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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. WEST).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 1, 2011.

I hereby appoint the Honorable ALLEN B. WEST to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

BUDGET GRIDLOCK

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

Mr. MCNERNEY. Mr. Speaker, I rise to address the budget gridlock that's ripping Washington apart. Like every American who cares about the future of our great country, I'm upset by the rampant partisan fighting. But I also know that the responsibility is not equally shared. For proof, look no further than the collapse of the deficit supercommittee.

Washington Republicans' refusal to ask the wealthiest people and the biggest corporations to contribute their fair share caused the supercommittee's failure and is putting our country at risk. Middle class families are struggling, but the world's biggest corporations make huge profits and exploit tax loopholes to send jobs overseas. And the rich keep getting richer but are contributing less.

This inequality is unacceptable, and it hurts America's economy. For instance, the after-tax income of the top 1 percent rose 281 percent from 1979 to 2007, but their total average Federal tax rate fell by nearly 8 points. Unfortunately, Washington Republicans have made clear that they will not fix the injustices in our Tax Code.

In fact, 238 Members of the House and 41 Senators, almost all of them Republicans, have signed the infamous Americans for Tax Reform pledge. This pledge commits its signers to oppose any plan, no matter how responsible, that would ask the wealthiest people to contribute their fair share. Whether motivated by extremist ideology or commitments to greedy special interests, the facts are clear: Republicans who signed this pledge cannot take the steps our country needs to get our budget in order.

Republicans came to power on a mission to rein in the budget deficit, a goal that we all support. But instead of supporting balanced policies, Washington Republicans forced the Congress to pass a dangerous budget agreement. And thanks to them, our hands are tied. If Washington Republicans keep refusing to compromise, massive cuts will kick in that will harm the middle class.

Washington Republicans won't negotiate and won't come up with a fair budget plan. Instead of helping the middle class, Republicans are standing up for the megarich.

According to the Center on Budget and Policy Priorities, the plan put forward by Republicans on the deficit supercommittee shifts even more of the tax burden from the rich to the middle class. Their plan would change the tax tables in a way that benefits the wealthiest households more than the rest of us, which is what the chart next to me shows. As your income grows, so do your benefits. The wealthiest households will get more and more benefit, and their proposal dramatically weakens a variety of tax policies that help the middle class. I can't support a plan like that, and the American people can't either.

Democrats and Republicans should be working together on fair solutions, but the Republicans' unwillingness to compromise is making this goal impossible. We can find solutions that will reduce the debt and keep taxes low for small businesses and middle class families, but only if the Republicans stop protecting tax breaks for the superrich.

When I took my oath of office, I pledged to protect and defend the Constitution, and I am committed to helping the middle class getting our economy back on track.

Democrats have demonstrated a willingness to talk about difficult subjects like entitlement reform, but Republicans refuse to negotiate. So I ask my Republican colleagues, especially those who have signed the ATR pledge, a simple question: Where do your loyalties lie? With the superrich and the special interests or with the hardworking Americans?

LARRY MUNSON

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

Mr. BROUN of Georgia. He turned Georgia football games into larger-than-life experiences. He awakened excitement and pinpointed fear in the depths of Dawg fans' souls and shouted out those emotions on radios statewide. His voice will go down in history

as the soundtrack of some of the most famous play calls, highlight reels, and moments for UGA that will simply never be forgotten.

Whether it was his describing the ''sugar'' falling out of the sky, or begging the Dawgs to hunker down one more last time, Larry Munson had an unmatched ability to find words for feelings that just could not be spoken. To call him an iconic play-by-play announcer for the University of Georgia football team would be a vast understatement. He was a classic city treasure, an Athens legend. And for 42 years, Larry Munson breathed life into the Sanford Stadium and made the Dawgs dance.

He was different from all other sportscasters. Larry Munson was very authentic. He always told it like it was, even when he had given up on a red and black win. He didn't care about political correctness, and he wasn't afraid to scream about stepping on Tennessee's face with a hobnailed boot or breaking his chair—his metal, steel chair with a five-inch cushion—when Georgia beat Florida in 1980 and then went on to win the national championship. He loved Georgia football, and Georgia football loved Larry Munson just right back.

His memory will live on forever in the body of the Bulldog Nation, in the hearts of all Dawg fans, and will live on between the hedges every game day.

On behalf of the United States Congress, here's to you, Larry, one of the best Dawgs that Georgia has ever known. And we'll never forget. We'll miss you greatly, Larry.

Go Dawgs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

UNEMPLOYMENT INSURANCE

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

Mr. HOYER. Mr. Speaker, before we adjourn for the year, there are a number of important items that we must address. The most pressing is the expiration of unemployment benefits at the end of December.

Should Congress fail to act, millions of Americans who rely on emergency unemployment compensation will begin to see their payments disappear starting in January. 2.1 million of our fellow Americans will have lost their benefits by the middle of February, and over 6 million by the end of 2012. However, we have the power to prevent that from happening by extending those benefits.

These emergency benefits were put in place at the start of the recession in December of '07; and with so many Americans still out of work, now is certainly not the time to let them come to an end.

□ 1010

The number one challenge we must address in the Congress remains job creation. Americans out of work have been doing their part to find jobs. Congress must do its part as well. Some Republicans have unfairly and incorrectly blamed those who have been laid off for their continued difficulty in finding jobs. However, there are over four people looking for every one job that is available. At the same time, there are nearly 7 million fewer jobs today than there were in 2007.

Instead of blaming the victims, we ought to work together, Democrats and Republicans, to find solutions. Congress has never allowed emergency unemployment benefits to lapse with our jobless rate anywhere close to where it is today. If it did, over 17,000 people in my State of Maryland would see their lifeline cut off by February. In Ohio, Speaker BOEHNER's State, 80,000 people are at risk.

Among African Americans, Latinos and other minorities, a disproportionate number have been affected by long-term unemployment and are especially vulnerable if these benefits were to end. Every State would see more Americans who are out of work slip into poverty. Local communities would be affected, too, with residual job losses. The Economic Policy Institute has estimated that allowing these benefits to expire would cost us another 500,000 jobs—a half a million.

I sincerely hope that Republicans will work with us to prevent so many Americans from being left out in the cold as they continue to seek jobs but can't find them. It's long past the time that they start working with us to pass a real jobs plan to get Americans back to work and grow our economy.

The President put a jobs bill on our desk in September. It is now December. We've yet to see that bill or any other jobs bill put on this House floor by the Republican leadership. Democrats have multiple jobs plans on the table—the President's American Jobs Act and the House Democrats' Make It in America plan. Both will help create jobs right away and invest in long-term economic competitiveness.

If Republicans continue to be unwilling to work with us on a plan to create jobs, I hope they will at least work with us to pass a measure that will prevent further losses as a result of expiring unemployment benefits. I strongly urge my Republican friends to help us stop the looming and entirely preventable disaster of millions having no support. It is the responsibility we have to our constituents and to those looking to us for leadership during this challenging time.

Let us not go home. Let us not celebrate Christmas or other holidays without ensuring the extension of unemployment benefits for those Americans who cannot find jobs, notwithstanding the fact they are looking for jobs. They're counting on us. Let's be sure that their reliance was well placed.

YUCCA MOUNTAIN: HIGH-LEVEL NUCLEAR WASTE STORAGE

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

Mr. SHIMKUS. It's always great to follow the highly respected minority whip, and he is highly respected.

I would say that there are a lot of pressing problems in this country. There is one I'll speak about today, and that's the high-level nuclear waste storage throughout this country. I would also say to my friend that part of the jobs bill has been passed. We passed the free trade agreement; we passed the veterans benefit portion; we passed the 3 percent withholding. So there has been movement in a bipartisan manner on some provisions in the bill.

So now, Mr. Speaker, let me segue to an issue for which I've come to the floor now six times, that of going throughout the country and highlighting where high-level nuclear waste is stored throughout this country.

Today, we'll travel to the State of Massachusetts, right on Cape Cod Bay where the Pilgrim Nuclear Power Plant sits. Again, it's right on Cape Cod Bay. At Pilgrim, there are over 2,918 spent-fuel assemblies on site. Yucca Mountain, which is the defined storage location, by law, in the 1982 Nuclear Waste Policy Act, currently has no nuclear waste on site. I like to keep highlighting the real distinct differences based upon the years of talking about this issue and highlighting some of the arguments against Yucca, comparing it to where we have nuclear waste today.

So let's, again, continue to look at the Pilgrim Nuclear Power Plant. The waste is stored aboveground in pools, very similar to Fukushima-Diachi in Japan. At Yucca the waste will be stored 1,000 feet underground—above the ground in pools, 1,000 feet underground. I think Yucca is a better location. At Pilgrim the waste is 20 feet from the water table. At Yucca it would be 1,000 feet above the water table. I think that's a better, safer and more secure location. You can see the Pilgrim plant is right on Cape Cod Bay, right next to the water. Yucca Mountain is situated 100 miles from, really, the nearest body of water, which would be the Colorado River.

Now, for those who have been following my time in coming to the floor, this is my sixth time. I started at Hanford, a DOE facility in Washington State, and compared it to Yucca Mountain. I then went to Zion. I've got my friend from Chicago right here. Zion is right on Lake Michigan, which is a decommissioned nuclear power plant that still has waste stored on site; but Wisconsin has two nuclear power plants right on Lake Michigan.

Then I went to Savannah, Georgia, to talk about the nuclear waste there. Of course, it has the Savannah River; so it's right next to the Savannah River. Then I went out to California to look at San Onofre, the nuclear power plant

that's right on the Pacific Ocean. Then I went to Idaho and looked at the Idaho National Labs and the nuclear waste stored there. Today, we go to Massachusetts.

The point being, there is high-level nuclear waste stored all over this country, and a single repository at Yucca Mountain makes sense for all of the right reasons: it's over 100 miles from the largest city; it's in the desert; it would be underneath a mountain. There is no more safe, secure location.

Why are we not moving forward? Because this administration has decided not to spend the money needed to finish the final environmental study through the Nuclear Regulatory Commission.

So where are our Senators on this position? I've been bringing this down to the floor through all these States. We need 60 votes in the Senate to secure America's nuclear waste. Right now, through the States, based upon the States we've identified, there are 20 ''yeses.'' We've got about seven who are relatively new. We don't know their positions. Of course, we have established five who are ''noes.'' There are some in the New England States that I mentioned:

SUSAN COLLINS voted for Yucca Mountain in 2002. OLYMPIA SNOWE voted for it in 2002. Senator KERRY voted against it. Now, Pilgrim is in the State of Massachusetts. Based upon his statement, I guess Senator KERRY feels that Pilgrim is a more safe and secure location than Yucca Mountain. SCOTT BROWN has no position yet. Senator AYOTTE has no position. Senator SHAHEEN has no position. Of course, the Independent from Vermont has voted ''no.''

UNEMPLOYMENT INSURANCE EXTENSION

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

Ms. MOORE. Recently and even today, we've heard a lot from both sides of the aisle about the extension of unemployment insurance; but I think the voices that we need to be listening to are the voices of the American people. So, if you would indulge me, Mr. Speaker, I would like to read a letter from one of my constituents:

''Ms. Moore, I am writing you today to request that you pass the extension for unemployment insurance benefits. I am a single mom and experienced a layoff at my job this past summer. My benefits are about to run out, and I am still looking for a job. Last week alone, I applied to over 20 jobs online, and received only one call-back for an interview. I have $600 left to claim on unemployment. After that, I do not know what I am going to do. I pray every day that this extension will go through before the holidays. That is all I want for Christmas.

□ 1020

''Being unemployed has left me with a sense of low self-worth. And I find that I cry all the time. I hope that my interview next week is successful. Nonetheless, I am trying to be proactive on the job hunt. I have a webinar scheduled today for successful interviewing skills. And I am hoping to apply those skills in my interview next week. I just want some peace of mind that I will continue to receive the extension before the holiday.''

Sadly, this young woman is just one of 58,000 Wisconsinites who will lose benefits if we don't extend the unemployment insurance. And, of course, there are millions of stories like this across the country, hardworking Americans, Mr. Speaker, who just want the opportunity to have an opportunity.

And as the holidays approach, the harsh realities of our failed economy become more and more prevalent. I, along with all of my Democratic colleagues, have been calling for the passage of an extension of UI benefits for what seems like an eternity. Yet some would turn their backs on their fellow Americans during the holidays and in these most trying of economic times.

Like the Grinch who stole Christmas, the Republican majority with devilish grins are tipping through Whoville or, in this case, across the country attempting to steal the holiday cheer from hardworking Americans with these tortured rationales as to why they oppose these much and desperately needed benefits, while continuing simultaneously to work to ensure that the rich get richer through maintaining tax cuts.

The Unemployment Insurance Program serves as a lifeline for millions of unemployed Americans and their families, their children, who are now at the mercy of the worst job market since the Great Depression. Millions of hardworking Americans, nearly 2 million in just January alone and over 6 million in 2012, will be cut off from the emergency lifeline that is unemployment insurance unless Congress acts.

Mr. Speaker, these are Americans who have been laid off and are desperately searching for work. But the jobs just are not there. That is why we must pass the Doggett-Levin Emergency Unemployment Compensation Extension Act. The Emergency Unemployment Compensation Extension Act is just common sense, and it will continue the current Federal unemployment programs through next year. The extension of these benefits will not only strengthen the safety net for the unemployed, but it will, most importantly, promote economic recovery by preventing the loss of a half-million jobs.

Additionally, relieving insolvent States from interest payments on Federal loans for 1 year will help the States, including Wisconsin, which were forced to borrow funds from the Federal Government in order to pay for unemployment benefits for the thousands of unemployed or laid off.

Never, never before now has this been a partisan issue where Congress, controlled by either party, has denied this life-sustaining unemployment benefit. Right now we need a holiday miracle. We need a miracle to help these grinches grow hearts and vote immediately to extend the Unemployment Insurance Program.

I call on my colleagues, Mr. Speaker, to come together this season and bring some holiday cheer back to the American people.

HONORING TOM MELLON

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

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor one of the Bucks County Bar Association's most ardent supporters, my dear friend, Tom Mellon. Tom is known by many around the country for his passion and commitment to the law, but is equally known in the Bucks County area as a dedicated civil servant who has spent his entire life giving back to the community.

I've known Tom for many years, and although we come from different party backgrounds, it has never gotten in the way of our friendship. Our shared values have always trumped politics. First and foremost, Tom is a family man. He's a loyal husband to Sara and a dedicated father to four sons, Thomas, Christopher, Ryan and Henry. Tom is also one of the friendliest people you will ever meet. He has a genuine personality and a warm welcoming demeanor, which have served him well throughout his career.

Tom always seems to carry with him an inner Irish spirit. From day one he has championed the underdog and the downtrodden, which is truly an admirable quality. Throughout the course of his legal career, Tom has been the David to many a corporation's Goliath, taking on Big Tobacco, multiple pharmaceutical companies, and even global terrorists. He never waivers in his dedication to his clients or to his cause. His cases are taken not necessarily because he knows he can win, but because morally they are the right thing to do. Tom is truly an inspiration to many young, aspiring attorneys who want to change the world. He has been to me.

As Tom sees it, his life duty is to help those who are in need. He launched his legal career representing the interests of victims of crime in the United States Attorney's Office, and he has never looked back.

Today he continues his representation of the less fortunate, proudly serving as a trial attorney in Doylestown, Pennsylvania.

After 9/11 Tom served as a lead counsel among a national consortium of attorneys who were retained by the families of the victims of the terrorist attacks in order to pursue an investigation into the involvement of Iran and al Qaeda. In 1999 Tom arranged for the first group of American lawyers to

visit Havana, Cuba, in order to better understand the culture of the land and the inner struggles of the Cuban people.

Currently Tom also serves on the board of directors of the Bucks Mont Katrina Relief Project and has raised millions of dollars for the victims of Hurricane Katrina in Hancock County, Mississippi. As part of this mission, Tom has led over 100 attorneys and their family members on multiple trips to Hancock County to clean up the devastation, rebuild homes, and assist in the construction of new community buildings like a food pantry and an animal shelter.

Tom's morals and decorum permeate every aspect of his life. His loyalty is unwavering and unparalleled, whether it be to family, friends, employees, or clients. His dedication to the community speaks volumes about who Tom is as a person. He is a kind, giving, unique individual, and I'm truly blessed to have called him a friend for so many years and to honor him today as he will be honored tonight at the Bucks County Bar Association.

WALL STREET VERSUS MAIN STREET

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

Ms. KAPTUR. Mr. Speaker, it's no secret that Wall Street is rampant with cases of outright fraud, backroom deals and very, very special political access. Meanwhile, Main Street is pushing back hard against this tide by investing in our communities and struggling to create jobs so our economy can grow.

A steady series of probing news stories have begun to expose the depth of corruption that precipitated the Wall Street meltdown and why it is so hard for Main Street to recover.

Bloomberg just released a story detailing how the former Secretary of the Treasury, Hank Paulson, provided special insider information to well connected Wall Street executives in July of 2008, just before the meltdown. According to Bloomberg, on the very same day the former Secretary told The New York Times that he expected the examinations of the Federal Reserve and the Office of the Comptroller of the Currency into Fannie Mae and Freddie Mac would ''give a signal of confidence to the markets,'' he informed a select group of his friends on Wall Street later in the day that in reality, there was a plan for placing ''Fannie and Freddie into conservatorship,'' which amounts to a government seizure. Those firms got insider information, and one can ask, did they then place bets to protect their interests? I bet they did.

One of the fund managers in that meeting said ''he was shocked that Paulson would furnish such specific information, leaving little doubt that the Treasury Department would carry out that plan.'' In the words of William Black, law expert at the University of Missouri, ''There was no legitimate reason for these disclosures.''

The Secretary of Treasury is supposed to be a public steward of our Nation's financial well-being. But when he told the public one story and then shared the inside track with his friends and colleagues from Goldman Sachs and other large firms, he broke that trust.

□ 1030

To be blunt, this is self-serving crony capitalism at its worst.

This is hardly the only case of special treatment of Wall Street insiders by Washington, insiders like Paulson, who was the former head of Goldman Sachs. Earlier this week, we saw a U.S. District Court throw out a settlement between the Securities & Exchange Commission and Citigroup. In 2008, Citigroup reportedly created, marketed, and sold a fund to investors. What Citigroup did not disclose is that the bank itself was actually betting against their own fund. This fraudulent deal made Citigroup $160 million while costing the fund's investors $700 million in losses, and counting.

The SEC's response to this fraud was a $285 million settlement, slightly more than a third of the reported losses incurred by the victims of this fraud. Citigroup was not even required to admit any wrongdoing. The federal judge was absolutely correct to throw this case out. The SEC's policy of allowing large Wall Street firms to walk away from fraud cases without so much as admitting any wrongdoing is completely inappropriate and invites more corruption.

Growing reports of fraud are staggering, and they underlie the Wall Street dealing that has so harmed our Nation. Throughout November, we saw headline after headline of how MF Global took money from its own private customer accounts as it tried to stay afloat in the days before it filed one of the largest bankruptcies in American history. There may be as much as $1.2 billion unaccounted for. We used to call that stealing.

The fact is our Justice Department has only a handful of FBI agents to properly investigate the volume of corruption infecting our markets. After reviewing the FBI's own testimonies, I introduced H.R. 1350, the Financial Crisis Criminal Investigation Act, to authorize an additional 1,000 FBI agents and forensic experts to prosecute white collar crime, especially Wall Street. Back in the 1990s when we had the S&L crisis, we had a thousand agents. When this crisis started, there were but a handful because they had all been switched to terrorism investigations.

When you look at these cases, what is astounding is just how well connected so many of these institutions on Wall Street are to the corridors of power in Washington. It now appears even former Speaker Newt Gingrich was paid millions of dollars by Freddie Mac before it went bankrupt.

At a minimum, our Nation needs an independent commission to investigate what actions led to the eventual collapse of Fannie Mae and Freddie Mac by which Wall Street turned over all of its toxic mortgage paper to the taxpayers of the United States for the next three generations.

I have a bill to do just that, H.R. 2093. I ask other Members of the House to sponsor the Fannie Mae and Freddie Mac Criminal Investigative Commission Act.

So while real justice for Wall Street languishes in places from Cleveland to Toledo, Main Street America is trying to create jobs. It's over time for Washington to get its House in order to restore accountability to Wall Street so that full confidence can be restored to our economy. Exacting justice for Wall Street wrongdoing is long overdue. That task remains fundamental to economic recovery and job growth.

[From the Bloomberg Markets Margazine, Nov. 29, 2011]

HOW PAULSON GAVE HEDGE FUNDS ADVANCE WORD OF FANNIE MAE RESCUE

(By Richard Teitelbaum)

Treasury Secretary Henry Paulson stepped off the elevator into the Third Avenue offices of hedge fund Eton Park Capital Management LP in Manhattan. It was July 21, 2008, and market fears were mounting. Four months earlier, Bear Stearns Cos. had sold itself for just $10 a share to JPMorgan Chase & Co. (JPM).

Now, amid tumbling home prices and near-record foreclosures, attention was focused on a new source of contagion: Fannie Mae (FNMA) and Freddie Mac, which together had more than $5 trillion in mortgage-backed securities and other debt outstanding, Bloomberg Markets reports in its January issue.

Paulson had been pushing a plan in Congress to open lines of credit to the two struggling firms and to grant authority for the Treasury Department to buy equity in them. Yet he had told reporters on July 13 that the firms must remain shareholder owned and had testified at a Senate hearing two days later that giving the government new power to intervene made actual intervention improbable.

''If you have a bazooka, and people know you have it, you're not likely to take it out,'' he said.

On the morning of July 21, before the Eton Park meeting, Paulson had spoken to New York Times reporters and editors, according to his Treasury Department schedule. A Times article the next day said the Federal Reserve and the Office of the Comptroller of the Currency were inspecting Fannie and Freddie's books and cited Paulson as saying he expected their examination would give a signal of confidence to the markets.

A DIFFERENT MESSAGE

At the Eton Park meeting, he sent a different message, according to a fund manager who attended. Over sandwiches and pasta salad, he delivered that information to a group of men capable of profiting from any disclosure.

Around the conference room table were a dozen or so hedge-fund managers and other Wall Street executives—at least five of them alumni of Goldman Sachs Group Inc. (GS), of which Paulson was chief executive officer and chairman from 1999 to 2006. In addition

to Eton Park founder Eric Mindich they included such boldface names as Lone Pine Capital LLC founder Stephen Mandel, Dinakar Singh of TPG-Axon Capital Management LP and Daniel Och of Och-Ziff Capital Management Group LLC.

After a perfunctory discussion of the market turmoil, the fund manager says, the discussion turned to Fannie Mae and Freddie Mac. Paulson said he had erred by not punishing Bear Stearns shareholders more severely. The secretary, then 62, went on to describe a possible scenario for placing Fannie and Freddie into ''conservatorship''—a government seizure designed to allow the firms to continue operations despite heavy losses in the mortgage markets. . . .

SHARES RALLY

At the time Paulson privately addressed the fund managers at Eton Park, he had given the market some positive signals—and the GSEs' shares were rallying, with Fannie Mae's nearly doubling in four days. William Black, associate professor of economics and law at the University of Missouri-Kansas City, can't understand why Paulson felt impelled to share the Treasury Department's plan with the fund managers.

''You just never ever do that as a government regulator—transmit nonpublic market information to market participants,'' says Black, who's a former general counsel at the Federal Home Loan Bank of San Francisco. ''There were no legitimate reasons for those disclosures.''

Janet Tavakoli, founder of Chicago-based financial consulting firm Tavakoli Structured Finance Inc., says the meeting fits a pattern.

''What is this but crony capitalism?'' she asks. ''Most people have had their fill of it.''

A LAWYER'S ADVICE

The fund manager who described the meeting left after coffee and called his lawyer. The attorney's quick conclusion: Paulson's talk was material nonpublic information, and his client should immediately stop trading the shares of Washington-based Fannie and McLean, Virginia-based Freddie. . . .

GOLDMAN ALUMS

One other Goldman Sachs alumnus was at the meeting: Frank Brosens, founder and principal of Taconic Capital Advisors LP, who worked at Goldman as an arbitrageur and who was a protege of Robert Rubin, who went on to become Treasury secretary.

Non-Goldman Sachs alumni who attended included short seller James Chanos of Kynikos Associates Ltd., who helped uncover the Enron Corp. accounting fraud; GS. Capital Partners LP co-founder Bennett Goodman, who sold his firm to Blackstone Group LP (BX) in early 2008; Roger Altman, chairman and founder of New York investment bank Evercore Partners Inc. (EVR); and Steven Rattner, a co-founder of private-equity firm Quadrangle roup LLC, who went on to serve as head of the U.S. government's Automotive Task Force. . . .

[From the New York Times, Nov. 28, 2011]

JUDGE BLOCKS CITIGROUP SETTLEMENT WITH S.E.C.

(By Edward Wyatt)

WASHINGTON.—Taking a broad swipe at the Securities and Exchange Commission's practice of allowing companies to settle cases without admitting that they had done anything wrong, a federal judge on Monday rejected a $285 million settlement between Citigroup and the agency.

The judge, Jed S. Rakoff of United States District Court in Manhattan, said that he could not determine whether the agency's settlement with Citigroup was ''fair, reasonable, adequate and in the public interest,'' as required by law, because the agency had claimed, but had not proved, that Citigroup committed fraud.

As it has in recent cases involving Bank of America, JPMorgan Chase, UBS and others, the agency proposed to settle the case by levying a fine on Citigroup and allowing it to neither admit nor deny the agency's findings. Such settlements require approval by a federal judge.

While other judges are not obligated to follow Judge Rakoff's opinion, the 15–page ruling could severely undermine the agency's enforcement efforts if it eventually blocks the agency from settling cases in which the defendant does not admit the charges.

The agency contends that it must settle most of the cases it brings because it does not have the money or the staff to battle deep-pocketed Wall Street firms in court. Wall Street firms will rarely admit wrongdoing, the agency says, because that can be used against them in investor lawsuits.

The agency in particular, Judge Rakoff argued, ''has a duty, inherent in its statutory mission, to see that the truth emerges.'' But it is difficult to tell what the agency is getting from this settlement ''other than a quick headline.'' Even a $285 million settlement, he said, ''is pocket change to any entity as large as Citigroup,'' and often viewed by Wall Street firms ''as a cost of doing business.''

According to the Securities and Exchange Commission, Citigroup stuffed a $1 billion mortgage fund that it sold to investors in 2007 with securities that it believed would fail so that it could bet against its customers and profit when values declined. The fraud, the agency said, was in Citigroup's falsely telling investors that an independent party was choosing the portfolio's investments. Citigroup made $160 million from the deal and investors lost $700 million.

Judge Rakoff said the agency settlement policy—''hallowed by history, but not by reason''—creates substantial potential for abuse because ''it asks the court to employ its power and assert its authority when it does not know the facts.'' That undermines the constitutional separation of powers, he said, by asking the judiciary to rubber-stamp the executive branch's interpretation of the law.

The agency said that it disagreed with the judge's ruling but did not say whether it would appeal, or try to refashion the settlement or prepare to begin a trial, as the judge directed, on July 16.

Robert Khuzami, the agency's director of enforcement, said in a statement that the Citigroup settlement ''reasonably reflects the scope of relief that would be obtained after a successful trial,'' and that the decision ''ignores decades of established practice throughout federal agencies and decisions of the federal courts.''

Citigroup said it also disagreed with Judge Rakoff's decision, adding that it would fight the charges if the case indeed went to trial.

''We believe the proposed settlement is a fair and reasonable resolution to the S.E.C.'s allegation of negligence, which relates to a five-year-old transaction,'' Edward Skyler, a Citigroup spokesman, said in a statement ''We also believe the settlement fully complies with long-established legal standards. In the event the case is tried, we would present substantial factual and legal defenses to the charges.''

In his decision, Judge Rakoff called Citigroup ''a recidivist'' or repeat offender, for having Previously settled other fraud cases with the agency where it neither admitted nor denied the allegations but agreed never to violate the law in the future.

Citigroup and other repeat offenders can agree to those terms, the judge said, because they know that the commission has not monitored compliance, failing to bring contempt charges for repeat violations in at least 10 years.

A recent analysis by The New York Times of the agency's fraud settlements with Wall Street firms found 51 instances, involving 19 companies, in which the agency claimed that a company had broken fraud laws that they previously had agreed never to breach. Securities law experts said that the ruling presents the agency with a tough dilemma. In future cases, it will have to consider the risk that another judge may be reluctant to approve a settlement given the Rakoff ruling.

''This is clearly a case of great significance,'' said Harvey Pitt, a former chairman of the agency who is now chief executive at Kalorama Partners in Washington. ''It's also a case for which there is no direct precedent Courts have been approving settlements by government agencies without any admissions of wrongdoing for years.''

On the other hand, Mr. Pitt noted, ''there is no suggestion here that this decision would apply in every single case,'' because Citigroup has reached such settlements before, a situation that sets this case apart from many Securities and Exchange Commission settlements.

Judge Rakoff has been a frequent critic of the agency's settlements. In 2009, he rejected a proposed $33 million settlement with Bank of America for a case in which the agency said the bank had misled shareholders over its acquisition of Merrill Lynch. He eventually approved a $150 million settlement after the agency presented further evidence of the bank's wrongdoing.

The judge also noted the difference between the agency's settlement with Citigroup and its settlement last year with Goldman Sachs in a similar mortgage-derivatives case. Goldman was required to say that its marketing materials for the product ''contained incomplete information.''

In the Citigroup case, no such facts were agreed on. ''An application of judicial power that does not rest on facts is worse than mindless, it is inherently dangerous,'' Judge Rakoff wrote. ''In any case like this that touches on the transparency of financial markets whose gyrations have so depressed our economy and debilitated our lives, there is an overriding public interest in knowing the truth.''

Mr. Khuzami took issue with the judge's characterization of the settlement ''These are not 'mere' allegations,'' he said, ''but the reasoned conclusions of the federal agency responsible for the enforcement of the securities laws after a thorough and careful investigation of the facts.''

Barbara Black, a professor at the University of Cincinnati College of Law who edits the Securities Law Prof Blog, said that the decision was interesting because Judge Rakoff carefully treads the line between the deference that judges are supposed to show to regulatory agencies while also ensuring that the court does not simply rubber-stamp decisions.

In a legal dispute between two private parties, they can agree to whatever settlement they desire, Ms. Black said. But in a case involving a public agency with consequences that affect the public interest, there has to be some kind of acknowledgment that certain things did occur, she added.

DUTIES AND FUNCTIONS OF THE U.S. DEPARTMENT OF THE TREASURY

MISSION

Maintain a strong economy and create economic and job opportunities by promoting the conditions that enable economic growth and stability at home and abroad, strengthen national security by combating threats and

protecting the integrity of the financial system, and manage the U.S. Government's finances and resources effectively.

Treasury's mission highlights its role as the steward of U.S. economic and financial systems, and as an influential participant in the world economy.

The Treasury Department is the executive agency responsible for promoting economic prosperity and ensuring the financial security of the United States. The Department is responsible for a wide range of activities such as advising the President on economic and financial issues, encouraging sustainable economic growth, and fostering improved governance in financial institutions. The Department of the Treasury operates and maintains systems that are critical to the nation's financial infrastructure, such as the production of coin and currency, the disbursement of payments to the American public, revenue collection, and the borrowing of funds necessary to run the federal government. The Department works with other federal agencies, foreign governments, and international financial institutions to encourage global economic growth, raise standards of living, and to the extent possible, predict and prevent economic and financial crises. The Treasury Department also performs a critical and far-reaching role in enhancing national security by implementing economic sanctions against foreign threats to the U.S., identifying and targeting the financial support networks of national security threats, and improving the safeguards of our financial systems.

ORGANIZATION

The Department of the Treasury is organized into two major components the Departmental offices and the operating bureaus. The Departmental Offices are primarily responsible for the formulation of policy and management of the Department as a whole, while the operating bureaus carry out the specific operations assigned to the Department. Our bureaus make up 98% of the Treasury work force. The basic functions of the Department of the Treasury include:

Managing Federal finances;

Collecting taxes, duties and monies paid to and due to the U.S. and paying all bills of the U.S.;

Currency and coinage;

Managing Government accounts and the public debt;

Supervising national banks and thrift institutions;

Advising on domestic and international financial, monetary, economic, trade and tax policy;

Enforcing Federal finance and tax laws;

Investigating and prosecuting tax evaders, counterfeiters, and forgers.

FIXING A BROKEN WASHINGTON

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

Mr. YOUNG of Indiana. Mr. Speaker, I rise today to speak on behalf of the overwhelming majority of my southern Indiana constituents.

A year ago, they sent me to this body to give a voice to their frustrations with Washington—a frustration I shared then and share now more than ever. The American people's frustration stems from a lack of real progress in addressing our Nation's most fundamental challenges: Federal spending, our national debt, job creation, and the decline of the middle class. Our fellow citizens have concluded what I, too, have concluded—Washington is broken, and no one is in a hurry to fix it.

Congress hasn't passed a balanced budget in over a decade. The Senate hasn't passed any sort of budget in 3 years. Our national debt recently topped $15 trillion, and our unemployment rate hovers around 9 percent. Instead of trying to fix our problems, Washington would rather argue about who's to blame for causing our problems. Sure, there's a lot of agreement as to what's wrong with our country, but not a lot of action geared towards making anything right. Our President and too many in this Congress would rather demagogue and demonize than lead and legislate. Washington is broken, and nobody's in a hurry to fix it.

While many of our constituents are struggling to find a second, and in some cases a third, job, Washington is failing to perform its only job—governing. Is it any wonder that so many Americans are frustrated?

These aren't Republican problems or Democrat problems. They're not House problems or Senate problems; these are Washington problems. Unfortunately, after 11 months on the job, I've seen far too few Washington solutions.

Many of us came to Washington this year, some of us new to government, to offer solutions. We came ready with ideas. We came ready to defend those ideas, to respond to criticisms, to make the ideas into workable solutions and, ultimately, to implement those solutions to make a better life for those who sent us here. We came with the same sense of urgency that the American people expect of us.

But Washington is broken. Too many people in this city resist publicly committing to hard, workable solutions because parroting talking points is so much easier. But until we get down to brass tacks, we'll continue to talk past one another.

So I make this entreaty to all of my colleagues: whether you are a Republican or a Democrat, commit to proposing workable solutions. Get into the details. Put them on paper. Until both sides put a specific, written, scoreable plan on the table, we'll never find the common ground necessary to strike that grand bargain. In the absence of specifics, we're just playing politics. That's why Washington is broken.

Now, earlier this year, those of us on the Budget Committee introduced a comprehensive plan that would reduce our deficit over the next decade by over $6 trillion. It would balance the budget and start paying down our debt. It would create an environment where jobs could flourish and grow, and it would save and strengthen our safety net programs likes Medicare and Medicaid. Most importantly, it addressed our challenges with the sense of urgency they require.

If you disagree with that plan or you have a more optimal solution, let's hear it. Introduce it. I'm open to better plans. I didn't come to Congress because I thought I had all of the solutions. I came to Congress because my constituents wanted me to be part of the solution. But criticizing the other guy's plan is not the same as having a plan.

Real leadership consists of presenting your vision for America to the American people and then defending it. In so doing, Republicans and Democrats may discover that we have some common ground, that we are not enemies, but friends. Let us summon up, as we have before, the ''better angels of our nature'' and rededicate ourselves to the hard work of leadership.

Washington is indeed broken. Let's hurry up and fix it together.

PASS AMERICAN DREAM ACT

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

Mr. HINOJOSA. Mr. Speaker, it is with great sadness that I rise to urge my colleagues on both sides of the aisle to pass the American DREAM Act.

This past weekend, I learned of the tragic death of Joaquin Luna, a senior student at Juarez Lincoln High School in Mission, Texas, who took his life because he believed that he would never be able to fulfill his dream of becoming an engineer, earning his citizenship, and leading a full and prosperous life in America.

Brought to the United States as an infant, Joaquin attended our Nation's public schools, played the guitar at his church, and hoped to go to college and achieve the American Dream. I cannot express the sorrow I feel on the loss of such a talented young man. I want to extend my heartfelt condolences to Joaquin's family and friends. I cannot imagine the pain they are suffering. It is heartbreaking to know that many of us in the U.S. House of Representatives passed the DREAM Act at this time last year, only to see the legislation held up in the Senate by a vote of 55–41.

Today, as Joaquin Luna's body is laid to rest, I believe it is imperative to underscore the urgency of passing the DREAM Act in the 112th Congress and renewing hope for DREAM students. As a proud cosponsor of H.R. 1842, the Development, Relief, and Education for Alien Minors Act of 2011, better known as the DREAM Act, I urge President Obama and my colleagues in the House and the Senate to put their ideological differences aside and do what is right. Now more than ever, we must give these young people an opportunity to pursue their college and career goals, resolve their immigration status, and earn their citizenship.

□ 1040

The DREAM Act would allow these students the opportunity to earn legal status if they were 15 years old or younger when they were brought to America, are long-term U.S. residents and have lived in the United States for

at least 5 years before the enactment of the law, have good moral character, graduate from high school or obtain a GED, and complete 2 years of college or military service in good standing.

Having been brought by their parents to the United States as children, these young men and women know America as their home. Without question, DREAM students exemplify the best of American ideals, such as hard work, perseverance, and the desire to contribute to our Nation's workforce, economy, and civic life.

In the Rio Grande Valley of south Texas, DREAM students have excelled in school and have become valedictorians, Advanced Placement Scholars, and student leaders, despite facing difficult circumstances.

As ranking member for the Subcommittee on Higher Education and Workforce Training, I have no doubt that the DREAM students can help America achieve President Obama's ambitious high school and college completion goals by the year 2020. Many of these students are working tirelessly to earn their high school and college diplomas and aspire to become professionals in the sectors of our workforce which need their talent, skills, and ingenuity.

In the areas of science, technology, engineering, and mathematics, better known as STEM, our country must train a new generation of high-skilled scientists, engineers, and mathematicians to bolster scientific discovery and spur technological innovation. Simply stated, these talented youth can help our Nation increase its global competitiveness and be the innovators of tomorrow.

Finally, it's important to note that the DREAM Act has enjoyed broad, bipartisan support from Members of Congress and Administration officials on both sides of the aisle. They include Secretary of Education Arne Duncan, former Secretary of Defense Robert Gates, Former Secretary of State Colin Powell, and Carlos Gutierrez, former Secretary of Commerce under President Bush.

Chancellors and university presidents and thousands of students, civil rights groups, and prominent education, business, religious leaders, and elected officials support the DREAM Act because it is humane and sensible. It's the right thing to do.

THE PLUNDER OF COLFAX

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

Mr. MCCLINTOCK. In the Sierra foothills in northeastern California lies the little town of Colfax, a population of 1,800, with a median household income of about $35,000. Over the last several years, this little town has been utterly plundered by regulatory and litigatory excesses that have pushed this little town to the edge of bankruptcy and ravaged families already struggling to make ends meet.

You see, Colfax operates a small wastewater treatment plant for its residents that discharges into the Smuthers Ravine. Because it does so, it operates within the provisions of the Clean Water Act, a measure adopted in 1972 and rooted in legitimate concerns to protect our vital water resources. The problem is that predatory environmental law firms have now discovered how to take unconscionable advantage of that law to reap windfall profits at the expense of working-class families like the townspeople of Colfax.

In the case of Colfax, an environmental law firm demanded every document pertaining to the water treatment plant from the date of its inception. It then pored over those documents looking for any possible violations, including mere paperwork errors. By law, those documents include self-monitoring reports by the water agency itself, and any violation, no matter how minor, establishes a cause of action for which the law provides no affirmative defense, even if the violation is due to factors completely beyond the local community's control, including acts of God and acts by unrelated and uncontrollable third parties. Prove one such violation—and remember, the law allows for no affirmative defense—and you've just guaranteed the attorneys all of their fees, which in this case were billed at $550 per hour.

As a result of this predatory activity, the town of Colfax is facing legal fees alone that exceed the town's entire annual budget. Families that are struggling to keep afloat just above the poverty level are fleeced by attorneys charging $550 an hour. But that's just part of the problem.

The law requires constant upgrading of facilities to meet ever-changing state-of-the-art regulations that have nothing to do with health and safety and with absolutely no concern for the prohibitive costs involved. In fact, Colfax is now required to discharge water certifiably cleaner than the natural stream water into which it is discharged. In Colfax's case, this required a $15 million expenditure, divided among 800 working-class residents, who are now paying $2,500 per year just for their water connections. And once the town has met the standard, there's no guarantee that in 5 years it won't be told, Sorry, the rules have changed and you'll need to start over.

Mr. Speaker, it's time to restore some form of rationality back to this law and to stop the plunder of small towns like Colfax. And Colfax isn't alone. Any community that operates a wastewater treatment plant is in the same jeopardy.

No one disputes that we need to maintain and enforce sensible and cost-effective protections of our precious water resources; but legitimate environmental protections must no longer be used as an excuse for regulatory extremism and litigatory plundering of our local communities.

Today, I'm introducing legislation to offer six reforms to protect other communities from going through the same nightmare as the people of Colfax:

First, to limit private-party lawsuits to issues of significant noncompliance rather than harmless paperwork errors;

Second, to shield local agencies from liability for acts that are beyond their control;

Third, to give local agencies 60 days to cure a violation before legal action can be initiated;

Fourth, to allow communities to amortize the cost of new facilities over a period of 15 years before new requirements can be heaped on them;

Fifth, to require a cost-benefit analysis before new regulations can be imposed;

Sixth, to limit attorney fees to the prevailing fees of the community.

Like many movements, the impetus for stronger environmental protection of our air and water was firmly rooted in legitimate concerns to protect these vital resources; but like so many movements, as it succeeded in its legitimate ends, it also attracted a self-interested constituency that has driven far past the borders of common sense and into the realms of political extremism and outright plunder. I'm hopeful that we're now entering an era when common sense can be restored to environmental law in this session of the Congress.

PILOT FATIGUE RULE

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

Mr. HIGGINS. In February 2009, tragedy struck western New York when Continental Connection Flight 3407 crashed outside of Buffalo. The National Transportation Safety Board found that one of the principal causes of the crash was pilot fatigue, so Congress passed landmark aviation legislation to reform the system.

One of the key provisions required that the Federal Aviation Administration update flight and duty time rules and set minimum rest requirements for airline pilots by August 1, 2011. Congressional intent was clear. That should have been enough time. After all, the National Transportation Safety Board had urged that pilot fatigue rules be updated for the past 20 years.

Getting it right is also about getting it done. Yet here we are today, 16 months after Congress asked the Federal Aviation Administration to issue these reforms and 4 months past the deadline we gave them, and still no pilot fatigue rule.

□ 1050

That is unacceptable to me, that is unacceptable to my colleagues from western New York, and it is unacceptable to the flying public.

I urge the Federal Aviation Administration to complete the pilot fatigue rule immediately.

KEYSTONE XL PIPELINE SAFETY

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

Mr. OLSON. Mr. Speaker, at a time when our Nation's economy is struggling to recover from our deepest recession in which millions of Americans are looking for work, no one would believe that we would forgo an opportunity to reduce our reliance on Middle Eastern oil and create thousands of American jobs.

Incredibly, that's exactly what happened after the White House announced they would delay decision on approval of the Keystone XL pipeline until 2013, after the elections of November 2012. At a time when our President faced a difficult choice between opposing powers within his base—labor unions and radical environmentalists—he chose to punt rather than lead.

Labor unions support construction of the Keystone XL pipeline because they understand this project has been deemed safe and will create 20,000 direct American jobs and thousands more indirect jobs across our Nation as the pipeline is built. But radical environmentalists and Hollywood activists vehemently oppose the project. In fact, they surrounded the White House in protest of the Keystone XL pipeline, claiming that the project is not environmentally safe. While these protesters made catchy headlines, their claims about the Keystone XL pipeline simply aren't true.

The Keystone XL project has been studied extensively for over 3 years, when TransCanada originally filed an application for a Presidential permit with the Department of State. The Presidential permit review process was conducted by the State Department, the Environmental Protection Agency, and many other agencies within the Federal Government. After 3 years of comprehensive review and several changes to the project to accommodate environmental concerns, the final report to the White House incorporated 57 project-specific special conditions for the design, construction and operation of the Keystone XL pipeline. In simple terms, the Keystone XL pipeline was designed to be the safest pipeline the world has ever known.

Here's the truth why the Keystone XL pipeline promises to be the safest pipeline ever. As proposed, the Keystone XL pipeline will be monitored 24 hours a day, 7 days a week, 365 days a year with the most advanced technologies. It will be buried at a deeper depth than similar pipelines to minimize risk. It will utilize multiple leak detection methods and failsafe shutoff systems, as well as having an emergency response program in place ready to respond if needed.

Critics of the project further claim that the crude transported by the Keystone XL pipeline is highly corrosive ''toxic sludge.'' This is a claim that can only come out of Hollywood, with no facts to support it. Independent analysis and sound science have determined these oils are not corrosive to steel. Canadian oil is already shipped safely across the United States via other Canadian pipelines. Good old-fashioned common sense tells us that no company would try to destroy its own interest by spending billions to construct a pipeline system that is going to be eaten up by the very products it transports.

I'll wrap up my comments with the facts about the Keystone XL pipeline. This project has been exhaustively studied and revised to ensure its safety. Three years of grueling review and detailed analysis by multiple Federal Government agencies have concluded that construction and use of the Keystone pipeline is safe. In August, our Department of State recommended that President Obama approve the Keystone XL pipeline.

Our economy is still teetering on recession. It needs to be strengthened; and we need a safe, reliable supply of energy to grow it. Canada can provide it. They want to provide it, thereby reducing our reliance on Middle Eastern oil and strengthening our national security because we have energy security as a result.

Thousands of new jobs will be created to build this pipeline. Mr. Speaker, I urge the President to approve the Keystone XL pipeline now.

EXTENDING UNEMPLOYMENT COMPENSATION

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

Mr. RANGEL. My colleagues, I once again rise asking that we immediately consider extending the Federal Unemployment Compensation Act.

It seems as though I walked into this movie before, last year, and we were begging once again that we throw away the labels of being Democrat or Republican and reach out to make an appeal as to what makes this country different from other countries.

This is the only country in the world that no one wants to leave and everyone wants to come in. And it's not because of the differences we have with the rich and the poor. It's that always in this country we extended hope. We allowed people to believe that they were never really truly alone. And then we find a circumstance that Americans, hardworking Americans are trying to fulfill that American Dream—once again not to become a Wall Street broker, and certainly not to be living a life of poverty, but to join that middle class that has been the engine for hope and economic advancement for our country. And we find this situation now that, through no fault of their own, these dreams have been shattered. People have not only lost their jobs, but they've lost their self-esteem, they've lost their savings, they have not been able to send their kids to college.

And so what is it that we can do since it's abundantly clear that in this Congress there is a gridlock? And we don't want you to lose hope because there's things that Americans can do. It's not just waiting for this Congress to act, because you hold in your hands the power to control this Congress. And we should not have to wait until next year in order to say that you can express yourself at the polls. No indeed.

Every Member of Congress—435 of us here—are anxiously waiting for your call, and I hope that call would be a call of compassion. It should be a call from our ministers, from our Catholics and Protestants and Jews and synagogues and Mormons and Muslims saying that in America we should not have the vulnerable carrying the pain of mistakes that have been made. We should be hearing from our civic leaders and our voters and calling Republicans, Democrats, and Independents saying we did not send you to Washington to display just what a good Republican you are or what a good Democrat you are.

We should talk about this sign up here, ''In God We Trust.'' Doesn't that mean something about taking care of the vulnerable, the unemployed, those without homes, without jobs and without hope? Doesn't it mean that we have a tradition as Members of Congress? And doesn't it mean that our voters have a responsibility not to just say how bad we are, but to say how good they are for making certain that they're monitoring our conduct, not through a poll, but through our action.

The question is, How did your Congressman vote on extending unemployment compensation?

□ 1100

Rather than wait for the good or bad news, call now. Call today. Call every day this week.

They'll never have a Thanksgiving or a Christmas that they used to have, but they can't give up hope. They can't give in and they can't give up.

So I am saying for America, you don't have to go and protest, even though I appreciate the fact that these courageous men and women are doing it. You don't have to walk those civil rights marches. But you can at least get in touch with your Member of Congress, remind him or her of their constitutional responsibility, and remind them of their moral responsibility to the vulnerable among us, the sick, the aged, the unemployed, those that played by the rules, and we know have nothing to do with the situation they find themselves in economically.

We can make a change, but it's going to take the American people to come together and say they're mad as hell and they're not going to take it anymore.

So let's make an appeal that America takes the Congress back. Direct not ourselves to do things in order to get reelected but direct we do things because it's the right thing to do.

HONORING THE LIFE OF LANCE CORPORAL SCOTT HARPER

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

Mr. WESTMORELAND. Mr. Speaker, I could not think of a more appropriate person to be in the Chair this morning than yourself, to me and to others, an American hero because, Mr. Speaker, today I come to the floor with a sadness but yet with a great sense of pride to honor the service of one of Georgia's own, Lance Corporal Scott Harper.

On October 13, in Helmand Province, Afghanistan, he gave the ultimate sacrifice in support of Operation Enduring Freedom and the protection of his homeland and his family and his friends.

Mr. Speaker, he will be greatly missed by all. Lance Corporal Harper was better known to his close friends not as Scott but as Boots. While a student at Alexander High School, he once forgot his tennis shoes for gym class and kept his boots on instead. And on that day, Mr. Speaker, he learned the lasting nickname of Boots. But he also showed how he was prepared to adapt to all scenarios.

When a Marine recruiter showed up at his high school senior year, Boots answered the call and chose a life of service in the United States Marine Corps with a courage and motivation that most young men his age have not yet found in life.

After graduating high school, he went into active duty in the Marine Corps. Boots served one term in Afghanistan and returned safely home. He left on the second tour July 13, with the First Battalion, Sixth Marine Regiment, Second Marine Division.

On October 13, his division was struck by small arms fire while conducting combat operations. A fellow Marine was shot first, and Boots ran into opposing gunfire to save his friend. Though Boots lost his life, he saved the life of his wounded friend in the process. Boots was always loyal as a friend, and there is no more honor that one can give than to lay down his life for another.

Boots was devoted to his family and his community. Even when he only had a few days off, he would make time, that precious time, to come home and visit his family and friends. Though communication was difficult, Boots was always writing his family and called home as much as possible. The Saturday before he was killed, Boots called his father to say that he had decided to enroll at the University of Georgia when he returned home.

Upon coming home for this final time, he arrived at Charlie Brown Airfield. Crowds from the community lined the streets to escort Boots to his final home, to his family and to his friends for the last time. Boots was accompanied by a Marine Corps Honor Guard, the Patriot Guard, the Douglasville Police Department, and the Douglas County Sheriff's Department, among many others.

Norfolk-Southern even stopped its railroad cars in honor of the procession. As they passed everyone stood and saluted to honor the fallen Marine and hometown hero.

Boots embodied the ideals that the Marines strive to achieve. I am both honored and proud that this soldier from the Third District fought so hard for our country and for our freedom. Boots was a model citizen, soldier, and son. He was an extraordinary young man with incredible potential before him, and he will be forever missed.

I am proud to stand here and thank him for sacrificing his life for strangers like me and my family. And Joan and I extend our sympathy to the family of this fallen hero for raising such a brave, courageous, honorable, giving son.

And Boots, we, as a Nation, salute you today. Semper Fi.

LIFE WITHOUT HOPE

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

Mr. CLEAVER. Mr. Speaker, first, let me associate my comments with those of my colleague Mr. WESTMORELAND.

Mr. Speaker, on each Wednesday night for probably the last 10 or 12 years, our church has provided food for those who are struggling. Not long ago a gentleman came to our church, picked up food. And then later that night, as I was leaving the church, I ran into him at a 7-Eleven. You can imagine how troubled I was when I saw him buying a lottery ticket. I thought to myself, this guy has just ripped off the church and then is using his money for a lottery ticket.

So I waited for him outside the 7-Eleven. And when he came out, I said to him, Look, I'm a little concerned because you picked up a sack of groceries, and then you just spent money on a lottery, and those two just don't match.

And he said, Well, I probably shouldn't have spent the money on the lottery, but you know, Reverend, a man's got to have some hope.

And while I think that hope is misplaced, the truth of the matter is he was absolutely correct. It is virtually impossible to live any kind of productive life on this planet without hope.

There are millions of Americans who, unfortunately, cannot place their hope in this body. I think that I can state without fear of contradiction that the dysfunctionality of the United States Congress is helping to erase hope from the men and women in this country who are struggling. All of the back and forth and blaming each other has nothing to do with providing hope. And quite often, we allow ideology to trump logic.

We decide almost every day that no matter what, I'm going to take the position of the Republicans or I'm going to take the position of the Democrats, and, as a result, we have polluted the public.

This is one of the nastiest moments in U.S. history. Just look at television. Look at all of the so-called reality shows. The ones that are most popular are ones where people are doing things to each other or insulting each other; you're fired, or you've got to eat live spiders. That's what we are coming to.

A perfect example of what we're doing is not addressing the expiring unemployment benefits. At the end of this year, almost 2 million Americans—they have names, they have faces, they have families—2 million Americans will lose their unemployment benefits by mid-February.

□ 1110

A total of over 6 million Americans will lose benefits next year unless this body decides to become functional. In Missouri, my home State, 40,400 citizens depend on unemployment benefits. Many more are unemployed and not receiving any help at all. In Missouri, the unemployment rate is almost 9 percent.

I grew up in public housing. Yes, public housing. My father worked three jobs to get us out, worked three jobs to send me and my three sisters through college. And my mother started college when I was in the 8th grade. So I always resent any implication that people don't want to work.

So as we move into a holiday season, a season of hope, my hope is that the Congress of the United States will not snatch hope from over 2 million Americans.

EUROPE BAILOUT

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

Mr. BURTON. Mr. Speaker, no nation, no economy can survive without fiscal discipline. Printing more money is never the answer. Bailout funds have already been granted to Greece, Ireland, and Portugal; and the European crisis has gotten worse, not better.

And here in the United States, the Obama administration has cranked up the printing presses first through their $800 billion stimulus boondoggle and then through the Federal Reserve's Quantitative Easing Program. And what did it produce? Nine percent unemployment and a $1 trillion-plus budget deficit for the last 3 years, and we have $15 trillion in debt.

I want to read from a couple of articles that were in the paper yesterday.

The first one from The Wall Street Journal, and it's entitled ''Blame It on Berlin.'' It says: ''Berlin's alleged sin is its reluctance to write a blank check to save the euro—either by underwriting a new euro zone fiscal union, or by granting permission for the European Central Bank to buy trillions of dollars in sovereign debt.'' And they'd have to print money to do that.

''The chant comes in unison from the debtor nations themselves, the bailout caucus in Brussels. An Obama White House concerned with its re-election and liberal pundits worried about their welfare-state economic model is under assault. Like the 'rich' American who must pay their 'fair share,' the Germans are supposed to pay up to save a united Europe.

''The reality is that the Germans, along with the Dutch and the Finns, are the rare Europeans who understand that saving the euro requires more than a blank check. It requires a new political commitment to better economic policy to fiscal discipline.''

Now let me read from another article that was in the paper. I think it was this morning in this Washington Post. I will read it in part. It says: ''Investors have grown wary of lending money to European banks.'' People who invest, they don't want to invest in European banks because they're worried that their firms could lose vast amounts of money in their holdings of bonds issued by cash or European governments. So investors don't want to invest, and Germany does not want to invest.''

So what happened? ''The world's most powerful central banks, including the United States,'' our Fed, ''are stepping in and using unlimited ability to print money and to lend it across national borders to try to arrest that dangerous cycle. The central banks are using what are called 'swap lines' to exchange their respective currencies.''

And then it goes on in the article and says: ''The swap lines pose little risk to the U.S. taxpayers. Fed officials have said, because''—it says little risk, they didn't say no risk, little risk—''the swap lines pose little risk to the U.S. taxpayers'' Federal officials have said because ''the Fed is doing business with foreign central banks viewed as trustworthy. Those foreign central banks, in turn, take the risk of loss if the banks they're lending to go under.'' But it goes right up the line. If they can't make it, then they go back to the original lender, which would be the United States Fed.

Why are the Germans so reluctant to invest? Because they've been through hyperinflation. They know what it's like to have the EU Central Bank printing money because they remember under the Weimar Republic after World War I people took baskets of money to go buy a loaf of bread. And why are the investors reluctant? Because they don't want to lose their money. They're afraid that they'll lose their investors' money and they might go out of business.

So what happens? The United States comes to the rescue by bailing out the central banks in Europe by saying that we're going to have a swap line with you and our currency will guarantee your currency, and we'll charge you almost no interest to do that. This is an exercise in futility. That is not the answer.

We should not risk the American taxpayer by giving money or lending money to Europe under these circumstances. It's crazy, in my opinion.

Mr. Speaker, I hope that the President and the Fed will reconsider this and not put us into the basket with the Europeans under these circumstances right now. It makes absolutely no sense, and it risks the American taxpayer.

UNEMPLOYMENT IN AMERICA

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

Mr. JOHNSON of Georgia. At a time when Americans are not really deeply concerned about investors in European markets and what will happen to them upon Greece or Italy or somewhere like that going belly-up, most Americans are fixated on one problem, ladies and gentlemen. It's a very personal problem. That problem is unemployment right here in America.

Now, while we are pondering the difficulties that investors may face because of efforts to prop up central banks in Europe, people are hurting out here. People, including wives or husbands of unemployed spouses, are suffering. They're suffering as we close in on the holiday season when they see so many out doing for their families and they themselves, having been unemployed, most of whom have been unemployed for at least 6 months, many for 2 years, they're looking and they're feeling this holiday spirit but in a bad way. They're regretful of the fact that they're not able to fully participate in this part of the American Dream doing for others, buying Christmas gifts.

In fact, people are worried about whether or not their unemployment insurance will be there for them after the beginning of the year. They realize that they're closing in on the cut-off date for expiration of the long-term unemployment benefits. And they're worried about that, not about investors and how they might fare in terms of European countries not being fiscally solvent, allegedly.

So, Mr. Speaker, every day it seems like I read another report from economists telling us how important it is to extend unemployment benefits to help our fragile economy recover. And there's no doubt about helping millions of unemployed Americans during the worst downturn since the Great Depression, which was caused by the very investment bankers that have been discussed today that might be hurt because of European shenanigans. It's mind-boggling.

They are the ones that actually kicked this cesspool that we're in off. And then they got bailed out, but they're not willing to allow the very Tea Party, Grover Norquist Republican parties who they control, they're not willing to let them extend unemployment insurance benefits for the long-term unemployed unless there's a penalty involved.

□ 1120

They can't bring themselves to fund it. They don't want to do it.

As the holidays near, economics should take a backseat to our basic humanity. What about our commitment to each other? We're all in this together; but unfortunately, the 47 percent of millionaires who populate the House of Representatives don't have that same concept of knowing what it is to hurt when you've been unemployed for such a long time and when money is not coming in. They don't relate to that. We've got nearly 14 million unemployed workers, and about five workers are applying for each job that is available. So, for Congress to think about going home to celebrate the holidays with their families and leaving these people out with no hope is, indeed, a great tragedy.

TRIBUTE TO MRS. MAGGIE DALEY, FIRST LADY OF THE CITY OF CHICAGO

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

Mr. DAVIS of Illinois. On Monday, November 28, 2011, the City of Chicago laid to rest the wife of Chicago's longest serving mayor, Mayor Richard M. Daley.

While Maggie Daley was known as the mayor's wife, she was, indeed, a well-known, well-liked and revered personality in her own right. Maggie Daley played the role of matriarch. She was warm, graceful, elegant, eloquent, and easy to like. She was a patron of the arts and was fully steeped in the cultural affairs of our city.

While Mrs. Daley has received accolades for many of her activities, the one which strikes me the most is her involvement in a program called After School Matters. I think that anyone who knows anything about education and youth development knows that, yes, after school does, indeed, matter. When discussing this program, you could see Maggie Daley's eyes light up, and you could feel her passion. She seemed to know everything there was to know about the program. She knew program sites, personnel, special features and activities, benefits and successes. After a session of listening to Mrs. Daley explain and advocate for this program, I would often smile and say to myself, How could anyone not be in support of this great program?

So I say thanks to a great lady—a lady of grace, a lady of dignity, a lady of passion, a lady of faith, and a lady of action.

My family and I and residents of the Seventh Congressional District of Illinois express condolences to Mayor Richard M. Daley and to all of Maggie Daley's family. She was a great first lady of our city and performed her role to perfection. After school does matter. It mattered to Mrs. Maggie Daley, and it matters to all of America.

EXTENDING UNEMPLOYMENT INSURANCE

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

Ms. SEWELL. Mr. Speaker, today I rise in support of workers, families, and middle class Americans across the Seventh Congressional District of Alabama and across this entire Nation who have lost their jobs as a result of the deepest economic recession since the Great Depression.

In my district of the Seventh Congressional District of Alabama and across this Nation, the number one issue is job creation. While some progress has been made in turning our economy around, there is still so much work to be done in order to encourage job creation. Recent reports indicate that the Nation's private employers created approximately 200,000 new jobs during November. While this number shows that our economy is slowly recovering and growing, we cannot forget about the millions of Americans who have been diligently searching for work but who have not been successful in doing so.

Congress must extend unemployment benefits for the hardworking Americans who have lost their jobs due to no fault of their own—rather, due to the economic downturn. These workers should also be given the necessary assistance to provide for their families during this difficult time. Nearly one-third of America's 14 million unemployed have had no jobs for a year or more. In fact, long-term unemployment data suggests that about 2 million people have used up the 99 weeks of unemployment benefits, but they still cannot find work.

Congress has never allowed emergency unemployment programs to expire when the unemployment rate has exceeded 7.2 percent. With our Nation's unemployment rate hovering around 9 percent, now is not the time to allow these essential benefits to expire.

In my home State of Alabama, unemployment and poverty rates have both increased dramatically in the wake of the most recent recession. In parts of the district that I represent, unemployment rates are as high as 19 percent. These persistently high unemployment numbers demonstrate the need for Federal unemployment assistance, and it remains a critical lifeline to many of the constituents I represent.

The Census Bureau states that unemployment benefits kept nearly 3.2 million Americans, including 900,000 children, from slipping into poverty last year. Without action, more than 2 million Americans will be cut off from unemployment insurance by mid-February of next year. The potential effects of this lapse in benefits would devastate millions of Americans and millions of households across this Nation.

We all understand that extending these unemployment insurance benefits is a temporary fix to a much larger problem. As Members of Congress, we must move quickly to adopt a comprehensive jobs plan that will aid businesses and communities in developing and growing. We must draft legislation that will promote an entrepreneurial climate and support American businesses globally. Now is the time that we must act. The American people want a comprehensive jobs plan. Until then, we have to extend unemployment benefits to help those millions of Americans who are desperately looking for work and can't find it.

I urge my colleagues to put partisanship aside. Party politics has no place when we're talking about the betterment and advancement of our Nation. Unemployed Americans, struggling families and communities across this Nation cannot wait. We must act now.

RECESS

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

Accordingly (at 11 o'clock and 28 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

Reverend Dr. Cathy C. Jones, Parkwood Institutional CME Church, Charlotte, North Carolina, offered the following prayer:

Almighty God our Father, because of who You are and the glory that is revealed in Your only begotten Son, Jesus Christ, we praise Your Holy Name.

Lord, Your Word declares ''if any man lack wisdom, let him ask of God that giveth to all men liberally and upbraideth not; and it shall be given him.''

We ask for Your unmerited favor upon the lives of every elected Member of the House of Representatives to provide the wisdom, knowledge, understanding, and courage that will allow their hearts to be filled with the principles of justice, loyalty, compassion, humility, and love so that we can continue to be united as one Nation under God.

In the name of Him who is able to keep us from falling and present us faultless before the presence of His glory with exceeding joy.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. PASCRELL) come forward and lead the House in the Pledge of Allegiance.

Mr. PASCRELL 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.

WELCOMING REVEREND DR. CATHY C. JONES

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. WATT) is recognized for 1 minute.

There was no objection.

Mr. WATT. Mr. Speaker, I'm pleased to welcome Reverend Dr. Cathy C. Jones as the guest chaplain today for the United States House of Representatives. Since July, 2009, Dr. Jones has served as pastor of Parkwood Institutional CME Church, which is located in my congressional district in Charlotte, North Carolina.

Reverend Dr. Jones is a native of Chatham County, North Carolina. She received her associates, bachelor's, and master's degrees from Justice Fellowship International Bible College in Raleigh, North Carolina. In May of 2010, she received her doctorate in Biblical Studies from Justice Fellowship Bible College in Jacksonville, North Carolina.

Dr. Jones has been a pastor and served on different committees at the local and district levels during her time with the CME Church. She's married to Theodore Jones and has been blessed with 7 children, 19 grandchildren, and 3 great grandchildren.

On behalf of my constituents in the 12th Congressional District and my colleagues here in the House, I thank her for her service to her community and for her prayer this morning.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. WESTMORELAND) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 1, 2011.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 1, 2011 at 9:51 a.m.:

That the Senate agreed to House amendment to Senate amendment H.R. 394.

Appointments:

National Commission for Review of Research and Development Programs of the United States Intelligence Community.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

CARTEL INTRUSION INTO AMERICA

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

Mr. POE of Texas. Mr. Speaker, according to The Washington Times, last December, five Mexican nationals armed with at least two AK–47 rifles were infiltrating the rugged desert—the American desert, that is. That's right, Mr. Speaker. Cartel soldiers were reportedly on our side of the border in Arizona ''patrolling in single-file formation'' with the goal of ''intentionally and forcibly assaulting'' Border Patrol agents.

They spotted and opened fire on four U.S. Border Patrol agents. Agent Brian Terry was murdered. Two cartel assault weapons found at the seen were connected to Operation Fast and Furious. Mr. Speaker, you recall that's the operation where our government facilitated smuggling weapons to Mexican drug cartels—the enemies of Mexico and the United States.

Military-type intrusions by the cartels will only increase. We need to defend our sovereignty and protect our Border Patrol and first responders. It's time to send military equipment coming back from Iraq to secure the southern border from the cartel soldiers. This veteran equipment includes Humvees, night-vision equipment, and more UAVs. Incidents like this will only continue to occur until Washington elites realize what happens in Mexico doesn't stay in Mexico.

And that's just the way it is.

PAYROLL TAX CUT AND UNEMPLOYMENT BENEFITS EXTENSION

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

Mr. SIRES. Mr. Speaker, with our economy struggling and unemployment remaining unacceptably high, now is not the time to take more money out of the pockets of hardworking Americans.

The majority is opposing an extension of the payroll tax holiday, enacted earlier this year, that gave virtually all working Americans a much-needed tax cut. The payroll tax holiday cut the Social Security payroll taxes of over 160 million workers. Economic uncertainty both here in the U.S. and abroad makes this a dangerous time to eliminate an important tax cut that is saving American families an average of $1,000 a year. Failing to extend the payroll tax holiday will raise taxes on millions of Americans, taking over $120 billion out of the pockets of consumers and out of the economy. In addition, failing to extend the unemployment insurance to those who have lost their jobs will take an additional $30 billion out of the economy and rob over a million unemployed Americans of much-needed income and assistance.

Now is not the time to end these important tax cuts, and it is certainly not the time to pull the plug on the unemployed in our economy. I encourage my colleagues to pass both of these provisions as swiftly as possible.

□ 1210

CROHN'S AND COLITIS AWARENESS WEEK

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

Mr. CRENSHAW. Mr. Speaker, today is the first day of Crohn's and Colitis Awareness Week. Crohn's disease and ulcerative colitis are diseases that collectively are known as inflammatory bowel disease. They are painful; they are incurable; they attack the digestive system; and they affect about one out of every 200 people in our country.

A few weeks ago, Congressman JACKSON and I formed the Crohn's and Colitis Caucus to raise awareness in the Congress and to fight for additional Federal support, and Crohn's and Colitis Awareness Week is part of that effort. Today we will file a House Resolution which will support this awareness week. And hopefully, as we work with the Crohn's and Colitis Foundation of America, all Americans will use this week, this time to join in this fight to raise awareness to increase research and to find a cure for this debilitating disease.

CROHN'S AND COLITIS AWARENESS WEEK

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

Mr. JACKSON of Illinois. Mr. Speaker, I rise in support of a resolution my friend Congressman CRENSHAW and I introduced today supporting the goals and ideals of Crohn's and Colitis Awareness Week, which begins today and runs through December 7, 2011.

This resolution, which is identical to the Senate version adopted earlier this month, declares congressional support for Awareness Week, recognizes the patients living with Crohn's disease and ulcerative colitis, and commends the dedication of health care professionals and biomedical researchers who care for these patients.

Crohn's disease and ulcerative colitis are chronic disorders of the gastrointestinal tract. Affecting an estimated 1.4 million Americans, including 140,000 children under the age of 18, IBD remains the most prominent factor in morbidity caused by digestive illness.

Again, thank you to my caucus cochair for working with me on this important resolution, my colleagues who have joined as cosponsors, as well as the Crohn's and colitis patients and their families, medical providers, and researchers for their advocacy.

I urge my colleagues to cosponsor this resolution and join the bipartisan Congressional Crohn's and Colitis Caucus, which advocates for enhanced patient care, treatment, and finding a cure for these debilitating diseases that impact both patients and their families.

OBAMA NEEDS TO FOCUS ON JOB CREATION

(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, for the past 2½ years, our Nation's unemployment rate has risen over 8 percent. The President continually develops policies that discourage and prohibit small businesses from creating jobs.

Just last month, the administration announced the delay of the Keystone XL pipeline, a project estimated to create over 300,000 jobs without costing taxpayers a dime. I was fortunate enough to visit Alberta, Canada in October and witnessed firsthand the Canadian oil sands and the positive impact that exploration has for new American jobs.

At the end of this legislative week, House Republicans will have passed 25 job-creation bills. Sadly, they are stalled in the Senate. With a growing debt of over $15 trillion, it is absolutely necessary for Congress and the President to work together to promote job creation and ways to remove barriers to allow for small businesses to create jobs.

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

RECOGNIZING POP WARNER LITTLE SCHOLARS

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

Mr. MCINTYRE. Mr. Speaker, I rise today to recognize the Pop Warner Little Scholars program, our Nation's oldest and largest youth football, cheer and dance organization.

Currently, more than 400,000 children participate in Pop Warner organizations that span 43 States, Scotland, Germany, Russia, Japan, and Mexico. The NFL Players Association estimates that Pop Warner has been the career starting point for 70 percent of its current athletes.

It has a long history of promoting structured athletics and instilling the

qualities of sportsmanship, hard work, and leadership in young athletes. It's the only national youth sports organization to require academic proficiency, and it annually awards more than $110,000 in scholarships. It's also a leader in making youth sports safe, including its work on concussion-related injuries and a medical advisory board to remain proactive on player health and safety.

This Saturday, December 3, Pop Warner will kick off its Super Bowl and National Cheer and Dance Championship at ESPN's Wide World of Sports complex in Orlando. This week-long competition will feature participation from more than 12,000 athletes and will be broadcasted on ESPN3.

I want to extend our congratulations, Mr. Speaker, on behalf of the U.S. Congress, to this excellent, well-recognized, and well-organized program for young people here in America on behalf of the Congressional Caucus on Youth Sports.

STOP EXCESSIVE REGULATION NOW

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

Mr. JOHNSON of Ohio. Mr. Speaker, one thing is certain: Excessive government regulations are hurting America's economy and strangling job creation.

Just this year, new regulations cost our economy almost $100 billion, and this is just the cost of new regulations this year. The Small Business Administration estimates that regulations cost our economy approximately $1.75 trillion annually. This is unacceptable.

With over 14 million Americans out of work, we can't afford these excessive government regulations. But instead of creating jobs, President Obama would rather create more regulations that kill jobs and burden small businesses.

Now, House Republicans have done the exact opposite. As part of the House Republican Plan for America's Job Creators, we're fighting to reduce the regulatory burdens to empower small businesses to create jobs. We've passed over 20 bills that will create much needed jobs right now.

President Obama and Senate Democrats need to work for job creation, not against it, because the people of eastern and southeastern Ohio and all Americans deserve better.

DELAYED PILOT FATIGUE RULE

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

Ms. HOCHUL. Mr. Speaker, despite what you might hear in this body, I believe that there are some regulations that we all can support.

The National Traffic Safety Board concluded that pilot fatigue contributed to the crash of Continental Airlines Flight 3407, which crashed into a house in my district, killing 50 innocent victims nearly 3 years ago. The legislation passed by this body in response to this crash mandated new pilot fatigue guidelines to be implemented by August 1 of this year. That date came and went. Then we were told November 22. Then we were told November 30. Those days have come and gone.

The families of these victims have worked tirelessly for a resolution to make sure a tragedy like this never happens again. The millions of Americans who fly our skies every year are counting on us for regulations to ensure their safety. Let's not let them down.

TEXAS VALLEY COASTAL BEND HEALTH CARE SYSTEM GOLD SEAL

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

Mr. FARENTHOLD. In November, the VA outpatient clinic in Harlingen, Texas, earned the Joint Commission's Gold Seal of Approval. This award recognizes facilities that comply with the Joint Commission's national standards for health care quality and safety in ambulatory care, behavioral health care, and home care.

There is no way we can adequately express our thanks to those who serve this country, but we must welcome them home and make sure they have access to the benefits and services that they have earned.

Our servicemen and -women deserve quality health care. The Texas Valley Coastal Bend Health Care System has earned this distinction because they demonstrate a commitment to meeting the health care needs of all south Texas veterans.

My staff and I are passionate about helping veterans. South Texas is one of the most military and veteran-friendly places in the country, and I will work hard to ensure that the servicemembers and families receive the support that they deserve.

While south Texas is served by great outpatient facilities, we are in desperate need of a full-service VA hospital. I'm the cosponsor of two bills, H.R. 1318 and H.R. 837, that direct the VA to bring full-service, inpatient care facilities to south Texas.

POSTDEPLOYMENT COGNITIVE TESTING

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

Mr. PASCRELL. Mr. Speaker, as cochair of the Congressional Brain Injury Task Force, one of my top priorities is to help our servicemembers with brain injuries. With posttraumatic stress disorder and traumatic brain injury recognized as the signature injuries of the conflicts and wars in Iraq and Afghanistan, you would think the Defense Department would have a good system to catch the injuries. They do not.

Despite our vote, a bipartisan vote in 2008 to have pre- and postdeployment screenings, postdeployment screenings have not been required. Five hundred thousand soldiers with a predeployment cognitive test were given that test before they went to the battle. Coming out, only 3,000 tests were done postdeployment to actually compare results. We have nothing to compare. This is a disgrace and a disservice to our troops.

Both sides have agreed that we want something done. It has not been done in violation of the law. The Pascrell-Platts-Andrews-Cole-Ortiz-Wilson-Coffman amendment passed in the House Defense authorization bill to address this, but it was not included in the final bill. That's what we're trying to do this year.

□ 1220

PASS THESE JOBS BILLS

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

Mr. DESJARLAIS. Mr. Speaker, my constituents are rightfully fed up. President Obama has managed to create an economy where the only things that are growing are power in Washington, debt for our children and grandchildren, a lack of confidence for job creators, and the number of unemployed Americans.

When it comes to creating an environment to help the private sector create jobs, the difference between House Republicans and Senate Democrats is the difference between action and inaction.

This year, under the House Republicans' Plan for America's Job Creators, we have passed more than 25 progrowth job bills. These bipartisan bills are aimed at restoring the freedom and confidence of job creators by breaking down the barriers preventing them from growing and creating badly needed jobs. Yet 21 of these bipartisan House-passed job bills are stuck in the Senate because Senate Majority Leader HARRY REID continues to put politics before jobs.

It's time for the Senate Democrat leadership to join our fight for America and put them back to work. Pass these jobs bills.

PASS THE EXTENSION OF UNEMPLOYMENT BENEFITS

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

Ms. TSONGAS. Mr. Speaker, I have heard from many struggling families in Massachusetts who simply don't know how they will make ends meet if Congress does not pass an extension of unemployment benefits before January 1.

From Lowell: I am a 58-year-old man that has been unemployed for 2 years

and 4 months. Finding a job these days is just about impossible. I am writing to you to beg you to please sign on to the unemployment extension bill.

From Westford: I have been unemployed since January of 2010. I look for a job every waking hour. Cutting unemployment to millions of needy families at this time makes no sense.

From Haverhill: If my unemployment ends, I will be unable to make my mortgage payments. Then my home will go into foreclosure and my neighbors' home values will be depreciated. This is truly a ripple effect. Please don't be penny wise and pound foolish.

I urge my colleagues on both sides of the aisle to work to pass this desperately needed extension.

HELP OUR ECONOMY GROW

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

Mr. YODER. Mr. Speaker, the American people are calling on government to help the economy grow, but apparently Washington still hasn't gotten the message. The onslaught of new government burdens on the economy have become unbearable; yet Federal regulators pile on more and more. So far this week alone, the Federal Register has over 1,799 pages of new rules and regulations facing our Nation's small business owners.

Mr. Speaker, complex and burdensome regulations drive up the cost of doing business and, therefore, drive up unemployment. A great example is the EPA's new Cross State Air Pollution Rule. This rule, to be imposed by January 1, will not only cause rolling brownouts in places like Kansas, but will dramatically drive up the cost of energy production, increasing the costs of doing business and, therefore, putting more people out of work.

Mr. Speaker, if both parties are serious about job creation in this country, then we must put a stop to the constant attacks on those who create jobs.

HONORING THE SERVICE OF DR. MILTON GORDON

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, today I rise to honor the president of California State University at Fullerton, Dr. Milton Gordon, and to recognize his upcoming retirement.

For over two decades, Dr. Gordon's outstanding commitment to higher education has let California State University at Fullerton become one of the largest and one of the most inclusive institutions in our Nation. Because of Dr. Gordon's vision and commitment for greater cultural diversity in higher education, the university currently ranks ninth in the Nation in bachelor's degrees awarded to minority students. And additionally, it ranks number one in California among colleges and universities awarding bachelor's degrees to Hispanics.

Dr. Gordon's caring, articulate, and collegial nature created a sense of pride among the faculty, the staff and students advocating for excellence in all aspects of university life.

It has been an honor for me to work with Dr. Gordon. He has been a mentor; he has been a shining light in Orange County. And I congratulate him on all his awards and distinctions, and I look forward to his next career. We hope to reel him in to continue to work on our community. Thank you, Dr. Gordon.

THE SILENT EPIDEMIC OF FOOD INSECURITY AND HUNGER

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

Mr. BUTTERFIELD. Mr. Speaker, I want to bring attention to a silent epidemic growing in our midst. Right alongside long-term unemployment, the increases in poverty and food prices, homelessness and the steep decline in household incomes is now the shocking rate of food insecurity and hunger.

According to the USDA, there are 46 million Americans surviving on food stamps. While Congress considers reductions to food stamp funding, the USDA predicts that the number of people requiring food assistance will substantially increase.

Last week, in my district in North Carolina, which ranks second in the country for food insecurity, I greeted thousands of people lined up outside of the Wilson OIC and the food bank of the Albemarle food distribution centers to collect bags of food for the Thanksgiving holiday.

Mr. Speaker, to help remedy the challenges to food security, I introduced H.R. 3437, the Eva Clayton Fellows Program Act. This legislation would enable the development of solutions to world hunger and confront food insecurity head on.

Food insecurity is not a partisan issue. I urge my colleagues to join me in this fight.

IN HONOR OF NANCY COOK'S SERVICE TO DELAWARE

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

Mr. CARNEY. Mr. Speaker, I rise today to recognize a remarkable woman and to honor her decades of service to the State of Delaware. Former State Senator Nancy Cook has been a leader in strengthening Delaware agriculture and our economy for the past 40 years.

Senator Cook has been an irrepressible leader since becoming Delaware's first female Democratic senator in 1974. For 36 years, Senator Cook served with distinction on the Senate Agriculture Committee, where she accomplished so much for Delaware farmers. Recently, a legislator remarked that agriculture had no better friend in the Delaware Senate than this lady, and I couldn't agree more.

In 1991 Senator Cook helped create the Aglands Preservation Program, which has preserved over 20 percent of Delaware's farm land. In 1999 she helped establish Delaware's landmark Nutrient Management Program. The program is now a role model for the entire region in the effort to manage animal waste responsibly and protect precious bays and waterways.

I would like to thank the Delaware Farm Bureau for its decision to honor Senator Cook with the Distinguished Service to Agriculture Award, and to join the bureau in celebrating an incredible leader for Delaware.

Congratulations to my good friend, Senator Cook.

STOP STALLING ON THE CONSUMER FINANCIAL PROTECTION BUREAU

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Mr. Speaker, opponents of financial regulatory reform in the Senate continue to prevent the Consumer Financial Protection Bureau from fulfilling its legislative mandate.

The CFPB has been open since July 21, but it's taken 3 months for the Senate Banking Committee to advance President Obama's nominee for the director of the bureau, Richard Cordray, to the full Senate. Now, continuing their strategy of partisan obstructionism, 44 Republican Senators have pledged to oppose any Presidential appointee for the CFPB, until the bureau's mandate is weakened.

Such naked obstructionism is a disservice to American consumers and the American economy, which is in bad need of certainty after a year of artificial crises fomented by the Tea Party-dominated Republican Party.

The American people are sick of a dysfunctional Congress. We need the CFPB at full strength to move our economy forward, protect borrowers and consumers, and promote the interests of Main Street over Wall Street.

I call on the Senate to confirm Richard Cordray as director of the Consumer Financial Protection Bureau now.

□ 1230

REPUBLICAN'S FEAR OF DR. BERWICK

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

Mr. MCDERMOTT. Mr. Speaker, tomorrow's a sad day. Don Berwick, Dr.

Berwick, will step down as Administrator of Medicare. It's a bad day for seniors.

But the Senate Republicans are happy because they believe that getting rid of Don will end the implementation of the Affordable Care Act. When the Senate Republicans blocked a vote on Dr. Berwick, they made it possible only for a recess appointment for 18 months. Why do the Republicans fear Dr. Berwick so much? Hard to say.

His career has been spent improving the quality of health care. He believes that we can have good quality health care at low cost. They're synonymous. He put patients first, believing in evidence-based medicine, and collaborates with others in the public good.

His sin was that he once said a nice word about the British health care system, and therefore he has to go.

Dr. Berwick's a great public servant, and the Republicans demonized him. Republicans have cynically prevented America's seniors from having the benefit of Dr. Berwick's vision and experience, and they ought to be ashamed of themselves.

We will do the Affordable Care Act in spite of the fact that Dr. Berwick is gone.

MIDDLE CLASS PAYROLL TAX CUT

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

Ms. HAHN. Mr. Speaker, yesterday I came down here on the floor, and I asked my colleagues on both sides of the aisle to work with us to move forward on a new middle class payroll tax cut, a tax cut that would put more money in families' pockets, creating more demand for our businesses, and resulting in more jobs.

But time and time again yesterday, even this morning we heard my friends on the other side of the aisle say the only obstacle to creating more jobs is regulations.

Unfortunately, the evidence does not support this. Last Saturday, November 26, was Small Business Saturday. I did my part by shopping all day in small businesses, and I talked to my small businesses, and I asked them what did they need from the Federal Government to help them in their businesses. And they told me, ''We need customers. That's what will help our businesses. We need customers who have a little more money in their pockets this year to spend in our businesses.''

It's not rocket science. And you know what? We don't have much time to wait. The longer we wait, the more likely it is that taxes will go up January 1. Let's work together to pass a new middle class payroll tax cut to put more money in the hands of Americans.

WORLD AIDS DAY

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

Ms. PELOSI. Mr. Speaker, today across the globe, people are marking World AIDS Day. It's an opportunity to reflect upon the progress we've made in the fight against HIV/AIDS, this pandemic, and to rededicate ourselves to ending the disease once and for all.

World AIDS Day is an occasion to remember friends, family members, loved ones, and millions of others lost to the disease. It is a solemn reminder of those still living with HIV/AIDS, whether in the cities of the United States, or the villages of Africa, Asia, or elsewhere. It is a reminder of the need to continue the fight to keep investing in research and medical advances, to stay focused on new treatments, care, prevention, and early intervention—a key element of quality of life; to expand housing opportunities to people with HIV/AIDS and end discrimination.

Yet it's also a reminder of how far we've traveled since the first World AIDS Day in 1988 and the first AIDS diagnosis, which we acknowledged recently on the 30-year anniversary of the first AIDS diagnosis.

In my hometown of San Francisco, we learned early on of the terrible toll of HIV/AIDS, the toll it could take on a community.

But that knowledge, as sad as it was, drove us to action, advocacy, and progress. Because we had suffered so much, we could also become a model for the country and indeed the world with our community-based solutions in regard to prevention, to care, and to research for a cure or vaccine.

This is something I'm very proud of, and really it found its way into legislation: the Ryan White Care Act; housing opportunities for people with HIV/AIDS; increased funding for NIH research; expanded investments in prevention, care, treatment; and an end to the ban on Federal funds for syringe exchange. Something very important if you're going to prevent AIDS.

Beyond our borders, we have extended care to millions in the developing world. Early on in our community, when we would have an AIDS mobilization day, right almost from the start—and Congresswoman WOOLSEY can attest to this—we understood if you're going to meet the challenge of HIV/AIDS at home, you have to have a mobilization that is global because AIDS knew no borders, but it had to be global.

So we would have these vigils of thousands of people walking in a great solemn way to talk about ending AIDS globally almost right from the start, although we were feeling it very personally, very locally in our community. Beyond our borders—that's why we extended care to millions in the developing world. We increased resources for PEPFAR and the Global Fund. And I commend President Bush for his leadership on PEPFAR and the commitment that he made there.

I congratulate President Obama for the statement that he made this morning which increased funding for the Ryan White Care Initiative that supports care provided by HIV medical clinics across the country and also added funding for the drug program initiative for people with HIV/AIDS, and his commitment to a new target of helping 6 million people around the world get treatment by the end of 2013. It's very important.

I commend Secretary Clinton for her strong leadership and her statement about ridding AIDS, especially among children, as soon as possible.

The challenges that we have faced over the years, some have disappeared. When I first came to Congress, I was sworn in in a special election, and they told me you're not allowed to speak. You just raise your hand and say, ''Yes, I support and defend the Constitution.''

But then the Speaker, Speaker Wright, said, ''Would the gentlelady from California wish to address the House?'' I had been told not to address the House, and if I did, to be very, very brief. So I stood up and acknowledged my father, Thomas D'Alesandro, had served as a Member of Congress, so he was on the floor of the Congress, and my family, and I thanked them all and my constituents. My one sentence was, ''I came here to fight against HIV and AIDS.'' And that was about it.

Well, my colleagues who had told me to be brief then said, ''Why would you even mention that?'' This was 24 years ago. ''Why would you even mention that? The first thing that you want to say to the Members of Congress when you get here is you're here to fight HIV/AIDS? Why did you say such a thing?''

I said, ''Well, I said such a thing because that's why I came here.''

But I never would have thought 24 years ago that we would project—really into another generation now—that we would not have a cure for HIV/AIDS. Never would have thought.

But in the meantime, we've reduced discrimination. We've expanded prevention, care, deepened our research, actually mobilized support. Some, like Bono on the outside, using his celebrity to attract attention to the issue. Public policy, whether it's President Bush, President Clinton. And now with this global initiative, and President Obama, we're at a completely different place than we were then when they wouldn't even have an AIDS ribbon in significant places in Washington, D.C. Today we all proudly wear that ribbon.

Again, it's a day of reminder, but it's also a day where we act upon those reminders of the work that needs to be done. And again, it's a global challenge, but it is a very personal issue.

The statistics are staggering, but we think of them one person at a time. And that is what we have to act upon. This Congress has been great on the subject. I hope that we will continue to honor our responsibility.

Again, on AIDS Day in San Francisco today we are celebrating the 20th anniversary of AIDS Memorial Grove.

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This is something that this Congress designated as a national memorial. This is of great significance to our community, for sure—I think very appropriately so—and also for the issue of AIDS. So, when you go West, you have to go to the AIDS memorial and see it as a spirit of renewal—a garden, a grove—always with that fresh, new growth. We have it as a remembrance, too, of those who have been lost and as a comfort to their families.

With that, again, Mr. Speaker, I join others in calling to our colleagues' attention and to those who follow Congress the importance of fighting HIV/AIDS as well as its importance to people, to communities, to our country, and to the world for our good health, for our economy, for the success of individuals.

OUR MAGGIE

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

Mr. QUIGLEY. Mr. Speaker, Maya Angelou wrote: ''If you find it in your heart to care for somebody else, you will have succeeded.''

On Thanksgiving night, Chicago lost a matriarch who, by Ms. Angelou's measure, was a magnificent success. We, sadly, lost Margaret Corbett Daley, or as she was better known, ''our Maggie.''

Maggie Daley embodied the heart of our city and grace under fire even when her own health was failing. Her contribution to the arts and our children, most notably through the After School Matters program, changed countless lives; and it will continue to do so for generations.

When Maggie was laid to rest this week, it wasn't just dignitaries who came to pay respects. Thousands of regular Chicagoans lined up for blocks in the rain to say goodbye. That's because Maggie transcended politics and reminded us that nothing is more important than family and each other.

She is, of course, survived by her best friend and husband, former Mayor Richard M. Daley, as well as by her loving children, grandchildren, and friends.

May she rest in peace and never be forgotten.

WORLD AIDS DAY

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

Ms. JACKSON LEE of Texas. I rise today in commemoration, Mr. Speaker, of World AIDS Day; and I thank our minority leader for her eloquent recounting of how far we have come.

In our best days, we can look to my dear friend Magic Johnson, who has been a living example of the improvements and the courage of those who are living with the HIV infection; but we recognize that, of the 15 million people medically recommended for antiretroviral medication worldwide, only half of them have access to drug treatment.

In the United States, nearly one in five people with HIV, or 240,000 people, don't even know that they are infected. Communities of color and young gay and bisexual men face the most severe burden of HIV in the United States—Magic Johnson, on one hand, and my dying friend on another hand being at the bedside of a person dying with AIDS, who, one, lived with the stigma and didn't have a way out.

Today, I will join others and be tested for the HIV virus, and I encourage others to do so.

I congratulate my constituents, the Harris County Hospital District and the Thomas Street Clinic, for their 12th annual World AIDS Day.

Thank you, Mr. President, for recognizing that 6 million more people need to have access to AIDS prevention drugs.

To those who have lost their lives, may I say to you on this day that your life that was lost should not be in vain. We still look for a cure, and we work for a better Nation and an opportunity to provide resources to those around the world and in the United States who still suffer. It is our challenge. We accept that challenge, and I believe someday we will be victorious.

To those who commemorate this day because they mourn, I commemorate it with you in your mourning. For those who celebrate life, I, likewise, celebrate life.

TERMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION

Mr. HARPER. Mr. Speaker, pursuant to House Resolution 477, I call up the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 477, the bill is considered read.

The text of the bill is as follows:

H.R. 3463

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

TITLE I—TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

SECTION 101. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2010.''.

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9014. TERMINATION.

''The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after the date of the enactment of this section, or to any candidate in such an election.''.

(B) TRANSFER OF EXCESS FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

''(d) TRANSFER OF FUNDS REMAINING AFTER TERMINATION.—The Secretary shall transfer all amounts in the fund after the date of the enactment of this section to the general fund of the Treasury, to be used only for reducing the deficit.''.

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9043. TERMINATION.

''The provisions of this chapter shall not apply to any candidate with respect to any presidential election after the date of the enactment of this section.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9014. Termination.''.

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9043. Termination.''.

TITLE II—TERMINATION OF ELECTION ASSISTANCE COMMISSION

SEC. 201. TERMINATION OF ELECTION ASSISTANCE COMMISSION.

(a) TERMINATION.—The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.) is amended by adding at the end the following new title:

''TITLE X—TERMINATION OF COMMISSION

''Subtitle A—Termination

''SEC. 1001. TERMINATION.

''Effective on the Commission termination date, the Commission (including the Election Assistance Commission Standards Board and the Election Assistance Commission Board of Advisors under part 2 of subtitle A of title II) is terminated and may not carry out any programs or activities.

''SEC. 1002. TRANSFER OF OPERATIONS TO OFFICE OF MANAGEMENT AND BUDGET DURING TRANSITION.

''(a) IN GENERAL.—The Director of the Office of Management and Budget shall, effective upon the Commission termination date—

''(1) perform the functions of the Commission with respect to contracts and agreements described in subsection 1003(a) until the expiration of such contracts and agreements, but shall not renew any such contract or agreement; and

''(2) shall take the necessary steps to wind up the affairs of the Commission.

''(b) EXCEPTION FOR FUNCTIONS TRANSFERRED TO OTHER AGENCIES.—Subsection (a) does not apply with respect to any functions of the Commission that are transferred under subtitle B.

''SEC. 1003. SAVINGS PROVISIONS.

''(a) PRIOR CONTRACTS.—The termination of the Commission under this subtitle shall not affect any contract that has been entered into by the Commission before the Commission termination date. All such contracts shall continue in effect until modified,

superseded, terminated, set aside, or revoked in accordance with law by an authorized Federal official, a court of competent jurisdiction, or operation of law.

''(b) OBLIGATIONS OF RECIPIENTS OF PAYMENTS.—

''(1) IN GENERAL.—The termination of the Commission under this subtitle shall not affect the authority of any recipient of a payment made by the Commission under this Act prior to the Commission termination date to use any portion of the payment that remains unobligated as of the Commission termination date, and the terms and conditions that applied to the use of the payment at the time the payment was made shall continue to apply.

''(2) SPECIAL RULE FOR STATES RECEIVING REQUIREMENTS PAYMENTS.—In the case of a requirements payment made to a State under part 1 of subtitle D of title II, the terms and conditions applicable to the use of the payment for purposes of the State's obligations under this subsection (as well as any obligations in effect prior to the termination of the Commission under this subtitle), and for purposes of any applicable requirements imposed by regulations promulgated by the Director of the Office of Management and Budget, shall be the general terms and conditions applicable under Federal law, rules, and regulations to payments made by the Federal government to a State, except that to the extent that such general terms and conditions are inconsistent with the terms and conditions that are specified under part 1 of subtitle D of title II or section 902, the terms and conditions specified under such part and such section shall apply.

''(c) PENDING PROCEEDINGS.—

''(1) NO EFFECT ON PENDING PROCEEDINGS.—The termination of the Commission under this subtitle shall not affect any proceeding to which the Commission is a party that is pending on such date, including any suit to which the Commission is a party that is commenced prior to such date, and the applicable official shall be substituted or added as a party to the proceeding.

''(2) TREATMENT OF ORDERS.—In the case of a proceeding described in paragraph (1), an order may be issued, an appeal may be taken, judgments may be rendered, and payments may be made as if the Commission had not been terminated. Any such order shall continue in effect until modified, terminated, superseded, or revoked by an authorized Federal official, a court of competent jurisdiction, or operation of law.

''(3) CONSTRUCTION RELATING TO DISCONTINUANCE OR MODIFICATION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if the Commission had not been terminated.

''(4) REGULATIONS FOR TRANSFER OF PROCEEDINGS.—The Director of the Office of Management and Budget may issue regulations providing for the orderly transfer of proceedings described in paragraph (1).

''(d) JUDICIAL REVIEW.—Orders and actions of the applicable official in the exercise of functions of the Commission shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been issued or taken by the Commission. Any requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function of the Commission shall apply to the exercise of such function by the applicable official.

''(e) APPLICABLE OFFICIAL DEFINED.—In this section, the 'applicable official' means, with respect to any proceeding, order, or action—

''(1) the Director of the Office of Management and Budget, to the extent that the proceeding, order, or action relates to functions performed by the Director of the Office of Management and Budget under section 1002; or

''(2) the Federal Election Commission, to the extent that the proceeding, order, or action relates to a function transferred under subtitle B.

''SEC. 1004. COMMISSION TERMINATION DATE.

''The 'Commission termination date' is the first date following the expiration of the 60-day period that begins on the date of the enactment of this subtitle.

''Subtitle B—Transfer of Certain Authorities

''SEC. 1011. TRANSFER OF ELECTION ADMINISTRATION FUNCTIONS TO FEDERAL ELECTION COMMISSION.

''There are transferred to the Federal Election Commission (hereafter in this section referred to as the 'FEC') the following functions of the Commission:

''(1) The adoption of voluntary voting system guidelines, in accordance with part 3 of subtitle A of title II.

''(2) The testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories, in accordance with subtitle B of title II.

''(3) The maintenance of a clearinghouse of information on the experiences of State and local governments in implementing voluntary voting system guidelines and in operating voting systems in general.

''(4) The development of a standardized format for reports submitted by States under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act, and the making of such format available to States and units of local government submitting such reports, in accordance with section 703(b).

''(5) Any functions transferred to the Commission under section 801 (relating to functions of the former Office of Election Administration of the FEC).

''(6) Any functions transferred to the Commission under section 802 (relating to functions described in section 9(a) of the National Voter Registration Act of 1993).

''(7) Any functions of the Commission under section 1604(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note) (relating to establishing guidelines and providing technical assistance with respect to electronic voting demonstration projects of the Secretary of Defense).

''(8) Any functions of the Commission under section 589(e)(1) of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff–7(e)(1)) (relating to providing technical assistance with respect to technology pilot programs for the benefit of absent uniformed services voters and overseas voters).

''SEC. 1012. EFFECTIVE DATE.

''The transfers under this subtitle shall take effect on the Commission termination date described in section 1004.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end the following:

''TITLE X—TERMINATION OF COMMISSION

''Subtitle A—Termination

''Sec. 1001. Termination.
''Sec. 1002. Transfer of operations to Office of Management and Budget during transition.
''Sec. 1003. Savings provisions.
''Sec. 1004. Commission termination date.

''Subtitle B—Transfer of Certain Authorities

''Sec. 1011. Transfer of election administration functions to Federal Election Commission.
''Sec. 1012. Effective date.''.

SEC. 202. REPLACEMENT OF STANDARDS BOARD AND BOARD OF ADVISORS WITH GUIDELINES REVIEW BOARD.

(a) REPLACEMENT.—Part 2 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15341 et seq.) is amended to read as follows:

''PART 2—GUIDELINES REVIEW BOARD

''SEC. 211. ESTABLISHMENT.

''There is established the Guidelines Review Board (hereafter in this part referred to as the 'Board').

''SEC. 212. DUTIES.

''The Board shall, in accordance with the procedures described in part 3, review the voluntary voting system guidelines under such part.

''SEC. 213. MEMBERSHIP.

''(a) IN GENERAL.—The Board shall be composed of 82 members appointed as follows:

''(1) One State or local election official from each State, to be selected by the chief State election official of the State, who shall take into account the needs of both State and local election officials in making the selection.

''(2) 2 members appointed by the National Conference of State Legislatures.

''(3) 2 members appointed by the National Association of Secretaries of State.

''(4) 2 members appointed by the National Association of State Election Directors.

''(5) 2 members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

''(6) 2 members appointed by the Election Center.

''(7) 2 members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

''(8) 2 members appointed by the United States Commission on Civil Rights.

''(9) 2 members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

''(10) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief's designee.

''(11) The director of the Federal Voting Assistance Program of the Department of Defense.

''(12) The Director of the National Institute of Standards and Technology or the Director's designee.

''(13) 4 members representing professionals in the field of science and technology, of whom—

''(A) one each shall be appointed by the Speaker and the minority leader of the House of Representatives; and

''(B) one each shall be appointed by the majority leader and the minority leader of the Senate.

''(14) 4 members representing voter interests, of whom—

''(A) one each shall be appointed by the chair and ranking minority member of the Committee on House Administration of the House of Representatives; and

''(B) one each shall be appointed by the chair and ranking minority member of the Committee on Rules and Administration of the Senate.

''(b) MANNER OF APPOINTMENTS.—

''(1) IN GENERAL.—Appointments shall be made to the Board under subsection (a) in a manner which ensures that the Board will be bipartisan in nature and will reflect the various geographic regions of the United States.

''(2) SPECIAL RULE FOR CERTAIN APPOINTMENTS.—The 2 individuals who are appointed

as members of the Board under each of the paragraphs (2) through (9) of subsection (a) may not be members of the same political party.

''(c) TERM OF SERVICE; VACANCY.—Members of the Board shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board shall be filled in the manner in which the original appointment was made.

''(d) EXECUTIVE BOARD.—

''(1) IN GENERAL.—Not later than 60 days after the day on which the appointment of its members is completed, the Board shall select 9 of its members to serve as the Executive Board of the Guidelines Review Board, of whom—

''(A) not more than 5 may be State election officials;

''(B) not more than 5 may be local election officials; and

''(C) not more than 5 may be members of the same political party.

''(2) TERMS.—Except as provided in paragraph (3), members of the Executive Board of the Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

''(3) STAGGERING OF INITIAL TERMS.—Of the members first selected to serve on the Executive Board of the Board—

''(A) 3 shall serve for 1 term;

''(B) 3 shall serve for 2 consecutive terms; and

''(C) 3 shall serve for 3 consecutive terms, as determined by lot at the time the members are first appointed.

''(4) DUTIES.—The Executive Board of the Board shall carry out such duties of the Board as the Board may delegate.

''(e) BYLAWS; DELEGATION OF AUTHORITY.—The Board may promulgate such bylaws as it considers appropriate to provide for the operation of the Board, including bylaws that permit the Executive Board to grant to any of its members the authority to act on behalf of the Executive Board.

''SEC. 214. POWERS; NO COMPENSATION FOR SERVICE.

''(a) HEARINGS AND SESSIONS.—

''(1) IN GENERAL.—To the extent that funds are made available by the Federal Election Commission, the Board may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this title, except that the Board may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

''(2) MEETINGS.—The Board shall hold a meeting of its members—

''(A) not less frequently than once every 2 years for purposes selecting the Executive Board and voting on the voluntary voting system guidelines referred to it under section 222; and

''(B) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

''(b) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board, the head of such department or agency shall furnish such information to the Board.

''(c) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

''(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Executive Board, the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

''(e) NO COMPENSATION FOR SERVICE.—Members of the Board shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

''SEC. 215. STATUS OF BOARD AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.

''(a) IN GENERAL.—The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability of the Board and its members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

''(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Board.''.

(b) CONFORMING AMENDMENTS.—

(1) MEMBERSHIP ON TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—Section 221(c)(1) of such Act (42 U.S.C. 15361(c)(1)) is amended—

(A) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

''(i) Members of the Guidelines Review Board.'';

(B) by redesignating clause (iii) of subparagraph (A) as clause (ii); and

(C) in subparagraph (D), by striking ''Standards Board or Board of Advisors'' and inserting ''Guidelines Review Board''.

(2) CONSIDERATION OF PROPOSED GUIDELINES.—Section 222(b) of such Act (42 U.S.C. 15362(b)) is amended—

(A) in the heading, by striking ''BOARD OF ADVISORS AND STANDARDS BOARD'' and inserting ''GUIDELINES REVIEW BOARD''; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) GUIDELINES REVIEW BOARD.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Guidelines Review Board.''.

(3) REVIEW OF PROPOSED GUIDELINES.—Section 222(c) of such Act (42 U.S.C. 15362(c)) is amended by striking ''the Board of Advisors and the Standards Board shall each review'' and inserting ''the Guidelines Review Board shall review''.

(4) FINAL ADOPTION OF PROPOSED GUIDELINES.—Section 222(d) of such Act (42 U.S.C. 15362(d)) is amended by striking ''the Board of Advisors and the Standards Board'' each place it appears in paragraphs (1) and (2) and inserting ''the Guidelines Review Board''.

(5) ASSISTANCE WITH NIST REVIEW OF TESTING LABORATORIES.—Section 231(c)(1) of such Act (42 U.S.C. 15371(c)(1)) is amended by striking ''the Standards Board and the Board of Advisors'' and inserting ''the Guidelines Review Board''.

(6) ASSISTING FEC WITH DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS ON ABSENTEE BALLOTS OF ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.—Section 703(b) of such Act (42 U.S.C. 1973ff–1 note) is amended by striking ''the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board'' and inserting ''the Guidelines Review Board''.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by amending the item relating to part 2 of subtitle A of title II to read as follows:

''PART 2—GUIDELINES REVIEW BOARD

''Sec. 211. Establishment.
''Sec. 212. Duties.
''Sec. 213. Membership.
''Sec. 214. Powers; no compensation for service.
''Sec. 215. Status of Board and members for purposes of claims against Board.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the Commission termination date described in section 1004 of the Help America Vote Act of 2002 (as added by section 201(a)).

SEC. 203. SPECIAL REQUIREMENTS RELATING TO TRANSFER OF CERTAIN AUTHORITIES TO FEDERAL ELECTION COMMISSION.

(a) DEVELOPMENT AND ADOPTION OF VOLUNTARY VOTING SYSTEM GUIDELINES.—

(1) IN GENERAL.—Part 3 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15361 et seq.) is amended by adding at the end the following new section:

''SEC. 223. TRANSFER OF AUTHORITY TO FEDERAL ELECTION COMMISSION.

''(a) TRANSFER.—Effective on the Commission termination date described in section 1004, the Federal Election Commission (hereafter in this section referred to as the 'FEC') shall be responsible for carrying out the duties and functions of the Commission under this part.

''(b) ROLE OF STAFF DIRECTOR.—The FEC shall carry out the operation and management of its duties and functions under this part through the Office of the Staff Director of the FEC.''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the item relating to part 3 of subtitle A of title II the following:

''Sec. 223. Transfer of authority to Federal Election Commission.''.

(b) TESTING, CERTIFICATION, DECERTIFICATION, AND RECERTIFICATION OF VOTING SYSTEM HARDWARE AND SOFTWARE.—

(1) IN GENERAL.—Subtitle B of title II of such Act (42 U.S.C. 15371 et seq.) is amended by adding at the end the following new section:

''SEC. 232. TRANSFER OF AUTHORITY TO FEDERAL ELECTION COMMISSION.

''(a) TRANSFER.—

''(1) IN GENERAL.—Effective on the Commission termination date described in section 1004, the Federal Election Commission (hereafter in this section referred to as the 'FEC') shall be responsible for carrying out the duties and functions of the Commission under this subtitle.

''(2) ROLE OF STAFF DIRECTOR.—The FEC shall carry out the operation and management of its duties and functions under this subtitle through the Office of the Staff Director of the FEC.

''(b) TRANSFER OF OFFICE OF VOTING SYSTEM TESTING AND CERTIFICATION.—

''(1) IN GENERAL.—There are transferred to the FEC all functions that the Office of Voting System Testing and Certification of the Commission (hereafter in this section referred to as the 'Office') exercised under this subtitle before the Commission termination date.

''(2) TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.—

''(A) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, appropriations, and other assets and interests of the Office, together with the unexpended balances of any appropriations or other funds

available to the Office, are transferred and made available to the FEC.

''(B) PERSONNEL.—

''(i) IN GENERAL.—The personnel of the Office are transferred to the FEC, except that the number of full-time equivalent personnel so transferred may not exceed the number of full-time equivalent personnel of the Office as of January 1, 2011.

''(ii) TREATMENT OF EMPLOYEES AT TIME OF TRANSFER.—An individual who is an employee of the Office who is transferred under this section shall not be separated or reduced in grade or compensation because of the transfer during the 1-year period that begins on the date of the transfer.''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle B of title II the following:

''Sec. 232. Transfer of authority to Federal Election Commission.''.

(c) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS ON ABSENTEE BALLOTING BY ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.—Section 703(b) of such Act (42 U.S.C. 1973ff–1 note) is amended by adding at the end the following: ''Effective on the Commission termination date described in section 1004, the Federal Election Commission shall be responsible for carrying out the duties and functions of the Commission under this subsection.''.

SEC. 204. CONFORMING AMENDMENTS TO OTHER LAWS.

(a) FEDERAL ELECTION CAMPAIGN ACT OF 1971.—

(1) DUTIES OF FEC.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(A) by striking ''and'' at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(10) provide for the adoption of voluntary voting system guidelines, in accordance with part 3 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15361 et seq.);

''(11) provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories, in accordance with subtitle B of title II of the Help America Vote Act of 2002 (42 U.S.C. 15371 et seq.);

''(12) maintain a clearinghouse of information on the experiences of State and local governments in implementing voluntary voting system guidelines and in operating voting systems in general;

''(13) carry out the duties described in section 9(a) of the National Voter Registration Act of 1993;

''(14) develop a standardized format for reports submitted by States under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act, make such format available to States and units of local government submitting such reports, and receive such reports in accordance with section 102(c) of such Act, in accordance with section 703(b) of the Help America Vote Act of 2002;

''(15) carry out the duties described in section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note); and

''(16) carry out the duties described in section 589(e)(1) of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff–7(e)(1)).''.

(2) AUTHORIZATION TO ENTER INTO PRIVATE CONTRACTS TO CARRY OUT FUNCTIONS.—Section 311 of such Act (2 U.S.C. 438) is amended by adding at the end the following new subsection:

''(g) Subject to applicable laws, the Commission may enter into contracts with private entities to carry out any of the authorities that are the responsibility of the Commission under paragraphs (10) through (16) of subsection (a).''.

(3) LIMITATION ON AUTHORITY TO IMPOSE REQUIREMENTS ON STATES AND UNITS OF LOCAL GOVERNMENT.—Section 311 of such Act (2 U.S.C. 438), as amended by paragraph (2), is further amended by adding at the end the following new subsection:

''(h) Nothing in paragraphs (10) through (16) of subsection (a) or any other provision of this Act shall be construed to grant the Commission the authority to issue any rule, promulgate any regulation, or take any other actions that imposes any requirement on any State or unit of local government, except to the extent that the Commission had such authority prior to the enactment of this subsection or to the extent permitted under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)).''.

(b) NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by striking ''Election Assistance Commission'' and inserting ''Federal Election Commission''.

(c) UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—

(1) DEVELOPMENT OF STANDARDS FOR STATE REPORTS.—Section 101(b)(11) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(11)) is amended by striking ''the Election Assistance Commission'' and inserting ''the Federal Election Commission''.

(2) RECEIPT OF REPORTS ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Section 102(c) of such Act (42 U.S.C. 1973ff–1(c)) is amended by striking ''the Election Assistance Commission (established under the Help America Vote Act of 2002)'' and inserting ''the Federal Election Commission''.

(d) ELECTRONIC VOTING DEMONSTRATION PROJECTS FOR SECRETARY OF DEFENSE.—Section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note) is amended by striking ''the Election Assistance Commission'' and inserting ''the Federal Election Commission''.

(e) TECHNOLOGY PILOT PROGRAM FOR ABSENT MILITARY AND OVERSEAS VOTERS.—Section 589(e)(1) of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff–7(e)(1)) is amended by striking ''Election Assistance Commission'' and inserting ''Federal Election Commission''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the Commission termination date described in section 1004 of the Help America Vote Act of 2002 (as added by section 201(a)).

SEC. 205. OTHER CONFORMING AMENDMENTS RELATING TO TERMINATION.

(a) HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by striking ''or the Election Assistance Commission''.

(b) SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by striking ''or the Election Assistance Commission''.

(c) INSPECTOR GENERAL ACT OF 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''the Election Assistance Commission,''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the Commission termination date described in section 1004 of the Help America Vote Act of 2002 (as added by section 201(a)).

SEC. 206. STUDIES.

(a) PROCEDURES FOR ADOPTION AND MODIFICATION OF VOLUNTARY VOTING SYSTEM GUIDELINES.—

(1) STUDY.—The Comptroller General shall conduct a study of the procedures used to adopt and modify the voluntary voting system guidelines applicable to the administration of elections for Federal office, and shall develop recommendations on methods to improve such procedures, taking into account the needs of persons affected by such guidelines, including State and local election officials, voters with disabilities, absent military and overseas voters, and the manufacturers of voting systems.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report the recommendations developed under such paragraph.

(b) PROCEDURES FOR VOTING SYSTEM TESTING AND CERTIFICATION.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the procedures for the testing, certification, decertification, and recertification of voting system hardware and software used in elections for Federal office, and shall develop a recommendation on the entity that is best suited to oversee and carry out such procedures, taking into consideration the needs of persons affected by such procedures, including State and local election officials, voters with disabilities, absent military and overseas voters, and the manufacturers of voting systems.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Federal Election Commission shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report the recommendation developed under such paragraph.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. HARPER) and the gentleman from Pennsylvania (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. HARPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include materials on H.R. 3463.

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

There was no objection.

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

To begin, I would like to thank the chairman of the Committee on Science, Space, and Technology, the gentleman from Texas (Mr. HALL), for his continued assistance in ensuring these important matters are considered by the House. He has been a helpful partner.

Mr. Speaker, we live in uncertain times—with job creation stifled by crushing debt. But there are two things I am certain of: the necessity of cutting unnecessary spending and the fact that H.R. 3463 is a simple and straightforward way to do just that. H.R. 3463 cuts unnecessary spending in two ways:

First, it ends the taxpayer financing of Presidential election campaigns and party conventions, a program growing

less and less popular for both taxpayers and candidates. Second, H.R. 3463 terminates the Election Assistance Commission, an obsolete government agency originally intended to sunset in 2005.

Every Federal program, including these, is there because someone thinks it is a good idea; but if we do not eliminate some programs, then a $15 trillion debt will just be the starting point of our decline into a European-style fiscal crisis. Everyone talks about tough choices, and we have to make them. Frankly, these choices aren't even very tough. They are about as easy as we're going to find.

Since 1976 American taxpayers have spent $1.5 billion in funding Presidential primary campaigns, Presidential election campaigns, and national party conventions. My colleague from Oklahoma (Mr. COLE) has been a leader in trying to end those campaign subsidies, and I am pleased to work with him today to continue that effort.

When the taxpayer financing of political campaigns and conventions was adopted, proponents said it would improve the public's trust in their government, clean up our politics, and increase the competitiveness of political campaigns. Sadly, it has failed on all counts. Now we find that more and more candidates are opting out of the system altogether. The Federal Election Commission has just this week confirmed that no Presidential candidate to date has opted to participate for the 2012 election.

Mr. Speaker, we are talking about eliminating a program that literally no candidate is currently using or preparing to use at this point. That includes President Obama, who in 2008 famously became the first Presidential candidate ever to decline to participate in both the primary and general election phases of the program.

It's not just the candidates who don't like it. As this chart indicates, support from Americans overall is dramatically low for this program. Since peaking in 1980, the percentage of taxpayers opting to participate has declined from a high of 28.7 percent to 7 percent.

It's obviously something that needs to be done away with. That means that 93 percent of American taxpayers choose not to participate. They refuse to subsidize political campaigns. Who can blame them? It's bad enough that they have to watch campaign commercials, but they shouldn't have to pay for them with taxpayer dollars as well. The money designated by a check-off on tax returns is diverted from those taxpayers' payments into this program so that every other taxpayer has to make up the difference in revenue to the Treasury. The 93 percent of taxpayers who do not participate have to make up for the money spent by the current 7 percent who do.

Mr. Speaker, eliminating this system will save taxpayers an estimated $447 million over 5 years and will immediately return nearly $200 million to the Treasury. This is sensible and long overdue.

□ 1250

Also long overdue is the elimination of the Election Assistance Commission. The EAC, created in 2002, as this chart indicates, was expected to sunset in 2005. Instead, as you see on the chart, despite its dwindling services, Mr. Speaker, this agency has more than doubled its employee size in 3 years. This is clearly an abuse of what should have taken place.

The EAC was established for a noble purpose: to allocate Federal grants for State voting systems upgrades, to conduct research, and to test and certify voting equipment. Aside from the certification services, which can be carried out by another agency, the EAC has fulfilled its purpose.

Over $3 billion has been sent to States over the years to help them modernize their voting equipment. Now, the EAC has allocated all of its remaining election grants and even zeroed out its request for additional grant funds in its last three annual budget requests.

The National Association of Secretaries of State, a bipartisan group, the direct beneficiary of the EAC's dwindling services, has passed not one but two resolutions calling for the EAC's dissolution. As this chart indicates, the EAC's FY12 budget request devotes 51.7 percent of its budget to management and overhead costs—more than half. Under this plan, the agency would use $5.4 million to manage programs totaling $3.5 million.

This bill would transfer the EAC's remaining valuable service, its voting system testing and certification program, to an existing agency instead of paying the overhead costs of a complete agency just to operate that program. Like its predecessor bill, H.R. 672, this bill maintains an advisory system to give State and local election officials input into the testing and certification program.

Mr. Speaker, since December of 2010, the Election Assistance Commission has not had a quorum. That means it has not been able to make policy decisions requiring approval by the Commissioners. Has anyone even noticed? Compared to the real crises facing our country, has there been harm caused to justify keeping an obsolete agency?

The EAC is not merely obsolete, it's also wasteful. I have spoken to this House before about the two hiring discrimination lawsuits against the EAC. Unfortunately, the more time that passes, the more problems come to light. Just recently we learned that a former EAC Commissioner, who continued serving for a year after the end of the term and then resigned, has been collecting unemployment benefits. Neither the Commissioner's resignation letter nor any facts that we know of indicate the departure was anything other than voluntary.

When we have millions of people in this country struggling to make ends meet, how can a senior government official who leaves a job voluntarily collect unemployment benefits? When we have an agency that is not needed and produces scandal after scandal, misperformance after misperformance, it is time for this agency to go.

According to the CBO, dissolving the EAC will save taxpayers $33 million over the next 5 years.

Mr. Speaker, we have a $15 trillion debt. We have to start somewhere. We now have annual deficits over a trillion dollars. H.R. 3463 eliminates one government program that virtually no one uses and shuts down an agency that has completed the task that it was assigned. Amazingly, we've had proposals not to shrink these programs but to expand them. Only in Washington is the answer to dysfunction expansion.

This bill will not cure all of the problems that we have on its own, but it is one of many steps we are going to have to take; otherwise, we will sink deeper and deeper into debt and trap our children and our grandchildren down into a downward spiral. Today is the time to act, and this agency and this program are the place to start.

I urge my colleagues to support H.R. 3463, and I reserve the balance of my time.

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

Washington, DC, November 30, 2011.

Hon. DANIEL E. LUNGREN,
Chairman, Committee on House Administration, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN LUNGREN: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 3463 (to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission) introduced on November 17, 2011.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, I will waive further consideration of this bill in Committee, notwithstanding any provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology. This waiver, of course, is conditional upon our mutual understanding that agreeing to waive consideration of this bill should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on Science, Space, and Technology. Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 3463 as well as any similar or related legislation.

I ask that a copy of this letter and your response be placed in the Congressional Record during consideration of H.R. 3463 on the House floor.

I look forward to working with you on matters of mutual concern.

Sincerely,

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, December 1, 2010.

Hon. RALPH HALL,
Chairman, Committee on Science, Space, and Technology, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 3463, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission.

I appreciate your willingness to support expediting floor consideration of this important legislation, notwithstanding the inclusion of any provisions under the jurisdiction of the Committee on Science, Space, and Technology. I understand and agree that your willingness to waive further consideration of the bill is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support a request from your Committee for an appropriate number of conferees.

I will include a copy of our exchange in the Congressional Record during consideration of H.R. 3463 on the House floor.

Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

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

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

I rise in opposition to H.R. 3463.

This is not new territory for this Congress. This proposal to eliminate the Presidential Election Campaign Fund and the Election Assistance Commission has already been dealt with in this Congress. The legislation before us proposes to combine these two really bad ideas.

In an era of rapidly changing election law, both in terms of campaign finance regulation and voting rights, these two programs are more important now than ever. The electoral landscape is much different today than it was even 4 short years ago. The Supreme Court allows unlimited contributions from special interests, and Super PACs are raising vast amounts of funds with no government oversight or regulation. Corporations and special interests are donating massive sums of money, and some may expect a return on their investment. Unfortunately, this return often comes at the expense of the American people and sometimes at the expense of the integrity of this body.

We cannot expect the trust of the electorate if they feel they do not have a voice. We should provide transparency and accountability, not secrecy and irresponsibility.

Just last Congress, my colleagues and I passed the DISCLOSE Act, which called for more transparency in how our elections are financed, and that bill was killed by Senate Republicans. Members of the House, such as Mr. VAN HOLLEN of Maryland and Mr. LARSON of Connecticut, have authorized bills that would strengthen public financing of elections, not weaken it, as this bill does.

When sources of funds are intentionally concealed, what kind of message does this send to the country? It sends the message that we do not care where we get our contributions as long as they are substantial and they are secret, and that is wrong.

We can reform the Presidential Election Campaign Fund without repealing it. This is the best course of action.

Across the country, States are making it harder for voters to cast their ballots. New laws requiring voter identifications, strict and arbitrary voting registration regulations, and eliminating the days designed for early voting are all part of an effort to limit voter participation and turnout. Voters have noticed and have already started to push back.

This was the case in Maine last month when they used the ''People's Veto'' to throw out a law passed by the Republican legislature and Governor to eliminate the State's successful same-day voter registration program which has been in place for 40 years. In other States, restrictive new laws may be forced onto the ballot for a possible repeal in referendums in 2012.

If that wasn't bad enough, overworked and underpaid local election officials and volunteers are expected to keep track of election law changes while still administrating large, complex, and often unpredictable elections. The Election Assistance Commission does much of the heavy lifting for them, establishing and maintaining an information database for all local election officials to utilize.

The EAC also produces instructional videos and materials, which cash-strapped election officials claim save them thousands of dollars annually. And the letters of support for the EAC, which have been also sent to my colleagues across the aisle, are still rolling in.

The EAC's essential services do not stop there. The Commission is charged with the testing of certification of voting machines, the only agency in the Federal Government tasked to do this. Who will ensure that all of our votes are counted? Who will ensure that everyone has an opportunity to cast a ballot for their intended candidate? Who will ensure that we do not repeat the historical debacle of Florida in the year 2000?

It is important to remember that events led to the establishment of the Presidential Election Campaign Fund and the EAC—the Watergate scandal of the early 1970s and Florida in 2000, respectively. These historical controversies eroded the public's faith in our political system. These measures were meant to restore their faith, to restore accountability to Washington and, most importantly, to ensure that the people were heard. All this bill will do is weaken further what little faith the American electorate has left.

Today I stand with every letter writer that has pleaded with us not to terminate the EAC. I stand with those who cannot afford to make huge contributions and would rather speak with their votes than their wallets. I, along with Democratic colleagues, stand with the principles that voter inclusion, not voter exclusion, is what we should strive for, and the attempted disenfranchisement of any eligible voters is despicable and is beyond words and cannot be tolerated.

On this bill I urge a ''no'' vote.

LEAGUE OF WOMEN VOTERS
OF THE UNITED STATES,
Washington, DC, May 24, 2011.

To: Members of the Committee on House Administration
From: Elisabeth MacNamara, President
Re H.R. 672, To Terminate the Election Assistance Commission

The League of Women Voters urges you to oppose H.R. 672, which would terminate the Election Assistance Commission and transfer some of its functions to the Federal Election Commission. Instead of eliminating the EAC, we believe that Congress should strengthen the commission and expand its responsibilities. Moreover, the FEC is dysfunctional; expanding its role would be a mistake.

The League believes that elections are fundamental to a functioning democracy and that every effort should be made to elevate their administration to the highest importance. Congress should not turn its back on federal efforts to ensure election integrity, improve voter access to the polls, and improve election systems. The value of the EAC far outweighs its monetary costs; in fact, the costs of poorly run elections are intolerable. It is time for election administration to move into the 21st Century, not back toward the 19th.

Unfortunately, elections in our country are still not well-administered, and we are concerned that many states and localities are not doing a good job ensuring federally-protected voting rights. For example, a GAO report on the 2008 election said that there are significant problems for persons with disabilities in gaining access to the polls. Physical barriers remain in far too many cases. In fact, 31 states reported that ensuring polling place accessibility was ''challenging.''

There many other areas of election administration that cause concern, including statewide voter registration lists, provisional balloting, list cleaning, voting machines and tabulating, access to registration, and meeting voter information needs. In addition, there are critical questions that must be addressed about the application of new technologies like the Internet to the voting and registration processes. Each of these areas would benefit from additional study, data gathering and information sharing among election officials at every level, the public, and concerned organizations.

With these continuing problems, now is certainly not the time to abolish the only federal agency that devotes its full resources and attention to improving our elections. Let us not go back to the 2000 election but go forward, improving each election over the last. We know what needs to be done; now let us devote the resources to what should be done.

———

THE LEADERSHIP CONFERENCE ON
CIVIL AND HUMAN RIGHTS,
Washington, DC, May 24, 2011.

DEAR REPRESENTATIVE: On behalf of the Voting Rights Task Force of The Leadership Conference on Civil and Human Rights, we urge you to oppose H.R. 672, which would terminate the Election Assistance Commission (''EAC'' or ''Commission''). As organizations

that are committed to supporting and expanding the civil and voting rights of all Americans, we have devoted substantial resources to the passage of both the National Voter Registration Act and the Help America Vote Act. Terminating the EAC puts our work at jeopardy and risks reducing the voting and civil rights of our citizens—rights for which many have given their lives.

The EAC does valuable work to ensure the reliability and trustworthiness of our nation's election systems. The Commission plays a major role in collecting accurate and comparable election data. With our nation's complex and diversified election administration system, central data collection is essential if we are going to improve our citizens' trust and confidence in election results. The Commission develops and fosters the training and organization of our nation's more than 8,000 election administrators. Through its many working committees and the work it does to foster robust dialogue among advocates, manufacturers and administrators, the Commission is improving the administration of elections. The EAC's award-winning web page has become the ''go to'' site for election administrators, advocates, and academics.

The Commission is charged with developing standards for voting systems, and this precedent-setting work has been recognized by nations around the world. Several countries are so impressed with our system that they have signed agreements with the EAC for technical assistance as they develop their own voting system standards and certification procedures. The EAC's certification program uses its oversight role to coordinate with manufacturers and local election officials to ensure that existing voting equipment meets durability and longevity standards. This saves state and local governments from the unnecessary expense of new voting equipment.

The EAC has also played a central role in improving the accessibility of voting for the country's more than 37 million voters with disabilities. We still have a long way to go to achieve the Help America Vote Act's mandate to make voting accessible. The EAC's leadership is essential to continuing the effort to offer all Americans the right to vote ''privately and independently.''

As we approach the 2012 elections, the EAC must continue to do its important work. Rather than abolishing the agency just before the 2012 elections, we believe Congress should strengthen the Commission by broadening its data collection responsibilities and by giving it regulatory authority to ensure that persons with disabilities have full access to the polls.

Thank you for your consideration of our position. If you have any questions about this letter, please contact Leadership Conference Senior Counsel Lisa Bornstein, at (202) 263–2856 or Bornstein@civilrights.org.

Sincerely,

WADE HENDERSON,
President & CEO.
NANCY ZIRKIN,
Executive Vice President.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, June 2, 2011.

MEMBERS,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I strongly urge you to do all you can to support the Election Assistance Commission and to oppose and vote against efforts to terminate this crucial tool in our arsenal to strengthen our democracy. The right to vote is a cornerstone of our democracy and we as a Nation should do all we can to ensure that every eligible American can cast an unfettered vote of their own free will and that their vote is counted.

As established by the 2002 Help America Vote Act, the Election Assistance Commission provides research and data, guidance and grants to states and local governments so they can employ the best practices and the most up-to-date methods of registering and voting. The Election Assistance Commission has provided crucial help to many localities in the efforts to identify and reach groups which had heretofore been disenfranchised, including racial and ethnic minorities, members of the Armed Services (especially those serving overseas), disabled Americans and senior citizens.

We should be supporting and enhancing groups like the Election Assistance Commission, whose mission is to engage more Americans in the democratic process so that their voices may be heard. I therefore must again strongly urge you to oppose and work against bills such as H.R. 672, which would terminate the Election Assistance Commission within 60 days of enactment. Sadly, this shortsighted legislation which is, in fact, a direct attack on one of the most fundamental components of our form of government, the right to vote and have that vote count, was passed out of the House Administration Committee and may come before you on the House floor in the very near future.

Thank you in advance for your attention to the NAACP position: I look forward to working with you to see that we work toward a more inclusive democracy and to protect the integrity of our Nation and our government. Should you have any questions or comments, please do not hesitate to contact me at my office at (202) 463–2940.

Sincerely,

HILARY O. SHELTON,
Director, NAACP Washington Bureau & Senior Vice President for Advocacy and Policy.

DĒMOS,
New York, NY, May 24, 2011.

Committee on House Administration, Subcommittee on Elections, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: Dēmos respectfully urges the members of the Subcommittee on Elections to oppose H.R. 672, legislation that would terminate the Elections Assistance Commission (EAC). Without the EAC there would be no federal agency focused on improving the quality of elections—a vital function in ensuring the success of our democratic institutions.

Dēmos is a non-partisan public policy research and advocacy organization committed to building an America which achieves its highest democratic ideals—a nation where democracy is robust and inclusive, with high levels of electoral participation and civic engagement; an economy where prosperity and opportunity are broadly shared and disparity is reduced; and a strong and effective government with the capacity to plan for the future.

The EAC does valuable work to ensure the efficacy, reliability, and trustworthiness of our nation's election systems. For example, the Commission plays a major role in collecting accurate and comparable election data. With our nation's complex and diversified election administration system, central data collection is essential to accurately assess its state and therefore to improve our citizens' trust and confidence in election results. The Commission also develops and fosters the training and organization of our nation's more than 8,000 election administrators. The EAC's award-winning web page has become the ''go to'' site for election administrators, advocates, and academics.

Moreover, the Commission is charged with developing standards for voting systems, and this precedent-setting work has been recognized by nations around the world. Several countries are so impressed with our system that they have signed agreements with the EAC for technical assistance as they developed their own voting system standards and certification procedures. The EAC's certification program is helping state and local governments to save money by using its oversight role to coordinate with manufacturers and local election officials to ensure that the existing equipment meets its durability and longevity potential. This saves state and local governments from the unnecessary expense of new voting equipment.

Importantly, the EAC has played a central role in improving the accessibility of voting for the country's more than 37 million voters with disabilities. Although we still have a way to go to achieve the Help America Vote Act's mandate to make voting accessible, the EAC's leadership is essential to continuing the effort to offer all Americans the right to vote ''privately and independently.''

We recognize that H.R. 672 would transfer many of the EAC's functions to the FEC but this would not be wise. The FEC is dysfunctional. It is overwhelmed by its current responsibilities, as evidenced by repeated court orders to correct its regulations to bring them in line with the laws of the United States. The FEC is starkly divided on partisan lines, making it particularly inappropriate for election administration responsibilities. And the FEC is increasingly unable to make decisions or even to agree on staff-negotiated recommendations.

Rather than abolishing the EAC, Congress should provide the EAC with resources and a renewed commitment to sponsoring and encouraging information sharing among state and local officials, EAC committees, the non-partisan voting rights community, technical experts and others.

Elections are the life blood of a democracy. We strongly urge the committee to strengthen the Election Assistance Commission instead of terminating it.

Sincerely,

MILES RAPOPORT,
President.

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW,
Washington, DC, June 21, 2011.

Hon. NANCY PELOSI,
Minority Leader, U.S. House of Representatives, Washington, DC.

DEAR MADAM LEADER: The Lawyers' Committee for Civil Rights Under Law (''Lawyers' Committee'') writes to express our opposition to the ''To Terminate the Election Assistance Commission, and For Other Purposes Act'' (H.R. 672). In the 2000 presidential election, many voters in Florida were wrongfully denied access to the ballot based on faulty voting equipment and a lack of discernible standards for vote counting. This bill would roll back the progress being made to bring more uniformity and equity to the election process across the states.

The Lawyers' Committee is a nonpartisan, nonprofit organization, established in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to protect the rights of individuals affected by racial discrimination. The defense of voting rights has been a core part of the Lawyers' Committee's work since our founding nearly 50 years ago. We believe that

abolishing the Election Assistance Commission (EAC) fails to further voting transparency and reliability that was at the heart of the Help America Vote Act (HAVA). Predictably, those who would be most frequently disenfranchised are also those least able to advocate for their right to vote, whether poor, uneducated, infirm or elderly.

Faced with a challenge to our democratic system, Congress immediately rushed to action to take bold steps to bring our elections into the 21st century by passing HAVA which established the EAC. The EAC tests and certifies voting machines for use in elections to avoid a repeat of the 2000 election debacle in Florida; administers electronic voting for our brave men and women in uniform fighting overseas so that they are able to vote abroad; and creates voluntary voting guidelines for states, instilling confidence in the democratic process of this country for all voters. Since its inception, the Lawyers' Committee has been intimately acquainted with the work of the EAC, especially as Barbara Arnwine our Executive Director has served on the EAC advisory board. Our work and experience with the EAC leads us to believe that its establishment was the right course of action, and that its existence has helped bring some clarity to our multi-faceted election process.

The work of the EAC to improve and modernize our election system is far from over. Moving the functionality of the EAC to the FEC would not only be ineffective, but costly. The Federal Election Committee (FEC), institutionally partisan and consistently ineffective in achieving even its current mandate, is not the organization we need to test and certify voting machines, or safeguard the votes of our service men and women.

With the presidential election on the horizon, it is more important than ever that we ensure the voice of the people is heard through a reliable, transparent democratic system. Termination of the EAC will take us backwards when we are trying to move forward.

Sincerely,

BARBARA R. ARNWINE,
Executive Director.
TANYA CLAY HOUSE,
Director of Public Policy.

NATIONAL DISABILITY RIGHTS NETWORK,
Washington, DC, June 21, 2011.

Re Opposition to H.R. 672, the Election Support Consolidation and Efficiency Act.

As the Executive Director of the National Disability Rights Network (NDRN), I write to express the opposition of NDRN and the 57 Protection and Advocacy systems it represents to H.R. 672, the Election Support Consolidation and Efficiency Act (ESCEA). Voting is a fundamental right, and the Election Assistance Commission has played an important role since its creation to ensuring that polling places and the voting process are accessible to people with disabilities. The ESCEA would hinder progress toward accessibility of polling places and the voting process by abolishing the Election Assistance Commission (EAC).

NDRN is the national membership association for the 57 Protection & Advocacy (P&A) agencies that advocate on behalf of persons with disabilities in every state, the District of Columbia, and U.S. territories. For over 30 years, the P&A agencies have been mandated by Congress to protect and enhance the civil rights of individuals with disabilities of any age and in any setting. One area of focus for the P&As is voting through the Protection and Advocacy for Voting Access Act (PAVA) which charges P&As with helping to ensure the full participation of individuals with disabilities in the entire electoral process, including registering to vote, casting a ballot, and accessing polling places.

The EAC has played a central role in improving the accessibility of voting for voters with disabilities. A Government Accountability Office report from 2009 *http://www.gao.gov/newitems/d09685.pdf*) found that 72 percent of polling places surveyed on Election Day 2008 had impediments that hinder physical access or limit the opportunities for private and independent voting for people with disabilities. This is an improvement over the results of a similar study done during the 200 election, in which 84 percent of polling places had impediments. The EAC, established following the 2000 election, has helped improve these results by acting as a national clearinghouse of information on accessible voting and providing technical assistance and guidance for election commissioners and how to make polling places, and the voting process as a whole, more accessible.

There remains much work to be done not only relating to physical accessibility, but also relating to other barriers to voting, such as a lack of voting and registration materials in accessible formats for people with sensory disabilities. In some instances, there have been outright denials of the right to register and vote based on false assumptions about a person's legal capacity to vote. Abolishing the EAC at this point in time would be a step back for people with disabilities and the goal of full accessibility to the voting process, and prevent people with disabilities from partaking of this most fundamental civil right.

As we rapidly approach the 2012 elections, the EAC must continue to do its important work. Rather than abolishing the agency just before the 2012 elections, Congress should strengthen the EAC to ensure that persons with disabilities fully enjoy the right to vote privately and independently. Therefore, on behalf of the NDRN and the 57 P&A agencies it represents, I ask that you oppose H.R. 672 when it is considered by the full House of Representatives today.

Sincerely,

CURTIS L. DECKER, JD,
Executive Director.

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

□ 1300

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

It is clear that what has happened here is that there has been no response to many of the allegations of mismanagement that we've heard so far. It is clear from the things that have happened that the EAC, in particular, it is time for this to come to a conclusion. It is an agency whose average salary for its employees—and the employee size has more than doubled since 2007—the average salary is $106,000 for this agency. Ronald Reagan said that the closest thing on earth to eternal life is a temporary government program. This was supposed to last for a period of 3 years.

The National Association of Secretaries of State in 2005 did a resolution, a bipartisan group, they did a resolution saying bring this to an end. They renewed that resolution again in 2010, and yet it remains. If we cannot get rid of an agency like the EAC, then we're never going to be able to get rid of anything up here.

With that, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. I thank the gentleman for yielding.

I rise in opposition to the bill.

Instead of focusing on jobs and helping middle class families, the Republican leadership is hard at work today creating additional ways in which corporations and special interests can dominate our elections process. Ending the Presidential Election Campaign Fund opens the door for large political spenders to enjoy an even greater role in the funding of political campaigns.

The voluntary public finance system for Presidential campaigns was created in the early seventies as a direct result of the corruption of Watergate, the largest political scandal of our generation. Stopping corruption and the appearance of corruption is as important today as it was during the Nixon years. The level of spending by corporations and special interests since the Supreme Court's decision in Citizens United should give every American reason for concern. Do my Republican colleagues really believe that more corporate and special interest money in politics is going to benefit in any way the 99 percent of Americans who don't have lobbyists?

The current public finance system for Presidential elections has problems. Most notably, it has not kept pace with the cost of modern campaigns, so we should fix it instead of eliminating it. And I would note that the Republican National Committee recently received $18 million from the fund, so if the Republicans think it's such a bad idea, perhaps they should ask the RNC to return the money.

As for the Election Assistance Commission, the EAC is the only Federal agency focused on improving Federal elections. This was an outgrowth of the disastrous process of the 2000 election. Remember, 100 million votes were cast, but it took a decision of the Supreme Court before a winner was declared. The experience left a black eye on our elections process. It's not something America should go through again.

As State and local budgets are cut, the value of this commission is going to grow.

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

Mr. BRADY of Pennsylvania. I yield the gentlelady an additional 30 seconds.

Ms. ZOE LOFGREN of California. Have there been problems at the EAC? Yes, there have been problems. What should we do about it? We need oversight and reform. We shouldn't just abolish this commission because we are going backwards to the bad old days of inconsistency among voters. I urge my colleagues to focus on the economy, focus on jobs, and don't pass bills that give corporations and special interests even greater influence in our elections.

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

It is amazing that there is a reference to the need that we need to focus on jobs instead of doing something like this. If that's the case, we've passed about 25 bills this year out of the Republican-led House that dealt with jobs and dealt with the economy. We have done our job on that, and now they're sitting over in the Senate who knows where or why awaiting action. So we have been doing those things, the tough decisions, the things that will create jobs if the Senate and the White House would join with us on those things. So that is simply not accurate to say that we haven't been focusing on jobs because we have done that since we started this year, and we will continue to do so and encourage and urge our colleagues over in the Senate to bring these matters up. They include things that will help on overburdensome EPA regs, with things that will deal with permitting and drilling in the Gulf of Mexico and things that will have a direct impact on our economy and jobs.

You know, it is clear, particularly on the EAC, which was created in 2002 after HAVA, the Help America Vote Act, after the Bush-Gore recount so that we wouldn't have another hanging chad or butterfly ballot situation, and this agency administered over $3 billion worth of grants to the States for machines. When it was passed, it was designed to be a 3-year agency and program. We're 9 years into this. And instead of trying to say, okay, and we showed the chart a minute ago with $5.4 million worth of management costs, and yet only a little over $3 million in program costs. And the grants for the machines, Mr. Speaker, are now gone and they are not there.

We have the letter from the National Association of Secretaries of State which restates their position on the resolution to eliminate the EAC done in 2005, and again in 2010. Again on the EAC, we have reports from different agencies. We have an IG report criticizing the management practices of the EAC. This report was done in March of 2010.

We have a report from the EAC's financial records back in November of 2008 which I dealt with when I first got on the Committee on House Administration in early 2009. This report is an audit of the Election Assistance Commission fiscal year 2008 financial statements. The records were so mismanaged, this agency that the other side wants to keep instead of trying to make us more efficient, it was so bad that the agency couldn't be audited. The records were too bad to tell them how bad it was. So that lengthy report is available to anyone who cares to read it.

Then we have a report from the Office of Special Counsel that was done in 2009. The Office of Special Counsel talks about having to settle a political discrimination case. An agency that is supposed to talk about fairness and helping in elections themselves get sued for political discrimination. And one of those that created that problem is the one that voluntarily resigned and received unemployment benefits for a voluntary resignation.

We have the organizational chart that shows that the EAC included a special assistant to a vacant position. I can go on and on, Mr. Speaker, on the mismanagement of the EAC. It is clearly time to say—and I understand that there are some things that we need to keep. We are saying that the essential functions of this group, send them over to the FEC, and we can take care of those situations on testing and certification, make the process more efficient, and we'll save money for the taxpayers.

With that, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 3 minutes to the gentlelady from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise in opposition to H.R. 3463.

It might sound surprising, but right behind jobs, one of the top concerns my constituents contact me about is campaign reform. You'd think that campaign rules would be the very last thing people would think about when they're worried about their livelihoods, their mortgages, and their family's health care. But they know that the electoral process is at the heart of everything their government can do for them.

The American people are frustrated. They are frustrated by what I call super-sized campaigns. It's all too much. It's too slanderous. It's too hard to tell who's paying for what and who's saying what. They feel that big donors, big corporations, and ideological groups are running the show, and they're being left out. But the American people care, and they believe in ''we the people.''

Public financing gives the voice back to the middle class. The Election Assistance Commission can help election officials better the process for voters. Neither of these is perfect right now. We acknowledge that, but we should be improving rather than eliminating them. Throwing away what public financing we have, what financing worked for every President from 1976 to 2004 and making it harder to bring election improvements together is a step in the wrong direction.

□ 1310

Rather than making it even harder for the average voter to make a difference, Congress should be improving access to democracy by expanding public financing, assisting election officials, and increasing voting opportunities for all Americans.

Our people are our strength, and we have no business shutting them out. The supporters of this bill say it will save us money. But in fact, Mr. Speaker, it will mean our democracy is up for sale.

Mr. HARPER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the gentleman from Mississippi for yielding.

One of the arguments that's been made about the EAC, Mr. Speaker, is that it's the Federal Election Commission that ensures every American citizen's right to vote. If only that were true, Mr. Speaker.

The National Association of Secretaries of State, which is the organization in each State that oversees the elections, has called for the dissolution of the EAC. The committee has heard firsthand testimony from Secretaries of State all across the country. Both in 2005 and again in 2010, the National Association of Secretaries of State has called for the dissolution of the EAC.

If the organizations that are actually responsible in each State for holding the elections, Mr. Speaker, are asking that the Federal agency that's supposed to help them should be dissolved, I think it would behoove the Congress to listen to the States and in this case dissolve this commission.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, there are ongoing attempts to suppress the valid legal vote of some communities in this country. Earlier efforts to stop selected Americans from voting, such as literacy tests and poll taxes, were overturned by this Congress. But while the tactics of these people have changed, their strategy remains the same—intimidate, discourage, or otherwise prevent certain groups of American citizens from voting.

Current tactics include burdensome voter ID laws, outrageous registration requirements, dishonest ''inactive voter lists,'' and unlawful disenfranchisement of ex-offenders. To these flagrant tactics proponents of voter suppression have added more subtle approaches, including disinformation campaigns and behind-the-scenes, quiet—and unfair—purging of voter rolls.

Now we are presented with their latest plan to deny certain Americans their right to vote—the elimination of two programs whose sole aim is to ensure that every American's voice is heard in our election. The Presidential Election Campaign Fund and the Election Assistance Commission are in need of strengthening, not elimination. They help make sure that all voices can be heard and that all votes will be counted. I support improving these programs.

But the only reason to want to eliminate them is to further suppress votes. The votes are the same groups who were targeted by Jim Crow laws decades ago. The votes are the same groups who are now targeted by ''inactive voter lists'' and voter ID laws and

all of the other new tactics designed for a single goal—voter suppression.

I urge my colleagues to defeat this bill and defeat yet another attempt to stop American citizens from voting.

Mr. HARPER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I can't believe what I just heard from my friend from Missouri. Doing away with the Presidential Election Campaign Fund is not a Jim Crow law. And I'll put my record alongside his on ensuring voting rights to minorities as the author of the latest extension of the Voting Rights Act and one who got the 1982 compromise passed and signed into law by President Reagan.

The Presidential Election Campaign Fund was destroyed 3 years ago by President and then-Candidate Barack Obama. He refused to be bound by its restrictions. Senator JOHN MCCAIN was. And he was put at a significant disadvantage in the general election campaign by running against Candidate Obama, who rejected the Election Campaign Fund's funds and raised huge and unlimited amounts of money.

Mr. CLAY. Will the gentleman yield?

Mr. SENSENBRENNER. I have a limited amount of time. If I have time left, I will be happy to yield.

This year, so as not to disadvantage themselves, none—that means none—of the Republican primary candidates have signed up for Presidential Election Campaign Fund money. The Obama moneymaking machine is running all around the country. We see this in the newspapers. We hear it on television. And because the campaign fund would limit the amount of money that whoever the Republican nominee, if they took these funds, could use in order to spread his message on why Obama ought to be replaced by the voters, we ought to just get rid of this fund altogether. It was destroyed 3 years ago by then-Candidate Obama. We might as well not spend any more taxpayers' funds on it. May it rest in peace.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman.

Mr. Speaker, we already know that in 38 States there is introduced legislation that would suppress the participation and the votes of young, minority, and elderly voters. Now we see their allies here in Congress who are trying to eliminate the only Federal agency charged with improving the conduct of elections and making sure that every vote counts. If you like the direction of the State legislatures, you're going to be thrilled by the legislation before us today to close the Election Assistance Commission.

The voter's vote should be behind a curtain of secrecy, but the process by which registration and elections are conducted should be transparent. If not, voters will cease to believe that the process is fair and that their vote counts.

Let me remind my colleagues there is nothing more crucial to democracy than guaranteeing the integrity, the fairness, the accountability, the accuracy of elections. Democracy works only if the citizens believe it does. The system must work, and the people must believe in it; but voting shouldn't be an act of blind faith. It should be an act of record.

The EAC helps maintain the integrity of the American electoral process. Too many people across the country have lost confidence in the legitimacy of the election results. Dismantling the EAC would further erode that necessary faith in the process.

We've discussed several times—and others have talked about it—if manipulating the outcome of elections occurs, how much easier will it be once the EAC is eliminated. Millions of Americans are casting their votes now on unauditable voting machines and the results of most elections are not audited.

□ 1320

Eliminating the EAC would increase the risks that our electoral process would be compromised by vote manipulation, by targeted voter ID laws, by voter system irregularities. Can we afford to take that risk? Certainly not. Do we want problems to go undetected? I would hope not.

Less oversight, lesser standards, less transparency in reporting, less testing, fewer audience weakens our democracy. Abolishing the EAC is the wrong way to go.

Mr. HARPER. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. COLE), a distinguished member of the Appropriations and Budget Committees, who also has been heavily involved in this matter as a cosponsor and also has done great work on trying to eliminate and bring to an end the Presidential Election Fund.

Mr. COLE. I thank the gentleman for yielding.

The legislation before us actually does three important things: First, it eliminates an antiquated, outdated system of public financing; second, it terminates an obsolete commission; and then finally, and not incidentally, it actually saves money, something that we talk a lot about around here but we very seldom actually do.

When the Presidential Election Campaign Fund was actually created in 1973, it was during the time before things like Facebook, YouTube, and Twitter. The widespread use of the Internet did not exist. That's no longer the case today. Today, it's pretty easy to actually contribute money to a Presidential candidate if you want to do it. I would advise anybody, regardless of their political persuasion, to simply type the name of the candidate that they like into the Internet and wait and see what pops up, and they're going to have an immediate opportunity to donate to that individual.

There is no need to take public money at a time that we're running $1.5 trillion deficits and divert it to what's essentially political welfare for Presidential candidates—absolute waste of money. It's so much a waste that our President, who defends the system but chose not to participate in the system—in 2008, he did not participate, did not raise money this way, did not do it during the public campaign, actually broke precedent and, frankly, the commitment he had made earlier in the campaign and just chose not to do it. And that's fine. That was his right. He was certainly more than adequately funded. His opponent, Senator Clinton, now Secretary Clinton, was also adequately funded. She did not use the public financing system. The one person who did, JOHN MCCAIN, was heavily outspent, although I don't think that had much to do with his defeat.

I think, honestly, Americans know how to contribute to Presidential candidates. They don't need the Federal Government letting them check off a portion of their taxes and divert it for that purpose.

In addition, public participation in this system has declined radically. It's never reached even one-third of American taxpayers that are willing to do this—peaked at 28 percent, and in 2009 was down to 7 percent of American taxpayers who chose to do it.

So we're not denying anybody the ability to participate. We are giving very expensive welfare to Presidential candidates and to political parties at a cost to the taxpayer when that cost can't be afforded.

Two weeks ago, we had something that occurred that honestly ought to concern everybody on this floor. And I don't fault either party for it, but the Democratic Party and the Republican Party both received $17 million for their conventions from the Federal Treasury of the United States; $17 million for two political parties—actually, 34 in total—to actually run their conventions from the American taxpayer. Who really believes that's a needed expenditure? Each one of those parties—and I can tell you because I used to be the chief of staff of one of them—will spend over $100 million on its convention. They don't require additional Federal help. It's simply a waste of time and a waste of money.

As for the Election Assistance Commission—and I say this as a former secretary of State—this is a commission whose time has come and gone. Whatever good it did, it currently spends over 50 percent of its budget on administration, not on direct assistance to the States. And the idea that State governments and States who have been running elections for 200 years suddenly need the Federal Government to tell them how to do it and spend this kind of money I think is just absurd.

Frankly, the National Association of Secretaries of State, which is the oldest public association of elected officials and appointed officials in the United States, has twice called for the

elimination of this. They don't feel the need for it. They certainly don't see that they're getting any assistance from it.

So whatever good it played in the immediate aftermath of the 2000 election I think is now concluded.

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

Mr. HARPER. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. COLE. I appreciate the gentleman for yielding.

Without putting too fine a point on it, this is a system and this is a commission that simply exists to solve problems that aren't problems. We have no problem funding Presidential campaigns in the United States. There's plenty of money—probably too much money—around. There doesn't need to be taxpayer money. Nor do political parties have a problem funding their conventions. They can do it themselves. Nor do we need a commission whose purpose has now passed into history and whose entities it's supposed to serve, the Secretaries of State around the country, have actually asked us to abolish it.

So let's just finally prove we can get rid of outmoded programs, end the expenditures, and actually save the taxpayers some money. And in doing so, I can assure everybody on the floor that our democracy will remain healthy, our elections will be fair, and the American people, in their wisdom, will figure out which candidate to contribute to if they choose to contribute to any candidate at all.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I rise for the third time this year to oppose a measure that would summarily repeal our system of public funding for Presidential elections.

Once again, the House majority seems intent on dismantling the few remaining safeguards we have left against the influence of special interests in politics following the Supreme Court's Citizens United ruling. The fact that they are ostensibly bringing this bill forward as a deficit reduction measure in order to pay for a bill to undermine workers' rights is the height of cynicism.

This bill before us today would destroy one of the most successful examples of reform that followed the Watergate scandal. Dare we forget what that scandal was about? The Committee to Reelect the President, fueled by huge quantities of corporate cash, paying for criminal acts and otherwise subverting the American electoral system.

The hallmark of the Federal Election Campaign Act of 1974, enacted at a time when public confidence in government was dangerously low, was our voluntary program of public financing for Presidential elections. To this day, this innovative reform stands as one of the greatest steps we have taken to bring transparency and accountability to our electoral system. And it has worked remarkably well, being utilized in the general election by every Republican and Democratic Presidential nominee from 1976 through 2004 and by JOHN MCCAIN in 2008, although in recent years the need for modernization has become evident.

Perhaps the best example of this program's success is President Ronald Reagan, who participated in Presidential public financing in all three of his Presidential campaigns—in 1976, 1980, and 1984. The Reagan case illustrates the positive effects public financing has had in both parties at both the primary and the general election stages. It illuminates the way in which the system benefits candidates who challenge the party's establishment. It also highlights the system's focus on small donations rather than big bucks from the large contributors. Note that this is no free ride, no willy-nilly spending program. Candidates must seek the support of thousands of small donors during the primary to prove their viability, and only then do they receive matching funds.

Today one could wish, in light of the positive history of this program and prior Republican support, for a bipartisan effort to repair the system and restore its effectiveness. I don't know of any policy that exemplifies the maxim ''mend it, don't end it'' better than this one.

Earlier this year, Congressman VAN HOLLEN and I reintroduced a bill that would do just that. It would modernize the Presidential public financing system and again make it an attractive and viable option for Presidential candidates. Our bill would bring available funds into line with the increased cost of campaigns, adjust the program to the front-loaded primary calendar, and enhance the role of small donors. The bill has been carefully designed and deserves deliberation and debate.

□ 1330

Instead, we're faced with yet another Republican attempt to open the floodgates for corporate cash and special interest influence to pour into our political system.

With confidence in government at rock bottom, and the perception of government corruption through the roof, why is the majority trying to return us to the dark days of Watergate? Let's instead restore and improve our public financing system and move on to real solutions to put our Nation's fiscal house in order.

Let's not use valuable floor time to pass a bill that has no chance of becoming law. The American people want us to get to work on important measures to revive the struggling economy and put people back to work. So I urge the majority to heed that call. Get to work on passing appropriations bills, fixing the Medicare physician reimbursement, extending the payroll tax cut and unemployment benefits, patching the AMT, and reauthorizing the FAA in time for families' holiday travel.

I'm afraid such pleas are falling on deaf ears in this Chamber these days. But we need to get to work on the people's business, not on this flawed bill that threatens to allow big money to play an even larger role in our politics.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ), a valued member of the House Administration Committee.

Mr. GONZALEZ. Mr. Speaker, I rise in opposition to this bill in its entirety but especially to that provision which attempts to eliminate the Election Assistance Commission.

I need to address a few points that have been made by the proponents of this bill because I was there when this original bill came up for consideration years ago, and I've been there for the subsequent hearings in the committee of jurisdiction.

First of all, when it comes to the secretaries of state, they've been opposed to the creation of the Election Assistance Commission from its very beginning. This is nothing new. Their renewal of opposition basically used a form letter that didn't even change the 2006 date. The 2010 opposition letter actually referred and still used the same letter of previous years.

But the most important thing to point out is that secretaries of state have multifaceted responsibilities and obligations. One of them is to conduct elections. But each one of us in this body knows who really runs an election, and it's going to be your local election administrators.

You and I and anybody involved in the electoral process knows that on Election Day you're not going to find secretary of state personnel at the polling places. When the ballots are mailed for absentee voting, you're not going to find anyone from the Secretary of State's Office. They're not going to count the ballots. They're not going to be there. It is a local effort, and that's what the Election Assistance Commission is doing.

It was never meant to have a life span of 3 years. If you read the bill carefully, and Mr. HOYER, who will be taking the floor later, will remind us of the legislative history of that particular bill that created this commission.

If we are to criticize them for an inordinate amount of their budget being applied to personnel, then we must look in the mirror as Members of Congress, because I assure you, because I also sit on a committee, obviously the same committee, that entertains the budget requests of the different committees. Each one of those committees and individual Members of Congress will tell you that they spend a greater proportion of their budget on personnel than the Election Assistance Commission. And there's good reason for it.

It was never really intended to fully fund every effort at the local level. It's to give advice. That's why I have received in the past, from local election officials in Maryland, Texas, Florida, and Ohio—the local experience in Texas, in my county there, was that we saved $100,000 by the suggestions and recommendations that were issued by the commission.

Lastly, you criticize the commission for not functioning because it doesn't have a full body of commissioners. But whose fault is that? It's the individuals on the other side of the aisle that have blocked consideration.

That reminds me. When I was a lawyer, we used to have an old joke about the individual defendant who was there charged with murdering his parents, and at the end of the trial goes before the jury and asks for mercy because he's an orphan. It is a self-fulfilling prophecy.

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

Mr. BRADY of Pennsylvania. I yield the gentleman an additional 10 seconds.

Mr. GONZALEZ. If you want to help your local election officials, vote ''no'' on this bad bill.

Mr. HARPER. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. ROKITA), who is a distinguished member of the Committee on House Administration, a former secretary of state for the State of Indiana, and he has served as president of the National Association of Secretaries of State.

Mr. ROKITA. I thank the gentleman for yielding time.

Mr. Speaker, listening to the prior comments, I can't help but wonder if certain Members of this body can't help but not do more than one thing at a time. But certainly, your secretaries of state and your local election officials can multitask, and they do an excellent job of executing the States' elections.

I want to focus on the portion of the bill that eliminates the Election Assistance Commission, Mr. Speaker. As has been said, I have a unique perspective on this. In 2005, as Indiana's secretary of state, and serving as the president of the National Association of Secretaries of State, I coauthored the successful resolution that was talked about earlier to dissolve the EAC after the 2006 election. As the oldest organization of bipartisan elected officials in the Nation, we at NASS renewed the call to dissolve the commission in 2010.

And, no, Mr. Speaker, I can assure you, from the debates that we had in that organization, it was not a form letter. It was not a form renewal.

Furthermore, the vote for the renewal was 24–2, with 13 Republicans and 11 Democrats calling for its dissolution. This is not a partisan issue. We recognized, on a bipartisan basis, that the Election Assistance Commission cannot be justified on the grounds of fairness, justice, opportunity, or necessity.

EAC bureaucrats do not make elections fair. In fact, EAC makes them less fair by producing biased, inaccurate reports on the state of elections in our Nation and offering recommendations based on these junk studies. EAC bureaucrats do not enfranchise voters. States and individuals do that, as our Federal Constitution dictates.

Giving unelected, unaccountable bureaucrats in Washington more power over elections does not lead to more just election outcomes. If anything, it interferes with a just outcome because these bureaucrats, many with an ideological axe to grind, face little or no accountability for their actions, and they know it.

Voting is fundamental to our system and the legitimacy of our government. Ensuring qualified American citizens have an opportunity to vote is essential. The Constitution tasks the States with execution and maintenance of elections, not Federal bureaucrats.

Like I said, Mr. Speaker, I believe States do an excellent job. And by managing elections closest to the voters at the State and local level, we stand the best chance of ensuring opportunity for all and correcting injustice if the opportunity to vote is denied or interfered with.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. As a former secretary of state for the State of Rhode Island, and now a Member of the United States Congress, I have serious concerns about this bill.

Mr. Speaker, voter participation is the cornerstone of our democracy and a fundamental civic duty that empowers every citizen to effect change within our society. Unfortunately, many individuals with disabilities have been historically shut out of the voting process due to lack of accessibility. That's among my particular concerns with this bill.

We have made impressive strides in recent years to close that gap, and the Election Assistance Commission, established under the Help America Vote Act, was an important part of that effort. As a Member of Congress who lives with a disability, cofounded the bipartisan Disabilities Caucus, and has worked at both the State and Federal levels to modernize and make accessible our voting systems, I find it unconscionable that the Republican leadership is considering this bill to abolish the Election Assistance Commission, an agency whose fundamental mission is to promote security, accessibility, and trust in our electoral process.

Could the EAC use some reforms? Yes. But the Republican solution of eliminating an agency with such an important mission is unnecessary. Everyone, Mr. Speaker, should have full faith in our system of elections including seniors, military members, minorities, and people with disabilities, and that's exactly what the Election Assistance Commission seeks to provide.

Mr. Speaker, we have precious little time left before the end of this Congressional session. Instead of considering a bill that will only serve to erode America's faith in our democracy, our time would be far better spent rebuilding it by focusing on job creation, getting this economy back on track.

I urge my colleagues to oppose this bill and turn our attention to legislation that will extend tax relief for families and small businesses, reduce unemployment, and create greater economic stability. That is exactly what my constituents expect from me, and that's exactly what the American people expect from this Congress.

□ 1340

Mr. HARPER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), the distinguished chairman of the House Administration Committee.

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

Mr. Speaker, H.R. 3463 will eliminate the Presidential Election Campaign Fund and the Election Assistance Commission. That's good news. The American people have been asking this Congress to get serious about spending, begging us to take a critical look at government operations and get rid of the dead weight. Mr. Speaker, if there ever was a government program or a government agency that is ripe for the cutting, it is the Presidential Election Campaign Fund and Election Assistance Commission.

The Election Campaign Fund is an unused government program only supported by a meager 7 percent of the American people. In other words, 93 percent of the American taxpayers have opted out of participating in this program. Candidates and nominees have routinely opted out of the system altogether.

In 2008 we know then-Candidate Barack Obama declined public financing in the general election. In 2012, it's expected that neither general election candidate will participate in the program, and no candidate has requested eligibility thus far in the election cycle.

According to CBO, elimination of this program would save the American taxpayers $447 million over the next 5 years and return nearly $200 million to the public Treasury for deficit reduction immediately.

I know some people think $500 million isn't much. Where I come from, that's a lot. We can eliminate something that the American people have rejected by a vote of 93–7. It seems to me to make sense.

Mr. Speaker, in the last Congress, the Committee on House Administration held hearings on the issue of taxpayer financing of campaigns. And one of our witnesses asked this question. He said, if the voters are not willing to pay for the program, then why should it continue?

As for the Election Assistance Commission, this agency has been the subject of two hiring discrimination lawsuits, spends over 50 percent of its budget on administrative costs, and is asking this Congress for $5.4 million to manage programs totaling $3.5 million.

In short, Mr. Speaker, this bill before us eliminates an unused government program, shuts down an obsolete government agency, saves the taxpayers $480 million over 5 years, and returns almost $200 million to the Treasury. How could we not vote for it?

Mr. BRADY of Pennsylvania. Mr. Speaker, may I inquire how much time we have.

The SPEAKER pro tempore. The gentleman from Pennsylvania has 7 minutes. The gentleman from Mississippi has 2½ minutes.

Mr. BRADY of Pennsylvania. Thank you, Mr. Speaker.

I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

After $5.3 billion was spent in the 2008 Federal elections, I never heard anyone utter a word that said the problem we face today in Washington is that we need more private money in politics. Never has anyone said to me, I wish the super-rich had more influence over our government and elected officials, especially in campaigns for President and Congress.

I never received a letter from a constituent that expressed a desire to get further away from one person-one vote and move closer to one corporation-one vote. What I have heard from my constituents is a deafening demand to get money out of politics. This bill takes us in the opposite direction.

We should be chasing the moneychangers out of the people's temple, not turning our government into an auction house. This legislation is upside down.

Private financing of elections corrodes our democracy. Private contributions of Federal elections must end. Private financing equals government in the private interest. Public financing—the hope of government in the public interest.

We need to restore our democracy and end private contributions. We shouldn't have any contributions from special interests. We need government of the people, by the people, and for the people returned to this government.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Let me just take this from 30,000 feet for a minute and reiterate what the gentleman from Ohio said.

We have too much private money in the people's House. We can't get anything done now because it somehow may affect what Wall Street is doing.

We had a China currency bill on the floor last year, 350 votes, 99 Republicans. We can't even get it up for a vote now in the House because Wall Street doesn't want it. We're in dire straits with trying to balance our budget.

We need to ask people making more than a million dollars a year to help us close this gap so we can reinvest back in our country. Nothing is happening because Wall Street doesn't want it.

We've got oil and gas still getting benefits when profits are going through the roof. We can't close that loophole because the oil and gas industry doesn't want it closed.

There is too much private money in the people's House. We need public funding of elections. Let every citizen kick in fifty or a hundred bucks, and we run elections by letting people on the airwaves making these debates, making these discussions having a little bit of money to do it.

We've got to reform this country and set us on a path to prosperity. No wonder we can't invest in public education, public health, public infrastructure, because the private interests are running the whole show here.

Mr. HARPER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia, Dr. GINGREY, chairman of the Subcommittee on Oversight of the House Administration Committee.

Mr. GINGREY of Georgia. Mr. Speaker, maybe the President will listen to the advice of the gentleman from Ohio and sign up for public financing of his re-election effort.

But mainly I rise today in strong support of the combined efforts of my good friends, Mr. HARPER of Mississippi and Mr. COLE of Oklahoma, to reduce Federal spending by ending the public financing of campaigns and conventions and to terminate this Election Assistance Commission.

As Presidential campaigns in this day and age are becoming increasingly expensive to the tune of billions of dollars, the idea of having taxpayers contribute matching funds to them has become ludicrous.

The end of this practice would save $617 million over 10 years, and I commend the gentleman from Oklahoma for his work to reduce spending.

As far as the gentleman from Mississippi's efforts regarding the Election System Commission, as a member of the committee of jurisdiction over EAC, the House Administration Committee, I've learned firsthand that this agency has outlived its usefulness, it's mismanaged its resources, all the while costing taxpayers, we the taxpayers, millions of dollars a year.

Mr. Speaker, the Election Assistance Commission budget request for 2012 devoted 51.7 percent of its budget to management overhead costs. Let's eliminate this commission and support this bill.

Mr. Speaker, following is my statement in its entirety:

I rise today in strong support of the combined effort of my good friends, Mr. HARPER of Mississippi and Mr. COLE of Oklahoma, to reduce federal spending by ending the public financing of campaigns and conventions, and to terminate the Election Assistance Commission.

As Presidential campaigns in this day and age have become increasingly expensive to the tune of hundreds of millions of dollars, the idea of having taxpayers contribute matching funds to them has become ludicrous. Ending this practice would save $617 million over 10 years and I commend Mr. COLE for his work to reduce spending.

As far as Mr. HARPER's efforts regarding the Election Assistance Commission, as a member of the committee of jurisdiction over the EAC—the House Administration Committee—I have learned first-hand that this agency that has outlived its usefulness and mismanaged its resources—all while costing taxpayers millions of dollars a year.

In the midst of our record levels of debt, we must scrutinize where every dollar of taxpayer money is being spent to ensure we are allocating these funds responsibly and delivering the best possible value to our citizens.

Mr. Speaker, the Election Assistance Commission's budget request for 2012 devoted 51.7 percent of its budget to management and overhead costs. It should be hard for anyone to argue that an agency that spends $5.5 million dollars managing programs totaling $3.5 million dollars is a responsible use of taxpayer funds.

The EAC has more than doubled in size—without an increase in its responsibilities—since it was originally supposed to sunset in 2005. It is long past time, Mr. Speaker, that we allow government programs that have outlived their usefulness to be shut down, rather than maintain unnecessary and redundant layers of bureaucracy.

Eliminating this red tape would save American taxpayers $33 million dollars over five years, while at the same time preserving the EAC's necessary functions—voting system testing and certification—at the Federal Election Commission, which can more efficiently handle these responsibilities.

Mr. Speaker, the National Association of Secretaries of State—who are the direct beneficiaries of the EAC's services—have themselves called for the EAC's dissolution. This body should follow suit today. I urge all of my colleagues to support this bill.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 3 minutes to the distinguished Democratic whip, the gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. First of all, we ought to be talking about jobs. The contention that this bill funds bills that are about jobs is spurious, in my opinion; and no economist, in my opinion, will assert that that is the fact. We ought to be dealing with jobs.

But what are we dealing with?

Now, I know of what I speak, I tell the gentleman from Georgia. I understand. I was a Member of the House Administration Committee for, I think, some 15 years. I, along with Bob Ney, was the sponsor of the Help America Vote Act, which created the Election Assistance Commission. So I know something about the Election Assistance Commission.

It was created because in the year 2000 we had a disastrous election which was resolved finally but not very acceptably by most people, whether your candidate won or lost. So the Election Assistance Commission was created for the purpose, for the first time in history, of having some Federal presence in the oversight of Federal elections. Not mandatory, but advisory.

Now, what we see, frankly, throughout America in Republican-controlled legislatures in many, many States is an effort to make voting more difficult to, in my opinion, suppress the vote, to require more and more documentation of people who have already registered to vote and claiming problems that exist that do not exist.

□ 1350

Now, if you want to obfuscate the election process, if you want to suppress the vote, if you want to make it more difficult, what is one of the things you want to do?

Eliminate the Election Assistance Commission, whose responsibility it is to advise and counsel on best practices to assure that every American not only has the right to vote but is facilitated in casting that vote and in making sure that that vote is counted. That's what the Election Assistance Commission does.

And what do they want to do with the Election Assistance Commission's responsibility? Transfer it to the Federal Election Commission, whose sole responsibility is to oversee the flow of money into elections. They neither have the expertise nor, frankly, do they have the time. They hardly have the time to do what they're supposed to do right now.

Now, the Bush administration did not fund the Election Assistance Commission very robustly. Like every agency, it requires and should have proper oversight, and should, in my view, be more vigorous in the carrying out of its responsibilities. That is not, however, a reason for eliminating it. The only reason for eliminating it is to make voting more obscure, with less oversight and less assurance to our citizens that they not only have the right to vote but that a vote will be cast and counted correctly.

Mr. HARPER. Mr. Speaker, may I inquire as to the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Mississippi has 1½ minutes remaining, and the gentleman from Pennsylvania has 2½ minutes remaining.

Mr. HARPER. Mr. Speaker, I yield 1 minute to a distinguished member of the Judiciary Committee and a former judge, the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Let's cut to the chase. This is a tax credit for people who want to contribute to the President's campaign fund. They're told you can check this box and it doesn't cost you anything. No, but it takes $40 million-plus a year away from the fund that could be used for other things, including for Social Security, and it gives it to the President's campaign fund.

I stand with our President, Barack Obama, on this issue, who found that that fund is worthless and that it's an impediment to getting elected. So I stand with President Obama in saying let's get rid of the fund and not use it anymore, and let the $200 million in that fund go to something helpful instead of being an impediment to being elected President.

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

The Presidential campaign fund currently has over $190 million. Tens of thousands of Americans put that money there. They wanted their money to go for this purpose. We would be fooling and deceiving our very own citizens if we were to pass this bill. They put that money there to be able to have the small say that they can—with their $1 or $3 or whatever it may—and be able to say who they would want to support and put it towards campaigns. We would be giving it back to the Treasury. They already put their money in the Treasury. This would be wrong, and we would be fooling the American people.

We would be telling them, We told you to check off a box and give us X number of dollars for a campaign. Now we're going to take $100 million of the money we told you to check off to use for that purpose, and we're no longer going to use it for that purpose.

That's wrong. It's not right. It's deceptive, which is why I urge a ''no'' vote on this bill.

OHIO ASSOCIATION OF
ELECTION OFFICIALS,
OCTOBER 12, 2011.

Hon. ROB PORTMAN,
Russell Senate Office Building,

DEAR SENATOR PORTMAN: We are writing today regarding the possible elimination of the US Election Assistance Commission (EAC) as part of the Super Committee's recommendations for budget reductions. The EAC is an independent federal agency created in the wake of the 2000 election to help solve election related problems. The EAC provides assistance to election officials in the form of best practices, guidance, and the testing and certification of voting systems. Basically, the EAC provides an outlet and open forum for election officials to share their experiences, consider alternatives, deliberate their outcomes, and establish continuity of process, thus strengthening our democracy by helping election officials to do their job well. However, if Congress has its way, the EAC may not provide these services much longer. There has been movement in the House to eliminate the agency since last year, labeling it ''wasteful'' and ''unneeded.'' However, election administrators on the local level feel differently.

Although it has been argued that the EAC has outlived its usefulness because the Help America Vote Act funding it oversees has been exhausted, the EAC has become far more than a distributor and auditor of money; the EAC is a repository and resource of election management procedures, performance measures, election materials, and administrative knowledge. Effective designs of polling place signage, webinars on topics such as contingency planning, minority language glossaries of election terminology, Quick Start Guide publications regarding Developing an Audit Trail, Conducting a Recount, and Acceptance Testing are all pertinent reminders for veteran election officials as well as critical learning tools for those officials newly elected, appointed, or hired.

The EAC is not without its issues. The agency's Voting System Testing and Certification program was slow to develop and continues to struggle to certify systems in a timely manner. As with many federal agencies greater efficiencies of operation should be considered in order to more effectively produce election materials at less cost to the public. Also, as the EAC has grown so has its overhead costs and management size. These areas should all be addressed through greater Congressional oversight, not through eliminating the agency.

Ironically, proponents of the elimination of the EAC would simply reassign the various function of the Commission to other more bureaucratic federal agencies such as the Federal Election Commission (FEC). Claims that any savings would be realized by its elimination are specious at best. We see no need to eliminate or dismantle the only federal resourc available to local election officials.

The EAC has never been needed more than now. Election officials across Ohio and the United States are doing more with less and it's only going to get worse. As budgets tighten and voting equipment ages, the chances of another election disaster increase. Without the EAC's help, another Florida 2000 election may be inevitable, and Congress will have no one to blame but itself. With a total operating budget of just under 18 million dollars the EAC would make up approximately half a percent of the total federal operating budget: a small price to pay for helping protect our democracy. If you think a good election costs a lot, you should see how much a bad election costs.

We urge you to reject these efforts as part of the Super Committee review of federal spending.

Respectfully submitted,

DALE FELLOWS,
President, Ohio Association of Election Officials.

LLYN MCCOY,
First Vice President, Ohio Association of Election Officials.

STATE BOARD OF ELECTIONS,
Raleigh, NC, March 27, 2011.

Chairman GREGG HARPER,
Committee on House Administration, Subcommittee on Elections, Washington, DC.

Ranking Member ROBERT BRADY,
Committee on House Administration, Washington, DC.

Re H.R. 672.

GENTLEMEN: As with any governmental agency, commission, department or other entity, methods of improving efficiency, streamlining procedures, and modernizing responsiveness should all be considered to maintain viability for constituents. These

studies would be beneficial for the Election Assistance Commission. However, I strongly oppose H.R. 672. Termination of this Commission is not in the best interests of the elections process. The EAC serves a vital role in the conduct of Federal elections as well as the smallest municipal election. During an election, information sharing is vital—from clerical administration to public communication. The EAC can serve as a clearinghouse of information so that local jurisdictions receive real-time, necessary data during the conduct of a Federal election.

North Carolina adopted uniform procedures and forms for Elections Administration while still allowing for local input and decision-making that fits individual jurisdictions. Many of the problems Federal elections in the United States face can be traced to a lack of consistency and efficiency. The Election Assistance Commission (EAC) is the Agency that can provide that needed consistency and broad guidance. In fact, in its short history, the EAC already has adopted standards for voting systems that can allow for nationwide uniformity. Elections jurisdictions may use those standards as a baseline when choosing voting systems and vendors.

One of the most disturbing trends occurring in the field of elections is the rapid turnover of commission officials, board members and elections staff. Although elections comprise a mere fraction of a percent of total budgets, the elections budgets are continually cut and reduced. Already understaffed, we are reaching a point of compromising our ability to adequately perform necessary duties. The EAC is essential, filling a vital role when a local jurisdiction does not have the personnel or equipment to conduct an election without assistance.

Even more important is the status of voting systems and equipment. By transferring the certification of voting systems to the National Institute of Standards and Technology (NIST) and the Voluntary Voting System Standards to the Federal Election Commission (FEC), the very real possibility emerges that there will be no communication or compatibility between the two efforts. This could lead to an impasse. Much progress has been made in the struggle to uplift voting equipment standards. The significant work done by the EAC will be lost amongst the myriad other NIST responsibilities.

Additionally, the FEC is already overburdened, understaffed, and currently does not handle any aspect of election administration. How can the FEC effectively advise state and local officials or provide the necessary support and guidelines needed for full voter confidence in the elections process? Piling more responsibility on an already encumbered agency will only lessen its efficacy and will do a disservice to taxpayers.

Perhaps a focus of this legislation should be to address keeping both the EAC and the FEC fully staffed with Commissioners so that each Agency has the ability to function at full capacity, providing much-needed guidance to election administrators while also judiciously stewarding taxpayer dollars. As H.R. 672 is written, there is no provision for the election community to provide input to either NIST or the FEC. This participation and dialogue is critical to make sure that all future voting systems truly meet the needs of the voter as well as the requirements and limitations of poll workers.

The EAC has amassed the most comprehensive public elections library in the country. Their website is a wonderful tool for both elections officials and the general public. Similarly, North Carolina's award-winning website has been heralded as an invaluable resource for our citizens. These communications tools are an integral facet of the way election administrators must interface with the American public in this rapidly changing technological world. Without dedicated resources for the public broadcasting of election information and news, the elections process will become less transparent and voters will become less aware of processes, procedures and laws.

Another facet of the elections process in North Carolina is the concept of the ''Wellness Check.'' Wellness Checks are audits of our county boards of elections, serving as preventative maintenance to keep things on the right track and identify problems before they manifest. Results are available for public inspection, with the goal of further increasing voter confidence in elections. This concept could become a function of the EAC, be carried into other aspects of elections, and could further strengthen the integrity of and faith in the national elections process.

Although elections are the responsibility of the States and of local jurisdictions, they are mandated by Federal law. Congress needs to do its part to ensure the Federal government adequately and appropriately contributes to local responsibilities. The EAC is an excellent way in which Congress may manifest its support. Reassigning these responsibilities to other, already strained entities will diminish the modernization progress accomplished during the first decade of the twenty-first century.

One of the greatest gifts Congress could give to the nation is its continued support and investment into the elections modernization process. By stewarding and tending the process begun in the earlier years of this decade, Congress can guarantee that all jurisdictions; large, small and somewhere in-between, are equally equipped to handle the future of elections; that each has modern and certified equipment; and that the resources are available so that every qualified voter in America has the same access to and confidence in the elections process.

Respectfully, I ask that you reconsider the submission of H.R. 672. My opposition to this legislation has been articulated herein. Please do not hesitate to contact me should you have any questions or require further commentary.

Yours sincerely,

GARY O. BARTLETT,
Executive Director.

ELECTION OFFICIALS OF ARIZONA,
October 14, 2011.

The Next 2000 Election May be Just Around the Corner

Honorable Members of Congress Representing the Great State of Arizona.

Is another 2000 election disaster lurking? At this point it may not be a question of when, but rather a question of where. While pundits, newspapers and politicians debate issues like voter ID and early voting, election administrators across the country are worrying about the issues that will directly impact an election. The number one issue facing election officials today is limited and ever-shrinking budgets combined with aging equipment, technology, and workers.

Direction on how to address these concerns exists . . . for now. The Election Assistance Commission (EAC) is an independent federal agency created in the wake of the 2000 election to help solve these problems. The EAC provides assistance to election officials in the form of best practices, guidance, and the testing and certification of voting systems. Basically, the EAC provides an outlet and open forum for election officials to share their experiences, consider alternatives, deliberate their outcomes, and establish continuity of process thus strengthening our democracy by helping election officials to do their job well. However, if some members of Congress have their way, the EAC may not provide these services much longer. There has been movement in the House to eliminate the agency since last year, labeling it ''wasteful'' and ''unneeded.'' However, election administrators on the local level feel differently.

Although it has been argued that the EAC has outlived its usefulness because the Help America Vote Act funding it oversees has been exhausted, the EAC has become far more than a distributor and auditor of money; the EAC is a repository and resource of election management procedures, performance measures, election materials, and administrative knowledge. Effective designs of polling place signage, webinars on topics such as contingency planning, minority language glossaries of election terminology, Quick Start Guide publications regarding Developing an Audit Trail, Conducting a Recount, Acceptance Testing are all pertinent reminders for veteran election officials as well as critical learning tools for those officials newly elected, appointed, or hired.

The EAC has never been needed more than now. Election officials across the United States are doing more with less and it's only going to get worse. As budgets tighten and voting equipment ages, the chances of another disaster increase. Without the EAC's help, another Florida 2000 election may be inevitable, and Congress will have no one to blame but itself. With a total operating budget of just under 18 million dollars the EAC would make up approximately half a percent of the total federal operating budget: a small price to pay for helping protect our democracy. If you think a good election costs a lot, you should see how much a bad election costs.

We speak out in opposition to the dissolution of the EAC and the distribution of the remaining functions to the Federal Election Commission.

Respectfully submitted for your consideration by the Election Officials of Arizona.

I yield back the balance of my time.

Mr. HARPER. Mr. Speaker, it has been said that we haven't done anything about jobs. Here we have a card that lists 25 different bills that we've passed which help manufacturing, the economy, energy—bills that are going to be great job creators. Yet the complaint has been that the EAC is not dealing with those issues.

Members on the other side of the aisle who said that this is not appropriate and that it's going to disenfranchise voters should remember they all voted for this in 2002 when it had its 3-year provision to sunset after that. So I think that argument will not fail. In addition, the EAC has no regulatory or enforcement authority.

Mr. Speaker, I urge my colleagues to support this important legislation, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong opposition to H.R. 3463, which simply combines two bills, H.R. 672 and H.R. 359, previously considered during this Congress. I opposed those bills then and I oppose them now. Terminating the Election Assistance commission and the Presidential Election Campaign Fund, is a worse idea and a greater waste of precious legislative time today than they were when the Republican majority first brought these bills to the floor earlier this year.

Mr. Speaker, since its creation, the Federal Election Commission has served the valuable purpose of preserving the voting and civil rights of our citizens which was born out of the scandal know as Watergate. The Presidential Election Campaign Fund succeeds in its purpose of leveling the playing field when it comes to corporate versus public funding of campaigns. By terminating taxpayer financing of presidential election campaigns and party conventions, the Republican majority seeks to permanently tilt the playing field in favor of special interest groups and corporate money at the expense of the public interest.

Presidential campaigns are currently funded through the voluntary $3 check-off on income tax returns. Given the size of the deficit and the national debt, the amount of money saving by terminating taxpayer financing is de minimis—less than $1 billion—but will achieve a goal long sought by conservatives who have never believed that public financing of campaigns is a permissible use of federal revenues.

The Election Assistance Commission is charged with developing standards for voting systems, advising and counseling on best voting practices, assuring that every American has the right to vote, as well as to facilitate such vote, and to make sure that every single vote is counted. The precedent-setting work of the Election Assistance Commission has been recognized by nations around the world. The Election Assistance Commission has also played a central role in improving the accessibility of voting for the country's more than 37 million voters with disabilities.

Let us not forget that the Election Assistance Commission was borne out of the 2000 presidential election fiasco with its unforgettable contributions to the political lexicon: ''hanging'' chads, ''pregnant'' chads, ''dimpled'' chads; ''butterfly ballots''; and ''voter intent.''

In response to the 2000 debacle, the Election Assistance Commission has performed valuable work to ensure the reliability and trustworthiness of our nation's election systems. It has played a central role in collecting accurate and comparable election data. With our nation's complex and diversified election administration system, central data collection is essential if we are going to improve our citizens' trust and confidence in election results. The Election Assistance Commission develops and fosters the training and organization of our nation's more than 8,000 election administrators.

Mr. Speaker, every vote counts—and every vote should be counted—and that is why we must preserve the Election Assistance Commission and oppose this legislation.

It is also important to note that abolishing the Election Assistance Commission will not save taxpayers money, but rather simply shift costs to the Federal Election Commission, FEC, and local governments. The FEC is not an agency that can make decisions in a timely and responsive fashion due to its partisan divisions. Consequently, transferring the functions performed by the Election Assistance Commission to the FEC is inconsistent with the national interest in ensuring election integrity, improving voter access to the polls, and enhancing the quality of election systems.

Mr. Speaker, the American people elected us to work on their priorities and real problems, like the lack of jobs. They do not want us to waste time on inconsequential matters of interest only to the Tea Party. H.R. 3463 is unnecessary and a diversion from addressing the real challenge facing our country. Therefore, I strongly oppose H.R. 3463 and I would urge my colleagues to join me in defeating this misguided and reckless legislation that puts the integrity of our election systems, and public confidence in campaign financing at risk.

Mr. WAXMAN. Mr. Speaker, the last thing we need to do in this House as this legislative year draws to a close is to further the corrupting influence of special interest money in presidential campaigns. But this is what the Republican leadership is determined to do.

Last January, the House Republicans stampeded one part of this bill through the House—provisions that terminate the system of public funding of presidential campaigns that was established in the wake of the infamous Watergate scandals, under Richard Nixon's presidency, nearly 40 years ago. It's not enough to pass this bill once—the Republicans insist we pass it again today. It is not enough that virtually unlimited amounts of private money can now slosh through our political system—over $280 million last year alone, thanks to the Citizens United decision by the Supreme Court last year—we have to pass a bill that asphyxiates the supply of public money in our presidential campaigns.

The Republicans are also practicing gross hypocrisy. While this bill ends public financing of presidential campaigns, the Republican Party is seeking $18 million in public funding to support their nominating convention next year.

Everyone knows that this bill is dead on arrival in the Senate and would be vetoed by the President—because it is a corruption of good government. But that does not impede the Republican leadership in the House today. Rather than work with us on real legislation that would deliver real jobs, real investment and real growth to the American economy, the House Republicans would rather waste our time and continue to deliver nothing to the American people.

To treat our democracy so cavalierly is disgraceful; to persist in policies that, should they ever become law, will result in the complete privatization of the political process by monied special interests, is shameful.

The other part of this bill would eliminate the Election Assistance Commission, which was established in the wake of the 2000 election debacle in Florida. Its mission is to ensure that elections are conducted properly, with assistance that promotes voter registration, trained poll workers, and access to the polls by disabled Americans. There is no justification for terminating this small agency, which helps ensure our democracy works as intended.

The American people, and our democratic processes, deserve far better than this legislation in the House today.

Mr. CONNOLLY of Virginia. Mr. Speaker, once again, this House is taking up a proposal that represents a direct attack on the will of the American people.

Public financing for Presidential elections, which began in the 1970s, is one of the few opportunities where Americans are allowed to specify how they want their tax dollars spent.

As Members of Congress, we are charged with representing the interests of our constituents. In this particular instance, however, we know precisely what the American people want. By voluntarily checking this box on their tax forms, more than 10 million of our fellow Americans have made their intentions explicitly clear. The Presidential Election Campaign Fund exists because individual Americans expressly opted to dedicate a portion of their taxes to that purpose.

In January, House Republicans voted to ignore the explicit intentions of the American people and eliminate the Presidential Election Campaign Fund. Thankfully, the Senate heard Americans' call and killed the bill. And this year, millions of Americans again checked the box on their tax forms for calendar year 2010, once again, explicitly telling the government how they wanted their taxes spent.

Ironically, our Republican colleagues cite their own YouCut website as a representative site, with at most, a few hundred thousand followers. They disdain 10 million citizens but revere the few. This is selective representation in its most rawest and worst form.

The bill before us today, H.R. 3463, will break faith with the American people by ignoring their direction. Mr. Speaker, I urge my colleagues to join me in defending the will of American taxpayers by opposing this bill.

Mr. HOYER. Mr. Speaker, while the Republican sponsors of the two bills before us contend they will create jobs, their claim is spurious. Economists have told us again and again that easing regulations has a negligible effect on job creation. The only thing these bills will do is make it harder for federal agencies to protect Americans through safety standards and environmental protections.

One of the bills adds 35 pages to what is currently a 45 page law, and is likely to add 21 to 39 months to the rulemaking process. Agencies will be tied in knots and leave businesses without the certainty they need.

To pay for this expansion of the federal regulatory process, Republicans would have us eliminate the Election Assistance Commission.

I was proud to be one of the authors of the Help America Vote Act, which established the EAC in order to fix the flawed system that led to the electoral debacle of 2000. It passed with a strong bipartisan vote of 357–48. The Commission's sole purpose is to provide states with the resources they need to ensure everyone eligible to vote can cast their ballots and have them counted. We cannot risk having our elections determined by ''hanging chads.''

Instead of trying to erode our ability to protect voters, and instead of promoting regulatory bills that will not put Americans back to work, Republicans should join with Democrats to pass real jobs legislation. Democrats have two plans on the table to create jobs and grow our economy—the President's American Jobs Act and our Make It In America plan. We should be debating and voting on those.

I strongly urge the defeat of these bills and hope Republicans will finally set partisanship aside and work with us to help businesses hire workers and to invest in our economy's future.

Ms. PELOSI. Mr. Speaker, I come to the House floor today to reaffirm a fundamental value of our democracy: elections must be decided by the American people, not the special interests. I come to the floor to defend the right of American citizens to vote in every election. I come to the floor on behalf of clean campaigns.

Republicans, instead, have brought to the floor legislation that would both diminish the

voting rights of Americans and shift control of our elections into the hands of secret corporate donors. Once again, Republicans refuse to focus on creating jobs and strengthening the economy for middle-class Americans, the 99 percent, but are instead pursuing a narrow agenda to benefit special interests, the 1 percent.

Last year, the Supreme Court overturned decades of precedent in a court case called the Citizens United case. Their decision has undermined our democracy and empowered the powerful by opening the floodgates to big, secret money, resulting in a corporate takeover of our elections.

As a result, the Democratic majority in the Congress, working with President Obama, created the DISCLOSE Act. It would restore transparency and accountability to federal campaigns, and ensure that Americans know who is behind political advertisements.

Democrats in the House passed the DISCLOSE Act, but Senate Republicans blocked its progress.

As a result, secret dollars are flowing into campaigns that represent the interests of the 1 percent—not the urgent national interest—to create jobs. Indeed, special-interest groups spent tens of millions of dollars more in 2010 than any previous election cycle.

Today, Republicans want to take it another step further. The anti-reform legislation we debate today strengthens the role of foreign-owned entities and large corporations in funding political campaigns by eliminating the Presidential Election Fund. For nearly 30 years, the Fund has promoted small campaign donations and disclosure. It should be strengthened and reformed, not eliminated.

Likewise, the legislation also eliminates the Election Assistance Commission, which was created in the aftermath of 2000 elections. The EAC should also be strengthened, especially as states across the nation are taking active efforts to enact partisan measures to disenfranchise the rights of American voters.

According to the Brennan Center for Justice at NYU: since the 2010 elections, almost 34 states have introduced voting legislation in 2011 that significantly impacts access to voting. These laws have the potential of eliminating or making voting harder for more than 5 million Americans—harming millions of minorities, and hindering the rights of seniors, students, and low income voters.

This legislation is opposed by a broad range of good government organizations, from the League of Women Voters, to Americans for Campaign Reform, to Democracy 21, and U.S. PIRG. In a letter, they have warned against a 2012 presidential campaign ''being dominated by bundlers, big donors, Super PACs, candidate-specific Super PACs, secret contributions and the like.''

Further, polls have found that more than 70 percent of the American people support the continuation of the presidential public financing system.

In our democracy, voters determine the outcome of our elections—not special interests.

I urge my colleagues to oppose this effort to further empower the special interests—the 1 percent—in American elections—and to protect the right to vote for all Americans.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 477, the previous question is ordered on the bill.

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

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

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3463 is postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 56 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1405

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DENHAM) at 2 o'clock and 5 minutes p.m.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission, will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. BISHOP of Georgia. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. BISHOP of Georgia. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of Georgia moves to recommit the bill H.R. 3463 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following new section:

SEC. 207. PROTECTIONS FOR ELDERLY, DISABLED, AND MILITARY VOTERS.

Notwithstanding any provision of this Act or any amendment made by this Act, to the extent that the Election Assistance Commission is responsible for the administration or enforcement of any of the following provisions of law as of the Commission termination date described in section 1004(a) of the Help America Vote Act of 2002 (as added by section 201(a)), any successor to the Commission shall remain responsible for the administration or enforcement of such provisions after such date:

(1) Any provision of law relating to the rights of the elderly to vote and cast ballots in elections for Federal office.

(2) Any provision of law relating to the rights of the elderly and other individuals who are registered to vote in elections for Federal office to obtain absentee ballots in such elections.

(3) Any provision of law relating to the access of the elderly, the disabled, and other individuals to polling places in elections for Federal office, including the Americans with Disabilities Act of 1990.

(4) Any provision of law relating to the protection of the rights of members of the uniformed services and overseas citizens to vote and cast ballots in elections for Federal office, including the Uniformed and Overseas Citizens Absentee Voting Act.

(5) Any other provision of law relating to the protection of the right of citizens of the United States to vote in elections for Federal office, including the Voting Rights Act of 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. BISHOP of Georgia. Mr. Speaker and my colleagues, I offer the final amendment of the bill which, if adopted, will not kill the bill or send it back to committee. Instead, the bill will proceed to final passage, as amended. The purpose of my amendment is simple. It deals with one of my most valuable rights as an American citizen.

It is a right which many Americans throughout the course of our history have shared blood, sweat, and tears to protect, including our colleague and my dear friend, Representative JOHN LEWIS of Georgia. He marched from Selma to Montgomery and endured billy clubs, horses, and tear gas to preserve this sacred right.

The right to which I'm referring is the right to vote, as enshrined in the 14th Amendment to the Constitution and further protected in the landmark Voting Rights Act of 1965 and the Help America Vote Act of 2002 and various other measures.

Today, nearly five decades after the Voting Rights Act was signed into law and nearly 10 years since the Help America Vote Act, there is still an unprecedented attack on voting rights in States across this country.

Yet, the underlying legislation before the House today would abolish one of the key provisions of the Help America Vote Act, the Election Assistance Commission, which was designed to avoid a repeat of the turmoil surrounding the 2000 Presidential election in Florida, where problems with absentee and military ballots played a large role and led to many of these ballots not being counted.

If the commission is abolished, it will undermine America's faith in the integrity of our elections. According to the Brennan Center for Justice, more than 5 million Americans in 2012 could be adversely impacted by laws that tighten or restrict voting that were put into effect just this year. The number is larger than the margin of victory in two of the last Presidential elections.

Seniors, the disabled, and our Nation's veterans are now being turned away from the polls for not having the photo identification. Popular reforms like early voting and same-day voter registration are being rolled back.

□ 1410

Mr. Speaker, this situation should not be happening in the United States of America today.

My final amendment, therefore, is simple. It states that any successor to the Election Assistance Commission

shall remain responsible for the administration or enforcement of laws relating to the rights of the elderly, the disabled, members of the uniformed services, and overseas citizens to vote and cast ballots in elections for Federal office.

In signing the Voting Rights Act of 1965, President Lyndon Johnson said that ''the vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.''

If this final amendment is approved, we can continue to tear down the walls of injustice and ensure that our democracy is open for all Americans to deliberate, to participate, and to engage with each other.

I urge my colleagues to vote ''yes,'' and I yield the balance of my time to my colleague, Representative MARCIA FUDGE of Ohio.

Ms. FUDGE. I thank the gentleman for yielding.

Mr. Speaker and my colleagues, there is no doubt that a concerted voter suppression effort is under way in this Nation. Abolishing the Election Assistance Commission, an agency charged with ensuring that the vote of every American counts, is just another step in the voter suppression effort and would completely remove oversight of the most important process in our democracy.

Does it make sense to remove oversight at a time when Republican-led legislatures across this Nation are passing laws to obstruct voting? No, it absolutely does not.

In the first three quarters of 2011, 19 new State laws and two executive actions were enacted to limit the ability of American citizens to vote. They would make it significantly harder for more than 5 million eligible voters to cast ballots in 2012.

Many of the bills, including one signed into law in my home State of Ohio, include the most drastic voter restrictions since before the Voting Rights Act of 1965.

Seniors will be denied their right to the franchise, and the disabled will find it more difficult to vote. Minorities and students will face more challenges than ever before. Soldiers honorably serving our country will be left with their absentee ballots uncounted. And let's not forget the people who died for our right to vote. People were slain to create the rights we enjoy today.

This determined effort is really about targeting a specific population of eligible voters to change the outcome of the 2012 elections. Plain and simple, H.R. 3463 is yet another voter suppression tactic.

Join me today in supporting this final amendment to guarantee the right of every American citizen to cast their vote.

Mr. HARPER. Mr. Speaker, I rise in opposition to this motion.

The SPEAKER pro tempore. The gentleman from Mississippi is recognized for 5 minutes.

Mr. HARPER. Mr. Speaker, I am amazed that an argument could be made that in any way the elimination of the EAC would result in disenfranchising any voter. We all believe that every person who should vote, that needs to vote, that's allowed to vote, that wants to vote should be allowed to do so.

I would like to point out that all of those that are speaking in opposition that were here in 2002 when HAVA passed voted for HAVA. And in HAVA, it contained the provision that created the EAC, which was only supposed to last for 3 years. This is not a complicated lift to do away with this. Does that mean when they voted for this in 2002 that they were trying to disenfranchise voters? Obviously not. In no way is this intended to do anything but clean up an agency that has an average employee salary of $106,000 a year, has been sued for political discrimination, problems with the military, an agency that cannot be corrected but needs to be eliminated.

I urge my colleagues to vote against this motion to recommit and to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. BISHOP of Georgia. Mr. 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, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 190, nays 236, not voting 7, as follows:

[Roll No. 872]

YEAS—190

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

NAYS—236

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)

Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—7

Bachmann
Giffords
Hartzler
Paul
Schmidt
Waxman
Woolsey

□ 1442

Mrs. BLACKBURN and Mr. HALL changed their vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. WOOLSEY. Mr. Speaker, on December 1, 2011, I was unavoidably detained and was unable to record my vote for rollcall No. 872. Had I been present I would have voted "yea"—On Motion to Recommit with Instructions.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. BRADY of Pennsylvania. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 190, not voting 8, as follows:

[Roll No. 873]

AYES—235

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

NOES—190

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

NOT VOTING—8

Bachmann
Giffords
Gohmert
Hartzler
McNerney
Paul
Schmidt
Waxman

□ 1449

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REGULATORY FLEXIBILITY IMPROVEMENTS ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 527.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 477 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 527.

□ 1450

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with Mr. DENHAM in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business.

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes. The gentleman from Missouri (Mr. GRAVES) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

America's economic recovery remains sluggish, with the unemployment rate still at 9 percent. Jobs are the key to economic recovery, and small businesses are the primary job creators in America.

A study for the Small Business Administration found that regulations cost the American economy $1.75 trillion annually, or over $15,000 per household.

Mr. Chairman, while job creators suffer under the weight of these regulations, Federal employees are visibly writing even more to implement the mandates of new laws like ObamaCare and Dodd-Frank. The same study also found that the cost of regulatory compliance is disproportionately higher for small businesses. This hurts their ability to create jobs for Americans.

Last month a Gallup poll found that small business owners consider ''complying with government regulations'' as the ''most important problem'' they face.

On February 8, 2011, I introduced H.R. 527, the Regulatory Flexibility Improvements Act of 2011, to provide urgently needed help to small businesses. Mr. GRAVES and Mr. COBLE are original cosponsors along with the bill's 24 additional cosponsors.

This bill primarily reinforces the Regulatory Flexibility Act of 1980 and the Small Business Regulatory Enforcement Fairness Act of 1996.

It only requires agencies to do what current law and common sense dictate that they should be doing. Current law requires agencies to prepare a regulatory flexibility analysis so agencies will know how a proposed regulation will affect small businesses before it is adopted. But the Government Accountability Office has found in numerous studies that agencies are not always adhering to these laws.

For example, current law allows an agency to avoid preparing a regulatory flexibility analysis if the agency head certifies that the new rule will not have a significant economic impact on a substantial number of small businesses. But these terms are not defined in the law, and agencies routinely take advantage of this and fail to prepare any analysis.

The bill fixes this problem by requiring the Small Business Administration to define these terms uniformly for all agencies. Also, it requires agencies to justify a certification in detail and to give the legal and factual grounds for the certification. And this bill restricts agencies' ability to waive the Regulatory Flexibility Act's requirements.

The legislation also requires agencies to document all economic impacts, direct and indirect, that a new regulation could have on small businesses. Agencies already must account for indirect economic impacts under the National Environmental Policy Act. Small businesses deserve the same level of scrutiny.

This bill assures that small businesses will have a voice in the regulatory process. Currently, only three agencies, the Occupational Safety and Health Administration, the Environmental Protection Agency, and the Consumer Financial Protection Bureau must consult with small business advocacy review panels before issuing new major regulations. Building on this, the bill requires all agencies to use advocacy review panels.

Equally important, this bill strengthens requirements that agencies review and improve existing regulations whenever possible to lower the burden on small business. It enhances the Small Business Administration's ability to comment on and help shape major rules. It assures that the law is uniformly implemented so agencies can not interpret their way out of its requirements. And the bill improves judicial review.

Some critics of regulatory reform may claim that this bill undermines agencies' ability to issue new regulations. On the contrary, the bill only strengthens the existing law with carefully tailored commonsense reforms.

Especially in light of current economic conditions, this bill is a timely and logical step to protect small businesses from overregulation. Like the Regulatory Flexibility Act of 1980 and the Small Business Regulatory Enforcement Fairness Act of 1996, the Regulatory Flexibility Improvements Act of 2011 recognizes that economic growth ultimately depends on job creators, not regulators.

The economy is already on shaky footing. It is more important than ever for regulators to look before they leap to impose more regulations. I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I would just like to point out that the Crain study referred to already by the distinguished chairman of the committee, apparently he hasn't found out that it's been held in error in a number of ways but mostly by the Crain study people themselves, who said that their analysis was not meant to be a decisionmaking tool for lawmakers or Federal regulatory agencies to use in choosing the right level of regulation.

In other words, the study is flawed because it fails to account for any benefits of regulation. So I want everybody to know that this correction about $1.75 trillion has been thoroughly debunked by not only CRS but other authorities as well.

Now, this debate follows a number of pieces of legislation that we're considering. It's sort of a regulation tidal wave—or anti-regulation tidal wave: H.R. 3010, Regulatory Accountability; H.R. 10, which we will see soon, the REINS Act; and H.R. 527, the bill before us now, the Regulatory Flexibility Improvements Act.

□ 1500

Now, it's strange to say that this trio of public safety-killing legislation would make it harder to control and make safe our products that we count on. Under the law presently, rulemaking must make an analysis for every new rule that would have a significant economic impact on small businesses. Among other things, the bill would repeal the authority that allows the agency to waive or delay this analysis in response to even an emergency. It's hard to imagine how the bill under consideration would make regulations more cumbersome, would take longer, would risk national emergencies, and would lose a lot of the safety and health protections that we now enjoy. I feel that there hasn't been a careful consideration of what the real final goal is.

The Wall Street Journal, which is no enemy of big business, said: The main reason United States companies are reluctant to step up hiring is scant demand rather than uncertainty over government policies.

So even the business community recognizes that the big problem with our economy is not that rules are tying up businesses but that we don't have enough people buying, because they don't have enough jobs to create the demand. If you examine it carefully, as many on our Committee on the Judiciary have done, you will find that the safety standards of which we are really very proud are going to be compromised in a very embarrassing way.

Regulations don't kill jobs; they save lives.

There are plans underway—this is one of them—here in the House to undermine the regulatory process that guarantees the health and the safety of millions of Americans. I urge all of the Members of the House to carefully consider the direction of this bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. COBLE), the chairman of the Courts, Commercial and Administrative Law Subcommittee of the Judiciary Committee.

Mr. COBLE. I thank the gentleman from Texas (Mr. SMITH) for having yielded to me.

Mr. Chairman, those who oppose H.R. 527 insist that those of us who support it are willing to compromise health and safety standards. Since criticism is not justified, we simply are refining the process. Excessive regulations and bad regulations serve no good purpose.

My district is not unlike many others. We are still suffering from the recession. While we once claimed many manufacturing and producing distinctions, much of our manufacturing has either disappeared or has gone to other places. Bad regulations don't help matters. They create unnecessary costs, uncertainty for employers, do not improve public health or safety, and they are particularly burdensome for small businesses.

Two critical laws that help ensure regulators will take into account the impact of proposed regulations on

small businesses are the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act. In essence, these laws require agencies to conduct economic impact analyses of proposed rules on small businesses. Unfortunately, regulators routinely utilize waivers and exceptions from both laws and promulgate regulations without taking into account their economic impacts on small businesses.

The Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act do not block the flow of Federal regulation. They, rather, help guide it. We need regulations and small businesses need regulations, but the regulations must be effective and efficient or they could do more harm than good.

H.R. 527 will improve future regulations by requiring agencies to conduct the economic impact analyses of proposed regulations on small businesses before they are implemented. In doing so, it will enhance the basic requirements of the Regulatory Flexibility Act and of the Small Business Regulatory Enforcement Fairness Act, and it will extend the advocacy review panel requirements to all agencies, including to all of the independent agencies.

The Administrative Procedure Act was not intended to create a regime whereby executive agencies could implement a regulation without recourse. Unfortunately, there are countless situations in which agencies have implemented rules and regulations that are unnecessary, redundant, or unjustifiably costly. H.R. 527 will help ensure that agencies do not overlook the critical interests of small businesses, and it will help prevent agencies from promulgating wasteful regulations.

Finally, the Congressional Budget Office estimated that H.R. 527 will cost $80 million between 2012 and 2016. Although there may not be a quantifiable means to assess the benefits of H.R. 527, from the perspective of a small business, they are, indeed, priceless. Also, it's important to note that, among many others, the National Taxpayers Union, the National Association of Independent Business, the United States Chamber of Commerce, and the National Association of Manufacturers have endorsed H.R. 527.

H.R. 527 is critical for small businesses, Mr. Chairman, and it will not impede the ability of agencies to promulgate regulations. This is good government legislation. We do not need more regulation. We need better regulations, which is exactly what H.R. 527 will achieve; so I urge support in the final passage of this bill.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 5 minutes to the ranking member of the Courts, Commercial and Administrative Law Subcommittee, the gentleman from Tennessee, STEVE COHEN.

Mr. COHEN. I want to thank the ranking member for yielding time.

This bill amends the Regulatory Flexibility Act of 1980, which requires agencies to engage in so much analysis and in so many new procedures that it basically befuddles the agencies in bringing forth any rules in the future. It is elimination by burdensome regulation. While it doesn't say it is eliminating rules, that's the effect of it. It subjects all major rules and other rules, those which have a significant economic impact on a substantial number of small entities, to review by small business review panels.

The cumulative effect of these and other changes in H.R. 527 will be to undermine the ability of agencies to effectively regulate consumer health and product safety, environmental protection, workplace safety, and financial services industry misconduct, among other critical concerns.

We talk about small businesses. Small businesses are important, and they create more jobs than any other sector of our economy, but small businesses are made up of human beings. To paraphrase Mitt Romney, who said that corporations are people, small businesses are people, too. Small businesses are concerned about consumer health and product safety because they are the victims of it. Small businesses are concerned about environmental protection and workplace safety and food and drug safety and, certainly, about financial services industry misconduct, which almost brought this country to its knees in what could have been a depression but for the work of our great President and the Congress that worked with him at that time.

This bill does little to help small businesses shape or comply with Federal regulations. Right now, we can take for granted that the food we eat, the water we drink, the air we breathe, the places we work, the planes we fly on, the cars we drive, and the bank accounts in which we put our savings are going to be safe because we have strong regulation; but if H.R. 527 is enacted, it will be harder, much more difficult, maybe impossible, to provide those protections for future generations.

□ 1510

H.R. 527 is based on the well-intentioned, but false, premise that regulations result in economically stifling costs.

In particular, proponents of H.R. 527, and of anti-regulatory legislation generally, of which we have seen an abundance in this Congress, repeatedly cite a thoroughly debunked study by economists Mark and Nicole Crain, which made the ridiculous claim that Federal regulations impose a $1.57 trillion cost on the economy.

Ridiculous? Why, you say. Because they even admitted, and the Congressional Research Service said, it failed to account for any benefits of regulation. There are indeed benefits of regulation and great—and the Office of Management and Budget said great benefits outweigh costs.

Moreover, the study was never intended to be a decisionmaking tool for lawmakers or Federal regulatory agencies to use in choosing the right level of regulation. But they still use that as the basis for this law.

So let's focus on the real facts.

H.R. 527 will bring agency rulemaking to a halt because of multiple layers of bureaucratic review and analysis that it adds to the rulemaking process. It is the de facto end of regulations.

As Sherwood Boehlert, a colleague of mine here in Congress, of the previous Congresses from the State of New York and a Republican and a long time chair of the House Science Committee, recently warned, this measure ignores history—Newt Gingrich—''ignores history, larding the system with additional reviews based on previous efforts that have slowed progress while helping nobody.''

Second, the bill clearly presents a serious threat to public health and safety for all Americans. It does this by eliminating the emergency authority that currently allows agencies to waive or delay certain analyses so they can expeditiously respond to national crises such as a massive oil spill, or a nationwide outbreak of food poisoning, or an emerging financial marketplace meltdown. We've experienced all of these.

The priority in the face of an emergency is to have emergency agencies to say, sorry, we can't do this. We have to conduct regulatory analysis first before we aid the American people.

H.R. 527 is simply chock full of crafty provisions to slow down rulemaking, requiring small business advocacy review panels to analyze rules promulgated by all agencies, and not just those from the three agencies for which review panels are currently required. Moreover, it would require review panels for all major rules, not just those that have a significant economic impact on a substantial number of small entities. And this bill would force agencies to engage in seemingly endless, wasteful and speculative analysis, including assessment of all reasonably foreseeable, indirect—indirect—economic effects of a proposed rule.

I think we may see agencies purchasing crystal balls so they can comply with this inane requirement of looking into the future. As any first-year law student would know, it can take years of costly and time-consuming litigation to figure out exactly what is reasonably foreseeable and what is indirect. Where is Mr. PAUL's graph?

While adding analytical requirements and opportunities for industry to disrupt rulemaking, H.R. 527 provides absolutely no assistance to business in complying with Federal regulations, which is what small business really needs. And for those of us who should really be worried about the national deficit, this bill has a hefty price tag. The most conservative estimates,

$80 million, and a more realistic estimate is $291 million over a 5-year period.

The CHAIR. The time of the gentleman has expired.

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

Mr. COHEN. Thank you.

H.R. 527, like H.R. 3010, which we will also consider this week, is simply a wolf in sheep's clothing. What proponents seem to describe as commonsense revisions to current law actually would result in a dramatic overhaul of the rulemaking process, threatening agencies' ability to ensure basic health, safety, and other precautions.

I oppose this bill and urge my colleagues to do so. Also the cumulative effect of these and other bills would be to be undermine the ability of agencies to effectively regulate consumer health, work product safety, environment protection, financial services misconduct, and others. Right now we can take these for granted.

This is a dangerous bill, and I would ask our Members to vote against it and think about the safety of the public and the future. Small businesses are people, as Mr. Romney said about corporations, and those people also suffer from lack of regulation.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a senior member of the Judiciary Committee.

Mr. CHABOT. I thank our distinguished chairman for yielding the time.

Mr. Chairman, when I talk to small business owners back in my district in Cincinnati in southwest Ohio, I continue to hear the same thing over and over again. Overbearing regulations are crushing their ability to grow and create jobs, and that's what we are supposed to be about is getting this economy moving and getting people back to work again; but the regulations are just crushing them.

Over the last year, however, the Obama administration has enacted more than 3,500 new rules and regulations, and they have another 4,000 pending. So rather than reduce the regulations, they are talking about putting on even more.

Mr. Chairman, small businesses in this country are struggling. Unemployment is at record levels and our economy is showing little or no signs of improvement.

We must pass legislation that reduces redtape and repeals burdensome regulations. This bill will reform the rulemaking system and provide much needed regulatory relief to small business.

If President Obama is serious about job creation, then he must sign this bill. Small businesses are struggling to keep up with the overwhelming costs of compliance that his administration has put on our Nation's job creators.

If Congress wants to give the American people a gift this Christmas season, let it be regulatory relief and the jobs that will result.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to a distinguished member of our committee, the gentlelady from California, JUDY CHU.

Ms. CHU. I rise in opposition to the so-called Regulatory Flexibility Act. This bill shows just how out of touch the House leadership is, not only with the American people, but with America's small businesses.

A recent poll conducted by the Hartford Financial Group asked small businesses to name their biggest barrier to success. Despite the majority's claim, do you know how many cited government rules and regulations as the biggest barrier? Just 9 percent. Instead, a majority, a vast majority, in fact, 59 percent of small businesses, said they struggle the most with finding qualified talent.

So it's clear that this bill does nothing to knock down barriers and help the majority of small businesses with their greatest needs. Instead, it just slows down the regulation process and stops government from protecting the consumers from unsafe products, dirty air or water that could make them sick, a dangerous workplace, or gross misconduct in the financial industry.

Our country's small businesses don't have time for this nonsense. We should be working on a bill that creates jobs and actually helps small business.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. POE), a former district judge and a senior member of the Judiciary Committee.

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Chairman, when I meet with small business owners back in southeast Texas, the one thing they always tell me is that they are not comfortable with expanding their businesses or hiring new employees because of the Federal regulators. ''We just don't know what the Federal Government is going to do next,'' is what I often hear. And considering that the code of Federal regulations is currently over 150,000 pages long, no wonder they are saying that they cannot plan for the future.

Mr. Chairman, do we really need more than 150,000 pages of regulations to be imposed across the fruited plain? Good thing the regulators weren't around to draw up regulations on the Ten Commandments. No telling what that would look like.

Anyway, a recent Gallup Poll found regulation and red tape is the most important problem currently facing business owners. That's right, not the economy but red tape. Why are we allowing the regulators to administratively pass many unnecessary rules that destroy this economic system?

Unnecessary regulations hurt all American businesses, but hurt the small businesses the most. It's not easy for a mom-and-pop shop to hire a legal department to navigate through the ever-growing list of Federal regulations that may be applicable to their small business. In fact, on average, small businesses spend 36 percent more per employee per year complying with Federal regulations than large businesses do.

□ 1520

This legislation will help the problem by requiring that Federal agencies just analyze the impact of a new regulation on small businesses before adopting the regulation. Once a mom and pop shop goes out of business, there's often no going back.

Regulators and elitist bureaucrats in Washington, D.C., do not always know what is best for people who own a small business. Many of these regulators have never owned a small business or even understand capitalism. They have never signed the front of a paycheck. But yet they make rules. Congress needs to ensure that we do not overregulate America to death and self-destruct our economic system.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Members of the House, it's important for us to realize who else has difficulty in supporting a bill that ends up creating unsafe products, promotes dirty air, and other kinds of harms to our citizenry. The American Lung Association is opposed to H.R. 527. The Environmental Defense Fund is opposed to this bill. The National Women's Law Center does not support this bill. Public Citizen is opposed to it. The Union of Concerned Scientists is opposed to it. And, indeed, a total of more than 70 organizations have all written urging us to very carefully consider what we are doing here today.

It's absolutely critical, and it is very important that we understand that there is no evidence, credible evidence that regulations depress job creation. Now, this is great rhetoric, but we're passing laws here today.

The majority's own witness before the House Judiciary Committee agrees with us. Christopher DeMuth, who appeared before the House Judiciary Committee on behalf of the American Enterprise Institute, stated in his prepared testimony that the focus on jobs can lead to confusion in regulatory debates, and that the employment effects of regulation, while important, are indeterminate. He can't figure it out, and he was a pretty good witness for our position that regulations have no discernible impact on job creation.

If anything, regulations may promote job growth and put Americans back to work. The BlueGreen Alliance notes: Studies on the direct impact of regulations on job growth have found that most regulations result in modest job growth or have no effect.

Economic growth has consistently surged forward in concert with these health and safety protections. The Clean Air Act is a perfect example. The economy has grown 204 percent and private sector job creation has expanded 86 percent since it was passed in 1970. And so, my colleagues, regulation and

economic growth can go hand in hand. We recently observed that 40 years of success with the Clean Air Act has demonstrated that strong environmental protections and strong economic growth go hand in hand.

What's in this bill is a provision that every regulation change would have to come back through the Congress. It would be unthinkable that we could add this to our schedule, especially if there was a health emergency that required a rapid passage.

So I want every Member of this House to examine the grossly different analyses that are being made here and come to your own conclusion. I think if you do, you will realize that regulations have no discernible impact on job creation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, how much time remains on each side?

The CHAIR. The gentleman from Texas has 7½ minutes remaining. The gentleman from Michigan has 3½ minutes remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO), a member of the Financial Services Committee.

Mr. MANZULLO. Mr. Chairman, this is one of the most important bills that we will pass in Congress.

I'm just amazed at what I hear from the other side—we're over here endangering safety; we're poisoning water; we're doing everything we can in the workplace. That's not what this is about. All this bill says is, when you put in a regulation, at least have some type of basis so the people impacted by it know where to go from there. Have some good, sound science. Let's have an economic impact study.

Let me just give you five instances specifically. Talk to the doctors today about all of the regulations impacting them, and you'll hear complaints about spending more time on paperwork than with their patients.

Talk to the banks. I was talking to a small banker, only 19 employees. Two little banks in my district, they have to hire a full-time compliance officer just because of Dodd-Frank, and that bank didn't do one thing wrong to bring about this economic collapse.

And now the farmers. EPA is going to regulate cow manure under CERCLA, as opposed to the present rules.

Several years ago, this House passed the Clean Air Act Amendments of 1990. One of those was something called the employee commute option that said that counties around Chicago had to have something called an employee commute option that was forced carpooling. Well, one of those counties was McHenry County, which is still a rural county. And I had to work with HENRY WAXMAN for 2 to 2½ years to come up with a reasonable interpretation and corrective language in order to make sure that the people of that county were not strapped with that incredible mandate and at the same time we did not compromise the quality of the air.

The Hope Scholarship reporting requirements that said that the 7,700 schools across the country had to report who it was that gave them the money—turned them into some kind of a supercomputer. And I worked with the 7,700 schools and with the commissioner of the IRS—this was a $100 million mandate upon all of these schools in the country because nobody took the time to say, what impact will this regulation have upon the schools of this country?

This before me is one day of regulation, just one day in America. Just one day in Washington, just one more day when the small business people have to read through 500 pages of 9-point type dealing with air particulates.

And then I hear today that oh, you don't need any relief, it's not necessary. Regulations are good. And then we take a look at the impact that this has, the financial impact that it has on the small businesses today.

This is a great bill. It's long overdue. And as a former chairman of the Small Business Committee, I say it's about time, and our colleagues on the other side should all vote unanimously for this bill.

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

I'm glad my friend is still on the floor because he asked, what do the doctors have to say about this? The doctors oppose the bill. And I'd like to point out, the American Lung Association and the Center for Science in the Public Interest do not agree with you, and they agree with our position on the bill.

□ 1530

Mr. MANZULLO. Will the gentleman yield?

Mr. CONYERS. In just a minute I'll be very pleased to.

The Environmental Defense Fund, the Friends of the Earth, and the Union of Concerned Scientists are all in agreement with us. And so I want you to know that the medical people that have spoken about this bill are not in support of it.

I will yield briefly to the gentleman.

Mr. MANZULLO. I thank the gentleman for yielding.

First of all, the doctors that I talk to—the experts themselves, not the lobbyists in Washington—I talk to them on a continuous basis. They're very upset with more regulations. And NFIB is behind the bill.

Mr. CONYERS. Just a moment. These are not lobbyists. I don't know if these organizations have any offices here. But the Union of Concerned Scientists probably doesn't have any lobbyists. I doubt if the American Lung Association does.

Mr. MANZULLO. Will the gentleman yield?

Mr. CONYERS. I would, except that your side has far more time than my side does.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, we are prepared to close; so I will reserve the balance of my time.

Mr. CONYERS. I yield myself such time as I may consume. I too am prepared to close on this side.

Ladies and gentlemen of the House, we have two starkly opposing views of what this bill does. I have over 70 organizations that are from the labor movement, from the health movement, from the science world, from the Women's Law Center, from the Union of Concerned Scientists all telling us that this is a very dangerous process that we're involved in, that the results wouldn't be that the authors of this amendment intended to harm people or that they intended to produce unsafe air products or that they were supporting making the air unbreathable, but that is the result of this bill.

It's been stated twice on the other side that we are accusing you of bad intent. I don't do that. I want you to be very clear. It's not a matter that your intentions are not honorable, but the results of a bill like H.R. 527 would create unsafe products. It would ultimately produce air that is more polluted than the air that we're dealing with now. It would delay the promulgation of regulations that we need. It is exactly going in the wrong way because we, as a matter of fact, need to have more regulation surrounding products, particularly children's toys. We want the air to be much better than it is.

And so I urge my colleagues to examine the premises starkly different than have been presented here today and to join us in turning back and sending back to the committee a bill that would make our health much more endangered.

I yield back the balance of my time.

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

Job creation is the key to economic recovery, and small businesses are America's main job creators. But overregulation kills jobs and is especially burdensome for small businesses. Anyone who doesn't believe that probably hasn't spent much time in the private sector. Even President Obama, who has not spent much time in the private sector, wrote in a Wall Street Journal oped and recognized that overregulation ''stifles innovation'' and has ''a chilling effect on growth and jobs.''

It has been 15 years since Congress last updated the Regulatory Flexibility Act of 1980. Experience during that time reveals that further reforms are necessary. The Regulatory Flexibility Improvements Act of 2011 makes carefully targeted reforms to the current law to ensure that agencies properly analyze how a new regulation will affect small businesses before adopting that regulation. In the current economic climate, with millions of Americans looking for work, we simply cannot afford to overburden small businesses with more wasteful or inefficient regulations.

I urge my colleagues to support the bill. I look forward to its passage.

I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 527, the Regulatory Flexibility Improvements Act of 2011. I was the original cosponsor. I want to thank Chairman SMITH for the opportunity to work with him on this very important piece of legislation.

Opponents will argue that the bill stops agencies from issuing regulations. However, in reality, H.R. 527 will force agencies to consider how their actions affect small businesses and other small entities. More importantly, if the effects are significant, agencies, not small entities, will have to develop less burdensome and costly alternatives.

Shouldn't a government understand the consequences of its regulations? Of course, it should. And by doing so, the government may arrive at a more efficient and less costly way to regulate. In a nutshell, that is what H.R. 527 does.

Some may argue that agencies already do this when they draft regulations. However, nearly 30 years of experience with the Regulatory Flexibility Act, or the RFA, shows that agencies are not considering the consequences of their actions, and it is about time that they start doing that.

Government regulations do have consequences. Small businesses must expend scarce and vital capital complying with these rules. If there's a better way to achieve what an agency wants while imposing lower costs on small businesses, the sensible approach would be to adopt the lower cost methodology. This will enable small businesses to meet the requirements imposed by regulators while freeing up scarce resources to expand their businesses and hire more workers.

H.R. 527 ensures the consideration of consequences of rulemaking through the removal of loopholes that the agencies have used to avoid compliance with the RFA. In addition, the bill will require a closer consideration of the impact of rules on small businesses and other small entities. Yet nothing in H.R. 527 will prevent an agency from issuing a rule. It just stops the government from issuing a rule without understanding its effect on America's job creators—small businesses.

With that, I urge my colleagues support this very carefully crafted measure to improve the Federal regulatory process.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Reducing the cost of regulation is a very important issue, but it's not going to turn the economy around. In order for this to happen, businesses need to see more customers coming through their doors—and not just during the holiday season we are now in. With this in mind, it is necessary to create an environment where regulations are not overburdening small businesses, as they do in fact bear the largest burden.

□ 1540

These entrepreneurs face an annual regulatory cost of $10,585 per employee, which is 36 percent higher than the regulatory cost facing large firms. And this brings us to the bill before us.

Too often on the House floor legislation is painted as either being totally perfect or completely awful. With this bill, neither of these characterizations is appropriate. In fact, on many fronts, H.R. 527 contains several very positive provisions and will make a real difference for small businesses.

Many of the provisions were previously advanced by Democrats in the Small Business Committee, and for this Chairman GRAVES and Chairman SMITH and their staff should be commended. For instance, the bill makes agencies' regulatory flex analyses more detailed so that they cannot simply overlook their obligations to small businesses. It also gives real teeth to periodic regulatory look-backs, which require agencies to review outdated regulations that remain on the books. Agencies will also be required to evaluate the entire impact of their regulations, something that is long overdue.

And it cannot go without mention that the bill brings the IRS under the purview of the RFA. This is a real improvement for small firms, which will undoubtedly benefit from greater scrutiny of complex and burdensome tax rules. These are all constructive changes that will bring real relief to entrepreneurs.

With that said, there are other items in this legislation that leave you scratching your head. Adding 50 new agencies to the panel process is a recipe for disaster. Such a dramatic change will require new bureaucratic processes, more staff, and more paperwork.

It must be ironic for my colleagues on the other side of the aisle that this bill attempts to reduce Federal regulation by dramatically expanding the role and scope of government. In fact, H.R. 527 creates more government as a means to limit government. How does that make sense?

It also applies reg flex to land management plans, something I have never heard small businesses complain about in my 18 years on the committee. Doing so will enable corporate interests to more readily challenge land use decisions, which could have adverse consequences for the environmental stewardship of public lands. The reality is that the RFA was just not intended to cover this action, and it should not do so going forward.

Finally, it is important to note that the Office of Advocacy's footprint has traditionally been minimal, with a budget of $9 million and 46 employees. According to CBO, its budget will have to increase by up to 200 percent per year to handle the new responsibilities of H.R. 527. It is already taxed in meeting its current role, and expanding its powers geometrically is well beyond its capacity. Members are well aware of the fiscal constraints facing the U.S. Government. Now is not the time to make costly statutory leaps when smaller steps might be more appropriate.

So, in conclusion, there are some good and some not-so-good things in this bill. I want to acknowledge the effort by the bill's manager, but in the end it is not something I could support, given the imposition of too many questionable policies. However, I want to thank Chairman GRAVES for always being open to discussions, and I look forward to continuing our dialogue on this legislation.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I yield such time as he may consume to the gentleman from the 24th District of New York (Mr. HANNA).

Mr. HANNA. Mr. Chairman, I rise today in support of H.R. 527, the Regulatory Flexibility Improvements Act.

The small businesses I meet on a regular basis tell me that regulation has become an overwhelming problem. Small business owners are the backbone of the American economy. I know this because I'm a small business owner. Like so many, my life was built by a belief in hard work, free enterprise, an entrepreneurial spirit, and a love to get out of bed in the morning and just do what I love to do, as you know yourself, Mr. Chairman. The preponderance of regulations is stifling that spirit.

This country can't do well unless small businesses do well. They provide the jobs, the growth, and the opportunity for the rest of society. Small businesses are drowning in regulation. Federal agencies should periodically review their rules to ensure that regulations are not unduly burdensome. As with the 1099 reporting provision and the 3 percent withholding rule, the law of unintended consequences can be crippling. Fortunately, this House has repealed both.

We all agree that regulations are absolutely necessary to protect the public good, but we need to ensure that regulations reflect a proper balance that does not unreasonably hinder entrepreneurship, job creation, and innovation.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member on the Judiciary Committee.

Mr. CONYERS. I thank the gentlelady from New York.

My friend on the other side from Missouri, who is managing the bill, I was happy to hear you say that this measure that we are examining does nothing to hinder the rulemaking process. And I'd like to help you out in that area if I may because this expands in the bill the use of small business review panels to include rules promulgated by all agencies, and to include all major rules.

I would say to the gentleman from Missouri that right now there are only three agencies that are affected. What this does, my friend, is extend the review process to every agency. Do you recognize, sir, that there are over 50 agencies in the Federal system? And so for it to be thought that this isn't going to change much is a grievous mistake. And of course I am here to help you out, to the extent that I can.

The other thing that it does—and you think that this will not change the rulemaking process—is that this measure would force agencies to engage in speculative analysis, including an assessment of all reasonably foreseeable, indirect economic effects of a proposed rule.

The CHAIR. The time of the gentleman has expired.

Mr. GRAVES of Missouri. Mr. Chairman, I yield such time as he may consume to the chairman of the Subcommittee on Investigations, Oversight and Regulations, the gentleman from the Sixth District of Colorado (Mr. COFFMAN).

(Mr. COFFMAN of Colorado asked and was given permission to revise and extend his remarks.)

Mr. COFFMAN of Colorado. The Obama administration is currently choking the lifeblood out of our Nation's middle class, small businesses, and entrepreneurs through excessive regulation. According to the Small Business Administration, regulations cost the American economy $1.75 trillion annually.

□ 1550

The Obama administration has issued 200 such regulations that are expected to cost our economy at least $100 million each, and seven of these regulations have a pricetag of over $1 billion.

The President has long touted the job creation of his so-called stimulus. But every $1 million increase in the Federal regulatory budget costs 420 private sector jobs for hardworking Americans. This is why I am urging passage of House Resolution 527, the Regulatory Flexibility Improvements Act of 2011. This legislation will give real teeth to the Regulatory Flexibility Act of 1980, which mandated that Federal agencies first assess the economic impact of their regulations on small businesses before going forward with them. It is time to put small businesses first.

Ms. VELÁZQUEZ. Mr. Chairman, may I inquire as to how much time each side has.

The CHAIR. The gentlewoman from New York has 3 minutes remaining. The gentleman from Missouri has 5 minutes remaining.

Ms. VELÁZQUEZ. I yield myself 1 minute.

I need to set the record straight regarding the previous Member who just spoke about how many regulations have been issued under the Obama administration.

Let me remind people here that, according to the conservative Heritage Foundation, net regulatory burdens increased in the years George W. Bush assumed the Presidency. Between 2001 and 2008 the Federal Government imposed almost $30 billion in new regulatory costs on America. About $11 billion was imposed in fiscal year 2007 alone.

With regard to the number of pages of regulations, the Code of Federal regulations totaled 145,000 pages in 2007 alone. The Obama administration issued an Executive order, 13563, and a memorandum on small businesses and job creation, and the Executive order instructs agencies to seek the views of affected entities prior to proposed rulemaking. The Executive order also calls on agencies to engage in periodic reviews of existing regulations.

The CHAIR. The time of the gentlewoman has expired.

Ms. VELÁZQUEZ. I yield myself 15 seconds more.

If we're going to come here and, instead of dealing with the issues that are impacting small businesses—and that is access to affordable capital so that they could create jobs—but rather come and criticize the Obama administration for issuing regulations, let's set the record straight and talk about the regulations that were issued under the Republican administration.

I reserve the balance of my time.

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

Ms. VELÁZQUEZ. How much time do I have left, please?

The CHAIR. The gentlewoman from New York has 1¾ minutes remaining.

Ms. VELÁZQUEZ. I yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Chairman, it is clear, when I have the ranking member of the Small Business Committee who has an enormous history of commitment to small businesses, and the ranking member of the Judiciary Committee, both former chairs, opposing this bill, then we obviously know that it is problematic.

What I know of small businesses is that they, frankly, want to have an anchor to promote and propel their business needs. The regulatory scheme and the underlying premise of this bill is to eliminate any anchor for our small businesses. And when you do that, you're clearly undermining their growth and opportunity.

I would add, as well, that I challenge as to whether or not this debate today creates any opportunity for small business, provides them access to credit, guarantees any loans, creates any jobs. Absolutely not, and it is absurd that we would suggest that agencies that are trying to promote small businesses are stopping small businesses and, therefore, we want to implode the regulatory scheme.

The APA provides an opportunity for due process through the court system. If our colleagues have problems with regulations, they can run to the courts. You don't have to implode the process to be able to address the problem.

Let's help small businesses, let's discuss how to create jobs, and let's vote against this legislation.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentlewoman from New York is recognized for 45 seconds.

Ms. VELÁZQUEZ. Since its enactment in 1980, the Reg Flex has reduced the burden of Federal rules on small businesses. It has evolved over time to include new tools, expanding its purview and making a real difference for entrepreneurs across the country.

With this important role in mind, the legislation before us makes some essential changes. However, in other areas the bill goes too far. At a time of mounting deficits and growing taxpayer anger at how tone-deaf Congress has become, H.R. 527 will dramatically expand the Federal bureaucracy at a cost of $80 million.

For these reasons, I urge a ''no'' vote, and I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, the gentlelady, my colleague from the Small Business Committee, pointed out that the Bush administration added $60 billion in regulatory burdens out there, which is not a good thing at all. In fact, that scares me in and of itself. In 8 years of the Bush administration you had $60 billion in extra regulations.

The Obama administration has added $40 billion in only 3 years. So at the rate that that administration's on, it's going to far outweigh any administration.

But my point is, I don't care what administration it is. I don't care if it's a Republican administration or a Democrat administration. I want to make darn sure that those agencies comply with the Regulatory Flexibility Act, and I want to make darn sure that those agencies take into account how much this is going to cost small business when they're implementing some of these ridiculous regulations that they're asking small business staff to comply with.

Some of this stuff is outrageous, and it needs to be studied, or it needs to be taken care of, or it needs to be stopped. But these agencies—and again, I don't care what administration it is—they need to have to comply with this and they need to understand what the consequences are.

With that, I would urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. HOLT. Mr. Chair, two of the bills before us this week are just two more bills that will not create jobs, endanger the public health, and waste the time and money of the American people. These bills are trying to block new regulations under the misguided notion that all regulations are bad and prevent economic growth. This misguided approach deliberately ignores that regulations have improved the safety of our children's toys, made our air

and water cleaner, and even saved the lives and limbs of our nation's workers.

As the AFL–CIO has H.R. 527, the so-called "Regulatory Flexibility Improvements Act" would expand the reach and scope of the Regulatory Flexibility Act by covering regulations that may have an indirect effect on small businesses and adding a host of new analytical requirements that will make it even more difficult for agencies to take action to protect workers and the public. Almost any action an agency proposes—including something as simple as a guidance document designed to help a business comply with a rule—could be subject to a lengthy regulatory process. While the bill purports to be focused on small business, it would cover more than 99 percent of all employers, including firms in some industries with up to 1,500 workers or $35.5 million in annual revenues. It is a special interest bailout for business.

H.R. 3010, the so-called "Regulatory Accountability Act", is equally odious. This bill would effectively eviscerate the Occupational Safety and Health Act and Mine Safety and Health Act. As critics have noted, the bill would require agencies to adopt the least costly rule, instead of the most protective rule as is now required by the OSH Act and MSH Act. It would make protecting workers and the public secondary to limiting costs and impacts on businesses and corporations. If enacted, this legislation would be a license for businesses to cut corners and endanger workers and the public in the pursuit of ever greater profits—all at the expense of the public good.

I urge my colleagues to join me in rejecting both of these atrocious bills so we can get on with the business of creating real jobs.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Small Business printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated November 18, 2011. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 527

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Regulatory Flexibility Improvements Act of 2011''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Clarification and expansion of rules covered by the Regulatory Flexibility Act.
Sec. 3. Expansion of report of regulatory agenda.
Sec. 4. Requirements providing for more detailed analyses.
Sec. 5. Repeal of waiver and delay authority; Additional powers of the Chief Counsel for Advocacy.
Sec. 6. Procedures for gathering comments.
Sec. 7. Periodic review of rules.
Sec. 8. Judicial review of compliance with the requirements of the Regulatory Flexibility Act available after publication of the final rule.
Sec. 9. Jurisdiction of court of appeals over rules implementing the Regulatory Flexibility Act.
Sec. 10. Clerical amendments.
Sec. 11. Agency preparation of guides.

SEC. 2. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Paragraph (2) of section 601 of title 5, United States Code, is amended to read as follows:

''(2) RULE.—The term 'rule' has the meaning given such term in section 551(4) of this title, except that such term does not include a rule of particular (and not general) applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances.''.

(b) INCLUSION OF RULES WITH INDIRECT EFFECTS.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(9) ECONOMIC IMPACT.—The term 'economic impact' means, with respect to a proposed or final rule—

''(A) any direct economic effect on small entities of such rule; and

''(B) any indirect economic effect on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule).''.

(c) INCLUSION OF RULES WITH BENEFICIAL EFFECTS.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (c) of section 603 of title 5, United States Code, is amended by striking the first sentence and inserting ''Each initial regulatory flexibility analysis shall also contain a detailed description of alternatives to the proposed rule which minimize any adverse significant economic impact or maximize any beneficial significant economic impact on small entities.''.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—The first paragraph (6) of section 604(a) of title 5, United States Code, is amended by striking ''minimize the significant economic impact'' and inserting ''minimize the adverse significant economic impact or maximize the beneficial significant economic impact''.

(d) INCLUSION OF RULES AFFECTING TRIBAL ORGANIZATIONS.—Paragraph (5) of section 601 of title 5, United States Code, is amended by inserting ''and tribal organizations (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))),'' after ''special districts,''.

(e) INCLUSION OF LAND MANAGEMENT PLANS AND FORMAL RULE MAKING.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 603 of title 5, United States Code, is amended in the first sentence—

(A) by striking ''or'' after ''proposed rule,''; and

(B) by inserting ''or publishes a revision or amendment to a land management plan,'' after ''United States,''.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 604 of title 5, United States Code, is amended in the first sentence—

(A) by striking ''or'' after ''proposed rulemaking,''; and

(B) by inserting ''or adopts a revision or amendment to a land management plan,'' after ''section 603(a),''.

(3) LAND MANAGEMENT PLAN DEFINED.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(10) LAND MANAGEMENT PLAN.—

''(A) IN GENERAL.—The term 'land management plan' means—

''(i) any plan developed by the Secretary of Agriculture under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); and

''(ii) any plan developed by the Secretary of Interior under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

''(B) REVISION.—The term 'revision' means any change to a land management plan which—

''(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(5) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)); or

''(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5–6 of title 43, Code of Federal Regulations (or any successor regulation).

''(C) AMENDMENT.—The term 'amendment' means any change to a land management plan which—

''(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) and with respect to which the Secretary of Agriculture prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); or

''(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5–5 of title 43, Code of Federal Regulations (or any successor regulation) and with respect to which the Secretary of the Interior prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).''.

(f) INCLUSION OF CERTAIN INTERPRETIVE RULES INVOLVING THE INTERNAL REVENUE LAWS.—

(1) IN GENERAL.—Subsection (a) of section 603 of title 5, United States Code, is amended by striking the period at the end and inserting ''or a recordkeeping requirement, and without regard to whether such requirement is imposed by statute or regulation.''.

(2) COLLECTION OF INFORMATION.—Paragraph (7) of section 601 of title 5, United States Code, is amended to read as follows:

''(7) COLLECTION OF INFORMATION.—The term 'collection of information' has the meaning given such term in section 3502(3) of title 44.''.

(3) RECORDKEEPING REQUIREMENT.—Paragraph (8) of section 601 of title 5, United States Code, is amended to read as follows:

''(8) RECORDKEEPING REQUIREMENT.—The term 'recordkeeping requirement' has the meaning given such term in section 3502(13) of title 44.''.

(g) DEFINITION OF SMALL ORGANIZATION.—Paragraph (4) of section 601 of title 5, United States Code, is amended to read as follows:

''(4) SMALL ORGANIZATION.—

''(A) IN GENERAL.—The term 'small organization' means any not-for-profit enterprise which, as of the issuance of the notice of proposed rulemaking—

''(i) in the case of an enterprise which is described by a classification code of the North American Industrial Classification System, does not exceed the size standard established by the Administrator of the Small Business Administration pursuant to section 3 of the Small Business Act (15 U.S.C. 632) for small business concerns described by such classification code; and

''(ii) in the case of any other enterprise, has a net worth that does not exceed $7,000,000 and has not more than 500 employees.

''(B) LOCAL LABOR ORGANIZATIONS.—In the case of any local labor organization, subparagraph (A) shall be applied without regard to any national or international organization of which such local labor organization is a part.

''(C) AGENCY DEFINITIONS.—Subparagraphs (A) and (B) shall not apply to the extent that an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions for such term which are appropriate to the activities of the agency and publishes such definitions in the Federal Register.''.

SEC. 3. EXPANSION OF REPORT OF REGULATORY AGENDA.

Section 602 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking '', and'' at the end and inserting '';'';

(B) by redesignating paragraph (3) as paragraph (4); and

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

''(3) a brief description of the sector of the North American Industrial Classification System that is primarily affected by any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities; and''; and

(2) in subsection (c), to read as follows:

''(c) Each agency shall prominently display a plain language summary of the information contained in the regulatory flexibility agenda published under subsection (a) on its website within 3 days of its publication in the Federal Register. The Office of Advocacy of the Small Business Administration shall compile and prominently display a plain language summary of the regulatory agendas referenced in subsection (a) for each agency on its website within 3 days of their publication in the Federal Register.''.

SEC. 4. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows:

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided;

''(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available; and

''(7) describing any disproportionate economic impact on small entities or a specific class of small entities.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking ''an explanation'' and inserting ''a detailed explanation'';

(B) in each of paragraphs (4), (5), and the first paragraph (6), by inserting ''detailed'' before ''description''; and

(C) by adding at the end the following:

''(7) describing any disproportionate economic impact on small entities or a specific class of small entities.''.

(2) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Paragraph (2) of section 604(a) of title 5, United States Code, is amended by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis''.

(3) PUBLICATION OF ANALYSIS ON WEBSITE.—Subsection (b) of section 604 of title 5, United States Code, is amended to read as follows:

''(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency's website, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof which includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Subsection (a) of section 605 of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis which is required by any other law and which satisfies such requirement.''.

(d) CERTIFICATIONS.—Subsection (b) of section 605 of title 5, United States Code, is amended—

(1) by inserting ''detailed'' before ''statement'' the first place it appears; and

(2) by inserting ''and legal'' after ''factual''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.''.

SEC. 5. REPEAL OF WAIVER AND DELAY AUTHORITY; ADDITIONAL POWERS OF THE CHIEF COUNSEL FOR ADVOCACY.

(a) IN GENERAL.—Section 608 is amended to read as follows:

''§ 608. Additional powers of Chief Counsel for Advocacy

''(a)(1) Not later than 270 days after the date of the enactment of the Regulatory Flexibility Improvements Act of 2011, the Chief Counsel for Advocacy of the Small Business Administration shall, after opportunity for notice and comment under section 553, issue rules governing agency compliance with this chapter. The Chief Counsel may modify or amend such rules after notice and comment under section 553. This chapter (other than this subsection) shall not apply with respect to the issuance, modification, and amendment of rules under this paragraph.

''(2) An agency shall not issue rules which supplement the rules issued under subsection (a) unless such agency has first consulted with the Chief Counsel for Advocacy to ensure that such supplemental rules comply with this chapter and the rules issued under paragraph (1).

''(b) Notwithstanding any other law, the Chief Counsel for Advocacy of the Small Business Administration may intervene in any agency adjudication (unless such agency is authorized to impose a fine or penalty under such adjudication), and may inform the agency of the impact that any decision on the record may have on small entities. The Chief Counsel shall not initiate an appeal with respect to any adjudication in which the Chief Counsel intervenes under this subsection.

''(c) The Chief Counsel for Advocacy may file comments in response to any agency notice requesting comment, regardless of whether the agency is required to file a general notice of proposed rulemaking under section 553.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 611(a)(1) of such title is amended by striking ''608(b),''.

(2) Section 611(a)(2) of such title is amended by striking ''608(b),''.

(3) Section 611(a)(3) of such title is amended—

(A) by striking subparagraph (B); and

(B) by striking ''(3)(A) A small entity'' and inserting the following:

''(3) A small entity''.

SEC. 6. PROCEDURES FOR GATHERING COMMENTS.

Section 609 of title 5, United States Code, is amended by striking subsection (b) and all that follows through the end of the section and inserting the following:

''(b)(1) Prior to publication of any proposed rule described in subsection (e), an agency making such rule shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with—

''(A) all materials prepared or utilized by the agency in making the proposed rule, including the draft of the proposed rule; and

''(B) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities and the type of small entities that might be affected.

''(2) An agency shall not be required under paragraph (1) to provide the exact language of any draft if the rule—

''(A) relates to the internal revenue laws of the United States; or

''(B) is proposed by an independent regulatory agency (as defined in section 3502(5) of title 44).

''(c) Not later than 15 days after the receipt of such materials and information under subsection (b), the Chief Counsel for Advocacy of the Small Business Administration shall—

''(1) identify small entities or representatives of small entities or a combination of both for the purpose of obtaining advice, input, and recommendations from those persons about the potential economic impacts of the proposed rule and the compliance of the agency with section 603; and

''(2) convene a review panel consisting of an employee from the Office of Advocacy of the Small Business Administration, an employee from the agency making the rule, and in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), an employee from the Office of Information and Regulatory Affairs of the Office of Management and Budget to review the materials and information provided to the Chief Counsel under subsection (b).

''(d)(1) Not later than 60 days after the review panel described in subsection (c)(2) is convened, the Chief Counsel for Advocacy of the Small Business Administration shall, after consultation with the members of such panel, submit a report to the agency and, in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), the Office of Information and Regulatory Affairs of the Office of Management and Budget.

''(2) Such report shall include an assessment of the economic impact of the proposed rule on small entities, including an assessment of the proposed rule's impact on the cost that small entities pay for energy, and a discussion of any alternatives that will minimize adverse significant economic impacts or maximize beneficial significant economic impacts on small entities.

''(3) Such report shall become part of the rulemaking record. In the publication of the proposed rule, the agency shall explain what actions, if any, the agency took in response to such report.

''(e) A proposed rule is described by this subsection if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, the head of the agency (or the delegatee of the head of the agency), or an independent regulatory agency determines that the proposed rule is likely to result in—

''(1) an annual effect on the economy of $100,000,000 or more;

''(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, tribal organizations, or geographic regions;

''(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

''(4) a significant economic impact on a substantial number of small entities.

''(f) Upon application by the agency, the Chief Counsel for Advocacy of the Small Business Administration may waive the requirements of subsections (b) through (e) if the Chief Counsel determines that compliance with the requirements of such subsections are impracticable, unnecessary, or contrary to the public interest.''.

SEC. 7. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

''§ 610. Periodic review of rules

''(a) Not later than 180 days after the enactment of the Regulatory Flexibility Improvements Act of 2011, each agency shall publish in the Federal Register and place on its website a plan for the periodic review of rules issued by the agency which the head of the agency determines have a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any adverse significant economic impacts or maximize any beneficial significant economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the agency's website.

''(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years of the date of publication of the plan in the Federal Register and for review of rules adopted after the date of enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years after the publication of the final rule in the Federal Register. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration and the Congress.

''(c) The plan shall include a section that details how an agency will conduct outreach to and meaningfully include small businesses for the purposes of carrying out this section. The agency shall include in this section a plan for how the agency will contact small businesses and gather their input on existing agency rules.

''(d) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to the Congress, the Chief Counsel for Advocacy of the Small Business Administration, and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44) to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination described in paragraph (5) or (6) of subsection (e) and a detailed explanation of the reasons for such determination.

''(e) In reviewing a rule pursuant to subsections (a) through (d), the agency shall amend or rescind the rule to minimize any adverse significant economic impact on a substantial number of small entities or disproportionate economic impact on a specific class of small entities, or maximize any beneficial significant economic impact of the rule on a substantial number of small entities to the greatest extent possible, consistent with the stated objectives of applicable statutes. In amending or rescinding the rule, the agency shall consider the following factors:

''(1) The continued need for the rule.

''(2) The nature of complaints received by the agency from small entities concerning the rule.

''(3) Comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration.

''(4) The complexity of the rule.

''(5) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State, territorial, and local rules.

''(6) The contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (d).

''(7) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

''(f) The agency shall publish in the Federal Register and on its website a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.''.

SEC. 8. JUDICIAL REVIEW OF COMPLIANCE WITH THE REQUIREMENTS OF THE REGULATORY FLEXIBILITY ACT AVAILABLE AFTER PUBLICATION OF THE FINAL RULE.

(a) IN GENERAL.—Paragraph (1) of section 611(a) of title 5, United States Code, is amended by striking ''final agency action'' and inserting ''such rule''.

(b) JURISDICTION.—Paragraph (2) of such section is amended by inserting ''(or which would have such jurisdiction if publication of the final rule constituted final agency action)'' after ''provision of law,''.

(c) TIME FOR BRINGING ACTION.—Paragraph (3) of such section is amended—

(1) by striking ''final agency action'' and inserting ''publication of the final rule''; and

(2) by inserting '', in the case of a rule for which the date of final agency action is the same date as the publication of the final rule,'' after ''except that''.

(d) INTERVENTION BY CHIEF COUNSEL FOR ADVOCACY.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting before the first period ''or agency compliance with section 601, 603, 604, 605(b), 609, or 610''.

SEC. 9. JURISDICTION OF COURT OF APPEALS OVER RULES IMPLEMENTING THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Section 2342 of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (7) the following new paragraph:

''(8) all final rules under section 608(a) of title 5.''.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 2341 of title 28, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) the Office of Advocacy of the Small Business Administration, when the final rule is under section 608(a) of title 5.''.

(c) AUTHORIZATION TO INTERVENE AND COMMENT ON AGENCY COMPLIANCE WITH ADMINISTRATIVE PROCEDURE.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting ''chapter 5, and chapter 7,'' after ''this chapter,''.

SEC. 10. CLERICAL AMENDMENTS.

(a) Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(1) the term'' and inserting the following:

''(1) AGENCY.—The term'';

(2) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(3) the term'' and inserting the following:

''(3) SMALL BUSINESS.—The term'';

(3) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(5) the term'' and inserting the following:

''(5) SMALL GOVERNMENTAL JURISDICTION.—The term''; and

(4) in paragraph (6)—

(A) by striking ''; and'' and inserting a period; and

(B) by striking ''(6) the term'' and inserting the following:

''(6) SMALL ENTITY.—The term''.

(b) The heading of section 605 of title 5, United States Code, is amended to read as follows:

''§ 605. Incorporations by reference and certifications''.

(c) The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following new item:

''605. Incorporations by reference and certifications.'';

(2) by striking the item relating to section 607 and inserting the following new item:

''607. Quantification requirements.''; and

(3) by striking the item relating to section 608 and inserting the following:

''608. Additional powers of Chief Counsel for Advocacy.''.

(d) Chapter 6 of title 5, United States Code, is amended as follows:

(1) In section 603, by striking subsection (d).

(2) In section 604(a) by striking the second paragraph (6).

SEC. 11. AGENCY PREPARATION OF GUIDES.

Section 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended to read as follows:

''(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to distribute such guides. In developing guides, agencies shall solicit input from affected small entities or associations of affected small entities. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.''.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of House Report 112–296. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CRITZ

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 112–296.

Mr. CRITZ. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 10, line 26, insert ''', or the cumulative impact of any other rule stemming from the implementation of the Free Trade Agreements,'' before ''on small entities''.

The CHAIR. Pursuant to House Resolution 477, the gentleman from Pennsylvania (Mr. CRITZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CRITZ. Mr. Chairman, I yield myself as much time as I may consume.

Trade is critical to the growth of small business. A quarter of a million U.S. companies export to foreign markets, the large majority of them small and medium-sized enterprises that employ 500 or fewer workers. In fact, according to the U.S. Chamber of Commerce, more than 230,000 small and medium enterprises now account for nearly 30 percent of U.S. merchandise exports. The number of such companies exporting has more than doubled since 1992 and, according to SBA, 96 percent of the world's customers live outside the U.S., representing two-thirds of the world's purchasing power.

Given this critical role, we need to make sure trade agreements assist small businesses. Trade agreements should help reduce redtape and increase transparency, but too often small businesses lack the resources and foreign business partners available to large companies to navigate through opaque customs and legal systems to reach their customers.

Numerous fees and other nontariff barriers that can be no more than a nuisance to large multinationals can be deal-breakers for small companies. Trade agreements must streamline rules, reduce nontariff barriers, and provide arbitration procedures so that even small U.S. exporters can successfully participate in foreign markets.

□ 1600

Trade agreements must also open up opportunities for small U.S. exporters to compete for foreign government contracts. U.S. companies should be given a fair shake at the important government procurement market in these foreign countries. Such agreements can help to lower the threshold at which contracts must be put out for competitive bid ensuring that even small U.S. companies can be part of the process. Some of those contracts for roads, schools, clinics, distance learning, and medical equipment, for example, can be ideally suited to smaller U.S. companies.

My amendment makes sure that small businesses are not forgotten when trade agreements are implemented. It requires that agencies' regulatory flexibility analyses assess the cumulative impact of any rule stemming from the implementation of a free trade agreement. Doing so will make certain that small firms' voices are part of the process in these important deliberations.

Being part of the process will enable small firms to benefit from trade agreements and use them as a means to access foreign markets and customers. I urge Members to vote ''yes'' on this amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I claim time in opposition to the amendment even though I do not oppose the amendment.

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

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, I support this amendment.

The amendment aims to require an agency to account for rules implementing the free trade agreements when the agency considers the cumulative impact of a proposed rule. I support free trade because I believe it is in the best interest of American business, workers, and consumers alike.

The gentleman from Pennsylvania and I may differ on this issue, but in the context of this amendment, that is beside the point. It can't hurt to make sure that agencies consider the impact of rules implementing the free trade agreements in their regulatory cumulative impact calculations. I don't think the analysis will show that free trade destroys American small businesses. Quite the opposite is true, in fact. But that isn't a reason not to do the analysis. We should know how these kinds of regulations contribute to the cumulative regulatory burden on small businesses.

In conclusion, Mr. Chairman, I do support this amendment and hope to have the gentleman from Pennsylvania's support for the bill on final passage.

I yield back the balance of my time.

Mr. CRITZ. I urge a ''yes'' vote on my amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CRITZ).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 112–296.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, add the following after line 24 and redesignate succeeding sections (and references thereto) accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 613. Exemption for certain rules

''Sections 601 through 612, as amended by the Regulatory Flexibility Improvements Act of 2011, shall not apply in the case of any rule promulgated by the Department of Homeland Security. The provisions of this chapter, as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding after the item relating to section 612 the following new item:

''613. Exemption for certain rules.''.

Page 24, line 13, insert after ''5'' the following: ''(other than rules to which section 613 of title 5 applies)''.

Page 27, lines 5 and 6, strike ''The agency shall'' and insert the following:

''(A) IN GENERAL.—Subject to subparagraph (B), the agency shall''.

Page 27, line 18, strike the quotation marks and second period.

Page 27, add the following after line 18:

''(B) TREATMENT OF CERTAIN RULES.—In the case of any rule promulgated by the Department of Homeland Security, this paragraph as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any such rule, in lieu of subparagraph (A).''.

The CHAIR. Pursuant to House Resolution 477, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise today to call upon the rational and reasonable thinking of my colleagues on both sides of the aisle and really discuss an amendment that speaks the obvious.

The underlying bill puts into process a regulatory scheme that delays the implementation of regulations. Whether you agree or disagree with that approach, we all recognize that securing the homeland continues to be a top priority for this Nation.

I'm standing alongside some of our first responders looking over one of the Nation's major ports. Many who live in those areas recognize the vulnerability of America through her ports or aviation or mass transit or highways or bridges or dams.

Every moment after 9/11 is a new moment in this Nation. My amendment simply says to waive the provisions of this bill, H.R. 527, when it deals with homeland security.

I hold in my hand the National Security Threat List that lists the issues that our Homeland Security Department and intelligence communities have to address. The listing is not classified, so I will mention the many tasks that they have to address: terrorism, espionage, proliferation, the moving forward on the question of economic espionage, targeting the national information structure, cybersecurity. Why would we want to interfere with the movement of regulations to protect the homeland under the premise of this bill?

I ask my colleagues to support the Jackson Lee amendment that would waive the bill's provisions in light of protecting the homeland.

I reserve the balance of my time.

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

The Acting CHAIR (Mr. BISHOP of Utah). The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I will reserve the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentlewoman is recognized for 3 minutes.

Ms. JACKSON LEE of Texas. Let me again appeal to the bipartisanship of my colleagues. This is a very troublesome bill, and this bill interferes with the normal process, if you will, of dealing with the regulatory scheme. Although it's called the Regulatory Flexibility Act, I can assure you that the purpose of this legislation is, one, not to create jobs, and certainly not to help us secure the homeland.

The bill would add new review requirements to an already long and complicated process allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation. This is what Homeland Security regulations would have to go through.

Since the creation of the Department of Homeland Security in 2002 and since my membership on the committee that was a select committee, we've overhauled the government in ways we've never done before. Steps have been taken to ensure that the communication failures that led to 9/11 are corrected.

More than 220 million tons of cargo moved, for example, through the Port of Houston in 2010. That cargo has to be inspected. And the port ranked first in foreign waterborne tonnage for the 15th consecutive year. Just imagine a regulation dealing with the scanning or the security of that tonnage to be interfered with by H.R. 527.

If Coast Guard intelligence had evidence of a potential attack on the Port of Houston and they wanted the Department of Homeland Security to address it or they used a regulation or there was a regulation in process, then it would have to be stopped by this legislation.

It is important to recognize that homeland security is not security by appointment. It is not security by ''let me address regulations by having them vetted by H.R. 527.''

This is a commonsense amendment that simply says, as it deals with the homeland security or the securing of our Nation as we look to be better than what occurred in 9/11 where agencies were not communicating with each other, where the fault of the cybersecurity system did not work, and we had the heinous tragedy of losing 3,000-plus of our souls in New York City. As we see the franchising of terrorism where there is the shoe bomber and the Christmas Day bomber and the Times Square bomber, it's important not to have a fettered Homeland Security Department in a regulatory process that is stopped by overlying legislation.

This legislation is a job-killer, we already know. Let's not let it be a killer of Americans because it gets in the way of Homeland Security efforts doing the work that is necessary.

I ask my colleagues to support the Jackson Lee amendment that asks simply for a waiver of this legislation as it addresses the question of securing the homeland and the regulatory scheme that is needed by intelligence agencies, our Border Patrol agencies, our TSOs that deal with aviation security, our cargo inspectors. As it relates to that work, our front line, let us waive this legislation.

Mr. Chair, I rise today in support of my amendment to H.R. 527, the Regulatory Flexibility Improvements Act of 2011. This bill would amend the Regulatory Flexibility Act, RFA. The bill would expand the number of rules covered by the RFA and requires Federal agencies to perform additional analysis of regulations that affect small businesses.

As a senior member of the Homeland Security and ranking member of the Transportation Security Subcommittee, I am very concerned about any legislation that would hinder the Department of Homeland Security's ability to respond to an emergency, which is why the Department of Homeland Security, DHS, should be exempt from this legislation.

This bill delays the promulgation of federal regulations, and delays a Federal agency's ability to issue regulations when responding to an emergency and grants the Small Business Administration's, SBA, Office of Advocacy additional authority to intervene in agency rulemaking, without providing additional funding. Further, H.R. 527 repeals an agency's authority to waive regulatory analysis during an emergency.

The bill would add new review requirements to an already long and complicated process, allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation that would add more costs and delays to the rulemaking process, potentially putting the lives, health and safety of millions of Americans at risk.

The Department of Homeland Security simply does not have the time to be hindered by frivolous and unnecessary litigation, especially when the safety and security of the American people are at risk.

According to a study conducted by the Economic Policy Institute, public protections and regulations ''do not tend to significantly impede job creation'', and furthermore, over the course of the last several decades, the benefits of Federal regulations have significantly outweighed their costs.

There is no need for this legislation, aside from the need of some of my colleagues to protect corporate interests. This bill would make it more difficult for the government to protect its citizens, and in the case of the Department of Homeland Security, it endangers the lives of our citizens.

In our post 9/11 climate, homeland security continues to be a top priority for our Nation. As we continue to face threats from enemies foreign and domestic, we must ensure that we are doing all we can to protect our country. The Department of Homeland Security cannot react to the constantly changing threat landscape effectively if they are subject to this bill.

Since the creation of the Department of Homeland Security in 2002, we have overhauled the government in ways never done before. Steps have been taken to ensure that the communication failures that led to 9/11 do not happen again. The Department of Homeland Security has helped push the United States forward in how we protect our Nation. Continuing to make advances in homeland security and intelligence is the best way to combat the threats we still face.

Hindering the ability of DHS to make changes to rules and regulations puts the entire country at risk. As the Representative for the 18th District of Texas, I know about vulnerabilities in security firsthand. The Coast Guard, under the directive of the Department of Homeland Security, is tasked with protecting our ports of entry. Of the 350 major ports in America, the Port of Houston is one of the busiest.

More than 220 million tons of cargo moved through the Port of Houston in 2010, and the port ranked first in foreign waterborne tonnage for the 15th consecutive year. The port links Houston with over 1,000 ports in 203 countries, and provides 785,000 jobs throughout the state of Texas. Maritime ports are centers of trade, commerce, and travel along our Nation's coastline, protected by the Coast Guard, under the direction of DHS.

If Coast Guard intelligence has evidence of a potential attack on the port of Houston, I want the Department of Homeland Security to be able to protect my constituents, by issuing the regulations needed without being subject to the constraints of this bill.

The Department of Homeland Security deserves an exemption not only because they may need to quickly change regulations in response to new information or threats, but also because they are tasked with emergency preparedness and response.

There are many challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to deal with hurricanes directly reflects our ability to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak.

On any given day the City of Houston and cities across the United States face a widespread and ever-changing array of threats, such as: terrorism, organized crime, natural disasters and industrial accidents.

Cities and towns across the nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across Federal, State, local, tribal, and territorial governments, nongovernmental organizations, and the private sector. We can hinder the Department of Homeland Security's ability to protect the safety and security of the American people.

This bill expands the review that agencies must conduct before issuing new regulations and the review they must conduct of existing rules to include an evaluation of the ''indirect'' costs of regulations, and grants the SBA authority to intervene in agency rulemaking. The measure also expands the ability of small businesses and other small entities impacted by an agency's regulations to challenge those rules in court.

Under current law, the process already takes as long as eight years to complete. Given the nature of its mission, the Department of Homeland Security is the last agency that needs to be subject to more levels of regulation and scrutiny. Some advocates groups also have expressed concern that by extending the rulemaking process, regulatory uncertainty could increase, which may make it more cost effective for agencies to seek enforcement through the courts, and thereby reduce the public's ability to participate in the process.

These costs add to the cost of doing business with the Department of Homeland Security, and eat away at the profits of our businesses, particularly our small businesses which often are not as equipped to absorb additional costs. Moreover, many businesses dealing with national security have higher costs because of expensive equipment, and as such are already working with lower profit margins.

The prolonged or indefinite delay of these life saving regulations threaten the security, stability, and the delivery of vital services to the American people. I cannot speak for my colleagues on the other side of the aisle, but I certainly do not want to slow the promulgation of regulations to a drip.

I have offered this amendment to mitigate the uncertainty regarding federal laws and rulemaking in the area of national security because of the increased urgency when dealing with these often sensitive matters. The Department of Homeland Security is the newest federal agency, and as such already is subject to pioneering levels of oversight and scrutiny.

I urge the Committee to make my amendment in order to ensure that life saving regulations promulgated by the Department of Homeland Security are not unnecessarily delayed by this legislation.

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

The bill only requires agencies to do what common sense and current laws dictate they should be doing right now. The Department of Homeland Security is not exempt from the Regulatory Flexibility Act. Like other agencies, the Department should analyze how a new regulation will affect small businesses before issuing the regulation. If the Department needs to issue a regulation in a true emergency situation, such as one involving national security, it can already do so under the ''good cause'' exception to notice-and-comment rulemaking in the Administrative Procedure Act. This good cause exception would allow the agency to bypass the analysis required by the Regulatory Flexibility Act as well.

As written, the amendment would exempt the Department from H.R. 527 but not from the Regulatory Flexibility Act, itself. The result of this would be two versions of the Regulatory Flexibility Act at play in the Federal Government—one for the Department and one for everyone else.

Small businesses do not need any more confusion and uncertainty when they are trying to participate in the Federal regulatory process.

For these reasons, I oppose the amendment, and I yield back the balance of my time.

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

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

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 3 OFFERED BY MR. COHEN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 112–296.

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, add the following after line 24 and redesignate succeeding sections (and references thereto) accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 613. Exemption for certain rules

''Sections 601 through 612, as amended by the Regulatory Flexibility Improvements Act of 2011, shall not apply in the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality. The provisions of this chapter, as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding after the item relating to section 612 the following new item:

''613. Exemption for certain rules.''.

Page 24, line 13, insert after ''5'' the following: ''(other than rules to which section 613 of title 5 applies)''.

Page 27, lines 5 and 6, strike ''The agency shall'' and insert the following:

''(A) IN GENERAL.—Subject to subparagraph (B), the agency shall''.

Page 27, line 18, strike the quotation marks and second period.

Page 27, add the following after line 18:

''(B) TREATMENT OF CERTAIN RULES.—In the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality, this paragraph as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any such rule, in lieu of subparagraph (A).''.

The Acting CHAIR. Pursuant to House Resolution 477, the gentleman from Tennessee (Mr. COHEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

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

My amendment would exempt from this particular bill the rules it has when it relates to food safety, workplace safety, consumer product safety, air quality, and water quality—things we all hold dear, things that will be jeopardized if this bill passes.

As I noted in my opening remarks, this threatens to halt agencies' ability to promulgate rules by adding analytical requirements and numerous opportunities for industry to challenge agency rulemaking. Yet you should be able to challenge agency rulemaking, but courts shouldn't be able to summarily throw them out based on a lack of knowledge that they have of an area in which the agencies are really expert, but that's what would happen.

The societal cost of enacting H.R. 527 would be to place public health and safety at risk. As we enter this holiday season, it would be well to remember that the reason we take for granted that the food we eat and the water we drink—and the drinks we drink—at all our holiday dinners and receptions won't kill us or sicken us is because of effective rulemaking. Likewise, because of strong regulations, we can take for granted that toys given to our children or grandchildren won't poison them; but the consequences of failing to regulate can be dire.

In 2006 24-year-old Jillian Castro became gravely ill after eating spinach tainted with E. coli bacteria. Her organs were rapidly deteriorating; her kidneys were failing; her red blood cells and platelets were dropping rapidly; and she nearly died.

According to the best available estimates by public health and food safety experts, millions of illnesses and thousands of deaths each year in this country can be traced to contaminated food.

The Centers for Disease Control and Prevention estimates that foodborne microorganisms have caused 48 million illnesses, 128,000 hospitalizations, and 3,000 deaths. Many of these could be avoided with the proper regulations of food and drug. That's why I ask that food safety be eliminated from this

bill, because it will be expensive to treat these people, let alone the fact that they will die. The CDC estimates that salmonella alone affects a million people a year. Just today, the Food and Drug Administration issued a recall of grape tomatoes because of potential salmonella contamination.

Other recent examples of regulatory failure include the Listeria-tainted cantaloupes that killed 29 people across the country in October. Pedal entrapment issues that cause cars to accelerate unexpectedly resulted in Toyota's recall of nearly 2 million vehicles. There was Mattel's recall of nearly a million toys in 2007 because the toys were covered in lead paint. There are other examples of this.

Public health and safety precautions have been on the books for a long time and were passed with bipartisan support. The fact is there were more regulations during President Bush's term than there were overall in President Obama's when you calculate the time they've been in office. Yet there was no call to cut back when President Bush was in office. It's only since President Obama has been in office.

The Pure Food and Drug Act was enacted in 1906 by Teddy Roosevelt, then the Food, Drug and Cosmetics Act in 1938. The Clean Air Act and the Occupational Safety and Health Act were enacted in 1970 when Richard Nixon was President. The Clean Water Act was enacted in 1977. They've served our country well for many years.

If H.R. 527 is enacted without adopting this amendment, we can no longer take protections from these harms for granted because, in the future, agencies will be hamstrung from passing regulations to protect the public.

I would urge us to pass this amendment and to protect our workers, our consumers, our small businesses, and our small business people when they eat their breakfasts, their lunches and their dinners, when they buy toys for their children and their grandchildren, when they drive their cars, and when they work in their workplaces.

I yield back the balance of my time and ask for a positive vote.

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

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

Mr. SMITH of Texas. Mr. Chairman, even the President and his regulatory czar, Professor Cass Sunstein, admit that over-regulation hampers job creation. The Regulatory Flexibility Act of 1980 is based on the fact that regulatory compliance is especially costly for small businesses, which are America's main job creators. In this economy, we have no room for error when it comes to over-regulation.

The bill ensures that all agencies follow the Regulatory Flexibility Act. H.R. 527 does not ask agencies to do anything that they should not be doing already right now.

There is no reason to create the blanket exemptions proposed by this amendment. There are no such exemptions currently in the Regulatory Flexibility Act for the categories of rules described in the amendment. Further, the amendment would create tremendous confusion among agencies and small businesses regarding which version of the law would apply to a future rulemaking. We need less confusion and uncertainty, not more, in the regulatory process.

If the amendment stems from a concern about the ability of agencies to make rules in emergency situations, I would note once again that agencies may avail themselves of the ''good cause'' exception to the notice-and-comment rulemaking process already in the Administrative Procedure Act. If an agency justifiably invokes this exemption, it will not have to conduct the analysis required under the Regulatory Flexibility Act.

For these reasons, I oppose this amendment, and I yield back the balance of my time.

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

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

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 112–296.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 27, insert after line 18 the following:

SEC. 12. EXCEPTION FOR CERTAIN RULES.

Chapter 6 of title 5, United States Code, 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996, section 2341 of title 28, United States Code, and section 2342 of such title, as amended by this Act, shall not apply in the case of any proposed rule, final rule, or guidance that the Director of the Office of Management and Budget determines will result in net job creation. Chapter 6 of title 5, United States Code, 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996, section 2341 of title 28, United States Code, and section 2342 of such title, as in effect before the enactment of this Act shall apply to such proposed rules, final rules, or guidance, as appropriate.

Page 1, in the matter preceding line 6, insert after the item relating to section 11 the following:

Sec. 12. Exception for certain rules.

The Acting CHAIR. Pursuant to House Resolution 477, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. Mr. Chairman, I yield myself such time as I may consume.

There is no question that Congress must act immediately to help our Nation's small businesses succeed, create jobs and boost our economy. Unfortunately, instead of moving commonsense legislation to extend the payroll tax cuts for middle class families and enacting the American Jobs Act to help small businesses afford new hires and investments, we are today considering H.R. 527, the Regulatory Flexibility Improvements Act.

This legislation, while well intentioned, is a step in the wrong direction. In addition to making it more difficult for agencies to take action to protect workers and the public, it will also slow down agency guidance that could help create certainty and spur job creation. This bill will create ''paralysis by analysis'' by subjecting any action an agency proposes to a lengthy regulatory process. Even agency guidance issued to small businesses clarifying how well they can comply with existing rules will be slowed down considerably.

This is why I've put forward an amendment to improve this bill and to cut through the additional red tape that it creates when it matters most, which is when new jobs are on the line. My amendment simply says that the new administrative hurdles that this bill creates will not apply to any rule, final rule or guidance that the Director of OMB determines will result in net job creation.

□ 1620

While my Republican colleagues keep repeating the story that new regulations are slowing down our economic growth, this simply isn't the case. A recent study by the National Federation of Independent Businesses of its members found that ''poor sales,'' and not regulation, is the biggest problem facing businesses today.

Effective regulations can promote job growth and put Americans back to work. As someone living in southeast Michigan, I have seen firsthand the way increased fuel economy standards have made American autos more competitive while also saving drivers money on gas and helping our environment. According to the United Auto Workers and the National Resources Defense Council, these new standards have already led to the creation of more than 100,000 jobs.

Whether it is providing small businesses with the guidance they need so that they can have the certainty while making investment and hiring decisions or enacting environmental reforms to help bring about the next generation of green technology, the Federal Government cannot waste any more time dragging its feet when it comes to job creation.

For years, my friends on the other side of the aisle have repeatedly railed against government red tape. But let's be clear: If they oppose this amendment, they will, in fact, be voting to

create more red tape and stymie small business job creation.

I urge my colleagues to support this commonsense, pro-jobs amendment.

I reserve the balance of my time.

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

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

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The Acting CHAIR. The gentleman from Michigan has 2 minutes remaining.

Mr. PETERS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Thank you, Mr. Chairman.

First of all, I would like to point out that the National Federation of Independent Business actually does support this legislation. I also would like for the record to show that a recent Gallup poll taken on October 24 of this year said that small business owners themselves cite ''complying with government regulations'' as their most important problem. Now, that's why we are here today.

Mr. Chairman, I oppose this amendment because it puts the cart before the horse. The reason we require agencies to conduct regulatory flexibility analysis is so the agencies and the public will know how a new regulation will affect small businesses before the agency issues the regulation.

The amendment would exempt from the Regulatory Flexibility Act any rule that would result in net job creation. We certainly know that regulations can destroy jobs. Even the administration acknowledges that.

Whether regulations can ever truly create jobs is another question all together. Assuming that a regulation could create jobs, an agency will not know this without analysis first, which is what the bill requires agencies to do.

There is no good reason to transfer this responsibility to conduct this analysis from the agency, themselves, to the Office of Management and Budget, as the amendment proposes.

For these reasons, I oppose the amendment, and I yield back the balance of my time.

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

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

Mr. PETERS. Mr. Chairman, I demand a recorded vote.

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

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

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 112–296.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

SEC. 12. GAO REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report on the cost effectiveness of the amendments made by this Act. Such report shall include the following:

(1) A list of all additional costs and resources that each agency will have to expend to carry out this Act and the amendments made by this Act.

(2) The effect of this Act and the amendments made by this Act on the efficiency of the rule making process (including the amount of time required to make and implement a new rule).

(3) To what extent this Act or the amendments made by this Act will impact the making and implementation of new rules in the event of an emergency.

(4) The overall effectiveness of this Act or the amendments made by this Act (including the extent to which agencies are in compliance with the Act or the amendments to the Act).

The Acting CHAIR. Pursuant to House Resolution 477, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I would like to think that our colleagues are in their offices communicating with their constituents and doing much of the work that we do and writing probably other great legislative initiatives, and they are paying attention to this debate and they keep hearing the words ''small businesses'' and they want to know why would any of us have a disagreement about small businesses when we have, I think, a consensus that small business are in fact the backbone of America; they are the job creators of America.

I recall many of us have initiatives. I have an initiative of visiting small businesses. Just a couple of weeks ago, I donned the clothing of a medical practice. I went to a beauty school and tried to do a little bit of hair design. I went to an energy company. I went on to a small export-import company, and I stood out as a safety officer for a construction company owned by a single mother.

So we all speak the language of small businesses. And you would think that my good friends on the other side of the aisle would have looked more closely at how damaging H.R. 527 is because, for those who may be listening in their offices and others, right now you have a three-agency framework of reviewing regulations dealing with small businesses.

Now you're going to include that all the agencies have to get into the act in stifling small businesses' activities and their growth and opportunity. Remember now, right now we have three, and then we're going to open up the lot so that every agency now has to go through a regulatory process to determine its impact on small businesses. It expands the use of small business review panels to review rules promulgated by all agencies to include all major rules, and some of these, of course, having the positive impact on our small businesses.

What is the significant economic impact? Nobody knows. It forces agencies to engage in wasteful, speculative analysis. It imposes an absurd and wasteful requirement on those agencies.

So I have a simple amendment. Ask the question beforehand: What is the economic impact of all of this vast new inclusion of other agencies to come down on our small businesses? It requires my amendment, a GAO study, to determine the cost of carrying out this bill and the effect it will have on Federal agency rulemaking. Simple, bipartisan amendment, I ask my colleagues to join me in supporting it.

I reserve the balance of my time.

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

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

Mr. SMITH of Texas. Mr. Chairman, I am prepared to close; so I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from Texas has 2½ minutes remaining.

Ms. JACKSON LEE of Texas. I thank the gentleman.

Let me just continue looking for bipartisanship. I am hoping that I can convince my friend from Texas to not desire to have a can of worms, a potpourri of agencies coming out with the hand of oppression on small businesses.

This is a simple question that I'm asking. The GAO, the Government Accountability Office, simply would be asking the question: What is the significant economic impact on a substantial number of small entities which will greatly slow down the rulemaking process and substantially empower other competitors to small business to throw sand in the gears of rulemaking that will help small businesses, women-owned businesses, minority-owned businesses, disabled veterans?

What is the reason for not agreeing to an important study? It forces agencies to again engage in wasteful, speculative analysis, including an assessment of all reasonably foreseeable indirect economic effects.

We can do it ahead of time. Will this kill jobs is the question. It expands judicial review to include all agency actions and not just final agency action.

Mr. Chairman, can we not find an opportunity to come together on this? I would much rather have a report to tell me how many small businesses will shut down waiting for agency review of the rules that would be helpful to them.

Have we engaged with the Small Business Committee? Has anyone

asked the ranking member of that committee, even the chairman of that committee, who are champions of small business? I don't think I have seen the chairperson, but I have seen the ranking member, who listens to small businesses across the country. If there is a regulation that is going to help a small business, this bill kills it.

The small businesses are hanging on for dear life. Pass the rule. Pass the rule. Now you have put in all these agencies, dilly-dallying around trying to be able to find a way to stifle the growth of the small business.

Mr. Chairman, common sense tells Members that it doesn't hurt to have just this one bipartisan effort to get the answer of the economic impact beforehand. Down in Texas we say, close the barn door before the cow gets out, or the cart before the horse, the horse before the cart. We've got all of that. We've got confusion.

I am simply having a simple amendment that would allow the GAO to report on how we can better serve our small businesses and create the jobs that are necessary. I ask my colleagues, including Mr. SMITH, to support this amendment.

Mr. Chair, I rise today in support of my amendment to H.R. 527, the ''Regulatory Flexibility Improvements Act of 2011.'' My amendment would require a GAO study to determine the cost of carrying out this bill and the effect it will have on federal agency rulemaking. In addition, the report must contain information on the impact of repealing the ability of an agency to waive provisions in the Regulatory Flexibility Act when responding to an emergency.

This bill would amend the Regulatory Flexibility Act of 1980 in such a manner that it would result in significant delays in the agency rule-making processes by mandating multi-agency analyses of both direct and indirect costs for rules proposed or finalized by a single agency.

My amendment simply requires that the Comptroller General, within 2 years after the enactment of the legislation, issue a report to Congress on the cost effectiveness of the changes implemented by this Act.

The report would list all additional costs and resources that each agency will have to expend to carry out this Act and the amendments made by the Act.

It would also show the effect of this Act and its amendments on the efficiency of the rule making process, including the amount of time required to make and implements a new rule.

This study would report on any impact that this Act or its amendments would have on the ability to implement new agencies in the event of an emergency. Lastly, this study would examine the overall compliance of agencies with the Regulatory Flexibility Improvement Act (RFIA).

By requiring that multiple agencies conduct detailed economic analyses of a rule proposed by a single agency, each agency will have to expend time and resources to uncover the indirect economic effects of the proposed rule. This is unduly burdensome on a process that is already sufficient in length, as rules currently require a 30 day period after publication prior to effectiveness.

There is one overarching problem with H.R. 527. Although it claims to make improvements, one thing it does not do is provide the needed clarification that the GAO has repeatedly pointed out, and that the agencies have asked for.

In the past, there have been GAO reports showing incidents of agency noncompliance with the current regulatory flexibility rules for rule making. The reports cited that this noncompliance is due largely to confusion surrounding the meaning of ''significant economic impact on a substantial number of small entities.'' Agencies have expressed the need to better clarification of this clause to aide them in determining when rule making analysis and review is necessary.

Another part of this expanded review and analysis called for in H.R. 527 that concerns me is the potential it has to impede upon emergency rulemaking. Every so often, there are instances when an agency has to implement a new rule or regulation in response to an emergency. Under the current law, there is an exception allowing agencies to bypass the review process in the event of an emergency. The provisions of this bill cloud that exception.

Furthermore, the rule-making process is made more cumbersome and expensive by requiring multi-agency review. If the purported reason for amending the Regulatory Flexibility Act with this bill is to save the American taxpayers money by including provisions requiring analyses of direct and indirect effects of proposed rules, then it should follow that the costs of implementing such provisions should not outweigh the benefits they provide.

My amendment will ensure just that by requiring the Comptroller General to issue a report to Congress that includes (1) the additional costs and resources that each agency must expend to maintain compliance with this Act, (2) an analysis of the effect that this Act has on the efficiency of the rule-making process, and (3) an analysis of the potential difficulties that may arise in an emergency situation in which an agency must implement new rules.

If the process by which government agencies create rules is changed to require the disclosure of all costs associated with a proposed rule, then shouldn't the Act that makes such changes have its own costs to the American taxpayers disclosed? My amendment will ensure that this disclosure is made to the public upon this legislation's enactment.

I yield back the balance of my time.

□ 1630

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

I oppose this amendment because it is unnecessary and would result in a biased study by the Government Accountability Office.

The study proposed by the amendment focuses excessively on costs to agencies to comply with the Regulatory Flexibility Act, and how the bill would affect agencies' abilities to pass new regulations. The study would not focus enough on how the bill would benefit small businesses and lead to better regulations, which is where our focus should be.

It is worthwhile to require agencies to finally comply with the law. That is especially true if it means that agencies will reduce unnecessary regulatory burdens and free small businesses to create jobs.

In the future, I certainly would like to know whether agencies comply with the Regulatory Flexibility Act as amended by this bill, or whether they remain disobedient. This amendment, however, favors the idea that the bill places too heavy of a burden on regulators.

Fundamentally, the purpose of the Regulatory Flexibility Act is to reduce the regulatory burden on small businesses, not on agencies. Job creators, not job regulators, are the key to our economic recovery.

Mr. Chairman, for these reasons, I oppose the amendment, and I yield back the balance of my time.

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

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

Ms. JACKSON LEE of Texas. I demand a recorded vote.

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

AMENDMENT NO. 6 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 112–296.

Mr. JOHNSON of Georgia. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of the bill the following:

SEC. 12. APPLICATION WITH REGARD TO CERTAIN STATUTE.

None of the amendments made by this Act shall apply to any rule making to carry out the FDA Food Safety Modernization Act (21 U.S.C. 2201 note).

The Acting CHAIR. Pursuant to House Resolution 477, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in support of my amendment to this hazardous and radioactive bill called the Regulatory Flexibility Improvements Act.

Now, I want this body to consider my amendment to the bill for the following reason: The FDA Food Safety Modernization Act became law in January of this year, January 4, 2011. It was necessitated by a continuing series of incidents, such as the October 2009 Stephanie Smith incident, which I will tell you a little bit about. She's a children's dance instructor from Minnesota. She became partially paralyzed from E. coli. According to a New York Times article, ''The frozen hamburgers that the Smiths ate, which were made

by the food giant Cargill, were labeled 'American Chef's Selection Angus Beef Patties.' Yet confidential grinding logs and other Cargill records show that the hamburgers were made from a mix of slaughterhouse trimmings and a mash-like product derived from scraps that were ground together in a plant in Wisconsin. The ingredients came from slaughterhouses in Nebraska, Texas, and Uruguay, and from a South Dakota company that processes fatty trimmings and treats them with ammonia to kill bacteria.'' Stephanie has sued Cargill, and I know that many of my colleagues on the other side of the aisle would want to limit her ability to recover for this injury through misguided so-called tort reform.

But getting back to this matter, this amendment is simple. It would ensure that Americans have access to safe and untainted food. It would create an exception for any rulemaking that seeks to carry out the FDA Food Safety Modernization Act.

Every year one in six Americans gets sick from foodborne diseases. The FDA Food Safety Modernization Act enables the FDA to better protect public health by strengthening the food safety system.

This bill would make it virtually impossible for Federal agencies to protect public health and safety. Nobody likes to be tied up in redtape, but this bill would bring regulations to a halt and make it virtually impossible to enact new regulations. Currently, rulemaking agencies must make an analysis for every new rule that would have significant economic impact on a substantial number of small entities, such as small businesses.

However, agencies have the authority to waive or delay this analysis in emergency situations. Now, this bill, Mr. Chairman, would require agencies to determine the indirect costs a rule has on a business, and repeal the authority of an agency to waive or delay this analysis in response to an emergency that makes timely compliance impractical or imprudent.

This summer there was a listeria outbreak linked to cantaloupes that sickened 139 people and killed 29. Just today, The Washington Post reports that Consumer Reports released an alarming study that found high levels of arsenic in samples of apple juice. Consumer Reports is now calling on the FDA to set standards for arsenic levels for apple and grape juices.

The Consumer Reports Group is now suggesting that parents restrict juice consumption to children up to 6 years old to no more than 6 ounces per day. For older children, it recommends no more than 8 to 12 ounces a day.

Now is not the time to hamper agencies, such as the FDA, that are charged with keeping the American public safe. If there is a legitimate concern that our food supply may be tainted, the FDA needs the authority to act quickly and without delay. It's essential that the FDA have the ability to conduct inspections as well as prevention programs without having to go through speculative paralysis of analysis of a proposed rule, nor should the FDA be forced to justify existing rules.

Mr. Chairman, I urge support for my amendment, and I yield back the balance of my time.

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

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

Mr. SMITH of Texas. I oppose this amendment because it carves out an exception to the bill for regulations under the Food and Drug Administration.

If agencies were doing the depth of pre-regulatory analysis they are supposed to be doing under the Regulatory Flexibility Act, then we wouldn't be here today.

Small businesses create jobs, and jobs are the key to economic recovery. To help small businesses—like minority-owned restaurants, for example—create jobs, we need to reduce, not increase, the regulatory burden on them.

The FDA is not currently exempt from the Regulatory Flexibility Act, so it makes no sense to exempt the FDA from the bill, either.

This amendment also would create confusion within the FDA by exempting only its responsibilities under the Food Safety Modernization Act from this bill. There should not be two versions of the Regulatory Flexibility Act in play at the FDA.

For these reasons, I oppose the amendment, and I yield back the balance of my time.

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

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

Mr. JOHNSON of Georgia. I demand a recorded vote.

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

□ 1640

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 112–296 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Ms. JACKSON LEE of Texas.

Amendment No. 3 by Mr. COHEN of Tennessee.

Amendment No. 4 by Mr. PETERS of Michigan.

Amendment No. 5 by Ms. JACKSON LEE of Texas.

Amendment No. 6 by Mr. JOHNSON of Georgia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 244, not voting 16, as follows:

[Roll No. 874]

AYES—173

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

NOES—244

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks

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

NOT VOTING—16

Bachmann
Bartlett
Chu
Cleaver
Deutch
Doyle
Filner
Flores
Frank (MA)
Giffords
Gonzalez
Grijalva
Hartzler
Paul
Schmidt
Webster

□ 1707

Messrs. CANSECO, McCLINTOCK, BILBRAY, GERLACH, and CUELLAR changed their vote from ''aye'' to ''no.''

Messrs. CROWLEY and McDERMOTT changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. CHU. Mr. Chair, on rollcall vote 874, on the Jackson Lee Amendment to H.R. 527, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. FILNER. Mr. Chair, on rollcall 874, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 3 OFFERED BY MR. COHEN

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 248, not voting 14, as follows:

[Roll No. 875]

AYES—171

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

NOES—248

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

NOT VOTING—14

Bachmann
Bartlett
Deutch
Donnelly (IN)
Doyle
Eshoo
Filner
Flores
Giffords
Hartzler
Markey
Paul
Pelosi
Schmidt

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1712

Mr. BISHOP of Georgia changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 875, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. PETERS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 243, not voting 11, as follows:

[Roll No. 876]

AYES—179

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

NOES—243

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

NOT VOTING—11

Akin
Bachmann
Bartlett
Deutch
Doyle
Filner
Giffords
Hartzler
Paul
Pelosi
Schmidt

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1716

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 876, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

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

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 250, not voting 11, as follows:

[Roll No. 877]

AYES—172

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

Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—250

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

NOT VOTING—11

Bachmann
Bartlett
Conyers
Deutch
Doyle
Filner
Giffords
Grijalva
Hartzler
Paul
Schmidt

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1719

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 877, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 6 OFFERED BY MR. JOHNSON OF GEORGIA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 250, not voting 13, as follows:

[Roll No. 878]

AYES—170

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

NOES—250

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

NOT VOTING—13

Bachmann
Bucshon
Deutch
Doyle
Filner
Garamendi
Giffords
Gonzalez
Hartzler
Paul
Reed
Rogers (KY)
Schmidt

□ 1724

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 878, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The Acting CHAIR (Mr. GARDNER). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BISHOP of Utah) having assumed the chair, Mr. GARDNER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, and, pursuant to House Resolution 477, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I have a motion to recommit at the desk.

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

Ms. LORETTA SANCHEZ of California. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Loretta Sanchez of California moves to recommit the bill H.R. 527 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end of the bill the following:

SEC. ___. PROTECTING INCENTIVES FOR SMALL BUSINESSES TO HIRE VETERANS.

This Act and the amendments made by this Act shall not apply to rule makings or revisions of rules, if such rule makings or revisions are for purposes of providing incentives to small businesses (as such term is defined in chapter 6 of title 5, United States Code) for hiring veterans (as such term is defined in section 101(2) of title 38).

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. I rise today to offer a final amendment to H.R. 527 that, if passed, will allow the bill to be brought back promptly to take a vote for final passage. Mr. Speaker, this final amendment is noncontroversial and aims to do one simple thing: to protect the incentives that assist small businesses to hire veterans. This amendment comes at a very critical time for our small businesses and for our veterans.

Several weeks ago, this House did something that most of America doesn't believe we do anymore. We came together, all of us—Republicans and Democrats. We voted on a bill, and we passed a bill together, unanimously, the VOW to Hire Heroes Act of 2011.

The bill pushes key provisions, like providing small businesses with incentives so that they will hire veterans who have been unable to find employment. As a new law, the tax credits that we offer in that VOW bill would require additional regulations to be implemented in order for small businesses to begin to hire our veterans. Our veterans need jobs—not tomorrow, but now. Yet this bill, the one we are considering right now, sets up many new hurdles and delays for new regulations, like those needed for the implementation of the VOW to Hire Heroes Act.

In a little more than 2 weeks, we went from a 422–0 vote with that VOW Act to now potentially hindering our small businesses from hiring veterans.

□ 1730

However, we have a chance to fix that. We have a chance to fix that right now, and we have a chance to fix it and to bring back this vote promptly, to bring this bill and vote it today.

So I ask my colleagues, especially those on the other side, what are your priorities? I know what my priorities are. My priorities are to small businesses and my priorities are to our veterans who have fought for this Nation.

Mr. Speaker, if my colleagues on the other side truly believe that small businesses are what create the jobs in America, then we can fix this bill by voting for my amendment. If you believe that our veterans should not have to fight for a job after having fought for our country, then we can fix this bill by voting for my amendment.

If my colleagues believe that the over 250,000 unemployed veterans under the age of 35 deserve a job, then we can fix this bill by voting for my amendment.

I know what this side of the aisle believes. We know what the choice is. It's about small businesses creating jobs and hiring these brave men and women.

We want our small businesses to have those incentives so that they can hire our veterans now, not next year or the following year—now. We need jobs now.

The bill itself raises a lot of regulations and hurdles to new implementation, but now we can fix the bill, and we can help our veterans and our small businesses. It's our duty here in Congress to look after those who have looked after the people of this country.

My final amendment does this by ensuring that we allow those regulations that are needed to protect these incentives for the small businesses who want to hire veterans. I would have no doubt—I would never think that my colleagues on any side of the aisle would want to intentionally hinder the hiring of veterans, especially after I saw that unanimous vote right before Thanksgiving. Remember that—we finally did something together.

So I ask all of you, let's do the right thing. Will you stand with our veterans and small businesses and protect those incentives that we voted for 2 weeks ago? If you believe it's the right thing to do, then you will vote for this amendment.

If you believe that a 21 percent unemployment rate for our young male veterans between the ages of 18 and 24 is too high, then you will vote for my amendment to ensure those incentives to hire our veterans will be in place.

I want to make clear once more to my colleagues on the other side of the aisle; a ''yes'' vote on my amendment will not prevent this bill from being voted on today.

If adopted, it will be incorporated into the bill and voted on for final passage.

I ask my colleagues to do the right thing, to fight for protecting the incentives that will allow our veterans to be hired by small businesses.

Regardless of how either aisle feels about the underlying bill, I know this chamber can make the right choice by voting ''yes'' on my amendment.

Mr. GOWDY. Mr. Speaker, I rise in opposition to the motion to recommit.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. The President in this very Chamber said we should have no more regulation than is necessary for the health, safety, and security of the American people. Mr. Speaker, the President in this very Chamber conceded overregulation has stifled innovation and chilled growth and jobs. Professor Cass Sunstein, hardly a conservative acolyte, said we must take aggressive steps to eliminate unjustified regulatory burdens, especially in today's economic environment.

Mr. Speaker, 43 percent of the payroll in this country comes from small business, two-thirds of all the jobs created in the last two decades come from small business. Small business, Mr. Speaker, is the backbone of this economy and the single best way for all Americans, veterans included, but all Americans, to experience the majesty of the American Dream.

So one would think that our colleagues would storm the aisle to join us in providing relief to small business, including veterans. One might think our colleagues would help us rush to form a phalanx against an overreaching regulatory apparatus.

So, Mr. Speaker, let's stop using veterans as political footballs and start

helping all Americans, including veterans. The Regulatory Flexibility Improvement Act of 2011 is a logical reform. It simply asks agencies to do the kind of pre-regulatory analysis they should have been doing anyway. Frankly, the bill seeks to enact much of what the President claims he wants with respect to regulatory reform, since small business creates most of our jobs.

Since regulatory compliance costs are higher for them than for larger competitors, Congress passed the RFA of 1980 requiring agencies to analyze regulations in advance. Hardly a revolutionary idea, Mr. Speaker. Know the consequences of your actions before you act, especially when it comes to having a chilling effect on job creation.

But the experience over the last 15 years has shown the law needs to be reformed, Mr. Speaker, and updated because agencies aren't getting the message.

This bill requires agencies to do what they should be doing anyway, which is to calculate the impact of their regulations on job creators beforehand, to make sure all agencies follow the rules, not some of the time, not when they feel like it, but all of the time.

Mr. Speaker, our fellow citizens want to work. They want to meet the needs of their families. They want to meet their societal obligations, and we should be doing everything in our power to make sure regulatory agencies ''measure twice and cut once.'' And our job requires and this bill ensures that they get the message.

For this reason, Mr. Speaker, I urge my colleagues to oppose the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 527, if ordered; and suspension of the rules with regard to House Resolution 364.

The vote was taken by electronic device, and there were—ayes 188, noes 233, not voting 12, as follows:

[Roll No. 879]

AYES—188

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

NOES—233

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

NOT VOTING—12

Bachmann
Black
Cleaver
Doyle
Filner
Giffords
Hartzler
Heinrich
Luján
Paul
Schmidt
Schock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1755

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 879, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 263, noes 159, not voting 11, as follows:

[Roll No. 880]

AYES—263

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble

Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—159

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

NOT VOTING—11

Bachmann
Bachus
Cleaver
Doyle
Filner
Giffords
Hartzler
Olver
Paul
Schmidt
Tipton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1801

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BACHUS. Mr. Speaker, on rollcall No. 880 on final passage of H.R. 527, I was on the House floor, but inadvertently missed the voted. Had I been recorded, I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 880, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

GABRIEL ZIMMERMAN MEETING ROOM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 364) designating room HVC 215 of the Capitol Visitor Center as the ''Gabriel Zimmerman Meeting Room'', on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FLEISCHMANN) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 881]

YEAS—419

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)

Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—14

Bachmann
Canseco
Doyle
Filner
Flores
Frank (MA)
Garamendi
Giffords
Hartzler
Keating
McKinley
Miller (FL)
Paul
Schmidt

□ 1808

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 881, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112–311) on the resolution (H. Res. 479) providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SOUTHERN MISSISSIPPI GOLDEN EAGLES TAKE ON HOUSTON COUGARS

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

Mr. PALAZZO. Mr. Speaker, this weekend the 10–2 University of Southern Mississippi Golden Eagles are going to be traveling to Houston, Texas, to win the Conference U.S. Championship Game. As a fourth generation Golden Eagle, I would like to place a friendly wager with my colleague from Houston, Texas—a gallon of Mary Mahoney's famous seafood gumbo—that we will walk away victorious.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. PALAZZO. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I am a proud Cougar, and as you well know, Cougars are silent, fast, and deadly. We welcome Southern Miss to Houston, Texas, the 12–0 Cougars, and we plan to give you all the barbecue you can eat as we celebrate the victory of the great Cougars, University of Houston, academic and athletic champions. It's a pleasure to place this wager with you tonight. Cougars—ready to pounce on you.

Mr. PALAZZO. Well, our Golden Eagles' talons are going to be out. They're going to be ready. They're going to be sharp, and we're going to rip you all to shreds. I accept your wager.

Ms. JACKSON LEE of Texas. Peace in the valley. Victory for the Cougars.

□ 1810

POSTAL REFORM LEGISLATION

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

Mr. CRAWFORD. Mr. Speaker, in fiscal year 2011, the United States Postal Service brought in $65.7 billion in revenue but spent $70.6 billion. When counting a $5.5 billion mandatory payment to fund retiree health benefits, which they would have defaulted on already were it not for the extensions on the payment, the postal service ran a deficit of $10.6 billion.

In an attempt to cut costs, the postal service has announced that it's considering closing over 3,600 post offices, the large majority of which are rural. By the postal service's own numbers, they would only save $200 million annually if they were to close each of these post offices.

This is kind of like asking a family of four that makes $65,700 a year and adds $10,600 in credit card, and then only cuts $200 from their annual budget to get their finances under control.

Last month I visited the Grubbs and Sedgwick post offices, two of the 100 post offices that are being considered for closure in my rural district. Residents in both towns told me about the important role that their post office plays in their communities.

In order to prevent the post office from unfairly targeting rural communities, I recently introduced H.R. 3370, the Protecting our Rural Post Offices Act of 2011. The legislation would prevent the postal service from closing any post office that does not have an alternate post office within 8 miles driving.

VOTER SUPPRESSION

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

Ms. WOOLSEY. Mr. Speaker, it's bad enough that the people who control this body aren't interested in creating jobs for the American people. But now, if people want new leadership in the House, if they want a Congress that will finally focus on job creation, they're foiled by restrictive election laws designed to suppress the vote.

Guess which populations are disenfranchised by strict photo ID requirements and other barriers to political participation?

It's not the wealthiest 1 percent. It's not the affluent and the comfortable. It's not, frankly, the base of the Republican Party. It's disproportionately communities of color and low-income families who are having their rights undermined and even stripped away.

These laws, passing in State after State, are underhanded. They're an attempt to consolidate political power. They are unfair, undemocratic. And voting rights are among the most precious privileges that we have as citizens, and they must be protected.

LARRY MUNSON

(Mr. AUSTIN SCOTT of Georgia asked and was given permission to address the House for 1 minute.)

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, as a University of Georgia graduate and lifelong Bulldog fan, I'd like to pay tribute to a fallen legend in the Bulldog Nation. Last week, Larry Munson passed away at the great age of 89.

From an announcer for Major League Baseball to a U.S. Army medic during World War II, Larry Munson was a leader and a hero. However, he'll best be known for his time spent as a radio football announcer for the Georgia Bulldogs.

For over 40 years, his passionate and authentic sportscasting set him apart from every other sports broadcaster. In fact, many of his phrases have become a part of Bulldog fan lore. From Herschel Walker running over people, to Kevin Butler's 100,000-mile field goal, Larry Munson's radio calls will live as some of the most memorable in college football.

Georgia Bulldog fans will never forget the sugar falling out of the sky and the hobnail boot. Thus, with the Georgia Bulldogs and the LSU Tigers to square off this weekend in the SEC championship, I end with the words Bulldog fans are used to hearing from Mr. Munson each and every game day:

''As we prepare for another meeting between the hedges, let all the Bulldog

faithful rally behind the men who now wear the red and black with two words, two simple words which express the sentiments of the entire Bulldog Nation: Go Dawgs.''

DEMANDING RELEASE OF ALAN GROSS FROM CUBAN PRISON

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

Mr. ENGEL. Mr. Speaker, today is the second anniversary of the unfair and brutal incarceration by the Cuban regime of Alan Gross, an American citizen; and I urge his immediate release.

Alan Gross is 62 years old and, in a trumped-up trial, was given 15 years in prison. Alan Gross has worked in international development in over 50 countries through the past several years and was in Cuba to aid the tiny Jewish community with telecommunications and Internet services when he was arrested and accused of being an American spy. This is a new low even for the Cuban regime. This is a new low even for the Castro brothers.

Alan Gross's wife and family need him. His mother was just diagnosed with inoperable cancer, and his daughter was also diagnosed with cancer. They need him back.

We demand him back. He is an American citizen, and we are watching and the whole world is watching. Alan Gross should not be incarcerated for doing nothing except trying to help a very tiny community in Cuba. And I demand his immediate release.

ECONOMIC RECOVERY

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

Mr. KINGSTON. Mr. Speaker, I think there are four things the United States of America needs to do to turn the economy around.

Number one, we need to balance the budget. We can do this on a bipartisan basis just by reducing the duplications in government and the overlap between State functions and Federal functions; also getting through the waste, and then trimming off 1 percent over time to bring revenues and spending at the same level. Right now spending is at 23 percent. Revenues historically have been at 18 percent. Common sense says you need to balance those out.

Number two, we need to get rid of the regulatory overload on businesses that are creating the jobs right now. Change regulations from an ''I gotcha'' mentality to one that ''we're here to help because we're in it together,'' for worker safety, environmental protection or whatever. We can do a lot just by changing the attitude of the regulators.

Number three, we need tax reform, tax simplification so that taxes are fair. The Tax Code needs to be a half an inch deep and miles and miles wide so that everyone is participating. Let's get rid of the underbrush, all the loopholes.

Number four, and finally we need to drill our own oil. We cannot keep importing 65 percent of our oil. We need to have an all-of-the-above energy policy.

FIXING MEDICARE REIMBURSEMENT RATE

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

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to speak on behalf of the 600,000 Medicare beneficiaries in Connecticut and the thousands of physicians who care for them. We need to take up a bill in this Congress over the next several weeks to finally fix the flawed Medicare sustainable growth rate formula.

Since 2003, for almost a decade, physicians have been dealing with the uncertainty that comes with scheduled annual rate reductions. They're staring at a 28 percent reduction right now. That means about $28,000 per year per Connecticut physician.

If this were to happen, it would happen at the worst possible time. With all the baby boomers coming on to the Medicare rolls, there would be a lot of physicians who just couldn't take Medicare patients any longer. They'd likely have to lay off workers at a time when we already have 9 percent unemployment in Connecticut and across the Nation.

This is unacceptable and we have to do something about it. So over the next several weeks, let's fix this once and for all. Let's stand together as a Congress and put an end to this outdated system and provide some certainty and security for America's seniors and America's physicians.

□ 1820

URGING SENATE ACTION ON JOBS LEGISLATION

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

Mr. MICA. Mr. Speaker and my colleagues, it's time for the other body to act.

The Republican-controlled House of Representatives has a plan for putting Americans back to work. We've moved on more than 20 pieces of legislation that now sit idly in the other body. We have provisions that will empower small businesses—the great job creators of America. We have provisions that will fix the Tax Code to help create jobs. We have provisions that will help manufacturing to have jobs in America, not overseas. We have provisions that will encourage entrepreneurship and growth and maximize American energy production. And all of these measures sit over in the other body.

I call on the leadership of the other body and all Members to get this legislation moving forward. There are millions of people without jobs, and they need us to act not later but now.

And finally, I call on them to help finalize a 4½-year-old, with more than 21 extensions, FAA bill that still languishes. It's time to stop the nonsense and get America back to work.

Let's pass these bills held hostage.

CONGRESSIONAL PROGRESSIVE CAUCUS

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

Mr. ELLISON. Mr. Speaker, thank you.

My name is KEITH ELLISON, cochair of the Progressive Caucus, and I do hereby claim this Special Order hour on behalf of the Progressive Caucus.

Right away, I'd like to introduce my good friend from the great State of Georgia, Congressman HANK JOHNSON, who has served with distinction along with me since 2007. Congressman JOHNSON is the whip of the Progressive Caucus. Tonight we're going to be talking about jobs, income inequality, and we're going to be talking about this issue on behalf of the Congressional Progressive Caucus.

Our Web page is right here at the bottom of this document that I'm showing, Mr. Speaker. So we do encourage people to sign up and get ahold of us.

In the very beginning of this hour, I want to recognize my friend from Georgia so that he can make some introductory remarks about the importance of jobs, just as soon as he's ready to take it on.

If the gentleman is prepared to make some opening and preliminary remarks about the importance of jobs, economic justice in the American middle class, I would like to yield to the gentleman to take it away there.

Congressman JOHNSON.

Mr. JOHNSON of Georgia. I thank the gentleman from Minnesota, my junior in the House. When I say that, I mean we're both juniors, having served now in our third terms. We will be officially recognized, I guess if we're fortunate to make it back for the 113th Congress, that will be our fourth term. We will be seniors, and we will be permanent seniors as long as the voters allow us to be. And we certainly want to do what the voters want us to do here.

What the voters of the Fourth Congressional District of Georgia tell me over and over and over again, day in and day out, 24–7, is that jobs is the issue, and they want us to pass the President's job creation bill. They don't understand why simple proposals that will create jobs and reinvigorate

our economy are something that we can't come to grips with here on the House floor. And I tell them to keep the faith, but I also tell them where the problem lies. It is not with the President. It's not with the Democrats in the House of Representatives. It's with my friends on the other side of the aisle, the Tea Party-Grover Norquist Republicans who want to balance the budget. Their main issue is balancing our budget. And certainly our budget needs to be balanced, and that's something that we should do. It's not our first priority.

Our priority right now, and I agree with the people of the Fourth District, it should be jobs. And if we don't create jobs, if we leave people on unemployment or unemployment having expired, that means less money circulating in the economy. If there's less money circulating, less economic activity, less job creation. And so there's a lot that we can do, Congressman ELLISON, to help the people, especially during this holiday season.

Mr. ELLISON. I thank the gentleman.

I just want to say this is the holiday season. We should have a spirit of charity in looking out for our fellow Americans during this time of year. But unfortunately, we have seen a no-jobs agenda from the party opposite. From the majority party, we have been here 11 months, we haven't seen any jobs bills out of them.

They say that tearing apart the EPA is a jobs bill. It is not a jobs bill. They say that damaging the National Labor Relations Board is somehow going to bring forth jobs. It will not.

Everything they say is a jobs bill basically boils down to two things—I think you might agree, Congressman—is deconstructing health and safety rules and cutting taxes for people who already are rich; and this is not a jobs bill.

A jobs bill is taking care of our Nation's infrastructure, putting our veterans back to work, as we tried to do today. The Democratic Caucus offered a motion to recommit to help support jobs for our veterans, get small businesses to hire them, and we didn't get any Republican support, which is quite amazing to me.

The fact is that, yes, here we are nearing the end of this year, nearing the end of 2011, and we're seeing unemployment insurance perhaps about to run out. We're seeing payroll tax cuts about to run out. Therefore, some people will see the end of their unemployment insurance and other people will see an increase in their payroll taxes.

And it shocks me that our Republican friends are all for tax cuts, can't wait to vote for a tax cut, dying to vote for a tax cut whenever the recipient of the tax cut is rich. But if the tax cut happens to go to somebody who works hard for a living, who goes to work, gets their hands dirty and comes home, they don't want to see a tax cut for that person. They just want to see tax cuts for only some people.

I think that you're right to describe our colleagues as the Tea Party-Grover Norquist Republican Party because that seems to be who's running things over there.

You know, my father was a Republican. He is a Republican. He hasn't voted that way in a while. But he says, I remember you guys could go down there and talk. You could debate the issues. Some of us wanted to pinch a penny a little harder, some of us wanted to emphasize pulling yourself up by your bootstraps a little more. You liberals want to help everybody.

That's what he says about me. But the point is we could find a way to get along.

Today the moderate Republican, I'm looking for him. I can't wait to have him show up, because I cannot see anybody who has the spirit of cooperation that we could cut a deal with that could balance fiscal discipline on the one hand and the need to help and respond to the needs of Americans on the other hand. We see people who are carrying forth an extreme ideological agenda that is all around tax breaks only for the rich people, that revolves around unemployment being ignored, that revolves around all of these things.

They say ''jobs.'' People shouldn't be confused, Congressman JOHNSON. You will hear Republicans say ''jobs.'' You just won't see them do anything about jobs, because if they want to do something about jobs, we could pass the American Jobs Act right away.

□ 1830

We could help make sure those payroll tax deductions are extended, and we could make sure unemployment benefits are extended, but we're just not seeing any of that.

What we are seeing is described on this board right here, which is the Republican no-jobs agenda. They've got a no-jobs program. They're saying, Get rid of the EPA, the Environmental Protection Agency, which protects the water and our lungs; make sure we are subject to toxic, hazardous waste and pollution; and cut taxes for rich people. Then somehow, magically, we'll end up with jobs. That's not going to give anybody a job.

Mr. JOHNSON of Georgia. It certainly will not create any jobs. There is a false perception that has been bought into wholesale, unanimously, by my Tea Party-Grover Norquist Republican friends, and that is that deregulation somehow creates jobs.

Now, I know what kind of jobs are created when you deregulate the health and safety of food, water, air quality, drugs, Wall Street. I know what happens when you don't have any regulations. It means you're going to have more people going to the doctor because of unsafe and unhealthy conditions—adulterated food, water. It means that you will have more——

Mr. ELLISON. Asthma.

Mr. JOHNSON of Georgia. People in the mortuary business who are trying to determine the cause of death for people. You will have more cleanup workers, workers who are dispatched to clean up toxic sites. You'll create those kinds of jobs. Yet, as for the kind of high-level, 21st century jobs that America needs in order to be the leader of the world economy in this global environment that we're in, there is not one measure that the Republicans have introduced that will stimulate the creation of those kinds of jobs.

So what we're doing, Congressman ELLISON, is just creating conditions of great suffering so that people will vote against President Obama next November. The stated goal of my friends on the other side of the aisle—their main, central goal—is to make sure that President Obama is a one-term President. They don't care about how much pain they inflict on the American people, on the 99 percenters—and 47 percent of them are millionaires, so they don't have to worry. It's just to serve a political purpose.

Mr. ELLISON. The gentleman mentioned that the stated goal of the Republicans was to make President Obama a one-term President. This is not just political rhetoric. MITCH MCCONNELL—and anybody sitting in front of a computer can Google it and look it up—said that was his goal, which was to make President Obama a one-term President.

I think the goal of a Member of Congress ought to be to look after the welfare of the American people. I think a Member of Congress ought to be trying to figure out how to look after the best interests of the congressional districts that they represent. I think that ought to mean jobs, health, safety, education.

Trying to defeat the President should never be anyone's goal. I can guarantee you it was not my goal. Even though I did not think that his administration was the best administration for America, my first goal was not to get rid of President Bush. It was never my top goal. My goal was to try to promote peace and justice, economic opportunity and prosperity, not to try and defeat somebody else. The fact is that the Republicans have neglected the economy, and they've neglected the middle class. It really is too bad.

So, on this issue of paying for the extension of the payroll tax deduction, I just want to say that there is $1,000 that Americans don't have to pay in their paychecks when they get them every 2 weeks or every month, which is because of the payroll tax cut. If that expires, they'll see 1,000 more bucks over the course of a year that they'll have to pay.

Mr. JOHNSON of Georgia. Starting January 1.

Mr. ELLISON. Starting January 1, it's going to come out of their checks.

Now, Democrats have said, Let's ask the most well-to-do Americans——

Mr. JOHNSON of Georgia. The top 1 percent.

Mr. ELLISON. And they don't have to pay based on their first $1 million;

it's just after their first $1 million—to toss a little back to the American people so that we can extend the payroll tax cuts for working class people.

Mr. JOHNSON of Georgia. But Grover Norquist doesn't want them to do it.

Mr. ELLISON. Grover Norquist said no. They signed a pledge.

Mr. JOHNSON of Georgia. They signed it 20 years ago.

Mr. ELLISON. They signed it. They signed a pledge, not to the American people, but to Grover Norquist.

Mr. JOHNSON of Georgia. Who does he represent?

Mr. ELLISON. Do you represent him?

Mr. JOHNSON of Georgia. I don't represent him, and he doesn't represent me or the folks that predominate my district. I've got a 99er district.

Mr. ELLISON. I've got a 99er district as well.

The thing that really gets me is that, if Grover Norquist lived in my district, I would feel duty-bound to at least listen to him because I listen to everybody in my district. But to sign a pledge to him to subvert the interests of the 99 percent is an outrageous thing.

Mr. JOHNSON of Georgia. All the while, Congressman ELLISON, pitting Americans against each other, trying to stoke hatred and anger amongst the 99 percenters on any issue they can.

Mr. ELLISON. Right, divide and conquer.

Mr. JOHNSON of Georgia. That's the way it is.

So right now, Congressman ELLISON, I feel like I have to say this because you're such a great example of a true American patriot, one who lives life in accordance with your inner ideals. We have the freedom in this country to do so, but there are those right here in this Congress who would try to turn the American people against you and people like you because of the religion that you have chosen to follow.

Mr. ELLISON. That's right.

Mr. JOHNSON of Georgia. They don't have any idea that your dad is a Republican.

Mr. ELLISON. Yes.

Mr. JOHNSON of Georgia. They don't have any knowledge of how you grew up and what kind of values you were taught and what kind of family you had. They just want to condemn you because you are a Muslim. They want to make you a threat to America, a threat to our military, and make a threat of those engaged in the military who happen to practice the faith of Islam. It plays into this decision to put Americans through this suffering so that they will then vote against President Obama and the Democrats so that the Republicans can then throw the welcome mat out like they have done for the large corporate interests and wealthy individuals in order to control public policy in America.

Mr. ELLISON. The gentleman makes an excellent point. I mean, let me put it like this:

How are you going to get the 99 percent to vote for the exclusive interests of the 1 percent? Or a better question: How are you going to get 50 percent plus one to vote for the interests of the 1 percent? You've got to keep them divided. You've got to keep them confused. You've got to keep them asleep. You've got to keep them disliking each other for no legitimate reason.

Mr. JOHNSON of Georgia. So you hold hearings on issues that are false issues.

Mr. ELLISON. Yes.

Mr. JOHNSON of Georgia. You create controversy where there is none.

Mr. ELLISON. Right.

Mr. JOHNSON of Georgia. This is a game that, certainly, many people see is being played, but I wish far more people saw and understood what is actually taking place in their House of Representatives. I believe that it's one reason we have two groups of 99ers—the Occupy Wall Street and the Tea Party movement, those who are dissatisfied with how things are going in America.

Mr. ELLISON. I do hope that we can help the people understand that their interests lie with each other, right? So whether or not you're a Muslim, Christian, Jew, Buddhist, Hindu, Bahai, a person who doesn't practice any faith but is just spiritual, an atheist—or whatever you may happen to be—the fact is we all breathe the same air; we all occupy this same small planet; and we have to find a way to live here. Whether you are black, white, Latino, Asian, no matter whether you're from the South or from the North, no matter whether you were born in America or you came here, no matter whether you're straight or gay, or no matter who you may be, you're an American.

□ 1840

When you and I stand up in this very room every morning and we say the Pledge of Allegiance, we, in that Pledge of Allegiance, with these very simple words, ''and liberty and justice for all,'' all, liberty and justice for all, all Americans, I urge Americans to look for the common good, the things we all share.

How can we come together around a common narrative of a shared reality as Americans so we don't look at each other as you're a this and I'm a that, and I don't like you because of this historical thing and all of this kind of stuff. Let's find a way to unite our people; because if we can unite our people, Congressman JOHNSON, we can stand up and advocate for policies that are to the best good of the American people.

The American people will be wide awake and clear that our economic interests lie with each other, and we will not vote a program to give tax cuts to millionaires simply because we have been convinced that people of a different—people who pray on a different day that we do or pray in a different way than we do, or have a different appearance than we do are somehow our enemy.

You know, we've got to build human solidarity. This is what we've got to do. And the one thing I like about the Occupy movement is you go there and you see people of all colors, all cultures, all faiths. You go there and you see people, even people of different income groups.

There was a group that we had at our hearing, which we had just a few days ago, which there is a videotape on, on our Web site, USCongress.org, and they were calling themselves the Patriotic Millionaires. Now these are people who used the American free enterprise system, came up with a great idea, sold it, people bought it, and they did well in the marketplace.

Now, this is a good thing, but their attitude is not, yes, America, you have public schools which educated my workers, you had publicly funded roads which allowed me to drive here, to drive there. You have the police department, which protects my business. You have the military, which protects our whole country.

Yes, America, you've done all this stuff for me, but all this money is just mine, and I'm not giving any to anyone. They didn't say that. They say, you know what, to whom much is given, much is expected and they don't mind doing their fair share for America. That's the Patriotic Millionaires; that's the spirit that helped this country become a great country; and it's a spirit we need today.

Mr. JOHNSON of Georgia. I do believe that you are 100 percent correct on that, and I want to give a shout out to those millionaires who are socially conscious. There are so many people who are afflicted and who are just eaten up with greed, and they already have more money than they can possibly spend in this lifetime; yet they have an insatiable quest for more and more and more.

They are the ones who are supporting people like Grover Norquist and like Dick Armey——

Mr. ELLISON. FreedomWorks.

Mr. JOHNSON of Georgia. Who is a proponent of the Tea Party movement; and those are the people, the Koch brothers, those kinds of interests that benefit from our system of government but then, ironically, they would support and encourage those who want to do away with government. They want to strip government of its power to regulate. They want to strip government of its power to protect and to create fairness and prosperity. And it is just basic. I don't care how rich you are, but if you're riddled with envy and with the need for more, you know, you just can't be satisfied, you are going to be unhappy.

And the person who is unemployed but doing their best to find a job and take care of their family and despite all obstacles is willing to do with half a crumb that they have extended to their neighbor because their neighbor is in the same shape, we're all in this together. Those are the types of ideals that we used to have in this country, we used to exemplify. But now it's this

culture of greed and avarice and self-satisfaction. Reminds me of the old days of the Roman Empire.

Mr. ELLISON. Or even the old days of the robber barons, like the 1890s, you know, 1900. This was a time when industry in America was young, and there were no right—labor unions, there were no environmental protections and people would, if you lost your hand on a punch press, you just were out.

Mr. JOHNSON of Georgia. So be it.

Mr. ELLISON. And if you actually tried to get a fair wage from your boss, you just could be arrested or thrown into jail or whatever. And if you got sick based on the smog that the smokestack was pumping out, then you just died young, I guess.

But then America went through some changes; and we said, you know what, workers are going to have the right to organize. That's a good thing. Our air is going to be clean. Companies are going to have to abide by some of our environmental regulations.

And there became an American consensus where we said, yeah, you know, we're a mixed economy, which means that we have a strong public sector, but we have a strong private sector too. And the private sector, you be innovative, you come up with good products, services that people need, and by all means we hope you do well, but after you do well we need you to toss something back——

Mr. JOHNSON of Georgia. Give back.

Mr. ELLISON. For the common good. And what we have now is we have people who say, I don't care about the common good. And here is the thing——

Mr. JOHNSON of Georgia. Every man for himself.

Mr. ELLISON. Every man for himself.

Mr. JOHNSON of Georgia. Only the strong survive.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must ask that the Members yield and reclaim their time in a more orderly fashion so that the court reporters are able to make the appropriate transitions.

Mr. JOHNSON of Georgia. Fair enough.

Mr. ELLISON. Thank you, sir.

And so we are now at a time, we have now approached the time where there are some people who become well-to-do whose attitude is that they want to shrink government to the size you can drown it in a bathtub. This is what Mr. Norquist has said. That's a quote from him.

His vision of America, like the Koch brothers, they do oil refineries and stuff; and you drive by some of these plants and they smell awful, and you know that nothing good can be coming out of those smokestacks, but they want a condition in America. Their vision is that if a person from the government says, you know what, there's a lot of people getting sick around here, you can't just spew that stuff out of that smokestack, we're going to regulate that stuff and some of that stuff you're going to pay for the costs and the harm that you've caused to people as you go making money on that factory you have.

They have a vision where that factory owner will say, Mr. Government, you get out of here. I'm going to call your boss. I gave a campaign donation to your boss, and we're going to just make you leave us alone.

And if we can't get your boss to back up off of us, we're just going to sue you back and dump a ton of paperwork on you, and you don't have enough lawyers working for your government agency to defend the public interest; so we'll just drown you, and we're just going to be able to do whatever we want to do.

This is the kind of condition they want to create. They want an environment where the government is too small to tell them, you cannot pollute the air. You cannot abuse people's civil rights. You cannot hurt people's interests, the public interest this way. And that's the kind of condition they are creating.

I yield to the gentleman.

Mr. JOHNSON of Georgia. I could not have said it better; and I will say, so that I don't repeat what you've said, that when we do have a strong government, then government is there to protect the interest of all of the people, those who are the so-called job creators, who haven't been creating a lot of jobs here lately, by the way. I don't know why they still have that title, because all the jobs have been moving offshore, out of America and leaving these workers here without jobs.

We're doing ourselves a disservice by cutting government and cutting our ability to clean up the mess that has been created through decades, now, of deregulation. It has caused us to be a society where we spend more money on health care, but we're the sickest people in the industrialized world, among the industrialized nations.

□ 1850

We've got a financial system that nearly collapsed because of lack of regulation. And the same people who profited so mightily back during those winner-take-all days want to keep the winner-take-all days, make the big bonuses, the obscene bonuses at year end that they're getting ready to publicize now, and they would rather collect those bonuses than create jobs for Americans to clean up the environment, to reregulate Wall Street. They want to cut those jobs, so job creation, it will actually result in the job creators, or the 1 percent, being able to experience even more profit.

People should understand that if you help someone else, it comes back to you. These are just simple concepts of living that we have gotten away from as a society.

Mr. ELLISON. What you're describing is a win-win situation. But some people have a psychology of a win-lose. They think in order for me to do well, you have to do poorly. But the truth about the universe we live in and a strong economy is that if I do well and I'm creating prosperity in the world through good products and services, and then I give you some of my money by hiring you, then you have some money and you will bring me value and we will see the economy grow and we all can be a little more prosperous. But some people think, well, if you get something, then that means I don't have something, so they just hoard. This is a very, very poor strategy to pursue.

Mr. JOHNSON of Georgia. If the gentleman would yield, what we do when we create job growth and when we spread the wealth, it means that we're able to pay down that deficit, that debt that we have. We are able to clear that out. America is certainly not in a crisis as far as debt is concerned. We borrow money at 2 percent. You can't get it much cheaper than that. And while that cheap money is available, we should be borrowing that money and investing it in our own economy, in our infrastructure, in our research and development for medical care, health care delivery, energy production, our education system from the buildings on down to the lowest piece of equipment that's in there, the teachers who teach our children. We should be investing in those areas. We'll see this economy turn around rather quickly, and we'll see that debt disappear quicker than most people believe that it will.

Mr. ELLISON. I just would like to say something very important here.

It's common for our colleagues on the other side of the aisle to say we're broke, we're broke. They get up and say we're broke all the time. It's like one of their favorite things to say. The truth is we're not broke. America is not broke. This is designed to create a certain sense of crisis and urgency to scare people into favoring a program of austerity which they propose.

But I think it is important to note that two-thirds—two-thirds—of American corporations don't pay any taxes at all. Two-thirds pay none. And I just want to point out to Americans, Bank of America doesn't pay any taxes. They got a bailout from the government. The American people got a call from Bank of America: Oh, my God, we bought Merrill Lynch; we bought Countrywide. It's not a good deal. We're going down. Save us, please. Through the Congress, which is the people's House, they got their bailout.

Now, the assumption was that Bank of America would then turn around and pay the money back and then help people with their mortgages and help improve the economy. What they actually did is they didn't pay any taxes and they laid off 30,000 people. Bank of America didn't pay a single penny of Federal taxes. I've got more money in my pocket right here than they paid in taxes.

Boeing, despite receiving billions of dollars from the Federal Government in taxpayer giveaways, Boeing didn't pay a dime in U.S. Federal taxes.

Citigroup. Citigroup deferred income tax for a third quarter in 2010, amounting to a grand total of zero. At the same time, Citigroup has continued to pay its staff lavishly. John Havens, head of Citigroup's investment bank, is expected to be the bank's highest paid executive for the second year in a row with compensation of $9.5 million. They paid no taxes at all.

ExxonMobil, they paid no taxes. In fact, I think we give them money. Big Oil tax dodgers use offshore subsidiaries in the Caribbean to avoid paying their fair share. Although ExxonMobil paid $15 billion in taxes in 2009, not a penny of it went to the American Treasury. It went elsewhere. This is the same year that the company overtook Walmart as a Fortune 500 company. Meanwhile, the total compensation of ExxonMobil's CEO is about $29 million.

We say we're broke. What we're doing is we're not collecting enough revenue because we think that corporations are job creators. And, of course, they're not creating any jobs, as you pointed out. But we're operating on some faulty assumptions.

General Electric. In 2009, General Electric, the world's largest corporation, filed more than 7,000 tax returns and still paid nothing to the government in taxes. GE managed to do this with aid of a rigged Tax Code that essentially subsidizes companies for losing money and allows them to set up tax havens overseas. With the Republicans' aid in Congress whose campaigns they finance, they exploit our Tax Code to avoid paying their fair share.

And who do Republicans blame? The middle class. They say that the middle class is the problem. They say tax breaks for billionaires, which is the GOP plan, tax breaks for huge corporations, which is the GOP plan, huge bonuses for big CEOs; but who is it who our friends in the Republican caucus think is responsible for all of the problems? Well, it's public employees.

I just want to point out something very important before I yield to the gentleman.

The Republicans now have said they will support a plan to extend the payroll taxes by cutting the Federal Government workforce 10 percent. And by giving—get this, Congressman—a means testing for Medicare, food stamps, and unemployment insurance benefits. That ought to get a lot of money. But public employees are who they think should bear the brunt of the refusal of the corporate elite from paying taxes.

They say that teachers should pay, that cops should pay, firefighters should pay, job training programs should be cut. Small business investment, no. Investment in the National Institute of Health and Research, we should cut back on that. Schools, they should have to pay. Clean energy, we can't afford that. That's what they say. Health care, can't afford that. Infrastructure investment; I come from a city where I–35, the Interstate 35 bridge over the Mississippi River fell into the river and 13 Minnesotans died, 100 got severe back injuries, all because of deferred, delayed maintenance. Infrastructure investment is not just a job creator; it is a public safety issue. And, of course, college affordability. They want to cut programs that make it more affordable to go to college.

The brunt and the burden of balancing the budget is not and should not be on our public employees, our everyday heroes, the people who take care of our kids, the people who look after our younger people, the folks who look after us, the police department. Who are you going to call? Firefighters.

I thank the gentleman for allowing me to elaborate on this point because I want to say that, on the one hand, they say we're broke. We're not. What we are is we don't ask the wealthiest among us to help out. And what they offer as a solution is to cut the people who give a good quality of life to the average Americans—our public employees.

I yield to the gentleman.

□ 1900

Mr. JOHNSON of Georgia. Thank you.

Many Americans watched in horror as the drama unfolded on the I–35 bridge, the aftermath of crashing into the waves of water below and taking out a multitude of cars and taking lives and causing people to be injured, and also resulting in an economic detriment to that area that needed that bridge in order to continue to conduct business. We can look at it sterilely on the TV from a distant location, but we should realize that the same thing that happened to you guys in Minnesota can happen to us in Georgia with our own bridges that are in disrepair due to deferred maintenance.

This is something that can happen not just in Georgia, not just in Minnesota, but all across the land. And it doesn't have to be that way, because as President Obama has proposed in the American Jobs Act—or as a part of the American Jobs Act—there is money—a small amount, but any amount is better than none—for infrastructure. I think it's $50 billion. That infrastructure, in addition to helping with our public safety issues—health, safety, and well-being of the people—would also create jobs. So we're killing more than one bird with one stone by passing the American Jobs Act.

Not one of my friends on the other side of the aisle has been able to put forth any rationale for not considering any part of that Jobs Act. We did, I'll give them credit, pass something last week having to do with veterans. They just could not find it within their hearts to avoid voting for that. But if there was some way that they could, they would have.

They are insisting that the tax cuts to the working people of this country, the payroll tax, they want that to be paid for. But nobody said anything last year about paying for the extension of the Bush tax cuts.

Mr. ELLISON. Right.

Mr. JOHNSON of Georgia. Nobody said anything and nobody is saying anything because they want those tax cuts to become permanent while they at the same time would vote to impose a balanced budget amendment, which really would just simply lock in an unfair tax rate or a tax system that is unfair, would lock it in and make it much more difficult to change it.

So, Congressman, these are issues that I'm pleased to sit here and discuss with you. I look forward to further dialogue from both people on this side of the aisle, along with my friends on the other side of the aisle, because when it's all said and done, we're all in the same boat together.

Mr. ELLISON. I want to say that it's been a real pleasure to spend this last hour with you, Congressman JOHNSON. We in the Progressive Caucus believe in one America—all colors, all cultures, all faiths. We believe in promoting human solidarity, not making Americans fear each other. We believe in economic prosperity and justice for working and middle class people. We believe in environmental sustainability, and we absolutely believe in peace with our Nation and other nations. We are always going to promote diplomacy and dialogue and development over war.

We are the Progressive Caucus. I will allow the gentleman to offer a final word. If I could just say, my name is Congressman KEITH ELLISON, the co-chair of the Progressive Caucus. Look us up on the Web.

The final word will go to Congressman JOHNSON. After that, we will yield to the Republican side.

Mr. JOHNSON of Georgia. I just want everyone to know that even though I stand up and talk about the Grover Norquist-Tea Party Republicans, I admire the Tea Partiers because they got up off of their duffs because they were upset about how things were going. They were misled in terms of thinking that the health care reform was not going to be good for them. It's good for them. And they will soon find out—they will continue to find out—that the things that we have done are good for them and their attention will be diverted from this President to their pocketbook. And so I look forward. I admire them for their activism. I love them. Don't take it personally when I talk about you being a Dick Armey-Tea Party Republican of the Grover Norquist ilk.

With that, I will close. I believe that my friends on the other side of the aisle are ready to delude you with some information.

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

GOP DOCTORS CAUCUS: MEDICARE SENIORS AND OBAMACARE

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

Mr. FLEMING. Thank you, Mr. Speaker.

I come before this House tonight to talk about a very important issue—it's been important for years, and it's going to be increasingly important and increasingly a part of the debate—and that is health care, and particularly health care for our seniors. We've got lots going on. ObamaCare, of course, was passed in 2010, and we're running into all sorts of problems. Of course, I and my Republican colleagues here tonight voted against it.

I'm joined tonight, by the way, by two of my colleagues, Dr. PHIL ROE, an obstetrician from the great State of Tennessee, and Dr. SCOTT DESJARLAIS, who is, like me, a family physician.

I thought I would just give a brief introduction about Medicare and how that fits into the budget. I know that Dr. ROE is going to talk in more detail about that.

No speaker would be complete without a chart, and I have several tonight. This is one I think that's important for everybody to understand. This pie chart breaks up spending for the Federal budget. If you will notice, the vast majority of this pie is in what we call permanent mandatory or so-called entitlement spending and interest. What makes up a large part of mandatory spending is Social Security, Medicare, and Medicaid. The size of this pie, this section of the pie, is growing. In fact, if you recall, back in the nineties we actually balanced the budget. The last time we balanced it, I think was in the late nineties. It was a lot easier to do back then because entitlement spending, permanent spending, was not in place to the extent that it is today. It was growing, but not as big.

What is the difference between mandatory spending and discretionary spending, which is the other two pieces of this pie? Mandatory means that if you qualify for a certain type of service or payment, whether you're on Medicare, Medicaid, whether you earned it or not, if you qualify for it, the government must pay. No matter who shows up or how many people show up, the government must pay. So, therefore, the government cannot per se control that cost.

Discretionary cost, on the other hand, is split into two: defense, which is around $600 billion to $700 billion a year; and nondefense discretionary, which is what we run the government on. That we can adjust, although we've not done a good job in controlling this. In fact, that's increased probably 25 percent just in the last 2 years under President Obama.

But I want to illustrate for you what the problem is, and that is that the entitlement spending, which we don't control, with an aging population and the fact that it's dependent on government spending, is growing at a much faster rate than our revenues and inflation.

□ 1910

This is a chart that outlines where we are today with Social Security, Medicaid and Medicare, the part of entitlement spending. Now, let me say, first of all, Social Security is down here in the purple, and you notice that it slants upward and then it flattens out. Social Security is not our problem. Let me repeat that: Social Security is not our problem.

And people who are on it or will be on it, in my opinion, have nothing to worry about. Now, we may have to tweak it, we may have to adjust it, but you'll notice that the cost really rises relatively slowly, and that's just a matter of demographics. And we can adjust this, as we have in the past, and make this sustainable. There are other ways to do it, in terms of allowing Social Security recipients to invest some of their money and so forth, but that's beyond the scope of discussion tonight.

The next group in green is Medicaid and other health care. You'll notice it's going up faster. And Medicaid is health care for the poor. And then finally in red you see Medicare, and you see how that explodes and it goes up continuously. Medicare alone will completely displace all the budgetary spending eventually if we don't bring that under control. And that would mean we'd have to give up on government itself, we'd have to give up on a national defense—everything—unless we begin to control that.

Now, at the rate things are going, Medicare will run out of money, become insolvent by 2020. And that is straight from the CBO, the Congressional Budget Office. Another way to look at it is that our spending is now equal to 15 percent of the total Federal spending is Medicare, blowing out of control. What has made this worse is ObamaCare actually cut $500 billion, that is, half a trillion dollars, out of Medicare to use for subsidies for middle class health care plans.

So let me repeat: Medicare is running out of money; it's exploding through the roof. And what does ObamaCare do, the Members who voted for it, it actually cuts money out of it and depletes it of money in the future so that it becomes insolvent. And here's where the cuts are: $135 billion for Medicare Advantage, which is the private health care version of Medicare, $112 billion, which was taken from hospitals, $39.7 billion from home health, $14.6 billion from nursing homes, and $6.8 billion from hospice care. These are very real cuts.

And the only explanation that the other side gave us, our Democrat friends, is that somehow we'll cut out fraud, waste and abuse. Well, let me warn you, any time a politician tells you he's capable of doing that, watch out, because I've never seen it done and I don't expect to see it done in the future. Because, you see, in order to cut out the massive fraud, waste and abuse, you have to spend even more money to find all the bad actors. The best way to do away with fraud, waste and abuse is to make the system much smaller, perhaps even privatize it, and make the system accountable rather than a Big Government bureaucracy, which wastes money, whether we're talking about the Department of Defense or Medicare. So that should give you kind of a beginning of where we are with Medicare.

Let me just close my opening remarks by saying that there's basically two options when it comes to making Medicare again solvent and available for us in the future. There is a Republican plan, which would allow you, if you are currently on Medicare or 10 years from becoming on Medicare, to keep Medicare as it is. And it is sustainable, as far as the CBO tells us, indefinitely.

However, we would have to reform that for younger adults today who will be senior citizens by opening up the insurance system, creating a marketplace for seniors to buy insurance, and then let government help them with what we call ''premium support,'' and allowing competition in private care to drive the cost down and raise the level of service. In fact, what we in Congress have today is the very same thing.

The Democrats, their plan is this: goose egg, no plan whatsoever. Under their plan—or non-plan—Medicare runs out of money in 8 years. And they've failed to present an idea, much less a bill, as we have, that would even solve that. Well, that gives you an idea of some of our opening discussion.

First tonight, I want to introduce my good friend, PHIL ROE. Dr. PHIL ROE, as I said, is an obstetrician. I think he has some comments about the financing of Medicare and other things as well.

Mr. ROE of Tennessee. I thank you, Dr. FLEMING, and I appreciate you hosting this hour tonight and a chance for us to discuss in detail the health care of this Nation.

You know, about 4 or 5 years ago I made a decision, after 31 years of practice, to think about running for Congress. And one of the reasons was I knew that the health care issue was going to be huge in the debate in this Nation's future. And, boy, has that turned out to be prophetic.

Secondly, the thing that I noticed in my patients when I practiced, the single biggest factor for both Medicare patients and my other private patients and patients without health insurance, was it was too expensive; it cost too much money to go see the doctor and go to the hospital. If it were more affordable, more of us would have health care coverage.

Thirdly, we had a group of patients in my practice that couldn't afford expensive health insurance premiums.

They both worked. Let's say it was a carpenter, perhaps his wife worked at a local diner or at a local retailer that may not provide health insurance coverage, and they make $35,000 or $40,000 a year, but they could not afford $1,000 a month for health insurance coverage. And, lastly, we have a liability crisis in this country.

The other thing that we're going to get into a little later in this discussion today—and this is the absolute sacrosanct in health care—is that health care decisions—and I'm going to say this a couple of times—health care decisions should be made between a patient and the doctor and that patient's family. It should not be made by an insurance company, and it should not be made by the Federal Government. And we're going to talk a little bit later about the Independent Payment Advisory Board that will be making those decisions in the future.

Do we need health care reform in America? Absolutely. Do we need this type of health care reform? Absolutely not. It's a disaster. And we'll go into that a little later about what my major concern is for my patients that I left in Johnson City, Tennessee, which was how are they going to access a Dr. JOHN FLEMING, how are they going to access a Dr. SCOTT DESJARLAIS, who are family practice primary care physicians. And the group I have at home that I'm in that I left to come here had over 80 primary care providers. How are they going to access those?

Well, let's go look at where we were in the sixties when I was a young college student, which was that we had a group of people, my grandparents and so forth, who would be retiring. And at that point in time, because their insurance was tied to their employment—if they had health insurance coverage—there was no way for them to get any coverage. They couldn't buy it; there was no way it could be provided for. So the Federal Government then got involved in this by forming Medicaid and Medicare in 1965.

Our Medicare program in 1965 was a $3 billion program. There was no Congressional Budget Office at that time, but the estimates were that in 25 years—so in 1990—this program was going to be a $15 billion program. The actual number was $110 billion. They missed it by seven times. And in your initial graph right here, if you had placed in that graph, Dr. FLEMING, interest on the national debt—the one you showed with Medicare, Medicaid and Social Security—by 2020 or 2022, even at current interest rates, it will absorb the entire Federal budget. And that is why we're having this discussion today, to save Medicare.

I want to mention just briefly, because we'll kick this off later, in the current health care bill there have been many changes to Medicare. There are increased taxes on medical devices. The President said the other day—and we're going to talk about it next week, I think, and debate the payroll tax—about how he was a tax cutter. Well, I would suggest that the President read his own health care bill because there are massive tax increases in that bill.

The Independent Payment Advisory Board is a bureaucratically appointed board, 15 people appointed by the President—and I don't want a Republican President appointing them and I don't want a Democrat President appointing them—approved by the Senate to do what? To look at this Medicare, as we've pointed out, with millions of Medicare recipients each day and—as Dr. FLEMING pointed out—$500 billion to $550 billion less going into the system. More people going in, people living longer—much longer, which is a very good thing—we're looking at a catastrophe for our Medicare program if we don't make some proactive changes now.

□ 1920

And how can you talk about how can you fix a system that everybody in this Chamber knows is broken—all 435 of us know it—if you can't even discuss it, if you're accused of dumping Grandma off a cliff if you even talk about a system that—I personally am on Medicare. Right now I'm a Medicare recipient, so I have a vested interest in seeing that this program works for current seniors.

I was at Furman University Monday night speaking to a group of college students on health care. It was a privilege to be there. It's a great college. A big turnout of young people. And it was embarrassing for me to look at those young people who are just beginning their careers and to think that we're going to not leave them the same access to care that I have available to me right now.

If you look at these numbers, Dr. FLEMING, you see that it is not sustainable, so we have to have this conversation. I want to thank you for holding this 1-hour.

I see we have numerous other colleagues here tonight.

Mr. FLEMING. I thank the gentleman.

We have also been joined, in addition to Dr. SCOTT DESJARLAIS, by Dr. PHIL GINGREY, also an OB–GYN; Nurse ANN MARIE BUERKLE; and NAN HAYWORTH, an ophthalmologist from New York. So we've got a full cadre. If anybody here has a headache or, certainly, a heart attack, I think they would be very well taken care of on the floor of the House.

With that, I'm going to ask Dr. DESJARLAIS to talk to us a little bit. I think you have an interest in some of this discussion on IPAB and perhaps other things, so I'd love to hear what you have to say, sir, on that.

Mr. DESJARLAIS. Thank you, Dr. FLEMING. And I, like Dr. ROE, appreciate you holding this tonight because I think there's so much fear, frustration, and confusion among our Nation's seniors right now about what's really going on. There's a lot of misinformation out there. And I think it's good that we, as health care providers, can get together and help clear up some of the misinformation because, as Dr. ROE said, we should never let the government or bureaucrats get between the doctor and the patient. That's a very important relationship, and I think most all patients would agree.

How did we get into this mess?

It's really kind of mind boggling that it has come this far. And as you stated earlier, the Democrat plan is doing nothing; and we know that the consequences of that as, per the CBO, the actuary of CMS, Mr. Foster, has said Medicare will be bankrupt by 2020. So we cannot afford to do nothing. And we got into this mess really just by kind of the head-in-the-sand approach that sometimes occurs here in Washington.

As Dr. ROE mentioned, Medicare was initiated in 1965, and at that time the life expectancy for a male was 68. Well, thankfully, through good medicine, good follow-up, good care, better drugs, better techniques, the life expectancy has gone up at least by a dozen years. But that being said, there really wasn't any planning for that increase. A program that was designed for, on average, 3 years of coverage is now 12 years more, and so that's part of the problem.

A second big factor is we all knew about the baby boomers. Everyone knows about them. And the bottom line is they have started hitting the system at an alarming rate. Ten thousand new members every day are entering the Medicare system. Again, something that we've all seen coming, but it wasn't accounted for in terms of cost; and Dr. ROE explained how it was underestimated greatly what it would cost in the first place.

We know that people pay into Medicare because that is going to be their health care plan when they retire. That's what was promised to them. So we can't do nothing.

In the Paul Ryan plan, we laid out that those 55 and older won't have to worry about it. We know that we can't do nothing, so those 55 and under will have to make changes, as you discussed, and I'm sure we'll discuss more.

But for those seniors out there that are concerned that the Republican plan is cutting them off or killing Medicare as we know it simply isn't true. We're trying to preserve, protect, and save it for future generations as well as take care of them.

Right now you can take an average couple who makes $80,000 a year and they pay, over a lifetime, about $109,000 in Medicare taxes into the program. But with health care costs the way they are now, the average extraction for that same couple is $343,000.

Mr. FLEMING. If the gentleman will yield on that point, I want to be sure that that's not missed, and that may be the most important statement made tonight. I believe you said that, through a lifetime, a Medicare recipient will pay in an average of 100,000 or so dollars but will take out, on average, $300,000.

So what we really have with Medicare is somewhat of a subsidy system which does not subsidize according, necessarily, to need. My point in saying that is: Warren Buffett, today, because he's over 65, qualifies for Medicare, and if he gets care, I assume would get the same subsidized care, subsidized by whom? Taxpayers—middle-class, working-class people who pay the private insurance rates.

In some ways, Medicare has become not just help for the poor and the elderly, but just subsidy for people over 65. And so we're going to have to look at: Is there a way in the future that we can even this out, where we're not necessarily subsidizing for those who are capable of paying some of their own costs?

Mr. DESJARLAIS. Right.

As you say, it's clear that $1 in for $3 out doesn't add up by anybody's math, even Washington's math. So those factors make it very clear that Medicare is on an unsustainable path.

I find it very frustrating that so many people are living in fear right now with this misinformation. And if any of the other Members—I'm sure they experienced, as my office did, the AARP here, a few weeks ago, had seniors calling Congressmen to say, you know, Don't cut our Medicare. They're referring to the SGR cuts, which actually pertains to the doc fix. But the seniors are confused thinking that their Medicare was actually going to be cut 30 percent or 29, 27 percent, whatever it is. And so when they were calling my office, I was glad to tell them, Yes, we get it. That actually is a cut to physician reimbursement.

But what it does to seniors, more concerning, is that it's going to limit their access to care, because physicians right now are in a position where they can't afford the overhead to even keep their practices open.

I think it was good that the AARP brought that to their attention, but it certainly is great that we have the opportunity tonight to clear that up for our seniors, that it's not a cut, a direct cut to their Medicare benefits, but it is going to directly impact their access to care.

Mr. FLEMING. Absolutely. I thank you for the wisdom of your experience, Dr. DESJARLAIS.

I'd like to turn to Dr. GINGREY here. He's joined us and, of course, has conducted a number—I can't even count the number that I've participated in with Dr. GINGREY with respect to Special Orders that we've had.

And before doing that, just to follow up on what Dr. DESJARLAIS said about the 100,000 in, 300,000 back, I can recall one day in my own practice sitting there and thinking about the three patients that I just saw. In Room 1, I saw a little lady who's on Medicare who could barely scrape by by the end of the month, and she's on Medicare and getting the benefits of Medicare, and God bless her, she was getting them. And then I thought about the second room where there was a gentleman who's a multimillionaire. But you know what? My charge to both of them and what Medicare did for both of them was precisely the same.

I just couldn't quite understand that, especially when I thought about the little mother in Room 3 who's on private insurance, two-paycheck family, baby, barely scraping by, paying far more in their premiums than someone in Medicare and having to raise children. It was her insurance premiums that were subsidizing both the little old lady who was poor and the multimillionaire.

We're going to have to do something about that to make the economics of this system work. It is unsustainable, as we know.

Dr. GINGREY, I would like to ask you if you could give us a few words, sage wisdom on what your perspective of where we are with health care, ObamaCare, Medicare, and all the other cares that we're talking about.

Mr. GINGREY of Georgia. I thank the gentleman from Louisiana, Dr. FLEMING, for yielding, Mr. Speaker, and I thank our leadership for giving us this hour to focus in on Medicare and ObamaCare, formally, I guess, called Patient Protection and Affordable Care Act. We all know it to be the Unaffordable Care Act.

But I think it's very important, Mr. Speaker, and instructive for the folks back home, especially our seniors, to look at this body and the other Chamber as well, Congress as a whole, and you look at the Members who are health care providers. In this House of Representatives, there are 435 Members, and 21 of them on the Republican side are health care providers: nurses, doctors, psychologists, dentists.

□ 1930

On the Democratic side of the aisle, three. You look at the other body, at the Senate, and you see four doctors on the Republican side. None on the Democratic side.

So as we get into this season, this political season, of course the Presidential election cycle, Mr. Speaker, you know, we all know, that we're already seeing the ads. I think Dr. DESJARLAIS referred to this add about cutting Medicare 30 percent. Don't let Congress cut Medicare 30 percent. And who cares more about seniors.

And I think those statistics are pretty darn telling in regard to who cares more about our seniors. Many of us, in fact, have practiced so long that we're seniors. Thank God we've got good health and vigor and enthusiasm for giving up what has been a wonderful profession, whether we were nurses or doctors or whatever, but caring for people and the compassion that goes with it, to come to Congress, come here inside the Beltway and really work on behalf of our seniors, work on behalf of getting the health care policy right. But particularly in regard to our senior citizens and the millions that depend on Medicare either because of a disability or their age.

So it's the Republican Party, Mr. Speaker. It is the Republican Party that is really working on behalf of our seniors.

What did the Democrats do when they were in control for that brief period of time and Ms. PELOSI was the Speaker? They brought the country a whole new entitlement program, ObamaCare. It had nothing to do with seniors. It had nothing to do with the poor, who are covered by Medicaid and the Children's Health Insurance Program, the SCHIP program. In Georgia it's called PeachCare. They did nothing to strengthen Medicare.

In fact, to pay for this new entitlement program, health insurance for all, young and healthy people, they gutted the Medicare program.

Mr. Speaker, the gentleman from Louisiana has a poster before us right now, the first slide, if you will, and we need every one of us on both sides of the aisle to focus on that. And as he points to the first bullet point, cutting $575 billion from the Medicare program. And most of it, in the next bullet, is from the Medicare Advantage program. And of the 40 to 45 million people that are on Medicare, most of them, because they're 65, maybe 10 million of them because they're disabled and younger, but so many of them, Mr. Speaker, get their health care on the Medicare program through something called Medicare Advantage. And that's the key word.

Why is it Advantage? Because it gives them comprehensive care, it gives them an emphasis on wellness, prevention. It's not just treating disease. It gives them a drug benefit even before Medicare Part D was enacted by a Republican Congress back in 2003. And what do the Democrats do? They took—what was it, Dr. FLEMING?—$135 billion out of the Medicare Advantage program over a 10-year period. That is a 14 percent cut.

And President Obama says if you like what you have you can keep it. Well, you can keep it if it's still available, but it won't be.

We're here tonight to let the American people know and let our colleagues know, and if we have to hit them over the head with a 2-by-4 to get their attention, we're going to do it. Because they are ruining a great program. And we're health care providers. It breaks our heart. We know. We see the patient. We are at their bedside in sickness and in health when they come to our office for routine checkups.

But we're here now I guess as policy wonks. It's our colleagues back home—we want to keep them in the Medicare program, particularly primary care doctors seeing those patients. It just breaks my heart to see what's happening.

I thank the gentleman from Louisiana for managing the hour tonight on behalf of our leadership to make sure that these points are made and

made very clear to the American people, particularly our seniors.

Mr. FLEMING. I thank the gentleman. Dr. GINGREY serves on the House Energy and Commerce Committee, a committee that has oversight and jurisdiction in this area, very important, looking at a lot of legislation.

Next, I want to turn to another of our freshmen. We've had a wonderful cadre of freshmen we appreciate so much and a wealth of physicians and dentists as well bringing in their years of experience, training, and education.

Next I would like to recognize Dr. HAYWORTH, NAN HAYWORTH from New York, and would be very interested to hear what you have to say this evening.

Ms. HAYWORTH. Thank you, Dr. FLEMING, and I add my thanks to our distinguished colleague from Georgia in gratitude for your hosting and managing this session tonight.

We just had a Medicare telephone town hall today with our constituents in the beautiful Hudson Valley. We had a Medicare administrator with us because it's open enrollment season for Medicare throughout the country, I believe, up through December 7. So we were very grateful to have a Medicare administrator with us who helped answer some of the questions about some of the complexities of Medicare because there are a number of them, as you might imagine.

But we did get one question that was conspicuous because the gentleman asked me, and it's one that we've all been asked, as Dr. DESJARLAIS was saying not long ago, ''NAN, why are you against Medicare?'' I explained to my constituent that gosh, sir, it's exactly the opposite. I want to preserve and protect Medicare. I want to make it secure and sound. This is very important to all of us, to me as a doctor. I had the privilege of practicing for 16 years. I'm an opthamologist. So many of my patients were seniors. I'm the daughter of two elderly parents, both of whom rely on their Medicare benefits. So the last thing that I would want to do, the last thing that any of us want to do is to harm Medicare. We know how important it is.

More specifically, this nice gentleman was asking about our vote on the budget this past spring. And as all of us here know and as our listeners may not be fully aware, we did pass a budget in the House of Representatives this past April. They may not have heard quite as much about it as they otherwise should have, if you will, because the Senate did not pass a budget. They did give ours 47 more votes than the one proposed by the President. Nonetheless, that was not enough to pass a budget so we've been waiting now, the American public, for at least 2½ years for the Senate to pass a budget.

But in our budget, and Dr. GINGREY and Dr. FLEMING have just been referring to the $575 billion that was removed from Medicare by the massive 2010 health care overhaul. In our budget, we restore those funds to Medicare. That is a very, very important fact.

We all voted here as doctors, as caring legislators, as representatives of our districts to restore funding to Medicare, to strengthen Medicare, not to weaken it. That's the last thing we want to do and the last thing we can afford to do.

So I think it's very important for the American people to understand that as things stand now, the Medicare benefits that people are counting on are threatened in ways that they don't have to be.

So that's something that people should think about, people who cherish Medicare, who receive Medicare and who have loved ones who depend on Medicare; that Medicare is, unfortunately, as our colleagues have discussed, running out of funds.

When we think about payroll taxes, and we hear a lot about payroll taxes in the news these days, payroll taxes go to pay for Social Security and for Medicare. And the way these programs were set up, as we all know but just so that everybody understands, they were supposed to be, people would contribute from their paychecks, and the money would be kept by the Federal Government and then returned to them in their benefits in their senior years, when they would need them.

□ 1940

That could be a very helpful thing; but as Dr. DESJARLAIS has pointed out, thank the good Lord, people are living much, much longer than they were when Medicare was first made law.

So we are facing a challenge because, for several decades, contributions to Medicare from the payroll taxes were built up. People weren't taking out as much in their Medicare benefits as they were paying in. The baby boomers were not part of the Medicare-eligible senior group yet, and now they are. Now our seniors are living many years longer, thank the good Lord—and I wouldn't trade a day with my parents nor with any of our seniors—and our health care is wonderful in the United States, but it is costly for a number of reasons.

The Medicare funds that were built up have now started to be depleted, and they're going to run out, it's projected, anywhere from 2024 to now 2021. What we all know is that the estimates are probably off the mark. So, to take an extra $575 billion out of Medicare is the last thing we want to do.

It's very important for everybody to understand that because, although there are workers in this country who are contributing their payroll taxes now—and those are going to help fund Medicare—when those folks become retirees, Medicare is going to be very different in terms of the funds it has. That Medicare trust fund is going broke.

So folks have been thinking about—Dr. DESJARLAIS in particular mentioned it, I think—and may have heard three letters, SGR, about the doc fix. What is that? What does that mean?

When patients go to visit their doctors and when they receive Medicare, as Dr. FLEMING was saying, our Medicare patients have a certain fee schedule that we are obligated to follow. In a lot of cases, depending on their insurance and other factors, that fee schedule is far less than the fee schedule that is set up for our other patients. So Medicare pays doctors and other providers, and it generally pays less than other programs do. We accept that when we participate in the Medicare program, but to provide Medicare in the United States is very expensive. We have staff that we have to pay. We have overhead. Everybody who has a business—and I had my own practice, a small business—has rent and supplies and staff and insurance to pay.

One of the unique aspects of America in terms of our medical care is that we do have what's called a ''liability system,'' which is very costly, to cover lawsuits for malpractice. We should, indeed, do everything we can to prevent malpractice, but lawsuits in this country are very expensive.

Mr. FLEMING. If the gentlelady would yield, I think Dr. GINGREY has something he would like to add.

Mr. GINGREY of Georgia. I thank the gentleman from Louisiana for allowing me to take up a little time—maybe just a minute—to interrupt the gentlelady from New York.

Ms. HAYWORTH. Absolutely.

Mr. GINGREY of Georgia. She has made such great points.

The thing that I wanted to mention to my colleagues is that if we do nothing—and I think Representative HAYWORTH pointed this out—it is really not an option. She talked about those dates—2024, maybe, but probably closer to 2021—when part A becomes fiscally insolvent. If we do nothing, then what would happen is our seniors under the Medicare program would take a 22 percent cut in their benefits package, or else we would have to raise the payroll tax 22 percent.

I'll yield back after making this comment as I think this is important.

Medicare was enacted as an amendment to the Social Security Act in 1965. I guess it's title XVIII. We didn't have all of the information we needed back then. As Representative HAYWORTH points out, situations were different. Back then, people were not reliant so much on medication. It was more surgery and that sort of thing. Now we have Medicare part D. The point is that things change; and if we hadn't changed with the times, we would still be watching analog television. It's just as clear and as simple as that.

For people to criticize what the Republican budget called for in regard to making changes to Medicare so that it remains solvent for our children and grandchildren—and, as Dr. HAYWORTH pointed out, to protect it, preserve it

and strengthen it for those who are already on it—it would not do anything in regard to them but would be a phased-in change for our children and grandchildren so they'll have it like we've had it.

I thank the gentlelady for letting me interrupt briefly.

Mr. FLEMING. Since we are beginning to run a little short on time—and I want to make sure we get to all of our doctors and nurses—I'm going to recognize Ms. BUERKLE, a very excellent nurse and a wonderful addition to our freshman class.

Ms. BUERKLE. I thank my colleague from Louisiana.

Mr. Speaker, I just want to say what an honor it is to be here tonight on the floor with my colleagues and the members of the Doctors Caucus.

I do stand here as a nurse and also as the daughter of a 90-year-old mother. So Medicare for her, I know how she depends on the system.

One of the things we didn't talk about and one of my roles in life was as an attorney, as an attorney who represented a large teaching hospital. About 2 weeks ago, I joined with some of my colleagues on the House floor, and we talked about what this health care law is going to do to our hospitals. When our hospitals and our doctors are affected by reimbursements, by Medicare cuts, that really affects our seniors. That reduces their access to care.

So the first thing I want to do tonight as a health care professional and as someone who cares deeply—and I think that's the beauty of this tonight, of our getting together as people who have invested their lives in health care, who love people, who care about people. This isn't a Republican or a Democratic issue. This is an American issue because health care affects all of us. This is a group of people who really believes that there is a better way, that there is a much better way to provide access to health care in our country without jeopardizing that access and without jeopardizing the quality of care that our country has to offer.

So the first thing I want to do tonight is reassure our seniors that we are talking about protecting and allowing the Medicare system to continue on. What they need to understand is that the health care law has changed Medicare forever. Medicare is different now than it was before the health care law passed. The health care law cuts, Mr. Speaker, $500 billion from Medicare.

I just want to make clear on this graph what happens to Medicare reimbursements from 2012. You can see where we are. It's a minus, a cut of 9.7 percent; but here in 2018, the cuts to Medicare and the reimbursements to our hospitals are down 28.6 percent. I've had all the hospitals in my district come to me, and they were proponents of the health care law. They wanted reform. They've come to me and they've said, This health care law is going to bankrupt us because not only is the health care law affecting their Medicare reimbursements; it's affecting their disproportionate share reimbursements, which keeps many hospitals afloat that treat indigent patients and that treat Medicaid patients. It also affects their GME and their IME, which we talked about in the last Special Order we had in regards to how we're going to keep our teaching hospitals and keep all of our hospitals viable.

So I just want to leave the message tonight with the American people that we care about preserving Medicare for our seniors. We are not proposing anything in our budget proposal that would affect our seniors and those back to age 55. We want to assure the American people that we care so deeply about health care and about the quality of health care; but we are very concerned about this health care law, and it's why we voted to repeal it several months ago. One of the first things we did when we came to Washington was to repeal the health care law because we know what it will do to our seniors and to our health care providers.

I thank my colleague for organizing our time here tonight on the floor. Again, we just want to reassure the American people that we care about our seniors. We want to make sure they have access to quality care, to good health care.

□ 1950

Mr. FLEMING. I thank the gentlelady for a very compelling discussion, both as a health care provider and nurse, but also as a daughter of an elderly mother. Those words are very heartfelt, and obviously it means as much to you that we protect Medicare and health care in general as it would anybody. There's no reason why, just because you're a Member of Congress, that you would love your mother any less, so I think those are important words.

We're going to move now from a nurse to a surgeon. Dr. BENISHEK from Michigan has joined us this evening, and let's hear from you, Doctor, and see what you have to tell us.

Mr. BENISHEK. Thank you. Mr. Speaker, it's my pleasure to be here this evening to join my colleagues to talk about Medicare.

As you may know, before coming to Congress, I served as a general surgeon in my district for the last 30 years, and many of my patients were on Medicare. And as a practicing physician, I often expressed to my patients—and my understanding wife—about our broken health care system here in America. In fact, that's one of the reasons I decided to get more involved in the political process and actually run for Congress.

Most Americans don't understand that Medicare will be bankrupt within the decade if we don't do something to fix it. I didn't make this up. The actuary for the Centers for Medicare and Medicaid Services actually provided this number. You know, I think if you ask most 65-year-olds just beginning to use Medicare, most would be very worried to learn that their primary health care provider was projected to be bankrupt within the decade.

In fact, according to a recent Social Security Trustees report, Medicare seniors should expect to see a 22 percent benefit cut or workers should expect to see a 22 percent hike in their payroll taxes unless some action is taken. The bottom line is, if action isn't taken today, seniors in the program today, not to mention those looking to retire in the near future, begin to lose their benefits.

Despite these facts, the other side of the aisle has spent the last 6 months attacking us, often saying that House Republicans' attempt to protect and preserve Medicare was, in fact, destroying it.

Are you kidding me? Accusing myself and my fellow physicians in the House of wanting to end Medicare? We spent our careers caring for Medicare patients and are proud now to call them constituents.

The real truth of the matter is that President Obama was elected in 2008 with the promise of hope and change. He did accomplish change in America's health care system, but I don't think it's the kind of change that Americans bargained for.

Mr. Obama's health care law cut $575 billion from an already ailing Medicare system. The name of Mr. Obama's health care bill is the Patient Protection and Affordable Care Act. Mr. Speaker, I ask you: What type of patient protection cuts $14.6 billion from nursing homes, $112 billion from hospitals, and $135 billion from Medicare Advantage?

While I'm on the record extensively for balancing the budget, I do not believe that our health care system should be made affordable on the backs of America's seniors.

If the $500 billion in cuts made by ObamaCare were not bad enough, this bill did nothing to address the nearly 28 percent cuts to physician payments scheduled for January 1 of 2012. I believe in providing access for America's seniors, not taking it away.

I am happy to announce here tonight that I'm working with members of the Doctors Caucus, House leadership, and Members across the aisle to develop legislation that will solve this issue once and for all. Mr. Speaker, tonight I call on all my colleagues to work together to ensure America's seniors that America will continue to be there for them in their time of need.

I have made a pledge to seniors in my district that I will not support any changes to Medicare benefits for those 55 years of age or older. It is my belief that for those age 54 years of age or younger, some reforms will be necessary to guarantee that Medicare remains solvent in the long term for our children and our grandchildren. Mr. Speaker, we are here tonight to show that, as physicians, we want to preserve Medicare for the future.

I thank Dr. FLEMING for organizing this Special Order hour.

Mr. FLEMING. I thank the gentleman from Michigan.

Again, we're getting a world of experience here tonight, all the way from OB–GYNs, ophthalmologists, family physicians, nurses, so much in the way of words of wisdom, and we have so much on our side of the aisle with Republicans, as my friend points out, a dearth of available physicians, health care workers on the other side of the aisle. It seems a shame that we were completely closed out of the creation of and passage of the health care reform act, which certainly suggests that we need to go back and do it.

We also are joined tonight by our colleague from Arizona, Dr. GOSAR, who is a dentist and a very valued member, as well, of the conference. I would love to hear from you this evening.

Mr. GOSAR. Dr. FLEMING, thank you so very much for organizing this hour and being able to have a fireside chat with the American public about health care and what really is coming about and what actually is going on with a broken health care system. I also want to take the time to educate, to understand—have the American people understand what it is about a vibrant economy that actually helps our Medicare system.

Now, I know the holidays are coming up and we're going to be discussing giving a continuation of a tax holiday for many Americans, about the thousand dollars for an individual on their FICA, on their withholding tax, and to employers; but I also want to take the time to explain to the American public that there is a cost involved here. And part of that cost when a withholding tax is taken out goes into Social Security and partly to Medicare, and part of this is particularly Medicare part A, the hospitalization act, which is the closest one to insolvency of all parts of Medicare.

Now, we lost 5 years, particularly on Medicare part A, the hospitalization act, just from the years of 2010. We have yet to start looking at the disastrous parts of the economy to 2011 to be added into the insolvency. But what ends up happening is this takes a further hit in the numbers and amount of money that is actually part of the equation for our seniors in Medicare, so it's going to get worse before it gets better. And when you couple that with this administration taking—I call it stealing—over $500 billion away from the current Medicare program to build another entitlement, that's just not right.

I came into Congress because I was concerned about health care. As a dentist, I love seeing a smiling face, because a smiling face tells me something about vibrancy, about health, and participating in the greatest things that this life gives us. But it also tells me that it has to be a participating sport and that what we have to have is a patient taking care of and being involved actively in the choices and decision processes in their health care, and that's what I want to see.

I'm flabbergasted, to be honest with you, that we see a program rectifying Medicare, or attempting to, through ObamaCare, but then we leave the SGR fix or the physician fix completely separate. It doesn't make sense to the average person why these aren't all integrated and part of the same equation.

I also want to remind the American people, this is not an easy solution. We didn't get here overnight, because we didn't do our due diligence like we had talked about earlier. We didn't change with the times as we grew older. We changed our participation and age and the variables that we had.

We also enveloped technology, unbelievable things that no one in 1965 could have even imagined, they could have dreamed but couldn't have actually imagined. And that's what the other part is is that we also have to look—I come from a very rural district, and what is happening back in my neck of the woods is the primary care doc who was that gatekeeper, they're no longer around. They either are associated with a hospital or a federally qualified health center—if you can get them to see you. And that's the part that also makes me tell the American public we have got another problem.

You were involved in this Joint Committee that had Democrats and Republicans, 12 of them, trying to figure out some type of a debt solution for $1.2 trillion.

I want to remind the American people there's another consequence in this, not only to our military, but to our health care providers as well, because the sequestration, when it goes through, is also going to tap, once again, the providers who are no longer being able to afford to see patients, and our hospitals, particularly those rural hospitals that will be going out of business. So there won't be an access to care. We won't have the ability to be a part of our own health care because there won't be a health care provider out there.

□ 2000

This is the dynamics that we have to look at. This is the equation that is so immense. What I have always said is start a little bit at a time. Make sure that the playing field is level and all of the participants are actually there, increasing the competition, making sure the public health and the private health are all in balance, and then making sure we have some tort reform.

We have to have that. That was absolutely missing within this health care system. That is what we are going to have to get back to. And we're going to have to have sunset clauses that we reactivate and reevaluate each of the process as our aging population gets older and as our technology gets better and there are new advances in medicine. We have to empower people to be part of their health care solution and empowering them to get back with their physician and their health care system. That's what we need to do.

And that's the most vibrant aspect that I can challenge our seniors with. We're here for Medicare. We're here to change Medicare in the right way. We're here to change it for you

Mr. FLEMING. I thank the gentleman, Dr. GOSAR. I'm just going to make a couple of closing comments; and in the few moments we have left, I'm going to allow some of our other physicians to give closing comments.

One of the important things we have learned here tonight is under ObamaCare, $575 billion was cut out of Medicare. Medicare is going broke, becoming insolvent, according to the actuary in 8 years. The Republicans passed a budget earlier this year that would have fixed that for good. And the Democrats have yet to even talk about it or even acknowledge that it exists. But they do know it. So I want to be sure that we leave here tonight with an understanding of the seriousness of the challenges that we have before us.

Now I would like to recognize Dr. ROE for some parting comments.

Mr. ROE of Tennessee. Dr. FLEMING, thank you. I was just looking here, over 200 years of experience. What a diverse group. We have nursing, dentistry, family practice, OB–GYN, surgery, and so on. I think one of the greatest frustrations I had when I came to Congress, and Dr. GINGREY has been here longer than you and I have, and one of the things that I noticed in the health care debate that we had, now going on 3 years ago, was this: with nine physicians, M.D.s in the U.S. Congress, in the 111th Congress, not a single one of us was consulted about this health care bill. This was done on a completely partisan basis.

I have to kind of chuckle. I have never seen a Republican or a Democrat heart attack in my life. I have never personally operated on a Republican or a Democrat cancer in my life. These are people problems, as Congresswoman BUERKLE said a moment ago. These are people problems that affect all of us in this country.

What we wanted to do, as I stated when we started, was to make the cost of care go down. This is not going to do this. Look, this is very simple. When we talked about the IPAB, and I think we'll have to use a different time to discuss the Independent Payment Advisory Board because it is so detailed, but just very briefly, this is how this works.

Several of us have pointed out that $575 billion was taken out. Three million seniors a year going into Medicare, reaching Medicare age, and this group, this group of bureaucrats up here appointed, and I don't want them appointed by a Republican or a Democrat. I think Congress ought to be accountable, and we ought to be accountable to the American people about what happens to Medicare, not push it off to some bureaucrats that are going

to make these decisions, and then we say, oh, I'm sorry, we can't do anything when care is denied because when you have $575 billion less, and 3 million more people added per year, that's 30-something million people in 10 years, you know what that leads to, Mr. FLEMING.

It leads to a rationing of care. Decreased access. And if you have decreased access to your primary care provider, it means decreased quality of your care and the cost is going up. That's what's going to happen with this plan. That's why it's imperative, not just Medicare, but that we overturn the Affordable Care Act because it's not good medicine for patients.

If we simply had been included in the debate, this would not be a plan that you had to run through and get rid of the 1099 form, the IPAB. It's a bipartisan bill now with 214 bipartisan cosponsors. Those folks realize it's a bad idea. I could go on and on and on.

One of the good parts of the Affordable Care Act, let's point it out, it costs more money, but allowing a 26-year-old to stay on their parents' health care plan, that's a great idea unless your parents are not paying the bill. Currently, if a young person, 22 or 23 years old, gets health care, they'll pay one-sixth what I do. Now what happens with this, it has to be a three-to-one ratio, so their health insurance plan costs double.

We could go on and on about the inconsistencies. I think the previous Speaker, the current minority leader, had it right when she said let's pass it and then find out what's in it. Well, I read it, as most of us physicians did, and we found out all of the things that were in there that were not good for our patients. We're just now discovering it's going to be more costly for businesses out there, and we need to have an entire hour on that.

Mr. FLEMING. I thank the gentleman. Before I recognize another Member in the last minute or two that we have, I would just like to say that we are going to be having a lot more of these sessions. So we've just started. We've just scratched the surface. We're running out of time, so just to wrap things up, we have just barely scratched the surface. And these are not all the physicians or health care workers we have on our side. There are others here who could have been here, but had some other commitment tonight, but will be here next time.

I would love to talk more on IPAB. Even many Democrats see that was a very big mistake. It will be one way that you can get the door closed on your health care and getting the right sort of care in the future.

I thank everyone for being here tonight, and I look forward to doing it again very soon. God bless you all.

I yield back the balance of my time.

REPEAL OBAMACARE

The SPEAKER pro tempore (Mr. GOWDY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, it's an honor to be recognized to address you here on the floor of the United States House of Representatives. And I want to say that I appreciate the presentation that came from just some of the great team of doctors that we have here, especially on the Republican side of the United States Congress. I occasionally sit with these learned individuals, and I learn a lot from them, and I'm grateful that the American people have been able to review their presentation here tonight, looking at the numbers and the dollars that have come out of the health care because of this great burden of ObamaCare.

You know, I was thinking of the necessity for us to continue to remind Americans, ObamaCare is right now the law of the land. It is the law of the land. And until such time as this Congress repeals it or the Supreme Court should find it to be completely unconstitutional, it will remain the law of the land.

Mr. Speaker, the American people need to be reminded that even though it's creeping in on us, and people are realizing what ObamaCare is doing, a few people at a time, it is an insidious creep of a malignant tumor that is metastasizing and consuming American liberty, and it has to go.

If we look back at the special elections in Ohio 2 or 3 weeks ago, on it were several ballot initiatives. The second ballot initiative was one that rejected the collective bargaining initiative that had been initiated by Governor Kasich. It was a tough loss for Governor Kasich. I think he was right, but he lost in the ballot place because there was a liberal-heavy, union-heavy turnout in the State of Ohio for that special election night 2 or 3 weeks ago. And by 61 percent, the Kasich-initiated ballot initiative that limited collective bargaining was shot down by a union-heavy, liberal-heavy turnout. And they spent a lot of money in Ohio to turn out that type of a base.

But in the same ballot, the next item down, ballot initiative No. 2 was collective bargaining. No. 3 was a constitutional amendment to amend the Constitution of the State of Ohio to protect Ohioans from ObamaCare, to be able to reject the individual mandate and a whole series, about three different points there, to amend the constitution to protect Ohioans from the ObamaCare mandate.

□ 2010

And, with a union-heavy, liberal-heavy turnout in Ohio in which 61 percent said ''no'' to Governor Kasich on collective bargaining, sixty-six percent of that voting universe voted to protect Ohioans from ObamaCare and to reject ObamaCare by amending their State constitution. That's a serious step, to step forward and amend the State constitution. But they did so in an effort to reject ObamaCare in the State of Ohio.

Now, Mr. Speaker, that is a resounding rejection, that two out of every three people that went to the polls rejected ObamaCare. I will tell you that the American people are poised to do so if they're reminded that it exists out there. And there are two things that protect the American people, two stops along the way that can keep ObamaCare from becoming the perpetually institutionalized permanent law of the land, and that would be when the Supreme Court hears the case and yields a decision. I would remind you, Mr. Speaker, that there is no severability clause in all 2,600 pages of ObamaCare. No severability clause.

What that means to the lay person is this: If a component of ObamaCare is found unconstitutional by the Supreme Court, then all of ObamaCare is thrown out by the Supreme Court. There's no provision that stipulates that if a component is unconstitutional, then the other components will stand on their own.

That is not just an ignorant omission on the part of the people that drafted and promoted and voted for ObamaCare. They knew it didn't have a severability clause in it. I knew it didn't have a severability clause in it. That means every Member of Congress had the opportunity to know that it didn't have a severability clause. So Congress willfully and intentionally passed an ObamaCare piece of legislation that didn't provide that if a part of it is found to be unconstitutional, the balance of it would be found to be constitutional. And the important component of that then, Mr. Speaker is this. If a part is found unconstitutional, it's all unconstitutional, and all 2,600 pages of ObamaCare then, by a Supreme Court decision, will be rendered null and void.

Yes, Mr. Speaker, there are exceptions to those types of decisions by the Supreme Court. But generally speaking, the court honors and respects a willful decision of the legislative branch. If that willful decision is that there be no severability clause, the Supreme Court should understand that that wasn't an accident. It was an unintentional omission. It was a willful omission because the drafters and the proponents of ObamaCare, of which I am not one, understood that if a part of it is found to be unconstitutional, the rest of it collapses anyway of its own weight.

The components of this that prop up ObamaCare are cutting that $575 billion out of Medicare to fund other parts of ObamaCare and then ending Medicare Advantage. The individual mandate that's in there, all of this is delicately drafted to try to find a way to argue that it could be paid for. And of course, they discovered that the CLASS Act in ObamaCare couldn't sustain itself. The numbers that they had advanced to try to pass it aren't sustainable. And so the administration

has decided they're not going to move forward with the CLASS Act, this piece that is, let's say, retirement home insurance funded out of ObamaCare. They thought that was going to save money; they found out that it was going to cost money. So they'll drop that.

This Congress has passed a couple of repeals of pieces of ObamaCare. One of them is, out of this House at least, is the 1099 squeal form piece of ObamaCare. So it's been taken apart to some degree. And the underpinnings of ObamaCare are starting to cause it to crumble. If the Supreme Court finds any part of it unconstitutional, Mr. Speaker, they will be well aware that no severability clause does not indicate an omission by accident on the part of Congress; that somehow the Supreme Court would re-create on a decision by the Supreme Court. They need to know it was a willful decision, it was premeditated, it was thought out, and the decision was no severability clause because ObamaCare, if any part of it is taken out by it being found unconstitutional—and I believe there are about four areas where it is unconstitutional—then all parts of ObamaCare must go.

I appreciate the doctors that came to the floor tonight to educate the American people on the bad components of ObamaCare. I would like to encourage, Mr. Speaker, the American people to know that we are focused on repealing 100 percent of ObamaCare; ripping it all out by the roots and leaving not one vestige of it left behind, not one particle, not one sign of its DNA. Because if we leave any component of ObamaCare, it will grow back on us like the roots of a bad weed and/or the virus, or the malignant tumor, as I said. I would ask the doctors this. You take out a malignant tumor. If you leave part it, it will grow back. I don't want to leave one part of this malignant tumor of ObamaCare. I want American liberty to thrive. So ObamaCare must go.

Ohioans have rejected it by roughly a 2–1 margin—66 percent. And Ohio is middle America. If you're going to win the Presidency, you must win Ohio. President Obama knows that. That's why he visits Ohio as often as he does with Air Force One. Or, did we call that Fundraiser One. He visits these swing States—about 11 swing States—with the President of the United States flying in and out with Air Force One. Yes, just propping up public policy—no, not campaigning, according to his press secretary. We all know better.

The criticism that came from the Democrats because George Bush dropped into some States that were swing States on Air Force One now becomes the responsibility of Republicans to remind the Democrats that the next time this happens, you will be hypocrites. You actually should retract your statements now to prepare yourself for the incumbent President that will be campaigning around on Air Force One, dropping in some of these places and advancing policy in 2016. So prepare yourselves, gentlemen. Scrub it out of your history now. Recant the things you said about George W. Bush. That way you can defend the President today, and then you won't be such hypocrites in 2013, as I predict you will be. Sure, I would be happy to yield if you had an opinion on that, but I know that you know I'm right and accept that.

So, the job of this Congress, the job of the American people, is this: To maintain people here in the House of Representatives who are pledged to, committed to, and will pass a repeal of ObamaCare again and send it over to the United States Senate, where I'm asking, Mr. Speaker, for the American people to put Senators over there that will also vote to repeal ObamaCare, pledge to do so, and pledge to drive it and push it and use every fiber of their being to rip that malignant tumor, ObamaCare, out of the Federal Register, out of the code, and give people back their American liberty. It's not enough to trust the Supreme Court to make a constitutional decision and sit back on our hands and think that somehow the court is going to save us.

I remember what happened when McCain-Feingold passed and then went to the President's desk. That was President Bush. And the word that came back—and this is rumor and conjecture, Mr. Speaker—was that the President had decided that he would sign the bill because it had such momentum when it got there and political support when it got there because he expected the Supreme Court would find McCain-Feingold to be unconstitutional.

Well, over time, and thanks to Citizens United and their lawsuit, parts were found to be constitutional—not all of it—and the limits that were put on free speech within that were freed up to the degree that they were litigated by Citizens United. I congratulate the people that had the vision to take it to the Supreme Court and win the case there. But no executive officer and no Member of this legislature, the House or the Senate—and, Mr. Speaker, I would send a message also to all legislators in the land, everyone in the statehouse in all 50 States, be you in the State house or the State senate, or in Nebraska in the unicameral, never vote for a bill because you believe that the court will find it to be unconstitutional and protect the citizens from a bad policy or an unconstitutional policy.

Mr. Speaker, we take an oath to uphold the Constitution of the United States. That oath that we take is to preserve, protect, and defend the Constitution of the United States to the words and the language that are in the Constitution, not as it would be reinterpreted by someone else—a court-to-be, let's say, appointed later by an executive-to-be elected later to amend by court decision the clear meaning of this Constitution.

I'd give an example of this. In fact, the discussion came up today in the Judiciary Committee with Congressman SENSENBRENNER of Wisconsin's bill that goes back to protect the property rights within the States and prohibits Federal funds going into certain programs of States that violate the intent and the literal language of the Fifth Amendment of the United States Constitution.

The famous Kelo decision, Mr. Speaker, I recall that unfolding here in about 2004 or 2005, when I believe it was the city council of New London, Connecticut, had decided that they would condemn property that was owned privately through eminent domain and then hand that property over to another private interest to be developed for a shopping mall or a strip mall because they believed that they would get a better tax base and get a better return than they were from the individual that owned the land.

□ 2020

Now, it directly and clearly violated, in my opinion—and I'll put my opinion up against any Supreme Court Justice that disagrees with me on this issue in particular—the clear language in the Fifth Amendment of the Constitution that protects our property rights and is an essential pillar of American exceptionalism, the right to property.

It says: ''Nor shall private property be taken for public use without just compensation.'' ''Nor shall private property be taken for public use without just compensation.'' And the effect of the Kelo decision by the Supreme Court, which I believe was unjustly found, is to strike three words out of the Fifth Amendment in the Constitution of the United States, the words: ''for public use.'' So, now the effect, after this wrongly held Kelo decision, is for the Fifth Amendment to read this way: ''Nor shall private property be taken without just compensation.'' The ''for public use'' taken out of the Fifth Amendment.

This Constitution has to mean what it was understood to mean at the time of ratification. It has to mean what the clear words mean in this Constitution. It can't be anything else. We can't take an oath to anything else, and we can't be bound by a later interpretation to the Constitution that someone else makes unless there is a clarity that's added to the understanding of the plain meaning and the plain words and the original text of the Constitution and the amendments as they were ratified.

What did they mean when they were ratified? Mr. Speaker, we had a supreme court in the State of Iowa that concluded that they could find rights in the State constitution that were ''up to this point unimagined.'' Seriously, judges wrapped in black robes—no longer any wigs—sitting there saying that they had found rights in the constitution that were up to this point unimagined, and that somehow this contractual guarantee that gets passed

down through the generations and the ages, this contract with American citizenship—with Iowan citizenship in that case—can be breached because they have found rights that were up to this point unimagined? Heretofore unimagined rights.

What kind of guarantee can there be, a court that can discover new rights out of their imagination and declare that no one else had the imagination to discover those rights, but they had the vision to discover rights that were in this Constitution but not discovered before? That says there's no guarantee whatsoever. That says this Constitution becomes just only one of two things: it becomes an artifact of history with no meaning whatsoever, or it's a shield that the Justices can use to protect themselves from the criticism of the unwashed masses, those laypersons that think that they can't read this clear language and understand it.

Mr. Speaker, I'll say the people I represent can read the Constitution. They do understand it. They understand what it means. And they can make the argument with the Supreme Court Justices if they were not intimidated. If they would just read the language, go to the Fifth Amendment, read the language, ''Nor shall private property be taken for public use without just compensation.''

What does ''for public use'' mean if a local government can confiscate private property and hand it over to another private entity for the purposes of private use? That means they have violated the Constitution. And the bill before the Judiciary Committee today, thanks to Chairman SMITH and former Chairman JIM SENSENBRENNER, fixes that to some degree; but it doesn't repair this Constitution that is so sacred to all of us that we take an oath to it.

And so I'll continue my oath and pledge to this Constitution, Mr. Speaker, and continue to make this point that we have to have constitutional legislation come before this Congress; that when someone brings a bill called ObamaCare to this floor—2,600 pages—that violates so many of the components of the constitutional guarantee, let alone sapping the vitality from this very vigorous American culture that we are, the American people rise up.

They rose up in tens of thousands, came to this Capitol and surrounded the place, jammed the place so heavily that people had trouble getting in and getting out. It was a glorious thing to see, Mr. Speaker, that the American people love their liberty enough that they would come from all 50 States to jam this Capitol to say to us, do not do this. Do not commit this affront to the Constitution. Do not usurp American liberty. These are God-given rights.

And who takes them away? This Congress that was led by then-Speaker PELOSI and HARRY REID in the Senate and Barack Obama. The ruling troika imposed ObamaCare on us, and the American people have rejected it resoundingly by sending now 89 freshman Republicans to the House of Representatives. And every one of them pledged to repeal ObamaCare. And all but two of them—because they haven't had a chance to do so yet, they're the special election two—every single Republican in the House and every single Republican in the Senate voted to repeal ObamaCare. And it was bipartisan. Some of the Democrats in the House voted to repeal ObamaCare.

The message has been sent. It's been sent in the State of Ohio; it's been sent by the polling. It goes on and on and on: repeal ObamaCare. Now, every Presidential candidate on the Republican side is running on repealing ObamaCare. Every one of them will sign the repeal if they're elected President and sworn into office.

Now, I'd like to see us put the repeal of ObamaCare, if we can't get it passed before such time as we elect a new President, whom I believe will be inaugurated January 20, 2013, if we can't get ObamaCare completely repealed before then, and whether or not the Supreme Court finds it unconstitutional, honors that there is no severability clause, and throws all of ObamaCare out, it's still exists within the code and it still needs to be repealed.

And the next Congress, being an honorable Congress, needs to send a repeal to the next President to be signed. And even if the Supreme Court throws it out, and even if the current President is reelected, there needs to be a repeal that goes to second-term President Obama's desk—I perish the thought if it unfolds in that fashion. But this Congress needs to act and repeal ObamaCare thoroughly.

And I pray that we're able to put the repeal of ObamaCare on the podium, on the west portico of the Capitol, January 20, 2013, having passed the House and the Senate, not messaged to the White House, messaged to the podium on the west portico of the Capitol, moments—maybe the instant after the next President takes the oath of office. And at the words ''so help me God,'' I'd like to see the next President sign the repeal before he or she shakes the hand of Chief Justice Roberts, who will be delivering the oath of office to the next President of the United States. We have constitutional responsibilities that we have to live up to. We give an oath. ObamaCare violates that Constitution.

And we have some other things going on here in this government that violate the spirit of the statutes that the American people have pushed through here. And one of them is this. It's the advocacy, Mr. Speaker, of this: I've got a memo in my hand. It's dated 13 April, 2011 from the Chief of the Chaplains of the Navy to Chaplains and Religious Program Specialists. It says this: Go ahead, you Navy chaplains. You go ahead and conduct same-sex marriage services on our military bases anywhere where it's not otherwise illegal.

That's the summary of it. It says that facility usage is determined by local policies. And the Region Legal Service Office, the RLSO, should be consulted to ensure compliance with existing laws and regulations, absent some existing statute, however. This is a change to previous training that stated same-sex marriages are not authorized on Federal property. This memo says they are now authorized on Federal property in direct contradiction with the Defense of Marriage Act, DOMA, that was passed by this Congress, signed into law, clearly is the law of the land.

I mean, we have, apparently, a directive from the Commander in Chief of the United States military, Barack Obama. He surely has to be the one that has ordered the Navy, you shall send out a memo here to direct the chaplains to conduct same-sex marriages on the bases unless there is some other law that gets in the way. I think that this kind of activity is an affront to the legislative authority that exists by the Constitution within the legislature. This is not an executive decision. This is a decision of the legislature.

□ 2030

We passed the Defense of Marriage Act. I testified to defend the Defense of Marriage Act over in the United States Senate a month or so ago. And if the Senate were able to pass a repeal of the Defense of Marriage Act, it still has to come to the House, where I'm confident it would not pass. And I don't think it'll pass the Senate either.

But in any case, we have a defiance of Federal policy set by the Congress, signed by the President of the United States, from the Office of the Chief of the Navy Chaplains, dated 13 April 2011, that says, don't be biased by sexual orientation when you're conducting weddings. Go ahead and marry same-sex people on these military bases anywhere where it doesn't otherwise violate a law.

That tells me that that goes worldwide, bases everywhere. I suppose it's probably not happening on a base in Kuwait. They might frown on such a thing, but I don't know, and it's hard to get the facts on this.

But it's hard for me also to imagine a Marine—a Navy chaplain marrying a couple of marines, let's say a same sex couple of marines, whichever sex it might be. And this is going on in the United States of America and on bases around the country, Mr. Speaker, and it needs to come to an immediate halt.

This Congress has acted on this. This House has sent the message, and of course you have the Senate on the other side, run by HARRY REID, one-third of the former ruling troika that now becomes a shield for the President of the United States and the person who carries the water for the President, protects him when he doesn't want to have the confrontation himself. They've gone the other way. Now they've stricken the language out of the code. If the Senate language passes the House, they've stricken the language that prohibits bestiality in the

military in their overzealous effort to try to advance same-sex marriage among our military and use it as a social experiment.

The military's job is to protect our freedom and our liberty. They take an oath to the Constitution. They put their lives on the line, and we give them something that defies the Federal law, the Defense of Marriage Act.

Now, this is bad enough, Mr. Speaker, and I'm going to ask to introduce this into the RECORD. I know that I have the, I guess I'll say the privilege to do that. I will go on to another subject matter here that's—I don't know if it's more egregious, but it's plenty bad.

This is a memo dated September 14, 2011, Department of the Navy, Walter Reed National Military Medical Center up on Wisconsin Avenue, Bethesda, Maryland. I visited up there and visited wounded a number of times. And this memo is from the Commander of Walter Reed National Military Medical Center. Subject: Wounded, Ill and Injured Partners in Care Guidelines. Policy Memo Number 10–015. And there's a bunch of other stamped numbers that do reference off of the Web site. And it gives some directive about the purpose, applicability, official of wounded, ill and injured partners visits, how they should be conducted, et cetera.

And policy, according to Patient and Family Centered Care, Mr. Speaker, children in good health under the age of 18 are encouraged to participate. It goes on. Here's how the families should conduct themselves in visiting the wounded. Here's the intensive care units, how we would do that.

Here are exceptions, visits before or after the established hours, how that might work. And then visitation for certain kind of patients, et cetera. Those visiting the WII in an official capacity will make their request 5 days in advance, getting to the goal line.

A number of these provisions, as I read through here, the family, the leadership, members of the executive—this memo directs towards the executive, the legislative, and the judiciary branches of government? Members of the executive, legislative, to include professional staff members, judiciary, active duty, general, flag and senior executive service personnel. It's telling all of us, Members of Congress, the President and all of his people, the judiciary, the judges, the judiciary branch and all of their staff—well, at least the legislative staff—what we can and can't do when we visit the wounded at Walter Reed, including active duty general, flag and senior executive services, celebrities, sports personnel, et cetera, members of the press. All these people that are listed, here's what you can and can't do.

Now, I'll get to my point here on the last page, Mr. Speaker, partners in care guidelines. That's all of us bound by this memo, supposedly. All family visits must be scheduled 5 days in advance, as I said. Group size can't be over five. All partners under the age of 18 must be accompanied by an adult. Okay. Fine. I'm good enough with that. Can't take pictures unless the patient agrees. Fine with that.

Due to dietary restrictions and infectious disease protocols, the distribution of home-produced baked goods to the patients, families, and staff members is prohibited. You can't bring cookies to the patient. Ooh, that's tough.

But I wouldn't be standing here if that was the worst thing, Mr. Speaker. That's Item E. I went A, B, C, D, E.

Here's Item F, and I'll read it into the RECORD. ''No religious items, (i.e., Bibles, reading material and/or artifacts) are allowed to be given away or used during a visit.''

Mr. Speaker, these military men and women who are recovering at Walter Reed and Bethesda have given their all for America. They've given their all for America, and they've defended and taken an oath to the Constitution, and here they are. The people that come to visit them can't bring a religious artifact? They can't bring a Bible? They can't use them in the services? A priest can't walk in with the Eucharist and offer communion to a patient who might be on their deathbed because it's prohibited in this memo from the Department of the Navy, the Commander of Walter Reed and signed, Mr. Speaker, in conclusion, by C.W. Callahan, Chief of Staff.

I would also like to introduce this document into the RECORD.

OFFICE OF THE CHIEF
OF NAVY CHAPLAINS,
Washington, DC,

From: Chief of Chaplains (OPNAV N097)
To: Chaplains and Religious Program Specialists
Subj: Revision of Chaplain Corps Tier 1 Training

1. Chaplain Corps Tier 1 DADT repeal training has been revised. The current version, dated 11 April 2011, has been posted on the Navy and Marine Corps DADT repeal websites. This revised version supersedes all previous versions and should be reviewed in its entirety.

2. During the initial stages of curriculum development, several policy questions were raised related to same-sex marriages. Those questions were forwarded for legal counsel and approval was secured to commence Tier 1 training while awaiting further guidance. Additional legal review concluded that the curriculum did require modification of content related to same-sex marriage issues as found in Vignette 1 and FAQ 5.

a. Regarding the use of base facilities for same-sex marriages, legal counsel has concluded that generally speaking, base facility use is sexual orientation neutral. If the base is located in a state where same-sex marriage is legal, then base facilities may normally be used to celebrate the marriage. This is true for purely religious services (e.g., a chaplain blessing a union) or a traditional wedding (e.g., a chaplain both blessing and conducting the ceremony). Facility usage is determined by local policies and the Region Legal Service Office (RLSO) should be consulted to ensure compliance with existing laws and regulations. This is a change to previous training that stated same-sex marriages are not authorized on federal property.

b. Regarding chaplain participation, consistent with the tenets of his or her religious organization, a chaplain may officiate a same-sex, civil marriage: if it is conducted in accordance with the laws of a state which permits same-sex marriages or union; and if the chaplain is, according to applicable state and local laws, otherwise fully certified to officiate that state's marriages. While this is not a change, it is a clearer, more concise and up to date articulation. Again, consult the Region Legal Service Office (RLSO) to ensure compliance with existing laws and regulations.

3. The revised Chaplain Corps Tier 1 training is posted on the Navy and Marine Corps DADT websites. Those websites are found at: Navy—http://www.dadtrepeal.navy.mil; Marine Corps—https://www.manpower.usmc.mil/portal/page/portal/M—RA—HOME/DADT. All prior versions of the curriculum should be replaced by the current 11 April 2011 version.

4. If you have any questions or require additional information please contact Chaplain Doyle Dunn at (703) 614–4437/doyle@dunne@navy.mil or Chaplain Michael Gore at (703) 614–5556/michael.w.gore @navy.mil.

M.L. TIDD,
Rear Admiral, CHC, U.S. Navy.

DEPARTMENT OF THE NAVY, WALTER REED NATIONAL MILITARY MEDICAL CENTER,
Bethesda, MD, September 14, 2011.

From: Commander, Walter Reed National Military Medical Center
Subj: Wounded, Ill, and Injured Partners in Care Guidelines
Ref: (a) NAVMED Policy Memo 10–015

1. Purpose. To provide guidelines with respect to the presence and participation of families and other partners in care. This document replaces the hospital's previous visitation policies for the Seriously Injured (SI), Very Seriously Injured (VSI), and Wounded, Ill, and Injured (WII) patients. The Walter Reed National Military Medical Center (WRNMMC), Bethesda promotes and supports a patient and family centered approach to care. For the purpose of this instruction, WII patients are those active duty individuals who are wounded, become ill, or who are injured while serving within a combat theater.

2. Applicability. To provide guidance for partners in care as defined by the family of SI, VSI, and WII patients at WRNMMC.

3. Official WII Visits. Other partners in care who wish to visit the WII population will arrange their visit through the Warrior Family Coordination Cell (WFCC) Office of Distinguished Visitation utilizing the ''Gold Line'' (855) 875–GOLD (4653) and will arrange their visit to fall between the hours of 1000–1500 daily unless other arrangements have been arranged through the WFCC. It is requested, to foster the ''Patient and Family Centered Care'' milieu within the inpatient environments, visitors refrain from scheduling visits during inpatient quiet hours of 1300–1400 daily.

4. Policy. In keeping with the ''Patient and Family Centered Care'' philosophy of WRNMMC, families are considered partners within the health care team and are encouraged to care for their loved ones while maintaining good personal health without constraint of set visiting hours.

a. Children. Children in good health under the age of 18 are encouraged to participate in the recovery process with their wounded family member under the direct supervision of an adult family member.

b. Family. WRNMMC uses a broad definition of ''family'' as defined by each patient. This concept is supported by the American Academy of Family Physicians.

c. Intensive Care Units. Primary next of kin (PNOK) may visit at any time. Other

partners in care may visit if accompanied by the PNOK.

d. Exceptions. Visits before or after the established hours of 1000–1500 and during inpatient quiet hours of 1300–1400 for other partners in care will be reviewed on a case by case basis through the WFCC, attending physician, and charge nurse.

5. SI and VSI Patients. Visitation for the SI and VSI patients who are not WII will be managed at the discretion of the attending physician and respective charge nurse in consultation with the patient. Visitors should be limited to the immediate family or other individuals identified by the patient and/or immediate family. These visits will be coordinated through the appropriate charge nurse prior to being directed to the patient's room.

6. WII Patients. Those visiting the WII in an official capacity will make their request utilizing the WFCC ''Gold Line'' at (855) 875–GOLD (4653) and will be limited to the hours of 1000–1500 Monday through Friday. To encourage patient and family rest, foster a rehabilitative environment, and accommodate clinical necessities, it is requested visitors refrain from scheduling visits during inpatient quiet hours of 1300–1400 daily. In general, officials visiting the WII population outside the established visiting hours will need prior approval from the WFCC. To ensure an optimal experience, these visits will be scheduled five (5) days prior to the planned date; impromptu or last minute visits to the WII will not be entertained. WII visits include the following partners in care:

a. Family

b. Leadership of Title 36 Congressionally Charted Organizations

c. Members of the:

(1) Executive

(2) Legislative—to include Professional Staff Members (PSM)

(3) Judiciary

d. Active duty General, Flag, and Senior Executive Service (SES).

e. Celebrities and sports personnel vetted through the Staff Judge Advocate (SJA).

f. Members of the press vetted through the Public Affairs Office (PAO).

g. Other partners in care who represent committees who wish to visit the WII from the Veterans of Foreign Wars, American Legion, Fleet Reserve Association, Marine Corps League, Army League, and other similar organizations shall be referred to the WFCC for WII visits.

h. Leadership of the Military Coalition and National Military Veterans Alliance.

i. Out of town visitors or visitors who cannot come during normal visiting hours shall be referred to the WFCC for patient visits.

j. Partners in care representing verifiable 501(c)(3) benevolent organizations wishing to interact with the WII and or provide goods or services will be directed to the WFCC. These organizations will not be allowed unfettered access to the inpatient environment for the purposes of information gathering, solicitation, or donation delivery.

(1) All donations of goods or services to the WII will be coordinated through the WFCC utilizing approved processes, vetting methods, accountability, and delivery.

7. Exceptions. SI, VSI, and WII patients may refuse visitors at any time.

8. Partners in Care Guidelines

a. All non-family visits must be scheduled five (5) days in advance.

b. Group size will not exceed five (5).

c. All partners in care, under the age of 18, must be accompanied by an adult.

d. Photographs may not be taken before, during, or after the visit without express permission and signed Health Insurance Portability and Accountability Act documentation provided by the PAO and signed by the patient or PNOK if the patient is incapacitated. At no time will personal identifiable information (PII) or protected health information (PHI) be recorded, retransmitted, and or utilized in any manner without the express written consent of the patient or their PNOK if incapacitated.

e. Due to dietary restrictions and infectious disease protocols, the distribution of home produced baked goods to the patients, families, or staff members is prohibited.

f. No religious items (i.e. Bibles, reading material, and/or artifacts) are allowed to be given away or used during a visit.

9. Release of Patient Information. All patient information will be released in accordance with reference (a).

C.W. CALLAHAN,
Chief of Staff.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DOYLE (at the request of Ms. PELOSI) for after 4:30 p.m. today on account of medical reasons.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 394. An act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Friday, December 2, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

4067. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of French Beans and Runner Beans From the Republic of Kenya Into the United States [Docket No.: APHIS-2010-0101] (RIN: 0579-AD39) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4068. A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program, and Technical Amendments [FNS-2007-0023] (RIN: 0584-AD54) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4069. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final Priorities, Requirements, and Selection Criteria; Charter Schools Program (CSP) Grants for Replication and Expansion of High-Quality Charter Schools [CFDA Number: 84.282M] (RIN: 1855-ZA08) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4070. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Head Start Program (RIN: 0970-AC44) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4071. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Beverages: Bottled Water Quality Standard; Establishing an Allowable Level for di(2-ethylhexyl)phthalate [Docket No.: FDA 1993-N-0259 (Formerly Docket No.: 1993N-0085)] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4072. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 15 regarding new requirements and measurement guidelines for Access Broadband over Power Line Systems; Carrier Current Systems, including Broadband over Power Line Systems [ET Docket No.: 04-37] [ET Docket No.: 03-104] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4073. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Panama City, Florida) [MB Docket No.: 11-140] received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4074. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations; Extension of the Filing Requirement For Children's Television Programming Report (FCC Form 398) [MM Docket No.: 00-168] [MM Docket No.: 00-44] received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4075. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Anglers for Christ Ministries, Inc.; New Beginning Ministries; Petitioners Identified in Appendix A; Interpretation of Economically Burdensome Standard; Amendment of Section 79.1(f) of the Commission's Rules; Video Programming Accessibility; [CGB-CC-0005] [CGB-CC-0007] [CG Docket No.: 06-181] [CG Docket No.: 11-175] received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4076. A letter from the Chief, Broadband Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010; Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996; Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision [CG Docket No.: 10-213] [WT Docket No.: 96-198] [CG Docket No.: 10-145] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4077. A letter from the Chair, Federal Election Commission, transmitting the Commission's final rule — Standards of Conduct [Notice 2011-16] (RIN: 3209-AA15) received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4078. A letter from the Federal Register Liaison Officer, Department of Commerce, transmitting the Department's final rule — Fee for Filing a Patent Application Other than by the Electronic Filing System [Docket No.: PTO-P-2011-0065] (RIN: 0651-AC64) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4079. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended (RIN: 1400-AC86) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4080. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Addition of the Cook Islands to the List of Nations Entitled to Special Tonnage Tax Exemption received November 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4081. A letter from the Program Manager, Department of Homeland Security, transmitting the Department's final rule — Medicare Program; Part A Premiums for CY 2012 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement (RIN: 0938-AQ15) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4082. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2011-90] received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4083. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Branded Prescription Drug Fee; Guidance for the 2012 Fee Year [Notice 2011-92] received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4084. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Appleton v. Commissioner, 135 T.C. 461 received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4085. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tribal Economic Development Bonds — Request for Public Comment on Volume Cap Allocation Process and Optional Extension of Deadline to Issue Bonds (Announcement 2011-71) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4086. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information reporting of mortgage interest received in a trade or business from an individual (Rev. Proc. 2011-55) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4087. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Graduated Retained Interests [TD 9555] (RIN: 1545-BH94) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2845. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; with an amendment (Rept. 112–297, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. S. 535. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes (Rept. 112–298). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1158. A bill to authorize the conveyance of mineral rights by the Secretary of the Interior in the State of Montana, and for other purposes; with an amendment (Rept. 112–299). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2172. A bill to facilitate the development of wind energy resources on Federal lands, with an amendment (Rept. 112–300, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2842. A bill to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation Law, and for other purposes; with an amendment (Rept. 112–301). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2803. A bill to direct the Secretary of the Interior, acting through the Bureau of Ocean Energy Management, Regulation and Enforcement, to conduct a technological capability assessment, survey, and economic feasibility study regarding recovery of minerals, other than oil and natural gas, from the shallow and deep seabed of the United States; with amendments (Rept. 112–302). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2578. A bill to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes (Rept. 112–303). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2360 A bill to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes (Rept. 112–304). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2351. A bill to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area (Rept. 112–305). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1556. A bill to amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs, and for other purposes (Rept. 112–306). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1461. A bill to authorize the Mescalero Apache Tribe to lease adjudicated water rights (Rept. 112–307). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 991. A bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; with an amendment (Rept. 112–308). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 850. A bill to facilitate a proposed project in the Lower St. Croix Wild and Scenic River, and for other purposes; with an amendment (Rept. 112–309). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 306. A bill to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; with an amendment (Rept. 112–310). Referred to the Committee of the Whole House on the state of the Union.

Mr. NUGENT: Committee on Rules. House Resolution 479. Resolution providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes (Rept. 112–311). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce discharged from further consideration. H.R. 2845 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committee on Agriculture discharged from further consideration. H.R. 2172 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. RAHALL (for himself, Mr. DEFAZIO, Mr. COSTELLO, Ms. NORTON, Mr. NADLER, Ms. BROWN of Florida, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. BOSWELL, Mr. HOLDEN, Mr. CAPUANO, Mr. BISHOP of New York, Mr. MICHAUD, Mr. CARNAHAN, Mrs. NAPOLITANO, Mr. LIPINSKI, Mr. ALTMIRE, Mr. WALZ of Minnesota, and Mr. COHEN):

H.R. 3533. A bill to ensure that transportation and infrastructure projects carried out using Federal financial assistance are constructed with steel, iron, and manufactured goods that are produced in the United States, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial 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. HANNA (for himself and Mr. MULVANEY):

H.R. 3534. A bill to amend title 31, United States Code, to revise requirements related to assets pledged by a surety, and for other purposes; to the Committee on the Judiciary.

By Mr. POLIS (for himself and Mrs. DAVIS of California):

H.R. 3535. A bill to improve outcomes for students in persistently low-performing schools, to create a culture of recognizing, rewarding, and replicating educational excellence, to authorize school turnaround grants, and for other purposes; to the Committee on Education and the Workforce.

By Mr. JOHNSON of Georgia (for himself, Mr. BARLETTA, Mr. FILNER, Mr. HOLT, Mr. CARNAHAN, Mr. LEWIS of Georgia, Mr. STARK, Mr. ALTMIRE, Mr. RANGEL, Ms. PINGREE of Maine, and Mr. BISHOP of New York):

H.R. 3536. A bill to direct the Secretary of Transportation to delay certain target compliance dates for minimum retroreflectivity level standards applicable to traffic signs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REHBERG:

H.R. 3537. A bill to require the Secretary of State to act on a permit for the Keystone XL pipeline; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Foreign Affairs, Energy and Commerce, and 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. MICA (for himself, Mr. GIBBS, Mr. COBLE, Mr. JONES, Mr. BARLETTA, Mr. GERLACH, Mr. PLATTS, Mr. CRAVAACK, Mr. DENHAM, Mr. SESSIONS, Mr. BUCSHON, Mr. RENACCI, Mr. LUETKEMEYER, Mr. GUTHRIE, Mr. WEST, Mr. WEBSTER, Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. OLSON, Mr. GOWDY, Mr. TURNER of Ohio, Mr. YOUNG of Alaska, Mr. WESTMORELAND, Mr. AUSTIN SCOTT of Georgia, Mrs. LUMMIS, Ms. FOXX, Mr. COLE, Mr. CRENSHAW, Mr. ADERHOLT, Mr. FORTENBERRY, Mr. LANKFORD, Mr. WALBERG, Mr. MACK, Mr. FARENTHOLD, Mr. GUINTA, Mr. CHAFFETZ, Mr. JORDAN, Ms. BUERKLE, Mr. GOSAR, Mr. ROSS of Florida, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mr. CRAWFORD, Mr. GRAVES of Missouri, Mr. HERGER, Mr. CHABOT, Mr. DUNCAN of Tennessee, Mr. RIBBLE, Mr. HULTGREN, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. WOMACK, Mr. SOUTHERLAND, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. POE of Texas, Mrs. SCHMIDT, Mr. SHUSTER, Mr. HANNA, Mr. PETRI, Mr. SULLIVAN, Mr. STIVERS, Mr. HURT, Mr. KINGSTON, Mr. YOUNG of Florida, Mr. FRELINGHUYSEN, Mr. FLEISCHMANN, Mr. BROOKS, Mr. LANDRY, Mrs. MYRICK, Mr. HUNTER, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. STEARNS, Mr. LUCAS, Mr. CULBERSON, Mr. LATTA, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. FORBES, Mr. BARTLETT, Mr. MCKEON, Mr. TIBERI, Mr. SMITH of Texas, Mr. LONG, Mr. PEARCE, Mr. HARPER, Ms. JENKINS, Mr. WOODALL, Mr. CARTER, Mrs. BLACKBURN, Mr. STUTZMAN, Ms. HAYWORTH, Mr. GRIFFIN of Arkansas, Mr. CONAWAY, Mr. SCHOCK, Mr. AUSTRIA, Mr. SIMPSON, Mr. SCOTT of South Carolina, Mr. AMASH, Mr. FLAKE, Mr. HARRIS, Mr. CANSECO, Mr. KINZINGER of Illinois, Mr. BACHUS, Mr. KING of Iowa, Mr. BUCHANAN, Mrs. NOEM, Mr. DESJARLAIS, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. ROSKAM, Mr. ROKITA, Mr. ISSA, Ms. HERRERA BEUTLER, Ms. GRANGER, Mr. PENCE, Mrs. ADAMS, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. BRADY of Texas, Mr. ROONEY, Mr. COOPER, Mr. GARDNER, Mr. GARRETT, Mr. AKIN, Mr. HUELSKAMP, Mr. NEUGEBAUER, Mrs. CAPITO, Mr. REED, Mr. FINCHER, Mr. GRAVES of Georgia, Mr. BONNER, Mr. ROGERS of Alabama, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. BILIRAKIS, Mr. POSEY, Mr. SCALISE, Mr. PITTS, Mrs. BIGGERT, Mr. FLEMING, Mr. QUAYLE, Mrs. BONO MACK, Mr. CAMP, and Mr. BISHOP of Utah):

H.R. 3538. A bill to amend the Railway Labor Act to direct the National Mediation Board to apply the same procedures, including voting standards, to the direct decertification of a labor organization as is applied to elections to certify a representative, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANSECO:

H.R. 3539. A bill to terminate the HOPE VI program of the Department of Housing and Urban Development; to the Committee on Financial Services, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER (for himself, Mr. SMITH of Texas, and Mr. COURTNEY):

H.R. 3540. A bill to amend the Internal Revenue Code of 1986 to increase the tax benefits for child care assistance for military families; to the Committee on Ways and Means.

By Mr. FRANKS of Arizona (for himself, Mr. COLE, Mr. HUELSKAMP, Mr. LANKFORD, Mr. FLEMING, Mr. BISHOP of Utah, Mr. PENCE, Mr. CHABOT, Mr. POSEY, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. HULTGREN, Mr. GARRETT, Mrs. SCHMIDT, Mr. BRADY of Texas, Mr. FORBES, Mr. WILSON of South Carolina, Mr. STUTZMAN, Mrs. LUMMIS, Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. HARRIS, Mr. YODER, Mr. WALBERG, Mr. BOREN, Mr. BARTLETT, Mr. SMITH of Texas, Mr. LIPINSKI, Mrs. BLACK, Mr. BOUSTANY, Mr. WESTMORELAND, Mr. PEARCE, Mr. HUIZENGA of Michigan, Mr. ROSS of Florida, Mr. KINZINGER of Illinois, Mr. BURTON of Indiana, Mr. AKIN, Mr. FORTENBERRY, Mr. JONES, Mr. DUNCAN of Tennessee, Mrs. BLACKBURN, Mr. CRAWFORD, Mr. MCCAUL, Mr. BROUN of Georgia, Mr. MANZULLO, Mr. MCHENRY, Mr. LATTA, Mrs. ROBY, Mr. SCALISE, Mr. FARENTHOLD, Mr. MCCOTTER, Mr. COBLE, Mr. MILLER of Florida, Mr. PETERSON, and Mr. SMITH of New Jersey):

H.R. 3541. A bill to prohibit discrimination against the unborn on the basis of sex or race, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H.R. 3542. A bill to amend section 5001 of division B of the American Recovery and Reinvestment Act of 2009 to extend the temporary increase in Medicaid FMAP through the end of fiscal year 2012; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Illinois:

H.R. 3543. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

By Mr. MCCLINTOCK:

H.R. 3544. A bill to amend the Federal Water Pollution Control Act to limit citizens suits against publicly owned treatment works, to provide for defenses, to extend the period of a permit, to limit attorneys fees, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PITTS (for himself, Mr. PETRI, Mr. HINOJOSA, Mr. HOLDEN, and Mr. RIBBLE):

H.R. 3545. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain public transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. TURNER of Ohio:

H.R. 3546. A bill to allow an occupancy preference for veterans in housing projects developed on property of the Department of Veterans Affairs with assistance provided under the Department of Housing and Urban Development program for supportive housing for very low-income elderly persons; to the Committee on Financial Services.

By Ms. WATERS (for herself, Mr. CONYERS, Mr. SCOTT of Virginia, Ms. LEE of California, Mrs. CHRISTENSEN, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. TOWNS, Ms. SPEIER, Ms. WILSON of Florida, Mr. CLARKE of Michigan, Ms. NORTON, Mr. CLAY, Ms. BROWN of Florida, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. RICHARDSON, Mr. JOHNSON of Georgia, Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. CLEAVER, Ms. WOOLSEY, Mr. AL GREEN of Texas, Mr. PAYNE, Mr. ELLISON, Mr. FILNER, Mr. GUTIERREZ, Mr. HONDA, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. WATT, and Mr. SERRANO):

H.R. 3547. A bill to provide for an effective HIV/AIDS program in Federal prisons; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut (for himself, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. COURTNEY, and Mr. HIMES):

H. Con. Res. 91. Concurrent resolution recognizing the need to improve physical access to many United States postal facilities for all people in the United States in particular disabled citizens; to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and the Workforce, the Judiciary, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANSECO:

H. Res. 480. A resolution amending the Rules of the House of Representatives to prohibit Members, Delegates, the Resident Commissioner, and officers and employees of the House from buying or selling securities while in possession of material, nonpublic information, and for other purposes; to the Committee on Ethics.

By Mr. CRENSHAW (for himself, Mr. JACKSON of Illinois, Mr. KING of New

York, Mr. ROSS of Florida, Mrs. MALONEY, Mr. MCGOVERN, Mr. MORAN, Mr. HOLT, Mr. LATHAM, Mr. TIBERI, and Mr. RANGEL):

H. Res. 481. A resolution supporting the goals and ideals of ''Crohn's and Colitis Awareness Week''; to the Committee on Energy and Commerce.

By Mr. FLAKE:

H. Res. 482. A resolution prohibiting the use of a Members' representational allowance to obtain advertising on any Internet site other than an official site of the Member involved; 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 Mr. RAHALL:

H.R. 3533.

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

Article I, Section 8, Clause 3 and Clause 18 of the Constitution.

By Mr. HANNA:

H.R. 3534.

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

The Constitutional authority on which this bill rests is enumerated in Clause 3 of Section 8 of Article I of the United States Constitution.

By Mr. POLIS:

H.R. 3535.

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

Article I, Section 1,

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. JOHNSON of Georgia:

H.R. 3536.

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

Article I, Sec. 8 cl. 1 and cl. 3.

By Mr. REHBERG:

H.R. 3537.

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

Article I, 8, clause 3, the commerce clause

By Mr. MICA:

H.R. 3538.

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

Article I, Section 8 of the United States Constitution, specifically Clause 18, the necessary and proper clause.

By Mr. CANSECO:

H.R. 3539.

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

Article I, Section 9, Clause 7 of the United States Constitution stipulates that funds may not be drawn from the Treasury, unless previously authorized by law. This clause gives Congress the power to authorize spending by law; consequently, Congress has the power to repeal authorization for previously authorized spending by law.

By Mr. CARTER:

H.R. 3540.

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;

By Mr. FRANKS of Arizona:

H.R. 3541.

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

The Commerce Clause; Section 2 of the 13th Amendment; Section 5 of the 14th Amendment; Art. 1, Section 8.

By Mr. GRIJALVA:

H.R. 3542.

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

U.S. Const. art. I, §§1 and 8.

By Mr. JOHNSON of Illinois:

H.R. 3543.

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

14th Amendment, Section II, which states that ''No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.''

By Mr. MCCLINTOCK:

H.R. 3544.

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

Article I Section 1; and Article I, Section 8, Clause 18 of the Constitution of the United States of America.

By Mr. PITTS:

H.R. 3545.

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

Article I Section 8

By Mr. TURNER of Ohio:

H.R. 3546.

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

Clauses 3, 14 and 18 of Section 8 of Article I of the Constitution

By Ms. WATERS:

H.R. 3547.

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

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

Article 1, section 8, Clause 18 of the U.S. Constitution, and Amendment VIII to the U.S. Constitution.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. HASTINGS of Florida, Ms. SPEIER, and Ms. WOOLSEY.

H.R. 266: Mr. RANGEL.

H.R. 267: Mr. RANGEL.

H.R. 329: Ms. BERKLEY.

H.R. 333: Mr. MCCOTTER, Ms. DEGETTE, and Mr. CARTER.

H.R. 363: Mr. BLUMENAUER.

H.R. 389: Mr. HARRIS, Mr. PAULSEN, Mr. BROUN of Georgia, Mr. FARENTHOLD, Mr. BISHOP of Utah, and Mr. FLORES.

H.R. 414: Mr. RYAN of Ohio.

H.R. 420: Mr. SCOTT of South Carolina and Mr. BASS of New Hampshire.

H.R. 452: Mr. SIMPSON and Mr. GARDNER.

H.R. 512: Mr. KILDEE.

H.R. 531: Mr. HIMES.

H.R. 555: Mr. NADLER.

H.R. 593: Mrs. ROBY and Mr. KLINE.

H.R. 618: Mr. DEUTCH.

H.R. 651: Ms. HAHN.

H.R. 665: Mr. CALVERT.

H.R. 718: Mr. MCDERMOTT and Ms. HERRERA BEUTLER.

H.R. 719: Mr. GENE GREEN of Texas.

H.R. 721: Mr. CARDOZA, Mrs. HARTZLER, Mr. HERGER, Mr. GOWDY, Mr. SMITH of Nebraska, and Mr. GRAVES of Georgia.

H.R. 808: Ms. HAHN.

H.R. 835: Mr. COFFMAN of Colorado.

H.R. 880: Mr. LATHAM.

H.R. 885: Mr. FRANK of Massachusetts.

H.R. 1063: Ms. SEWELL, Mr. OWENS, Mr. MARCHANT, and Mr. MCDERMOTT.

H.R. 1084: Mr. TOWNS.

H.R. 1131: Ms. WILSON of Florida.

H.R. 1133: Mr. MICHAUD.

H.R. 1148: Mr. GRIFFIN of Arkansas, Mr. TONKO, Mr. LANDRY, Mr. MCINTYRE, Mr. YOUNG of Indiana, Mr. GOSAR, Mrs. CAPITO, Mr. BECERRA, Mr. SCALISE, and Mr. YOUNG of Florida.

H.R. 1161: Mr. TURNER of Ohio.

H.R. 1175: Mr. SCHIFF, Mr. HOLDEN, and Mrs. MYRICK.

H.R. 1186: Mr. QUAYLE and Mr. FARENTHOLD.

H.R. 1206: Mr. MICA.

H.R. 1238: Ms. WILSON of Florida.

H.R. 1288: Mr. LATHAM.

H.R. 1327: Mr. SCALISE, Mr. DENHAM, Mr. TURNER of New York, Mr. KELLY, Mr. HARPER, Mr. POE of Texas, Mr. TURNER of Ohio, Mr. ROONEY, Mr. BUCSHON, Mr. BASS of New Hampshire, Mr. LATOURETTE, Mr. NUNES, Mr. FRELINGHUYSEN, Mr. SIMPSON, Mr. PERLMUTTER, and Mr. GUINTA.

H.R. 1370: Mr. LABRADOR and Mr. OLSON.

H.R. 1418: Ms. LORETTA SANCHEZ of California.

H.R. 1433: Mr. KING of Iowa.

H.R. 1489: Mr. YARMUTH.

H.R. 1511: Mr. TONKO and Mr. AMODEI.

H.R. 1513: Ms. MATSUI, Mr. KING of New York, and Mr. BASS of New Hampshire.

H.R. 1544: Mr. REED.

H.R. 1568: Mr. CLEAVER.

H.R. 1580: Mr. TIBERI and Mr. POMPEO.

H.R. 1614: Mr. POSEY.

H.R. 1639: Mr. CARTER.

H.R. 1656: Mr. HOLT.

H.R. 1704: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1734: Mr. WOMACK.

H.R. 1738: Ms. CASTOR of Florida and Ms. KAPTUR.

H.R. 1744: Ms. GRANGER.

H.R. 1834: Mr. STUTZMAN, Mr. WILSON of South Carolina, Mrs. BLACKBURN, Ms. GRANGER, Mr. HULTGREN, Mr. GOHMERT, Mr. COLE, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. WALBERG, Mr. LONG, Mr. BUCSHON, Mr. YODER, Mr. CRAWFORD, Mr. BISHOP of Utah, Mr. MCHENRY, and Mr. GIBBS.

H.R. 1897: Mr. LOEBSACK and Mr. WOMACK.

H.R. 1903: Mrs. MALONEY.

H.R. 1905: Mr. ROGERS of Kentucky.

H.R. 2002: Mr. LABRADOR.

H.R. 2016: Mr. TONKO, Mr. POLIS, Mr. OWENS, Mr. COOPER, and Ms. TSONGAS.

H.R. 2070: Mr. HECK.

H.R. 2082: Mr. POLIS.

H.R. 2084: Mr. PRICE of North Carolina.

H.R. 2093: Mr. GRIJALVA.

H.R. 2121: Mrs. MYRICK.

H.R. 2127: Ms. MOORE and Ms. CASTOR of Florida.

H.R. 2245: Mr. PASCRELL.

H.R. 2267: Mr. MCKINLEY, Mr. MILLER of North Carolina, Mr. TIERNEY, Mr. TONKO, Mr. YOUNG of Alaska, Mr. COHEN, Mrs. LUMMIS, Ms. CASTOR of Florida, Mr. FITZPATRICK, Mr. JOHNSON of Illinois, Ms. NORTON, Mr. SMITH of Texas, Mr. TIPTON, and Mr. WALZ of Minnesota.

H.R. 2268: Mr. PITTS.

H.R. 2272: Ms. ZOE LOFGREN of California.

H.R. 2284: Mr. DENHAM.

H.R. 2288: Mr. CLEAVER and Mr. MILLER of Florida.

H.R. 2313: Mr. SCOTT of South Carolina, Mr. HUELSKAMP, Mr. COLE, Mr. LANKFORD, Mr. FLEMING, Mr. BISHOP of Utah, Mr. PENCE, Mr. POSEY, Mr. LAMBORN, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. BROOKS, Mr. HULTGREN, Mrs. SCHMIDT, Mr. WILSON of South Carolina, Mr. ROE of Tennessee, Mr. MCCLINTOCK, Mr. FRANKS of Arizona, Mr. ROKITA, and Mr. WALBERG.

H.R. 2316: Mr. DAVIS of Illinois.

H.R. 2335: Mr. GRIMM and Mr. YODER.
H.R. 2353: Mr. THOMPSON of California.
H.R. 2426: Mr. ROE of Tennessee.
H.R. 2461: Mr. WOMACK and Mr. YOUNG of Alaska.
H.R. 2484: Mr. DEFAZIO.
H.R. 2528: Mr. PITTS.
H.R. 2555: Mr. MILLER of North Carolina.
H.R. 2569: Mr. ROSS of Florida.
H.R. 2634: Mr. MCDERMOTT.
H.R. 2674: Ms. SLAUGHTER, Mr. CARNAHAN, Mr. CUMMINGS, Mr. TURNER of Ohio, and Ms. SCHAKOWSKY.
H.R. 2697: Mr. TURNER of Ohio, Mr. FRANKS of Arizona, and Mr. BROUN of Georgia.
H.R. 2705: Mrs. CAPPS, Ms. HAHN, Mr. NADLER, and Mr. LARSON of Connecticut.
H.R. 2717: Mr. LYNCH, Mr. MURPHY of Connecticut, Mr. REYES, and Mr. MATHESON.
H.R. 2738: Mr. SCHIFF.
H.R. 2741: Mr. TOWNS.
H.R. 2772: Mr. POSEY.
H.R. 2866: Mr. SHIMKUS.
H.R. 2898: Mr. MILLER of Florida and Mr. SCALISE.
H.R. 2913: Mr. FLEMING and Mr. RIBBLE.
H.R. 2948: Mr. LEVIN.
H.R. 2966: Ms. MATSUI, Mr. LYNCH, Ms. CASTOR of Florida, and Mr. FARR.
H.R. 2969: Mr. PIERLUISI.
H.R. 3000: Mr. WOMACK.
H.R. 3001: Mr. BURTON of Indiana, Mr. CHABOT, Mr. BARTON of Texas, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. CLAY, Mr. ISRAEL, Mr. SCHWEIKERT, Ms. BROWN of Florida, Mr. CROWLEY, Ms. RICHARDSON, Mr. DEUTCH, Mr. ENGEL, Mr. CARNAHAN, and Ms. KAPTUR.
H.R. 3015: Mr. CUMMINGS.
H.R. 3040: Mr. PETERSON.
H.R. 3042: Mr. GERLACH and Mr. HINCHEY.
H.R. 3057: Mr. CRAVAACK.
H.R. 3059: Mr. POE of Texas and Mr. LANCE.
H.R. 3074: Mr. GRIFFIN of Arkansas.
H.R. 3104: Mr. YODER.
H.R. 3123: Mr. OWENS.
H.R. 3143: Mr. GARY G. MILLER of California.
H.R. 3151: Mr. TOWNS and Mr. HASTINGS of Florida.
H.R. 3178: Mr. TIERNEY, Ms. ESHOO, Ms. ROYBAL-ALLARD, and Ms. HAHN.
H.R. 3179: Mrs. NOEM, Mr. DEUTCH, and Ms. CHU.
H.R. 3187: Mr. STEARNS.
H.R. 3200: Mr. CONYERS and Mr. JOHNSON of Illinois.
H.R. 3210: Mr. KINGSTON.
H.R. 3236: Mr. PETERSON.
H.R. 3243: Mr. WOMACK.
H.R. 3258: Mr. PIERLUISI.
H.R. 3269: Mr. BILIRAKIS, Mr. CONNOLLY of Virginia, Mr. BURTON of Indiana, Mr. GRIFFIN of Arkansas, Mr. LANGEVIN, Ms. LINDA T. SÁNCHEZ of California, Mrs. ELLMERS, Mr. PAULSEN, Mr. RAHALL, Mr. REED, Mr. WITTMAN, Mr. NUGENT, Mr. GIBSON, Mr. MURPHY of Pennsylvania, Mr. WEST, Mr. REICHERT, Mr. JACKSON of Illinois, and Mr. ROSKAM.
H.R. 3271: Ms. SPEIER.
H.R. 3286: Mr. HEINRICH, Mr. BERMAN, and Mrs. NAPOLITANO.
H.R. 3294: Mr. BURGESS.
H.R. 3326: Mr. BROOKS, Mrs. LUMMIS, and Mr. HUIZENGA of Michigan.
H.R. 3364: Ms. MOORE and Mr. RUPPERSBERGER.
H.R. 3379: Mr. SIMPSON, Mr. WOMACK, and Mr. MCKINLEY.
H.R. 3409: Mr. BARTLETT and Mr. LATOURETTE.
H.R. 3414: Mr. WILSON of South Carolina and Mr. GOHMERT.
H.R. 3418: Ms. SCHAKOWSKY.
H.R. 3421: Mr. SCHILLING, Mr. PENCE, Mr. BUCSHON, Mr. SHIMKUS, Mr. TURNER of Ohio, Mr. MCCOTTER, Mr. BASS of New Hampshire, Mr. TIBERI, Mr. FRELINGHUYSEN, Mr. LATOURETTE, Mr. LANDRY, Mr. LATHAM, Mrs. EMERSON, Mr. BUCHANAN, Mr. STIVERS, Mr. CAPUANO, Mr. HUNTER, Mr. LOBIONDO, Mr. CARSON of Indiana, Mr. TURNER of New York, Mr. SMITH of Nebraska, Mr. JONES, Mr. GARY G. MILLER of California, Mr. GRIFFIN of Arkansas, Mr. ROSKAM, Mr. LATTA, Mr. SCALISE, Ms. BROWN of Florida, Mr. COBLE, Mr. PLATTS, Mr. GUTIERREZ, Mrs. BLACKBURN, Mr. THOMPSON of California, Mrs. HARTZLER, Mr. SCHIFF, Mr. YOUNG of Indiana, Mr. SERRANO, Ms. BORDALLO, Mr. MORAN, Mr. NUGENT, Mr. HINCHEY, Ms. HAYWORTH, Mr. PALLONE, Mr. ROTHMAN of New Jersey,
Mr. DUNCAN of Tennessee, Mr. LANCE, Mr. MICA, Mr. BACHUS, Mr. BARTLETT, Mr. AUSTIN SCOTT of Georgia, Mr. QUAYLE, Mr. SMITH of Washington, Mr. UPTON, Mr. MARCHANT, and Mr. CAMP.
H.R. 3423: Ms. KAPTUR, Mr. CUMMINGS, Mr. MCCOTTER, Ms. BASS of California, Mr. OLVER, and Mr. RIGELL.
H.R. 3425: Mr. MURPHY of Connecticut.
H.R. 3437: Mr. BERMAN.
H.R. 3440: Mr. BOUSTANY, Mr. CANSECO, and Mr. MCCLINTOCK.
H.R. 3470: Mr. RENACCI.
H.R. 3480: Mr. RIBBLE, Mr. FLORES, Mr. ROSS of Florida, and Mr. QUAYLE.
H.R. 3481: Mr. ROSS of Florida.
H.R. 3485: Ms. ESHOO and Mr. BLUMENAUER.
H.R. 3519: Mr. FILNER.
H.R. 3525: Mr. BRADY of Pennsylvania.
H.J. Res. 8: Mr. HIGGINS.
H.J. Res. 78: Mr. HEINRICH and Mr. GENE GREEN of Texas.
H.J. Res. 88: Mr. JACKSON of Illinois and Ms. PINGREE of Maine.
H.J. Res. 91: Mr. COOPER, Mr. LANDRY, and Mr. SHUSTER.
H. Con. Res. 85: Ms. FUDGE, Mr. DAVIS of Illinois, Mr. INSLEE, and Mr. CAPUANO.
H. Con. Res. 87: Mr. KISSELL.
H. Res. 462: Mr. HULTGREN.
H. Res. 475: Mrs. BLACK, Mr. BROUN of Georgia, Mr. GOWDY, Mr. BURTON of Indiana, Mr. WALBERG, and Mr. GUTHRIE.
H. Res. 476: Mr. MCINTYRE.