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No. 31

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 28, 2012.

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

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, 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.

AFRICAN AMERICAN INVENTORS

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. WATT) for 5 minutes.

Mr. WATT. Mr. Speaker, one of the few important accomplishments of the 112th Congress thus far has been the passage of the America Invents Act, a comprehensive reform of the United States patent system which was signed into law by President Barack Obama on September 16, 2011. There's little disagreement that patent reform was long overdue, and even those who voted against the bill recognized how impor-

tant it was to the American inventor and to American innovation to update and streamline the patent system.

Our country has always respected and admired inventors. As young children, we were taught about famous inventors such as Thomas Edison, Alexander Graham Bell, Henry Ford, and many others. Frequently overlooked in the discussion of important inventors, however, have been the accomplishments of African American inventors. Until this year's publication of the children's book, "What Color is My World? The Lost History of African-American Inventors" by basketball legend Kareem Abdul-Jabbar, we've done little to teach children about the outstanding contributions African American inventors have made to innova-

I therefore would like to use this time during Black History Month to pay tribute to some of the many, many contributions African American inventors have made. I'm not the first Member of this body to take to the floor of the House to acknowledge the long legacy of inventiveness in the African American community. On August 10, 1894, Representative George Washington Murray, the only African American in the House of Representatives at the time and himself the holder of eight patents on agricultural implements, read the names of 92 African Americans who held patents and described the inventions on the House floor.

Had time allowed, Representative Murray would likely have highlighted the achievements of even more patent holders—inventors such as Thomas L. Jennings, a free person of color and one of the earliest African Americans to patent an invention, who in 1821 was awarded a patent for developing an early drycleaning process to remove dirt and grease from clothing. Or James Forten, another freeborn man who invented a contraption to handle

the sails on a sailboat. Or Judy W. Reed, the first known woman of color to receive a patent, who created an improved dough kneader and roller. Or Henry Blair, an inventor who received utility patents on a seed and cotton planter.

If Representative Murray had continued to be a Member of Congress, he would, no doubt, have come to the floor of the House many more times to brag about African American inventors and to acknowledge the major significance of their inventions. He would have reported that by the year 1900, African Americans had patented 357 inventions. And I'm certain that he would have been especially moved to share with this body that by the early to mid-20th century, African American inventors had obtained patents for innovations in countless industries, including medical, chemical, aviation, automotive, grocery, cosmetic, and apparel.

For example, Garrett Morgan invented the gas mask to protect firemen and other rescuers from breathing smoke and poisonous gas when entering dangerous fires and other situations, and he was also awarded a patent for the three-way electric traffic signal. Charles Drew created a method to mass-produce blood plasma, which led to the formation of blood banks to store plasma for victims of life-threatening emergencies. Unfortunately, he bled to death following an automobile accident which occurred in my native State of North Carolina, and his injuries were too severe for the process he invented to be used to save his life.

Frederick McKinley Jones was the first African American member of the American Society of Refrigeration Engineers. He developed a means to refrigerate perishables being transported long distances. Jack Johnson, who was best known as the great African American boxer, received two patents: one for an improvement to the monkey wrench and the other for a theft prevention device for vehicles. I suspect

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

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



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that my good friend and our colleague Representative DARRELL ISSA might be surprised to learn that Jack Johnson, an African American inventor, developed a device to prevent people from stealing cars long before Representative ISSA got into the business.

I encourage my colleagues to look at the books on African American invention.

Mr. Speaker, one of the few important accomplishments of the 111th Congress thus far has been the passage of H.R. 1249, the "America Invents Act," a comprehensive reform of the United States patent system which was signed into law by President Barack Obama on September 16, 2011. H.R. 1249 authorized the transition from a first-to-invent process to a first-to-file process for obtaining a patent, expanded the prior user rights defense and addressed to some extent (although not to my satisfaction) the diversion of fees collected by the Patent and Trademark Office to the general fund. There is little disagreement that patent reform was long overdue and even those who voted against H.R. 1249 recognized how important it was to the American inventor and to American innovation to update and streamline the patent system.

Our country has always respected and admired inventors. As young children we were taught about famous inventors such as Thomas Edison, Alexander Graham Bell, Henry Ford and many others. Frequently overlooked in discussions of important inventors, however, have been the accomplishments of African-American inventors. Until this year's publication of the children's book, *What Color is My World?: The Lost History of African American Inventors*, by basketball legend Kareem Abdul-Jabbar, we've done little to teach children about the outstanding contributions African-American inventors have made to innovation. I would, therefore, like to use this time during Black History Month to pay tribute to some of the many, many contributions African-American inventors have made.

I am not the first member of this body to take to the floor of this House to acknowledge the long legacy of inventiveness in the African-American community. On August 10, 1894, Rep. George Washington Murray, the only African-American in the House of Representatives at that time and himself the holder of eight patents on agricultural implements, read the names of ninety-two African-Americans who held patents and described their inventions on the House floor. Had time allowed, Rep. Murray would likely have highlighted the achievements of even more patent holders, inventors such as: Thomas L. Jennings (1791–1859), a free person of color and one of the earliest African-Americans to patent an invention, who in 1821 was awarded a patent for developing an early dry-cleaning process to remove dirt and grease from clothing; James Forten, another free born man who invented a contraption to handle the sails on a sail boat; Judy W. Reed (the first known woman of color to receive a patent), who created an improved dough kneader and roller; and Henry Blair, an inventor who received utility patents on a seed and cotton planter.

If Rep. Murray had continued to be a member of Congress he would no doubt have come to the floor of the House many more times to brag about African-American inventors and to acknowledge the major signifi-

cance of their inventions. He would have reported that by the year 1900 African-Americans had patented 357 inventions. And I am certain that he would have been especially moved to share with this body that by the early to mid-twentieth century, African-American inventors had obtained patents for innovations in countless industries, including medical, chemical, aviation, automotive, grocery, cosmetics and apparel. For example:

Garrett Morgan (1877–1963) invented the gas mask to protect fireman and other rescuers from breathing smoke and poisonous gas when entering dangerous fires and other situations and he was also awarded a patent for the three-way electric traffic signal.

Charles Drew (1904–1950) created a method to mass-produce blood plasma which led to the formation of blood banks to store plasma for victims of life-threatening emergencies. Unfortunately, he bled to death following an automobile accident which occurred in my native state of North Carolina and his injuries were too severe for the process he invented to be used to save his life.

Frederick McKinley Jones (1893–1961) was the first African-American member of the American Society of Refrigeration Engineers. He developed a means to refrigerate perishables being transported long distances.

Jack Johnson (1878–1946), best known as the great African-American boxer, received two patents, one for an improvement to the monkey wrench and the other for a theft-prevention device for vehicles. I suspect that my good friend and our colleague Rep. Darrell Issa might be surprised to learn that Jack Johnson, an African-American inventor, developed a device to prevent people from stealing cars long before Rep. ISSA got into the business.

Norbert Rillieux (1806–1894) invented a sugar processing evaporator that provided a safer, cheaper, and easier way of evaporating sugar cane juice and made the refinement of sugar more efficient. It is still used for the production of sugar, gelatin, condensed milk and glue, among other things.

Annie Minerva Turnbo Malone (1869–1957) was the first African-American beauty entrepreneur to manufacture a line of beauty products for African-American women. In the late 1800s and the early 1900s she manufactured and sold her products door-to-door. Mme. C.J. Walker, who is often credited with starting the African-American beauty business, was actually one of her sales agents.

Dr. Lloyd Augustus Hall (1894–1971), a pioneer in the area of food chemistry, developed preservative chemicals that were used to keep food fresh without sacrificing flavor. In the 1930s he introduced "flash-dried" salt crystals that revolutionized the meat packing industry.

Percy Lavon Julian (1899–1975) developed synthetic cortisone, which provided cheaper relief from rheumatoid arthritis. In 1954 he founded Julian Laboratories to research steroids and in 1961 he sold his company to Smith, Kline and French.

By the start of the 21st century and on into the present day, African-Americans have also been awarded patents in many other categories, including the technology and engineering fields. For instance:

Dr. Mark Dean holds more than twenty domestic patents and was a key developer of computer architecture for IBM.

Dr. George H. Simmons obtained a patent for creating a fiber-optic extension of an optic

local area network and another for designing a system to eliminate the unwanted pulses in a dial pulse stream on telephones.

Dr. James E. West is the well-regarded co-inventor of foil-electret transducers, which are the devices used to change sound into electrical signals and are used in items such as lapel microphones, hearing aids and portable tape recorders.

Lonnie Johnson invented the popular "Super Soaker" water gun.

I could go on ad infinitum about these and countless other examples of African-American ingenuity, but my time is limited. So I will instead encourage you to investigate for yourselves and learn more about the unique role that African-American inventors have played in the rich history of American inventiveness. For that purpose I direct you to an outstanding book called *The Inventive Spirit of African Americans* by Patricia Carter Sluby which details the many examples I have discussed, as well as many other outstanding innovations and patents by African-Americans. It is probably the most thorough and best researched and written history of African-American inventiveness available today. I also direct my colleagues to Kareem Abdul Jabbar's recent book written especially for children, entitled *What Color is My World?: The Lost History of African-American Inventors*. I commend these resources to my colleagues as we honor the exemplary achievements of African-Americans during Black History Month and throughout the year.

WE NEED TO MOVE TOWARD ENERGY INDEPENDENCE

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

Mr. BURTON of Indiana. Mr. Speaker, I watched the President on television the other night defending his energy policy, and he said, "The Republicans say drill, drill, drill, baby, but that's not the answer."

The fact is that the people of this country are suffering under severe energy prices that are rising at a rapid rate. Everything that we buy is affected by energy prices. I went to the store the other day to buy some apples and some tomatoes. We got three tomatoes for \$5, and I think we got four apples for \$5. Now, the reason those prices are going up so rapidly is because when you transport those across the country, or you use energy to produce those products, it costs more.

If you talk to the guys that drive these tractor-trailer units, they'll tell you how expensive it is to transport goods and services, clothes, food, and everything else that we buy. So we really need to move toward energy independence.

Now, the administration has had the ability to help other countries explore for oil. We sent I think \$2 billion or \$3 billion down to Brazil for deepwater drilling, but we cut back on the permits that we could get to drill in the Gulf of Mexico. Because of the environmental "nut cases," as I call them, the President has restricted the ability of the American energy sector to drill for

oil in the gulf. We cannot drill for oil in the ANWR in Alaska. I've been up there and talked to the gentleman who represents Alaska in the Congress, DON YOUNG. He'll tell you there's nothing up there that's going to be damaged if we drill, and besides that, you can do it in an environmentally safe way. But we can't drill offshore because they've limited permits. The President is now saying he'll allow some permits, but they are very minimal.

□ 1010

We can't drill on the Continental Shelf. We can't drill in the ANWR. We can't do anything to explore really for additional energy. We have probably a couple hundred years' supply of natural gas that we can drill for and use the fracking procedure, but a lot of the environmentalists are trying to stop that as well.

Our dependency on the Middle East is unbelievable. There's a potential for a major war over there because of Iran's nuclear development program, and we continue to depend on energy from that Persian Gulf area, from the Saudis. They're using a lot of our money to support Wahhabism and the madrassas over there that create radical Islam. So we need to move away from dependency on foreign oil.

In South America, President Chavez in Venezuela—who doesn't like us—is working with Tehran. He's selling his oil to China, and yet we buy an awful lot of our oil from him because we're dependent on him. We need to move toward energy independence.

The President will not allow the gulf pipeline, the pipeline from Canada down to Texas, because of environmental concerns. That's been looked at for 3 years. There's other ways around the potential problem, but he won't let it happen because of environmentalists, the radicals.

Now, we can depend in the future, to a degree, on wind, solar, geothermal, and nuclear, but that's going to take a long time. Even if we use all of those technologies today, it will only be a drop in the bucket as far as our energy needs are concerned. You know who's demanding more and more energy all the time? China and India buy thousands and thousands of barrels of oil a day, so that oil that's coming out of other parts of the world is going to be gobbled up more and more and more by China and India. We need to move to energy independence.

The President says, oh, you know, we can't solve the problem by drilling. The fact is we can. There's a lot of things we can do: the pipeline from Canada, drill offshore, drill in the gulf, drill in the Continental Shelf, use more natural gas, do away with all the regulations that are strangling the private sector as far as energy development. So what does he want to do? He says we've got to raise taxes on energy exploration, on the oil companies. That's going to be passed on to the consumer in higher prices.

This administration, nice guy, good smile, gives a great speech, but he's not solving our problems, and our dependency continues to increase on foreign energy. We need to move toward energy independence, and we need to do it now and not wait until after the election.

CORPORATE PERSONHOOD

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

Mr. BLUMENAUER. Mr. Speaker, it's interesting listening to the fantasy Republican talking points. The fact is we are now drilling more oil in the United States than ever before. The inconvenient facts get in the way of political talking points. But what is not a fantasy is what is happening on the political screen.

In the final 3 months of 2011, the campaign to reelect President Obama and the Democratic National Committee raised \$68 million, an impressive sum, all the more impressive because it was donated by 583,000 Americans who gave an average of \$55 each. But earlier this month, at a retreat at the exclusive Renaissance Esmeralda Resort in southern California, the conservative billionaire Koch brothers said they would donate a combined \$60 million to super PACs to defeat President Obama. Two billionaire brothers with opinions radically at variance with most of America are poised to cancel out the efforts of half a million American citizens.

To understand this gross perversion of the political process, we don't have to wait for the general election and the avalanche of negative campaign ads against the President. We can look right now at the primary election for the Republican Presidential nomination, where we've seen a handful of billionaires and their super PACs outspend all the Republican candidates and help turn that contest into a circus.

The sad reality is that the super PACs have shaped the political campaign more than the candidates. That's the world we live in since the Supreme Court's tragic decision in Citizens United, which overturned a century of settled law and opened this floodgate of unlimited campaign spending, drowning out small donors and individuals that most of us learned in school were the cornerstone of our democracy. This Supreme Court ruling was based on the perverse idea that the Court's out-of-touch majority somehow felt corporations should enjoy the same constitutional rights as people. This threatens the integrity of the political process, not just from the appearance of corruption, but actually, blatantly, distorting the process.

As companies and sham independent organizations that are actually run by candidates' friends and employees blanket the airwaves with an ava-

lanche of vicious negative advertising, now somehow they are protected under a First Amendment right of free speech which would be beyond the comprehension of our Founding Fathers. Mitt Romney may believe that corporations are people, but do the rest of us need a comedian like Steven Colbert to remind us that only people are people?

There's an outside chance of relief from a century-old Montana law banning corporate corruption in their political landscape, which was passed after the most egregious and well-documented abuse in Montana. A case about this law would provide the Supreme Court a lifeline to climb down from the precarious and dangerous constitutional ledge, a ledge that they have not only crawled out onto, but they dragged the American people and the political process with them with their Citizens United decision.

There's a chance that the Supreme Court will use this Montana law to reestablish the basic parameters protecting the political process from the corruption of vast sums of unregulated corporate money. But in the meantime, it's important that we advance a constitutional amendment that would eliminate the notion of corporate personhood, explicitly stating that the rights of natural persons may only be afforded to real people, not corporations.

As we work to overturn Citizens United and ban corporate personhood, people should not have to wait to judge whether a candidate is representing the public or representing their benefactors. We should pass the DISCLOSE Act, H.R. 4010, to require political spending by corporations and individuals to be fully transparent. We should be unstinting in other efforts in the regulatory and legal process to make sure that shareholders of corporations have an opportunity to at least know, and maybe even have a say, about what the corporations that they are supposed to own are doing on their behalf. We should support H.R. 1404, the Fair Elections Now Act, to promote public campaign financing to ensure the public's voice is not drowned out by moneyed special interests.

The Supreme Court's decision on Citizens United was based on fantasy, the fantasy that vast sums of money from hidden special interest are not inherently corrupted; the fantasy that corporations should be afforded all the rights of citizens; the fantasy that super PACs run by individuals who are the closest allies, friends, and employees of candidates are somehow independent.

What is not a fantasy is what we see right now on the political landscape, the terrifying effect of super PACs and the flood of money hopelessly distorting the campaigns. We should all fight to change it.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from

North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, today the Republicans held a conference—the Democrats do the same thing during the week, talk about issues—and I had a couple of minutes to remind our Speaker of the House, JOHN BOEHNER, whom I like, think the world of him, that as he was talking about the domestic policies of the President and how many of them seem to be failed policies, I said, well, how about the failed policy in Afghanistan?

I had written the Speaker back in November asking him to please take just a few minutes to talk to a retired marine general who has been my adviser on Afghanistan for 3 years. He agrees with me, the general does, that we're not going to win anything there; we just let our precious resources, our children, go there and lose their legs and lives, for what, we don't know.

I asked the Speaker—we did it in a bipartisan way. In fact, the gentleman from Tennessee (Mr. DUNCAN), who will be speaking shortly after me, we did a bipartisan letter, three Democrats and three Republicans, asking Mr. BOEHNER and also Ms. PELOSI to go read the National Intelligence Estimate on Afghanistan that came out in December.

□ 1020

If they would read it, they would be better informed and better understand those of us who want to get out.

I had emailed the commandant of the Marine Corps who has been my adviser. He is retired now. Right before the burning of the Koran in Afghanistan—what I'm going to share for the record is an email that happened before the burning of the Koran. I quote the general:

Attempting to find a true military and political answer to the problems in Afghanistan would take decades, not years, and drain our Nation of precious resources—with the most precious being our sons and daughters.

Simply put, the United States cannot solve the Afghan problem, no matter how brave and determined our troops are. We need to bring our people home and prepare for the real danger that is growing in the Pacific.

Mr. Speaker, I read that today in the conference. As you know, Mr. Speaker, we only have 1 minute and a lot of Members want to speak on different subjects. In addition, I did get time to read from a VSO team leader. The VSO team leader happens to be a young marine officer. VSO means village stability operation. This young marine, this team leader, emailed a friend of mine who emailed to me:

If you ask me if it's worth a single American life to build governance here in Afghanistan, I would have to say no.

Sometimes it is very perplexing to me in terms of just where is the outrage in this country. I've seen so many wounded from my district of Camp Lejeune, of marines and soldiers who have lost legs and arms. I have even

seen four young men that have no body parts below their waist. They are living and they will live, but they have nothing below their waist.

I don't know where the Congress is, quite frankly. We're going to be there until 2014 unless we get out sooner. I've got a feeling we'll probably be there a little bit longer than 2015, knowing the way both parties feel about this. There's nothing we're going to change. Karzai half the time doesn't like us; the other half he does. It is all about the \$10 billion a month. He wants that money to buy some roads and fur caps and stick some money in foreign countries so when his administration collapses in Afghanistan, he's got some money to fall back on.

Mr. Speaker, I'm just going to take another minute and then I'm going to close.

In Marine Times recently there was an article called: "TriCare Costs Would Jump in Budget Plan." If we forget our veterans of yesterday and our veterans of today, I think God will punish America. These young men and women and now the older veterans are older men and women and did so much for America to make it the greatest Nation in the world because they were willing to sacrifice and give of themselves. But if we're going to continue to borrow money from China to send \$10 billion a month to Karzai, \$120 billion a year, that to me is a sin, quite frankly.

We need to wake up in this country and figure out if we're going to fix our problems. We should start right here in America and fix our problems before we worry about the world's problems. Seventy-two of our servicepeople have been killed by the trainees in Afghanistan that they were trying to train to be policemen or soldiers. Seventy-two have been shot or killed by the people they were training. Where in the world does that make any sense? It doesn't make any sense. It is time for America to wake up and demand that Congress get our troops out now, not in 2014.

Before I close, as I always do, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. I ask God to bless the House and Senate, that we will do what is right in the eyes of God for His people here in the United States of America. I ask God to please bless the President of the United States, that he will do what is right in the eyes of God for God's people here in the United States.

And I close three times: God, please, God, please, God, please continue to bless America.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 10, 2012.

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

Hon. NANCY PELOSI,
Democratic Leader, The Capitol, Washington,
DC.

DEAR MR. SPEAKER AND DEMOCRATIC LEADER: I would like to bring your attention to

Lieutenant Colonel Daniel Davis' recent assessment of the situation in Afghanistan that was published in the New York Times on February 6, 2012 (attached). It is vastly different than the one that the U. S. Congress has been receiving from the Obama Administration. Many of us have read the National Intelligence Estimate (NIE) for December 2011 and found it supports Lieutenant Colonel Davis' analysis. We encourage you to read the NIE as well.

Therefore, we think that Lieutenant Davis' analysis merits attention by the relevant committees of jurisdiction in the U. S. House of Representatives and we respectfully request that you encourage the relevant Chairmen to hold hearings as soon as possible and invite Lieutenant Colonel Davis to be a witness. As we withdraw from Afghanistan, it is vital that the Congress hear another perspective from what we have heard for over ten years. Thank you for your careful consideration of our request.

Sincerely,

WALTER B. JONES,
Member of Congress.
JIMMY DUNCAN,
Member Congress.
JIM MCGOVERN,
Member of Congress.
JOHN GARAMENDI,
Member of Congress.
TIMOTHY V. JOHNSON,
Member of Congress.
BARBARA LEE,
Member of Congress.

WOMEN'S HEALTH IN THE TWILIGHT ZONE

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

Ms. MOORE. Mr. Speaker, lately, I along with many other women have felt like we're a mere supporting cast in an episode of "The Twilight Zone." I can just hear the narration of the show saying:

You're traveling through another dimension, a dimension not only of sight and sound, but of mind. That is the signpost up ahead: Your next stop, the Twilight Zone.

The rhetoric espoused over the last few weeks by many conservatives has me feeling as if I'm in an alternative political universe where men say the most oddly absurd things about what women should be doing with their bodies. In this universe, the House Committee on Government Oversight and Reform holds hearings on women's health and contraception with a panel made up completely of men.

This may seem odd to you folks out there in the real world; but in this alternate reality, it makes perfectly good sense that a bunch of middle-aged men, devoid of ovaries and uteruses, would be experts on women's reproductive health. In this alternate universe, you wouldn't dare ask a woman to testify on women's health and what it means to be a woman. You wouldn't invite them to talk about what it means to be susceptible to pregnancy for approximately 30 years of their lives and how important birth control is to women who wish to prevent unintended pregnancies and to preserve their health. You surely wouldn't ask a woman to testify about how birth control has helped them prevent various

diseases or manage diseases like endometriosis.

While it would be nice to believe we're in the twilight zone, the recent ploys of Republicans against women's health are all frighteningly too real. In reality, this hearing did take place with the House Government Oversight and Reform Committee blocking the testimony of women, women like Georgetown University law student Sandra Fluke, who later testified during a special hearing convened by Democratic Minority Leader NANCY PELOSI of a fellow female student at Georgetown University who had been denied contraception coverage because of the university's Catholic affiliation. Her friend experienced complications stemming from ovarian cysts that could have been treated with birth control. Sadly, due to nontreatment, doctors eventually were forced to remove her ovary.

There are so many stories just like this that need to be told; but, sadly, you won't hear them on Capitol Hill if my Republican colleagues in the majority have anything to do with it. They are too busy silencing women's voices on these very critical issues.

What if there was a hearing held on access to Viagra or vasectomies with a panel of experts being a group of six women? Could you imagine the outrage if women were allowed to legislate what happens to men's bodies? The horror.

Ladies and gentlemen, Mr. Speaker, this twilight zone is real. This attack on women's health is real, but the battle is not over. We cannot and will not allow a few to silence the voices of millions of women across this country. We must continue to stand up for women and their reproductive health.

LEAVE AFGHANISTAN

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

Mr. DUNCAN of Tennessee. Mr. Speaker, I voted to go to war in Afghanistan, but I did not vote for a forever, permanent war that has now lasted almost three times as long as World War II. We should have ended our involvement in Afghanistan many years ago, and many young American lives would have been saved.

The first war against Iraq and Kuwait lasted just 7 months. With the recent killings of four more Americans and with massive anti-American demonstrations being conducted by hundreds of thousands of Afghani citizens, we need to greatly speed up our withdrawal. We need to leave Afghanistan the sooner the better.

We've spent hundreds of billions there over the last decade, a great amount of which has really been just pure foreign aid. We've built schools and medical facilities and helped their farmers. We have trained their police and military and have had thousands of Afghans on our payroll.

□ 1030

We've had to borrow approximately 41 percent of all of these mega-billions we have spent to help the Afghan people. No country has done nearly as much, Mr. Speaker, for another country in the entire history of the world as we have done for Afghanistan.

Now, the people there have made it very clear that they do not appreciate what we have done for them. In fact, not only are they ungrateful, but they are showing, through their actions, that they have anger or even hatred toward us. We should stop spending all these billions of taxpayer dollars just as soon as we possibly can.

I did not criticize President Obama when he apologized for the burning of the Korans. However, I did not think it was something that rose to the level that required a Presidential apology. Some person or persons made a mistake in burning the Korans. They should have apologized, or the commander of the Air Force base, or perhaps our Ambassador.

However now, where is the apology from the Afghan leadership about the Americans who have been killed or for all of the hatred and anger directed toward our country? Where is the gratitude for all that America and Americans have done for the Afghan people over the last 10 or 11 years?

We have a national debt of over \$15 trillion that is headed far higher at a more rapid rate than ever before. It is far past the time that we should have been taking care of our own country and putting our own citizens first.

We need to let the Afghan people run Afghanistan, and we need to stop trying to be everything to everybody all over the world. We simply cannot afford it, and we are jeopardizing the future of ourselves, our children, and our grandchildren if we continue trying to run the whole world.

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 10 o'clock and 31 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

Reverend Adam McHugh, Vitas Hospice Center, Covina, California, offered the following prayer:

Gracious God, we acknowledge and praise You on this day that You have made.

We are reminded that all power and authority ultimately come from You.

We do not wield our own power, but we are stewards who have been entrusted with a greater power.

May the work that is done today in the Halls of the powerful be done on behalf of the powerless. Would You open our ears to listen to the needs and the cries of those who are seldom heard. May the strong voices today speak out for the sake of those with no voice.

Would You grant our leaders courage and wisdom to do what is right, and would You pour out on them a spirit of peace, love, kindness, and gentleness.

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 Virginia (Mr. CONNOLLY) come forward and lead the House in the Pledge of Allegiance.

Mr. CONNOLLY of Virginia led the Pledge of Allegiance as follows:

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

RESIGNATION AS PARLIAMENTARIAN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE PARLIAMENTARIAN,

Washington, DC, February 28, 2012.

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

DEAR MR. SPEAKER: As you know, the skill and dedication of the team with whom I serve in the Office of the Parliamentarian and the Office of Compilation of Precedents are unsurpassed. In my judgment they are ready to continue their commitment to excellence in the procedural practice of the House without me. I appreciate your allowing me to lead the office to this juncture. Please now accept my resignation effective March 31, 2012.

I am grateful to you and your predecessors, Mr. Speaker, for supporting the exercise of independent professional judgment by your parliamentarians. It is a credit to the House that its presiding officers shed their partisan cloaks and follow our considered advice.

It has been my honor to serve in the Office of the Parliamentarian for 25 years. To whatever extent I have made good of the opportunity, I credit the steady support of my wife, Nancy Sands Sullivan, and the inspiration of our children, Michael, Margaret, and Matthew.

Sincerely,

JOHN V. SULLIVAN,
Parliamentarian.

APPOINTMENT AS PARLIAMEN-
TARIAN OF THE HOUSE OF REP-
RESENTATIVES

The SPEAKER. Pursuant to section 287(a) of title 2, United States Code, the Chair appoints Thomas J. Wickham, Jr., as Parliamentarian of the House of Representatives to succeed John V. Sullivan, resigned.

WELCOMING REVEREND ADAM
MCHUGH

The SPEAKER. Without objection, the gentleman from California (Mr. DREIER) is recognized for 1 minute.

There was no objection.

Mr. DREIER. Mr. Speaker, let me first extend my congratulations to John Sullivan for his extraordinary service to this institution over the last quarter century. We're going to have a chance to talk about one of the greatest, most incisive minds in this place—and the bar is not too high for that. He has been extraordinary. I want to congratulate Mr. Wickham as well, Mr. Speaker.

With that, I rise to say, on the 28th of June 1787, Benjamin Franklin, in the midst of the Constitutional Convention, said that they should call on the assistance of Heaven and have a prayer every day as the assembly began. That's a tradition that continues today, and it's one that has just been utilized by Reverend Adam McHugh, who is a very, very capable and thoughtful guy, who is from Upland, California. He is a prolific writer as well as serving as chaplain at the Vitas Hospice Center in Covina, California.

I've got to say also, Mr. Speaker, that I believe that we are making history here in that both the Chaplain of the United States House of Representatives—our dear friend, Father Patrick Conroy—and Reverend McHugh and Reverend McHugh's wife, Lindsay, and I are all graduates of a very small institution just to the east of Los Angeles known as Claremont McKenna College.

I believe that hearing from Reverend McHugh was wonderful, and I have a copy of his book that he has just given me here. I would like to enter into the RECORD, Mr. Speaker, a list of the publications that he has put forward and to say that he has one coming next year. We all look forward to that, and I hope I get an autographed copy of that one as well.

PUBLICATIONS
BOOKS

Introverts in the Church: Finding Our Place in an Extroverted Culture (InterVarsity Press, 2009)

The Listening Life (InterVarsity Press, 2013)

ARTICLES

"Profile of Father Patrick Conroy, Chaplain of the U.S. House," CMC Magazine, November '11.

"Hospitality for Those Who Would Rather Stay 'In,'" Conversations Journal, December 2011.

"The Introverted Leader," Leadership Journal, August 2011.

"The Phases of Writing," The Ooze, June 2011

"A Mere Lump of Humanity?" Internet Monk, June 2011

"Why Pastors Should Get Their Heads Examined," Patheos, May 2011

"The Introvert Brand," Patheos, March '11

"Why Most Pastors Won't Tell the Truth," Church Leaders, Mar '11

"The Writer as Madman and Mystic," Crosswalk, Dec '10

"Are Happy Churchgoers Good News? The Washington Post, Dec '10

A Counter-Cultural Quiet in Advent," Patheos Dec '10

"Meals that Change Your Life," Relevant Magazine Nov '10

"Introverts in Evangelical America," The Washington Post Sept '10

"Conversations with the Saints," Patheos Aug '10

"The Ancient Art of Listening," Patheos June '10

"Can Introverts Thrive in the Church?" Catalyst Space May '10

"Introverts in the Church," Ministry Today, January '10

"Can Introverts Lead? Breaking Down Stereotypes," The Christian Century Nov '09

SPEAKING HIGHLIGHTS

Westmont College Chapel, Santa Barbara, CA, April 2012.

Laity Lodge, Kearney, TX, July 2011.

Glenskirk Church, Glendora, CA, March 2011.

Irvine Presbyterian Church, Irvine, CA, September 2010.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

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

HONORING MR. TROPHY

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

Mr. FLEISCHMANN. Madam Speaker, I rise today to honor a small business in my district, a business I was proud to give an Economic Excellence Award to last week.

Mr. Trophy, based in Red Bank, Tennessee, is a great small business which embodies the American values of hard work and success. Founded in 1972, Mr. Trophy is still a family business. It is currently owned by Dorris Prevou and is managed by her daughter Linda Herrmann.

A staple of the Chattanooga community, Mr. Trophy is well-known for both customer service and community involvement. Mr. Trophy has designed trophies, plaques, and custom awards for over 40 years, creating jobs while often weathering difficult times. Having run a business with my wife for 24 years, I can understand the challenges that have faced Mr. Trophy along the way.

Not only has Mr. Trophy met these challenges, but they have found success with their business and have become a pillar of their community. I hope that you will join me in honoring Mr. Tro-

phy for their well-earned Economic Excellence Award.

PASS H.R. 3826 AND PROTECT
COLLEGE AFFORDABILITY

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

Mr. COURTNEY. Madam Speaker, 124 days. That's how many days between today and July 1 when the interest rates for the Stafford Student Loan program are going to double from 3.4 percent to 6.8 percent unless Congress acts. I, Congressman PETERS, and Senator JACK REED in the Senate have filed legislation to lock in those rates at 3.4 percent. This Chamber must act.

Today, student loan debt now exceeds credit card debt in the United States of America—a milestone which is a disaster and a formula for failure in this country. We have fallen from number one in the world in terms of graduation rates to number 12, which is a threat in terms of our future economic vitality.

As young people will be all across this Capitol over the next 2 months or so, I hope Members of Congress will look those kids in the eyes and will do the right thing to protect college affordability. Pass H.R. 3826.

SOARING GAS PRICES

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

Mr. SAM JOHNSON of Texas. For 21 days in a row, gas prices have risen to average now \$3.70 per gallon—a 30-cent increase in only 1 month. At this rate, Americans could be forking over four bucks for a gallon of gas in no time. That's insane.

American families and businesses are already struggling in this economy, so I'm calling on the IRS to provide relief for businesses by increasing the standard mileage rate like it did after Hurricane Katrina and again in 2005 and 2011. With gas prices rising higher and faster than ever, the administration and Congress need to take action now: beginning with the Keystone XL pipeline, estimated to bring 830,000 barrels of oil every day to U.S. refineries, and Keystone would create nearly 20,000 new American jobs.

Let's pursue a real all-of-the-above energy strategy, and let's give Americans the security and relief that they want, need, and deserve.

□ 1210

PREVENT CLOSING POSTAL
FACILITIES

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

Mr. HIGGINS. Madam Speaker, like many Members of our body, I represent a community with a postal facility that has been slated for closure. In Buffalo, 700 workers stand to lose their

jobs if the United States Postal Service goes forward with the closure of the William Street mail processing facility. The good news is there is legislation that could have an immediate impact.

My friend and colleague, Representative STEVE LYNCH, has introduced H.R. 1351, which would recalculate the Postal Service's pension funding, easing the budget strains that necessitate this drastic facility closure proposal. Last week I sent a letter, along with my western New York colleagues, Representative LOUISE SLAUGHTER and Representative KATHY HOCHUL, urging Republican leadership to bring this bill to the floor for immediate consideration. Madam Speaker, this legislation is bipartisan and currently has 228 cosponsors, more than half the House.

Though broader reforms will be needed, this bill is what will keep the Postal Service afloat in the short term. It's time for Congress to step up, put aside politics, and do what's right for small business, working families, and postal customers nationwide.

FLORIDA KEYS OUTREACH COALITION CELEBRATES 20TH ANNIVERSARY

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

Ms. ROS-LEHTINEN. Madam Speaker, I'm so pleased to recognize the 20th anniversary of the Florida Keys Outreach Coalition.

For 20 years, Reverend Stephen Bradock and the Florida Keys Outreach Coalition have worked to empower individuals and families, assisting them in reaching their full potential by providing the resources and support they need to become self-sufficient.

In its mission to, very simply, eliminate homelessness in the Keys, Monroe County, the Florida Keys Outreach Coalition has become a model human services organization in reaching this goal. Its goal has become a reality for many families who have transitioned from homelessness into permanent housing.

I've had the great privilege of seeing their work firsthand, and it is nothing short of inspirational. I've witnessed the effectiveness of their outreach efforts, and I have seen the benefits of their emergency shelter and transitional housing programs.

I applaud everyone at the Florida Keys Outreach Coalition for their selfless efforts as they strive to better the future for the homeless. Thank you for 20 years of service to our south Florida community.

OSCAR COULD HAVE GONE TO THE HOUSE

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

Mr. CONNOLLY of Virginia. Madam Speaker, a silent movie won this year's Oscar for Best Picture. That award just as easily could have gone here to the House, because the House Republicans continue to be silent on job creation and seem intent on dragging America back to 1929 when the last silent film won the Oscar.

When Republicans recently held a hearing on contraception, they did their best to silence female voices, inviting five men and zero women to testify on the topic of female reproductive health.

Since they gained the majority, House Republicans have been painfully silent about actually creating jobs. In 2011, they voted for a budget that would have cut 700,000 of them. This year, they proposed a transportation bill that would cut another 550,000 of them. As Americans ask for real job proposals, Republicans remain silent.

It's time that someone actually started speaking up for the American people. Despite 23 straight months of job growth, there are still almost 8 million people trying to reenter the workforce. Unlike this year's Best Picture winner, this continued silent treatment from the Republican majority offers Americans no entertainment and, sadly, no employment.

FOSTERING JOB GROWTH

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

Ms. FOXX. Madam Speaker, my colleague from Virginia needs to redirect his comments about silent response to the Democrat-controlled Senate, the party of which he is a member. Fostering job growth for the American people continues to be the number one job for House Republicans, and we have a record to prove it.

With unemployment and underemployment at above 15 percent for the past 36 months, the Obama economy continues to produce the Nation's worst jobless record since the Great Depression. So far, by following the House Republican Plan for America's Job Creators, the House passed more than 30 bipartisan jobs bills on behalf of the American people.

Each of these bills is aimed at unleashing the power of our private sector to freely and confidently build, invest, innovate, and expand again—and put millions of Americans back to work. Unfortunately, the vast majority of these bipartisan House-passed jobs bills are being ignored or blocked in the Democrat-controlled Senate.

The American people are tired of waiting. It's time for Democrats in the Senate and the White House to put politics aside and pass these jobs bills.

COMMENDING JEREMY LIN

(Mr. FALEOMAVAEGA asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Madam Speaker, Linsanity is here with us today. On behalf of over 18 million Asian Pacific Americans, and as a member of the Asian Pacific Congressional Caucus, I rise today to commend rising NBA star Jeremy Lin.

A son of immigrants from Taiwan and the first American NBA player of Chinese or Taiwanese ancestry, Jeremy is the first, first Harvard—economics major, 4.0 GPA—graduate to play for the league since the 1950s. Since playing as the Knicks' point guard, he has scored the highest point total in his first five games—136 points—for any player since the 1970s.

In the history of Asian Pacific American participation in the NBA, Japanese American Wataru Misaka broke the color barrier when he played for the Knicks in the 1940s. Following Misaka, we have Japanese American Rex Walters; Filipino American Raymond Townsend; Samoan American Wally Aliifua Rank; and, currently, Samoan American James Johnson, who plays for the Toronto Raptors; and Hawaiian American Jason Kapono, who now plays for the L.A. Lakers.

Along with these pioneers, Jeremy Lin's rise to international stardom has broken ethnic stereotypes in our society.

I commend Jeremy for this tremendous achievement and for his example to the world and what America is all about: You work hard, you be true to your principles of fairness and equity, things will come your way.

CONTRACEPTION

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

Mr. PETERS. Madam Speaker, I rise today in outrage and disbelief that my Republican colleagues believe that they are more qualified to determine what a woman can do with her own body than she is.

Republicans say that they are on the side of freedom and personal responsibility. They also say that they are against Big Government intrusion. But when it comes to women in this country, it's nothing but a bunch of empty rhetoric.

Let's be clear: the debate about contraception is really about Republicans' deep-seated opposition to women making decisions about their own bodies. It is an outrage; it is unconscionable; it is insulting; and it is un-American to treat women, by virtue of their gender, as second-class citizens by denying their ability to control their own destinies.

To my Republican colleagues, shame on you for waging your hypocritical war on women.

AMERICAN POLITICS IS BECOMING MORE CORRUPT BY THE DOLLAR

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

Mr. YARMUTH. Madam Speaker, it's been more than 2 years since the Supreme Court rendered its Citizens United decision, and American politics is becoming more corrupt by the dollar.

Election season is flooded with special-interest money, confirming the deep skepticism of an American public that is estranged from and fed up with its government. In the past 2 years alone, super PACs have raised approximately \$181 million, an increase of more than 1,200 percent, in outside spending during a Presidential election.

Our system allows for corporations and extremely wealthy individuals to influence elections without any accountability, and this must change. That's why I'm a cosponsor and strong supporter of the DISCLOSE 2012 Act, which would shine a light on the secret money in political campaigns.

The DISCLOSE 2012 Act requires public reporting by super PACs, corporations, unions, and outside groups within 24 hours of making a campaign expenditure. It forces leaders of other corporations and other outside groups to stand by their campaign ads by appearing in them and stating that they approve this message.

Madam Speaker, I urge Republican leadership to bring the DISCLOSE 2012 Act up for a vote. Until we get Big Money out of politics, we will never be able to responsibly address the major issues facing American families.

□ 1220

EPIDEMIC OF HUNGER

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

Ms. FUDGE. Madam Speaker, today I rise to address the epidemic of hunger in this Nation. Nearly 49 million people in the United States suffer from hunger. That is one in six in the U.S. population, including more than one in five children.

Feeding America recently reported that 46 percent of households served by its agencies must choose between paying for utilities or heating fuel and paying for food. Thirty-nine percent of households said they must choose between paying their mortgage or rent and paying for food.

Hunger is real in this country. We know that, yet some still demonize SNAP and other feeding programs. Preventing hunger is a moral imperative that should be shared by people in every party, every demographic, and every religion.

I encourage my colleagues to visit a local food bank in their district, or take the SNAP Challenge. Find out what it is like to live for just 1 day or

1 week as someone who struggles with hunger.

INVESTING IN ELECTRIC VEHICLES

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

Ms. HAHN. Madam Speaker, Californians drive a lot, so when gas prices jump, we feel it first and the most. Back home, gas has jumped 26 cents in the last week and 57 cents since this time last year. We are paying on the average \$4.30 a gallon.

Our constituents need our help. They also understand the definition of insanity is doing the same thing over and over and expecting a different result.

I happen to drive a Nissan Leaf, an all-electric vehicle, which will be built right here in America in Tennessee in the near future. This gives me the benefit of driving past gas stations, but I don't have to fill up my tank to be shocked by the prices at the pump. And if given the opportunity, I think most Americans would jump at the chance to join me in driving right past those high gas prices and stop sending hundreds of billions of dollars to the Middle East.

"Drill, baby, drill" won't lower gas prices today or tomorrow, but it will feed our addiction to dirty fossil fuels which are quickly running out. Let's work together to invest in infrastructure for electric vehicles to make them more affordable and convenient. We will create jobs, take hold of the economy of the future, and end our dependence on oil.

JOBS AND THE ECONOMY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, with the unemployment rate now at 8.3 percent, we continue to see positive signs that the U.S. economy is on the road to recovery. Now more than ever it is absolutely imperative that we continue to make critical investments in infrastructure, advanced manufacturing, and high-tech research and development. By doing so, we will address our crumbling roads and bridges, create jobs, and provide future generations with the robust economic foundation on which to build a stronger America.

The President's budget has reflected the desire to make these important investments in our economy, and I urge my colleagues to also recognize the decisions we make today will have unavoidable consequences tomorrow.

While our economy is recovering, it is still fragile. Now is not the time to be making arbitrary cuts to key components of our economy. We all bear the burden of such cuts, and we are all ultimately responsible for the country's well-being.

GET OUR NATION BACK TO WORK

(Ms. CLARKE of New York asked and was given permission to address the House for 1 minute.)

Ms. CLARKE of New York. Madam Speaker, the American people's patience is wearing thin. A majority of the American people believe that jobs should be the number one priority of the 112th Congress. However, over a year has passed since the Republican majority took control of the people's House, and we have still not passed a single significant jobs bill.

To avoid any confusion, let's discuss what a jobs bill is not. A jobs bill is not a tax cut for the multimillionaires and billionaires. A jobs bill is not protecting subsidies for corporations that ship jobs overseas. And a jobs bill is not, Madam Speaker, dismissing out of hand the President's plan for reviving American manufacturing and creating a stronger and a more skilled workforce.

As our economy continues to recover from the recent economic downturn, it is past time for the Republican majority to work with the President and get our Nation back to work.

PROTECTING ACADEMIC FREEDOM IN HIGHER EDUCATION ACT

Ms. FOXX. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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

in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. House Resolution 563 provides for a structured rule providing for consideration of H.R. 2117, which repeals the Department of Education's State authorization regulation and the Federal definition of a credit hour.

I think most people on both sides of the aisle would agree that our higher education system is the envy of the world. The bill we will consider today, H.R. 2117, the Protecting Academic Freedom in Higher Education Act, passed the House Education and Workforce Committee with bipartisan support on June 15, 2011, and I'm very, very proud of that.

□ 1230

A lot of Americans believe Members of Congress can't work together, but H.R. 2117 shows the opposite. I appreciate the opportunity to work with my colleagues across the aisle to pass this legislation and hope we can find more ways to work together.

In 2010, the Department of Education issued a series of regulations purportedly aimed at improving the integrity of Federal student aid programs. Included in these regulations was a new "State authorization" rule that imposes a one-size-fits-all Federal mandate on institutions of higher education and infringes on the rights of States to regulate their higher education systems. Institutions are already required to be authorized by the State in which they're located. However, the Federal Department of Education was not satisfied leaving these decisions solely to States and added several Federal criteria to existing State authorization processes which

would unnecessarily complicate the process for institutions and further burden already strapped State governments by increasing their workload.

In addition, it is unclear whether the regulation would require online education programs to be authorized in every State in which they have students. One online university reports the State authorization regulations could cost the institution \$700,000 initially, plus an additional \$400,000 annually. H.R. 2117 also repeals the Federal definition of a credit hour. This definition has historically been the jurisdiction of accrediting agencies and institutions. And again, the process has worked very well. There have been no complaints about it.

Last year, Excelsior College president John Ebersole testified in front of the Subcommittee on Higher Education and Workforce Training about this regulation, stating it inserts the Department of Education into academic judgments that should be made at the institution level and could destroy accelerated learning programs that allow students to complete their education more quickly.

These regulations will restrict innovation, limit flexibility, and pave the way for additional Federal overreach into higher education.

Madam Speaker, with that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to thank the gentlewoman from North Carolina, my good friend, Dr. Foxx, for yielding me the customary 30 minutes.

I yield myself such time as I may consume.

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

Mr. MCGOVERN. Madam Speaker, here we go again. Another day in the House of Representatives and another day without a jobs bill. It's almost March, and my Republican colleagues who control this House still have not put a meaningful jobs bill on the floor. In fact, their best chance of passing a jobs bill could have been the highway reauthorization bill, but they screwed that up so badly that they had to yank it off the floor before an embarrassing bipartisan defeat.

So what are we doing today? Well, Madam Speaker, today, we're considering a bill targeting Department of Education regulations defining credit hours and setting minimum requirements that all higher education institutions must meet to be considered authorized by a State. We're targeting Department of Education regulations. We're not considering a jobs bill. There's no new, bipartisan highway bill. There's no bill that helps put cops, firefighters, and librarians back to work. And there's no new bill that helps train workers for the future.

The economy may be inching along, recovering slowly, but it still needs some help. We need a real, comprehensive jobs package. Instead, we just get

a bill to dismantle a few regulations with no attempt to make our education system better. This is no way to run the House of Representatives.

Let's look at where we've been. They started off the new Congress with their health care repeal and replace, but we're still waiting on the replace part. To be clear, Republicans voted to take away health protections for seniors, they voted to take away health care protections for young people under 26, and they voted to take away health care protections for those with pre-existing conditions, but they haven't proposed anything to replace those important provisions.

Since then, the Republican leadership has played legislative Russian roulette with our economy by holding the debt limit discussions hostage, by holding up the payroll tax cut and unemployment insurance extensions multiple times, and, most recently, by proposing the most partisan highway reauthorization bill I think in the history of this Congress.

On top of that, the Republican leadership has wasted our time by debating resolutions to defund National Public Radio and Planned Parenthood. We have debated resolutions making it easier for unsafe people to carry concealed weapons across State lines. We've spent a good period of time on this House floor debating a bill to reaffirm our national motto. And soon we'll probably vote on a bill to restrict contraception, another attack on women's health by this Republican-controlled House.

Madam Speaker, there are more important things we should be doing, and, yes, education should be something we debate. I'm all for bills improving our education system. In fact, I'd welcome the opportunity to act in a bipartisan way to improve our school systems across the board. What we should be talking about today is college affordability. What we should be talking about today are ways to ensure that every single American student has access to a quality education. And despite what Republican Senator Rick Santorum might think, it's not snobby to try to make sure our students have access to the best education possible.

What we should be considering on the floor of the House today is legislation to extend the tax deduction for tuition and fees that families across this country rely on to help bear the incredible burden of rising tuition costs. This deduction, Madam Speaker, of up to \$4,000 expired at the end of last year, and congressional action is required to extend this tax benefit past the 2011 tax year. But that is not what we are considering today on the House floor.

We should also be considering legislation to prevent the looming increase in subsidized Stafford student loan rates—from 3.4 percent to 6.8 percent—that will occur if Congress does not act before July 1, 2012. These need-based loans are critical for students who might otherwise be unable to attend

college, and we should act now on legislation to stop the doubling of their interest rates. But, Madam Speaker, that is not what we are doing today.

Republican Governors, including the head of the Republican Governors Association, Virginia Governor Bob McDonnell, overwhelmingly support President Obama's college education agenda. But in the House of Representatives, all we see is an effort to attack and dismantle the President's initiatives and no attempt to actually make college more accessible and more affordable.

Madam Speaker, this is just another squandered opportunity by this Republican Congress. I can't say I'm surprised, but I am disappointed. It is time for us to work in a bipartisan way to focus on how to get this economy moving again and to focus on jobs. And when we focus on education, let's focus on issues that will make a real difference in the lives of our young people.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I know my colleague is a very hardworking Member of Congress, and I know that he pays close attention to what's going on in the Congress. I'm sure he simply forgot the fact that we have passed over 30 bills in the House and sent them to the Senate, and the Senate has not acted on them. These 30 bills—we've actually passed hundreds of bills—but those 30 bills, in particular, were focused on creating jobs. Now, my colleague seems to have forgotten that. He seems also to have forgotten the fact that the Senate is controlled by his colleagues in the Democratic Party, and that's where the problem is with jobs bills.

Also, most of those 30 bills that we've passed, or a great number of them, had energy components, Madam Speaker, which would help bring down the cost of gasoline, which would help improve our energy resources in this country. So we get a twofor for most of those bills. However, again, those bills are languishing in the Senate.

We have focused on creating jobs in the House, and one of the ways that we could truly create jobs is to reduce our deficit and reduce our debt. Republicans have been very much focused on that here in the House of Representatives, and in most cases, again, we get bipartisan support for those efforts.

□ 1240

In fact, the 30 jobs bills that have passed the House have had bipartisan support. So there are ways for us to work together.

I think the focus of my colleague is to increase spending, increase Federal Government involvement; and we know that that goes against the grain. We know from history that that does not improve the economy, does not create jobs.

We have an underemployment rate of over 15 percent, created beginning with the Democrats' takeover of the Con-

gress in January of 2007, going through their 4 years. Then it really skyrocketed when President Obama was elected and was there for 2 years with a Democrat-controlled Congress.

So I'd just like to remind my colleague that he goes back a little ways in history in talking about things that we have done here, but he fails to mention some of the effects of what he and his colleagues had.

With that, I reserve the balance of my time.

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

Madam Speaker, I would point out to my friend from North Carolina that the problem with the transportation bill, which had the potential to create millions of jobs in this country, was not the United States Senate. The problem with the transportation bill was the extreme right here in the House of Representatives that insisted that their leadership bring to the floor one of the most partisan, one of the most awful transportation bills we have ever, ever seen.

The sad thing is that transportation bills used to be bipartisan. In fact, they've always been bipartisan, where Democrats and Republicans would come together. This bill was so partisan that even a number of Republicans couldn't support it. So they yanked it from the House floor because they were fearful of an embarrassing defeat.

A good, robust surface transportation bill is a good jobs bill. We need to invest in our infrastructure in this country. We need to invest in our roads and our bridges and in mass transit. The transportation bill that the Republicans brought to the floor gutted mass transit, just gutted it. So that's not a problem with the United States Senate; it's a problem with the leadership here in the House of Representatives.

My colleague talks about jobs. The President of the United States came to this Chamber and addressed the Nation on the need to create more jobs, on the need to help create a climate where more private sector jobs could happen. He submitted to us a plan. We cannot even get an up-or-down vote on the President's jobs plan. We can't even get a vote on it.

So when my friends talk about jobs, you know, we have this opportunity to at least vote on a jobs bill. If you don't want to vote for jobs, that's one thing; but at least give us the opportunity to vote up or down on it.

Just one other thing about the deficit and the debt. I don't know of a single economist who would disagree with the statement that this debt crisis that we're currently in began with the passage of the Bush tax cuts, which were not paid for. Then the prescription drug bill—that was a lot more expensive than my Republican colleagues advertised—wasn't paid for. Add on to that two wars, Afghanistan and Iraq, not paid for. The last time this country

didn't pay for a war was when we borrowed money from the French to fight the British. I mean, we're going to war and asking the brave young men and women who serve in our military to put their lives on the line, and we're not even willing to pay for it. So that's how we got in this mess.

Add to that the greed on Wall Street which brought this economy to a halt, and here we are trying to struggle to get our economy back on its feet. But I'm going to tell you that we're not going to get this economy back on its feet unless we invest in the American people, unless we invest in education, unless we invest in our infrastructure, unless we invest in medical research, unless we invest in the innovation economy so that we can compete in the global economy in the years to come.

So I don't want to hear any lectures about deficits and debt. It is not even credible for my friends on the other side to point the finger on that, given the fact that when Bill Clinton left office we had record surpluses. We know how we started in this decline, and now we need to figure out a way to dig ourselves out.

So, again, I wish we were debating a transportation bill on the floor of the House today. I wish we were debating a bill to be able to address the fact that interest rates on student loans are going to increase unless we do something. We ought to make education more affordable for people. No one in this country who wants a college education ought not to get one because they can't afford it.

Those are the things we should be talking about here today. Instead, they pulled the transportation bill and we're doing this today. And we'll be out of here on Thursday before noon, I'm told. The American people want us to work on their behalf.

I regret the fact that this bill, however well-intentioned, to me is not the legislation we should be debating right now. This is not the urgent need. We ought to be talking about jobs; and my friends on the other side of the aisle, when it comes to jobs, have an absolutely lousy record.

I reserve the balance of my time. Ms. FOXX. Madam Speaker, there's so much to refute and so little time.

I would like to point out to my colleague that he mentions the Bush tax cuts. He conveniently forgets to mention that they actually should be called the Obama-Pelosi tax cuts because those tax cuts were extended in 2010 when President Obama was President and NANCY PELOSI was Speaker of this House. So they should no longer be called the Bush tax cuts. They should rightfully be called the Obama-Pelosi tax cuts because even those two people understood that we should not raise taxes in the middle of a horrible recession—brought on, I might say, by our colleagues across the aisle.

I'd also like to point out to my colleague from Massachusetts that—let's assume that those tax increases were

allowed to go into effect. We would still have a \$400 billion deficit in this country. We know that if we took away every penny of wealth that those millionaires and billionaires—that they so desperately want to tax, if we took away every penny of their wealth—not just increased their taxes, but took all their wealth away from them, it would amount to a little over \$1 trillion. And then it wouldn't be available. There would be no tax increases available on those people in the future, and we still wouldn't have solved our problem.

Now, our colleagues across the aisle want to make it worse by continuing to spend money. I know my colleague is not on the Education Committee, and maybe he isn't aware of the fact that the Department of Education has the third largest share of our discretionary spending of all the Departments in the Federal Government. Only the Departments of Defense and Health and Human Services have larger budgets than the Department of Education, but it's still not enough money. And what have we got to show for all of that money? Test scores, absolutely flat; no improvement since 1965 for over \$2 trillion spent on education. Madam Speaker, I'm sorry, again, I can't allow my colleague to rewrite history in his own terms.

I'd also like to point out that when President Obama had both the House and the Senate in his control—60 votes in the Senate and 255 votes here—did he propose a jobs bill? No. He waited until he had been in office 3 years before he proposed a jobs bill.

My colleagues across the aisle were in charge of this body and the Senate for 4 years. Did they reauthorize the transportation bill? Did they reauthorize ESEA? No.

□ 1250

So I am sorry—I believe in that old saying, People who live in glass houses should not throw stones.

With that, I reserve the balance of my time, and I would advise my colleague from Massachusetts that I have no further speakers, and I am prepared to close.

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

Let me respond, Madam Speaker, by reminding my colleagues that when President Obama became President of the United States, he inherited the worst economy since the Great Depression. My colleagues don't like to hear that, but that's just the facts.

This has been a very difficult time not only for the U.S. economy but for the global economy. The President has been trying with little or no help from this House to get this economy back on the right track. The good news is that in spite of all the obstructionism here in the House of Representatives by my Republican colleagues, the economy is slowly but surely getting better little by little.

We could help that if we actually talked about jobs and actually voted

on bills that were about investing in people and creating jobs, putting people back to work. We could accelerate this recovery, but the obstructionism continues. I should point out, Madam Speaker, that those of us on the Democratic side have nothing against rich people, millionaires or billionaires. It's fabulous that in this country people can accrue enormous wealth. Where we have problems is when Warren Buffett's secretary pays a higher tax rate than Warren Buffett. There's something fundamentally wrong with our tax system that puts all the burden on middle class families and basically provides a whole bunch of loopholes so that a lot of the wealthiest people and a lot of the wealthiest corporations in this country can escape paying taxes.

I think what people want is fairness. It's not about soaking the rich; it's about fairness. I'm going to tell you this tax system that we have right now isn't fair to middle class families at all. I would also say to my colleague, we talk about our deficits and we talk about our debt—don't exclude these wars that we're fighting. We borrow \$10 billion a month for Afghanistan alone. We borrow; we don't ask anyone to pay for it. It goes on our credit card. How is that being responsible? How is that doing the right thing? I want these wars ended. I think the war in Iraq was a mistake, and I want us to get out of Afghanistan as soon as humanly possible. But whether you're for or against these wars, you ought to pay for them. If you don't, it goes onto our credit card. We pay \$10 billion a month for Afghanistan alone.

Madam Speaker, I would also just say that one of the ways to get out of this deficit and out of this debt we have right now is to grow the economy, to put people back to work. The more people working, they pay taxes, and we can put it toward lowering our debt. What I fear and what has bothered me about my colleagues on the other side of the aisle is they have used the deficit as an excuse to go after programs like Medicare and Social Security and Medicaid, programs that provide a circle of protection for people in our country, our senior citizens who are the most vulnerable. Rather than going down that way, and rather than debating the bill that we're debating today, I wish we were debating the President's jobs bill. I wish we were debating something that we could send over to the Senate that would help put people back to work, that would help this economy grow faster. That's not what we're doing. We're doing the same old same old, which is not much of anything. This is a place, unfortunately, where trivial issues get debated passionately and important ones not at all.

With that, I yield back the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

I have to point out again to my colleague that the Democrats took control of the House of Representatives

and also the Senate in January of 2007. When they did, the unemployment rate in this country was 4.5 percent. We were projected at that time to have a surplus in our budget of about \$450 billion. In just 2 short years, the unemployment rate skyrocketed and the deficit skyrocketed. The Democrats were in control of Congress when the President took office. That's why he inherited a rotten economy. He didn't inherit a rotten economy from President Bush. He inherited a rotten economy from his own party, and he's frankly done nothing to make it any better.

I would also like to point out to my colleague across the aisle that the stimulus that he voted for, which the President promised would do so much for the economy, was \$1 trillion, which is 9 years' worth of spending on national defense for the war in Iraq given his figures alone.

Madam Speaker, the American people have heard a lot recently about exploding college costs, the burden of student debt. President Obama highlighted these issues in his State of the Union address. Therefore, it is ironic that the Department of Education, which reports to him, is increasing the cost of higher education with unnecessary rules and regulations.

At the Subcommittee on Higher Education's hearing on college costs in November, we heard many suggestions on how colleges and universities could cut costs. We heard from colleges who have cut their operating budgets, offered expedited degree programs, and encouraged dual enrollment for high school students.

Students and families are struggling to make ends meet, and higher education institutions must find ways to cut costs. Imposing onerous rules and regulations at the Federal level is a disincentive to the schools to do that. It's also a major disincentive to one of the major innovations in education: distance learning. As I mentioned earlier, these unnecessary Federal regulations mean increased regulatory burdens for institutions, and in turn, greater compliance costs trickle down to increase expenses for students and their families.

The Federal Government's involvement in elementary and secondary education illustrates what happens when Washington gets too big. The most recent reauthorization of ESEA, the No Child Left Behind Act, is a perfect example of good intentions at the Federal level adrift in a feckless sea of red tape and overregulation. This law is a classic example of Federal top-down attempts to improve education in America's schools. It's a noble goal, but it has completely failed.

If we can agree on anything, it is that our children should be well educated and prepared for a life of productive citizenship. However, the Federal Government's ability to accomplish this is in serious doubt. As history has shown time and again, Federal meddling has resulted in a one-size-fits-all

approach that neglects local concerns and produces a grotesque layer of wasteful bureaucracy. Right now my colleagues in the House Education and the Workforce Committee are working on the reauthorization of No Child Left Behind. While my colleagues across the aisle won't support all of our revisions, we did find consensus on charter school legislation last year. H.R. 2218 received bipartisan support in committee and passed the House by a bipartisan vote of 365-54 in September.

Although we may not always agree, I hope we can continue to find ways to work with our colleagues across the aisle to improve education in this country. Thomas Jefferson once said:

Were we directed from Washington when to sow and when to reap, we should soon want bread.

Madam Speaker, I urge my colleagues to vote for the rule and the underlying bill, which would repeal a small part of the burdensome and unnecessary Federal regulations that we're struggling with and take one step toward reducing Federal intrusion in higher education.

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

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 171, not voting 18, as follows:

[Roll No. 74]

YEAS—244

Adams	Cassidy	Gerlach
Aderholt	Chabot	Gibbs
Alexander	Chaffetz	Gibson
Amash	Coble	Gingrey (GA)
Amodei	Coffman (CO)	Gohmert
Austria	Cole	Goodlatte
Bachmann	Conaway	Gosar
Bachus	Cravaack	Gotdy
Barletta	Crawford	Granger
Bartlett	Crenshaw	Graves (GA)
Barton (TX)	Culberson	Graves (MO)
Bass (NH)	Davis (KY)	Griffin (AR)
Benishek	Denham	Griffith (VA)
Berg	Dent	Grimm
Biggart	DesJarlais	Guinta
Bilbray	Diaz-Balart	Guthrie
Bilirakis	Dold	Hall
Bishop (NY)	Donnelly (IN)	Hanna
Bishop (UT)	Dreier	Harper
Black	Duffy	Harris
Blackburn	Duncan (SC)	Hartzler
Bonner	Duncan (TN)	Hastings (WA)
Bono Mack	Ellmers	Hayworth
Boustany	Emerson	Heck
Brady (TX)	Farenthold	Hensarling
Brooks	Fincher	Herger
Broun (GA)	Fitzpatrick	Herrera Beutler
Buchanan	Flake	Holt
Bucshon	Fleischmann	Huelskamp
Buerkle	Fleming	Huizenga (MI)
Burgess	Flores	Hultgren
Burton (IN)	Forbes	Hunter
Calvert	Fortenberry	Hurt
Camp	Fox	Issa
Campbell	Franks (AZ)	Jenkins
Canseco	Frelinghuysen	Johnson (IL)
Cantor	Gallely	Johnson (OH)
Capito	Gardner	Johnson, Sam
Carter	Garrett	Jones

Jordan	Neugebauer	Schock
Kelly	Noem	Schweikert
King (IA)	Nugent	Scott (SC)
King (NY)	Nunes	Scott, Austin
Kingston	Nunnelee	Sensenbrenner
Kinzinger (IL)	Olson	Sessions
Kissell	Palazzo	Shimkus
Kline	Paul	Shuler
Labrador	Paulsen	Shuster
Lamborn	Pearce	Simpson
Lance	Pence	Smith (NE)
Latham	Petri	Smith (NJ)
LaTourette	Pitts	Smith (TX)
Latta	Platts	Southerland
Lewis (CA)	Poe (TX)	Stearns
LoBiondo	Pompeo	Stivers
Long	Posey	Stutzman
Lucas	Price (GA)	Sullivan
Luetkemeyer	Quayle	Terry
Lummis	Reed	Thompson (PA)
Mack	Rehberg	Thornberry
Manzullo	Reichert	Tiberi
Marchant	Renacci	Ribble
Marino	Ribble	Tipton
Matheson	Rigell	Turner (NY)
McCarthy (CA)	Rivera	Turner (OH)
McCaul	Roby	Upton
McClintock	Roe (TN)	Walberg
McCotter	Rogers (AL)	Walden
McHenry	Rogers (KY)	Walsh (IL)
McIntyre	Rogers (MI)	Webster
McKeon	Rohrabacher	West
McKinley	Rokita	Westmoreland
Meehan	Ros-Lehtinen	Whitfield
Mica	Roskam	Wilson (SC)
Mitchaud	Ross (AR)	Wittman
Miller (FL)	Ross (FL)	Wolf
Miller (MI)	Royce	Womack
Miller, Gary	Runyan	Woodall
Mulvaney	Ryan (WI)	Yoder
Murphy (CT)	Scalise	Young (FL)
Murphy (PA)	Schilling	Young (IN)
Myrick	Schmidt	

NAYS—171

Ackerman	Eshoo	Meeks
Altmire	Farr	Miller (NC)
Andrews	Fattah	Miller, George
Baca	Filner	Moore
Baldwin	Frank (MA)	Moran
Barrow	Fudge	Nadler
Bass (CA)	Garamendi	Napolitano
Becerra	Gonzalez	Neal
Berkley	Green, Al	Oliver
Berman	Green, Gene	Owens
Bishop (GA)	Grijalva	Pallone
Blumenauer	Gutierrez	Pascrell
Bonamici	Hahn	Pastor (AZ)
Boren	Hanabusa	Pelosi
Boswell	Hastings (FL)	Peters
Brady (PA)	Heinrich	Peterson
Bralely (IA)	Higgins	Pingree (ME)
Brown (FL)	Himes	Polis
Butterfield	Hinche	Price (NC)
Capps	Hinojosa	Quigley
Capuano	Hirono	Rahall
Carney	Hochul	Reyes
Carson (IN)	Holden	Richardson
Castor (FL)	Honda	Richmond
Chandler	Hoyer	Rothman (NJ)
Chu	Inslee	Roybal-Allard
Cicilline	Israel	Ruppersberger
Clarke (MI)	Jackson Lee	Rush
Clarke (NY)	(TX)	Ryan (OH)
Clyburn	Johnson (GA)	Sánchez, Linda
Cohen	Johnson, E. B.	T.
Connolly (VA)	Kaptur	Sanchez, Loretta
Conyers	Keating	Sarbanes
Cooper	Kildee	Schakowsky
Costa	Kind	Schiff
Costello	Kucinich	Schrader
Courtney	Langevin	Schwartz
Critz	Larsen (WA)	Scott (VA)
Crowley	Larson (CT)	Scott, David
Cuellar	Levin	Serrano
Cummings	Lewis (GA)	Sewell
Davis (CA)	Lipinski	Sherman
Davis (IL)	Loeb sack	Sires
DeFazio	Lofgren, Zoe	Slaughter
DeGette	Lowe	Smith (WA)
DeLauro	Luján	Speier
Deutch	Maloney	Stark
Dicks	Markey	Sutton
Dingell	Matsui	Thompson (CA)
Doggett	McCarthy (NY)	Thompson (MS)
Doyle	McCollum	Tierney
Edwards	McDermott	Tonko
Ellison	McGovern	Towns
Engel	McNerney	Tsongas

Van Hollen	Wasserman	Welch
Velázquez	Schultz	Wilson (FL)
Visclosky	Waters	Woolsey
Walz (MN)	Watt	Yarmuth

NOT VOTING—18

Akin	Bankford	Payne
Cardoza	Lee (CA)	Perlmutter
Carnahan	Lungren, Daniel	Rangel
Clay	E.	Rooney
Cleaver	Lynch	Waxman
Jackson (IL)	McMorris	Young (AK)
Landry	Rodgers	

□ 1326

Mr. CAPUANO changed his vote from "yea" to "nay."

Mr. BISHOP of New York changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. AKIN. Mr. Speaker, on rollcall No. 74, I was delayed and unable to vote. Had I been present I would have voted "yea."

Mr. ROONEY. Mr. Speaker, on rollcall No. 74 I was unavoidably detained. Had I been present, I would have voted "yea."

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2117.

The SPEAKER pro tempore (Mr. NUGENT). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 563 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. 2117.

□ 1325

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. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from North Carolina (Ms. FOXX) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Madam Chair, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. KLINE), chairman of the House Education & the Workforce Committee.

Mr. KLINE. I thank the gentlelady, Ms. FOXX, for yielding.

Madam Chair, I rise in support of H.R. 2117, the Protecting Academic Freedom in Higher Education Act.

The legislation before us today is driven by a simple goal: to ensure Washington isn't adding to the burden of rising college costs by imposing burdensome regulations.

Last year, tuition and fees at public 4-year colleges and universities increased over 8 percent. The average 4-year public college student now graduates with roughly \$22,000 in debt.

Helping more students realize the dream of an affordable higher education is a shared goal. However, solving a problem like rising college costs starts with recognizing that, as is so often the case, Washington is part of the problem.

Each year, the average higher education institution spends a significant amount of time and money complying with Federal regulations and reporting requirements, costs that can trickle down to students' tuitions and fees.

H.R. 2117 will eliminate two unnecessarily burdensome regulations advanced by the Department of Education in late 2010. The credit-hour and State authorization regulations were part of a so-called "program integrity" package that significantly increased Federal intrusion in academic affairs.

□ 1330

The credit-hour regulation attempts to measure student learning at the Federal level, and restricts colleges from offering outside coursework and creative learning opportunities that could help students save money and graduate early.

The State authorization regulation is even more troubling as it will lead to thousands of dollars in additional costs for colleges and universities across the Nation. In my home State of Minnesota, schools must spend between \$2,000 and \$3,500 per program, depending on the level of degree offered, to comply with this extreme regulation.

In order to best prepare today's students to join tomorrow's workforce, we must not overwhelm schools with poorly conceived regulations that lead to wasted time and money. H.R. 2117 will repeal two particularly problematic regulations, protecting academic institutions and prospective students from significant financial and bureaucratic burdens.

Madam Chair, I urge my colleagues to support the Protecting Academic Freedom in Higher Education Act.

Mr. GEORGE MILLER of California. Madam Chair, I yield myself 5 minutes.

Madam Chair and Members of the House, we are now considering legislation that would significantly compromise the Department of Education's ability to oversee and safeguard our Federal investment in higher education and safeguard and protect the taxpayers who are paying for that investment in higher education.

This legislation couldn't be more ill-timed. In this tough budget environment, we should be concerned with how the Federal Government spends the limited resources we dedicate to Fed-

eral student aid. During the 2009-2010 school year, students relied on nearly \$200 billion in Federal student aid to prepare for jobs for today and jobs for tomorrow. That's the money that they borrowed, and that's the money that was given to them in grants. If that money is not spent in a responsible way, and if it's not protected, it goes down the drain. It's lost forever, and the students are left with the debt.

Two years ago, the Department of Education's inspector general exposed a loophole that allowed a higher education institution to award more credits to get more student financial aid than was appropriate. They were charging for nine units a day that they said was graduate work. It turned out when the accreditors went through and looked at it, they deemed it was really the equivalent of 3 hours of credit work, and the level of work was at the undergraduate level. But they were able to charge the students, students had to borrow money, and at the end of the day they ended up with units that were worth nothing. Students attending this institution, many of whom were relying on Federal aid programs, were paying double the price because the school inflated the number of credits charged.

In response to the inspector general's findings and recommendations, the Department of Education promulgated rules defining a credit hour and providing other protections for students, including ensuring students have access to a complaint process if there's fraud involved. What the Department of Education did was necessary and narrowly targeted to address a very costly problem.

However, the bill before us today seeks to prevent the Department from protecting taxpayers and students. It would blow open the loophole that the inspector general concluded led to the inappropriate Federal spending. In other words, Mr. Chairman, the bill before us today explicitly increases the risk of fraud, waste, and abuse in our Federal student aid programs.

At a time when the higher education market is in so much flux, with new kinds of programs popping up around the country and online, this is the wrong time to open this loophole against the taxpayers' best interest.

The Department of Education should have tools to ensure that students who are eligible to receive Federal student aid are receiving it, and that the institutions that serve these students are upholding the integrity of the programs. This seems like a simple proposition: making sure taxpayers and students aren't getting ripped off.

This legislation eliminates those important consumer protections, and it does so under the banner of academic freedom. But the Department's protections do not interfere with academic freedom. Colleges and universities will continue to be free under the Department's rule to set whatever higher standards they see fit for their stu-

dents as long as the accreditors agree. In this economy, millions of students rely on Federal student aid programs to make the college dream a reality. This is exactly why the Department of Education has moved to ensure greater accountability and taxpayer protection. And it's exactly why the legislation is misguided.

Now more than ever, we need accountability in higher education that works in the best interests of students who use Federal aid programs.

In the last Congress, Democrats worked to make sure that our student aid programs worked in the best interest of students, families, and taxpayers. We also worked hard to make higher education more accessible for families for whom degrees may have been out of reach.

One way we helped to make higher education more accessible and affordable and financially manageable for students and families was to lower the interest rates on loans. Specifically, we lowered the interest rate on need-based student loans to 3.4 percent, almost cutting the cost to those borrowers in half. The interest rate reduction is scheduled to end this summer. It will bounce back to where it was before the Democrats acted to reduce it. For the sake of our students, low rates should be extended. If Congress fails to act, interest rates on need-based student loans for more than 7 million students will double this July. This increase will cost an average borrower almost \$2,800 in additional interest payments.

At a time when our economy is on fragile footing, we shouldn't be building more hurdles for young people to get the education and the skills they need to succeed. When interest rates are at historic lows, we should not be asking students to pay more on their student loan debt just because Congress failed to act.

Earlier this month, Mr. HINOJOSA and I asked the committee's majority to take immediate action on this important issue. The President has called for action as well. But just like with other economic issues that are vitally important to the American people, those requests have been met with silence.

So today, instead of saving students from interest rate hikes, we are here debating a bill that will take away the tools the Department of Education needs to oversee and protect our investment in higher education, to protect those students who are borrowing money to go to college.

I urge my colleagues to vote against this legislation. I urge the majority to take up a bill to make sure that interest rates don't double come July.

I reserve the balance of my time.
Ms. FOXX. Madam Chair, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Madam Chair, I rise today in support of the Protecting Academic Freedom in Higher Education Act, H.R. 2117. This bipartisan legislation will prevent the Department of Education from defining a

college credit hour, something that is best left to our institutions of higher learning and their accrediting agencies. It will also block a cumbersome new rule that will require States to use Federally set, one-size-fits-all criteria to regulate higher education. If these two rules were allowed to go into effect, it would create tremendous new burdens and additional cost for students.

The exploding cost of higher education is already putting the opportunity of a college education and diploma out of reach for too many Americans. Last year, tuition and fees at public, 4-year schools increased by 8.3 percent. More regulations will lead to more administrative staff, and ultimately larger tuition bills. And I might add, the fact that one institution or several institutions break the law—we have laws against robbing banks, and people do that. There are unscrupulous people out there. But this is putting a burdensome regulation on the folks that are following the rules.

The average debt of a college graduate today is approximately \$22,000. When I went to medical school, I started in 1967 and graduated in 3 years in 1970. My father was a factory worker. I was able to work in medical school and graduate with no debt from college and medical school. That's unheard of today. Today, students are so far in debt that they'll spend much of their working life paying off these exorbitant loans that they have.

There is much that we can do to improve access to higher education and lower costs. Issuing new regulations, however, takes us in the opposite direction. I've taken hundreds of hours of college credit, and not one of them has been approved by the Federal Government, and yet I am a board certified physician. I think this goes way too far. Again, I urge my colleagues to support this legislation.

Mr. GEORGE MILLER of California. Madam Chair, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA), the senior Democrat on the Higher Education Subcommittee.

Mr. HINOJOSA. Madam Chair, I rise today to express my opposition to H.R. 2117, the Protecting Academic Freedom in Higher Education Act, misguided legislation that repeals efforts to protect students' and taxpayers' investment in higher education.

Every year, the Federal Government spends billions of dollars on student financial aid, and we must account for these Federal investments. As ranking member of the Subcommittee on Higher Education and Workforce Training, I am deeply concerned that H.R. 2117 would undermine the Secretary of Education's ability to oversee and safeguard our Federal investment in higher ed.

In my view, strong regulations strengthen the accountability and review of institutions of higher education that participate in Federal student aid programs, and help to maintain program integrity.

In a globally competitive world, our students deserve to get what they pay for—high quality educational programs that prepare them for the demands of the 21st century workforce—and nothing less.

□ 1340

H.R. 2117 repeals the U.S. Department of Education's credit-hour regulation, which sets a minimum standard for the work needed to equal a credit hour for the purposes of the Federal Student Aid program. To avoid having institutions overstate credit hours or inflate the Federal student aid paid for students attending those programs, we must have consistent measures for credit hours. The credit-hour definition provided by the Department is consistent with standard industry practice and provides needed flexibility for innovative programs.

H.R. 2117 also repeals the requirement that higher education institutions be legally authorized in the States they operate in and that they have a process in place for handling student complaints when an institution fails to live up to its promises. Repealing this regulation is clearly unacceptable. Students need to be protected from unscrupulous actors.

Most importantly, I am very disappointed that we are not using our time today to focus on making college more affordable. We must ensure that interest rates for need-based undergraduate student loans do not double from 3.4 percent to 6.8 percent in July of this year. If Congress fails to act, more than 7 million students will face approximately \$2,800 in higher loan repayment costs. Now, more than ever, American students need Congress' help to afford the cost of a college education.

In closing, I urge my colleagues to vote against H.R. 2117 because Congress and the Department of Education must provide strong oversight for Federal student aid dollars and do everything possible to put students and taxpayers first and protect them from the risk of fraud, waste, and abuse in our Federal student aid programs.

Ms. FOXX. Madam Chairman, I'd like to yield 2 minutes to the distinguished gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank my friend, Ms. FOXX, for yielding to me on this important issue.

Madam Chairman, I rise today to voice my strong support for this important legislation, H.R. 2117. Recently, bureaucrats at the Department of Education promulgated a rule which would require institutions that offer distance education programs to meet State requirements in every State in which they have a distance education student. This legislation that we have here would repeal that rule, a rule that negatively affects hundreds of colleges and thousands of students around this country.

Specifically, in my district, I'm very proud that I have Central Texas Col-

lege. Central Texas College may be the largest community college in the United States, possibly the world; and it consistently has students of 75,000-plus every year. They provide both on-campus and distance education for thousands of American warfighters, soldiers, sailors, airmen, and marines around the world. These folks who are in any place you could imagine are taking courses from Central Texas College, and they would be specifically impacted if the rule the bureaucrats have put upon us is not repealed. This is very important to the future of the educated warfighters.

Under this rule, only colleges that maintain significant resource reserves would be able to comply with these State authorization requirements.

Just let me point out that Central Texas College is a small public school doing great work for educating our soldiers around the world. We shouldn't let the bureaucrats in Washington take away the opportunity for an education for thousands of soldiers and other students that rely on distance education. This little school that sits on the edge of Fort Hood in Killeen, Texas, is educating soldiers around the world on shipboard and in military posts, and we need to make sure that this H.R. 2117 is passed to protect their education.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding.

First, let me say I agree with my friend from California that the highest priority in higher education ought to be avoiding that doubling of student loan rates this summer. We should get to work on that.

Second, I rise in support of this bill, and let me tell you why. There is no question that avoiding fraudulent or wrongful credit hours is something we need to do. If someone pays for a credit hour, it ought to really be worth what they're paying for. And certainly, if the Federal taxpayers are paying for this through a Pell Grant or a student loan, it certainly ought to be worth what we're paying for.

The question is, Who is best positioned to make that determination? For years in American higher education, we've had a system where a combination of institutions, their regional accrediting bodies—which are peer accreditors—and to some extent State governments have decided the answer to that question. Without question, there have been some abuses. Without question, there have been some wrong answers. I don't think that those abuses or wrong answers justify adding another layer of decision-making to the system, which would be the Department of Education.

I certainly do think it is worth the attention of the committee, the Congress, and the administration to think

about ways to root out the bad practices that we have seen; but I think yet another level of rulemaking is the wrong way to go.

The other objection that I would make to the rule is that I think that we've fallen into a pattern here, particularly in higher education, where too few decisions are being made in a statutory way by this body and too many decisions are being made by the Department of Education through the regulatory process. As a result of these objections, a broad coalition of educators across the country is in support of this bill, and I am pleased to join that coalition and urge a "yes" vote on the bill here today.

Ms. FOXX. Madam Chairman, I would like to thank Mr. ANDREWS for his pointing out that this is a very bipartisan bill, supported by a coalition of many groups.

I now would like to yield 2 minutes to my distinguished colleague from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. Madam Chairman, I rise today in strong support of H.R. 2117, the Protecting Academic Freedom in Higher Education Act. This important legislation aims to repeal two of the Department of Education's packages of regulations that will hinder colleges and universities from making decisions that best serve their students.

These Federal regulations handed down from the Department of Education are not only proving to be costly, but they're intruding into areas best handled by academic institutions individually and also States.

Today, I urge my colleagues to join me in support of H.R. 2117 to repeal two regulations specifically that affect State authorization of academic institutions and the definition of credit hours. These provisions allow the Federal Government to reach further into the educational authority of the States. The State authorization provision requires institutions offering distance-education programs to meet requirements in every State in which they have a distance-education student. This regulation threatens programs like those offered by Penn State's World Campus and limits access to quality education.

Many programs have already started to identify States where they will no longer be able to offer distance education. The credit-hour provision establishes a Federal definition of a credit hour, hindering institutions of higher education from making innovative and sensible core academic decisions related to their curriculum and imposing a one-size-fits-all approach.

While I was home in Bucks County last week, Madam Chairman, I had the opportunity to meet with the president of a local college. He was worried specifically about the impact these burdensome regulations would have on his students; and more than 60 higher-education associations and accrediting organizations have joined him in express-

ing their support for the repeal of these costly regulations.

Over the course of the last decade, we've seen the cost of higher education skyrocket, with the rise in tuitions and fees at public 4-year colleges and universities outpacing inflation by 5 percent. The rising cost of higher education will not be solved through more Federal mandates and programs. We must return flexibility to academic institutions and prevent Federal overreach into higher education by passing this bill.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Chair, I thank my friend from California. And here I join the New Jersey Presidents Council, which represents all the institutions of higher education in New Jersey, in support of this legislation, as well as the Association of Independent Colleges and Universities in New Jersey who support this bill, as well as the American Council on Education, which represents 1,600 college presidents around the country in support of this bill.

□ 1350

Clearly, there have been abuses in some businesses and some institutions and those abuses have to be addressed, but this legislation I think makes sure that we go about it in the right way.

I'd like to quote from one of my constituents, President Shirley Tilghman of Princeton University. She writes:

Unlike many nations elsewhere in the world, the United States has nurtured a vibrant and vigorous respect for academic freedom. Under such a system, American higher education has flourished.

She goes on:

But if recent trends continue, in which the staff at accrediting agencies seek to substitute their own judgments about what mission an institution should pursue and about how the institutions can best achieve that mission and measure success, we risk damaging the country's leading institutions.

In other words, the Department's rules strike at the heart of our excellent higher education. But whether these rules are in effect or not doesn't matter if students can't afford to go to college.

My amendment to this legislation to require Pell Grants be maintained at at least the current level of \$5,500 was not made in order. Now, in New Jersey, 213,000 students use Pell Grants to make college affordable.

There's bipartisan agreement on Ms. FOXX's bill, but unfortunately this is a partisan matter.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 30 seconds.

Mr. HOLT. The Republicans in the House have three times approved a budget that would slash the maximum Pell Grant award to \$3,040, the lowest since 1998. Slashing Pell Grants would put college out of reach for thousands of students.

I call on the Republicans, because this is a partisan matter, to protect Pell Grants and not roll them back to their 1998 levels in their budget this year.

Ms. FOXX. Madam Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 2117. Today's debate on the Protecting Academic Freedom in Higher Education Act affords us a valuable opportunity to discuss challenges facing our higher education system.

I think that we all agree that we have a higher education system that's the envy of the world, and we all want to see it continue to enjoy the recognition that it enjoys now. But this also provides us an opportunity to show bipartisan support for the issue before us.

I want to thank my colleagues on both sides of the aisle for understanding the danger to the higher education community that the regulations are presenting to us and that they will stall the efforts in our country to make higher education more accessible and more affordable to everyone in the country.

There's no denying the cost of college is skyrocketing. Last year, tuition and fees at public 4-year colleges and universities increased 8.3 percent, even as inflation rose only by approximately 3 percent.

In recent months, students and families have urged Congress to take action on the issue of rising college costs. The administration has proposed several programs and initiatives that they claim will reduce student loan debt and rein in tuition. However, these initiatives only further entrench the Federal Government in the affairs of States and institutions. Rather than getting the Federal Government more involved in higher education, we can start by working together to remove harmful regulations that pile unnecessary financial burdens on colleges and universities.

The legislation before us today will eliminate two onerous regulations advanced by the Department of Education in October of 2010. The credit-hour and State authorization regulations will restrict innovation, limit flexibility, and pave the way for additional Federal overreach into higher education.

The State authorization regulation sets Federal requirements States must follow to grant colleges and universities permission to operate within the State, infringing on a State's ability to regulate in the way it chooses. For institutions that offer distance learning courses, this could mean meeting authorization requirements and paying authorization fees in all 50 States.

One online university reports the State authorization regulation could cost the institution \$700,000 initially, plus an additional \$400,000 required annually. Faced with this astronomical sum, the university could be forced to pass these costs along to students in

the form of higher tuition or new fees, or discontinue academic programs in some States. Either way, students will be the victims of this harmful regulation.

Higher education officials are also crying foul over a regulation that establishes a Federal definition of a credit hour. Last spring, Excelsior College President John Ebersole testified to the Subcommittee on Higher Education and Workforce Training about this regulation, stating it inserts the Department of Education into academic judgments that should be made at the institution level and could destroy accelerated learning programs that allow students to complete their education more quickly. As a result, students will have fewer opportunities to graduate early with a smaller loan burden, and schools will have less incentive to offer creative courses that promote learning outside the classroom.

I urge my colleagues on both sides of the aisle to continue to support this positive legislation, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank Mr. MILLER for yielding.

I rise in opposition to this legislation, and I'm going to focus my remarks on the credit-hour piece of the legislation.

The Department of Education has established a minimum standard for the credit hour. This is being derided as taking away institutional flexibility. It's being described as a Federal overreach. It's being described as onerous. It's being described as dangerous.

Let's read the regulation. The regulation says that a credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is—here's the part I want us to pay attention to—an institutionally established equivalency that reasonably approximates not less than 1 hour of classroom instruction for 15 weeks per credit hour.

An institutionally established equivalency; that places the responsibility for determining what a credit hour is where it belongs—with the faculty and with the accreditor of that particular institution, so long as it complies with a minimum Federal baseline or minimum Federal standard.

Now, with respect to overreach, with respect to how dangerous this is, with respect to how onerous this is, let's be clear: this very definition of a credit hour has been the law in the State of New York since 1976. We have some pretty good institutions in New York that have managed to survive even in the face of this so-called "onerous" regulation. Columbia University is one of the best universities in the world; so, also, is NYU; so, also, is Fordham; so, also, is Syracuse. This has been the law.

I administered a school in the State of New York. Our cost of compliance for complying with the credit-hour regulation was exactly zero, and we were able to create all kinds of innovative programs—a semester at sea, cooperative education, internships, truncated courses that met in accelerated time formats for 4 and 5 weeks—all because we established an institutional equivalency that was agreed to by our faculty and agreed to by our accreditors. That's all this regulation does.

So for us to describe it as if it's going to end higher education as we know it and it's going to stifle innovation and be onerous to students and add to the length of time for their degree program simply is not true. We have a 35-year experience in New York that says that this regulation works just fine.

Lastly, let me say we define an academic year as consisting of 24 to 36 credit hours. That's what the Federal Government says. We say that you need to take at least 6 credit hours in order to be minimally eligible for financial aid, and yet we don't define the credit hour. So we base a great many of our judgments on what a credit hour is, yet we don't define it.

Let's vote against this piece of legislation.

□ 1400

Ms. FOXX. Madam Chairman, I would just like to point out very briefly to my colleague, Mr. BISHOP, that institutions have always had the authority to do institutionally approved equivalency. It isn't something that we needed the Federal Government to give us. As a former assistant dean, I did that all the time, approved institutional equivalence to courses. We have always had that approval. We didn't need the Federal Government to write it into rules and regulations.

Madam Chairman, I now yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the gentleman from North Carolina for yielding me the time, and not just for the time but for her continued leadership on the floor of this House and in the Halls of Congress. It is steady, it is dignified, it is common sense, and it is certainly a great reflection of the people she represents.

I rise this afternoon to give my strong support to this measure.

During this time of economic uncertainty and high unemployment, it is more important than ever to make sure the Federal Government does not stand in the way of Americans who wish to continue their education and gain the skills necessary for a more prosperous future. It's pretty simple. I believe a strong higher education system is critical to preparing American graduates for an increasingly competitive workforce.

In Indiana, my students are not just competing with other students in Fort Wayne and Evansville. They are competing with students from places all

over the world whose names we can barely pronounce. That requires a different strategy. However, the regulatory initiatives put forth by the Department of Education will only add strain and undue burden on our colleges and universities.

One of these regulations pertains to the authorization that a college or university must obtain from a State when operating within that State. For institutions providing online education programs, which is becoming the new norm, this regulation could require them to obtain authorization in every State where enrolled students reside in order to participate in the Federal student aid programs. This regulation will only serve to negatively impact States and institutions of higher education across the country and inject the Federal Government once again into an issue that is best left to the States and the postsecondary institutions themselves.

I heard from many outstanding institutions in Indiana on this regulatory change. They are facing hundreds and potentially thousands of additional administrative hours just because they offer online programming. That is not fair. That is not American. Not only that, but if this rule goes into effect, they will likely deny entrance to students in States where they are not approved and deny financial aid to any current students living in those States, as well.

For all these reasons, I urge my colleagues to adopt this measure.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Chair, we've just spent the last few hours in an Education and Workforce Committee markup debating the disastrous Republican rewrite of the Elementary and Secondary Education Act. Not content to undermine K-12 education, the majority adjourned the markup so they could come down here and inflict damage on higher education, as well.

Through the repeal of two important Department of Education regulations, H.R. 2117 undercuts college students' ability to be assured a quality education for their investment. Congresswoman Foxx's bill repeals two Department of Education regulations intended to protect consumers, students, taxpayers, and the money that we invest in higher education because it doesn't hold the spending accountable to ensure that there's real progress for the dollars that we invest.

This bill doesn't do anything to solve the problem of how to make college more affordable for more people. Why are we doing this? Why aren't we addressing the absolutely looming student loan interest rate hike that will drastically increase the cost of college? If Congress doesn't act by July, more than 7 million students will face an increase of approximately \$2,800 in higher costs.

At a time when a sluggish economy is making it hard for young people to

find work, why aren't we standing here talking about cutting the barriers to higher education? Why aren't we opening a pathway to the American Dream? Why are we restricting access to a college education? Why aren't we working for these kids instead of against them? I don't understand this. We should be working together to increase accountability. We should be protecting taxpayer investments. We should be opening the door to higher education. Instead we're debating this wasteful partisan piece of legislation.

I urge all Members to vote "no."

Ms. FOXX. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. I thank the chairwoman for her hard work on this bill.

A year ago I spoke on the House floor urging this committee to introduce legislation repealing the program integrity regulations. Today I speak in support of H.R. 2117, which repeals two of these regulations.

While we must ensure that our small number of schools who have acted in bad faith are dealt with accordingly, the credit-hour and State licensing regulations are an overreaction with vast unintended consequences. First, these regulations will significantly alter the Federal role in the accrediting and licensing of institutions of higher education. Second, they will also drastically limit student access to educational programs and negatively impact all schools.

Let me give you an example of a school located in the Midwest in my district—Ohio Christian University—as an example of a school that will be adversely affected by these regulations. OCU is located in Pickaway County, which is a typical county in southeastern Ohio and mirrors that of many across the Midwest. It is struggling with this difficult economy. It has lost over 2,500 jobs, and only 11 percent of the residents in this county have a bachelor's degree.

In contrast, Ohio Christian University has created 150 jobs in just 5 years while graduating thousands of students since its founding in 1948. In addition to offering traditional undergraduate degrees, OCU offers an online degree program. Currently, more than 1,000 students from over 15 States are enrolled in that program. Because of the high costs and administrative burdens required to get licensing in every State where an online student resides, OCU will be forced to un-enroll at least half of its online students and lay off a large number of staff. Further, as part of the adult degree program, OCU offers a limited number of credit hours for prior learning and work experiences. This program allows nontraditional students the ability to return to school and earn their degree. To comply with the credit-hour regulation, the university will be forced to eliminate that program, which would be a significant disincentive for older students. The regulation will also nega-

tively impact traditional students by setting a strict definition of credit hour, and this will eliminate the school's ability to credit innovative courses which provide students with the cutting-edge skills and knowledge required for future employees.

Today I urge my colleagues to protect our schools, States, and students from these burdensome, overreaching regulations by supporting H.R. 2117.

Mr. GEORGE MILLER of California. Madam Chair, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Thank you very much, Mr. MILLER.

I rise in opposition to H.R. 2117, the Protecting Academic Freedom in Higher Education Act.

This legislation would remove critical safeguards ensuring that American taxpayer dollars are used responsibly in our higher education system. For example, unregulated for-profit colleges are targeting our veterans, targeting low-income students, and targeting minorities. These institutions receive a high percentage of their revenue from Federal student loan dollars, yet they're failing to properly educate their students. As a result, the students who need the most support are failing to get it. They are more likely to drop out, graduate without a degree and without the proper training they need to obtain gainful employment. And in turn, they're unable to pay back their student loan debt. H.R. 2117 would let the for-profit colleges off the hook.

We must start focusing our efforts on making college more affordable for all students. We must stop the interest rates from doubling on student loans and provide for innovative ways to help students pay back their loans rather than condemning them to early lives of debt.

□ 1410

We need to increase the maximum Pell Grant and broaden the eligibility for them. We need to invest in programs at community colleges that train students to enter into our workforce. We need to refocus our attention on assisting young Americans to obtain the education they need and deserve instead of repealing regulations that protect our investment in their future.

I urge my colleagues to join me in opposing this bill.

Ms. FOXX. Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, I rise in opposition to this legislation which will enable even more fraud and abuse in the for-profit college industry.

Right now, many for-profit colleges are engaged in the same sorts of predatory lending schemes that we saw in the housing market. According to Holly Petraeus at the Consumer Financial Protection Bureau, recruiters from

for-profit colleges have been signing up marines with serious brain injuries, marines who cannot even remember what they signed up for, in order to inflate their profits.

According to a 2009 Pew study, even though only 1 in 14 students, or 7 percent, attend these proprietary schools, they make up nearly half, 44 percent, of the default rate on student loans.

So, if anything, we need more comprehensive oversight over for-profit colleges. Instead, this bill repeals regulations that are already on the books and makes it easier for the institutions to commit fraud at the expense of students and taxpayers.

What the bill does is it overturns regulations for awarding the Federal student aid that are aimed at ensuring accountability and reducing fraud. It removes the ability of the Secretary of Education to define a credit hour without providing an alternative. It removes the Federal Government's ability to protect students from being overcharged and ultimately overcome by costly student loans. By getting rid of the State authorization requirement, it opens the door to billions of taxpayer dollars going to institutions that are openly flouting the law. It's about manipulating credit hours in order to receive more Federal aid.

Instead of deregulating for-profit colleges, we should be working to ensure that these institutions are fulfilling their obligations to their students. We should work to fix the real problems that students face right now: growing student debt and the upcoming interest rate increase on student loans. This bill will only cause more fraud and abuse in a sector that is already rife with it, and I urge my colleagues to oppose it.

Ms. FOXX. Madam Chairman, I would like to point out that this bill, again, has bipartisan support.

We have a letter from the National Governors Association, which talks about the need to strengthen higher education, not give more Federal control; and a letter from the American Council on Education, signed by Molly Corbett Broad and 98 institutions from across the country, mostly public and private institutions.

This is not a for-profit or a public issue. This is all institutions of higher education who are concerned with this issue.

NATIONAL
GOVERNORS ASSOCIATION,
Washington, DC, July 1, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

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

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

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

DEAR MAJORITY LEADER REID, SENATOR MCCONNELL, SPEAKER BOEHNER, AND REPRESENTATIVE PELOSI: On behalf of the nation's governors, we write in support of H.R.

2117, the "Protecting Academic Freedom in Higher Education Act." In June, the U.S. House Education and the Workforce Committee passed H.R. 2117 on a bipartisan basis. We urge Senate and House leadership to take action to approve this important legislation to preserve the autonomy and strength of America's higher education system.

H.R. 2117 would repeal two federal regulations issued by the U.S. Department of Education that are highly problematic for states, institutions of higher education, and our students. Specifically, the bill would repeal the new federal definition of a credit hour and a new requirement that erects federal hurdles for states to authorize higher education programs. Additionally, the bill prohibits future action by the U.S. Department of Education to promulgate new federal mandates, rules, or regulations with respect to a federal definition of a credit hour.

Perhaps at no other time in history has the quality of our higher education system been so vital to students and our national economic interests. At the same time, across the country, governors are pursuing innovative higher education reforms to expand opportunities for students, create and retain jobs, enhance state competitiveness, and expand economic development. The new federal regulations could have a chilling effect on innovation and productivity in higher education.

Governors urge your support of H.R. 2117. We look forward to working with you to continually strengthen our nation's higher education system.

Sincerely,

GOVERNOR JEREMIAH W.
(JAY) NIXON,
*Chair, Education,
Early Childhood and
Workforce Committee.*

GOVERNOR ROBERT F.
MCDONNELL,
*Vice Chair, Education,
Earl Childhood and
Workforce Committee.*

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, February 27, 2012.

DEAR REPRESENTATIVE: On behalf of the higher education associations and accrediting organizations listed below, I urge you to vote for H.R. 2117, which would repeal two highly problematic and prescriptive regulations initiated by the Department of Education (ED).

The credit hour definition and state authorization regulations took effect on July 1, 2011. They are the product of a larger attempt by ED to curb abuse and bring greater integrity to the federal student aid programs. These efforts are laudable, and many portions of the regulatory package ED produced will be effective in achieving their intended goals. However, given the almost total lack of evidence of a problem in the context of credit hour or state authorization, these two portions of the package miss their mark. We see no justification for two regulations that so fundamentally alter the relationships among the federal government, states, accreditors and institutions. We believe the outcome of this unprecedented regulatory overreach will be inappropriate federal interference in campus-based decisions in which the faculty play a central role. The end result will be a curtailment of student access to high-quality education opportunities.

A federal credit hour definition opens the door to federal interference in the core academic decisions surrounding curriculum, which is the exact type of interference expressly prohibited in the act that created

ED. It sets in motion the basis for perpetual regulatory intervention in multiple institutional and accreditation decisions associated with the credit hour. Moreover, the federal definition at issue poses serious challenges for institutions as they review tens of thousands of courses in an effort to ensure consistency with it. Accreditors face similar burdens as they attempt to develop or revise their own policies and practices to review institutions' credit policies for consistency with the definition. Finally, the definition places accreditors in the untenable position of being required to put aside the academic judgments of the traditional peer review process and instead substitute the federal government's judgment about a critical component of the academic enterprise.

The state authorization regulation intrudes upon prerogatives properly reserved to the states, potentially upsetting recognition and complaint resolution procedures that have functioned effectively for decades. It has also generated enormous confusion in the distance education arena and has created a market for definitive legal compilations of the extensive number of statutory requirements within each of the states with which institutions must comply. Having no way to accurately predict or control student mobility, most institutions will need to pursue authorization in all 50 states even before knowing from which states their students may ultimately enroll. State policies vary widely. They can be complex, are often ambiguous and may be accompanied by fees that may be cost-prohibitive for many public and non-profit institutions. At the end of the day, the most pernicious consequence of the state authorization regulation might be that institutions that have been exploring the expansion of their online courses in order to lower the costs of tuition will not find it economically feasible to continue down this path.

It is important to note that neither of these regulations was developed in response to underlying legislation indicating a desire by Congress to regulate colleges and universities in these areas. To the contrary, as we have noted, the credit hour definition conflicts with ED's enabling legislation which prohibits interference in core academic matters.

We believe these regulations are misguided and will have far-reaching negative consequences for higher education. We strongly support H.R. 2117, and we ask you to vote in favor of its adoption.

Sincerely,

MOLLY CORBETT BROAD,
President.

On behalf of:

HIGHER EDUCATION ASSOCIATIONS

ACPA-College Student Educators International; American Association of Colleges for Teacher Education; American Association of Colleges of Nursing; American Association of Colleges of Osteopathic Medicine; American Association of Community Colleges; American Council on Education; American Dental Education Association; American Indian Higher Education Consortium; American Psychological Association; Appalachian College Association.

Association of American Medical Colleges; Association of American Universities; Association of Benedictine Colleges and Universities; Association of Catholic Colleges and Universities; Association of Chiropractic Colleges; Association of Community College Trustees; Association of Governing Boards of Universities and Colleges; Association of Independent Colleges and Universities in New Jersey; Association of Independent Colleges and Universities of Ohio; Association of Independent Colleges of Art & Design.

Association of Independent Kentucky Colleges and Universities; Association of Jesuit

Colleges and Universities; Association of Presbyterian Colleges and Universities; Commission on Independent Colleges and Universities in New York; Conference for Mercy Higher Education; Council for Christian Colleges & Universities; Council for Higher Education Accreditation; Council for Opportunity in Education; Council of Graduate Schools; Council of Independent Colleges.

EDUCAUSE; Federation of Independent Illinois Colleges & Universities; Georgia Independent College Association; Hispanic Association of Colleges and Universities; Independent Colleges and Universities of Texas; Independent Colleges of Washington; Independent Colleges of Indiana; Kansas Independent College Association; Louisiana Association of Independent Colleges and Universities; NASPA-Student Affairs Administrators in Higher Education.

National Association of College and University Business Officers; National Association of Independent Colleges and Universities; National Association of Student Financial Aid Administrators; New American Colleges and Universities; South Carolina Independent Colleges and Universities; Tennessee Independent Colleges and Universities Association; University Professional & Continuing Education Association; Wisconsin Association of Independent Colleges and Universities; Women's College Coalition; Work Colleges Consortium.

REGIONAL ACCREDITATION ORGANIZATIONS

Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges; Commission on Institutions of Higher Education, New England Association of Schools and Colleges; Middle States Commission on Higher Education; Northwest Commission on Colleges and Universities; Southern Association of Colleges and Schools Commission on Colleges; The Higher Learning Commission of the North Central Association of Colleges and Schools.

OTHER ACCREDITATION ORGANIZATIONS

ABET; Accreditation Council for Pharmacy Education; Accreditation Review Commission on Education for the Physician Assistant; Accrediting Commission of Career Schools and Colleges; Accrediting Council for Independent Colleges and Schools; Accrediting Council on Education in Journalism and Mass Communications; American Board for Accreditation in Psychoanalysis, Inc.; American Board of Funeral Services Education; American Dental Association Commission on Dental Accreditation; American Occupational Therapy Association—Accreditation Council for Occupational Therapy Education.

American Speech-Language-Hearing Association; Association for Biblical Higher Education; Commission on Accreditation; Association of Advanced Rabbinical and Talmudic Schools; Association of Specialized and Professional Accreditors; Commission on Accreditation for Marriage and Family Therapy Education; Commission on Accreditation in Physical Therapy Education/American Physical Therapy Association; Commission on Accreditation of Allied Health Education Programs; Commission on Accreditation of Healthcare Management Education; Commission on Accrediting of the Association of Theological Schools; Commission on Collegiate Nursing Education.

Council for Accreditation of Counseling and Related Educational Programs; Council of Arts Accrediting Associations, including: National Association of Schools of Art and Design; National Association of Schools of Dance; National Association of Schools of Music; National Association of Schools of

Theatre; Council on Academic Accreditation in Audiology and Speech-Language Pathology; Council on Accreditation of Nurse Anesthesia Educational Programs; Council on Chiropractic Education; Council on Education for Public Health.

Council on Naturopathic Medical Education; Council on Podiatric Medical Education; Council on Rehabilitation Education; Council on Social Work Education; Distance Education and Training Council; Joint Review Committee on Education in Radiologic Technology; Joint Review Committee on Educational Programs in Nuclear Medicine Technology; National Accrediting Agency for Clinical Laboratory Sciences; National League for Nursing Accrediting Commission; Teacher Education Accreditation Council; Transnational Association of Christian Colleges and Schools.

With that, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chair, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Madam Chairman, I rise today in opposition to H.R. 2117, the Protecting Academic Freedom in Higher Education Act.

This legislation will simply wipe out all of the credit-hour and State authorization program integrity rules. These rules are so important and crucial because this is what prevents the widespread rip-off, fraud, and abuse in this industry.

H.R. 2117 would repeal the Department of Education's State authorization regulation, which gives States the ability to enforce their right to require that all colleges operating within their jurisdictions be authorized to do so. Without this State authorization rule, States have no way of knowing which colleges operate within their State unless they operate on physical campuses.

The State authorization rule simply requires that, as a condition for a receipt of Federal aid, colleges verify that they have authorization from the States in which they operate and are in adherence to their State education laws.

This legislation also aims to overturn the rule creating a sweeping Federal definition of credit hour. Currently, there is no common understanding of what colleges mean when they use the word "credit."

The most egregious result of this provision's repeal is the abuses of for-profit colleges, like the American Intercontinental University, who has been charged with inflating their credit hours to a point when they offered nine college credits for courses that were only 5 weeks long.

The Federal definition of a credit hour is imperative to directly address colleges that have been inflating their credits to acquire more Federal student financial aid dollars.

This rule will also help mitigate the widespread problems students face in transferring credits from one institution to another by articulating a more precise measure of educational concept attainment represented by credits a student earned.

The Acting CHAIR (Mrs. EMERSON). The time of the gentlewoman has expired.

Mr. GEORGE MILLER of California. I yield the gentlewoman an additional 30 seconds.

Ms. WATERS. This program's integrity rules have been put in place to ensure that all students receive a fair shake in their quest to obtain a higher education. Instead of working against the Department of Education and Secretary Duncan, policymakers should be working with them to implement these rules in a sensible way, not trying to repeal them altogether.

Ladies and gentlemen, what is happening with private postsecondary schools is the next biggest scandal. You think the subprime meltdown was big, when American taxpayers find out how much of their tax dollars are being ripped off by these private postsecondary schools who have a Joe Blow school for computer learning with no computers, teachers who are not accredited, credit hours that are distorted, and students who don't get trained, don't get education, can't transfer anything, and end up with a lot of debt, I ask you to please reject this legislation.

I have the greatest respect for the legislator who's introduced this, but this is wrong. This is a rip-off, and we should be against it.

Ms. FOXX. Madam Chairman, I appreciate the comment of my colleague from California, and I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. We have no further speakers, Madam Chair, and I yield myself such time as I may consume.

Madam Chairman, I would just conclude that I think, when you consider the \$200 billion that the taxpayers of this country provide through the Federal Government student aid programs to the institutions of higher education all across the country, all of different dynamics, that before we throw out what modest accounting system we have for trying to make sure that we buy value for each and every student who spends their money, the money that they borrow, the money that their parents borrow to try to provide them the educational opportunities so that they can participate in the greater American opportunity all across this country, we ought not to be throwing this system out.

As Mr. BISHOP pointed out, this is a minimum requirement. It's a requirement that many people will recognize. When you sign up for a three-unit course, very often you find you spend 3 hours a week in that class. If you sign up for a five-unit course, you're spending more time.

The question really becomes—now as we see a lot of different institutions mixing into this space and receiving and living off almost 85 to 90 percent of their revenues that come from the Federal taxpayers—do these courses really have value? Are they giving the stu-

dent the value for which they're signing up?

The record is replete that in many instances that's not the case, that in many instances the students have been defrauded. In many instances, it was represented that this was all transferable to the State colleges and to the university systems when, in fact, it turned out not to be true.

I think that we ought to make sure that we don't throw out that current accounting system to make sure that taxpayers and students are getting value for the money that they spend and the money that they work hard to pay back at a time when we have nothing to take its place.

The idea now that in the future you need no accreditation in a State to start up an institution and then you have access to all of the revenues you can grab from the Federal Government makes no sense to me at all. We ought to have accountability in this system, and that accountability runs to the students and it runs to the taxpayers in this country. I would hope that we would reject this legislation.

I yield back the balance of my time.

□ 1420

The Acting CHAIR. The gentlewoman from North Carolina has 12 minutes remaining.

Ms. FOXX. Madam Chairman, I yield myself the remainder of my time.

No one in this body believes more in accountability than I do. However, increasing Federal control over our lives and over institutions of higher education is not the way to go. As Jefferson said—and I paraphrase—if we allow Washington to tell us when to sow and when to reap, we should soon want bread.

In order to make postsecondary education more affordable and accessible for students, we need to encourage innovation on our college campuses and allow institution leaders to develop and implement their own solutions to drive down the costs for students. However, this cannot happen if the Federal Government continues to attempt to micromanage our higher-education system by imposing more regulations.

The Protecting Academic Freedom in Higher Education Act repeals two onerous regulations that give the Federal Government unnecessary control over the academic affairs of colleges and universities. H.R. 2117 will ensure institutions can continue to develop innovative programs and course options to meet students' needs. We have letters of support from colleges, higher-education associations, and the National Governors Association on this legislation.

When the Education and the Workforce Committee held a markup of H.R. 2117 last summer, I was also pleased to have the support of many of my colleagues on the other side of the aisle. I hope we can continue to work together by approving this legislation to help students and colleges. I strongly urge

my colleagues to support the Protecting Academic Freedom in Higher Education Act.

I yield back the balance of my time.

Mr. HERGER. Madam Chair, the federal government's overreach into education is doing more harm than good for our schools and universities. The bill before us today, the Protecting Academic Freedom in Higher Education Act, would repeal some of the more heavy-handed regulations created by the Department of Education. I am concerned that states becoming actively involved in the accreditation process could adversely affect private universities in Northern California and throughout the U.S. by adding another layer of costly mandates and bureaucratic interference. I also do not believe the federal government should micromanage universities through actions such as defining the credit hour, which interferes with the academic authority of university leaders. I strongly support this legislation ending both of those harmful and unnecessary rules, and I hope the Senate will join us in eliminating these excessive regulations.

Mr. McKEON. Madam Chair, I rise in strong support of H.R. 2117, the Protecting Academic Freedom in Higher Education Act. I want to first thank the gentlelady from North Carolina for sponsoring this important piece of legislation and Chairman KLINE for giving H.R. 2117 the attention it deserves.

In October of 2010, the Department of Education introduced a regulatory package that aimed to improve the integrity of student financial aid programs, such as Pell Grants and federal student loans. However, the outcome was an introduction of two new burdensome rules, the credit hour and state authorization regulations. Two more prime examples of the current Administration's overreaching regulatory agenda. I have deep concerns about the impact these regulations will have on college affordability.

Under the new credit hour regulation, federal student aid would be awarded to students based on the number of credits they take each term with the federal government defining a credit hour. This would discredit and negatively impact the traditional role of colleges and universities. Not only would this undermine colleges and universities but it would also overrule a state's determination of whether an educational program is a credit hour. In turn, this could lead to students receiving less federal aid or taking a slower path to graduation which results in fewer choices for students looking for postsecondary options to further their education. Overall students should be measured by how much they learn in the classroom instead of how much time they spend in the classroom.

The State Authorization regulation would impose a one-size fits all approach to America's higher education community and weaken what is currently a strong and diverse community of institutions, each with their own unique missions. This new management style would result in unnecessary and excessive costs not only on states and universities but as well as the students. Furthermore, it would give states unprecedented authority over private and religious institutions.

H.R. 2117 puts the right foot forward by repealing these burdensome regulations and instead focuses on the student and fosters an environment that enables them to learn and grow in a cost-effective manner. This legisla-

tion not only protects the student but also the academic institutions enabling them to focus on the individual by helping them excel in the academic community rather than having to worry about big government and its regulations.

Mr. VAN HOLLEN. Madam Chair, I rise to oppose H.R. 2117, which would repeal important consumer and taxpayer protections without providing an alternate solution to safeguard students.

Under the Higher Education Act, the federal government, states, and accrediting agencies share responsibility to ensure that students receive a high quality education. As the federal government invests billions in federal student assistance, this "triad" must also work together to protect taxpayers from fraud and abuse. The Department of Education issued regulations intended to clarify the state's responsibility to authorize institutions and ensure that they have a system in place to address student complaints.

The regulations also create a uniform definition of a credit hour, which is used on the federal level to allocate student aid dollars. The Department's Inspector General has advised that the failure to define the credit hour has hampered the Department's ability to address waste and fraud in the student aid program.

Finally, the regulations clarify existing requirements that institutions offering distance learning programs be authorized according to the laws of every state in which they operate. I appreciate the concerns of many schools that authorizing in multiple states could be costly and duplicative. For this reason, I strongly support efforts on the State level to establish reciprocity agreements to ease this burden while still ensuring that students receive a quality education.

However, in repealing the regulations entirely, this bill ignores the advice of the Inspector General and leaves billions of dollars of student aid vulnerable to waste, fraud, and abuse. It also eliminates basic consumer protections for students.

We have a responsibility to ensure that students receive a high quality education and taxpayer dollars are spent wisely. By repealing the Department's efforts but offering no alternate plan, this bill abdicates that responsibility. I urge my colleagues to vote against it.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2117

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Academic Freedom in Higher Education Act".

SEC. 2. REPEAL OF REGULATIONS RELATING TO STATE AUTHORIZATION AND DEFINING CREDIT HOUR.

(a) REGULATIONS REPEALED.—

(1) REPEAL.—*The following regulations (including any supplement or revision to such regulations) are repealed and shall have no legal effect:*

(A) STATE AUTHORIZATION.—*Sections 600.4(a)(3), 600.5(a)(4), 600.6(a)(3), 600.9, and 668.43(b) of title 34, Code of Federal Regulations (relating to State authorization), as added or amended by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66832 et seq.).*

(B) DEFINITION OF CREDIT HOUR.—*The definition of the term "credit hour" in section 600.2 of title 34, Code of Federal Regulations, as added by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66946), and subsection (k)(2)(ii) of section 668.8 of such title, as amended by such final regulations (75 Fed. Reg. 66949 et seq.).*

(2) EFFECT OF REPEAL.—*To the extent that regulations repealed by paragraph (1) amended regulations that were in effect on June 30, 2011, the provisions of the regulations that were in effect on June 30, 2011, and were so amended are restored and revived as if the regulations repealed by paragraph (1) had not taken effect.*

(b) REGULATIONS DEFINING CREDIT HOUR PROHIBITED.—*The Secretary shall not promulgate or enforce any regulation or rule that defines the term "credit hour" for any purpose under the Higher Education Act of 1965 on or after the date of enactment of this section.*

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 112-404. 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. GRIJALVA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-404.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In subparagraph (A) of section 2(a)(1) of the bill as reported—

(1) strike "Sections 600.4(a)(3), 600.5(a)(4), 600.6(a)(3)," and insert "Except as provided in paragraph (3), section"; and

(2) strike ", and 668.43(b)".

At the end of subsection (a) of section 2 of the bill as reported, add the following:

(3) PRESERVATION OF STUDENT PROTECTION PROCESS.—The repeal of section 600.9 of title 34, Code of Federal Regulations, in paragraph (1)(A) shall not apply with respect to the following provisions of such section:

(A) The first sentence of paragraph (a)(1) through the term "State laws".

(B) Paragraph (a)(2).

(C) Paragraph (b).

The Acting CHAIR. Pursuant to House Resolution 563, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. The bill we are debating today, H.R. 2117, eliminates the entire State authorization rule, including the establishment of a process for States to review and appropriately act

on student complaints concerning an institution. This amendment would make sure that those student-complaint provisions are retained.

Up until now in many States, a student who discovered that the program she is enrolled in is not providing the preparation she paid for or is not preparing her in the way that they suggested or has treated her unfairly would have little recourse in the way of complaint. Not all States have a complaint process in place, but these recently implemented rules established a State-based process for students to lodge a complaint.

This provision is a good idea. This process will help to shine light on programs and will give students and families an opportunity for recourse when they feel they have been misled or mistreated by an institution or a program. The vast majority of institutions work in a student's best interest and will seek to guide students and address concerns when they arise. This amendment ensures that students have a place to air their concerns when that is not the case.

I think we should maintain the student-protecting provision in the regulations by removing the provision that eliminates it in this bill. My amendment protects students and taxpayers by ensuring that each State has a process in place to receive and review student complaints and by promoting good practices and addressing abuses.

Last Congress, we worked hard to protect consumers from bad practices at credit card companies and banks. We should do the same for students. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Ms. FOXX. Madam Chairman, I rise in opposition.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Under the Higher Education Act, accrediting agencies are already required to have a system for individuals to give complaints about a college or a university. Under current practice, many States have well-established complaint processes that are serving students.

I am also concerned about the burden this regulation will place on States. While the economic situation in our country has shown modest improvements recently, States are struggling with huge budgetary challenges. They have limited staff and may not be able to handle new and unnecessary changes required under this proposal.

During a time when States, institutions, parents, and students are worried about ways to increase college affordability, I think it would be better for States to put their limited resources towards helping colleges and universities keep their tuitions down rather than adding another layer of State bureaucracy.

For these reasons and others, I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. GRIJALVA. Madam Chair, I yield such time as he may consume to the ranking member of the Education and the Workforce Committee, the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Just quickly, you can't have it both ways. You can't say, well, a lot of States are already doing this, but now we don't want to add a burden. This simply says the State has to have a process. If the State has a process, it's over, it's done. So why would we take away that voice in those States that don't have a process?

Let's make sure that students have a place to go. As we know, many of these financial scandals have been brought to us by students because they can't get redress anywhere else. I urge an "aye" vote on this amendment.

Ms. FOXX. I continue to reserve the balance of my time.

Mr. GRIJALVA. In closing, the underlying legislation, H.R. 2117, stacks the deck against due process and the ability for families and students to seek redress when institutions or programs deny them or mistreat them regarding the services that they've purchased and the education that they're seeking.

By reinserting that provision, we allow families and students to have redress, to have due process and to have a fair and balanced look at complaints they might have. It is simple, it is direct, and it merits remaining in the legislation.

With that, I yield back the balance of my time.

Ms. FOXX. Madam Chairman, I will say once again that I believe this is unnecessary, and I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 2 OFFERED BY MS. FOXX

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-404.

Ms. FOXX. Madam Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 13, strike "subsection (k)(2)(ii)" and insert "clauses (i)(A), (ii), and (iii) of subsection (k)(2)".

Page 5, line 24, insert "of Education" after "Secretary".

The Acting CHAIR. Pursuant to House Resolution 563, the gentlewoman

from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. I rise in support of my amendment to H.R. 2117, the Protecting Academic Freedom in Higher Education Act.

In the months since the Education and the Workforce Committee approved H.R. 2117, States and institutions have expressed concerns about interpretations of the clock-hour provisions in the credit-hour regulation. The regulation would prevent some programs from converting to a credit-hour program even though the conversion is permitted under State law. This change could alter the manner in which colleges and universities disburse Federal student aid, and it could harm students' abilities to progress sufficiently in their coursework.

My amendment would prevent the Federal Government from reinterpreting a State's laws or regulations to require credit-hour programs to convert back to clock-hour programs. The State should be the final judge of its own laws and regulations. This is a necessary step to correct the Department of Education's interpretation of a clock-hour program, and it will reaffirm our intent that the discretion for determining clock-hour programs should remain with States' accrediting agencies and institutions.

Madam Chairman, the amendment improves the underlying legislation and ensures colleges and students are protected from the harmful Federal intrusion into academic affairs. I urge my colleagues to lend their support, and I reserve the balance of my time.

□ 1430

Mr. GEORGE MILLER of California. I rise in opposition to the amendment.

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

Mr. GEORGE MILLER of California. I thank the Chair.

This amendment is absolutely consistent with this legislation. What it does is just simply make it easier for any institution to maximize the amount of Federal aid they get.

Under this amendment, they would be able to choose whether or not they want to be a clock-hour or a credit-hour institution, and that would depend really on how they could game the reimbursement that's available to them again without checking whether or not this provision allows for the student to receive value for that money which they borrow to pay for their education. I oppose this amendment.

I yield back the balance of my time.

Ms. FOXX. I yield back the balance of my time, urging my colleagues to support the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-404.

For what purpose does the gentleman from Colorado rise?

Mr. POLIS. Thank you.

I have an amendment at the desk. This will be amendment No. 5.

The Acting CHAIR. It is now in order to consider amendment No. 3. Does the gentleman wish to offer it?

Mr. POLIS. I have an amendment at the desk. The amendment is numbered No. 3.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subsection (a) of section 2, add the following:

(3) STATE AUTHORIZATION REGULATIONS FOR CERTAIN INSTITUTIONS.—

(A) REGULATIONS REQUIRED.—Notwithstanding section 482(c) or section 492 of the Higher Education Act of 1965 or the repeals under paragraph (1)(A) of this section, not later than 6 months after the date of enactment of this Act, the Secretary of Education shall issue regulations that apply the regulations repealed under paragraph (1)(A) to any institution of higher education that has—

(i) a graduation rate that is below the national average for its sector, as defined in the common education data developed by the National Center for Education Statistics;

(ii) a cohort default rate that is higher than the national average for its sector; or

(iii) a completion rate that is below the national average for its sector, as determined pursuant to section 668.8 of title 34, Code of Federal Regulations.

(B) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, nothing in subparagraph (A) shall be construed as limiting or otherwise affecting the applicability of section 101(a)(2) of the Higher Education Act of 1965.

The Acting CHAIR. Pursuant to House Resolution 563, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, Congress should be the taxpayers' advocate to root out waste, fraud, and abuse wherever it occurs; and this is particularly true when it comes to student financial aid.

Both of my amendments pertain to this category of making sure we have the right structure in place to in one case incentivize and in another case have a strategy to combat waste, fraud, and abuse. Every dollar we lose to fraud and waste is a dollar that's not invested in our young people, a dollar of deficit spending, of government spending that is not producing the desired outcome of education or youth preparation of our workforce for jobs in the 21st century and improving our economic strength.

If we are eliminating some of the basic protections that are categorically applied under the bill, it's very important that we require institutions that are failing students to prove their value. And if schools have a chron-

ically low graduation rate, a low completion rate or a high loan default rate they, in fact, should be required to be recognized by the State in which they are operating as a backstop against fraud, waste, and abuse to ensure that the students' complaints and questions are at least heard by their own State if they believe that they have been treated unfairly or unjustly by a college or university.

That's what my amendment would do. It would provide an incentive for colleges and universities to produce better outcome for students.

In both of my remarks, I am going to be talking a little bit about Carnegie units and how we determine time. Frankly, this bill is a very limited piece. What we need to do more broadly when we reauthorize the Higher Education Act is really look at outcome-based measurements for learning in higher education.

I think the Secretary, with his rules regarding gainful employment, provided some useful indicators around outcome-based measurements. There are many others that we should look at. That part of what we need to accomplish is freeing good-performing institutions up from the input restraints, the input barriers.

If they can effectively teach something that normally takes 2 hours in 5 minutes, that institution should be rewarded for that and encouraged to do that.

What a great way to invest our taxpayer money in some innovative institution of higher education that has figured out how to get 2 hours of legacy Carnegie credit into 5 minutes of rapid instruction. What a wonderful accomplishment, and I am hopeful that that and more can be accomplished.

My amendment would provide an incentive for colleges and universities to produce better outcomes. Where they are not performing, they would be subject to their State. Where they are performing, they would have the additional flexibility under this act, and I think that that's something we should encourage in higher education.

I reserve the balance of my time.

Ms. FOXX. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Thank you, Madam Chairman.

This amendment is simply unnecessary, and I oppose it. Since the day the President took office, members of his administration have been issuing one heavy-handed regulation after another, primarily in the name of program integrity. However, the regulations simply bring increased Federal intrusion into all aspects of our lives and do not provide the kind of accountability that we need to have throughout our Federal Government. Therefore, I oppose the amendment.

I reserve the balance of my time.

Mr. POLIS. Madam Chairman, in what other government program would

we somehow say it's all right to keep fuddling taxpayer money without accountability. Specifically, my amendment would retain State authorization requirements for institutions that have below-average graduation rates, below-average annual completion rates and above-average loan-default rates, free up the good-performing institutions to experiment and not holding them accountable to the Carnegie units that continue to reach out and prevent innovation in the education sector.

I believe the regulations are reasonable and a relatively low burden on colleges. I think by providing this incentive we could make sure that universities and institutions of higher education that are good custodians of our public dollars are freed up to engage in the kind of innovation that can produce a 21st-century workforce and drive education innovation into the new century. Those that continue that have below-average graduation rates, completion rates, and high default rates will make sure that there is a recourse, a recourse with their States, for those institutions.

I strongly urge a "yes" vote on this amendment, and I yield back the balance of my time.

Ms. FOXX. Madam Chairman, again, I want to state my opposition to 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 Colorado (Mr. POLIS).

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

The Acting CHAIR. For what purpose does the gentleman from Colorado seek recognition?

Mr. POLIS. I have an amendment at the desk, amendment No. 5.

The Acting CHAIR. Does the gentleman request a recorded vote on amendment No. 3?

Mr. POLIS. No.

The Acting CHAIR. The amendment is not agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-404.

Mr. POLIS. I have an amendment at the desk. It's amendment No. 5.

The Acting CHAIR. Is the gentleman attempting to offer amendment No. 4, which is the next amendment in order?

For what purpose does the gentleman from New York rise?

Mr. BISHOP of New York. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike subsection (b) of section 2 of the bill.

The Acting CHAIR. Pursuant to House Resolution 563, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Madam Chair, this amendment simply strips the language from the underlying bill that permanently constrains the Secretary from promulgating a regulation or a rule that defines a credit hour, permanently constrains the Secretary from promulgating a regulation or a rule.

And I would suggest that this would represent very, very poor public policy. We provide over \$200 billion in Federal student aid, either in the form of grants or in the form of guarantees; and the basis, at least in part, on which we provide that is students' adherence to the minimum number of credit hours that they must take and institutions' adherence to that which they define as a credit hour.

□ 1440

We have no idea what's going to happen 10 years from now, 15 years from now, 20 years from now with respect to whether institutions will be in compliance. We have no idea whether or not shortcuts will be taken. We have no idea with the ongoing proliferation of online instruction and other nontraditional means of instruction whether or not we will be dealing with a higher education universe that is maintaining the appropriate quality controls and maintaining the appropriate protections against the kind of abuse that would ensue if students are able to take courses where the credit hour is not as demanding as reasonable people would suggest it would be, where the semester might be shorter as a result of lack of adherence to what a reasonable definition of a credit hour is. To put the Secretary of Education in a position where he or she would be unable to act in that circumstance is simply unwise, and to impose on the Congress the responsibility to fix a situation that could be much more easily fixed by regulatory or administrative action is also unwise.

So this is very straightforward. It is very simple. I would urge my colleagues to support this amendment, and I reserve the balance of my time.

Ms. FOXX. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Madam Chair, the creation of a Federal definition of credit hour is a prime example of Federal overreach into an area that should be left to colleges and universities. This has worked from the beginning of our country. Our accrediting bodies, our colleges and universities, have done their jobs. There have been no complaints about this. There was one minor episode that occurred, one isolated event, and it was addressed through the accrediting body. This is a typical example of the overreach of this administration, and particularly the Department of Education.

If a need arose in the future to create a Federal definition or put some additional parameters around this section of the law, then it should be done through the legislative process where the implications of such a definition can be thoroughly examined.

Madam Chair, the Founders were very, very wise when they created the Constitution. They delineated exactly what the Federal Government should and should not be doing. The word "education" is no place in the Constitution, but article I, section 1 does talk about the House of Representatives and the Congress. That's where the Founders wanted the power to lie, where the authority is to lie. We are accountable to the people whom we represent. We are the people's House. We should not be abrogating our responsibility to unelected bureaucrats. I'm almost embarrassed that any Member would want to do that. We need this responsibility. We have the time to take care of it if there is such a need.

With that, I reserve the balance of my time.

Mr. BISHOP of New York. I would simply point out that my friend from North Carolina continues to use words like "intrusion" and "overreach"; and yet a few moments ago, in response to comments I had made during general debate, she said that as an academic dean, the gentelady was able to exercise discretion and define a credit hour and define a course and define a semester. There is absolutely nothing in the regulation that the Department of Education has promulgated that would prevent the gentelady or someone in her position from continuing to exercise that discretion because in the regulation it says that institutionally determined equivalents are perfectly permissible and perfectly acceptable. So the discretion that the gentelady quite correctly utilized while she was a dean remains in the toolbox of every college administrator in this country.

And so I would urge defeat of the underlying bill, I would urge passage of this amendment, and I yield back the balance of my time.

Ms. FOXX. Madam Chair, the gentleman is correct; deans and assistant deans and others at colleges and universities have that authority right now. They've had it since the beginning of the creation of institutions of higher education, and we don't need the Federal Government meddling in places it has no business meddling.

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 New York (Mr. BISHOP).

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

Mr. BISHOP of New York. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from New York will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-404.

Mr. POLIS. Madam Chair, I have amendment No. 5 at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 3. EFFECTIVE AND EFFICIENT USE OF TAXPAYER DOLLARS AND PROTECTION FROM POTENTIAL WASTE, FRAUD, AND ABUSE.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall provide a proposal to Congress on how the Secretary will, through the authority of the Secretary to promulgate regulations related to institutional eligibility for participation under title IV of the Higher Education Act of 1965, prevent waste, fraud, and abuse of Federal financial aid dollars by institutions of higher education under such Act to ensure the effective and efficient use of taxpayer dollars.

The Acting CHAIR. Pursuant to House Resolution 563, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, I think that the gentelady from North Carolina has put together a good bill. It has some good parts and some bad parts. I am very hopeful that she will accept this amendment.

I believe that the intent of the bill, specifically around making sure that we don't have an overarching implementation of Carnegie units—and again, where does this stem from? It stems from a U.S. Department of Education Office of Inspector General report that found that there is not an established definition of credit hour or minimum requirement. The Secretary, working within those constraints, tried to provide a definition. I don't think that is a productive road to go down, so I strongly support the general thrust of this bill.

But where we need to move is toward outcome-based measurements. We have this same discussion in K-12 education as well. And the conclusion that I've come to, and I've come to the same conclusion in higher education, is we need to free institutions up with regard to the inputs to promote innovation and make sure that we hold institutions accountable for the outputs where taxpayer money is at stake.

One component of the bill that I hope the gentelady from North Carolina can work with me on in accepting this amendment, and I think it is a very pragmatic amendment that would improve the bill, since we are removing many of the specifics that currently combat waste, fraud, and abuse—and I don't think we want to combat waste, fraud, and abuse by applying an overly rigid hour-is-an-hour standard with no

wriggle room because what we care about is whether kids are learning, not whether they spend 5 minutes or 2 hours doing it. I've talked to folks who use apprenticeships, who use online education, and we should hold them accountable for results where there is taxpayer money at hand, but at the same time we want to make sure that there's a backstop for what I think folks on both side agree exist, which is waste, fraud, and abuse in the system. What my amendment would do is replace the specifics of these regulations with a directive to the Department of Education to come up with an alternative plan that protects taxpayer dollars and students' rights.

This would make sure that we can deal with many of the issues raised by the inspector general, not by providing an overly arching and rigid definition of time that's a necessary part of education but, rather, by requesting and requiring that the Secretary come up with ideas that are consistent with the future of education towards combating waste, fraud, and abuse.

I reserve the balance of my time.

Ms. FOXX. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Madam Chair, I appreciate the very positive comments that my colleague from Colorado has made about the underlying bill. I hope very much that he will support it. I appreciate, actually, serving with him on the Rules Committee and the often commonsense approaches that he brings to legislation that we're reviewing. However, I have to say reluctantly that I am opposing his amendment.

I don't think, again, that we need to ask the Department of Education to present more plans or more rules and regulations. It is certainly doing a lot to present rules and regulations that are totally unnecessary.

Next year we will have the reauthorization of the higher education bill. As I think most people know, the Speaker has asked all the committees, all the subcommittees to exercise their oversight responsibilities, and we are certainly doing that and will continue to do that. Therefore, I think that the gentleman from Colorado's amendment is unnecessary, and I oppose it.

I reserve the balance of my time.

□ 1450

Mr. POLIS. Madam Chair, I think that, again, my amendment would provide sufficient flexibility to accommodate alternative higher-education settings. The reason we're talking about rules and preventing fraud, waste, and abuse is not somehow the government is going someplace that's unwarranted; but these are Federal student loans, these are Federal programs we're talking about. We do not want taxpayers to be ripped off, and we do not want students to be ripped off. I believe that directing the Secretary to come up with

an alternative plan to the one we're stripping out would go a long way toward accomplishing that.

And I agree with the gentlewoman from North Carolina. Fundamentally, many of these issues need to be discussed during the reauthorization of the Higher Education Act; and I hope that she will join me at that point, yes, on freeing up the inputs-based measurements, but equally, if not more important, making sure we hold the recipients of taxpayer-funded programs accountable for the outcomes.

And there is no perfect outcome-based measurement—we know this from K-12 education as well—but even a mediocre one is better than none. And I think it will fall upon this Congress to do that. I think that this bill facilitates that discussion; but should it become law, I would certainly hope that my colleagues on both sides of the aisle can join me in supporting this commonsense directive to ensure that waste, fraud, and abuse do not enter the system along with freeing up innovation and thoughtful new ways to educate kids.

I urge my colleagues to join me on voting "yes" on this amendment, and I yield back the balance of my time.

Ms. FOXX. Madam Chairman, again, I appreciate the sentiments of my colleague from Colorado; but I would say to him that there is absolutely nothing to prevent the Secretary of Education from coming to the Education and Workforce Committee and presenting his ideas on where there is waste, fraud, and abuse. We would be more than happy to do that. Most of what we hear from the administration is spend, spend, spend, not how can we save money, but spend, spend, spend.

All of us want to make sure that every dime of taxpayers' money is well spent, and I can assure you that members of my committee want to see that the money is well spent, and we'll be working on that issue as we have been working on it, as will all the Republican majorities in the House do that.

Madam Chairman, I yield back the balance of my time and urge my colleagues to vote "no" on the amendment.

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

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

Ms. FOXX. Madam 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 Colorado will be postponed.

Ms. FOXX. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. FOXX) having assumed the chair, Mrs. EMERSON, 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. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965, had come to no resolution thereon.

RECESS

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

Accordingly (at 2 o'clock and 53 minutes p.m.), the House stood in recess.

□ 1515

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BENISHEK) at 3 o'clock and 15 minutes p.m.

PROTECTING ACADEMIC FREEDOM IN HIGHER EDUCATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 563 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2117.

□ 1516

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965, with Mrs. EMERSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 5 printed in House Report 112-404 by the gentleman from Colorado (Mr. POLIS) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-404 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GRIJALVA of Arizona.

Amendment No. 4 by Mr. BISHOP of New York.

Amendment No. 5 by Mr. POLIS of Colorado.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. GRIJALVA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) 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 170, noes 247, not voting 16, as follows:

[Roll No. 75]

AYES—170

- Ackerman
- Altmire
- Andrews
- Baca
- Baldwin
- Barrow
- Bass (CA)
- Becerra
- Berkley
- Berman
- Bishop (GA)
- 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)
- Clyburn
- Cohen
- Connolly (VA)
- Conyers
- Cooper
- Costa
- Courtney
- Crowley
- Cuellar
- Cummings
- Davis (CA)
- DeFazio
- DeGette
- DeLauro
- Deutch
- Dicks
- Dingell
- Doggett
- Doyle
- Edwards
- Ellison
- Engel
- Eshoo
- Farr
- Fattah
- Filner
- Frank (MA)
- Fudge
- Garamendi

NOES—247

- Adams
- Aderholt
- Alexander
- Amash
- Amodei
- Austria
- Bachmann
- Bachus
- Barletta
- Bartlett
- Barton (TX)
- Bass (NH)
- Benishkek
- Berg
- Biggert
- Bilbray
- Billirakis
- Bishop (UT)
- Black
- Blackburn
- Bonamici

- 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
- Gowdy
- Granger
- Graves (GA)
- Graves (MO)
- Griffin (AR)
- Griffith (VA)
- Guinta
- Guthrie
- Hall
- Hanna
- Harper
- Harris
- Hartzler
- 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
- 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
- Paul
- Paulsen
- Pearce
- Pence
- Petri
- Pitts
- Platts
- Poe (TX)
- Pompeo
- Posey
- Price (GA)
- Quayle
- Reed
- Rehberg
- Reichert
- Renacci
- Ribble
- Rigell
- Akin
- Cardoza
- Clay
- Cleaver
- Wasserman
- Davis (IL)
- Gosar
- Grimm
- Hinojosa
- Jackson (IL)
- Kaptur
- Landry
- Lee (CA)
- Lynch
- Payne
- Rangel
- Young (AK)

NOT VOTING—16

- Akin
- Cardoza
- Clay
- Cleaver
- Wasserman
- Davis (IL)
- Gosar

□ 1543

Mr. STIVERS, Ms. BONAMICI, and Messrs. OWENS and HARRIS changed their vote from “aye” to “no.”

Messrs. HINCHEY, CUELLAR, CARSON of Indiana, Ms. EDWARDS, and Mr. KEATING changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Madam Chair, on rollcall No. 75, had I been present, I would have voted “aye.”

(By unanimous consent, Mr. LATOURETTE was allowed to speak out of order.)

Mr. LATOURETTE. I thank my colleagues for their attention.

Madam Chair, sadly, in a set of occurrences that is becoming all too frequent in our country, yesterday, at 7:40

a.m., in the town of Chardon, Ohio—for those of you that aren’t familiar with our part of the world, about 25 miles east of Cleveland—allegedly, a student brought a gun into the cafeteria of the high school, opened fire and shot five of the students.

As I stand here today, three of those students have succumbed to the injuries received and have passed away. Two continue to be under medical care.

I would indicate that in these tragedies there are also items of heroism. An assistant coach at Chardon High School, Frank Hall, chased the gunman out of the high school at great risk to himself, but perhaps saving further tragedy.

So, Madam Chair, on behalf of all of my colleagues, Republicans and Democrats in the State of Ohio, I would ask the House to observe a moment of silence in honor of the fallen, the staff at the school, their families, and the city of Chardon.

AMENDMENT NO. 4 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BISHOP) 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 160, noes 255, not voting 18, as follows:

[Roll No. 76]

AYES—160

- Ackerman
- Altmire
- Baca
- Baldwin
- Barton (TX)
- Bass (CA)
- Becerra
- Berkley
- Berman
- Bishop (GA)
- Bishop (NY)
- Blumenauer
- Bonamici
- Boswell
- Brady (PA)
- Braley (IA)
- Brown (FL)
- Butterfield
- Capps
- Capuano
- Carney
- Carson (IN)
- Castor (FL)
- Chu
- Cicilline
- Clarke (MI)
- Clarke (NY)
- Clyburn
- Cohen
- Connolly (VA)
- Conyers
- Cooper
- Costa
- Costello
- Courtney
- Crowley
- Cuellar
- Cummings
- Davis (CA)
- Davis (IL)
- DeFazio
- DeGette
- DeLauro
- Deutch
- Dicks
- Dingell
- Doggett
- Donnelly (IN)
- Doyle
- Edwards
- Ellison
- Eshoo
- Farr
- Fattah
- Filner
- Frank (MA)
- Fudge
- Garamendi
- Gonzalez
- Green, Al
- Green, Gene
- Grijalva
- Gutierrez
- Hahn
- Hanabusa
- Hastings (FL)
- Heinrich
- Higgins
- Himes
- Hinchev
- Hinojosa
- Hirono
- Honda
- Hoyer
- Israel
- Jackson Lee
- (TX)
- Johnson (GA)
- Johnson, E. B.
- Keating
- Kildee
- Kind
- Kucinich
- Langevin
- Larsen (WA)
- Larson (CT)
- Levin

Lewis (GA) Pastor (AZ)
 Lipinski Pelosi
 Lofgren, Zoe Perlmutter
 Lowey Peters
 Lujan Pingree (ME)
 Lynch Price (NC)
 Maloney Quigley
 Markey Rahall
 Matsui Reyes
 McCarthy (NY) Richardson
 McCollum Richmond
 McDermott Rothman (NJ)
 McGovern Roybal-Allard
 McNerney Ruppertsberger
 Meeks Rush
 Michaud Ryan (OH)
 Miller (NC) Sanchez, Linda
 Miller, George T.
 Moore Sanchez, Loretta
 Moran Sarbanes
 Murphy (CT) Schakowsky
 Nadler Schiff
 Napolitano Schwartz
 Neal Scott (VA)
 Olver Scott, David
 Pallone Serrano

Sewell Schmidt
 Sherman Schock
 Shlaugher Schrader
 Smith (WA) Schweikert
 Speier Scott (SC)
 Stark Scott, Austin
 Sensenbrenner Sensesbrenner
 Sutton Sessions
 Thompson (CA) Shimkus
 Thompson (MS) Shuler
 Tierney Simpson
 Tonko Sires
 Tsongas Smith (NE)
 Van Hollen Smith (NJ)
 Velázquez Smith (TX)

Southerland Walsh (LL)
 Stearns Walz (MN)
 Stivers Webster
 Stutzman West
 Sullivan Westmoreland
 Thompson (PA) Whitfield
 Thornberry Wilson (SC)
 Tiberi Wittman
 Tipton Wolf
 Towns Womack
 Turner (NY) Woodall
 Turner (OH) Yoder
 Upton Young (FL)
 Walberg Young (IN)
 Walden

Larson (CT)
 Levin
 Lewis (GA)
 Lipinski
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maloney
 Markey
 Matheson
 Matsui
 McCarthy (NY)
 McClintock
 McDermott
 McGovern
 McIntyre
 McNerney
 Meehan
 Meeks
 Michaud
 Miller (MI)
 Miller (NC)
 Miller, George
 Moore
 Moran
 Murphy (CT)
 Nadler
 Napolitano
 Neal
 Olver
 Owens

NOT VOTING—18
 Akin
 Brady (TX)
 Cantor
 Cardoza
 Carnahan
 Clay
 Cleaver
 Duncan (TN)
 Jackson (IL)
 Kaptur
 Landry
 Lee (CA)
 Pascrell
 Payne
 Rangel
 Shuster
 Terry
 Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR
 The Acting CHAIR (during the vote).
 There is 1 minute remaining.

Pallone
 Pascrell
 Pastor (AZ)
 Paulsen
 Pelosi
 Perlmutter
 Peters
 Peterson
 Pingree (ME)
 Polis
 Price (NC)
 Quigley
 Rahall
 Reyes
 Richardson
 Richmond
 Rigell
 Ross (AR)
 Rothman (NJ)
 Roybal-Allard
 Rush
 Ryan (OH)
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schilling
 Schrader
 Schwartz
 Scott (VA)
 Scott, David
 Serrano
 Sewell
 Sherman
 Sires
 Slaughter
 Smith (WA)
 Speier
 Stark
 Stearns
 Sutton
 Thompson (CA)
 Thompson (MS)
 Tierney
 Tipton
 Tonko
 Towns
 Tsongas
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Waxman
 Welch
 Wilson (FL)
 Woolsey
 Yarmuth

NOES—255

Adams
 Aderholt
 Alexander
 Amash
 Amodei
 Andrews
 Austria
 Bachmann
 Bachus
 Barletta
 Barrow
 Bartlett
 Bass (NH)
 Benishek
 Berg
 Biggert
 Bilbray
 Billirakis
 Bishop (UT)
 Black
 Blackburn
 Bonner
 Bono Mack
 Boren
 Boustany
 Brooks
 Broun (GA)
 Buchanan
 Bucshon
 Buerkle
 Burgess
 Burton (IN)
 Calvert
 Camp
 Campbell
 Canseco
 Capito
 Carter
 Cassidy
 Chabot
 Chaffetz
 Chandler
 Coble
 Coffman (CO)
 Cole
 Conaway
 Cravaack
 Crawford
 Crenshaw
 Critz
 Culberson
 Davis (KY)
 Denham
 Dent
 DesJarlais
 Diaz-Balart
 Dold
 Dreier
 Duffy
 Duncan (SC)
 Ellmers
 Emerson
 Engel
 Farenthold
 Fincher
 Fitzpatrick
 Flake
 Fleischmann
 Fleming
 Flores
 Forbes

Fortenberry Lungren, Daniel
 E.
 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
 Hartzler
 Hastings (WA)
 Hayworth
 Heck
 Hensarling
 Herger
 Herrera Beutler
 Hochul
 Holden
 Holt
 Huelskamp
 Hui zenga (MI)
 Hultgren
 Hunter
 Hurt
 Insee
 Issa
 Jenkins
 Johnson (IL)
 Johnson (OH)
 Johnson, Sam
 Jones
 Jordan
 Kelly
 King (IA)
 King (NY)
 Kingston
 Kinzinger (IL)
 Kissell
 Kline
 Labrador
 Lambern
 Lance
 Lankford
 Latham
 LaTourette
 Latta
 Lewis (CA)
 LoBiondo
 Loeb sack
 Long
 Lucas
 Luetkemeyer
 Lummis

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
 Paul
 Paulsen
 Pearce
 Pence
 Peterson
 Petri
 Pitts
 Platts
 Barrow
 Bass (CA)
 Becerra
 Berkley
 Berman
 Biggert
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Bonamici
 Boren
 Boswell
 Brady (PA)
 Braley (IA)
 Brown (FL)
 Butterfield
 Capito
 Capps
 Capuano
 Carney
 Carson (IN)
 Castor (FL)
 Chandler
 Chu
 Ciilline
 Clarke (MI)
 Clarke (NY)
 Clyburn
 Coffman (CO)
 Cohen
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Critz
 Crowley
 Cuellar
 Cummings
 Davis (CA)
 Davis (IL)
 DeFazio
 DeGette
 DeLauro
 Dent
 Deutch
 Dicks
 Dingell
 Doggett
 Dold
 Donnelly (IN)
 Doyle
 Edwards
 Ellison
 Engel
 Eshoo
 Farr
 Fattah
 Filner
 Fitzpatrick
 Fudge
 Garamendi
 Gardner
 Gerlach
 Gibson
 Gonzalez
 Green, Al
 Green, Gene
 Grijalva
 Gutierrez
 Hahn
 Hanabusa
 Hanna
 Hastings (FL)
 Heinrich
 Higgins
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hochul
 Holden
 Holt
 Honda
 Hoyer
 Insee
 Israel
 Jackson Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Keating
 Kildee
 Kind
 Kingston
 Kissell
 Kucinich
 Lance
 Langevin
 Larsen (WA)

AMENDMENT NO. 5 OFFERED BY MR. POLIS
 The Acting CHAIR. The unfinished
 business is the demand for a recorded
 vote on the amendment offered by the
 gentleman from Colorado (Mr. POLIS)
 on which further proceedings were
 postponed and on which the ayes pre-
 vailed by voice vote.
 The Clerk will redesignate the
 amendment.
 The Clerk redesignated the amend-
 ment.

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 de-
 vice, and there were—ayes 199, noes 217,
 not voting 17, as follows:
 [Roll No. 77]

AYES—199

NOES—217
 Adams
 Aderholt
 Alexander
 Amash
 Amodei
 Andrews
 Austria
 Bachmann
 Bachus
 Barletta
 Bartlett
 Bass (NH)
 Benishek
 Berg
 Biggert
 Bilbray
 Billirakis
 Bishop (UT)
 Black
 Blackburn
 Bonner
 Bono Mack
 Boren
 Boustany
 Brooks
 Broun (GA)
 Buchanan
 Bucshon
 Buerkle
 Burgess
 Burton (IN)
 Calvert
 Camp
 Campbell
 Canseco
 Capito
 Carter
 Cassidy
 Chabot
 Chaffetz
 Chandler
 Coble
 Coffman (CO)
 Cole
 Conaway
 Cravaack
 Crawford
 Crenshaw
 Critz
 Culberson
 Davis (KY)
 Denham
 Dent
 DesJarlais
 Diaz-Balart
 Dold
 Dreier
 Duffy
 Duncan (SC)
 Ellmers
 Emerson
 Engel
 Farenthold
 Fincher
 Fitzpatrick
 Flake
 Fleischmann
 Fleming
 Flores
 Forbes
 Fortenberry
 Foxx
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Garrett
 Gibbs
 Gingrey (GA)
 Gohmert
 Goodlatte
 Gosar
 Gowdy
 Granger
 Graves (GA)
 Graves (MO)
 Griffin (AR)
 Griffith (VA)
 Grimm
 Guinta
 Guthrie
 Hall
 Harper
 Harris
 Hartzler
 Hastings (WA)
 Hayworth
 Heck
 Hensarling
 Herger
 Herrera Beutler
 Huelskamp
 Hui zenga (MI)
 Hultgren
 Hunter
 Hurt
 Issa
 Jenkins
 Johnson (IL)
 Johnson (OH)
 Johnson, Sam
 Jones
 Jordan
 Kelly
 King (IA)
 King (NY)
 Kingston
 Kinzinger (IL)
 Kline
 Labrador
 Lambern
 Lankford
 Latham
 LaTourette
 Latta
 Lewis (CA)
 LoBiondo
 Loeb sack
 Long
 Lucas
 Luetkemeyer
 Lummis
 McCarthy (CA)
 McCaul
 McCotter
 McHenry
 McKeon
 McKinley
 McMorris
 Rodgers
 Mica
 Miller (FL)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Olson
 Palazzo
 Paul
 Pearce
 Pence
 Petri
 Pitts
 Platts
 Poe (TX)
 Pompeo
 Posey
 Price (GA)
 Quayle
 Reed
 Rehberg
 Renacci
 Ribble
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (FL)
 Royce
 Runyan
 Ryan (WI)
 Scalise
 Schmidt
 Schock
 Schweikert
 Scott (SC)
 Scott, Austin
 Sensenbrenner
 Sessions
 Shimkus
 Shuler
 Shuster
 Simpson
 Smith (NE)

Smith (NJ)	Tiberi	Whitfield
Smith (TX)	Turner (NY)	Wilson (SC)
Southerland	Turner (OH)	Wittman
Stivers	Walberg	Wolf
Stutzman	Walden	Womack
Sullivan	Walsh (IL)	Woodall
Terry	Webster	Yoder
Thompson (PA)	West	Young (FL)
Thornberry	Westmoreland	Young (IN)

NOT VOTING—17

Akin	Duncan (TN)	Payne
Cantor	Jackson (IL)	Rangel
Cardoza	Kaptur	Reichert
Carnahan	Landry	Ruppersberger
Clay	Lee (CA)	Young (AK)
Cleaver	McCollum	

□ 1557

Messrs. GRIFFIN of Arkansas and CAMP changed their vote from “aye” to “no.”

Mr. TIPTON changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. AKIN. Madam Chair, on rolcall Nos. 75, 76 and 77, I was delayed and unable to vote. Had I been present I would have voted “no” on all three.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHAFFETZ) having assumed the chair, Mrs. EMERSON, 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. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965, and, pursuant to House Resolution 563, 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 committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Mrs. CAPPS. Mr. Speaker, I have a motion to recommit at the desk.

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

Mrs. CAPPS. Yes, I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Capps moves to recommit the bill H.R. 2117 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill add the following:

(c) PROTECTING STUDENTS FROM HIGHER LOAN COSTS AND A DEVALUED EDUCATIONAL DEGREE.—Nothing in subsection (b) shall limit the authority of the Secretary of Education to promulgate or enforce any regulation or rule under title IV of the Higher Education Act of 1965—

(1) for the purpose of reducing the cost of higher education for students; or

(2) during any year in which the interest rate for subsidized Direct Federal Stafford Loans used to purchase credit hours under such title is higher than 3.4 percent.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, there are many times when we come to this floor and engage in heated debate, and we’ve heard some heated debate on this bill. But my final amendment offers us the opportunity to come together and to do something extraordinarily important: to contain the escalating cost of higher education. I want to be clear: passing this amendment will not prevent the passing of the underlying bill. If it’s adopted, my amendment will be incorporated into the bill, and the bill will be immediately voted upon. Regardless of how one feels about the bill, we should all agree on a major problem facing students and their families.

□ 1600

I’m talking about the skyrocketing cost of higher education putting the American Dream way out of reach for far too many students.

Mr. Speaker, my final amendment is very simple. It says that nothing in this bill should limit the Secretary’s ability to reduce the cost of higher education for students.

In 2007, Democrats, working with President Bush, lowered the interest rates on need-based student loans to 3.4 percent at no cost to taxpayers. This change is saving college graduates thousands of dollars in student loan payments. But unless we act soon, the interest rates on these loans will double this summer. That will cost more than 7 million student borrowers at colleges and universities across the country more than \$2,800 in additional interest payments.

Mr. Speaker, students cannot afford graduating from college with mortgage-size debt. Student loan debt now surpasses overall credit card debt. We can do something about this.

We need our graduates to be developing the next clean energy source and discovering the cures for life-threatening diseases. We need them to fill vital jobs in our communities, such as nurses, teachers, firefighters, and police. We don’t need them to leave school overwhelmed by student loan payments, and we don’t want them avoiding higher education in the first place due to the threat of crushing debt. Instead, we should make sure

they are prepared for good-paying jobs in the global marketplace, and we can do that by making college more affordable.

But, incredibly, this bill limits the Education Secretary’s ability to protect students and taxpayers from higher education costs. With more than \$200 billion in aid distributed each year, the Secretary must have the tools to lower costs for students and their families and to protect our Nation’s investment in education. We shouldn’t be tying the Secretary’s hands at a time when we must be utilizing every tool available to keep college costs down. In particular, we should not do this while students face a potential doubling of interest rates on their loans, which will happen this summer if Congress doesn’t take action now. The cost of borrowing for a student loan is already too high. Let’s not make the problem worse.

Again, my amendment simply states that nothing in the bill shall limit the Secretary’s ability to reduce the cost of higher education for students, something we can all agree upon.

So I urge a vote to lower costs for students and hardworking American families, and I’m pleased to yield to my distinguished colleague from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding, and I thank her for offering this motion to recommit.

I say to my colleagues here in the House, this is a very simple proposition. If Congress fails to act in July of this year, interest rates on student loans will double. And if those interest rates on student loans double, that means that the average borrower will pay another \$2,800, almost \$3,000, in additional interest.

At a time when families and students will be paying higher interest rates than any time in the recent past, we ought to make sure that the Secretary has the authority to make—that they understand that they get value for what they’re buying, that they don’t get overcharged, and that they’re not the subject of fraud, abuse, and waste in the system when people try to overcharge them for the number of units that they are offering them. We cannot let these students go into areas unprotected when interest rates are about to double.

Congress can solve this problem by retaining the interest rates at three-quarters percent and be done with this issue, and the legislation will go forward. But if we don’t protect the students and their families from the increase in interest rates, then the Secretary retains the authority to make sure that they are not subject to waste, fraud, and abuse when they are borrowing money to pay for their education.

I thank the gentlewoman for introducing her legislation.

Mrs. CAPPS. I urge a “yes” vote on the motion to recommit, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, we don't need this motion to recommit. My colleagues should all vote against it. We have a situation where our colleagues across the aisle want to take the Secretary of Education and make him a Czar of Education.

We, on our side of the aisle, are very much concerned about the cost of a college education, and we've done a lot to make college accessible and affordable for students in this country. Mr. Speaker, Republicans are very much concerned about the cost of going to college ourselves. We want to reduce the cost of going to college. Our subcommittee has had hearings on this. There are many ways to do this. But having the Federal Government establish price controls is not the way to do it.

The Federal Government, in fact, has encouraged too much borrowing. Because the Federal Government has been such a big borrower itself, it has established that kind of mentality across the country.

So we'd like to see the level of borrowing reduced. We'd like to see the level of debt and deficit go down so that the economy would rebound, people could get jobs, and those who do have debt would be able to better deal with that debt.

We do not need more government rules and regulations. We don't need the Federal Government picking winners and losers, and we don't need this kind of authority ceded to the Secretary of the Department of Education. The Congress needs to be dealing with these issues. We are dealing with the issues. The underlying bill deals with the issues because we reduced the role of the Federal Government and rules and regulations.

Higher education has policed itself very well over the years. We need to pass the underlying bill and reject the motion to recommit.

With that, 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.

RECORDED VOTE

Mrs. CAPPS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 176, noes 241, not voting 16, as follows:

[Roll No. 78]

AYES—176

Ackerman
Altmore
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
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
Insee
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler

NOES—241

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishak
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
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann

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
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
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sires
Smith (NE)
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 (FL)
Young (IN)

NOT VOTING—16

Akin
Cardoza
Cassidy
Clay
Cleaver
Hall
Jackson (IL)
Landry
Lankford
Lee (CA)
McMorris
Rodgers
Payne
Rangel
Smith (NJ)
Yarmuth
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1624

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. CASSIDY. Mr. Speaker, on rollcall No. 78, I was unavoidably detained. Had I been present, I would have voted "no."

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 303, noes 114, not voting 16, as follows:

[Roll No. 79]

AYES—303

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin

Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Berkley
Biggert
Billbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capuano
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Costello
Cravack
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foss
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
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Hinchev
Hochul
Holden
Holt
Huelskamp
Huiuzenga (MI)
Hultgren
Hurt
Insee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loeb
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell

Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberti
Tipton
Tonko
Towns
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

ACKERMAN
BASS (CA)
BECERRA
BERMAN
BISHOP (NY)
BLUMENAUER
BRADY (PA)
BROWN (FL)
CAPPS
CARNAHAN
CASTOR (FL)
CHU
CICILLINE
CLARKE (MI)
CLARKE (NY)
COHEN
CONYERS
COOPER
COURTNEY
CROWLEY
CUMMINGS
DAVIS (CA)
DAVIS (IL)
DEGETTE
LUJAN
LYNCH
MALONEY
MARKEY
MATSUI
MCCOLLUM
MCDERMOTT
MCGOVERN
MCNERNEY
MEEKS
MILLER (NC)
MILLER, GEORGE
MORAN
NADLER
NAPOLITANO
NEAL

ACKERMAN
GREEN, GENE
GRIJALVA
GUTIERREZ
HAHN
HEINRICH
HIMES
HINOJOSA
HIRONO
HONDA
HOYER
JACKSON LEE
CHU
CICILLINE
CLARKE (MI)
CLARKE (NY)
COHEN
CONYERS
COOPER
COURTNEY
CROWLEY
CUMMINGS
DAVIS (CA)
DAVIS (IL)
DEGETTE
LUJAN
LYNCH
MALONEY
MARKEY
MATSUI
MCCOLLUM
MCDERMOTT
MCGOVERN
MCNERNEY
MEEKS
MILLER (NC)
MILLER, GEORGE
MORAN
NADLER
NAPOLITANO
NEAL

ACKERMAN
HUNTER
ISRAEL
JACKSON (IL)
LANDRY
LEE (CA)
MCHENRY

ACKERMAN
GREEN, GENE
GRIJALVA
GUTIERREZ
HAHN
HEINRICH
HIMES
HINOJOSA
HIRONO
HONDA
HOYER
JACKSON LEE
CHU
CICILLINE
CLARKE (MI)
CLARKE (NY)
COHEN
CONYERS
COOPER
COURTNEY
CROWLEY
CUMMINGS
DAVIS (CA)
DAVIS (IL)
DEGETTE
LUJAN
LYNCH
MALONEY
MARKEY
MATSUI
MCCOLLUM
MCDERMOTT
MCGOVERN
MCNERNEY
MEEKS
MILLER (NC)
MILLER, GEORGE
MORAN
NADLER
NAPOLITANO
NEAL

ACKERMAN
HUNTER
ISRAEL
JACKSON (IL)
LANDRY
LEE (CA)
MCHENRY

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later.

PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1433) to protect private property rights, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1433

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Private Property Rights Protection Act of 2012”.

SEC. 2. PROHIBITION ON EMINENT DOMAIN ABUSE BY STATES.

(a) IN GENERAL.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property to be used for economic development or over property that is used for economic development within 7 years after that exercise, if that State or political subdivision receives Federal economic development funds during any fiscal year in which the property is so used or intended to be used.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) OPPORTUNITY TO CURE VIOLATION.—A State or political subdivision shall not be ineligible for any Federal economic development funds under subsection (b) if such State or political subdivision returns all real property the taking of which was found by a court of competent jurisdiction to have constituted a violation of subsection (a) and replaces any other property destroyed and repairs any other property damaged as a result of such violation. In addition, the State must pay applicable penalties and interest to regain eligibility.

SEC. 3. PROHIBITION ON EMINENT DOMAIN ABUSE BY THE FEDERAL GOVERNMENT.

The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain to be used for economic development.

SEC. 4. PRIVATE RIGHT OF ACTION.

(a) CAUSE OF ACTION.—Any (1) owner of private property whose property is subject to

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1631

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. CRAWFORD. Mr. Speaker, on rollcall No. 79, I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. MCHENRY. Mr. Speaker, on rollcall No. 79, I was unavoidably detained. Had I been present, I would have voted “aye.”

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall Nos. 78 and 79, I was delayed and unable to vote. Had I been present, I would have voted “no” on No. 78, and “aye” on No. 79.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1837, SACRAMENTO-SAN JOAQUIN VALLEY WATER RELIABILITY ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112-405) on the resolution (H. Res. 566) providing for consideration of the bill (H.R. 1837) to address certain water-related concerns on the San Joaquin River, and for other purposes, which was referred to the House Calendar and ordered to be printed.

eminent domain who suffers injury as a result of a violation of any provision of this Act with respect to that property, or (2) any tenant of property that is subject to eminent domain who suffers injury as a result of a violation of any provision of this Act with respect to that property, may bring an action to enforce any provision of this Act in the appropriate Federal or State court. A State shall not be immune under the 11th Amendment to the Constitution of the United States from any such action in a Federal or State court of competent jurisdiction. In such action, the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development. Any such property owner or tenant may also seek an appropriate relief through a preliminary injunction or a temporary restraining order.

(b) **LIMITATION ON BRINGING ACTION.**—An action brought by a property owner or tenant under this Act may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the property of such property owner or tenant, but shall not be brought later than seven years following the conclusion of any such proceedings.

(c) **ATTORNEYS' FEE AND OTHER COSTS.**—In any action or proceeding under this Act, the court shall allow a prevailing plaintiff a reasonable attorneys' fee as part of the costs, and include expert fees as part of the attorneys' fee.

SEC. 5. REPORTING OF VIOLATIONS TO ATTORNEY GENERAL.

(a) **SUBMISSION OF REPORT TO ATTORNEY GENERAL.**—Any (1) owner of private property whose property is subject to eminent domain who suffers injury as a result of a violation of any provision of this Act with respect to that property, or (2) any tenant of property that is subject to eminent domain who suffers injury as a result of a violation of any provision of this Act with respect to that property, may report a violation by the Federal Government, State, or political subdivision of a State to the Attorney General.

(b) **INVESTIGATION BY ATTORNEY GENERAL.**—Upon receiving a report of an alleged violation, the Attorney General shall conduct an investigation to determine whether a violation exists.

(c) **NOTIFICATION OF VIOLATION.**—If the Attorney General concludes that a violation does exist, then the Attorney General shall notify the Federal Government, authority of the Federal Government, State, or political subdivision of a State that the Attorney General has determined that it is in violation of the Act. The notification shall further provide that the Federal Government, State, or political subdivision of a State has 90 days from the date of the notification to demonstrate to the Attorney General either that (1) it is not in violation of the Act or (2) that it has cured its violation by returning all real property the taking of which the Attorney General finds to have constituted a violation of the Act and replacing any other property destroyed and repairing any other property damaged as a result of such violation.

(d) **ATTORNEY GENERAL'S BRINGING OF ACTION TO ENFORCE ACT.**—If, at the end of the 90-day period described in subsection (c), the Attorney General determines that the Federal Government, authority of the Federal Government, State, or political subdivision of a State is still violating the Act or has not cured its violation as described in subsection (c), then the Attorney General will bring an action to enforce the Act unless the property owner or tenant who reported the violation has already brought an action to enforce the Act. In such a case, the Attorney

General shall intervene if it determines that intervention is necessary in order to enforce the Act. The Attorney General may file its lawsuit to enforce the Act in the appropriate Federal or State court. A State shall not be immune under the 11th Amendment to the Constitution of the United States from any such action in a Federal or State court of competent jurisdiction. In such action, the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development. The Attorney General may seek any appropriate relief through a preliminary injunction or a temporary restraining order.

(e) **LIMITATION ON BRINGING ACTION.**—An action brought by the Attorney General under this Act may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the property of an owner or tenant who reports a violation of the Act to the Attorney General, but shall not be brought later than seven years following the conclusion of any such proceedings.

(f) **ATTORNEYS' FEE AND OTHER COSTS.**—In any action or proceeding under this Act brought by the Attorney General, the court shall, if the Attorney General is a prevailing plaintiff, award the Attorney General a reasonable attorneys' fee as part of the costs, and include expert fees as part of the attorneys' fee.

SEC. 6. NOTIFICATION BY ATTORNEY GENERAL.

(a) **NOTIFICATION TO STATES AND POLITICAL SUBDIVISIONS.**—

(1) Not later than 30 days after the enactment of this Act, the Attorney General shall provide to the chief executive officer of each State the text of this Act and a description of the rights of property owners and tenants under this Act.

(2) Not later than 120 days after the enactment of this Act, the Attorney General shall compile a list of the Federal laws under which Federal economic development funds are distributed. The Attorney General shall compile annual revisions of such list as necessary. Such list and any successive revisions of such list shall be communicated by the Attorney General to the chief executive officer of each State and also made available on the Internet website maintained by the United States Department of Justice for use by the public and by the authorities in each State and political subdivisions of each State empowered to take private property and convert it to public use subject to just compensation for the taking.

(b) **NOTIFICATION TO PROPERTY OWNERS AND TENANTS.**—Not later than 30 days after the enactment of this Act, the Attorney General shall publish in the Federal Register and make available on the Internet website maintained by the United States Department of Justice a notice containing the text of this Act and a description of the rights of property owners and tenants under this Act.

SEC. 7. REPORTS.

(a) **BY ATTORNEY GENERAL.**—Not later than 1 year after the date of enactment of this Act, and every subsequent year thereafter, the Attorney General shall transmit a report identifying States or political subdivisions that have used eminent domain in violation of this Act to the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives and to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate. The report shall—

(1) identify all private rights of action brought as a result of a State's or political subdivision's violation of this Act;

(2) identify all violations reported by property owners and tenants under section 5(c) of this Act;

(3) identify the percentage of minority residents compared to the surrounding non-minority residents and the median incomes of those impacted by a violation of this Act;

(4) identify all lawsuits brought by the Attorney General under section 5(d) of this Act;

(5) identify all States or political subdivisions that have lost Federal economic development funds as a result of a violation of this Act, as well as describe the type and amount of Federal economic development funds lost in each State or political subdivision and the Agency that is responsible for withholding such funds; and

(6) discuss all instances in which a State or political subdivision has cured a violation as described in section 2(c) of this Act.

(b) **DUTY OF STATES.**—Each State and local authority that is subject to a private right of action under this Act shall have the duty to report to the Attorney General such information with respect to such State and local authorities as the Attorney General needs to make the report required under subsection (a).

SEC. 8. SENSE OF CONGRESS REGARDING RURAL AMERICA.

(a) **FINDINGS.**—The Congress finds the following:

(1) The founders realized the fundamental importance of property rights when they codified the Takings Clause of the Fifth Amendment to the Constitution, which requires that private property shall not be taken "for public use, without just compensation".

(2) Rural lands are unique in that they are not traditionally considered high tax revenue-generating properties for State and local governments. In addition, farmland and forest land owners need to have long-term certainty regarding their property rights in order to make the investment decisions to commit land to these uses.

(3) Ownership rights in rural land are fundamental building blocks for our Nation's agriculture industry, which continues to be one of the most important economic sectors of our economy.

(4) In the wake of the Supreme Court's decision in *Kelo v. City of New London*, abuse of eminent domain is a threat to the property rights of all private property owners, including rural land owners.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the use of eminent domain for the purpose of economic development is a threat to agricultural and other property in rural America and that the Congress should protect the property rights of Americans, including those who reside in rural areas. Property rights are central to liberty in this country and to our economy. The use of eminent domain to take farmland and other rural property for economic development threatens liberty, rural economies, and the economy of the United States. The taking of farmland and rural property will have a direct impact on existing irrigation and reclamation projects. Furthermore, the use of eminent domain to take rural private property for private commercial uses will force increasing numbers of activities from private property onto this Nation's public lands, including its National forests, National parks and wildlife refuges. This increase can overburden the infrastructure of these lands, reducing the enjoyment of such lands for all citizens. Americans should not have to fear the government's taking their homes, farms, or businesses to give to other persons. Governments should not abuse the power of eminent domain to force rural property owners from their land in order to develop rural land into industrial and commercial property. Congress has a duty to protect the property rights of rural Americans in the face of eminent domain abuse.

SEC. 9. DEFINITIONS.

In this Act the following definitions apply:

(1) **ECONOMIC DEVELOPMENT.**—The term “economic development” means taking private property, without the consent of the owner, and conveying or leasing such property from one private person or entity to another private person or entity for commercial enterprise carried on for profit, or to increase tax revenue, tax base, employment, or general economic health, except that such term shall not include—

(A) conveying private property—
(i) to public ownership, such as for a road, hospital, airport, or military base;

(ii) to an entity, such as a common carrier, that makes the property available to the general public as of right, such as a railroad or public facility;

(iii) for use as a road or other right of way or means, open to the public for transportation, whether free or by toll; and

(iv) for use as an aqueduct, flood control facility, pipeline, or similar use;

(B) removing harmful uses of land provided such uses constitute an immediate threat to public health and safety;

(C) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(D) acquiring abandoned property;

(E) clearing defective chains of title;

(F) taking private property for use by a public utility, including a utility providing electric, natural gas, telecommunications, water, and wastewater services, either directly to the public or indirectly through provision of such services at the wholesale level for resale to the public; and

(G) redeveloping of a brownfield site as defined in the Small Business Liability Relief and Brownfields Revitalization Act (42 U.S.C. 9601(39)).

(2) **FEDERAL ECONOMIC DEVELOPMENT FUNDS.**—The term “Federal economic development funds” means any Federal funds distributed to or through States or political subdivisions of States under Federal laws designed to improve or increase the size of the economies of States or political subdivisions of States.

(3) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

SEC. 10. SEVERABILITY AND EFFECTIVE DATE.

(a) **SEVERABILITY.**—The provisions of this Act are severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

(b) **EFFECTIVE DATE.**—This Act shall take effect upon the first day of the first fiscal year that begins after the date of the enactment of this Act, but shall not apply to any project for which condemnation proceedings have been initiated prior to the date of enactment.

SEC. 11. SENSE OF CONGRESS.

It is the policy of the United States to encourage, support, and promote the private ownership of property and to ensure that the constitutional and other legal rights of private property owners are protected by the Federal Government.

SEC. 12. BROAD CONSTRUCTION.

This Act shall be construed in favor of a broad protection of private property rights, to the maximum extent permitted by the terms of this Act and the Constitution.

SEC. 13. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this Act may be construed to supersede, limit, or otherwise affect any pro-

vision of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 14. RELIGIOUS AND NONPROFIT ORGANIZATIONS.

(a) **PROHIBITION ON STATES.**—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) **INELIGIBILITY FOR FEDERAL FUNDS.**—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) **PROHIBITION ON FEDERAL GOVERNMENT.**—The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto.

SEC. 15. REPORT BY FEDERAL AGENCIES ON REGULATIONS AND PROCEDURES RELATING TO EMINENT DOMAIN.

Not later than 180 days after the date of the enactment of this Act, the head of each Executive department and agency shall review all rules, regulations, and procedures and report to the Attorney General on the activities of that department or agency to bring its rules, regulations and procedures into compliance with this Act.

SEC. 16. SENSE OF CONGRESS.

It is the sense of Congress that any and all precautions shall be taken by the government to avoid the unfair or unreasonable taking of property away from survivors of Hurricane Katrina who own, were bequeathed, or assigned such property, for economic development purposes or for the private use of others.

SEC. 17. DISPROPORTIONATE IMPACT ON MINORITIES.

If the court determines that a violation of this Act has occurred, and that the violation has a disproportionately high impact on the poor or minorities, the Attorney General shall use reasonable efforts to locate and inform former owners and tenants of the violation and any remedies they may have.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from New York (Mr. NADLER), each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1433, as amended, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I want to thank Congressman SENSENBRENNER and Congresswoman WATERS for introducing 1433, the Private Property Rights Protection Act, to restore vital property rights protections following the Supreme Court's decision in *Kelo v. City of New London*.

This bipartisan legislation passed the House during the 109th Congress by a vote of 376-38 with 99 percent of Republicans and 81 percent of Democrats present voting in favor of final passage. Unfortunately, the bill was never voted on in the Senate. Today, over 6 years later, the *Kelo* decision continues to call out for congressional action.

Our Founders realized the fundamental importance of property rights. Property rights protections are enshrined throughout the Constitution, including in the Fifth Amendment, which provides that private property shall not be taken for public use without just compensation.

Despite these protections, in *Kelo* the Supreme Court held that the government may take private property from one owner and transfer it to another for private economic development. The dissenting Justices sharply criticized the Court's decision, writing that the result of the majority opinion was:

Effectively to delete the words “for public use” from the takings clause of the Fifth Amendment. The specter of condemnation hangs over all property. The government now has license to transfer property from those with few resources to those with more. The Founders cannot have intended this perverse result.

This legislation essentially reverses this result and prohibits State and local governments that receive Federal economic development funds from abusing eminent domain for private economic development. It also prohibits the Federal Government from using eminent domain for economic development purposes.

This bill restores Americans' faith in their ability to build, own, and keep their property without fear of the government taking their homes, farms, or businesses to give to other people. It tells commercial developers that they should seek to obtain property through private negotiation, not by public force.

Too many Americans have lost homes and small businesses to eminent domain abuse, forced to watch as private developers replace them with luxury condominiums and other upscale uses. Local governments often approve the use of eminent domain for private economic development in order to expand their tax basis.

Federal law currently allows Federal funds to be used to support condemnations for the benefit of private developers, which encourages this abuse nationwide.

As the Institute for Justice's witness observed during our hearing on this bill:

Using eminent domain so that another richer, better-connected person may live or work on the land you used to own tells Americans that their hopes, dreams, and hard work do not matter as much as money and political influence. The use of eminent domain for private development has no place in a country built on traditions of independence, hard work, and protection of property rights.

Americans' homes are their castles. Federal taxpayer dollars should not be used to fund the battering ram of eminent domain abuse.

I urge my colleagues to support this bipartisan legislation to restore the Constitution's broad protections for private property rights.

I reserve the balance of my time.

The SPEAKER pro tempore (Mr. CRAWFORD). Without objection, the gentleman from Michigan (Mr. CONYERS) controls 20 minutes.

There was no objection.

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

I reluctantly rise in opposition to the measure before us, the so-called Private Property Rights Protection Act. Now, while the goal of this legislation to protect property owners and tenants from the abuse of eminent domain is laudable and important, it would, in reality, supplant the work States have already done to respond to the Supreme Court's decision in *Kelo v. The City of New London* in the 7 years since the Court handed down that decision.

Most importantly, whatever the concerns my colleagues may have about the *Kelo* decision, the use and abuse of the power of eminent domain, I hope that every Member would look very carefully at the penalty it will impose on States, counties, cities, and towns across the country. Even if they never take a single piece of property, even if a jurisdiction never uses eminent domain at all, the mere possibility that some future administration would use eminent domain in a prohibited manner would cast a permanent cloud over the jurisdiction's finances.

The risk of the catastrophic penalties being imposed over the life of a 10-year or 20-year bond would be enough to destroy or mitigate a city or State's ability to float bonds at any time for any reason. At the very least, our cities and States would be forced to pay a risk premium that would make us envy Greece.

While it would destroy the finances of every community in the country, it would still allow some of the most flagrant abuses of eminent domain today. One glaring example is that the Keystone XL pipeline, and all pipelines, specifically is exempted. Even now, when a Canadian company is threatening farm families with eminent domain for a project that hasn't even been approved, this bill would give TransCanada a free pass. Whatever your concerns, this bill is not the right answer to a very important question.

You see, since 2005, there have been new developments that call into question whether Congress should even act at this point. When this House last considered similar legislation, the *Kelo* decision was new, and there was real concern that the Supreme Court had opened floodgates to abusive takings of homes, businesses, churches, and farms. The States responded, which is their role in our Federal system. They responded to the concerns of the people who live in those communities to restrain State power and safeguard property rights. In some cases, the State courts have acted to restrain State governments in ways that the Federal law would not.

□ 1640

In response to the *Kelo* decision, States have moved aggressively to reconsider and amend their own eminent domain laws. More than 40 States have acted, and States have considered carefully the implications of this decision and the needs of their citizens.

Congress should not now come charging in after 7 years of work and presume to sit as a national zoning board, arrogating to our national government the right to decide which States have gotten the balance right and deciding which projects are or are not appropriate. Yet my colleagues who decry an intrusive Federal Government, who exalt States' rights, and who demand that the courts defer to the elected branches of government to make important decisions are not satisfied. They want the courts to interfere. They want a one-size-fits-all, Washington-knows-best solution. They don't want to respect the way States have dealt with this issue.

The power of eminent domain is an extraordinary one, and it should be used rarely and with great care. All too often, it has been abused for private gain or to benefit some at the expense of others.

Has this bill drawn the appropriate line between permissible and impermissible uses of eminent domain? I think that is one of the questions we will really need to consider. We all know the easy cases. As the majority in *Kelo* said:

The City would no doubt be forbidden from taking petitioners' land for the purpose of conferring a private benefit on a particular private party . . . nor would the City be allowed to take property under the mere pretext of a public purpose when its actual purpose was to bestow a private benefit.

But which projects are appropriate and which are not can sometimes be a difficult call.

Historically, eminent domain has been used to destroy communities for projects having nothing to do with economic development as prohibited by this bill. For example, highways have cut through neighborhoods, destroying them. I know about that. Many of these communities have been low-income and minority communities, and many of them have yet to recover from

the wrecker's ball. Yet this bill would permit those projects to go forward, using eminent domain, as if nothing had happened. Other projects that have genuine public purposes would, nonetheless, be prohibited.

There is no rhyme or reason for this legislation. I believe, as I did in 2005, that this bill is the incorrect approach to a very serious problem.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), who is the sponsor of this legislation and also a former chairman of the Judiciary Committee.

After that, Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. GOODLATTE) be allowed to control the remainder of the time.

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

There was no objection.

Mr. SENSENBRENNER. I thank the gentleman from Texas for yielding me the time.

Mr. Speaker, I want to state at the beginning that I deeply appreciate my cosponsor of this legislation, the gentlewoman from California (Ms. WATERS). This is a Sensenbrenner-Waters bill. You will never see another Sensenbrenner-Waters bill, and that is probably one of the best reasons to vote in favor of it.

Yet, on the merits, I am pleased that the House of Representatives today is considering H.R. 1433, the Private Property Rights Protection Act. This legislation will prevent economic development from being used as a justification for exercising the power of eminent domain.

I first introduced a version of this bill after the 2005 Supreme Court's ruling in *Kelo v. City of New London*. In this decision, the Court held 5-4 that "economic development" can be a "public use" under the Fifth Amendment's Takings Clause, justifying the government's taking of private property and giving it to a private business for use in the interest of creating a more lucrative tax base. As a result of this ruling, the Federal Government's power of eminent domain has become almost limitless, providing citizens with few means to protect their property.

Under the decision, farmers in my State of Wisconsin are particularly vulnerable. The fair market value of farmland is less than that of residential or commercial property, which means it doesn't generate as much property tax as homes or offices. Uncle Sam can condemn one family's house only because another private entity would pay more in tax revenue.

This bill is needed to restore to all Americans the property rights the Supreme Court took away. Although several States have independently passed legislation to limit their power of eminent domain and even though the Supreme Courts of Illinois, Michigan, and

Ohio have barred the practice under their State constitutions, these laws exist on a varying degree.

The Private Property Rights Protection Act will provide American citizens in every State of this country with the means to protect their private property from exceedingly unsubstantiated claims of eminent domain. Under the legislation, if a State or a political subdivision of a State uses its eminent domain power to transfer private property to other private parties for economic development, the State is ineligible to receive Federal economic development funds for 2 fiscal years following a judicial determination that the law has been violated. Additionally, the bill prohibits the Federal Government from using eminent domain for economic development purposes.

The protection of property rights is one of the most important tenets of our government. I am mindful of the long history of eminent domain abuses, particularly in low-income and often predominantly minority neighborhoods, and of the need to stop it. I am also mindful of the reasons we should allow the government to take land when the way in which the land is being used constitutes an immediate threat to public health and safety. This bill accomplishes both of those goals.

The need to ensure that property rights are returned to all Americans is as strong now as it was when Kelo was decided. Congress must play a pivotal role in reforming the use and abuse of eminent domain. I urge my colleagues to join me in protecting property rights for all Americans and in limiting the dangerous effects of the Kelo decision on the most vulnerable in society.

Mr. CONYERS. It is my pleasure to yield such time as she may consume to a senior member of the Judiciary Committee, my longstanding friend and supporter for many years, the gentlewoman from California, the Honorable MAXINE WATERS.

Ms. WATERS. Mr. CONYERS, I want to thank you for not only granting me this time but for being my friend for many years. It is odd for me to be on the opposite side of you. This may be the first time, certainly, in my career that we have ever disagreed on anything.

Mr. SENSENBRENNER is correct in that this will be the only time we will probably come together around an issue, but we've been together on this one for a long time.

With that, Mr. Speaker, I rise in strong support of H.R. 1433, the Private Property Rights Protection Act of 2012. This legislation on which I joined with Representative SENSENBRENNER will restore the property rights of all Americans and prevent the Federal Government or any authority of the Federal Government from using economic development as a justification for exercising its power of eminent domain. Economic development condemnations have all too often been used by power-

ful interest groups to acquire land at the expense of the poor and politically weak.

As the dissent in the Kelo case pointed out:

To reason, as the Court does, that the incidental public benefits resulting from the subsequent ordinary use of private property render economic development takings "for public use" is to wash out any distinction between private and public use of property. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. As for the victims, the government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result.

Few protested the Kelo ruling more ardently than the National Association for the Advancement of Colored People, the NAACP. In an amicus brief filed in the case, it argued "the burden of eminent domain has and will continue to fall disproportionately upon racial and ethnic minorities, the elderly and economically disadvantaged." Unfettered eminent domain authority, the NAACP concluded, is a "license for government to coerce individuals on behalf of society's strongest interests."

□ 1650

The Private Property Rights Protection Act of 2011 will discourage eminent domain abuse by denying local governments that take private property for economic development access to Federal economic development funds for a period of 2 years.

One of the basic constitutional functions of American government is the protection of private property rights. H.R. 1433 will protect homes, communities, churches, and other privately owned property from predatory takers under the guise of "economic development."

Private developers and local governments that have a genuine project should be able to acquire the land or property they need through legitimate, voluntary purchases. If the project really is more valuable than the current use of the same land, then they should be willing to negotiate with property owners who are willing to sell.

Eminent domain abuse impacts both urban and rural communities, and it is past time that Congress acted affirmatively to protect the private property rights of all Americans, who all too often are not evenly matched to challenge private companies in lengthy litigation. Where the Supreme Court created ambiguity with its Kelo ruling, Congress must be clear: There should never be a legal question concerning the rights individuals have to be secure in their homes and communities.

With that, let me just wrap this up by saying I have been engaged for the past several years with the subprime meltdown in this country that caused so many families to be in foreclosure, and I have been engaged on that sub-

ject because I consider the home the most precious asset, the most precious possession that any American can have.

And so whether it's trying to protect people who got involved in mortgages that they did not understand, mortgages where they were suckered into signing on the dotted line because we had exotic products that had been put into the marketplace which caused them to lose that home, or whether it is the pure question of eminent domain, property ownership is the basis of our American government and protected, should be always, by the Constitution and the Members who are elected to come to Congress to uphold the Constitution and protect our citizens.

And so today I join with Congressman SENSENBRENNER and others on the opposite side of the aisle in ways that I don't normally do, and probably won't have the opportunity to do for a long time to come, but today is important. We join together in the interest of American citizens who simply want to be able to own their home without their government intervening in their lives and taking their property and saying they are doing it in the name of economic development.

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

Mr. Speaker, private ownership of property is vital to our freedom and our prosperity, and it is one of the most fundamental principles embedded in our Constitution. The Founders realized the importance of property rights when they codified the takings clause of the Fifth Amendment to the Constitution, which requires that private property shall not be taken "for public use without just compensation."

This clause created two conditions to the government taking private property: that the subsequent use of the property is for the public, and that the government give the property owners just compensation.

However, the Supreme Court's 5-4 decision in *Kelo v. City of New London* was a step in the opposite direction. This controversial ruling expanded the ability of State and local governments to exercise eminent domain powers to seize property under the guise of "economic development" when the public use is as incidental as generating tax revenues or creating jobs, even in situations where the government takes property from one private individual and gives it to another private entity.

By defining "public use" so expansively, the court essentially erased any protection for private property as understood by the Founders of our Nation. In the wake of this decision, State and local governments can use eminent domain powers to take the property of any individual for nearly any reason. Cities may now bulldoze private citizens' homes, farms, and small businesses to make way for shopping malls or other developments.

For these reasons, I joined with Chairman SENSENBRENNER to introduce H.R. 1433, the Private Property Rights Protection Act.

I am pleased that H.R. 1433 incorporates many provisions from legislation I coauthored in the 109th Congress, the STOPP Act. Specifically H.R. 1433 would prohibit all Federal economic development funds for a period of 2 years for any State or local government that uses economic development as a justification for taking property from one person and giving it to another private entity.

In addition, this legislation would allow State and local governments to cure violations by giving the property back to the original owner. Furthermore, this bill specifically grants adversely affected landowners the right to use appropriate legal remedies to enforce the provisions of the bill.

H.R. 1433 also includes a carefully crafted definition of economic development that protects traditional uses of eminent domain, such as taking land for public uses like roads, while prohibiting abuses of eminent domain powers. No one should have to live in fear of the government snatching up their home, farm or business, and the Private Property Rights Protection Act will help create the incentives to ensure that these abuses do not occur in the future.

I urge my colleagues to support this important piece of legislation.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished chairman and the manager of the legislation, the distinguished gentleman from Virginia, and look forward to joining in supporting this legislation, H.R. 1433.

This is legislation that has been long in coming. It is a bipartisan initiative, and I think it is particularly important, when we speak to our colleagues who are representing the American public, to be able to say that property is valuable, that the Bill of Rights that requires due process before a taking is being reinforced by this legislation.

H.R. 1433 would prohibit a State or political subdivision from exercising its power of eminent domain, or allowing the exercise of such power by delegation, over property to be used for economic development, or of a property that is used for economic development, within 7 years after that exercise if the State or political subdivision receives Federal economic development funds during any fiscal year in which the property is so used or intended to be used.

Texas has faced a number of incidences, Mr. Speaker. One, in particular, is after the aftermath of Hurricane Ike. Although there are different laws dealing with coastal property, I saw the pain in a number of beach owners's faces as their property was condemned, even though they were trying to anxiously save it.

This bill establishes a private cause of action for any private property owner or tenant who suffers injury as a result of violation of this act. This helps the little guy—someone who owns property can actually have a remedy to stand up and challenge the taking of their property.

The bill prohibits State immunity in Federal or State court and sets the statute of limitations at 7 years. Although I offered an amendment to extend that to 10 years, I was willing to compromise at 7, as well as requiring the Attorney General to bring an action to enforce this act in certain circumstances, but prohibits an action brought later than 7 years following the conclusion of any condemnation proceedings.

□ 1700

And maybe as it makes its way through, we'll have an opportunity to expand that 7-year period. These are the efforts of Mr. SENSENBRENNER and Congresswoman WATERS, along with the rest of us who cosponsored this amendment.

The three amendments I offered to the bill, some of them were accepted. My first amendment requires that a study be conducted to identify the number of minorities versus non-minorities who will be impacted by the act, in addition to the median incomes of those who are mostly highly affected.

My second amendment requires the United States Attorney General to locate and inform members of minority communities if it is determined that the act has a disproportionate impact. Both of those amendments, I believe, were accepted.

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

Mr. CONYERS. Mr. Speaker, I yield the gentlelady 3 additional minutes.

Ms. JACKSON LEE of Texas. I thank the gentleman.

I also offered an amendment to ensure that States are required to pay penalties and interest in cases where they run afoul of this bill.

I am well aware of the needs of local communities and the needs of economic development; but I am glad that this Congress seeks today to stand up on behalf of private property rights and owners. I am delighted that in the course of working in particular with this issue, we have a fair and balanced approach. Let me just give you a very brief example, and I thank the gentleman for his courtesy.

The history of eminent domain is rife with abuse specifically targeting racial and ethnic and poor neighborhoods. Now, redlining may not be equated to condemning neighborhoods or eminent domain; but when you don't allow a neighborhood to refurbish itself, to refinance, you are putting it in the line quickly for being a target of eminent domain. A 2004 study estimated that 1,600 African American neighborhoods were destroyed by municipal projects

in Los Angeles. In San Jose, California, 95 percent of the properties targeted for economic redevelopment are Hispanic or Asian owned, despite the fact that only 30 percent of businesses in that area are owned by racial or ethnic minorities.

In Mount Holly Township, New Jersey, officials have targeted for economic development a neighborhood in which the percentage of African American residents, 44 percent, is twice that of the entire township and nearly triple that of Burlington County. Lastly, according to a 1989 study, 90 percent of the 10,000 families displaced by highway projects in Baltimore were African Americans.

In my own home State of Texas, I remember a very well-stocked neighborhood of teachers and various blue collar workers. We called it Third Ward, Riverside, a thriving area. Its schools were schools like E.O. Smith and Jack Yates High School. And in the course of trying to develop a major highway, in fact, that neighborhood was ultimately, in essence, diminished—diminished greatly.

So as growth comes, I understand it, but I think this is an excellent balance. I want economic development. I want to see growth, but I would like it to support and encourage thriving neighborhoods of all backgrounds and diversity.

This legislation will help in doing so, and I believe it will correct decisions made previously and allow Texans, allow Californians, New Yorkers, Midwesterners, Southerners, Northerners, Easterners and Westerners to have a fair balance when the government comes and says it's time to take your property. I ask my colleagues to support this legislation.

Mr. Speaker, I rise today to debate H.R. 1433. I appreciate this opportunity to explain my support for H.R. 1433, "Private Property Rights Protection Act of 2011." First I would like to thank the Chairman of the Judiciary Committee, who accepted three of the four amendments I offered to H.R. 1433 during the Committee markup.

H.R. 1433 would prohibit a state or political subdivision from exercising its power of eminent domain, or allowing the exercise of such power by delegation, over property to be used for economic development or over property that is used for economic development within seven years after that exercise, if the state or political subdivision receives federal economic development funds during any fiscal year in which the property is so used or intended to be used.

In addition, it prohibits the federal government from exercising its power of eminent domain for economic development. Also, establishes a private cause of action for any private property owner or tenant who suffers injury as a result of a violation of this Act. The bill prohibits state immunity in federal or state court and sets the statute of limitations at seven years, as well as requiring the Attorney General, DOJ, to bring an action to enforce this Act in certain circumstances, but prohibits an action brought later than seven years following the conclusion of any condemnation proceedings.

This bill has been the product of a tremendous effort by Representative MAXINE WATERS. I, along, with Representative WATERS have worked for nearly a decade on this issue. During Committee markup, I added several changes to this bill that I believe have enhanced this bill.

The three amendments that I have offered to the bill would ensure that both minorities and non-minorities will have additional protections under this measure. My first amendment requires that a study be conducted to identify the number of minorities versus non-minorities who will be impacted by the Act, in addition to the median incomes of those who are most highly affected.

My second amendment requires the United States Attorney General to locate and inform members of minority communities, if it is determined that this Act has a disproportionate impact on them.

My final amendment to this measure will ensure that states are required to pay penalties and interest in cases where they run afoul of this bill. The purpose of my amendment was to ensure that both small businesses and low-income homeowners are protected as well, those who might not have the ability to engage in drawn-out and expensive litigation.

The Private Property Rights Protection Act prohibits state and local governments that receive federal economic development funds from using eminent domain to transfer private property from one private owner to another for the purpose of economic development.

The history of eminent domain is rife with abuse specifically targeting racial and ethnic minority and poor neighborhoods. A 2004 study estimated that 1,600 African American neighborhoods were destroyed by municipal projects in Los Angeles.

In San Jose, California, 95 percent of the properties targeted for economic redevelopment are Hispanic or Asian-owned, despite the fact that only 30 percent of businesses in that area are owned by racial or ethnic minorities.

In Mt. Holly Township, New Jersey, officials have targeted for economic redevelopment a neighborhood in which the percentage of African American residents, 44 percent, is twice that of the entire township and nearly triple that of Burlington County.

Lastly, according to a 1989 study 90 percent of the 10,000 families displaced by highway projects in Baltimore were African Americans.

Thousands of Texans, from Houston to San Antonio to El Paso, now live under the threat of eminent domain abuse. These minority home and business owners have well-founded fears that their property may soon be taken from them to make way for private redevelopment projects cooked up by developers and city officials.

The threatened homes and businesses are important parts of functioning communities, many of which have been there since the earliest days of Texas' history as an independent nation. Their only fault is that they are located on land coveted by developers and government officials.

In Justice O'Connor's dissent in *Kelo*, she predicted, "Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large

corporations and development firms. As for the victims, the government now has license to transfer property from those with fewer resources to those with more."

Following the decision in *Kelo*, Texans, and minorities in particular, remain tremendously vulnerable to eminent domain abuse by ambitious cities and developers.

Hours after *Kelo* was decided, the city of Freeport, Texas, urged its attorneys to redouble their efforts to take a family-owned seafood business for a private marina development project. This so outraged the Texas legislature that Texas became the second state—out of 43 so far—to reform its eminent domain laws.

In El Paso, a neighborhood called El Segundo Barrio (which has been called the "Ellis Island of the Southwest") is being targeted by a large consortium of developers and business owners who want to remake the U.S.-Mexico border area for the overwhelming benefit of private parties.

In San Antonio, the city wants to expand its famed River Walk northward again, to be filled with private businesses owned by people other than the current land owners.

In Houston, the threat is everywhere. One little noticed part of the city's light rail plan allows the rail authority to condemn any property within a quarter mile of any light rail station to facilitate something called "transit-oriented development."

Municipalities often look for areas with low property values when deciding where to pursue redevelopment projects because it costs the condemning authority less and thus the state or local government gains more, financially, when they replace areas of low property values with those with higher property values.

This abuse can happen anywhere in the United States. Eminent domain abuses affecting racial minorities and those in the relatively low income bracket must be stopped.

My amendment permits judicial review, to determine if this Act has a disproportionate impact on minorities, and for the Attorney General to locate those affected and inform them of their rights.

The displacement of African Americans and urban renewal projects are so intertwined that "urban renewal" was often referred to as "Black Removal."

There are vast disparities of African Americans or other racial or ethnic minorities that have been removed from their homes due to eminent domain actions are well documented and must continue to be judicially reviewed.

When an area is taken for "economic development," low-income families are driven out of their communities and find that they cannot afford to live in the "revitalized" neighborhoods.

The remaining "affordable" housing in the area is almost certain to become less so. When the goal is to increase the area's tax base, it only makes sense that the previous low-income residents will not be able to remain in the area.

This is borne out not only by common sense, but also by statistics: one study for the mid-1980s showed that 86 percent of those relocated by an exercise of the eminent domain power were paying more rent at their new residences, with the median rent almost doubling.

I am keenly aware that my colleagues on the other side of the aisle see this bill as the reversal of the *Kelo* decision from an ideologi-

cally different window but I hope that this bill can be used as a marker to help support the rights of property owners who do not have access to the "Big Litigation."

Mr. CONYERS. Mr. Speaker, I have no further speakers, and so I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume to say that I urge my colleagues to adopt this bipartisan legislation to restore meaning to the Fifth Amendment to the Constitution. As Justice Sandra Day O'Connor noted in her dissent in that opinion, the *Kelo* decision effectively renders meaningless the protections under this law because, as the interpretation exists, as the Court ruling exists, State and local governments can seize property for almost any reason under the context of calling it for purposes of economic development, and we need to change that.

We need to make sure that private property is what people think it is, and that is something that they have the right to own and not be interfered with by the government except for real purposes of eminent domain, taking land for pure public uses like roads and utilities and schools and other clearly public uses.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1433, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM DISTRICT REPRESENTATIVE, THE HONORABLE STEVE KING, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Sandra Hanlon, District Representative, the Honorable STEVE KING, Member of Congress:

FEBRUARY 24, 2012.

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

DEAR MR. SPEAKER, this is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a trial subpoena ad testificandum issued by the United States District Court for the Northern District of Iowa.

After consultation with the Office of General Counsel, I will determine whether compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

SANDRA HANLON,
District Representative,
Congressman Steve King.

MESSAGE FROM THE PRESIDENT

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

RELIGIOUS FREEDOM IS BEING
BULLIED

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

Mr. POE of Texas. Mr. Speaker, the administration is bullying religions. Yes, the government has required some religious organizations to violate their tenets and provide certain health care coverage for their employees—or else.

After an immediate backlash by the American public, the administration promised that it would make some changes; but the same day that it made this promise, it finalized the original mandate as-is with no changes. The original edict is now in effect. The big announcement about a change resulted in nothing, only more words.

The administration said it had the power to issue this order because it was implementing ObamaCare. If the administration has the power to infringe upon a constitutionally protected right, what will follow? What individual freedom will be trampled next, all in the name of “we’re the government, we know what’s best”?

The Constitution is being insulted and violated. We should fear this type of unyielding power and religious persecution. After all, the Constitution was written to protect us from this type of government.

And that’s just the way it is.

TRIBUTE TO MARYLYN SCHMIDT

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

Mr. CONYERS. Mr. Speaker, I rise today in memory of Marylyn Schmidt, a resident of the State of Michigan, who dedicated her life to the goal of achieving true universal health care for all Americans.

She spent countless hours, day in and day out, organizing, mobilizing, and educating the citizens of Michigan in order to build grass-roots support for passage of a single-payer bill in Congress, H.R. 676. She passionately believed that every person in America should have access to quality, affordable, and accessible health care as a fundamental civil and human right.

I knew Mrs. Schmidt for almost two decades. I had a profound respect for her unique leadership in advocating for human rights, universal health care, and protecting Social Security and Medicare. She belonged to numerous community and social-justice organizations, including the Michigan Improved Medicare for All, the Michigan Alliance to Strengthen Social Security and Medicare, the Michigan Universal

Healthcare Access Network, and the Oakland County Welfare Rights Organization. For over 20 years, she fought for the human, economic, and civil rights of the voiceless and the vulnerable citizens of Michigan who wanted nothing more than a better life for themselves and their children.

Thank you, Marylyn Schmidt, for remaining steadfast in your belief that health care should be a fundamental human right in this country. The people of Michigan and all of those you helped and fought for will always remember your kindness, your courage, and dedication to this just cause.

□ 1710

MAKE IT IN AMERICA:
MANUFACTURING MATTERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, I look forward to this hour with my colleagues to talk about jobs. How do we create jobs in America? We are now well over 14 months of the Republican control of this House, and not one significant bill has passed this House that would create new jobs. There are many bills to wipe out environmental laws, many bills to wipe out regulations that protect the citizens of the United States from pollution and contamination of one sort or another, but where are the jobs bills? We absolutely have to create the jobs in America.

Today, we are going to take about an hour to discuss how we can create jobs in America. One of the principal ways is to Make It in America: Manufacturing Matters. Manufacturing was the heart and soul of and the foundation for the great middle class, the rise of the middle class here in the United States. It wasn’t too long ago that manufacturing in the United States was a big deal. About 20, 23 years ago, we had almost 20 million Americans in manufacturing. It also happened to coincide with the largest percentage of Americans that were in the middle class.

Over the intervening years, we’ve seen the slow decline until we hit this period of 2000 to 2009, and we saw a precipitous drop to just over 11 million manufacturing jobs in America. That coincided with the decline of the middle class in the United States.

So what we want to do today is to focus on, how can we rebuild the American middle class? One of the principal ways of doing it is to focus on manufacturing and to focus specifically on rebuilding the great manufacturing sector in the United States. There are many, many ways to do this.

My colleague from Oregon is here to join us, and I know that there are many things that are happening in Oregon that speak directly to this, one of

which is competition between Oregon and California for the manufacturing of light railcars. I’ll let my colleague from Oregon go first, and then I’ll pound on him that California is a better place to manufacture light railcars than Oregon. But either way, they’re made in America, and that’s to the benefit of all Americans.

Please join me, and let’s see where we can take this.

Mr. BLUMENAUER. Thank you. I deeply appreciate your courtesy in permitting me to speak, and I appreciate your leadership in focusing on the need to rebuild and renew this country, putting Americans back to work, being able to not just revitalize our economy, but our neighborhoods and strengthen our families. It is true that there are some areas where there are some great opportunities for healthy competition. The gentleman may be referencing the fact that recently we have started manufacturing a streetcar in the United States for the first time in 58 years, and it’s being manufactured in Portland, Oregon. But I would note that that project, manufacturing streetcars, includes the work of subcontractors across the country, including 40 in the Midwest that had been so hard hit by some of the decline in manufacturing activity.

The point is that being able to make goods in this country, whether it’s light rail, streetcar, heavy rail, whether we’re dealing with fabricating steel for bridges and roads or rebuilding the power grid, these are all areas that are a tremendous source of family-wage jobs. I find no amount of irony that one of the major Republican candidates for President somehow thought that President Obama was being—and I’m using his direct word—“elitist” by advocating that young people have the chance for a college education or going to a community college. My goodness, how out of touch can you possibly be? I don’t know any American that doesn’t want his or her child to be able to have the opportunity for further education and training. This is part of an agenda here. I look forward to the conversations this evening.

At one point, I’d like to cycle back to the spectacle we had on the floor of the House the week before we recessed for Presidents Day where we had the most partisan transportation bill in the history of the House—narrow in focus, small in vision, dividing the various elements of transportation—that was so bad that our Republican friends were embarrassed to even have a hearing on it. Never before in the history of the House have we had a major surface transportation reauthorization that never even had a hearing.

Well, mercifully, our Republican friends have decided that that wasn’t getting them anywhere. The outcry from transit agencies across the country, from cyclists, even from the people who advocate safe routes to school, the program designed for our children to be able to get back and forth to school

safely that they eliminated—so they've put that on the back burner. But the point is, you are right. We've enjoyed, if I can use that term, their Republican leadership of the House for 14 months. We have no economic development plan, we have no transportation bill, and we continue to have an opportunity to rebuild and renew America languishing.

Mr. GARAMENDI. Thank you so very much for circling back to the transportation issue. That issue is still before this House. There has been no hearing, and the bill that was put forth by the Republicans simply has gone nowhere. In fact, it hit the brick wall. I'm sure one of the reasons it hit the brick wall is that there is no way to create a modern transportation system in that bill. For example, we both talked about streetcars and light-rail cars. In California, there is a factory near Sacramento that makes light-rail cars. I'm delighted there's a factory now in Portland, Oregon, that is building streetcars. And the factory in Sacramento is also building locomotives.

The reason this is happening is that the Democrats, in their recovery legislation, the stimulus bill that gets such bad press—totally undeserved, I might add—actually had a clause in it that American taxpayers' money was going to be used to Make It in America. And that started or propelled both of these operations as cities decided they would use some of their own money, some State money, and some of the Federal money to enhance their public transportation programs.

However, the transportation bill that you brought up just a moment ago totally removes the public transportation sector from the bill. Now I don't know how we're ever going to build buses, trains, and light rail, Amtrak, without the support of the Federal Government.

□ 1720

I know you were deeply involved in this. I heard you talk about this once before—with a little bit of animation. You may want to circle back and pick that up again.

Mr. BLUMENAUER. Well, I appreciate the invitation.

You know, today, as we speak, the people in Michigan are voting in a Presidential primary to help determine the Republican nominee. I just mentioned one of them. My friend and former colleague here, Rick Santorum, with whom I served in the House, is the person who thinks it's elitist that American families have an opportunity for their kids to go to school. The other major contender, the gentleman who is likely to even win the ballot in Michigan today, more Republican votes, has been quoted as saying one of his top targets, if he's elected President, would be to eliminate Amtrak.

Mr. GARAMENDI. Seriously? I've heard him say a lot of things, but—

Mr. BLUMENAUER. Yesterday he was on the trail. This is one of his top five projects.

Mr. GARAMENDI. Is this Mr. Romney?

Mr. BLUMENAUER. Mr. Romney wants to eliminate the funding for Amtrak. This is one of his targets.

Well, the United States is—in the past, I have actually been brought up short when I've talked about the United States having a third world rail passenger system, because I've ridden railroads in places like Malaysia or Thailand, and we do an injustice to their rail systems.

The United States is the only major country in the world that does not have higher-speed rail passenger service. It is the only major country that has no plan to move forward. The President, to his credit, put forth \$14 billion to be able to strengthen our rail passenger system, some of which, several billion would have helped with a California vision; the California voters have approved an opportunity to go forward.

It is frustrating for me because there is no doubt that Americans will have higher-speed rail over the course of the next quarter century, no doubt. But the question is, coming back to the point that you have so relentlessly and eloquently developed on the floor here, Congressman GARAMENDI, is the notion of: Where will America's rail system come from? Because the path we're on, if we follow it with Romney, who would zero it out, with Republicans who have fought these investments every chance they get, the high-speed rail we'll have will be built and operated by the Chinese. They will design it; they will build it. The value will be added in another country, and we'll pay for the privilege.

The alternative is to invest here in the United States in the tracks, the signals, the equipment, to be able to revitalize a vital system of transportation, taking pressure off of airports and roads. But, as I say, the choice is whether or not we're going to build it, we're going to own it, and it will accrue to the benefit of the American public.

Mr. GARAMENDI. Well, you're right on an issue that is very close to my own policies, which is, if it's American taxpayer money that's being used to buy a bus, a light railcar, a streetcar, a locomotive, or a train set for BART in California or the Metro system here in Washington, D.C., then our money must be used to buy American-made equipment. Plain and simple, those are American jobs.

We had a terrible example of bad policy in California. The San Francisco Bay Bridge, Oakland-San Francisco Bay Bridge, a multibillion-dollar project, the steel in that bridge went up to bid. It's \$1 billion or so of steel for the bridge. One contractor put in two bids. One bid was 10 percent cheaper, and that was Chinese steel. The other bid was American steel, and it was 10 percent more. So the bridge authority, in its wisdom, selected the cheaper.

It turns out that cheaper is not necessarily better and, ultimately, not cheaper. It turned out that it was far more expensive. There were serious flaws in the steel, in the welding, and 6,000 to 8,000 jobs were in China rather than in the United States. Ultimately, the cost was higher, and we did not benefit in the United States, even in California, from the increased economic activity that would have occurred if the direct jobs in manufacturing and welding and fabricating that steel were in the United States.

We don't want that ever again. If it's our taxpayer money, from whatever source, then make it in America. Use our money to buy domestic-made buses and trains and steel. We've got work to do.

I put this one up here, not to get away from the transit systems and the public transportation systems, which are critically important, but we've got 150,000 miles of road that need repair. The transportation bill that had been offered by our colleagues on the Republican side doesn't even get close to keeping up with what we need in the highway system and repairing the bridges that are falling down or could fall down across America. We have work to do.

We need to reignite the American Dream, and part of that dream has been the world's best transportation system. Unfortunately, over the last decade or two, we have seen that decline in American status in transportation. Whether we're in the third world or the second world, we're surely not in the first world for highway transportation or for the public transportation system.

We have work to do to reignite the American Dream. This transportation bill that ultimately we must pass, the Senate and the House, we must come together and pass a bill that is adequately funded, that provides for public transportation as well as for the road transportation. Our Republican colleagues are not even close to that. They've got a \$75 billion hole in their wallet not filled by the programs that have been put forward.

I know that you've been serving on this committee. You're far more familiar than I am with it. So let's just continue with this for a little while.

Mr. BLUMENAUER. One of your points about the impact, that one piece of the bridge project, the \$400 million element of steel, it wasn't just the steel itself. Had we been developing that portion of the steel for the project in the United States, there would have been thousands of other jobs that would have been related to it to support that effort, in terms of the manufacturing, the development, the people who provide the equipment to manufacture the steel and put it in place, and the tools. It is a dramatic ripple effect.

You referenced 150,000 miles of road in critical need of repair. What's under the surface is even in worse shape. We

have, in the United States, every day 6 billion gallons of water that leaks from water mains that are old, in some cases unsafe and unhealthy. That's the equivalent of 9,000 Olympic-size swimming pools. Lined end to end, it would go from Washington, D.C., to Pittsburgh, Pennsylvania.

Mr. GARAMENDI. That's a lot of swimming.

Mr. BLUMENAUER. It's a lot of water that's wasted.

It is a problem in terms of undermining roads. We've all seen these terrible pictures of sinkholes that develop. I used to keep them and use them for presentations. I stopped when one of the sinkholes was actually in my old neighborhood of Portland, Oregon, that opened up in the middle of the street and swallowed a maintenance truck. This is serious business.

The American Society of Civil Engineers, every 5 years, does a report card on the state of American infrastructure. Their most recent report card showed that we have \$2.3 trillion unmet need, and the grades ranged from C-minus to an F in terms of water, the electrical grid, transit, roads and bridges. This is serious business in terms of American quality of life. And think about the hundreds of thousands of family-wage jobs if we were investing in rebuilding and renewing America.

□ 1730

I know you appear to have a little statistic here.

Mr. GARAMENDI. I would like to have handed this to you as you were talking about the expansion that occurs when you invest in infrastructure. I ran over to get this, but I didn't want to interrupt your discussion.

For every dollar invested in infrastructure investments, \$1.57 is pumped into the American economy. That's the multiplier effect that occurs when you invest in this. These are investments that pay dividends year after year. This is the immediate turnaround. You described it so very well. It's the small business that is fabricating, it's the steel mill, and on and on. \$1.50. If we invest a dollar today, we get \$1.50 back in economic activity, people paying taxes. We recoup much of that dollar investment. That is just the immediate multiplier effect.

Let's say we have an investment in a water system in Portland, Oregon, that is old and needs to be replaced. That's now in the ground, and it's going to serve year one, two, three, and probably for the next century. So it's not something that is used up. I suppose if we were to invest in an artillery shell, and we shoot it off in Afghanistan, well, okay, that is a one-off, one time, and it is gone. Perhaps to good purpose, but gone. You invest in infrastructure in America, you get an immediate return, and it is there for the next generation and the generation beyond.

Mr. BLUMENAUER. That's a very important point. The Society of Amer-

ican Civil Engineers has produced another fascinating report about what the cost will be if we don't invest in the water infrastructure. They have documented tens of billions of dollars of extra cost if we do not take care of these problems. It is not a problem that is unknown to American homeowners, who quickly find out if you don't fix the hole in the roof, you end up with massive structural damage.

Mr. GARAMENDI. Excuse me. You're getting too close to my roof. Move on. Don't focus on roofs, because I didn't fix it, and, yes, I got to repair the inside as well as the roof.

Mr. BLUMENAUER. The damage that you mentioned earlier in terms of the roads that are in need of critical repair, the cost to the American motorists in terms of the damage to car suspension systems and tires, that wear and tear wears out cars more rapidly. Delays in traffic for something like UPS—a 5-minute delay I think translates to something like \$100 million of costs to them over the course of a year. This \$1.57 of economic impact for every dollar invested translates into over 25,000 jobs for each billion dollars that is spent on infrastructure. A far greater rate of return than on military spending, on a lot of the other things—tax cuts, for Heaven's sake. This is real economic benefit, particularly when we've got a building trade sector where unions are looking at 20, 30, 40 percent or more unemployment. These are opportunities to put people to work tomorrow on things that people in America need today.

Mr. GARAMENDI. We ought not dance around one of the issues involved in this infrastructure. That's, where is the money coming from? How are you going to pay for this stuff?

Our colleague ROSA DELAURO for more than 15 years has made a proposal here in this House that we create what Europe has had for the last almost 30 years now, an infrastructure bank, a way to finance those projects that have a cash flow, the specific ones that you're talking about. The bridge has a toll, has the ability to pay off a loan. The water system has a fee associated with the delivery of water, the sanitation system. All of those are what I call cash-flow projects.

ROSA DELAURO from Connecticut has proposed an infrastructure bank in which the Federal Government provides the initial capital, say a 10-year note. We could borrow at the Federal level for less than 2 percent now on a 10-year note, put that in the bank, go to the pension funds around the Nation, and they all invest in the bank. We may have \$25 billion, \$30 billion, \$50 billion. And in some cases, depending on how robust you want to go, you could have \$100 billion of capital available in the infrastructure bank to finance the kinds of projects that have a cash flow associated with them: toll roads, water systems, sanitation systems, airports, bridges.

All of those things are possible. In doing that, you not only create the op-

portunity to finance those projects and obtain this kind of economic stimulation, but you also have taken off of the general fund of the Federal Government and some State and local governments, taken off their general fund the burden of financing those and are freeing up money for those infrastructure projects that do not have a cash flow associated with them, such as, for example, many of the highways and biways and county roads throughout America where there's no fee associated with them.

We have the opportunity to finance these things if we could just get off the dime. Please, the leadership in this House, move us forward, give us a project that we can actually put in place, an infrastructure bank, and other kinds of projects that will actually create jobs.

Mr. BLUMENAUER. The gentleman is absolutely correct. There are lots of ways of going about this.

Ronald Reagan in 1982 understood that the gas tax, a user fee, could be used to help the country, which at that point was in a serious economic recession. Ronald Reagan signed into law a nickel-a-gallon increase in the gas tax that helped spur economic development activity.

If you don't want to raise a tax, there are unnecessary tax benefits that are flowing, for instance, to the largest oil companies that no longer need these tax breaks. In fact, George Bush the younger was famously quoted as saying when oil prices got to \$50 a barrel that oil companies didn't need incentives to drill for the most profitable commodity on the face of the planet. Where we've watched it go to \$100 a barrel or more, we could completely capitalize the infrastructure bank the gentleman talked about just by unnecessary tax benefits to oil companies, which the majority of the American public would approve in a heartbeat. There are also the expiring tax provisions on the wealthiest of Americans where just half of that would enable us to fully fund the transportation gap over the next 10 years.

I have bipartisan legislation that would deal with a water trust fund that would leverage close to a trillion dollars because of what the gentleman said—that there are other funds flowing for infrastructure like that, a trillion dollars of development over the next 20 years. There are opportunities here for us to step up and meet the needs of America and to rebuild and renew it.

Mr. GARAMENDI. We have work to do, and Americans want to go to work and they want things made in America.

I was interested in what you were saying about the use of our Tax Code. The Big Five oil companies in America—Exxon, Chevron, BP, and the other two—have in the last decade made a trillion dollars of profit. Yet at the same time, those Big Five get \$4 billion a year in tax subsidies. Our tax money is going to those companies as if they

don't have enough of our money already. They do. If we dial that back and bring that back into the system for infrastructure investment, you could use it, as you say, for transportation because it's associated with transportation. You could use it for clean energy. Let's say you take 3 years of that and suddenly got \$12 billion, we could capitalize an infrastructure bank. All of these things are possible if we get away from the notion of continuing to help the oil industry.

□ 1740

The wealthiest industry in the world doesn't need our tax money as a subsidy, and we ought to reel that money back in and use it for things that really create investments in America.

There are other ways we can do this. We had what are called bonds, Build America Bonds. Those have expired, but those were extraordinarily useful for small cities, big cities, and counties to build infrastructure. Many, many things that could be done, but unfortunately we are now 12, 14 months into the current control of the House by Republicans and not one of these things have come to the floor to rebuild the American economy. We have work to do. And we can do it.

I want to just point out that the Democratic Caucus, our colleagues on the Democratic side, have introduced 36 Make It In America bills, different kinds of ways to do it.

My two bills deal with our tax money for transportation. The gasoline tax, use it to buy American-made steel, equipment, buses, and the other one I have is using our tax money. If we're going to subsidize wind turbines and solar cells, we buy American made, and this is a way of keeping the jobs in America.

I know you have some additional thoughts on this, and let's continue on.

Mr. BLUMENAUER. Well, it is one of the very real problems we are facing in terms of building it in America. We are in the process of constructing a wind energy in the United States. It's been remarkably successful over the course of the last 20 years.

We've watched the price per kilowatt-hour produced by wind drop dramatically. At the same time, we are watching these wind turbine farms—you have them in California. We have them in the Pacific Northwest. They're in the Midwest. They're in Texas. They are providing revenue to rural America. Farmers and ranchers are being able to harvest the wind, literally.

Mr. GARAMENDI. With the cows and sheep beneath the turbines.

Mr. BLUMENAUER. At the same time, this is low carbon. This is not adding to our greenhouse gas effect. It's not something that is being exported overseas, giving money to people who don't like us very much.

At the same time, it is building this infrastructure: people who are now manufacturing wind turbines in the United States; people who are putting

up, fabricating these towers; people dealing with the transmission capacity.

But I will say that one of the things this Congress should do is to extend the production tax credit. We've talked about benefits that flow to the oil industry long past time that they were necessary to provide incentives for them to develop oil resources, but we have provided a little bit of an incentive to help get the wind energy business competitive.

Well, that production tax credit expires at the end of the year. Already, we are watching investment patterns start to pull back because people are uncertain that they can go ahead with large-scale projects, investing tens of millions of dollars not certain that they will continue to have this tax benefit. That's outrageous.

Of the \$4 trillion of tax provisions that are going to expire at the end of the year, the opportunity for us to actually have deficit savings by recalibrating some of those—at a minimum, we ought to step up, and we ought to step up now, to be clear that the production tax credit is, in fact, going to continue so we don't shut down the wind energy industry, we don't lose the manufacturing and the construction, to say nothing of clean, renewable energy. That would be a tragedy.

We have bipartisan legislation I've introduced with my friend from Seattle, Congressman REICHERT. We have a number of very distinguished cosponsors, including yourself. This is something that shouldn't be languishing. There's a bipartisan interest in making sure that the wind energy industry doesn't shut down and that we continue making it in America.

Mr. GARAMENDI. Thank you very, very much for bringing that issue up. It's one that is extremely important in my district because I do have the two major northern California wind farms in my district, one in the Solano County area and the other one in the Altamont Pass area.

My own history in this goes back to 1978, when I authored the first State law to provide a tax credit for those companies that built the wind turbines way back in 1978. So we've come a long, long way on this, and we ought to get it going.

I notice that you're going to have to go, and I'm going to wrap up shortly after you leave.

We've gone through a lot of things here. I'm going to just bring one more issue, and that has to do with the price of fuel in America today.

Thank you so very much, my colleague from Oregon, bringing us the Northwest perspective on this.

I went out and purchased gasoline this last week when I was back in California, and it was something around the range of \$4.15 in one station, another, \$4.25. I said, What's going on here? Why are we seeing this sudden rise when, in fact, in the Midwest of the United States, there is actually a surplus of oil? What's happening here?

I think we can look to several different things that are taking place.

One thing we know that is taking place is speculation. Because of the Dodd-Frank legislation, the government now has the power to deal with speculators, and I know the President picked this issue up when he was in Florida last week and said that this is something that a special task force has been set up in the Department of Justice to ferret out the speculation that's taking place in the gasoline markets.

I've also said I'd heard a rumor that the United States is actually exporting gasoline. In fact, we are. We're exporting over 26 million gallons of gasoline a day. You heard that right. The energy companies say, well, the price is going up because of a shortage of gasoline. What are you selling me? There's a shortage when we're actually exporting gasoline? Why are we doing that? Well, we do import gasoline, too, but your imports are balanced by exports. So how does that help America? I don't think it does.

Speculation, the export of gasoline, and you wonder why the prices are going up?

Well, certainly the speculation has to do with the question of Iran and whether we're going to shut down the Strait of Hormuz or not. Well, that's speculation. But the reality today is there's a glut of oil in the Midwest that ought to be used for refining gasoline and diesel in the United States. We ought to make it in the United States and keep it in the United States.

Twenty-six million gallons a day being exported? We'd like to have that in California. We'd like to have that drive down the price in California.

There's not a shortage. There may be a shortage of wisdom. There may be an excess of market-driven policies here, but we have a crisis in the United States, and it is certainly the price of gasoline.

A lot of discussion about "drill, baby, drill."

Okay. Let's understand that we are now drilling and producing more oil in the United States this year than in the previous 8 years. That's right. Right back to the Republican administration, when George W. Bush was in power and the Republicans controlled both Houses, the drilling of oil was at an all-time low. As we've come into this period of time, we've seen the production increase to the highest it's been in the last 8 years, and more to come.

But the opening of the Outer Continental Shelf, the Alaska National Wildlife Refuge and others will have nothing to do with the near term, that is in the next 5 to 10 years, because of the length of time it takes to produce from those new areas.

By the way, you don't need to waive every environmental law in the Nation or in the State to go get that oil. Off the coast of California, with directional drilling, you don't even need to get onto the ocean to get to the oil. You can drill from the land, reducing

the risk to the marine environment to near zero and access oil that's 6 miles offshore. We ought to be looking at those things.

□ 1750

There is one other thing, and I think I will wrap with this so that my Republican colleagues, if they need a little time to get here for their next hour, have fair warning.

Natural gas, it's an extraordinary asset for America. Natural gas is readily available. We're producing more natural gas in America now than ever before, and we're discovering that we can get even more. We're looking at an extraordinary asset. This is an American asset. It is a strategic asset. It is leading to the creation of jobs in America right now.

In my own district that I share with Representative GEORGE MILLER, in Pittsburg and on the Antioch city boundary line, we're seeing Dow Chemical coming home, bringing jobs back to America, investing large sums of money—millions and millions of dollars—in that facility because of the low price on natural gas. All across this winter in every part of America we've seen homeowners' heating bills, not soar, but actually decline. Yes, it has been a warm winter, but the price of natural gas for heating in the North Atlantic States, in the New England States, across the Midwest, and even in California is at an all-time low. The average last year was \$4.30 when, just 5 years before, it was in the \$10 to \$12 range.

So we're seeing an incredible opportunity for America. Energy is the foundation of our economy. When you have a ready supply in abundance, you ought to recognize that as a strategic asset. Yet in committee after committee, in my own Natural Resources Committee, I've seen my Republican colleagues put forth bills that would export natural gas, that would take this strategic asset and send it overseas because the energy companies can get a higher price overseas. They don't need a higher price. They're doing quite well, thank you. What we need is a reliable, low-cost energy source in America.

Do not allow—do not allow—by legislation or by executive order the export of natural gas from the United States. There is a little bit that now goes to Canada or to Mexico under the NAFTA agreements, all of that in pipeline; but just this last week, one of the big Wall Street hedge funds decided to invest \$2 billion in a Texas scheme to build a liquefied natural gas export facility. Well, I suppose it's nice to build it; but by golly, that's America's strategic asset that's going to be sent overseas.

Be aware of what's happening here. If you send that gas overseas in any large quantity, you're going to drive up the price of natural gas in America. So American farmers are going to pay more for their fertilizers, and we're going to see home-heating prices

throughout the Nation rise as those exports of this strategic asset rise. We're going to see that Dow Chemical is going to make a different decision about whether to come back to America to take advantage of the low cost of natural gas or whether it's going to say, okay, America is so screwed up in that it's taking one of its most basic strategic assets and selling it for the highest price.

I think back on the story of Esau, in the Bible, when he sold out his birthright for a bowl of porridge. We ought not do this. We need an energy supply in America that we do have available to us.

So, with that, if my Republican colleagues are anywhere nearby, they can claim their hour.

We've gone through some very, very important things here—the Make It in America agenda and 36 Democratic bills that would build our economy, that would cause us to come back and rebuild our great manufacturing sector. It will happen. It's government policies that over the last 25 years have caused the American manufacturing base to erode, policies such as tax breaks for American companies that would send their jobs offshore. We stopped nearly all of that before the Democrats lost power here in Congress.

So we ask our Republicans to work with us in putting into law these 36 bills that will cause us to rebuild the American middle class, to reignite the American Dream and to give the middle class the opportunity to engage in manufacturing.

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

PROCEDURES IMPLEMENTING SECTION 1022 OF NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-91)

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

To the Congress of the United States:

Attached is the text of a Presidential Policy Directive establishing procedures to implement section 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) (the "Act"), which I hereby submit to the Congress, as required under section 1022(c)(1) of the Act. The Directive also includes a written certification that it is in the national security interests of the United States to waive the requirements of section 1022(a)(1) of the Act with respect to certain categories of individuals, which I hereby submit to the Congress in accordance with section 1022(a)(4) of the Act.

BARACK OBAMA.

THE WHITE HOUSE, February 28, 2012.

BORDER SECURITY

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

Mr. BISHOP of Utah. I thank you, Mr. Speaker.

I am here tonight to talk about one of the issues that is of extreme significance. In fact, in every town hall meeting I've ever held, one of the first questions that's asked, if not the first question, is about illegal entry into this country and is about, specifically, border security.

So in talking about what the issue is before us, this is a map of the United States that is divided into the Border Patrol sectors, the areas that the Border Patrol has. As you will see, if you can, from the numbers, there is a vast difference in the numbers of people coming illegally into this country based on the sectors.

If you go to the sector of the State of Maine, the last time we had verifiable figures, the last time we had complete figures from the Border Patrol and from the Department of Homeland Security, only 56 illegals were apprehended trying to get into Maine, which has to tell you that there are not a whole lot of people from Nova Scotia who are trying to come over here and take hockey jobs. In fact, I have to think they probably looked at them as tourists.

But if you look down here in the area in blue, the Tucson, Arizona, sector, which is only part of Arizona—it's not the entire State of Arizona—in the last 2 years for which we have complete data, 51 percent, or a quarter of a million people, came through Arizona. In fact, 51 percent of all of the people who illegally came into the United States and who were apprehended came through the Tucson, Arizona, sector and were apprehended in the Tucson, Arizona, sector. This has to bring about the simple question of why.

Why is this part of Arizona the obvious entrance of choice of those trying to get into this country illegally? I really think the answer lies in the next chart.

This is the borderland along our southern border. The black line is 100 miles from the border, which is, by definition, both by statute and judicial decision, the legal jurisdiction of our Border Patrol. The area in red is the area that is owned by the Federal Government in those areas. You'll see that that specific area of Arizona—almost 80 percent of that—is owned by the Federal Government. That's almost 21 million acres of land owned by the Federal Government, which is in sharp contrast to, say, the Texas border and especially the northern border. Of that roughly 21 million acres, an area the size of the States of Connecticut and Delaware combined is wilderness area, and that doesn't include also areas that are endangered species habitats.

Those areas that are red are where we find the Federal Government prohibiting the Border Patrol from doing its job. The Border Patrol actually has access in the white areas—private property—to do their job. It is only when the Federal Government stops the Federal Border Patrol from doing their job on Federal property that we seem to have a problem.

Unfortunately, those coming into the country seem to realize that this area where the Federal Government stops the Federal Border Patrol on Federal land, as unusual and bizarre as that seems, becomes the entrance of choice for their coming into this country. I'm not just talking about immigrants, people who are coming over here to try to find jobs in some particular way. This is the entrance of choice of the drug cartels. The Border Patrol will tell you privately that their best estimate—only an estimate—is that 40 percent of those coming into this area of Arizona, in fact, into the country, are part of the drug cartel.

□ 1800

They don't care if the economy is going up and down. They don't care if there is E-Verify or not. They are still trying to come into this country. They will tell you, roughly 80 percent of the illegal drugs coming into this country are still coming by the drug cartel area.

What is worse, it is not just the drug cartel. This is also the kind of human degradation that is taking place.

There is a Seattle Times story that ran in 2009, and the title was, "Pacific pair accused of smuggling, enslaving illegal Mexican immigrants." The story was about the human trafficking we have that is a very serious problem and the kinds of violent acts that are used against women and children on this Federal property. The Seattle Times went on to illustrate the kinds of violent acts against humanity that are happening right here on American soil, the kinds of numerous accounts of rape and other violent acts that are taking place against women and children here.

The counties—and I have been down there on the border and I have seen evidence of this—have ample evidence, if you go along these trafficking routes, of rape trees in which the drug cartel members, sometimes other illegal immigrants, will rape females and then force the victim to leave an article of clothing, usually an undergarment, on the trees and make this as if it is a type of monument to the horrible activity that is taking place on government land. Yet still we do not give the Border Patrol access on government land that they have on private property.

We are a sovereign country and, by definition, a sovereign country controls its borders, and that should be what we are doing. Unfortunately, we are not doing that at all.

This is what the border down there in Arizona will look like from the air.

You see, going along here is a fence—the fence doesn't go all the way up the mountainside; there are some areas in which fencing does not make sense and cannot be done—and there is one road that goes along the fence. That is the access that our Border Patrol has in this particular area, and in some cases that becomes the sole access.

If you talk to the Border Patrol agents by themselves, when they will be honest with you, they will clearly tell you they don't need more money to fight this problem on the border. They don't necessarily need more personnel. What they need is access, east-west access so they can go somewhere other than along the one road that follows the border line and the border fence. That is what becomes extremely significant.

What is so bizarre, what is so bizarre in that is that the Border Patrol must obtain permission or a permit from Federal land management agencies before its agents can maintain roads or install surveillance equipment on the lands or do what we ask them to do; and that, frankly, is simply wrong and, once again, ludicrous.

Now, you see, it's one of those odd things that we stop the Border Patrol from doing their job and, instead, we find that environmental degradation is taking place, but not by the Border Patrol, not by any other American citizens, but by those who are illegally coming across.

This simply is one of the pictures of the kinds of trash that is left behind on private property and on public property, tons of which must be picked up, resulting from the fact that we do not have a Border Patrol that does have ability to patrol these particular areas. That's what's left behind.

I hate to say this, but the drug cartel who was coming over doesn't care about wilderness designation. They don't care about endangered species habitat. They don't care about the endangered species—unless it can be eaten. What they do is simply leave behind all of the trash as they are coming through. There is something wrong with that.

This is another picture of what takes place there on the border. The cactus, this time being cacti along the border, is an endangered species that has been cut down by the drug cartels. If any other American did that, that becomes a felony. For them, all this is a nice roadblock along one of the few roads that is there. So when somebody else comes down there in a vehicle and stops, they are a perfect target for mugging and robbing and anything they want. You will find some of the cacti that's down there has graffiti on it, which shows certain areas where the cartel is in operation.

The last couple of years, there have been some major fires down there along the southern border. The last large fire that went through Arizona and spilled over into New Mexico was a fire that started in two parts. The part up in

northern Arizona probably was started by a camper, but in southern Arizona, that wasn't it. The Forest Service has yet to determine who started that fire that spilled over into New Mexico and cost hundreds of millions of dollars in damage. They have ruled out everyone except, well, illegal aliens that happened to be close to the known smuggling trails where the fire actually started.

You see, what happens down there is there are three types of fires that are started, two of them on purpose:

One is a distress fire, in which case if somebody coming across the border is in a dire situation, lost their ability to go any further and they need rescuing, you start a fire, because then obviously the firefighters will come in and you will get rescued.

There are also diversion fires started specifically. A diversion fire is to make sure that when the fire starts over here and everyone runs over there to stop the fire, it means over here is now open for your entry into this country. The drug cartels have this down to a habit and a style all of their own.

The third part is simply an accidental fire. I think the assumption is that the last fires that were done down there were probably accidental fires, started indeed by those coming across the border illegally, but definitely not for a diversion and not for a distraction, just it was a problem that caused us an enormous amount of loss of public wealth and public time in trying to fix that particular problem.

The Department of the Interior claims that the 1964 Wilderness Act takes precedence over everything else that is taking place on this property. They say that their duties are to fulfill this particular act, not necessarily to control the border. In fact, one of the letters that they sent reads very carefully. It says:

Issues remain, and we seek your (the Border Patrol's) assistance in resolving them as quickly as possible in order to prevent the significant, and perhaps irreversible, environmental damage we believe is imminent. Specifically, we are concerned with operating vehicles anywhere other than roads, road dragging, and other activities that could cause erosion and mobilize fragile hydric soil characteristic of the San Bernadino Wildlife Refuge.

What that says, in simple terms, is it doesn't really matter what the Border Patrol does; you don't want them to disturb the soil even if it means being able to apprehend somebody illegal, especially the drug cartels coming over there. They would rather have the soil not bothered than actually find somebody who is entering this country illegally, especially part of the drug cartels.

This is where I started. This is a response, once again, from the Department of the Interior to the Border Patrol on this area:

The issue of emergency vehicle access by the U.S. Customs and Border Protection on San Bernadino Wildlife Refuge has been in dispute over the past few months. The recent

exchange of letters from our respective offices failed to clearly identify the needs of our two agencies and reach agreement on how to best proceed.

Now, once again, from my point of view, the way to best proceed is to stop the drug cartels from smuggling illegal drugs over here, not necessarily what took place. In fact, what they decided then, it says the Federal land managers believe it is their duty to enforce restrictive laws associated with the Wilderness Act, even if it helps the drug cartel in their drug trafficking and the human smuggling and other criminal activities that are occurring as they cross into the United States.

The chief also went on to say:

“Emergency circumstances exist”—that’s nice of them—“when human life, health, and safety of persons within this area must be immediately addressed. Access to the refuge by the Border Patrol will be limited to the use of established administrative roads. However, you may access on foot to patrol or apprehend suspects.”

□ 1810

Managers of the land are dictating to the Border Patrol how they will do their job. I might add that this definition of what considers the chance of a Border Patrol actually going in and doing something rapidly is not what the memo of understanding between the Department of the Interior and the Department of Homeland Security actually said. They came up with their own definition to stop the Border Patrol from doing it.

Now, under this recommendation, the Border Patrol has to drive around this refuge, which adds hours to get to the other side, which obviously, if you’re trying to capture somebody, something just doesn’t work.

So since that’s what’s taking place, how does the Department of the Interior decide to solve the problem? It’s easy; they put up gates. That was the result of that exchange on how to solve the problem of controlling our southern border. What the Department of the Interior simply did is they put up a gate with a lock on it on the San Bernardino National Wildlife Refuge.

It’s amazing that they thought this solves the problem, because what this gate does is block out the Border Patrol from going into this area. It doesn’t lock out anyone else. It doesn’t lock out the drug cartel, the human traffickers, or anyone else from trying to come into this particular area.

Early on when Janet Napolitano became head of Homeland Security, we received a couple of letters from her. They actually said what the issue was down there on the border with the Border Patrol. She wrote:

“One issue affecting the efficacy of the Border Patrol operations within wilderness is prohibitions against mechanical conveyances”—that’s like four-wheelers—or in the air. “The U.S. Border Patrol regularly depends on these conveyances, the removal of such advantage being generally detrimental

to its ability to accomplish the national security missions.”

In simple language, if you stop us from going on motorized vehicles into these areas, we can’t catch the bad guys.

This includes that these types of restrictions can impact the efficacy of operations and be a hindrance to the maintenance of officer safety.

It makes their job more difficult and it puts them at risk. She continued:

For example, it may be inadvisable for officer safety to wait for the arrival of horses for pursuit purposes, or to attempt to apprehend smuggling vehicles within the wilderness with a less capable form of transportation.

In simple words, again, if the idea is of the Department of the Interior that the Border Patrol, when they come to one of these special areas, have to go on foot, they have to chase them down on foot or wait till a horse arrives so they can chase them down on horse, while the drug cartels are using motorized vehicles, that flat out does not make sense. But that is, indeed, what is happening down there.

She continued on with a different correspondence to say that it illustrates that in areas where the Border Patrol has been given access, the regrowth and rehabilitation of the land has improved.

But “overall, the removal of cross-border violators”—stopping the drug cartel from coming across the border—“from public lands is a value to the environment as well as to the mission of the land managers. The validity of this statement was evidenced recently when the vehicle fence project south of the Buenos Aires National Wildlife Refuge received praise from a Fish and Wildlife biologist. The biologist was encouraged by the regrowth and rehabilitation taking place naturally to the north of the vehicle fence subsequent to its installation.”

Now, what she was saying very simply is, when you stop the Border Patrol from being able to do their job, they don’t do their job and the bad guys come across. And the bad guys don’t care at all about the environment or what the laws are or what the rules are. And if you are able to stop them, then all of the degradation that takes place by the drug cartel coming across the border can be fixed, and can be fixed well.

Now, I have to admit that was early on in her administration with the Department of Homeland Security. I have to admit also, of late, that the Department of Homeland Security has been told to simply tell us everything is going fine down there on the border. Things are getting better. We are working together nicely.

It’s not quite the same story I got on the trips down there to the border when I talked to the people. In fact, one of the things that is actually disturbing is our committee staff has been refused access to even talk to the Department of Homeland Security personnel ever since we started making this particular kind of push.

My assumption is there is a reason the drug cartels are trying to go through this Arizona sector. The reason relates to the kinds of lands that are down there and how we treat those lands. And the reason simply says, if we allow the Border Patrol to do their job, we will all be much more secure. And the concept of stopping the Border Patrol from doing their job on Federal property is simply unacceptable, and yet that is, indeed, what we are doing right now.

To the Department of the Interior’s response to that, they said the following in a memo in 2008:

“Congress has directed construction of these facilities”—meaning the public lands—“and there is a compelling national security issue, but these towers and buildings and associated equipment and motorized activities within congressionally designated wilderness would be contrary to protecting the primeval character of wilderness; and, hence, contrary to the intent of Congress.”

Contrary to the intent of Congress? Do they really want us to believe that Congress wants to have a porous border? that Congress actually welcomes with open arms the drug cartels coming into this country? that the illegal drugs coming in here that are destroying the lives of our children we welcome with open arms? that the kind of human degradation, the kind of victim crimes, crimes against humanity, are something Congress really wants to perpetuate? That’s really what they want us to believe?

Further on in this memo:

“The Department of Homeland Security’s proposals would not preserve natural conditions”—this is once again Interior’s memo—“would make the imprint of man’s work substantially noticeable, and would substantially reduce opportunities for solitude, or a primitive and unconfined type of recreation and would impair these areas for their future use and enjoyment of the American people as wilderness. The DHS proposals do not fall under the exemptions of the prohibitions for use in section 4(c) of the Wilderness Act and, therefore, are prohibited.”

Reduce opportunities for solitude? Unconfined type of recreation? Maybe they do have a point. I’d say that the drug cartel operatives, armed with AK-47s, would pretty much reduce the solitude in a pretty serious way along the border. But, unfortunately, that is the approach; that is the attitude.

So what does the Department of the Interior propose for this? Rather than allowing the Border Patrol to do their job and trying to control our border, which a sovereign country would naturally do, you put up a sign to tell Americans that travel is not recommended. The goal is to stay away from these particular areas. The approach was simply this: Since the areas of American land on the American border are unsafe, let’s do whatever we

can to stop Americans from going down there and, in so doing, cede over these areas to the drug cartels. That will be one of the ways of solving the problem.

Since that's not a terribly, terribly politically correct approach, to warn the public of the danger of traveling through American territory, perhaps you can put up a softer and gentler sign, which is a travel caution: Smuggling and illegal immigration may be encountered in this area. Proceed at your own risk.

I'm sorry. This may be the approach, but it's the wrong approach. And I wish this were just limited to the Arizona border. The same line was used in the Big Bend National Park, and it has been used on other lands around the border. We simply know it is not safe to go into these areas where criminal activity is taking place, and the problem is no one is doing anything about it.

Almost all of the Organ Pipe National Monument was closed to visitors. That's along the Arizona border. Recently I saw an article in which a portion—a portion—of Organ Pipe was opened up to visitors. That's wonderful. However, if you went there, you still had to go with an armed guard. There's an article that was written only 8 hours ago talking about the opportunity of people going down there where the park ranger, wearing a bulky, dark green bulletproof vest, told the tourists last week that they would be going on their travel in a van and a hike. He told them that there would be some law enforcement officers hiding in the hills and closely watching their 2-hour nature hike, while another pair of armed rangers would follow the tourists closely from the ground. They'll all have M14s at hand, he said. Please don't be worried.

□ 1820

As the group loaded into the vans, one woman from Idaho whispered to her husband:

Does it make you worried? They get chest protections, and we don't get none of them.

Homeland Security is saying that in this park, things are getting better. I think they are because finally they allowed Homeland Security to put up nine surveillance towers in the park, making it easier for the agents to detect new foot traffic so that drug-runners are no longer simply hiding in the hills waiting to succeed where the towers cannot contact them.

You see, that's what we're doing, and that's simply not a viable approach to it.

Let me try to tell you this way. Obviously, a fence by itself is not enough to secure the border. We do need electronic tracking devices. This is a picture of one of our mobile tracking devices. It's very high tech, it's very wonderful, and if you will notice, it's a truck with a traffic device on it.

In the Organ Pipe National Monument, they tried to move this from point A to point B, and the end result

was that after 6 months, the land managers finally said, okay, you can move this truck from point A to point B. By that time, it wasn't worth it. It's a truck. Now, if the land manager had studied this issue for 6 months and then said, all right, look, the land is too precious in that part where you want to go, you can't go at all, maybe I could understand that. I wouldn't like it, but I could understand it. But that's not what he said. He said, you're going to wait 6 months, I'll review it for 6 months, and 6 months later he said, okay, go ahead and back up the truck and move it.

These devices are essential for our controlling the border, but it is essential that if it is a mobile device, it has to be mobile. It has to have the ability to back up the truck and move it to somewhere else.

There is another example of the pronghorn antelope that is there, the Sonoran pronghorn antelope, in the area. A BLM official wrote in an email to the Department of Homeland Security regarding testing for replacement of equipment that they could do the following: A biological monitor shall be present—a person—shall be present at the proposed location of these traffic monitors for the Sonoran pronghorn prior to any disturbance. The monitor must have experience with observing pronghorns. The monitor will scan the area for pronghorn, and, if observed, any kind of activity will be delayed until the pronghorn moves of its own volition. The pronghorn cannot be encouraged to vacate an area. And if by any chance the Border Patrol were to run across a group of these, its job was then to back up—not turn around—but to back up no faster than 15 miles an hour until you were out of that particular area.

One of the things that we have found out that is taking place down there is basically the Department of the Interior is insisting on mitigation—I think there are some other words I would rather use—mitigation funds coming from the Department of Homeland Security.

The calculations we conducted a couple of years ago say that, as of that date, \$10 million of Federal money has gone to the Border Patrol, supposedly to protect our border, and then instead been reverted over to the Department of the Interior to hire things like the pronghorn monitor or buy other property for other purposes in the name of mitigation of the environmental damage caused by the Border Patrol. Unfortunately, there is no way to mitigate against the environmental damage caused by the drug cartels and the human smugglers coming in here, nor does the Department of the Interior seem to care about that.

I'm joined here by a good friend from Arizona who knows this full well. This is where he lives, and he understands it. He also sits on the committee that talks about these particular areas and has introduced an amendment to the

reauthorization bill that comes from his committee. So the Representative, Mr. QUAYLE, I will yield to him what time he needs. If he would like to enter right now, and then I'll pick it up whenever you're done.

Mr. QUAYLE. I thank the gentleman for yielding. I really want to thank him for his leadership on this issue and for working with me to put in similar provisions within the Homeland Security Reauthorization, which we hope will come to the floor in August because it's a serious issue. As the gentleman from Utah was talking about, the amount of destruction, both on the environmental side and just on the human side, from these drug smugglers and human smugglers in very environmentally sensitive areas in the Sonoran Desert is devastating.

If you think about the amount of carnage that has happened just south of the border—you have over 30,000 people that have been killed by drug cartel violence in the last 5 years. Last year, I was with other members of our Arizona delegation. We were going down to the border and seeing what was going on, and we were at the Douglas point of entry. And the night before they had videos of this, which was about 70 yards from the border, where a fake police cruiser that was disguised by the drug cartels stopped just south of the port of entry, entered into an establishment, unloaded hundreds of rounds of ammunition in there, killing a handful and wounding dozens of people.

Now these are the same types of people who are taking advantage of the weak spots within our border. If you look at Arizona specifically, the Arizona border, there are about 305 miles of Federal lands in Arizona. About 83 percent of the 370-mile Arizona-Mexico border is Federal lands.

Right now, the Border Patrol agents do not have the ability to actually go onto those Federal lands unless they abide by the Memorandum of Understanding, which says they have different definitions of when they can actually go and apprehend somebody. But the fact of the matter is that these drug cartels, these human smuggling operations, are nimble. They are watching every move that our Border Patrol agents are making. They are noting where the weak spots are and where the surveillance equipment is. And for our Border Patrol agents to actually go and move it to areas where the traffic has increased, they have to go to the Department of the Interior to get prior permission. There's a GAO study that said at one point in some instances that could take up to 4 months—4 months for our Border Patrol agents to actually move a piece of surveillance equipment or to move motorized vehicles onto various areas of Federal lands.

Now, I understand the need to protect the delicate Sonoran Desert, but it is getting decimated—absolutely decimated—by these human traffickers and drug traffickers, who do not care about

it. I personally believe that our Border Patrol agents and customs officials will do a much better job in actually being sensitive to these areas while trying to actually protect the citizens of this country from the violence that's going to be streaming across the border.

This is such a big and serious issue that not that many people know about, and Mr. BISHOP of Utah has really taken the lead on this, and I commend him for it. I look forward to working with you on these issues going forward because we need to get a handle on our border, and the violence is going to spill over. In order to do that, we have to allow our agents the ability to have the unfettered access to our Federal lands so they can actually do their job and protect the borders.

Again, Mr. BISHOP, thank you very much.

Mr. BISHOP of Utah. I thank you for that, and I appreciate your joining me here because, once again, you live in that State, your constituents know the fear that is taking place, Americans who live on that particular border, the danger that is down there. And, once again, this is not just an issue that will go away if the economy goes sour. These are the drug cartels. These are the human traffickers. These are the worst kinds of people, and we don't want them here. And as a country, if we're going to be a sovereign country, we have to control the border, if for no other reason than we have to be able to control the border. Whether the total number coming across is getting less or is increasing—we don't have definite figures yet—it doesn't matter. As long as one drug cartel is still coming across the border with illegal drugs, that's one too many, and we have to do something about it.

So I appreciate it very much, and I realize you have another obligation to go to. Thank you for coming down. You're welcome to stay if you would like to.

But he also added a premise into where we're going, because what is taking place, quite frankly, is the violence that is taking place on the Arizona border. We all know about Fast and Furious and what a silly idea this was, how ludicrous a program to arm the drug cartel and to find out that those arms they were given by the Federal Government are coming back to harm us. But along the border, we have had a specific row of people who have been not just harassed by the drug cartel but have been killed by the drug cartel.

Starting in 2002, Park Ranger Kris Eggle was shot and killed in the line of duty while pursuing a member of the Mexican drug cartel who had crossed the United States border into Organ Pipe National Monument, which is off limits to Americans. In 2008, Border Patrol Agent Luis Aguilar was killed in the line of duty after being hit by a vehicle that had crossed illegally into the United States through the Imperial Sand Dunes, which is BLM ground,

where the Border Patrol has restrictions. What hurts me, as well, is Rob Krentz, a rancher, a multigenerational rancher, on his own property in Arizona.

□ 1830

See, Rob Krentz over there was actually out patrolling, going through his property. He had just had a hip replacement, was ready to have a knee replacement—or vice versa. He was on an ATV vehicle with his dog. He came across a group of illegals who were there—part of the cartel, again, is the assumption. Usually what happens is there is flight, but in this case there was no flight. He was not physically able to fly, and so what happened was both he and his dog were shot.

The one we assume did the shooting came across that wildlife refuge where the gate was locked to prohibit the Border Patrol from going in there and doing their job. Then we assume his exit back into Mexico was a circuitous route that went back out of his way so he could go back through that same area that was off limits to the Border Patrol from totally doing their job. He lost his life because of our policies that don't make sense.

December 10, 2010, Border Patrol Agent Brian Terry was shot and killed—once again on Forest Service land—with guns that were obtained through the Fast and Furious program.

One of the other committees of our Congress has on their Web site the statement that a now-sealed Federal grand jury indictment in the death of Border Patrol Agent Terry says the cartel operatives were patrolling this rugged desert area with the intent of intentionally and forcibly assaulting Border Patrol agents. And it happened because we are not taking control of our border.

As sad as that is, this is still another look at the border. You know you're looking at the border because you can see the fence is still running along and the one road along the fence is still running along. Unfortunately, there's a gap in the fence. That gap is an endangered species habitat right-of-way so the species can go from one side of the border to the other. Unfortunately, I will tell you that it's not just an endangered species that goes from one side of the border to the other. That is endemic of the situation we have down there where our border policies, our land policies take precedence over border security. That is simply what we ought not or should not be doing.

Our solution is, I think, very simple. It's House bill 1505, the National Security and Federal Lands Protection Act. The simple answer of what this bill does is simply it allows the Federal Border Patrol to do on Federal property what it already can do on private property. It says our number one priority should be controlling our borders for stopping the drugs and the violence that is taking place in Arizona. This bill protects legal use of the land—such

as mining and hunting and camping and fishing—in an effort to try and make sure that we can protect American property for American use, not for drug cartel use.

There were simpler versions of this that simply said you can't stop the Border Patrol from doing what they need to do to meet their needs. Unfortunately, some of the administration in these Departments laughed at us and said, That's not going to work. You can't tell us what won't happen. So we wrote the bill to be proactive and tell what the Border Patrol can do.

It also had to put in there specific—and this is, once again, from the Department of the Interior insisting it—we put down the specific environmental laws that can be abridged only for the purpose of protecting the border. It is the same list that was done about 5 years ago when the Department of the Interior insisted that as Congress we had to list specific environmental laws that could be broached in order to complete some of the fencing along our southern border. Same rules, same laws, same element so the Border Patrol can do their job. That's what it simply does.

There is one group that was opposed to it because they said the Border Patrol is found 15 to 20 miles north of the border. Yeah, their jurisdiction is up to 100 miles north of the border. They also said that surveillance status shows that there are nearly 8,000 miles—some estimate 20,000 miles—of illegal wildcat roads cutting through some of this border area. I want you to know it is not the Border Patrol—even though this group tried to blame the Border Patrol for these 20,000—if indeed it's that high—miles of illegal roads. They're not the ones creating that. It is the drug cartels that are cutting roads through our habitat, through wilderness areas so that they can use them for their drug-smuggling activities.

If you go down there, you can simply see on the ground where these trails are. If you fly above it, you can see where they are. If you go up to the high points, you can see where their nests are. So you can see very clearly and very easily where they have their lookout spots.

Actually, I went to one of those. It was just over the border into Mexico. I was actually unimpressed because I found out that amongst the things they were leaving behind in the trash is they drank only Diet Coke. If they had done Dr. Pepper, I would have been impressed by their taste, but it was only Diet Coke.

I have also heard all sorts of rumors about what we are trying to do with this bill, trying to make sure that this border is secure so Americans can go back into American property and be secure. I have heard rumors that we are trying to limit public access. That's not true. What we are trying to do is make public access safe. That's the job of the government is to make our borders secure.

I have been told that this is a simple land grab. Some groups out there who simply don't understand what's going on tried to label this as a giant land grab. I don't know how you can call it a land grab when the Federal Government is simply trying to allow the Border Patrol to do its job on Federal land. We're not expending any more power or opportunity to the Border Patrol. We're simply saying Federal land should not stop them from doing their job. There are some that will simply say, well, if we ignore this, it will simply go away. This problem is not going to go away. It is too deep; it is too severe to simply go away.

There is one last reason why this approach is extremely important, and I'm saying this in conclusion. As I said in the beginning, almost every town hall meeting that I have they talk about immigration. Immigration issues are complex. Sometimes they are going to be complicated and will require compromise and consideration. Right now out there there's a great deal of anger and anxiety in a lot of people simply because we are not controlling our borders and American lands are not safe, and there is too much violence taking place. And it's simply wrong to prohibit our Border Patrol in favor of allowing the drug cartels and those doing human trafficking to have free access into this country.

If indeed we are serious about long-term immigration, the first thing you have to do is reduce the anger and reduce the anxiety level. The first way to do that is to be able to look at the American people with a clear conscience and in truth, look them in the eye and say our borders are secure. We control who comes into this country and who does not come into this country because that is what a sovereign Nation does.

Our hope is that we can pass this bill and take the first step to controlling the border, which is simply to allow the Border Patrol access to where the Border Patrol needs to be, to give them the same opportunity on public lands that they have on private lands. Because it is very clear, Border Patrol knows what they are doing. They are doing a good job.

Where they are allowed the freedom and flexibility to do their jobs, the issue of illegal immigration and illegal entry into this country of all kinds, but especially illegal entry into this country by the bad guys who are trying to put illegal drugs and other kinds of crimes and bring them into this country, where they are allowed to do their job, they are successful.

What we have to do is now look on Federal property where the Federal rules prohibit the Border Patrol from doing their job and change that, simply allow them to do their job. House bill 1505 does that. Until we do that, we will never move forward into a larger solution to our immigration problem. And we will continue to have illegal drugs and other kinds of crimes against hu-

manity taking place on American soil, and it will not stop. That's why this bill is so important.

With that, Mr. Speaker, with gratitude for allowing me this moment to go through this particular issue, I yield back the balance of my time.

□ 1840

FREEDOMS THAT MADE THIS COUNTRY GREAT

The SPEAKER pro tempore (Mr. DUFFY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I always learn something when I hear from my friend, Professor BISHOP.

It has been staggering to hear the testimony over the last several years as to what has gone on at our border. We used to be a law-and-order country where the law meant something, but we've seen that eroded.

I heard our Democratic friends, before Mr. BISHOP spoke, speaking of selling our birthright, and I enjoyed hearing them talk about how we ought to use our energy in this country. Well, welcome to the Republican position. That was great to hear. That's just fabulous to hear from our Democratic friends because, as we know, and one of the things that Mr. BISHOP pointed out, there have been regulations and government bureaucracies used to not only prevent us from enforcing our immigration laws, but also to prevent us from utilizing our own resources over and over and over. For heaven's sake, if somebody has got 800 safety violations like BP had, prohibit them from drilling, but don't prevent everybody from drilling.

The things that the government should be allowing entities to do, like providing the energy that we have—we've got more energy than any country in the world. Relative to the size of other countries, we're not the biggest, but we have more natural resources than any other country in the world has been blessed with. It's amazing. In this administration, and even before this administration, we had our Democratic friends prohibiting, through bureaucracies, through laws passed, using our own energy, which has been just an outrage.

It's the poor single moms, those struggling to make it through the month with what's left on the limits of their credit card so they can still buy gas to get to their job so they can get a paycheck and pay down their credit cards enough to buy gas for the next month, that are hurting the most. Ironically, the people that donate to Democrats 4 to 1 over Republicans, as they did to Obama over McCain 4 to 1, are the Wall Street executives, the big bank executives. All they have to do is endure some name-calling from the President and they get richer than they could have ever hoped.

Yet we get back to freedoms that made this country the greatest country in history. I believe that. Prominent among our freedoms you can find in the First Amendment. It doesn't say States can't, because there were some States that required religious tests, but "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

There is no mention of separation of church and State. There is no mention of a wall of separation. That was in a letter Thomas Jefferson wrote to the Danbury Baptists. This is the same Thomas Jefferson that came to church every day he was in Washington, D.C., while President. He came to church right down the hall in the House of Representatives and at times had the Marine Band come play the hymns. He didn't see that as a problem for the Constitution's prohibition against establishment of religion, but he certainly never would have dreamed of prohibiting any Christian from practicing their religion, as this administration has now done and attempted to do, or the freedom of the press.

We know the press is free to slant the news however they wish. For example, when gas prices were going up in 2008, the Main Street press, Main Street media had 4 to 1 more stories about the price of gas going up than they do now, and the prices now are higher than they were then. Gee, could it be that the Main Street media has a vested interest in keeping the President that they put in office in office, keeping him there? But they've got that freedom of the press. They can keep slanting their stories as they wish.

Or the right of people to peaceably assemble and to petition the government for a redress of grievances. The First Amendment, that's it.

There is a great big grievance that a majority of Americans have, and it's with the President's health care bill. This is front and back. It is very thin paper so you can get all of the President's ObamaCare in here. This says 2,407 pages. There you are, the President's health care bill. It's interesting.

Here is a story that Edward White filed February 16, maybe from our friends at ACLJ, but it points out last month DOJ again argued that the penalty is a tax—talking about the penalty in the health care bill—is a tax when it filed its opening brief with the Supreme Court in the ObamaCare case the Court will consider this March.

We know February 16, in response to a question from the great Representative SCOTT GARRETT of New Jersey, he asked Director Zients whether the individual mandate penalty for failing to buy health care is a tax. Zients answered that it is not a tax. Today we had Secretary Sebelius, the Secretary of Health and Human Services that is overseeing the implementation of ObamaCare. Secretary Sebelius also indicated it's not a tax. Yet the DOJ has argued basically that the minimum

coverage positions are well within Congress' commerce power.

The DOJ contends that Congress has broad power under the Commerce Clause and the necessary proper clause to enact economic regulation. The DOJ contends the minimum coverage provision is an integral part of a comprehensive scheme of economic regulation, and the provision itself regulates the economic conduct with a substantial effect on interstate commerce.

It certainly has had an effect on interstate commerce. It's doggone near killing it.

The minimum coverage provision is independently authorized by Congress' taxing power contingent of the DOJ. The DOJ argues that the provision operates as a tax law. Validity of an assessment under Congress' taxing power does not depend on whether it's denominated a tax.

Anyway, interesting time. That is from the National Law Review, that assessment. Today the question was to Secretary Sebelius, and she disagrees with DOJ as well.

There are just a number of issues here with this bill. And the recent demand by the administration that the Catholic Church, Catholic hospitals provide free contraceptives was not about contraceptives. If anybody needs contraceptives, they can get them. It's not an issue.

□ 1850

It shouldn't be. People that want them can get them. It's not an issue, although some are trying to make it out to be. It's about the prohibition of the free exercise of religion.

It's incredible that a White House would decide that they get to tell the Catholic Church which parts of their religious beliefs that this White House will allow them to practice. Even coming back after the White House had all of these people come in and meet and decide and discuss, they should have come back and said, Sorry, you were right. We never intended to indicate we had the power to tell you you could not practice your religious beliefs.

It's not what the White House came back and said. The White House came back and said, in effect, Well, we still obviously have the power to tell you what parts of your religion you cannot practice. But listen, Catholic Church, we're going to do you a favor. Even though we have the power to prohibit you from practicing your religious beliefs, we're going to require the insurance companies to provide this feature even though it goes against your religious beliefs. We'll require the insurance companies to provide that.

Now, how stupid do you have to be to not understand that when a requirement of an insurance company policy is dictated by the government, there is going to have to be a recouping of that expense from the people that buy those insurance policies? So that was no remedy.

The Church, the Catholic hospitals are still going to have to provide those

policies that provided that. They just weren't going to be required to tell the insurance companies to do that because the government did it for them. What a ridiculous end-run to do the same thing.

But the White House did not even address a real core issue.

I'm a Baptist. I don't have the same beliefs about contraceptives; but this is so dangerous, this is such a violation of our First Amendment. For this White House to think for a moment they have the authority to tell any religious group, and here's the kicker, any religious person that they cannot practice an important tenet of their religious beliefs is unconscionable.

Now, the administration says, Oh, Catholic Church, Catholic hospital, we'll work with you. What about Catholic individuals who believe with all their heart the things that are taught by Catholic schools, by the Catholic Church, and expounded by the Pope himself?

How powerful a Pope does the White House or the President, any President, have to be to dictate that what the Pope says is not going to be observed in America by any individuals who are here in the United States?

We hadn't heard a lot of discussion about the freedom of the individuals, but this was not talking about the freedom of the Church or a hospital. It was talking about the freedom of individuals; and even if the White House tries to accommodate some hospital, some church, what about the beliefs of an individual? A Catholic in America who's told, Sorry, this President is going to trump your Pope, and you're going to have to pay for what you believe is against your religious beliefs, it's unconscionable.

Do you think the Founders would have put up with that? As Dennis Miller said, they were willing to go to war and die and risk everything over a tax on their breakfast drink. Do you think they wouldn't be willing to fight for their right to practice their religious beliefs?

Good grief. They came—so many of the early settlers came here to get away from the prejudice and discrimination against Christian beliefs: Protestants, Catholics. They came to America hoping to have freedom of worship.

It's been interesting to hear in Israel that the Muslims who are most free to practice their Islamic beliefs as they feel led them to actually be in Israel, because depending on which administration is in charge in Iran, Syria, Egypt, wherever, you better not get too far afield from what the administration of that country believes.

Here in America, people are free to practice Islam, Christianity, Buddhism, atheism, so long as it does not threaten this Nation as a whole.

You know, we were told by the President there was no chance any Federal money would ever go for abortion. And some of our friends actually bought

into that representation. Turns out, it wasn't true. Some of us tried to explain back then. You can't bind with an executive order what the law says specifically. It sets out requirements for health care providers, clinics, insurance policies. There are those that will provide abortions and ultimately there will be tax dollars, since dollars are fungible, that will be used for abortions under ObamaCare.

We keep coming back to this. If ObamaCare is constitutional and the mandates in ObamaCare are constitutional, there is nothing the Federal Government cannot dictate.

As I've said from here many times, this ObamaCare, 2,407 pages, was about the GRE. It's what it's all about. This bill is about the GRE, the government running everything. Because if the government has the right to control everyone's health care in America, they do have the right then to tell your children what they can or can't eat, to tell your children that their parents or parent is not fit because they don't know how to feed a child because it disagrees with what the government says.

They have the right to tell you what you can put in a vending machine. They have a right to tell you whether or not you're exercising enough. They have a right to tell you you use too much butter when you should have used something else in cooking.

They have a right to do that if they have a right to control your health care.

If this is constitutional, the government has a right to tell every Supreme Court Justice how they can live, and if any Supreme Court Justice thinks they'll be immune from this government telling them how they can live, what they can eat, what they can do, what they cannot do, then they are amusing themselves frivolously because that day will be coming.

Sure, this administration knows they stacked the deck with Justice Kagan. Of course, anybody that would send an email all excited about having the votes to pass ObamaCare, how wonderful that is, it's just amazing.

□ 1900

We keep wondering how many emails have not been provided. The noble thing would be to recuse oneself.

We should have known this when liberal groups that want the government to control everybody's lives were so adamant in throwing stones at Justice Thomas. It's clear we've seen this method before. What that means is they were nervous about somebody else who was a shoo-in to vote for the President's bill to have that issue raised about her. That's the way they always do.

So as soon as I saw these ridiculous allegations about Justice Thomas because his wife had an opinion, boy, I didn't see any liberals screaming about somebody with the ACLU whose husband had taken strong positions on different issues that she wasn't qualified

or should recuse herself because her husband had an opinion; but some of these same liberals, so-called, took the position that, gee, if Clarence Thomas' wife has a position, he must be disqualified.

The hypocrisy goes on and on.

Hopefully, Justice Kagan will tell us all of the emails, allow us to see all of the emails that were sent, all of the consultations in which she was a part. Then we'll see the truth.

This bill required the spending of \$105 billion at a time we didn't have \$105 billion. We're having to borrow over \$42 billion, \$43 billion, \$44 billion of that from other places, including from China. China doesn't mind seeing this happen. I think they realize it will bring down this Nation financially.

The President said it would cost less than \$1 trillion to implement. Well, the first CBO score came back over \$1 trillion. The Director of CBO called over to the White House. He comes back and says, You know, it's more like \$800 billion. Then once it gets in place, he says, You know what, we had a mathematical error or two. It's actually over \$1 trillion.

That's why CBO deserves to have a margin of error of 25 percent, plus or minus.

We keep coming back to this one thing, that this bill is not nearly as much about health care as it is about the government's running everything—running individual lives. Sam Adams, John Adams, Thomas Jefferson, those who gave their lives for our freedoms, would never have stood for this. The government's running everything? But it's true. If the Federal Government can do this, there is nothing that is closed to the government's direction and law. If the government has the right to direct everyone's health care, then this opens the bedroom to Federal Government jurisdiction like nothing ever has, not immediately but eventually.

Is that what people want? Do you want the Federal Government being able to say, This practice is okay. This one in the bedroom is not okay because, see, we're in charge of your health care, and we've seen that it ends up costing more if you do this, that or the other, so we're going to prohibit that?

If they can direct against someone's religious beliefs and that certain bedroom practices will be allowed, they can direct which ones can't be. If they can direct what the Catholic Church or Catholic individual has to provide or pay for, they can sure tell them what they can't engage in as well. This opens a door to the government's running everything like never before.

This month marks 2 years that it has been passed against the will of the American people, against the will of most State legislatures, against the Constitution. Is it a tax? Is it not a tax? It appears this administration will say whatever it has to say to try to get this held as constitutional. I can say

unequivocally, if the Supreme Court were to hold this bill and its mandates and its intrusions into every area of personal being as constitutional, it will give me no satisfaction to someday say to a Justice of the Supreme Court whose religious beliefs have been violated, I told you so. None.

It will break many of our hearts that there was such blindness, but I have that hope that spring is eternal in the human breast, that there is still enough reliance on the Constitution, itself, and on our Supreme Court that they will recognize the door that is open, that they will recognize the inconsistencies of this administration in trying to come up with some argument to justify these violations of our freedoms.

Some say that States require you to have auto insurance. That's only if you're going to drive on their roads. If you're going to participate in that privilege, then, yes; but nobody is required to have auto insurance if they're not going to drive a car on their highways. In fact, the only insurance that has been required by any State mandatorily is insurance to cover others who might be harmed by an individual's driving and harming them. I don't know of a State that requires insurance on individuals hurting themselves while they're driving, only liability.

Now, we do have the problem in Massachusetts where Massachusetts basically had a mandate. Other than that mandate in Massachusetts, no State has ever been able or even thought of or tried to require the purchase of a product.

Oh, this is going to be for the working poor.

Look, we already have Medicare and Medicaid. Until this administration, with the help of Speaker PELOSI and Leader REID in the Senate, gutted \$500 billion out of Medicare, until that happened, there was not going to be any damage to Medicare. We were going to take care of our seniors and take care of our poor. But if you look in this bill as I have—and I've been through the whole thing—you will find out, if you are just above the poverty line—if you're working, if you're doing everything you can to get by, to make it with your family, but can't afford as good an insurance policy as is mandated by the Federal Government—that this administration wants you to have an additional tax on your income as if that's going to help.

This hurts the working poor. It devastates Medicare by pitting people against our seniors, taking \$500 billion away from Medicare. It's time for America to rise up again and make clear: This is unconstitutional. And I think even the Supreme Court would hear that, when Americans rise up and say, You're not governing every aspect of my personal life like this opens the door to doing.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACKSON of Illinois (at the request of Ms. PELOSI) for today on account of business in the district.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on February 22, 2012 she presented to the President of the United States, for his approval, the following bill.

H.R. 3630. To provide incentives for the creation of jobs, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 29, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

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

5115. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 [MB Docket No.: 11-154] received February 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5116. A letter from the Chairperson, National Committee on Vital and Health Statistics, transmitting the Tenth Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act (HIPAA); to the Committee on Energy and Commerce.

5117. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Amendment to the Export Administration Regulations: Addition of a Reference to a Provision of the Iran Sanctions Act of 1996 (ISA) and Statement of the Licensing Policy for Transactions Involving Persons Sanctioned under the ISA [Docket No.: 110718395-1482-01] (RIN: 0694-AF30) received February 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5118. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 22-11 informing of an intent to sign the Memorandum of Understanding with Australia; to the Committee on Foreign Affairs.

5119. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246)), and Sections 603-604 (Middle East

Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228), the functions of which have been delegated to the Department of State; to the Committee on Foreign Affairs.

5120. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

5121. A letter from the Acting Director, Office of Management and Budget, transmitting a legislative proposal entitled, "Reforming and Consolidating Government Act of 2012"; to the Committee on Oversight and Government Reform.

5122. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species: Designation of Critical Habitat for Cook Inlet Beluga Whale [Docket No.: 090224232-0457-04] (RIN: 0648-AX50) received February 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5123. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species: Final Rule To Revise the Critical Habitat Designation for the Endangered Leatherback Sea Turtle [Docket No.: 0808061067-1664-03] (RIN: 0648-AX06) received February 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5124. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Linde Ceramics Plant in Tonawanda, New York, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5125. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Hooker Electrochemical Corporation in Niagara Falls, New York, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5126. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting the combined monthly report on allocations and obligations by the Army Corps of Engineers; to the Committee on Transportation and Infrastructure.

5127. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30821; Amdt. No. 3460] received February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5128. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — FAA-Approved Portable Oxygen Concentrators; Technical Amendment [Docket No.: FAA-

2011-1343; Amdt. No. 121-358] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5129. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30822; Amdt. No. 3461] received February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5130. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rollover from qualified defined contribution plan to qualified defined benefit plan to obtain additional annuity (Rev. Rul. 2012-4) received February 7, 2012, 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. BISHOP of Utah: Committee on Rules. House Resolution 566. Resolution providing for consideration of the bill (H.R. 1837) to address certain water-related concerns on the San Joaquin River, and for other purposes (Rept. 112-405). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CHAFFETZ (for himself, Mr. ALTMIRE, and Mr. GOWDY):

H.R. 4093. A bill to amend the Act of August 25, 1958, commonly known as the "Former Presidents Act of 1958", with respect to the monetary allowance payable to a former President, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. JONES:

H.R. 4094. A bill to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASSIDY (for himself and Mr. ROSS of Arkansas):

H.R. 4095. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of Internet pharmacies; to the Committee on Energy and Commerce.

By Mr. GIBSON (for himself and Mr. THOMPSON of California):

H.R. 4096. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. DENHAM, and Ms. NORTON):

H.R. 4097. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS (for himself, Mr. CLARKE of Michigan, Mr. PETERS, Mr. SCOTT of Virginia, Ms. JACKSON LEE of Texas, Ms. WATERS, Mr. COHEN, Mr. JOHNSON of Georgia, and Ms. CHU):

H.R. 4098. A bill to improve public safety through increased law enforcement presence and enhanced public safety equipment and programs, and for other purposes; to the Committee on the Judiciary.

By Mr. DENT (for himself, Mr. TONKO, Mr. BARLETTA, Mrs. CHRISTENSEN, Mr. CONNOLLY of Virginia, Mr. CRITZ, Mr. DINGELL, Mr. DOYLE, Mr. ENGEL, Mr. FITZPATRICK, Mr. GERLACH, Mr. GIBSON, Mr. GRIJALVA, Mr. HANNA, Ms. HAYWORTH, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. LATOURETTE, Mrs. LOWEY, Mr. MARINO, Mr. MEEHAN, Mr. PLATTS, Mr. RYAN of Ohio, Mr. TIERNEY, Ms. TSONGAS, Mr. PASTOR of Arizona, and Mr. MCGOVERN):

H.R. 4099. A bill to authorize a National Heritage Area Program, and for other purposes; to the Committee on Natural Resources.

By Ms. BORDALLO (for herself, Mr. GUINTA, Mr. FARR, Mr. SABLAN, Mr. PIERLUISI, Mr. FALEOMAVAEGA, and Mrs. CHRISTENSEN):

H.R. 4100. A bill to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts:

H.R. 4101. A bill to amend the Fair Debt Collection Practices Act to exempt a debt collector from liability when leaving certain voice mail messages for a consumer with respect to a debt as long as the debt collector follows regulations prescribed by the Bureau of Consumer Financial Protection on the appropriate manner in which to leave such a message, and for other purposes; to the Committee on Financial Services.

By Mr. ISRAEL:

H.R. 4102. A bill to amend the Small Business Act to establish a loan program to assist and provide incentives for manufacturers to reinvest in making products in the United States, and for other purposes; to the Committee on Small Business.

By Mr. JONES:

H.R. 4103. A bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes; to the Committee on Armed Services.

By Mr. RENACCI:

H.R. 4104. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame; to the Committee on Financial Services.

By Ms. HANABUSA (for herself and Ms. HIRONO):

H. Con. Res. 105. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha; 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. CHAFFETZ:

H.R. 4093.

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

This law is enacted pursuant to Article I Section 8 Clause 18 of the United States Constitution which states: The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. JONES:

H.R. 4094.

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

Article IV, Section 3 of the U.S. Constitution, which states that "Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

By Mr. CASSIDY:

H.R. 4095.

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

Article 1, Section 8, Clause 3

By Mr. GIBSON:

H.R. 4096.

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

Article 1, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. MICA:

H.R. 4097.

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

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and clause 17 (relating to authority over the district as the seat of government), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. CONYERS:

H.R. 4098.

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

Article 1, section 8, clauses 1 and 18.

By Mr. DENT:

H.R. 4099.

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

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

By Ms. BORDALLO:

H.R. 4100.

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

This bill is enacted pursuant to the power granted Congress under Article 1, Section 8 of the United States Constitution.

By Mr. FRANK of Massachusetts:

H.R. 4101.

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

Article I, Section 8 of the United States Constitution, Clause 3.

By Mr. ISRAEL:

H.R. 4102.

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

Article I, Section 8, Clauses 3 and 8.

By Mr. JONES:

H.R. 4103.

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

The power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. RENACCI:

H.R. 4104.

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

Article I, Section 8, Clause 5 states "The Congress shall have Power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 58: Mr. CRENSHAW.
 H.R. 104: Mr. WALSH of Illinois.
 H.R. 135: Mr. CLAY.
 H.R. 178: Mr. POLIS and Ms. CHU.
 H.R. 191: Ms. NORTON and Mr. SERRANO.
 H.R. 192: Mr. GARAMENDI and Mr. MCGOVERN.
 H.R. 210: Mr. REYES.
 H.R. 303: Ms. CHU and Mr. JONES.
 H.R. 374: Mr. BONNER.
 H.R. 456: Mr. JOHNSON of Illinois.
 H.R. 498: Mr. BISHOP of Utah.
 H.R. 587: Mr. INSLEE and Mr. LUJÁN.
 H.R. 687: Ms. CHU.
 H.R. 733: Mrs. BIGGERT.
 H.R. 769: Mr. HONDA and Mr. VISCLOSKEY.
 H.R. 860: Ms. SPEIER.
 H.R. 891: Mr. TOWNS.
 H.R. 964: Mrs. MCCARTHY of New York.
 H.R. 1110: Ms. CHU.
 H.R. 1175: Mr. REYES.
 H.R. 1179: Mr. LOBIONDO, Mr. RUNYAN, Mr. CHAFFETZ, Mr. HENSARLING, and Mr. GALLAGLY.
 H.R. 1195: Mr. GOSAR.
 H.R. 1206: Mr. SCHILLING.
 H.R. 1267: Ms. HANABUSA and Mr. DEFazio.
 H.R. 1297: Ms. CHU.
 H.R. 1340: Mrs. MYRICK.
 H.R. 1426: Ms. LINDA T. SÁNCHEZ of California.
 H.R. 1474: Mr. ROSS of Arkansas.
 H.R. 1509: Mrs. DAVIS of California.
 H.R. 1546: Mr. DIAZ-BALART.
 H.R. 1614: Ms. SEWELL.
 H.R. 1621: Mr. PETERSON.
 H.R. 1639: Mr. CANSECO.
 H.R. 1676: Mr. BLUMENAUER.
 H.R. 1697: Mr. MCCOTTER and Mr. UPTON.
 H.R. 1744: Mr. HASTINGS of Washington.
 H.R. 1748: Mr. ACKERMAN.
 H.R. 1755: Mr. NUGENT.
 H.R. 1789: Mr. ROTHMAN of New Jersey.
 H.R. 1895: Mr. COURTNEY and Mr. TIERNEY.
 H.R. 1912: Ms. ROYBAL-ALLARD.
 H.R. 1955: Mrs. DAVIS of California and Mr. PRICE of North Carolina.
 H.R. 1957: Mr. SCHOCK.
 H.R. 1964: Mr. TIERNEY and Mr. QUIGLEY.
 H.R. 1971: Ms. CASTOR of Florida and Mr. BRALEY of Iowa.
 H.R. 1984: Ms. LEE of California and Mr. PERLMUTTER.
 H.R. 1997: Mr. HUNTER.
 H.R. 2016: Ms. HAHN.
 H.R. 2139: Ms. SLAUGHTER, Ms. HANABUSA, Mr. BOSWELL, Mr. WESTMORELAND, and Ms. CAPITO.
 H.R. 2148: Mr. DEFazio.
 H.R. 2152: Ms. CASTOR of Florida, Mr. POLIS, Mr. AL GREEN of Texas, and Mr. RAHALL.
 H.R. 2194: Ms. MOORE.
 H.R. 2195: Mr. PRICE of North Carolina and Mr. CONNOLLY of Virginia.
 H.R. 2299: Mr. SCHWEIKERT.
 H.R. 2310: Ms. HAHN, Mr. QUIGLEY, and Mr. JACKSON of Illinois.
 H.R. 2313: Mr. MURPHY of Pennsylvania.
 H.R. 2335: Mr. QUAYLE, Mr. SCHWEIKERT, and Mr. CALVERT.
 H.R. 2429: Mr. SMITH of Nebraska.
 H.R. 2435: Mr. CULBERSON.
 H.R. 2499: Mr. COURTNEY.
 H.R. 2505: Mr. PRICE of North Carolina.
 H.R. 2554: Mr. AL GREEN of Texas.
 H.R. 2600: Mr. FATTAH and Ms. ROSELEHTINEN.
 H.R. 2674: Mr. GENE GREEN of Texas.
 H.R. 2902: Mr. CLAY and Mr. SABLON.
 H.R. 2959: Mr. SULLIVAN.
 H.R. 3001: Mr. KILDEE, Mr. ALTMIRE, Mr. ANDREWS, Mr. BACA, Mr. BARROW, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BOSWELL, Mr. CAPUANO, Mr. CARDOZA, Mr. CARSON of Indiana, Mr. CHANDLER, Mr. CICILLINE, Mr. COOPER, Mr. COURTNEY, Mr. DINGELL, Mr. DONNELLY of Indiana, Mr. FILNER, Mr. HIGGINS, Mr. HINCHAY, Mr. HONDA, Mr. KIND, Mr. LYNCH, Mr. MCDERMOTT, Mr. PALLONE, Mr. PASCRELL, Mr. SCHIFF, Ms. SLAUGHTER, Ms. SPEIER, Mrs. BIGGERT, Mr. NEAL, and Mr. KINZINGER of Illinois.
 H.R. 3059: Mr. CASSIDY, Mr. NADLER, and Mr. TURNER of New York.
 H.R. 3102: Ms. BROWN of Florida.
 H.R. 3125: Ms. LORETTA SANCHEZ of California, Ms. SPEIER, Ms. CHU, Mr. GARAMENDI, Mr. SCHIFF, and Mr. COSTA.
 H.R. 3145: Mr. SARBANES and Mr. CUMMINGS.
 H.R. 3162: Mr. PALAZZO.
 H.R. 3173: Mrs. BIGGERT, Mr. GRIMM, and Mr. GENE GREEN of Texas.
 H.R. 3187: Mr. INSLEE and Mr. GRIJALVA.
 H.R. 3238: Mr. KEATING, Mr. FRANK of Massachusetts, and Mr. CARNEY.
 H.R. 3306: Mr. GOWDY.
 H.R. 3308: Mrs. ADAMS.
 H.R. 3368: Mr. PAYNE.
 H.R. 3399: Mr. FORBES and Mr. ROSS of Arkansas.
 H.R. 3435: Mr. DOYLE.
 H.R. 3506: Mr. ROGERS of Alabama.
 H.R. 3510: Mr. KILDEE and Mrs. CAPPS.
 H.R. 3523: Mr. BOSWELL and Mrs. NOEM.
 H.R. 3528: Mr. GUTIERREZ and Mr. STARK.
 H.R. 3534: Mr. GOWDY.
 H.R. 3558: Mr. PAUL.
 H.R. 3561: Mr. WALZ of Minnesota.
 H.R. 3596: Mrs. NAPOLITANO, Mr. DOGGETT, Mr. BRALEY of Iowa, Ms. LORETTA SANCHEZ of California, Mr. CAPUANO, and Mr. COURTNEY.
 H.R. 3606: Mr. LARSEN of Washington, Mr. SCHILLING, and Mr. MANZULLO.
 H.R. 3652: Mr. NUNNELLE.
 H.R. 3667: Mrs. LUMMIS.
 H.R. 3676: Mr. SCALISE.
 H.R. 3684: Mr. TURNER of New York.
 H.R. 3713: Mr. HANNA, Mr. BONNER, Mr. CONNOLLY of Virginia, and Ms. HIRONO.
 H.R. 3737: Mr. ROTHMAN of New Jersey, Mr. ANDREWS, Ms. VELÁZQUEZ, and Mr. BARTLETT.
 H.R. 3760: Mr. HIMES.
 H.R. 3767: Mrs. NOEM and Mr. LANGEVIN.
 H.R. 3826: Mr. HIGGINS, Ms. SLAUGHTER, Mr. GARAMENDI, Mr. GONZALEZ, Mr. BUTTERFIELD, Mrs. NAPOLITANO, Mr. LUJÁN, Ms. CLARKE of New York, and Mr. RYAN of Ohio.
 H.R. 3848: Mr. BROUN of Georgia, Mr. RIBBLE, Mr. POMPEO, Mrs. BLACK, Mr. COBLE, Mr. JONES, Mr. DUNCAN of Tennessee, and Mrs. HARTZLER.
 H.R. 3849: Mr. FITZPATRICK and Mr. DUNCAN of Tennessee.
 H.R. 3850: Mr. CHABOT, Mrs. ELLMERS, Mr. MULVANEY, and Mr. WALSH of Illinois.
 H.R. 3851: Mr. CHABOT, Mr. MULVANEY, and Mr. WALSH of Illinois.
 H.R. 3866: Ms. BROWN of Florida.
 H.R. 3877: Mr. MCCOTTER.

H.R. 3895: Mrs. NOEM, Mr. OLSON, and Mr. ROONEY.

H.R. 3916: Mr. GRIMM, Ms. BASS of California, Ms. RICHARDSON, Mr. FARR, Mr. FILLNER, Ms. SLAUGHTER, Ms. NORTON, Mr. HASTINGS of Florida, Ms. JACKSON LEE of Texas, Mr. GRJALVA, Mr. REYES, Mr. CLAY, Ms. SEWELL, and Mr. RANGEL.

H.R. 3980: Mr. GRAVES of Missouri, Mr. MULVANEY, Mr. CHABOT, and Mr. WALSH of Illinois.

H.R. 3982: Mr. KINGSTON.

H.R. 3985: Mr. CHABOT, Mr. GRAVES of Missouri, Mr. MULVANEY, and Mr. WALSH of Illinois.

H.R. 3992: Mr. DEUTCH.
H.R. 3993: Mr. MCCOTTER, Mr. BLUMENAUER, and Mr. UPTON.

H.R. 4018: Mr. WELCH.
H.R. 4035: Mr. GERLACH.
H.R. 4045: Mr. PETERSON.
H.R. 4046: Mr. NUNNELEE and Mr. CANSECO.
H.R. 4049: Mr. STARK, Mr. MCGOVERN, and Mr. HONDA.

H.R. 4055: Ms. LEE of California and Mr. KUCINICH.

H.R. 4058: Mr. KUCINICH.
H.R. 4060: Mrs. BLACKBURN, Mr. DUNCAN of Tennessee, Mr. HARRIS, and Mr. AMODEI.

H.R. 4064: Mr. GOWDY and Mr. MILLER of Florida.

H.R. 4070: Mr. ANDREWS and Mr. POSEY.

H.R. 4077: Mr. BERMAN, Mr. BURTON of Indiana, Mr. SHERMAN, Mr. CHABOT, and Mr. SCHOCK.

H.R. 4081: Mr. CHABOT, Mr. MULVANEY, and Mr. WALSH of Illinois.

H.J. Res. 90: Mr. CONNOLLY of Virginia and Mr. KEATING.

H.J. Res. 104: Mrs. MYRICK, Mr. LANKFORD, and Mr. PALAZZO.

H. Con. Res. 87: Ms. BORDALLO, Mr. COURTNEY, and Mr. BRADY of Pennsylvania.

H. Res. 19: Mr. GUTIERREZ.

H. Res. 25: Ms. HAHN.

H. Res. 134: Mr. KILDEE.

H. Res. 262: Mr. ROSS of Arkansas.

H. Res. 298: Mr. MCGOVERN, Mr. COHEN, Mr. GIBSON, and Mr. PRICE of North Carolina.

H. Res. 494: Mr. CLAY.

H. Res. 526: Mr. MARINO.

H. Res. 546: Mr. DOLD.

H. Res. 556: Mrs. ELLMERS, Mr. CONAWAY, Mr. MCINTYRE, Mr. BERMAN, Mr. DUNCAN of South Carolina, Mr. HUELSKAMP, Mr. BROWN of Georgia, Mr. KLINE, Mr. HARRIS, Mr. GARY G. MILLER of California, Mr. SMITH of Nebraska, Mr. ROYCE, Mr. BROOKS, Mr. SCOTT of

South Carolina, Ms. ROS-LEHTINEN, Mr. PALAZZO, Mr. BUCSHON, Mr. JOHNSON of Ohio, Mrs. NOEM, Mr. REED, Mr. CANSECO, Mr. CHABOT, Mrs. SCHMIDT, Mr. QUAYLE, Mr. HASTINGS of Florida, and Mr. SHERMAN.

H. Res. 560: Mr. SERRANO.

H. Res. 564: Mr. DEUTCH, Mr. GENE GREEN of Texas, Ms. BROWN of Florida, and Mr. MORAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative MCCLINTOCK, or a designee, to H.R. 1837, Sacramento-San Joaquin Valley Water Reliability Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.