an entire struggle that has been part of America's history that we should all be proud of. The civil rights movement is part of America's history we should be proud of: the civil rights movement which resulted in constitutional changes; which recognized the rights of all citizens as being equal, truly equal; the civil rights movement which accorded women an equal place in our society, of course with the exception of pay; but nevertheless, the potential for an equal role in our society is something we should be proud of.

With that civil rights movement, the labor movement moved the pace, and that labor movement was about lifting everyone up, not just those who were members of unions. Unions came about because workers were being crushed; they were working in awful working conditions; they were subjected to forms of slave labor; they were working long hours and were paid very little; they were working under conditions that put their lives in jeopardy. America had a tradition of child labor at one time. All that changed with the laws that were passed in this Chamber.

We should be proud of what America has been able to accomplish in lifting up the status of working people in our society so that you could have an 8-hour day, so that you could have a safe workplace—so much so that today we understand that intimately linked to the very nature of our democracy is the right to collective bargaining, which is the very right that is under attack in Ohio and Wisconsin and Indiana and other States across this Union.

The right to collective bargaining is being able to assert a First Amendment right of association. It is being able to assert that workers have a sense of agency and to know, in a society where capital can be amassed in tremendous sums, that one individual has the right to be able to assert his or her rights because they have representation, because there is a law that says they have the ability to be able to have an influence on how much they are paid and on what their benefits and their working conditions will be.

That's the essence of what it means to be a democracy: that workers have a say and that it's not top-down.

This isn't a dictatorship. Yet S.B. 5 sets the stage for a kind of dictatorship, top-down. These are your working conditions. Take it or leave it. These are your benefits. Take it or leave it. Don't ask any questions. Shut up and go to work.

When did America buy into that? The minute we buy into that kind of mentality, how does that separate us from what's happening in China? I want people to focus on this for a minute. We passed a trade agreement with China, China Trade, which I voted against, which had no provisions for workers' rights, human rights or environmental quality principles.

A month ago, I had some paper workers in my office from Washington State, and they showed me how many jobs in their industry have moved out of Washington and how many plants for their industry have opened up in China. It's amazing to look at a map and see, well, they were here once, and now these same jobs are in China.

In China, workers don't have any rights. There is no right to collective bargaining in China. That's not part of the discussion. The government of China is run under a different philosophy. Workers don't have a right to strike in China. There's no right to decent wages or benefits. Oh, yes. It's called Communist China. Excuse me.

As part of a democracy, we assert—and have a right to assert—that workers here do have a right to collective bargaining, that they do have a right to join a union, that they do have a right to strike, that they do have a right to decent wages and benefits, that they do have a right to a secure retirement, that they do have a right to a safe workplace, that they do have a right to be able to challenge legally an employer who maintains an unsafe workplace. They have the right to participate in the political process.

So many of these rights are under attack at the State level today, and this has an effect not just on public workers but on all workers, because if America begins to take down the hard-earned rights of workers, whether it's in the public sector or the private sector, and if we try to justify it, here is what we can look forward to:

We can look forward to lower wages; we can look forward to people having zero health benefits; we can look forward to people having zero pensions; we can look forward to workplaces becoming less safe; and we can look forward to becoming a little bit like our trading partner in China, which, by the way, has about a \$200 billion trade advantage with the United States out of a trade deficit that is in excess of \$450 billion.

So are we exporting our democracy? Are we importing values that are estranged from a democratic society? That's really the question that we have to ask ourselves if we think that what happens in Wisconsin doesn't relate to us or if we think that what happens in Ohio is none of our business.

Mr. Speaker, I went to Columbus, Ohio, and stood with thousands of workers. I stood with firemen and policemen and teachers. I stood with people who care for children and seniors. These people are people who have dedicated their whole lives to public service. They have a middle class standard of living because they have that dedication. They are people who are not our enemies. They are our friends. They are our neighbors—and they serve us.

Since when are we now faced with looking at those who serve us as being opposed to us? How did our country get that way? Why can't we come to an understanding? We have a collective interest here. Why can't our Governors tell the truth about what's really happening?—which is that States are getting strangled because of policies at a Federal level that are making it much more difficult for States to be able to get any assistance at all.

I have not run into any single labor leader who said that they did not want to negotiate the issues that are at hand. I've not run into any labor leader who didn't understand that State budgets are tight and that they want to make sure that States can meet the needs of all the people. But this top-down approach, this political approach to dictating what the conditions are and what the rights are for State workers, sets the stage for an estrangement of people from their own government.

So we have to look at the issue of collective bargaining. In the State of Ohio, we have to understand that the fact that they have collective bargaining makes strikes less likely. This law was passed in 1993 in Ohio, and collective bargaining actually provides for the public's health, safety and welfare. This bill, Senate Bill 5, is aimed at eliminating collective bargaining. It would not only prohibit the State from being involved at this point in collective bargaining for the purpose of benefits and working conditions, but it would also prohibit counties, cities, and other local government employers from continuing to negotiate employee benefit plan coverage and also to set community-based standards for public employment.

□ 1610

What of home rule? I mean, at a State level, cities that are home rule should be able to make these decisions. This flies in the face of a constitutional right which cities have for home rule.

Senate bill 5 is really an attack on quality public service. It represents a destructive undermining of the compact between government and their workers. It changes the whole relationship. And it cannot do anything—cannot do a thing to improve the quality of service.

Look at some of the biggest industrial corporations in America. They had their battles with labor, but they

also understood that by having a workforce they could work with—the steelworkers work with the steel industry to produce a quality steel product, the autoworkers work with the auto industry to produce a quality car. In aerospace, we have some of the best technology in the world, and the industry works with unions.

The whole idea about being able to negotiate for your wages, to be able to negotiate for your benefits is so that you can elevate the condition of your family and yourself. These aren't selfish people; they're people just trying to make a living. They just want to continue to do their work, to have an opportunity to negotiate their pay, to be able to negotiate their benefits—to have benefits—so that then they can go home and put food on the table and maybe be able to send their children to a decent college and maybe be able to put a few dollars aside, maybe be able to save a little bit for their retirement in addition to a pension plan that they have at work. When has that become asking for too much?

I think it was Rachel Maddow the other day had something that was a joke on her show where she talked about—I'll paraphrase it: people sit down at a table and you've got a CEO sitting at a table and you've got workers and a tea party member sitting at a table and there's 12 cookies on a plate. The CEO grabs 11 of those cookies and then the worker goes to get that remaining cookie and the CEO says to everybody at the table, Better watch that person, he's trying to take your cookie. This is what's going on in State after State.

And this is actually what's happening in our economy, where it's working people who are the target of this attack. And it's not only at a State level. Every worker in America understands the downward pressure on wages unless you're on Wall Street. Every worker in America knows that if they don't have job security they can't plan for anything.

There are so many people in America who are a single paycheck away from losing their home, from losing everything they ever worked a lifetime for. And in this economy, where corporations have extraordinary power, where because of our trade agreements they can move out of this country like that, we're going to further weaken the ability of workers to have a voice at a State level, or anyplace at all? Come on, America, wake up.

We have to understand the implications of what's happening in Ohio and Wisconsin. We have to understand that our very way of life is at risk here, that if corporations can use their influence to get State leaders to knock down workers' rights, it won't be long before every worker in America is reduced to a form of peonage.

People can laugh and say, well, that can't happen. Well, you know what? I want to quote to you from a book by Robert Scheer called "The Great Amer-

ican Stickup." And the subtitle of it, so that you know that I'm not partisan here, Mr. Speaker, the subtitle of it is, "How Reagan Republicans and Clinton Democrats enriched Wall Street while mugging Main Street." I won't get into that too much, but I do want to quote from Mr. Scheer's book.

He talks about how two University of California economists, Emmanuel Saez and his colleague, Thomas Piketty, they analyzed U.S. tax data and other supporting statistics, and they concluded that the boom of the Clinton years and afterwards primarily benefited the wealthiest Americans.

During Clinton's tenure, from 1993 to 2000, the income of the top 1 percent shot up at an astounding rate of 10.1 percent per year while the income of the other 99 percent of Americans increased only 2.4 percent annually. In 2002 to 2006, the next surge of the boom that Clinton's policies unleashed, the numbers were even more unbalanced. The average annual income for the bottom 99 percent increased by only 1 percent per annum while the top 1 percent saw a gain of 11 percent each year. Further, just as the good times of the Bush years saw almost \$3 out of every \$4 in increased income go to the wealthiest 1 percent, the GOP cut taxes for the richest brackets.

So as I said at the beginning, the whole economy is being converted to an engine that takes the wealth of America and puts it in the hands of a few. How can you maintain a democracy that way? An economic democracy is a precondition of a political democracy.

The minute we start attacking what people make, the minute we start putting pressure on people's wages—and keep in mind, it's okay with Wall Street to have 15 million Americans out of work. Why? Because that creates a big labor supply, which does what? Keeps wages down. So instead of having a full-employment economy—which really ought to be what we should expect in a democracy, that everyone who wants to work has a place—we have 15 million workers out of work, 12 million underemployed, but Wall Street keeps making more and more money.

We're being told there's a recovery, but it's a jobless recovery. And so in this morass we see an attack on public workers. You have to recognize exactly what's going on here. This is still another attempt to grab more assets from the people and put it into the hands of a few. Just think what can happen in Ohio if the State legislature goes ahead and passes S.B. 5. If the State house passes it, the Governor signs it into law, we will just set the stage for massive privatization which will reduce service, increase its cost, and put money into the hands of private corporations; more wealth going to the top, less ability for workers to defend their interests. And these are people working for us. State workers, city, county workers, they're the govern-

ment. They are the ones who provide service.

I served at a local level, Mr. Speaker. I was a councilman. I served as a mayor. I served at that local government where government is really close to people. It provides an opportunity where people can get on the phone and say, hey, Mr. Councilman, we need somebody who's going to fix this street. Take care of it. Well, there's political accountability. You get enough calls, it's not taken care of, you won't be reelected.

But that control that comes from people in the neighborhoods to city hall, when you break unions and you set the stage for privatization of their jobs, you break that, you break the tie.

□ 1620

Then it's the government at the top that has to do with the corporations to make sure their workers are doing right by the people.

The essence of democracy is accountability. The essence of democracy is that people have the ability to be able to contact their government and be able to change conditions if they don't like it. And also the essence is service. People pay taxes, they should get something in return.

And yet the public workers who are being attacked in Ohio and Wisconsin and other places are the focal point of a great debate over whether or not we will continue to have something that we call government of the people.

All across this country, Mr. Speaker, there are Governors who are facing budget shortfalls, and they're watching events very carefully in Ohio and Wisconsin to be able to determine how far they're going to go. We're looking at cutbacks in pension benefits, cutbacks in health benefits—some of which the representatives of the workers are actually agreeing on in order to keep the jobs.

But we're also looking at this parallel attempt to knock out bargaining rights. What does one have to do with the other? If people don't have the right to collective bargaining, they don't have a right to a sense of agency in dealing with governments, they're just reduced to nothing.

Why do we do that to people who serve us? Why should we do that? And why shouldn't we be calling into accounting those public officials who, by and large, will be representing corporate interests or corporate thinking?

There are those who think that the interests of corporations and the government are one in the same. Oh no they're not. Government exists to provide service. Corporations exist to make a profit. Fine. But let's make sure we understand there's a difference.

Government does not exist to make a profit, but it does provide a service. And when government's resources are starting to be eroded, we have to ask why. I'll give you an idea, Mr. Speaker.

We're being told that there's just not enough money anymore. Let's look for

a moment at our monetary system itself.

When you go to a bank and you take out a loan, the bank will book that as an asset. Banks for years and years have been using a device known as a fractional reserve where they're able to create for every dollar they book as cash that they claim to have. They're able to create another \$9 or even \$10, maybe more. And that device, known as a fractional reserve, has given our banking system essentially the money to create—the ability to create money out of nothing.

Now, there's some people who are okay with that. They say, well, banks have to have this ability; but when banks have that ability, we also know that banks have been prone to being able to make transactions when they got involved, as a bank in Cleveland did on mortgage-backed securities and they began investing heavily, actually investing money they didn't have. When the market collapsed, the bank collapsed.

So this device of fractional reserve actually in this economy has ended up helping to fuel speculation.

And what about the Fed? The Fed, which this Congress has tried many times—and I've worked with Mr. PAUL on this—the Fed has virtually no controls whatsoever, limited accountability. When the Federal Reserve Act was passed in 1913, it really took out of the hands of this Congress the ability to have control over the monetary system.

Now, this Constitution of the United States, which I carry with me, article I, section 8, Congress has the ability to coin money. Now, to coin money doesn't mean just to make coins. It actually means to create money, to publish money.

That was a foundational principle of the ability of Congress to have a role in the money system. We basically sent that over to the Fed with the 1913 Federal Reserve Act. So the Fed, through another device known as quantitative easing—I want everyone to remember this—quantitative easing. What does it mean? It means the Fed has the ability to create money out of nothing to the tune of trillions of dollars—\$4 trillion in this most recent economic crisis.

Now, we're told that unless the Fed can do this, our economy would collapse. I think it's time we started to look at these institutions which we've created and ask if this isn't the time for us to take control on behalf of the American people to critically analyze the fractional-reserve system and see if it has any more viability, if it doesn't really expose us to more problems than it ends up creating.

I personally think that it's time to challenge the fractional-reserve system to the point of where you let banks loan the money that they actually have on deposit instead of creating money out of nothing, and then if the bank goes down, we have to bail them out.

I think it's time for us to take the Fed, which has been out of our reach, and put it under the control of Treasury again. And then if the government needs to invest money, and we do, then we invest the money, then we spend it into circulation. We're told right now we don't have any money. We don't have any money to fix our roads. There's over \$2 trillion of infrastructure needs. States don't have any money. That's what we're told. That's why we're told they're having these conflicts with the workers; they're out of money. We don't have any money to fix up our roads.

Well, FDR figured out what to do in the New Deal. You just create a WPA. You put millions of people back to work; you rebuild America. We're apparently not going to go in that direction. But why not? We're told we don't have the money. What, we have to borrow it from banks? Who's holding our securities?

If we can borrow money from Japan and from China and from the UK, and from the Cayman Islands to manage our economy, well, if we can borrow money to keep wars going, hello, why can't we spend the money into circulation, take back the power—which inherently is in the Constitution—and invest in the creation of jobs again and put those 15 million Americans back to work? Create a revenue sharing program for the States so States aren't faltering any more. Have a national health care system so you don't have to worry about health care being on the bargaining table. Absolutely make Social Security solid so there's never a question about a partial privatization—which is another agenda some people would like to run here.

It's not like we don't have within our grasp an ability to change the conditions in which we're operating.

But, instead, we have this poverty mentality which rivets us to control by corporate interests who are making money hand over fist, who we're being told all of America's poor except Wall Street. Huh? How did that happen? With our money nonetheless? How did that happen?

Why isn't unemployment a problem on Wall Street? Think about this. Why is Wall Street doing better than ever? Why do we hear these dark tales about speculations happening again? Are we getting ready for another pump-and-dump scheme where we'll be back here in a few years having to bail out Wall Street again?

Meanwhile, Main Street's infrastructure crumbles; Main Street's workers are hungry for work; Main Street's wages are getting depressed; Main Street's struggling for health care; Main Street's worried about its pension; Main Street's worried about whether they're going to have a home or not.

What's happening in Ohio and Wisconsin is relevant because every single economic issue that is facing this Nation today is part of that debate.

□ 1630

Why should we accept an economy where people are told they have limited expectations? This is America. We have shown the world the ability to create untold wealth. But if we keep shipping it offshore . . .

Why shouldn't people who have an education, who have strived to achieve a middle class standard of living, why shouldn't they expect that their government will stand next to them? It's time for people to understand that we need to take a strong stand in favor of the rights of workers.

Now, how do we do that? Let's look at our trade agreements, Mr. Speaker. Every trade agreement needs to be renegotiated. We need to renegotiate NAFTA, and the General Agreement on Tariff and Trade, and China trade, and we need to say that every single trade agreement has the right to collective bargaining. We're going in the wrong direction in the States. Every agreement we have should have the right to collective bargaining, the right to join a union, the right to strike, the right to decent wages and benefits, the right to a safe workplace, the right to be able to sue an employer if they maintain an unsafe workplace, the right to a secure retirement, the right to participate in the political process.

If we had those in our trade agreements, if in our trade agreements we had prohibitions on child labor, slave labor, prison labor, if in our trade agreements we had the protection of the air and the water, then these corporations wouldn't be running to China or anywhere in the world in order to have the people of that country subsidize their profits through dirty air, dirty water, low wages, slave labor, child labor. Think about it. That's why we need to go back to the trade agreements.

We need to elevate the condition of workers in our society. We need to think in terms of raising people's standard of living. We need to think in terms of helping people save their homes. We need to think in terms of more competition in our economy. We need to think in terms of how do you create wealth in our society, not just how do you create debt. Because right now, Mr. Speaker, our whole economic system is money equals debt. And as long as we're locked into that mentality of money equals debt, then all we're going to have is debt no matter where we look. And our ballooning debt keeps getting larger and larger, and we're told, well, we have to pay off that debt before we can deal with our problems. Baloney. We don't have to do that.

What we have to do is to start looking at what can be done to prime the pump of our economy, to get America back to work. We have the resources. And if we have to change the way that we handle our money system, we should do that. The Fed has not been responsive. The private sector isn't creating jobs. They're getting rid of jobs.

If the private sector created jobs, then right after we gave hundreds of billions of dollars to Wall Street we should have seen millions of people go back to work. That did not happen. We are in at least a double-dip recession. We have Americans struggling to survive, and they could read the daily reports about how great Wall Street is doing.

Let's go back to Ohio and support those workers. Let's support those who teach our children, who police our streets, who put out the fires, who serve our elderly, who take care of our children, the people who perform the services at the myriad of State offices and at county and city offices. Let's respect and honor those who are in public service, as we ourselves would want to be honored for taking the path that we chose in our careers. The people who chose the civil service, the people who chose to do that day-to-day work of being involved in a community, they are no less important than we are as individuals. We're part of the same tissue that makes up a democracy.

And so I want to appeal to my colleagues to look at this moment in history, to understand the deep threat which the breaking of collective bargaining represents to our democracy, to understand how urgent it is that we support workers everywhere, that we express our appreciation to them, that we understand that in this House there are many different points of view.

We have different points of view about the amount of power we would like concentrated into fewer and fewer hands. But we should have no difference of opinion, there should be total solidarity on protecting those who serve the public and on protecting workers whose basic rights are cardinal principles of a democratic society.

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

COMMUNICATION FROM CHAIR OF COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

The SPEAKER pro tempore (Mr. YODER) laid before the House the following communication from the Chair of the Committee on Oversight and Government Reform:

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, March 3, 2011.

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

DEAR MR. SPEAKER: I write to notify you pursuant to Rule VIII of the Rules of the House of Representatives that the Committee on Oversight and Government Reform has been served with a subpoena for documents issued by the United States District Court for the District of Columbia in a civil case now pending before that Court.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

DARRELL ISSA,
Chairman, Committee on Oversight
and Government Reform.

OUR FISCAL SITUATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Mexico (Mr. PEARCE) is recognized for 30 minutes.

Mr. PEARCE. Mr. Speaker, I appreciate the opportunity to address the House this afternoon.

Mr. Speaker, there are many people who are wondering in the Nation exactly what it was we were doing up here a couple of weeks ago as we were talking about amendments to cut the budget, amendments to increase the budget. And for myself, I like to keep it in very narrow terms and like to get it as simple as possible.

So we went across the district last week, had town hall meetings trying to explain to people exactly the situation that we're facing here in the country. And I've got a chart here which is very instrumental in helping me to visualize what's going on. And basically, this chart is one which shows that we're spending \$3.5 trillion at the current moment and we're taking in \$2.2 trillion, and that begins to give the basic understanding of where we are.

Now, if a local family were in this position, they would be maybe spending \$3,500 a month and bringing in \$2,200 a month, and their banker would not be pleased with that. Their banker would say, well, we probably need to do better, especially if they were borrowing money every month. And we are borrowing money every month to work here. And so our government is just as stressed with the debt and with this imbalance in spending and imbalance in revenues as a family would be.

Now, our banker in this country is used to Americans saved and they bought Treasury bills. That's how we would finance our government. But Americans across the country basically don't save anymore, and so we have to find other people who will buy our Treasury bills. And that's the Chinese Government. So China is our borrower of record, our lender of record.

And so we would watch what the Chinese have said in the past couple of months, in the past couple of years, and a couple of times China has said, We're not going to buy any more of the Treasury bills from the United States Government. At one point they said, We'll buy South Korean treasury bills, meaning the South Korean Government was a better bet than the U.S. Government. And so our banker has been giving us signs that, We're concerned. We're concerned about the economic health of your country, because they see that we cannot long continue.

Now, for myself, I've gone ahead and done the mathematics that, if you are spending 3.5, you are bringing in 2.2, well, you are running a deficit of \$1.3 trillion every year. Now, that's a deficit as long as it's unaccounted for, as long as it hasn't been spent. But the moment that the money spends, then it goes into the debt barrel, and that's the top small barrel. And then we have

a debt of approximately \$15 trillion. Might be a little bit less.

To put that in perspective, that debt barrel began to build in the early days of our history, and we accumulated up to \$5 trillion worth of debt to the second President Bush, George W. Bush. And during his term, we increased that debt from 5 to basically 10. So, a very rapid escalation of debt accumulation during the second Bush years.

□ 1640

But then, under President Obama, then we have seen an acceleration even faster so that we have already added almost another \$5 trillion in debt in 2½ years under President Obama, and we are on track to maybe add another 6 or 7, maybe 8 in the next 2 years. This 1.3 deficit for this coming year, that was last year. This coming year, that number becomes 1.6 trillion. So you can see that the gap between what we are bringing in and what we are spending is absolutely increasing rather than decreasing.

Now, to put this in a bigger perspective the last year of President Bush, the deficit was about \$200 billion so. Instead of 1.3, it was about 0.2, if we round it off to 0.3. You could see that almost immediately under President Obama that we increased our deficit. That is, we increased these outlays by almost a trillion dollars so that our economic condition is worsening very rapidly.

Now, the unsettling pieces, I mean, if you look at the 15 trillion in the top debt barrel and then you look at the revenues that we are bringing in from the government, you say, well, we could pay off 7 or 8 years. If we weren't spending a thing, we could pay off for 7 or 8 years and still not have quite all of our debt paid off.

But then the alarming piece is this fiscal gap at the bottom, that is Social Security, Medicare and Medicaid. And when we consider those elements, then we are looking at a \$202 trillion deficit, a debt, a debt that we owe. Those are mandated spending programs that we are not going to turn off.

So we can already understand that we would pay almost 100 years if we were only getting \$2.2 trillion into paying off this fiscal gap that we experience here.

Now, over in the far right corner of the chart, we see now a graph. The thing about graphs is they go on in time, this bottom line, the horizontal line is actually years and then the vertical line then is representative of the average income, per capita income that we as Americans have had through our history.

So I ask our listeners always, are you doing better than your parents did? And almost always the answer is yes, I make more money than my parents did and I, I myself, made more money than my parents did. That's shown on this chart that every year the chart has been increasing as we go through time, the numbers increase and so it shows that.

But then we see that the chart levels off and starts down. So when I ask people right now, are your children going to live better than you, are your children going to have more income than you did, very few people in a room will raise their hand. That's because they see that the economic condition of the world is getting worse, not better. That worsening condition is based simply on these factors right here.

There is nothing in the world economies that would not improve if we didn't solve these problems. It does not have to be—we could continue that growth curve forever. So we are right now at the point where the curve flattens off and moves down into a lower category.

But at the very tip of that curve is a red dot. Then the curve stops and discerning people would say, well, I thought graphs just continue. You draw them on out through infinity.

Well, you do except this chart stops. This chart stops because our economy literally shows both Office of Management and Budget, the White House, and the CBO, that's the congressional arm. So both the White House and the Congress both show the same chart that our economy simply ceases to function about 2037.

Now for people who are younger than myself, that's in your lifetimes. I may not see that, but my children and grandchildren will see this point where our economy quits. That's what happened in the Soviet Union.

President Reagan believed that if he simply increased our spending enough on arms that he could cause them to continue to invest more spending on arms. They would not be able to increase the revenues. They would have this gap right here. Their deficits would increase, their debt would increase and eventually the system would implode. It would collapse on itself. That's what's happening in our economy in 2037.

So at this particular point in our time, we have to stop and say we can't continue this. We must begin to do differently, and that is what the House was doing last week.

Now many in the country have said, oh, they are draconian cuts. We should not have done that. You shouldn't have cut that deeply and others are saying you should have cut more.

So let's evaluate that briefly. We cut, basically, about \$60 billion out of the budget. We cut it out of the continuing resolution a couple of weeks ago when we passed that bill.

So what does 60 billion mean in this chart? Sixty billion would mean that you would change this number from 3.5 to 3.44. We are still faced with only the 2.2 here in revenues to the country.

I would ask every listener in the audience, is that significant, is it draconian? If you think it's draconian, would your banker think it's draconian? Almost everyone laughs if I ask them, if you were spending \$3,500 a month, bringing in \$2,200 a month and

went to your banker, would your banker think that you made significant cuts if you cut from \$3,500 to \$3,440? Most people would laugh and say my banker wouldn't talk to me if I only cut that much. So I put it into that context that we did not do significant cuts.

Yet many of the people here in Washington are wailing and weeping and gnashing of teeth, those sorts of things, that catastrophe just awaits us because we cut spending by .06.

Myself, I don't think so. I think that the looming economic crisis in 2037 is the more compelling point that our economy simply will cease to function out in that range. Again, you can go online and look at CBO or OMB to find that chart. That's where we pulled it out. So take a look at it.

But the important thing is to understand that no company—my wife and I ran a small company—and no company ever found itself in fiscal straits like this and cured it simply by cutting spending. I don't think that it's possible for us to cut spending from 3.5 to 2.2. As a business person, it does not ring true. It doesn't seem like that we can cut that much.

So if we can't cut that much spending you have to say, well, then how do we get the 2.2 to move toward the 3.5? If we can't cut spending enough then how do we grow the revenues? Now some people will say well, we should raise taxes. They would say we should raise taxes. And then you shouldn't have to ask, well, what's the outcome of raising taxes?

The first thing is to understand that there is a basic economic truth that tax increases will kill jobs. And so if we want to make this number smaller, just increase taxes and we actually increased the difference. We increased our deficit because this number actually gets smaller at that point.

If we want to solve the problem that we are facing now, there is only one way to go, and that is economic growth. We need to create jobs. If we have to create jobs, then we must evaluate the ways that we are not creating jobs today.

We resume our discussion talking about how we would create these two numbers to come together. That would be a balanced budget. And, again, I would repeat that it is very difficult for us to cut enough spending to reach bottom, that my idea is that we must increase the number of jobs.

As we bring people into the workforce, we are simultaneously encompassing two things. We are causing this number to go up as people pay taxes that were previously unemployed, but then we are also bringing people off of unemployment, welfare and government assistance. So we are lowering their number toward this one as we increase that one.

The actuarial tables show us at about 3.5 percent rate of growth that we can actually begin to move towards balance. These long-term numbers begin to clear up significantly just by cre-

ating jobs in the growth rate of about 3.5 percent.

Well, then the next question would be, can we create jobs in 3.5 percent? Well, that's exactly what we have averaged for over 70 years. It's well established that we can do it.

Right now, our economic growth is in the 1 to 2 percent range, so that means that we almost have to double our rate of growth, and that would be possible if we did two basic things.

□ 1650

Number one, we can lower taxes. Tax breaks create jobs. Tax decreases create jobs. Tax increases kill jobs. And so then the second aspect of creating jobs would be to lower the regulations.

Now, I have many people that react in horror when I say we should lower regulations. They immediately claim you would go to zero regulation. I don't mean that at all. I simply mean that we are regulating our jobs out of existence. Companies are finding it easier to go to another country and operate rather than operate here because the regulations are so extreme.

One way that we're regulating companies out of existence is through our lending right now. We passed the Dodd-Frank bill which puts new requirements on banks. And so the bankers in my district in southern New Mexico have been calling recently saying that under the previous accounting methods and the previous reporting methods, we used to simply get written up if we made a mistake on a loan package. Today we're told that we could get a \$50,000 fine. So they then are skeptical and reticent to lend money to small businesses and to people buying homes because they stand to lose more on the loan by one typographical error, one exception, than they can make.

And that, then, has a formal process so that a young family, a young couple in Socorro, New Mexico, recently graduated from New Mexico Tech, they both are employed, both have degrees, both have good-paying jobs, and yet the bank says, well, we just don't want to lend money because it might turn out to be a bad loan and we could lose our bank over one bad loan or we could get a \$50,000 penalty over a mistake on the loan application. It's just too tough.

That means the regulations have been so high that businesses are saying, well, we would rather stay on the sidelines, which is what's happening nationwide. So we're being told that if the banks would simply loan money that everything would be fixed, and it's a lot true. Construction would start back. Houses would start back. Real estate agents would start back, and everyone would start, except it is regulated down into a low, just stagnant position because of these regulations that are, in many people's eyes, too high.

Another way that we regulate jobs out of existence is through environmental concerns. We are saying to ourselves that we should protect species at

all costs, that is, even the human cost. And I'm saying that that's too extreme. I would not let a species go extinct, but I would say that we should create jobs and protect the species at the same time. So in order to cure this problem, to raise this 2.2 toward the 3.5 and simultaneously lowering the 3.5 toward 2.2, I have actually put three bills in so that we could have test cases of this discussion for America.

The first one would be that, yes, we should keep the spotted owl alive, but we should not kill every timber job in America, which is basically what happened in New Mexico. We used to have 20,000 jobs in timber and today we have, more or less, none. Sometimes, one guy says, I've got eight people, and sometimes he says, well, I laid them off this week. And so we're up and down. The meaning of all that is that we've lowered, because of the spotted owl, from about 20,000 jobs basically to zero in New Mexico. And nationwide, that has caused this number to get smaller as people go on welfare, and it has caused this number to get bigger.

And as people get less-paying jobs, then that means this number gets smaller because they don't pay as much in taxes. They don't have as much to spend, so retail merchants don't make as much, and then they pay less in taxes. Meanwhile, more families are struggling. They get some sort of aid even when they're working, and the 3.5 number gets larger as we get jobs that pay less.

So, again, my bill simply says, let's have a discussion as Americans. Let's discuss whether or not we have to make the species the last determinant of everything in the forest or if we can't keep the spotted owl alive in sanctuaries, 1,000 acres here, 1,000 acres there, and go back to cutting in the forest.

Well, the first thing that some alarmist will do is say, well, you're going to clear-cut the forest; we shouldn't clear-cut the forest. We don't need to do that. We don't need to do that. And I'm saying, no, we don't have to clear-cut the forest. Land management companies commonly have a balanced thinning program. They go through and cut some trees of all sizes. And they're constantly working their way through their acreage so that good small companies exist on very small acreages.

We've got 225 million acres of forestland in this country, and yet it is being logged at almost zero rates. We've got forests in New Mexico: 3 million acres in one, 2 million acres in another. We've got very large forests, and yet they haven't had significant thousand-acre timber sales in forever, and it's been maybe 20 years since they've had significant timber sales. And even then they are restricted from harvesting the large-diameter trees that are economically profitable.

And so we've driven out most of the timber mills. We've driven out most of the people that would make a living

doing that, all in the name of the environment. And all of us would want the environment clean. We would like the species to not be extinct. But I do not think that we have to completely ignore the job situation at hand.

The second bill we put in was the 27,000 farmers in the San Joaquin Valley. They were put out of work about 2 years ago by a silvery minnow. A judge said that all the water in the river has to stay there and cannot be used for agriculture. So those 27,000 people who used to be paying income tax here moved, as a cost to the government, to the 3.5. They are on welfare and unemployment, and so our revenues go down and our expenses go up. And that's a toxic case for a government, for a business, or for a family. And yet we're encouraging it through our policies.

So my bill, again, is very simple. Keep the 2-inch minnow alive in holding ponds. Put them in the river in the millions when we need them, but in the meantime, let's use that water for the irrigation in the San Joaquin Valley. The worst thing about shutting that farmland down in the San Joaquin Valley is that that area used to produce most of the vegetables for this country. Now, then, with them idle, we are importing vegetables from Central and South America, and they spray pesticides that we're not allowed to. So we hurt our revenues, we accelerated the cost of government, and we get an unsafe food supply all at the same time. It does not have to be that way. We can accomplish both jobs and the species.

The last bill that we introduced was offshore. Every one of us saw the BP situation. Again, I believe that BP should be accountable. I understand the process that they went through. They made bad some decisions. They are being held accountable. They are actually paying 100 percent of the cost. And that is not the question.

The question is whether the President should have ordered for the 100,000-plus jobs to be killed. You see right now the Governor of Louisiana and you see the people in Louisiana are really suffering because those rigs that used to be offshore working, thousands of people out there working every day at very high-paying salaries now are drawing unemployment. So we, again, lowered our 2.2 figure down lower. We increased the 3.5. So we made our budget situation much worse by policies that threaten or stop job growth.

Back on taxes. Again, we have mentioned that that's one reason that companies choose to live and operate elsewhere. Now, the people say, well, why do taxes create jobs more slowly? Mr. Swett, who is in the Second District of New Mexico in Artesia, said it best. He said, For me to create one job takes \$340,000. He said, That's what a bulldozer costs, and I run bulldozers. He said, So when the government taxes my money away from me, it takes me longer to get my \$340,000. He said, By the way, I've got to buy a \$60,000 pickup because they won't let me drive the

bulldozer to work down through the main streets of Artesia. And so we have to have a pickup and the truck. So he said, Actually it takes a little bit more than \$340,000 to create a job. But every time the government taxes me more, it takes longer to get the \$340,000 in the bank.

That's the reason that under higher and higher tax rates our economy stagnates and jobs are not produced as quickly, because we're taking that money away from businesses who would create it and putting it into the government that simply then spends it here in this 3.5 without really making more jobs.

So we are faced with a question in this country: Are we caring about the long-time survival of our economy or are we going to continue down the same path?

Now, that's the greatest discussion that we should be having. That's the discussion they're having right now in Wisconsin. In Wisconsin, basically the union employees are saying, We want more. We want more pay and we want more benefits, that is, more retirement.

Right now, basically across the country, our union employees—and I think they should get every penny that they are wanting, that they are deserving, but we have to understand that our union employees working for the government are making basically twice what our people in the private sector are making. So we down here are paying taxes in order for people that are costing the government to make twice what we are. And they are asking for more, meaning that we should charge the public, the private sector workers more taxes in order to pay higher salaries.

But then the real rub comes in on the retirements. Many of our government employees have an option to retire at 20 years, and many of those can retire at 75 percent of their pay. If you are making \$40,000 a year, then you can retire at \$30,000 a year. I have a document in my office that has New Mexico retirees' salaries, and this is from 10 years ago when I was in the State legislature, and the highest paid worker in our retirement system in New Mexico is making about \$5,600 a month.

□ 1700

Now, that contrasts with about \$3,000 a month. So he is making almost double in retirement what the average New Mexican is making working 40 hours a week. What it has caused is this imbalance here, this cost that is doubling above what we can take in in revenues.

So the discussion that is going on in Wisconsin is the same discussion we should be having here on the floor of the House, and it is the same discussion we should be having in every State capitol because almost every State, I think 48 of the 50, is now running in deficit conditions because the cost of government, the cost of their employees, the cost of education has risen so

dramatically. And in the private sector, we are sitting out here basically with flat wages, maybe declining wages. And so our discussion nationwide has to be: How do we cure the problem?

Now, if we begin to get our tax policy and our regulatory policy under control, I think that the manufacturing jobs would come back. So it is not just that we want jobs. McDonald's and such would create service-level jobs, but we are interested in careers, not just jobs. We are interested in being able to plan for your future and being able to pay for college for your kids or plan for your retirement. Those are the careers that we want to draw back, and those come from the good manufacturing jobs that left in droves during the last 30–40 years as we increased regulations and as we increased taxation.

Those jobs would come flooding back to us if we simply lowered the taxes. And you heard President Obama say in his State of the Union message that we now have one of the two highest corporate tax rates in the world. A couple of days after his speech, Japan actually lowered their tax rate, leaving us at the top level.

So the President recognizes that we make ourselves uncompetitive with our tax rate and we should do something about it. He is exactly right. We should cut taxes; and yet when you bring that up on the floor of the House, you get one-half of the body that grabs their chest and falls backward, pulling the flag across their face and saying we can't do that because Old Glory might just wither away. And the other side says it is the only way to economic growth.

If we are going to fix this imbalance of spending and revenue, we absolutely have to have growth, and job creation should be the primary focus of this Congress. But unless we focus on taxes and regulations, we cannot cure the job problem in the country.

A few years ago, Ireland was looking at itself and said, Ireland is a pretty smart country. We are smart people; we are hardworking people. We are struggling under a bad economy. What can we do to make it better?

So they thought a lot about it, they had studies, and they decided they should lower their corporate tax rate. So they lowered their corporate tax rate. It was equal to ours at that point, about 36 percent, and they lowered it down to 12 percent. Companies began to flock into Ireland because the tax rate was changed from 36 down to 12 percent. That is what lowering the tax rate does; it draws the great jobs to you, the manufacturing jobs.

Well, in the intervening years, Ireland began to do what we did. They began to say with all this money, we are awash with money, the revenues were exceeding the outflows, they began to say, we are going to spend more. And so they began to develop programs to give away, and they began to raise taxes.

Now, my brother-in-law works for Hughes Tools, and he just got back from Ireland. They just dismantled their last plant in Ireland that they had taken over when they were given the lower taxes. Because of the higher tax rate now, they are now evacuating out of Ireland. So Ireland is faced with this exact same problem, and Ireland is at the point of economic collapse, along with Greece, along with Spain, along with other countries in Europe because all of us have been living beyond our means.

Each country in the world right now is faced with its own set of problems that basically originate from the fact that we are spending more than we are bringing in. We are spending more for government than what the private sector can make, and we all face the same catastrophe that the Soviet Union faced, that their economy is simply going to implode.

Now I, for one, do not want to be on the watch and not be saying something as we're going down the track, and so I give this presentation everywhere I go. And to the people who are saying we absolutely have to have more government spending, I simply say: show me how it is going to work. The way we have been making this work is we have been printing money. As we print money, we take money away from you because printing money makes the dollars in your pocket worth less. And so as your money in your pocket is worth less, then the prices go up. So we see gasoline prices now escalate to \$4, and some people are saying it is the evil oil companies. The truth is your dollar is worth less.

If it was only going up, then you could say: yes, the oil companies are taking more profit. But your vegetables are going up. Your gold is going up. Silver is going up. Big metals are going up. In the oil fields in southeast New Mexico, we use a lot of drill pipe. I got word last week when I was traveling around that the people who own drill pipes to sell it right now don't want to sell it.

They would rather have their pipe than dollars because they see that we have printed this \$2.6 trillion. They see their dollar is worth less. They see the prices escalating, so they simply have shut off selling their drill pipe. It is worth more than the cash that they could get for it. That is going to be another sign that our economy has really begun to struggle under the inflation as we see shortages—shortages of vegetables, shortages of anything.

Now, the price of silver and gold have been escalating. The price of silver a week ago Friday went up 10 percent in one day. Then 2 or 3 days later it went up another 8 or 9 percent. It is not that we are using that much more silver 2 or 3 days later; it is that people are saying I would rather hold silver than dollars, and they have been flooding across from dollars to silver. You are seeing that people are choosing this object of silver that maybe is very dif-

ficult to store, very difficult to handle, is actually more valuable to them than holding the cash in the bank. This is because we are living like that.

So either we begin to discipline ourselves both nationally and as individuals because we individually have been running up debt that is sort of the equivalent of this, either we begin to discipline or the ultimate consequences is within 25 years we are going to see catastrophic economic situations arise for families.

I do not think that any of us want that. I think that the economic explanations of exactly why we are having the difficulties in our economy that we are having are very simple. They are very transparent. We are spending \$3.5 trillion every year, and we are bringing in \$2.2 trillion. That number is actually going to escalate next year so that this deficit, instead of being \$1.3 trillion in the next year, according to the President's budget, is going to be \$1.6 trillion. That \$1.6 trillion at the end of the year will be added to the \$15 trillion of debt so at the end of the year we will owe \$16.5 trillion. The \$202 trillion stays out here as obligations that are currently due because retirees are flooding into the market. The baby boomers are moving into retirement in record numbers now, and that is going to continue for another 15 or 20 years.

We have serious problems facing us, but the problems are fairly easily solved if we simply lower the tax rates, especially if we lower them on the job producers. And, secondly, if we get our regulations under control, not to no regulations, but to simply find a balance point that will allow us to protect the workers, protect the environment, and protect the species while at the same time creating jobs.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 662. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

The message also announced that pursuant to section 276a–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman of the Senate Delegation to the Canada-United States Interparliamentary Group conference during the 112th Congress:

The Senator from Minnesota (Ms. KLOBUCHAR).

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.).

under its previous order, the House adjourned until tomorrow, Friday, March 4, 2011, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

717. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Polymerized Fatty Acid Esters with Aminoalcohol Alkoxylates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0275; FRL-8860-8] received February 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

718. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clothianidin; Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2010-0217; FRL-8858-3] received February 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

719. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1,4-Benzenedicarboxylic Acid, Dimethyl Ester, Polymer with 1,4-Butanediol, Adipic Acid, and Hexamethylene Diisocyanate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0838; FRL-8863-9] received February 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

720. A letter from the Chairman, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

721. A letter from the Secretary, Department of the Treasury, transmitting a report entitled "Reforming America's Housing Finance Market"; to the Committee on Financial Services.

722. A letter from the President and CEO, Corporation for Public Broadcasting, transmitting the Corporation's 2009 annual report regarding the activities and expenditures of the independent production service; to the Committee on Energy and Commerce.

723. A letter from the Secretary, Department of Energy, transmitting a report entitled "Report on Federal Agency Cooperation on Permitting Natural Gas Pipelines"; to the Committee on Energy and Commerce.

724. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual Report on the Food and Drug Administration Advisory Committee Vacancies and Public Disclosures; to the Committee on Energy and Commerce.

725. A letter from the Secretary, Department of Health and Human Services, transmitting FY 2010 Performance Report to Congress for the Medical Device User Fee Amendments of 2007; to the Committee on Energy and Commerce.

726. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2010 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

727. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit State Implementation Plan Revisions for

Particulate Matter, PM-10, Maricopa County (Phoenix) PM-10 Nonattainment Area, Arizona [EPA-R09-OAR-2011-0041; FRL-9264-1] received February 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

728. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to the Definition of Volatile Organic Compound [EPA-R03-OAR-2010-0902; FRL-9265-6] received February 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

729. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Nuclear Critically Safety Standards For Fuels and Material Facilities, Regulatory Guide 3.71 received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

730. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 1-11 informing of an intent to sign a Memorandum of Understanding with Australia, Canada, Denmark, the Italian republic, the Kingdom of Norway, and the United Kingdom; to the Committee on Foreign Affairs.

731. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 27-10 informing of an intent to sign a Memorandum of Understanding with the Republic of Korea; to the Committee on Foreign Affairs.

732. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 2-11 informing of an intent to sign a Memorandum of Understanding with the Republic of Singapore; to the Committee on Foreign Affairs.

733. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

734. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Report to Congress on the United States Policy in Iraq, Section 1227 of the National Defense Authorization Act for Fiscal Year 2006; to the Committee on Foreign Affairs.

735. A letter from the Director of Legal Affairs and Policy, Administrative Committee of the Federal Register, transmitting the Committee's final rule — Regulations Affecting Publication of the United States Government Manual [AG Order No. 3252-2011] received February 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

736. A letter from the Departmental FOIA/PA Officer, Department of Commerce, transmitting the Department's final rule — Disclosure of Government Information; Responsibility for Responding to Freedom of Information Act Requests [Docket No.: 060518134-6134-01] (RIN: 0605-AA22) received February 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

737. A letter from the Assistant General Counsel, General Law, Ethics, and Regula-

tion, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

738. A letter from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Sunshine Act Report for 2010; to the Committee on Oversight and Government Reform.

739. A letter from the FOIA Officer, Recovery Accountability and Transparency Board, transmitting the Board's final rule — Rule Implementing the Freedom of Information Act (RIN: 0430-AA01) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

740. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XA187) received February 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

741. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Groupers Fishery of the South Atlantic; Closure of the 2010-2011 Recreational Sector for Black Sea Bass in the South Atlantic [Docket No.: 0907271173-0629-0] (RIN: 0648-XA154) received February 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

742. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Delmarva Scallop Access Area to Limited Access General Category (LAGC) Individual Fishing Quota (IFQ) Scallop Vessels [Docket No.: 070817467-8554-02] (RIN: 0648-XA171) received February 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

743. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic [Docket No.: 001005281-0369-02] (RIN: 0648-XA195) received February 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

744. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands [Docket No.: 0910131363-0087-02] (RIN: 0648-XA151) received February 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

745. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Guided Sport Charter Vessel Fishery

for Halibut; Recordkeeping and Reporting [Docket No.: 0911201413-1051-02] (RIN: 0648-AY38) received February 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

746. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XA199) received February 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

747. A letter from the Administrator, Department of Transportation, transmitting the Department's report for fiscal year 2010 on foreign aviation authorities to which the Administrator provided services in the preceding fiscal year; to the Committee on Transportation and Infrastructure.

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 Mrs. McMORRIS RODGERS (for herself and Mr. ROSS of Arkansas):

H.R. 891. A bill to amend part D of title XVIII of the Social Security Act to promote medication therapy management under the Medicare part D prescription drug program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP (for himself, Mr. BENISHEK, Mrs. MILLER of Michigan, Mr. CLARKE of Michigan, Mr. CONYERS, Mr. AMASH, Mr. KILDÉE, Mr. HUIZENGA of Michigan, Mr. PETERS, Mr. ROGERS of Michigan, Mr. UPTON, Mr. LEVIN, Mr. McCOTTER, Mr. DINGELL, Mr. WALBERG, Ms. SLAUGHTER, Mr. NADLER, Ms. MCCOLLUM, Mrs. MALONEY, Mr. HIGGINS, Mr. ACKERMAN, and Ms. KAPTUR):

H.R. 892. A bill to require the Secretary of the Army to study the feasibility of the hydrological separation of the Great Lakes and Mississippi River Basins; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT:

H.R. 893. A bill to provide for the issuance and sale of a semipostal by the United States Postal Service for the fight against colorectal cancer; to the Committee on Oversight and Government Reform, and in addition to the Committees on Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Ms. DEGETTE):

H.R. 894. A bill to amend title V of the Social Security Act to provide grants to States to establish State maternal mortality review committees on pregnancy-related deaths occurring within such States; to develop definitions of severe maternal morbidity and data

collection protocols; and to eliminate disparities in maternal health outcomes; to the Committee on Energy and Commerce.

By Mr. ROYCE (for himself and Mr. MCGOVERN):

H.R. 895. A bill to provide for the continuation of restrictions against the Republic of Sudan unless the President certifies to Congress that Sudan is no longer engaged in training, harboring, supplying, financing, or supporting in any way the Lord's Resistance Army; to the Committee on Foreign Affairs.

By Mr. BURGESS (for himself, Mr. BRADY of Texas, Mr. FLORES, Mr. FARENTHOLD, Mr. CARTER, Mr. MCCAUL, Mr. OLSON, Mr. MARCHANT, and Mr. NEUGEBAUER):

H.R. 896. A bill to provide health care liability reform, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIMM (for himself and Mr. MEEKS):

H.R. 897. A bill to provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, and all related agencies and departments, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COSTELLO (for himself, Mr. ALEXANDER, Mr. SHIMKUS, Mr. ROSS of Arkansas, Mr. COSTA, Mrs. EMERSON, Mr. REYES, Mr. OLSON, Mrs. CAPP, Mr. LARSON of Connecticut, Mr. GALLEGLY, and Mr. PAUL):

H.R. 898. A bill to suspend flood insurance rate map updates in geographic areas in which certain levees are being repaired; to the Committee on Financial Services.

By Mr. LANKFORD (for himself and Mr. CONNOLLY of Virginia):

H.R. 899. A bill to amend title 41, United States Code, to extend the sunset date for certain protests of task and deliver order contracts; to the Committee on Oversight and Government Reform.

By Mr. RUSH:

H.R. 900. A bill to direct the Federal Trade Commission to establish rules to prohibit unfair or deceptive acts or practices related to the provision of funeral goods or funeral services; to the Committee on Energy and Commerce.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. KING of New York, Mr. ROGERS of Alabama, Mr. MCCAUL, Mr. LONG, Mr. MARINO, Mr. WALBERG, and Mr. WALSH of Illinois):

H.R. 901. A bill to amend the Homeland Security Act of 2002 to codify the requirement that the Secretary of Homeland Security maintain chemical facility anti-terrorism security regulations; to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI:

H.R. 902. A bill to amend the National Flood Insurance Act of 1968 to require the Administrator of the Federal Emergency Management Agency to consider reconstruction and improvement of flood protection systems when establishing flood insurance rates; to the Committee on Financial Services.

By Mr. CALVERT (for himself, Mr. HARPER, Mr. GALLEGLY, Mr. LATTA, Mr. LONG, Mr. CARTER, Mr. LEWIS of California, Mr. DANIEL E. LUNGREN of California, Mr. GARY G. MILLER of California, Mr. GIBBS, Mr. NUNES, Mr. DREIER, Mr. MCKEON, and Mr. HERGER):

H.R. 903. A bill to greatly enhance the Nation's environmental, energy, economic, and

national security by terminating long-standing Federal prohibitions on the domestic production of abundant offshore supplies of oil and natural gas, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. RYAN of Wisconsin, Mr. PETRI, and Mr. DUFFY):

H.R. 904. A bill to prohibit the Secretary of Transportation from providing grants or any funds to a State, county, town, or township, Indian tribe, municipal or other local government to be used for any program to check helmet usage or create checkpoints for a motorcycle driver or passenger; to the Committee on Transportation and Infrastructure.

By Mr. WHITFIELD (for himself, Mr. GENE GREEN of Texas, Mr. NUNES, Mr. KIND, Ms. DEGETTE, Mr. SHIMKUS, Mr. TOWNS, Mrs. BLACKBURN, Mr. COURTNEY, Mr. ROGERS of Michigan, Ms. DELAULO, Mr. TIBERI, Mr. ISRAEL, Mr. GERLACH, Mr. LEWIS of Georgia, Mr. SESSIONS, and Mr. HIMES):

H.R. 905. A bill to amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. HASTINGS of Florida, Mr. CARSON of Indiana, Mr. ELLISON, Mr. RUSH, Ms. RICHARDSON, and Ms. FUDGE):

H.R. 906. A bill to authorize public awareness campaigns to promote the persistent quest for knowledge and increased education among youth; to the Committee on Education and the Workforce.

By Mrs. MALONEY:

H.R. 907. A bill to amend the Child Nutrition Act of 1966 to provide vouchers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children under that Act; to the Committee on Education and the Workforce.

By Mr. MURPHY of Pennsylvania (for himself and Mr. GENE GREEN of Texas):

H.R. 908. A bill to extend the authority of the Secretary of Homeland Security to maintain the Chemical Facility Anti-Terrorism Standards program; to the Committee on Energy and Commerce.

By Mr. NUNES (for himself, Mr. SHIMKUS, Mr. RYAN of Wisconsin, Mr. SIMPSON, Mr. BISHOP of Utah, Mr. MCKEON, Mr. DREIER, Mr. LUCAS, Mrs. McMORRIS RODGERS, Mr. ROGERS of Michigan, Mr. ROSKAM, Mr. BENISHEK, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CANSECO, Mr. COLE, Mr. CRAVAACK, Mr. CULBERSON, Mr. DUNCAN of Tennessee, Mrs. EMERSON, Mr. FINCHER, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. HARPER, Mr. HERGER, Mr. HUIZENGA of Michigan, Mr. KING of Iowa, Mr. LATOURETTE, Mrs. LUMMIS, Mr. MARCHANT, Mr. McCOTTER, Mr. MCHENRY, Mrs. MILLER of Michigan, Mr. POE of Texas,

Mr. REHBERG, Mr. SCHOCK, Mr. SESSIONS, Mr. SHUSTER, Mr. SULLIVAN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. TIBERI, Mr. WALBERG, Mr. WESTMORELAND, Mr. WOMACK, Mr. YOUNG of Alaska, Mr. TIPTON, Mr. YODER, Mr. BACHUS, Ms. JENKINS, Mr. COFFMAN of Colorado, Mr. PEARCE, and Mr. GRIMM):

H.R. 909. A bill to expand domestic fossil fuel production, develop more nuclear power, and expand renewable electricity, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Oversight and Government Reform, Ways and Means, Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. PETERSON, Mr. RAHALL, Mr. WHITFIELD, Mr. BOREN, Mr. BARTON of Texas, Mrs. MCMORRIS RODGERS, Mr. WALDEN, Mr. SULLIVAN, and Mr. MCKINLEY):

H.R. 910. A bill to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARROW:

H.R. 911. A bill to require the National Telecommunications and Information Administration and the Federal Communications Commission to conduct an inventory of broadband spectrum, to authorize the Commission, contingent on the completion of such inventory, to conduct auctions of voluntarily relinquished spectrum usage rights and to share the revenues with the licensees who relinquished such rights, and for other purposes; to the Committee on Energy and Commerce.

By Ms. GRANGER:

H.R. 912. A bill to amend the Public Health Service Act to establish a national screening program at the Centers for Disease Control and Prevention and to amend title XIX of the Social Security Act to provide States the option to increase screening in the United States population for the prevention, early detection, and timely treatment of colorectal cancer; to the Committee on Energy and Commerce.

By Mr. ADERHOLT:

H.R. 913. A bill to extend certain trade preference programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Appropriations, and the Budget, 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. CONNOLLY of Virginia (for himself, Mr. BILBRAY, Mr. CUMMINGS, Mr. SARBANES, Mrs. MALONEY, Ms. NORTON, Mr. MORAN, Mr. PRICE of North Carolina, and Mr. MEEKS):

H.R. 914. A bill to improve Federal internships by expanding the conversion rate of Federal interns to full-time employees, establish consistent tracking mechanisms among Executive agencies for internship programs, and accelerate adoption of internship best management practices by Executive agencies; to the Committee on Oversight and Government Reform.

By Mr. CUELLAR (for himself and Mr. MCCAUL):

H.R. 915. A bill to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and

local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. DENT:

H.R. 916. A bill to extend the chemical facility security program of the Department of Homeland Security, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, 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. FILNER:

H.R. 917. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in phase one of the South San Diego County Water Reclamation Project, and for other purposes; to the Committee on Natural Resources.

By Ms. FOXX:

H.R. 918. A bill to amend the Internal Revenue Code of 1986 to repeal the withholding of income and social security taxes; to the Committee on Ways and Means.

By Mr. FRANKS of Arizona:

H.R. 919. A bill to provide for the conveyance of certain public land in Mohave Valley, Mohave County, Arizona, administered by the Bureau of Land Management to the Arizona Game and Fish Commission, for use as a public shooting range; to the Committee on Natural Resources.

By Mr. GOHMERT:

H.R. 920. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to eliminate automatic increases for inflation from CBO baseline projections for discretionary appropriations, and for other purposes; to the Committee on the Budget.

By Mr. GOHMERT (for himself, Mr. BURTON of Indiana, Mr. MARCHANT, Ms. FOXX, Mr. FLORES, Mrs. SCHMIDT, Mrs. BLACKBURN, and Mr. HALL):

H.R. 921. A bill to prohibit United States assistance to foreign countries that oppose the position of the United States in the United Nations; to the Committee on Foreign Affairs.

By Mr. GOSAR:

H.R. 922. A bill to ensure that private property, public safety, and human life are protected from flood hazards that directly result from post-fire watershed conditions that are created by wildfires on Federal land; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, Natural Resources, and Agriculture, 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. HASTINGS of Florida (for himself, Ms. BROWN of Florida, Mr. ROHRABACHER, Ms. BEKLEY, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. DEUTCH, Mr. ISRAEL, Mr. LUJÁN, Mr. BUCHANAN, Ms. RICHARDSON, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. CUMMINGS, Ms. WASSERMAN SCHULTZ, Mr. KISSELL, Ms. CHU, Mr. REYES, Mr. MCGOVERN, Ms. SUTTON, Mrs. NAPOLITANO, Mr. MCKINLEY, Mr. COHEN, Mr. CICILLINE, Mr. MICHAUD, Mr. COURTNEY, Mr. SHERMAN, Ms. CASTOR of Florida, Mr. FORTENBERRY, Ms. JACKSON LEE of Texas, Mr. BERMAN, Mr. WALZ of Minnesota, Mr.

BISHOP of New York, Mr. MICA, and Ms. BASS of California):

H.R. 923. A bill to amend title 38, United States Code, to exempt reimbursements of expenses related to accident, theft, loss, or casualty loss from determinations of annual income with respect to pensions for veterans and surviving spouses and children of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HEINRICH:

H.R. 924. A bill to amend the Small Business Act to establish a Veterans Business Center program, and for other purposes; to the Committee on Small Business.

By Mr. KILDEE (for himself, Mr. GRIJALVA, Mr. DINGELL, Mr. SABLON, Mr. FATTAH, and Mr. COURTNEY):

H.R. 925. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Education and the Workforce.

By Mr. KING of New York (for himself, Mr. RUPPERSBERGER, Mr. COURTNEY, Mr. GRIMM, Mr. YOUNG of Alaska, and Mr. PASCRELL):

H.R. 926. A bill to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty; to the Committee on House Administration.

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

H.R. 927. A bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore lands that are subject to a lease for production of oil or natural gas under which production is not occurring, and for other purposes; to the Committee on Natural Resources.

By Mr. MCNERNEY:

H.R. 928. A bill to expand the Safe Streets Program, to establish a National Gang Activity Database, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 929. A bill to amend title 49, United States Code, to expand and improve transit training programs; to the Committee on Transportation and Infrastructure.

By Ms. PINGREE of Maine:

H.R. 930. A bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. POE of Texas (for himself, Mr. DUNCAN of Tennessee, Mr. FORBES, Mr. HUIZENGA of Michigan, Mr. SAM JOHNSON of Texas, Mr. COFFMAN of Colorado, Mr. PENCE, Mr. LATTI, Mr. FORTENBERRY, Mr. JONES, Mr. CHAFFETZ, and Mr. PAUL):

H.R. 931. A bill to make participation in the American Community Survey voluntary, except with respect to certain basic questions; to the Committee on the Judiciary, 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. ROONEY:

H.R. 932. A bill to identify and remove criminal aliens incarcerated in correctional facilities in the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. ROYBAL-ALLARD (for herself and Mr. POLIS):

H.R. 933. A bill to reform immigration detention procedures, and for other purposes;

to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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. SESSIONS:

H.R. 934. A bill to amend the Internal Revenue Code of 1986 to reduce the corporate rate of tax to 18 percent; to the Committee on Ways and Means.

By Mr. SOUTHERLAND (for himself, Ms. FOXX, Mr. GRAVES of Missouri, Mr. ROGERS of Michigan, and Mr. GUTHRIE):

H.R. 935. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Ways and Means.

By Mr. WELCH (for himself, Mr. JONES, and Mr. CICILLINE):

H.R. 936. A bill to prohibit United States assistance for Afghanistan unless the United States and Afghanistan enter into a bilateral agreement which provides that work performed in Afghanistan by United States contractors is exempt from taxation by the Government of Afghanistan; to the Committee on Foreign Affairs.

By Mr. BROUN of Georgia (for himself, Mr. AKIN, Mr. BARTON of Texas, Mr. WALSH of Illinois, Mr. JOHNSON of Ohio, Mrs. HARTZLER, Mr. MILLER of Florida, Mr. STUTZMAN, Mr. LATTA, Mr. PITTS, Mr. GARRETT, Mr. ROE of Tennessee, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. BURTON of Indiana, Mr. CHABOT, Mr. WALBERG, Mr. BENISHEK, Mr. BROOKS, Mr. DUNCAN of South Carolina, Mr. NEUGEBAUER, and Mr. WESTMORELAND):

H.J. Res. 45. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. GRIFFITH of Virginia:

H.J. Res. 46. A joint resolution proposing an amendment to the Constitution of the United States to allow the several States to nullify a law or regulation of the United States; to the Committee on the Judiciary.

By Mrs. MCMORRIS RODGERS (for herself and Mr. BISHOP of Georgia):

H. Con. Res. 24. Concurrent resolution recognizing women serving in the United States Armed Forces; to the Committee on Armed Services.

By Mrs. HARTZLER:

H. Con. Res. 25. Concurrent resolution expressing the sense of Congress with respect to the Obama administration's discontinuing to defend the Defense of Marriage Act; to the Committee on the Judiciary.

By Ms. LEE of California:

H. Con. Res. 26. Concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a commemorative postage stamp honoring former Representative Shirley Chisholm, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Oversight and Government Reform.

By Mr. GENE GREEN of Texas (for himself, Mr. BOREN, Ms. JACKSON LEE of Texas, Mr. COSTA, Mr. CASSIDY, Mr. SCALISE, Mr. BURTON of Indiana, Mr. BOUSTANY, Mr. MCCAUL, Mrs. MCMORRIS RODGERS, Mr. NUNNELEE, Mr. YOUNG of Alaska, Mr. MCCLINTOCK, Mr. ALEXANDER, Mr. AKIN, Mr. PAUL, Mr. CULBERSON, Mrs. HARTZLER, Mr. GUTHRIE, Mr. SAM JOHNSON of Texas, Mr. KINZINGER of Illinois, Mr. BROUN of Georgia, Mr.

BRADY of Texas, Mr. BUCSHON, Mr. OLSON, Mrs. ROBY, Mr. GALLEGLY, Mr. SMITH of Nebraska, Mr. GRIFFIN of Arkansas, Mr. GRIMM, Mr. CANSECO, Mr. BONNER, Mr. GONZALEZ, Mr. LATTA, Mr. REHBERG, Mr. CHAFFETZ, Mr. PALAZZO, Mr. ROSS of Arkansas, Mr. FINCHER, Mr. GRAVES of Missouri, Mr. BARTON of Texas, Mr. HARPER, Mr. SCOTT of South Carolina, Mr. COFFMAN of Colorado, Mr. RENACCI, Mr. WESTMORELAND, Mr. MCHENRY, Mrs. ADAMS, Mr. HALL, Mr. MCKINLEY, Mr. DENT, Mr. POE of Texas, Mr. SMITH of Texas, Mr. AUSTIN SCOTT of Georgia, Mr. ROGERS of Alabama, Ms. JENKINS, Mr. DAVIS of Kentucky, Mr. JOHNSON of Ohio, Mr. BENISHEK, Mr. CARTER, Mr. FLORES, Mr. RICHMOND, Mr. COBLE, Mrs. BLACKBURN, Mr. GRAVES of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. CUELLAR, Mrs. CAPITO, Mr. DUNCAN of Tennessee, Mrs. BLACK, Mr. FARENTHOLD, Mr. LATOURETTE, Mr. FLEMING, Mr. SIMPSON, Mr. BURGESS, Mr. REYES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, and Mr. HINOJOSA):

H. Res. 140. A resolution expressing the sense of the House of Representatives that domestic oil and gas resources are critical to our Nation's security and economy and the Secretary of the Interior should take immediate action to streamline the shallow and deepwater permitting process; to the Committee on Natural Resources.

By Mr. FRANKS of Arizona (for himself, Mr. CLEAVER, Mr. SHULER, Mr. DUNCAN of South Carolina, Mr. PITTS, Mr. DANIEL E. LUNGREN of California, Mr. AKIN, Mr. LAMBORN, and Mr. MCGOVERN):

H. Res. 141. A resolution expressing condolences for the murder of Punjab Governor Salman Taseer and Pakistan Minister of Minority Affairs Shahbaz Bhatti, and calling for a Taseer-Bhatti Resolution in the United Nations Human Rights Council honoring their courage in defense of core principles of Pakistan's democracy, enshrined in the Universal Declaration of Human Rights, particularly the freedom of religion; to the Committee on Foreign Affairs.

By Mr. GARDNER (for himself, Mr. PETERS, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. DUNCAN of South Carolina, Mr. PITTS, Mr. ROE of Tennessee, Mr. GINGREY of Georgia, Mr. FLORES, Mr. GOHMERT, Mr. BURTON of Indiana, Mr. POSEY, Mr. MCCLINTOCK, Mrs. LUMMIS, Mr. ROKITA, Mr. KINGSTON, Mrs. ADAMS, and Mr. WOMACK):

H. Res. 142. A resolution amending the Rules of the House of Representatives to require authorizing committees to hold annual hearings on GAO investigative reports on the identification, consolidation, and elimination of duplicative Government programs; to the Committee on Rules.

By Mr. GOHMERT (for himself, Mr. AKIN, Mrs. BACHMANN, Mr. BENISHEK, Mr. BROOKS, Mr. BURTON of Indiana, Mr. CHABOT, Mr. FLORES, Mr. FORTENBERRY, Mr. GARRETT, Mr. GINGREY of Georgia, Mr. HARRIS, Mrs. HARTZLER, Mr. HUELSKAMP, Mr. LAMBORN, Mr. LANKFORD, Mr. DANIEL E. LUNGREN of California, Mr. MANZULLO, Mr. MILLER of Florida, Mr. NUGENT, Mr. NUNNELEE, Mr. OLSON, Mr. PITTS, Mr. ROE of Tennessee, Mr. SOUTHERLAND, Mr. WALBERG, and Mr. WALSH of Illinois):

H. Res. 143. A resolution directing the Speaker, or his designee, to take any and all

actions necessary to assert the standing of the House to defend the Defense of Marriage Act and the amendments made by that Act in any litigation in any Federal court of the United States; to the Committee on Rules.

By Ms. LEE of California (for herself, Ms. MOORE, Ms. CLARKE of New York, Ms. JACKSON LEE of Texas, Mrs. CHRISTENSEN, Mr. MEEKS, Ms. BROWN of Florida, Ms. EDWARDS, Mr. SCOTT of Virginia, Mr. TOWNS, Mr. RANGEL, Ms. RICHARDSON, Mr. RUSH, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mr. MORAN, Mr. BOSWELL, Ms. SCHAKOWSKY, Mr. STARK, Ms. BORDALLO, Mr. SERRANO, Mr. HINCHY, and Ms. WOOLSEY):

H. Res. 144. A resolution acknowledging the 42nd anniversary of the election of Shirley Anita St. Hill Chisholm, the first African-American woman in Congress; to the Committee on House Administration.

By Mr. ROHRBACHER:

H. Res. 145. A resolution calling on the Government of Pakistan to release Raymond Davis; to the Committee on Foreign Affairs.

By Mr. UPTON:

H. Res. 146. A resolution providing the amounts for the expenses of the Committee on Energy and Commerce in the One Hundred Twelfth Congress; to the Committee on House Administration.

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 Mrs. MCMORRIS RODGERS:

H.R. 891.

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

This bill is enacted pursuant to Congress' legislative powers under Article I, Section 8, of the Constitution. Under this provision, Congress has the authority to regulate "commerce among the several states."

By Mr. CAMP:

H.R. 892

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

Clause 8, Section 8, of Article I of the Constitution.

By Mr. DENT:

H.R. 893.

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

Article I, Section 8 of the U.S. Constitution.

By Mr. CONYERS:

H.R. 894.

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

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. ROYCE:

H.R. 895.

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

Article I, Section 8 of the Constitution.

By Mr. BURGESS:

H.R. 896.

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

The attached bill is constitutional under Article I, Section 8, "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes".

By Mr. GRIMM:

H.R. 897.

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

Article I, Section 8, Clause 3.

By Mr. COSTELLO:

H.R. 898.

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

Article IV, Section 3, Clause 2.

By Mr. LANKFORD:

H.R. 899.

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

Article I, Section 8, 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 the Constitution in the Government of the United States, or in any Department or Officer thereof.

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. RUSH:

H.R. 900.

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

To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes. U.S. Const., Art. I, Sec. 8, Cl. 3. The Interstate Commerce Clause serves as the constitutional basis for this legislation. In 1984, the Federal Trade Commission issued "The Funeral Rule" pursuant to its authority under Sections 5 and 18 of the Federal Trade Commission Act, which permits the FTC to promulgate trade regulation rules that define with specificity unfair or deceptive acts or practices in or affecting commerce. The Funeral Rule applies only to funeral homes. Its primary purposes are "[t]o ensure that consumers receive information necessary to make informed purchasing decisions, and to lower existing barriers to price competition in the market for funeral goods and services." The traditional marketplace for funeral and burial goods and services has dramatically evolved. Over the past 20 years, waves of cross-state funeral homes & cemetery consolidations and combinations, increasing cremation trends, challenging legal questions over portability of death-care sales contracts and pre-need insurance policies, and a significant rise in the number of third-party sellers of death care goods and services now warrant regulatory parity among the death care industry's sectors. Accordingly, this legislation would expressly authorize the FTC to promulgate and to enforce, along with the States rules promoting competition and protecting vulnerable consumers from severe economic and emotional harms.

By Mr. DANIEL E. LUNGREN of California:

H.R. 901.

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

This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Ms. MATSUI:

H.R. 902.

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

Article I, Section 8, Clause 3.

By Mr. CALVERT:

H.R. 903.

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

The constitutional authority of Congress to enact this legislation is provided by Article IV, Section 3 of the United States Con-

stitution, specifically Clause 2 (empowering Congress to make rules and regulations respecting property belonging to the people of the United States), Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress). Furthermore, this bill amends the Outer Continental Shelf Lands Act (43 U.S.C. 1331), which Congress previously enacted pursuant to similar authority.

By Mr. SENSENBRENNER:

H.R. 904.

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

The Tenth Amendment to the Constitution.

By Mr. WHITFIELD:

H.R. 905.

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

Article I, Section 8, Clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

By Mr. COHEN:

H.R. 906.

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

Article I, Section 8, Clause 1.

By Mrs. MALONEY:

H.R. 907.

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

Article I, Section 8, Clause 3 of the Constitution.

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. MURPHY of Pennsylvania:

H.R. 908.

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

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. NUNES:

H.R. 909.

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

Clause 3 of Section 8 of Article I and Clause 2 of Section 3 of Article IV of the Constitution of the United States.

By Mr. UPTON:

H.R. 910.

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

Commerce Clause: Article I, Section 8, Clause 3.

By Mr. BARROW:

H.R. 911.

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

U.S. Constitution; Article I, Section 8.

By Ms. GRANGER:

H.R. 912.

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

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

By Mr. ADERHOLT:

H.R. 913.

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

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

By Mr. CONNOLLY of Virginia:

H.R. 914.

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

Article I, Section 8, Clause 18.

By Mr. CUELLAR:

H.R. 915.

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

The Constitution including Article I, Section 8.

By Mr. DENT:

H.R. 916.

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

Article I, Section 8.

By Mr. FILNER:

H.R. 917.

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

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 1, 3, and 18), which grant Congress the power to provide for the general welfare of the United States; to regulate Commerce among the several States; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Ms. FOX:

H.R. 918.

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

Article I, Section 8, Clause 1 of, and the 16th Amendment to, the United States Constitution.

By Mr. FRANKS of Arizona:

H.R. 919.

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

Article 4, Section 3, Clause 2.

By Mr. GOHMERT:

H.R. 920.

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

This bill is enacted pursuant to the power granted to Congress under Article I, Section 9, Clause 7, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." Furthermore, under Article I, Section 8, Clause 18, "Congress shall have the power . . . [t]o make all Laws which shall be necessary and proper for carrying into Execution . . . all other Powers vested by this Constitution in the Government of the United States." It is within Congress' power to regulate the appropriation of money from the Treasury and this bill is "necessary" to stop the automatic increase in national spending.

By Mr. GOHMERT:

H.R. 921.

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

Under Article I, Section 8, 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 the Constitution in the Government of the United States, or in any Department or Officer thereof.

Article I, Section 9, Clause 7: No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mr. GOSAR:

H.R. 922.

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

It was explained by James Madison, in Federalist No. 45, that the "powers delegated to Congress in the proposed constitution to the federal government are few and defined." Mindful of this admonition, this proposed bill comports with several enumerated powers granted to Congress. Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 17: The Congress shall have the power "[t]o exercise exclusive Legislation in all Cases whatsoever, . . . to exercise like Authority

over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings." Thus, lands purchased and held by the Federal Government, are within the exclusive jurisdiction of the Federal Government for purposes of management, control, disposition and if necessary, resolution of issues arising out of such land use. That being said, nothing herein shall be deemed an expansion of, or resolution of, the federal government's power to purchase and then hold land indefinitely and in substantial percentages as known in the Western States if not "needful" for federal purposes.

Further, the U.S. Supreme Court, in *Collins v. Yosemite Park & Curry Co.*, 304 U.S. 518, 529 (U.S. 1938), reasoned that Clause 17 "is not the sole authority" for either property acquisition or management, as "[i]t has never been necessary heretofore for this Court to determine whether or not the United States has the constitutional right to exercise jurisdiction over territory, within the geographical limits of a State, acquired for purposes other than those specified in Clause 17."

Further, the Constitution's Property Clause, Article IV, Sec. 3, Clause 2, provides that "Congress shall have the power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." This Management Clause as currently understood conveys the express authority to Congress to address issues and resolve matters involving Federal Land. Additionally, Article I, Section 8, Clause 18, further provides a constitutional basis for this Act as it conveys the power to Congress to implement its enumerated powers (but this clause cannot expand those powers) and "make all Laws which shall be necessary and proper" for executing and implementing enumerated powers.

By Mr. HASTINGS of Florida:

H.R. 923.

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

Section 8 of Article I of the Constitution.

By Mr. HEINRICH:

H.R. 924.

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

Article I, Section 8, Clause 1.

By Mr. KILDEE:

H.R. 925.

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

Article I, Section 8, Clause 3, The Commerce Clause, and Article 1, Section 8, Clause 18, the Necessary and Proper Clause.

By Mr. KING of New York:

H.R. 926.

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

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. MARKEY:

H.R. 927.

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

The Constitutional authority of Congress to enact this legislation is provided by Article IV, Section 3, which provides that Congress shall have the power to dispose of and make all needful. Rules and Regulations respecting the Territory or other Property belonging to the United States.

By Mr. MCNERNEY:

H.R. 928.

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

Section 8 of Article I of the Constitution.

By Mr. NADLER:

H.R. 929.

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

Article I, Section 8, Clauses 1, 3 and 18.

By Ms. PINGREE of Maine:

H.R. 930.

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

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

As necessary and proper Article I Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

As necessary and proper, Article I Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. POE of Texas:

H.R. 931.

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

Clause 18 of Section 8 of Article I of the Constitution which states that Congress has the 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. ROONEY:

H.R. 932.

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

Article I, Section 8, Clause 4: To establish a uniform rule of Naturalization, and uni-

form laws on the subject of Bankruptcies throughout the United States.

By Ms. ROYBAL-ALLARD:

H.R. 933.

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

Article I, Section 8, Clause 4.

Article I, Section 8, Clause 18.

By Mr. SESSIONS:

H.R. 934.

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

Article I, Section 8, Clause 1.

By Mr. SOUTHERLAND:

H.R. 935.

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

The Social Security Act has been upheld under the power to tax and spending under Article I Section 8, Clause 1 of the U.S. Constitution.

Mr. WELCH:

H.R. 936.

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

Article I, Section 8, 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 the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. BROUN of Georgia:

H.J. Res. 45.

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

Article V of the Constitution. The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

By Mr. GRIFFITH of Virginia:

H.J. Res. 46.

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

This bill is enacted pursuant to Article V of the United States Constitution.