

Whitfield	Wolfe	Yoder
Wilson (SC)	Womack	Young (AK)
Wittman	Woodall	Young (IN)

NOES—187

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

NOT VOTING—18

Barton (TX)	Frelinghuysen	Smith (TX)
Campbell	Giffords	Tierney
Carter	Kucinich	Visclosky
Chu	Landry	Young (FL)
Duffy	Sessions	
Frank (MA)	Smith (NJ)	

□ 1252

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.

PERSONAL EXPLANATION

Mr. LANDRY. Mr. Speaker, on rollcall Nos. 221 and 222, I stepped outside to discuss issues with a constituent group and completely lost track of the time. Had I been present, I would have voted “aye.”

GOVERNMENT SHUTDOWN PREVENTION ACT OF 2011

Mr. WOODALL. Mr. Speaker, pursuant to House Resolution 194, I call up the bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 1255

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 “Government Shutdown Prevention Act of 2011”.

SEC. 2. FUNDING THE GOVERNMENT FOR THE REMAINDER OF FISCAL YEAR 2011.

(a) DEADLINE FOR CONSIDERATION OF LEGISLATION FUNDING THE GOVERNMENT FOR THE REMAINDER OF FISCAL YEAR 2011.—If the House has not received a message from the Senate before April 6, 2011, stating that it has passed a measure providing for the appropriations for the departments and agencies of the Government for the remainder of fiscal year 2011, the provisions of H.R. 1, as passed by the House on February 19, 2011, are hereby enacted into law.

(b) PUBLICATION OF ACT.—In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval, if applicable, an appendix setting forth the text of the bill referred to in subsection (a).

SEC. 3. TREATMENT OF CERTAIN PAYMENTS TO MEMBERS OF CONGRESS AND THE PRESIDENT.

(a) TREATMENT OF MEMBERS DURING A GOVERNMENT SHUTDOWN.—The Secretary of the Senate and the Chief Administrative Officer of the House, respectively, shall not disburse to each Member or Delegate the amount of his or her salary for each day that—

(1) there is more than a 24-hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or continuing resolution; or

(2) the Federal Government is unable to make payments or meet obligations because the public debt limit under section 3101 of title 31, United States Code, has been reached.

(b) TREATMENT OF THE PRESIDENT DURING A GOVERNMENT SHUTDOWN.—The President shall not receive a disbursement of basic pay for any period in which—

(1) there is more than a 24-hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or continuing resolution; or

(2) the Federal Government is unable to make payments or meet obligations because the public debt limit under section 3101 of title 31, United States Code, has been reached.

The SPEAKER pro tempore. Pursuant to House Resolution 194, the gentleman from Georgia (Mr. WOODALL) and the gentleman from South Carolina (Mr. CLYBURN) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WOODALL. Mr. Speaker, I yield 1 minute to my leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Georgia for yielding.

Mr. Speaker, as we debate the future course of government spending, we need to be honest with the people of this country about the current fiscal state of affairs.

America averages now trillion-dollar deficits. We borrow nearly 40 cents of every dollar we spend. Given the fiscal cloud that hangs over our country, it is reckless to assume we can live pain-free forever. Sooner or later, something has to give.

To give families and business confidence that their future won't be plagued by inflation, higher taxes and higher interest rates, our majority vowed to move forcefully to cut spending. We made clear that only by putting Federal spending on a sustainable trajectory could we create the conditions necessary for growth and job creation.

During our 3 months in the majority, we have delivered on our promise. Six weeks ago, after 47 hours of debate, we passed H.R. 1 to fund the government for the remainder of the fiscal year and save taxpayers \$61 billion relative to current spending. In a more open process than the House had seen in 4 years, we allowed the other party to offer countless amendments. And over the past month, we have passed two continuing resolutions that have cut \$10 billion in spending. All along, Mr. Speaker, we've practically begged President Obama and Senate Democrats to get serious and come to the table with a legitimate proposal. But we got nothing in return. No legislation. No credible plan to cut spending.

Mr. Speaker, I want to underline the fact that we do not want a government shutdown. Yet as Senate Democrats refuse to pass a bill, that unsettling prospect now looms ever larger, which is why they must act.

Today, we are bringing a bill to the floor that makes clear that continued inaction on the part of the Senate Democratic majority is simply unacceptable.

Finally, this bill also ensures that going forward, should there ever be a government shutdown, that Members of Congress and the President will not get paid. If we can't do our job, why should we get paid?

Mr. Speaker, funding the government at the levels passed by House Republicans might not be what Senator REID wants, but surely even he would agree that it's a better alternative than shutting down the government. I urge my colleagues to support this bill.

Mr. CLYBURN. Mr. Speaker, to begin this debate, I yield 4 minutes to the distinguished Democratic whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

April fools, America. This is a joke, America. This is not real, America. As a matter of fact, Mr. WOODALL of Georgia says it's not real. It's not going to pass the Senate. He made that very clear. The majority leader just said if the Senate won't take what we give

them, we're going to shut down the government. That's what he just said. And that's what I believe to be the case.

The last time the government shut down was not when we had a Republican President and a Democratic Congress but when we had a Democratic President and a Republican Congress. They shut down the government in 1995 and 1996. They shut down the government over Christmas, as a matter of fact, the Grinch who stole the government's operations for almost 3 weeks. We're about to do it again.

The gentleman from Georgia, who has been here now a few months, was 10 years old when I came to the Congress of the United States. He mentioned something about the debt, this \$14 trillion of debt. Well, I've only been here, I tell my friend, 30 years, but during the course of those 30 years, Republican Presidents have signed bills spending \$4.8 trillion in deficit spending. During the course of the Clinton administration, we had a surplus, as the gentleman probably knows. Now he will say, presumably, because we had a Republican Congress. But, of course, the Republicans not only took the Congress but they took the Presidency in 2001, and they ran up 2½ trillion dollars of deficit and increased the national debt by 115 percent, notwithstanding the fact that they inherited a projected \$5.6 trillion surplus.

And now they pass this April fools joke on America that the gentleman who is one of the cosponsors says won't pass the Senate. We know it won't pass the Senate. But they pretend in their language what is clearly contrary to the Constitution, because they say if it doesn't pass, the provisions of H.R. 1, the bill they have sent to the Senate, passed by the House on February 19, 2011, are hereby enacted into law. In other words, we're going to deem it passed.

Let me tell you what ERIC CANTOR said about deeming it passed:

"Malfeasant manner. Did not discharge the duties of their office."

Then Speaker BOEHNER said this about these deeming pieces of legislation, which this is. He said it was a scheme and plot that set a precedent and was, quote, one of the most outrageous things that he had seen since he had been in Congress and erroneously claimed that it had never happened in American history. In fact, it had happened before. This has never happened, where the House of Representatives took the position if you don't pass what we want, ours goes into law anyway. I'm sure our Tea Party friends are shocked, because they will find nowhere in the Constitution, my friends, does that provide for.

□ 1300

Furthermore, MIKE PENCE denounced deem and pass as, quote, trampling on the traditional rules of the House and Senate and even on the Constitution of the United States of America.

MICHELLE BACHMANN, who apparently may be a candidate for President, said this, that deem and pass, quote, ignored the Constitution and warranted the impeachment of the House Speaker. Quote, there should be people that are calling for impeachment off of something like this.

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

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

Mr. HOYER. This resolution says, contrary to the Constitution, if the Senate doesn't act, this bill becomes law. Nobody on your side surely believes that that can happen. Nobody believes that that joke that we are trying to play on the American people on April Fool's Day will be believed by any of them.

And, my friends, do not tell me about your concern about the deficit, because the deficit during my period of time, except for the last 2 years, trying to deal with the deep depression in which the last administration left this economy—don't try to tell me that we are responsible for the debt, the \$14 trillion of debt. Surely my friend knows that's not the case. And if my friend doesn't know it, I would be glad to set up a time when we can debate that issue in any forum he chooses because the facts belie his representation.

My friends, reject this bill. Reject this bill because it is a fraud on the American public. Reject this bill because it's an attempt to shift blame from the House of Representatives passing a bill that can, in fact, pass; not to say to the Senate, Our way or no way, and we will shut down the government, because that's what this bill says.

Mr. WOODALL. Mr. Speaker, I yield myself 15 seconds to say to my friend from Maryland, about whom I say regularly back home has a great reputation for fair dealings, that I am tremendously disappointed by that characterization of the bill.

Mr. HOYER. If the gentleman will yield, I thank the gentleman for his observation and regret that he felt it was a mischaracterization because I thought it was accurate. Thank you very much.

Mr. WOODALL. Mr. Speaker, I would like to yield 5 minutes to gentleman from Arkansas (Mr. WOMACK), the bill's sponsor, to set the record straight on what the bill actually does.

Mr. WOMACK. I thank the gentleman for yielding.

Yes, there has been a lot of conversation in Washington about the prospect of a government shutdown. And while I realize there are some in this Congress who might prefer that option, I am not one of them; and let me just add, our leader is not one of them. Frankly, we think it's irresponsible. Our constituents did not send us to Washington to shut down the government. They sent us here to make it more accountable to the people, and that is precisely what House Republicans have been doing.

Examine the facts. When the curtain came up on this Congress, we were already 3 months into this fiscal year with no budget and on a temporary spending plan that went through early March. This House went to work crafting legislation that would fund the government for the rest of this fiscal year while delivering on our pledge to cut spending. The response from the Senate? Not so fast.

So we kept government operational with a 2-week continuing resolution in hopes that the Senate would realize the sense of urgency that accompanies our fiscal situation. And in that 2-week span of time, the response? Not interested.

Again, this House went to work crafting another temporary measure that funds government through next week. My friends, patience is wearing thin, not just my patience and the patience of my colleagues, but the patience of Americans. In our collective opinion, time's up.

Mr. Speaker, we all agree that we have some bigger fish to fry. Pressures on the statutory limit on debt and, more importantly, the 2012 budget loom very large right now for this country. Instead of focusing on these issues critical to our struggling economy, here we are, mired in partisan gamesmanship over funding the government for the remainder of this year. Did we come here to fish or did we come here to cut bait? This bill simply puts the clock in action on this process.

I am hopeful my colleagues will agree that the time is now to move beyond 2011 so that we can turn our attention to the bigger challenges of transforming this institution and restoring fiscal sanity. That is what the people sent us here to do; and every day we fail to do this work, the people lose.

We have been called extreme. H.R. 1, which passed in the early morning hours on this floor on February 19, cuts on an annualized basis \$100 billion in Federal spending. That's one-sixteenth of the deficit. Is that extreme? I don't think so.

Mr. Speaker, it's unfortunate that people across America trying to find jobs, trying to pay their mortgages, and trying to have the funds to put their kids through college are victimized by this flawed political process. Instead of removing the uncertainty for small business and job creators by cutting spending and shrinking the size and reach of government, we are playing games with the future of our Nation.

If this is our best, our best falls short of the expectation of those we represent. We can do better. We should do better. And if all we can show for our work is a shutdown of the government, we will have failed our constituency and should not be paid.

The gamesmanship going on right now is gambling with America's future, and it's hard to make progress when

you are playing on House money. H.R. 1255 forces Members to have skin in the game. And if passed by both Chambers and signed by the President, we will have the proper motivation to set aside the rhetoric and actually accomplish something that is good for America: a climate for job creation, not a government shutdown.

I urge my colleagues to support this bill so we can do the people's work.

Mr. CLYBURN. Madam Speaker, I yield myself 4 minutes.

Let's do a quick review of the year. It's been 13 weeks since the Republicans took over the majority. Leading up to that point, we heard a mantra, "Where are the jobs?" So you might expect that on day one of the 112th Congress, they would bring a jobs bill to the floor. But no. What the Republican majority did with great fanfare was to conduct a reading of the Constitution and, as if our oath of office wasn't enough, also implemented a new House rule which required legislation to be accompanied by a "statement of constitutional authority." In fact, my fellow colleague from South Carolina, JOE WILSON, read aloud Article I, section 7. What does it say?

"Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it . . ."

Ladies and gentlemen, we all learn in grade school how a bill becomes a law, but we'll get back to that in a moment.

So 13 weeks ago when the Republicans took the majority, up to that point all we heard from them was "Where are the jobs?" So, then, what was the first bill we were asked to vote on? The first bill was to repeal the health care law.

Democratic policies created more jobs in the last year than the Bush administration created in 8 years. Since health reform became law, 1.1 million private sector jobs have been created.

□ 1310

One-fifth of those new jobs, over 200,000, have been in the health care industry. So, repeal of the health care law would end jobs, not create jobs.

Then surely, at some point in the last 13 weeks, the Republican majority would have brought to this floor a jobs bill. Three months and no jobs bill. In fact, we've passed three bills that will destroy more than 1 million jobs, which brings us to this moment, the so-called Government Shutdown Prevention Act of 2011, and article I, section 7 of the United States Constitution. I've read it, but I want to repeat a certain portion of it:

"Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States."

But the bill before us today, not a jobs bill, says that if the Senate

doesn't act prior to the expiration of the continuing resolution, that H.R. 1, a budget bill passed only by the House, will become the law of the land.

It's very simple. That is unconstitutional. We do not have a unicameral legislative body.

Then what did they cite on the statement of the constitutional authority that must accompany each bill? There are a lot of words that only a parliamentary expert could understand.

The SPEAKER pro tempore (Mrs. BIGGERT). The time of the gentleman has expired.

Mr. CLYBURN. I yield myself an additional minute.

But if you ask my daughter's eighth grade class that visited us here earlier this week, they will tell you that that's not how things work under our Constitution.

But don't listen to me or the eighth graders at Dent Middle School. Listen to what some of your colleagues in the other body had to say. So our colleagues in the other body had made it very clear. Senator COATS of Indiana: "My reaction to that is ultimately the whole body, including the executive branch, has to sign on here or we're just whistling in the wind."

Senator ALEXANDER of Tennessee: "To be the law of the land, a bill has to pass the Senate and be signed by the President."

One of our own, the Appropriations Subcommittee Chair, Representative MIKE SIMPSON, after laughing out loud, said, "If we can do that, can't we just deem the budget balanced?"

Madam Speaker, I know it's April 1, so maybe that's the point. I ask my colleagues on the other side to let's quit this joke and get serious.

Mr. WOODALL. Madam Speaker, at this time I am pleased to yield 2 minutes to a very serious reform-minded freshman, the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. Madam Speaker, I rise as a cosponsor of this bill, and urge my colleagues to support it. I've worked tirelessly with my colleagues to pass a continuing resolution that saves taxpayers money and keeps the government running, while the other body, as we continue to hear, has done nothing but complain.

Are they blind? Are they deaf? Do they not see, do they not hear what the rest of the people in this country see and here in terms of this country's financial crisis, in terms of this country's debt, in terms of what we're doing to our children and grandchildren by continuing to do nothing?

Madam Speaker, we've waited 41 days for them to send us a funding bill, and we've got nothing. At least the Members who will be voting for this bill, who will be voting in favor of this bill, are showing leadership, are showing the American people that we care about the future of this country and that we do care about jobs.

Show me one country on this globe that can grow its economy, that can

grow jobs while having the boot of government on the neck of its people, on the neck of its businesses all the time. And just like the overregulation we do right now through the Federal Government, that debt boot, that debt burden is doing the same thing to job creation.

This is a jobs bill. Get government out of the way and watch this country lead the world again.

Mr. CLYBURN. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, once again, instead of working to create jobs, grow the economy, reduce the deficit and strengthen the middle class, the majority is spending its time engaged in ideological lawlessness disrespectful of the U.S. Constitution, and all because of their political base and to benefit their political base.

This bizarre attempt to deem and pass into law their reckless budget is not only hypocritical and blatantly unconstitutional; where is the statement of the constitutionality of this legislation?

I'll ask my colleagues on the other side of the aisle, read the Constitution. It calls into question whether the Speaker and the Republican leadership understand how our representative democracy works, and that includes the author of this legislation.

The House cannot simply close their eyes, pretend that the Senate and the President have passed and signed the bill into law. It does not work that way. When a bill actually passes the Senate, the Senate has actually passed the bill. And when the President picks up a pen and puts his name on it, and not a second before, that bill has been signed into law. No amount of magical thinking can change these simple facts.

Even notwithstanding the gall of the Republicans' unconstitutional plan, the very attempt to pass a deem and pass act flies in the face of all of the pearl-clutching we heard from the majority in 2010.

Then, when a simpler version of deem and pass came up during the health care debate, one that did not fly in the face of the Constitution and attempt to speak for the Senate and President, the current Speaker called it one of the most dangerous, outrageous things he had ever seen in a Congress. Majority Leader CANTOR offered a privilege resolution putting the Republicans on record as against any sort of deem and pass mechanism. A year later the story has changed.

No, most of all this is a diversion from the reckless cuts the majority has proposed, the slashes to Head Start, Pell Grants, Meals on Wheels, veterans, job training, medical research, all cuts that hurt middle class and working families.

We are still waiting for the Republicans to cut the special interest waste, like the oil company subsidies and the tax loopholes for the richest people in the Nation. And what about those tax

subsidies to those multinational corporations that take their jobs overseas?

You're not starting there to cut the deficit. No, it's working families and their children that you're going after.

You are taxing the patience of the American people. And you know what? You're taxing the memory of our Founding Fathers who educated us—and children in grade school today—on how a bill becomes a law.

The Republican majority is playing a dangerous game. If they do not get what they want, they will shut the government down.

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

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

Ms. DELAURO. You're playing fast and loose with the lives of the American people, their kids, their families and with American businesses. No matter what those damaging effects are, because of ideological reasons and political base, and electoral votes, you are willing to put the United States and its people, above all, working families, middle class families and their children and our economy, at risk.

Please read the Constitution. Understand how this democracy works, and take this bill and do away with it.

□ 1320

Mr. WOODALL. Madam Speaker, at this time I am very pleased to yield 3 minutes to my good friend, a freshman Member, the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. I thank the gentleman.

Madam Speaker, I rise in support of this bill as a cosponsor.

It has been over 40 days, and the Democratic leadership in the Senate has failed to act on a spending plan. If our government shuts down, our troops won't get paid. Now, they will still be serving this great Nation, but without pay. We need to ensure there are no political burdens that affect our troops while they are at war. As the Department of Defense has indicated, a funding lapse does impact their military's operational readiness.

The American people cannot wait; Congress cannot wait while the Democrats in the Senate continue to play politics. We have given them ample time to put forth a reasonable plan, yet the majority leader in the Senate is not serious about spending reform.

While the Democrats have been cheering for a government shutdown, Republicans have passed the largest spending cut in American history, and our actions are having results. Just this morning it was announced that the unemployment rate is at a 2-year low. Americans are going back to work because of our efforts.

Meanwhile, what has happened this week? The Senate Democrats have spent the week diverting attention, trying to figure out how to spin to reporters. And today, while the shutdown is imminent, they have gone home.

The cuts that the American people want are not extreme. They are necessary. When we are borrowing 42 cents out of every dollar, when our children and grandchildren's future is in jeopardy, these cuts are far from extreme. It is time for the Senate to act. Our goal is to cut spending, not to shut down the government.

Back in Mississippi we have a saying: Lead, follow, or get out of the way. Mr. REID, today you are in the way. So I challenge you today to lead by passing a plan of your own, to follow by adopting the plan that we have already passed. But if you can't do either of those, get out of the way and allow the Senate to act.

Mr. CLYBURN. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Madam Speaker, this morning several dozen students from Key Elementary School came to visit the office, and they wanted to know what we were doing. They were all excited to be up on Capitol Hill. So I explained: Well, this afternoon we are debating a bill. It has been introduced by what we call the freshmen, the new Members of the House. The bill says that if the Senate doesn't agree with a big bill that the House has passed, if the Senate doesn't agree next week, then this bill would deem it passed, in fact, deem it enacted. Well, they were all kind of shocked because that is not what they learned in civics class.

They learned that a bill has to be passed by the House and then passed by the Senate, and then it goes into conference. And then, if the President agrees to sign it, then it can become law. But not this bill. So I was at a loss, of course, to explain how it was constitutional. They were kind of surprised that this is what the House was doing.

They wanted to know, Well, what is the bill that they want to be enacted? And I said, Well, it's a bill that I don't really agree with and a lot of the Members don't agree with. In fact, the Senate doesn't agree with it. Because while we have a lot of people unemployed, this would make apparently about 700,000 more people unemployed according to even Republican economists. So they were even further amazed by that. It also would eliminate a lot of regulations that have been passed by the House through a lot of deliberation, but it just says those regulations wouldn't take effect. So it is a very controversial bill.

Now, I was also able to tell them that I did suggest to the Rules Committee yesterday, although the majority rejected it, that there is something we could do today; and that is to say that if we put our staff out on the street without pay, hard-working employees who get a fraction of what we get paid, and we put another million Federal employees out on the street unpaid, then the Congress shouldn't get paid, either. The Senate did in fact pass that unanimously, including the Republican Leader Senator MCCONNELL obviously.

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

Mr. CLYBURN. I yield the gentleman another 30 seconds.

Mr. MORAN. So at least today we could put ourselves on record that we are not going to put people out on the street while we continue to get paid, because we get paid from a different authorization, as does the President. Now, this is legislation we could get passed. Since the Senate has agreed, it could go to the President right away. I know the President would sign it. That is what we should be doing today, not something that even a 10-year-old understands is unconstitutional.

Mr. WOODALL. Madam Speaker, at this time I yield 2 minutes to a gentleman from your home State, the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. Madam Speaker, this is unbelievable. We are in a mess. We are in a fiscal mess, and we continually are still throwing barbs and saying, Well, it's not our fault. Yeah, we've been in charge of the House for 4 years and we've had the Presidency for 2 years, but it is not our fault; and we don't want to do anything to fix it.

So in fact here, last year when our friends on the other side of the aisle had all the majority, they failed to do the most basic thing that you ought to do when you run something: you pass a budget. No budget was passed because the November elections were coming up. You didn't want to make the tough choices that would hurt you in reelection, and you didn't want to have to go through that route, so you didn't pass a budget. You passed a continuing resolution.

Guess what, the American people in November spoke. They said the Federal Government is entirely too big, and the big bloated bureaucratic government is crowding out the free market.

And so what happened? We were sent here to Washington, D.C. to control the size of the Federal Government, and we are doing exactly that. We passed a significant budget cut to just a small part of the budget. We are not even talking about the 2012 budget year. That is coming up. But our friends on the other side of the aisle don't even want to show us where they are at. They can't cut spending. They can't do it. They don't want to say no to people. The American people and the children are asking us to say "yes" to the future.

I'm a military pilot. That's what I do as a Reservist. I have friends wondering if we are going to get paid. I say, Ask HARRY REID. I don't know. We have tried to make sure that you continue to get paid through this.

I have a friend, Tim Normand, who runs SDL Technology Partners back home. And as he is sending kids to college and as he is building his small business, he doesn't know if he can trust in the faith of what this government is going to be in the future because our friends on the other side of

the aisle don't want to do anything to begin to rein in this out-of-control government. We do. Pass this bill.

Mr. CLYBURN. Madam Speaker, I yield 3 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 from South Carolina.

Madam Speaker, there was some good news today, finally, that 214,000 Americans went to work last month. That is not nearly good enough. There is a lot more work to do. One of the ways to do that work is to come to a responsible agreement on the Federal budget. I am hopeful there will be such an agreement next week that sensibly reduces spending but protects education; that leaves to another day fights over whether to repeal health care. We believe we shouldn't; the other side believes we should. Whether or not to defund planned parenthood. We believe we shouldn't; most of the other side believes that we should.

Leave those discussions to another day and keep the government functioning, because the taxpayers will keep paying taxes even if there is a government shutdown. They pay even if they don't get the services.

So what are we doing this afternoon? What we are doing this afternoon is looking at a bill that on its face is unconstitutional. And the reason we are looking at this bill is so that Members of the majority side, who probably won't vote for the budget compromise next week, can say they did something. Well, doing something that is unconstitutional is wrong.

As Mr. CLYBURN read, article I, section 7 says: "Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President."

□ 1330

Article I, section 5 of the Constitution says, "Each House may determine the rules of its proceedings."

"Each House may determine the rules of its proceedings."

What is wrong with this bill is that one House, our House, is determining the rules of the other House's, the Senate's, proceedings. You can't do that. It is a pretty simple concept.

I have heard all the convoluted arguments on the other side. I have heard all the twisted rationalizations. It comes down to this: If this afternoon the Senate passed a budget that our friends on the majority side don't like and said, if our friends on the majority side don't pass that budget in a week it becomes law, they wouldn't agree to that, because they would know that it is unconstitutional. This is the same thing.

It is ironic that with great fanfare on the first week of this session, after running a campaign saying they would produce jobs, what the majority pro-

duced was a reading of the Constitution on this floor. I thought it was appropriate. I thought it was actually moving and the right thing to do.

The wrong thing to do is to ignore what we read the first week. "Each House may determine the rules of its proceeding." We can't determine the rules of proceeding for the Senate. They can't determine the rules of proceeding for us.

This is a bad bill. Vote "no."

Mr. WOODALL. Madam Speaker, at this time I am pleased to yield 2 minutes to my good friend the gentlelady from Kansas (Ms. JENKINS).

Ms. JENKINS. Madam Speaker, I thank the gentleman from Georgia for yielding.

Do you all remember the story about an old man of great faith whose town was about to be flooded? The town was being evacuated and the water was already covering the road. The old man sat on his porch calmly, unafraid. A car pulled up to the house, the water almost too deep to drive in. The driver yelled, "Get in. We'll take you to safety." The old man shook his head and said, "Go on. I have faith in God. He will save me." So the car moved on.

A short time later, the water had risen so high that it covered the porch, so the old man simply went upstairs. A boat floated up to the house and the people yelled, "Get in, we'll take you to safety." The old man said again, "Go on. I have faith in God. He will save me." So the boat went on.

Hours later, the water had risen so that it almost covered the entire house. The old man was now on his roof, when a rescue helicopter came by. They called, "Get in. We'll take you to safety." But the old man refused, saying, "Go on. I have faith in God. He will save me." So the helicopter left.

So the water rose so high that the old man drowned. He went to heaven, of course, and when he arrived he asked God, "I had faith in you to save me. Why didn't you?" God answered, "I sent you a car, a boat and a helicopter. What more do you want from me?"

I hope my Democrat colleagues in the other Chamber and this President understand that this bill is their helicopter. You had a chance to propose and pass a budget for 2011 last year when you all had unfettered power in Washington. You have had over a month now to address H.R. 1, a bill that cut a mere \$100 billion from our budget. Today we are giving you a third chance to avoid a government shutdown.

Please grab onto this lifeline and work with us to prevent a government shutdown that could have international consequences. Vote "yes" on H.R. 1255.

Mr. CLYBURN. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Thank you, Mr. CLYBURN.

When I heard that this bill was coming forward, I had an opportunity to re-

flect on the fact that I have been having conversations with my constituents, and in each case I have posed to them how we are proceeding here in Congress and asked them if in fact they could accept a small across-the-board percentage decrease for FY 11. Invariably, each and every one said yes.

I have been on record for many months as suggesting that we can solve this problem, walk away from the ideology that is dividing us and simply reduce spending by 2 percent, which I think, if one does the math, gets us to the position that our friends on the other side of the aisle would like us to adopt.

It is clear to me after practicing law for more than 30 years, part of which was as a JAG officer in the United States Air Force, that clearly this is an unconstitutional piece of legislation and is nothing more than spinning in the wind.

I had the opportunity the other day when I saw the makeup of this bill to write to the Speaker, Mr. BOEHNER, along with 27 other cosponsors, and ask that S. 388 be separated from this legislation. This legislation is not moving forward, and if in fact we do see a government shutdown, we in Congress should share the pain. We have that responsibility, that obligation, and we must lead by example.

Mr. WOODALL. Madam Speaker, I am very pleased to yield 2 minutes to one of my fellow freshmen, the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. I thank my good friend for yielding me time.

Madam Speaker, I commend my fellow Member for introducing the Government Shutdown Prevention Act, and I strongly support its passage.

I would like to say real quickly that what we have seen here in the last few minutes is a colossal waste of time. You had a bunch of folks saying, Madam Speaker, that this is unconstitutional. I just want to clarify so we can move past that and my colleagues can focus their arguments where it matters.

We intend for this bill, like all other bills, to pass the House, to pass the Senate, and be signed by the President. I too am a JAG officer from the Army, and I think that the JAG officer, Madam Speaker, from the Air Force would understand that this is a constitutional bill, like the other bills that we introduce here.

Now, why are we here today? Forty-one days ago this House passed a \$100 billion spending cut from the President's 2011 budget. That bill kept the government operating. We did our job here. Now, there is another House down on the other side of the Capitol and we are here because they have refused to do their job. Forty-one days later, zero bills.

We have heard some suggestions here today that maybe we ought to do across-the-board cuts. I suggest that if they have got any friends on the Senate side, that they go down there and

see if they will propose a bill with some kind of cuts, because so far it is zero, zero bills from the Senate on this.

Senator HARRY REID thinks our plan goes “too far.” We have heard a lot of people using the word “extreme,” because that is a scary word. Let me tell you, the only thing extreme around here is the national debt. Do you want to see extreme? That is extreme.

Senator HARRY REID believes that shutting down the government is perfectly acceptable. In fact, we have seen with the pollsters and the pundits and Howard Dean and others that they want to shut down the government. Well, I don't want to shut down the government. I want to cut spending.

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

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

Mr. GRIFFIN of Arkansas. I don't want the government shut down. I want spending cut. I have a question of what a shutdown would do to our Armed Forces, the airmen and the soldiers in Arkansas that are in my district.

Senator REID has failed to come up with a credible plan of his own. They can't cut just a few billion dollars, even though we have a GAO report that indicates \$100 billion to \$200 billion could be saved by getting rid of duplicative programs. If the Senate is unwilling to make the small cuts, how in the world are we ever going to be able to make the bold decisions?

Mr. CLYBURN. Madam Speaker, I yield 1 minute to the Democratic Leader, the gentlewoman from California (Ms. PELOSI).

□ 1340

Ms. PELOSI. I thank the gentleman for yielding and thank him for his leadership in this debate this afternoon. I have been listening to it very intently. I heard the debate on the rule this morning and then the debate this afternoon.

Some questions have arisen. First, I want to state a fact. The fact is that every single one of us in this body as our first act raises our right hand to protect and defend the Constitution of the United States. The bill that we have on the floor before us does violence to those provisions in the Constitution that describe how to pass a bill—not by one House deeming it, but, as our distinguished assistant leader, Mr. CLYBURN, described his daughter's schoolchildren in her class could tell you that you pass one House, you pass another House, it's signed by the President. But that seems to be missed by the makers of this resolution today.

Again, Mr. CLYBURN talked about the constitutional authority to bring this bill to the floor. It's truly a mystery how you can take an oath of office to defend the Constitution of the United States, bring a bill to the floor in violation of that, and justify it constitutionally.

I've heard the distinguished chairman of the Rules Committee, Mr.

DREIER, say that we have some visiting parliamentarians here who are watching this debate to see if Congress can get its job done. Please don't pay attention to this. What you see on the floor today is no example of democracy in action. It's silly. The Republican leadership is asking its members to make a silly vote. And it's time for us to stop that silliness and get serious about the creation of jobs, get serious about not shutting down government, abnegating our responsibilities and shutting down government.

I've heard Mr. HOYER earlier today talk about how we got here in terms of this budget deficit. We all know that we must reduce the deficit. That's why, during the Clinton years, as Mr. HOYER said, we reversed the first Bush's deficit. We came out in a trajectory of fiscal responsibility, going into surplus. The last five Clinton budgets were in surplus or in balance. But because of tax cuts for the rich, two unpaid-for wars, and a prescription drug bill that gave away the store to the pharmaceutical industry, we came back into deficit—the biggest swing in fiscal irresponsibility in our country's history. And now we've had to deal with that. And what's the answer that the Bush administration gave us? Tax cuts for the rich. That's how you create jobs. We didn't. That's how you reduce the deficit. We grew it.

I think it's important when we're talking about the deficit—which we all agree must be cut—and we talk about jobs to note that in the first year of the Obama administration more jobs were created in the private sector than in the 8 years of the Bush administration. Tax cuts for the rich did not produce jobs. Cuts in initiatives to educate our people and keep us healthy and safe, those cuts did not create jobs.

So here we are today, at the end of a week, wasting the public's time on a notion—not even an idea; on a notion—that does not rise to the level of a credible idea that one House can deem a bill the law of the land.

I also heard on the floor of the House a call for Senator REID, the leader in the Senate, to take up H.R. 1. He did. It failed. Not even the Republicans all voted for it in the United States Senate. Three Republican Senators voted against H.R. 1 in the Senate. Perhaps you don't know the date, but it did happen.

It's stunning to hear this debate that talks about visiting parliamentarians seeing an example of good government in action. No. Wrong.

So what could be the explanation for this? Mr. CLYBURN suggested it could be April Fool's and at end of this debate the gentleman will withdraw the amendment, apologize for wasting the public's time, and say that this is only an April Fool's joke. Because that's the only thing that it complies with. It does not comply or conform with honoring the Constitution. It does not create jobs. It does not reduce the deficit, and it does not have the support of the

Democrats in the House of Representatives.

Mr. WOODALL. Madam Speaker, I yield myself 30 seconds just to remind the gentlelady that Article I, section 7 says all bills for raising revenue shall originate in the House of Representatives. We failed to do that in the last Congress, and that's why the gentleman stands here today with this bill, proudly.

With that, I yield 2 minutes to a very good freshman colleague, the gentleman from Louisiana (Mr. LANDRY).

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

Mr. LANDRY. I thank the gentleman from Georgia.

Madam Speaker, when I was first elected, I declined my health care benefits because I don't believe we can fix a system we were not a part of. I declined my retirement benefits because our Social Security system is broken.

I support this bill because if the American people have to endure a government shutdown which is the result of a failure of the Senate Democrats, then none of us, including the President, should expect the American people to continue our pay until we fix this budget mess. The funding for the Federal Government is 182 days old. Democrats on the Senate have failed to pass a budget for 182 days—182 days. That's an entire school year. I ask my colleagues on the other side of the aisle: What would you think if your child's teacher did nothing for the entire school year?

Our Constitution authorizes Congress to be the power of the purse. It is our job to set a responsible and affordable budget for the Federal Government each year. If we can't do our job, we should not be paid.

Madam Speaker, it is time for the Democrats in the Senate to do their job.

Mr. CLYBURN. Madam Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my good friend from South Carolina.

David Frishberg wrote, in 1975, “I'm Just a Bill.” This has been utilized. I utilized it yesterday. My friend from Georgia (Mr. WOODALL) utilized it again today. I shan't go into all of it, but I would encourage the American public to understand that my friends know how a bill becomes the law.

H.R. 1, the measure that we have been talking about, really did pass the House of Representatives and it went over to the United States Senate and it was rejected. The President also said that he would veto H.R. 1 if it reached his desk. So what we're doing here is symbolism. My friends on the other side are entitled easily to message anything they wish to address their base, but don't bring it to the American public under the aegis of this is something serious. It is not. It is absurd. It is a complete waste of time. And, even more importantly, as has been said by

many, and I believe everybody on the other side understands, it's unconstitutional.

It also has not gone unnoticed that my friends who advocated rightly that there should be transparency, in addition to being transparency, that measures should be allowed to be read before they're utilized. The leadership of the House of Representatives held a press conference before any Member of the House of Representatives saw Mr. WOMACK and Mr. WOODALL's bill. Knowing this, then, I guess what must be happening here is we are wasting our time on patently unconstitutional measures.

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

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

Mr. HASTINGS of Florida. I won't go into all the details about the need to address jobs, but I do know this: STENY HOYER said earlier what all of us in America know, and when we were children we celebrated a lot—a lot of us—and it was April Fool's. We played jokes on people. But, listen, the American people are not fools and they're not foolish enough to believe this absolutely foolish unconstitutional measure.

Mr. WOODALL. Madam Speaker, at this time I am very proud to yield 30 seconds to my good friend, the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. We're here because the Democratic majority last year did not do their job, did not give us a budget, did not due proper appropriations, and now the Senate has had the same problem. So I applaud anybody's efforts in trying to move the ball down the road so that we can appropriate. I just wish the Senate would do their job now and take care of it. But for a bill to say provisions that pass the House are hereby enacted into law violates my conscience and the Constitution. I cannot vote for it.

□ 1350

Mr. CLYBURN. Madam Speaker, may I inquire as to how much time I have left?

The SPEAKER pro tempore. The gentleman from South Carolina has 6½ minutes remaining. The gentleman from Georgia has 11 minutes remaining.

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

Mr. WOODALL. Madam Speaker, it gives me great pleasure to yield 2 minutes to one of my freshman colleagues, the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. I thank the gentleman for the time.

It has been fascinating. I accept that I'm a freshman, and I know it's April Fool's Day, but it's been funny hearing the discussion about how this isn't constitutional.

Now, let me see. I'll walk through this.

It's a piece of legislation with a trigger mechanism in it. Okay. I know the

other side does not like that trigger, but it still would require the Senate to pass it and the President to sign it. It was fun seeing something from my childhood, from the 1970s, of how a bill becomes a law. If I remember correctly, that's still how a bill becomes a law.

The most important thing going on here is not the gamesmanship about, "Oh, it's April Fool's Day. Let's try to demagogue this piece of legislation." What's important here is that the American people know we're taking the job seriously and giving the Senate another chance to step up and do their job. We're sitting here—how many weeks after we passed H.R. 1?—and we're still doing this dance. At some point, the American people have to expect us to do our job. And if we don't do our job, not a single one of us here or in the administration or in the Senate deserves a paycheck.

Mr. CLYBURN. Madam Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, I think that we need to reiterate that we just had a very principled statement from the gentleman from Texas, and I think we have a chance to rise above the normal partisanship.

The gentleman from Texas on the majority side just said he agrees with the proposition that the bill is unconstitutional, and I would urge Members, Madam Speaker, to listen to that example of principle. We don't agree on all things, but we should all rise to honor our oath of office and to oppose this bill based purely upon constitutional grounds.

Mr. WOODALL. Madam Speaker, I am pleased to yield 2 minutes to a good friend and mentor, the gentleman from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Madam Speaker, when a patient is bleeding to death on an operating table, we as doctors do everything that we can to save that patient's life. We don't just walk away, and we certainly don't call it quits. Well, that's what the Democrats want to do. They want to call it quits on our spending crisis, and the worst part is that they're doing it for their own political gains.

Democrats in Congress are intentionally plotting this government shutdown, and they hatched their plan months ago, I believe. If they'd wanted to, Democrats could have passed a long-term continuing resolution during the lame duck session without making any spending cuts at all. Instead, they passed a short-term spending bill so that they could play the shutdown card right now.

The Democrats' political game of wedging conservatives between unacceptable cuts and a government shutdown is an insult to the gravity of the problem. It's an insult to American

families who are struggling to make ends meet. It's an insult to all of the American people who are out of work, and it's an insult to us—to the Members of Congress who are serious about trying to put this country on a road to economic recovery.

It's pitiful that the Democrats have wasted so much time stalling over these minimal cuts in their own self-interest while our country is financially bleeding to death. We should be focused on trying to revive our economy rather than bickering about \$61 billion when we already borrow almost \$60 billion per week.

Madam Speaker, since the Democrats refuse to stop their political games and get to work, those over in the Senate particularly, I urge my colleagues to pass the Government Shutdown Prevention Act so that we can do our jobs and start trying to heal our economy and create jobs in America.

Mr. CLYBURN. Madam Speaker, I would like to yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman.

Madam Speaker, there is no stronger supporter of H.R. 1 than Mr. GOHMERT from Texas, and he made a very simple, very elegant, very eloquent statement of principle about adhering to the Constitution.

This legislation has to be interpreted by its own words, not by what people say is in it. What it explicitly says is that, if the House has not received a message from the Senate before April 6 stating that it has passed a measure providing for the appropriation for the departments and agencies of government for the remainder of the fiscal year—and this is the language of your legislation—the provisions of H.R. 1, as passed by law on February 19, 2011, are hereby enacted into law.

That's absurd. It's a pretend bill that says, if the House acts and the Senate doesn't, our action becomes law. It's absurd. It says, if the House acts and if the Senate doesn't and if the President doesn't sign this piece of legislation, it's law. That's the document that you've presented to this body to vote on.

Now, Mr. GOHMERT took the higher road here. Instead of taking out his frustration with the United States Senate at the expense of the Constitution, he stood up for the Constitution. That's what each and every one of us has the opportunity to do. All of us have had frustration with the other body because they sit on bills and kill them. In the eyes of the beholder, it's a good or bad bill, but it does not entitle us to essentially pretend that the Constitution doesn't apply to the legislation that we have to consider.

Also, if we have the political and practical problem of moving ahead on a piece of legislation in the House, is it right for us, in effect, to mislead the people who sent us here by suggesting that we're passing a law that has any impact when we know it has absolutely no impact? Is that a fair, appropriate

or honorable thing for a Democrat or a Republican to do?

I urge us to vote “no” on this legislation.

Mr. WOODALL. Madam Speaker, I yield myself 30 seconds to answer my friend from Vermont’s question, which is that it is not an appropriate thing to mislead the American people, so I’ll just read one more time:

Having passed the House, having passed the Senate, and be signed by the President.

That’s the regular order.

I’ll say to my friend that I’m sorry we didn’t have time to finish our discussion yesterday in the Rules Committee. I really am sorry that we were called away by votes.

With that, I would like to yield 2 minutes to my very good friend, a freshman from Pennsylvania (Mr. BARLETTA).

Mr. BARLETTA. Thank you.

Madam Speaker, I came here to be a responsible Representative and to fight for my constituents. I didn’t come here to shut down the government. My district has the highest unemployment in the State. People are hurting. They look at the reckless spending in Washington, and they get angry. It’s just this simple: They don’t spend money they don’t have. So why does Washington?

This bill prevents Members of Congress and the President from getting paid if the government shuts down. I get it. The American people get it. Why doesn’t Washington get it? It’s something any business owner or logical individual anywhere in America can understand: If you don’t work, you don’t get paid.

Maybe this just makes too much sense for Washington.

Mr. CLYBURN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. My friends, I think one of the truly edifying experiences we had in the opening days of Congress was that we read the Constitution, and I think one of us had the great good fortune to read article I, section 7: “Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States.” That’s how a bill becomes a law.

Now, this is how ERIC CANTOR on 3/30/2011 said a bill becomes a law: “The Senate’s gotta”—this is just a transcription. I didn’t do that. I just assume it’s a Southern thing. “The Senate’s gotta act prior to the expiration of the CR. If it does not act,” meaning if the Senate does not do something, “H.R. 1 becomes the law of the land.”

□ 1400

That’s not true. That’s not constitutional. That’s not fitting of this body.

Now, it is, however, consistent with how the majority party has been governing around here. They’ve passed

rules that they have ignored. For example, on January 5, they had members of their caucus take the oath in front of a television set. On February 9, they failed to provide constitutional authority for a bill despite that it was one of their rules. On March 13, they failed to get a three-fifths majority for passage of a bill that raised tax rates, despite the fact that it was part of the rules. On March 17, they failed to make a bill available within 72 hours, despite the fact that it was part of the rules. And just March 30, they failed to include an offset for a new government program.

The rules are not a big thing for them to follow because this is why it’s hard. It’s a big book. So I brought you this, “House Mouse, Senate Mouse,” which is sold in the gift shop to teach children how to understand the Constitution, and permit me to read:

“It’s the floor of each Chamber of the Senate and House where each Senator and each Congress mouse gets to vote on the bill, and if enough do, if enough do, this President signs it if he likes to.”

Well, the Senate mice haven’t passed this yet. Perhaps if these were the rules that the Republicans had to follow—it’s a much thinner book and it rhymes—maybe you’d get it right, but this is not the Constitution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

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

Mr. CLYBURN. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Georgia has 6½ minutes remaining, and the gentleman from South Carolina has 2 minutes remaining.

Mr. CLYBURN. Who has the right to close?

The SPEAKER pro tempore. The gentleman from Georgia has the right to close.

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

Madam Speaker, I have often referred to this palatial Hall as our Nation’s classroom. It is the reason I feel that we should not just stand here to enunciate precepts; but as elected leaders, we ought to lead by example. Therefore, Madam Speaker, I think it’s important for us, when we bring legislation to this floor, that we demonstrate to those young children in classrooms all across America that we will not fly in the face of that Constitution that all of us have sworn to uphold.

I believe that it’s a good thing to want to move a measure, but we ought not do so while violating the Constitution of the United States. And I think

it’s a good reason that the Senate rejected H.R. 1, because all of the economists who evaluated that piece of legislation made it very clear that, to them, it would destroy 700,000 jobs. That bill, H.R. 1, is a job-killer. Also, that bill, H.R. 1, will say to little preschool children in Head Start, we are terminating your educational experience by at least 200,000 so you would no longer have an educational experience.

Madam Speaker, I think it’s laudatory for us to put our hands on the Constitution, swear to uphold it; but I think that what is most important is for each and every one of us to lead by example instead of enunciating precepts or empty gestures.

I yield back the balance of my time.

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

We have had a lot of talk on the floor today about children. We’ve been reading children’s stories and been shown children’s books. I’ve been harkened back to my own childhood in the 1970s and “Schoolhouse Rock”; and for folks who have not seen the “Schoolhouse Rock,” there’s an entire DVD now. It’s advanced. I recommend that you pick a copy up for the young people in your life because it really is a fantastic beginning step about what it is that we’re all about here, what it is that we’re all about.

The Preamble is in that “Schoolhouse Rock” category. No more kings is in that “Schoolhouse Rock” category. And what they talk about is what does it mean for us to be Americans; and what it means is that folks elect their Representatives and they send them to Washington, D.C., and they say get your business done, get your business done. That’s what we’re trying to do with this resolution here today, get our business done.

I just want to read from the bill. It saddens me. I’m so thrilled that so many Americans watch what we do here on the House floor to hold us accountable, and I’m so saddened by all the misinformation that’s circulated. I read here directly from the bill:

“If the House has not received a message from the Senate before April 6, 2011, stating that it has passed a measure providing for the appropriations for the Departments and agencies of the Government for the remainder of fiscal year 2011, the provisions of H.R. 1, as passed by the House, are hereby enacted into law.”

This bill that we send to the Senate, for the Senate to pass, and the President to sign, those provisions are hereby enacted into law. Now, I just want to study that a little bit closer. If the House has not received a message from the Senate stating that the Senate has passed a measure providing for the appropriations of the United States Government.

Folks may be wondering, Madam Speaker, why is it that we’re doing that now? Wasn’t that supposed to be done last September? Yes, it was. It

didn't get done. Should that have gotten done last December? Yes, it should have, but it didn't get done. So we're here today to get it done.

Forty-one days ago we passed a bill to fund the government. This entire body worked its will in a process that was as open as this House has ever seen: Democrats and Republicans working together, Republicans winning amendments, Democrats winning amendments, Democrats losing amendments, Republicans losing amendments. It made me proud to be a Representative and to serve in this body. It was the best work product this House could put together. We sent it over to the Senate 41 days ago. The Senate defeated it, fair enough. Folks don't have to agree with me. Fair enough. What they do have to do is they have to act. They defeated our bill, H.R. 1. They defeated a Democrat bill. Then they've done nothing.

I got a call earlier today. I held up a board just like this talking about what the Senate had done. Well, there's nothing on this sheet of paper, folks. Golly, you held up the wrong sign. The answer is, no, it's the right sign. Nothing, nothing have we received from the United States Senate. It's the same on both sides, blank. How in the world are we supposed to fund this government with nothing from the United States Senate?

This bill does two things and two things only, Madam Speaker. It says, Senate act. You don't have to act like us, act like Democrats, just act. Act. Do something, send us something, begin the process, make it available. Act.

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. WOODALL. Madam Speaker, can you tell me how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Georgia has 3½ minutes remaining.

Mr. WOODALL. In that case, I would be delighted to yield to the gentleman from Florida.

Mr. HASTINGS of Florida. I just have a question. Do you really believe that what you're doing is constitutional?

Mr. WOODALL. Absolutely. I appreciate your asking. I appreciate your asking because having had my motives impugned throughout the day, and I know with the collegial relationship that you and I have in the Rules Committee, you know for a fact I wouldn't be here otherwise. I wouldn't be here otherwise.

Now, I'm no scholar of House activities. I know we have passed bills in this House that have incorporated things by reference before, and I'm sure we will do it again, not outside the process. To suggest—and you appreciate this, I say to my friend from Florida—to receive constitutional instruction from the team that brought us ObamaCare is troubling at the most basic levels.

Mr. HASTINGS of Florida. Will the gentleman yield again for yet another question?

Mr. WOODALL. I would be happy to yield to the gentleman.

Mr. HASTINGS of Florida. Do you have any precedent for the constitutionality of this particular measure? And I urge you based on what you just said, there have been measures that were deemed, but that was when they were agreed upon, but there is no authority anywhere for us to pass a law requiring of the United States Senate to undertake to do something, and I appreciate my colleague yielding.

□ 1410

Mr. WOODALL. Reclaiming my time, I will say that this is a unique procedure and these are unique times.

Mr. HASTINGS of Florida. Unique and unconstitutional.

Mr. WOODALL. But I will just say to you that in 1999, a Republican Congress, a Democratic President, enacted the foreign relations authorization bill, by reference, in an appropriations bill. That's what we're doing today.

Folks, if you don't like it, call your Senate colleagues and get them to act. This is where we need to be. We need action from the Senate. Call your Senate colleagues. I've called them. I need you to call them, too. We need to move this ball forward.

If the government shuts down, our military men and women don't get paid, Madam Speaker. If the government shuts down, our USDA inspectors go home and beef and chicken leave our shelves in the grocery stores. This isn't play time, going back to our children references. This is serious business. Folks sent us here to do serious things.

And I could not be happier, Madam Speaker, then, for the second provision in this bill to say if you don't work, you don't get paid. It's a basic premise in this Republic, no pay for no work. I'm very proud of the work that we have done, and I implore my colleagues to contact their Senators and get them to do something. Something.

This is what we have from the Senate so far, Madam Speaker. We deserve better. The American people deserve better. And, dadgum it, the Senate can do better.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in opposition to H.R. 1255, the "Government Shutdown Prevention Act of 2011."

As a senior member of the Judiciary Committee, I reject H.R. 1255 on its face. H.R. 1255 seeks to commit a multitude of constitutional law violations and set aside the U.S. Constitution on a wholesale level. The Constitution is the veritable law of the land that we all took an oath to uphold. H.R. 1255 is an unfounded attempt to use the non-statutory "deeming resolution" or "deem and pass" procedure to unconstitutionally achieve the \$61 billion in budget cuts that the Majority of this chamber failed to get passed in the Senate in the form of H.R. 1.

This legislation unconstitutionally states that if the House has not received any message from the Senate providing for the Appropriations of Government for fiscal year 2011 before April 6, 2011, then H.R. 1 would be

deemed as passed by the Senate, signed by the President and enacted into law.

H.R. 1255 also prohibits the CAO of the House and the Secretary of the Senate from disbursing salary payments for Members of Congress, and also prohibits the President from receiving his salary. It states that the President and Members cannot be disbursed a salary for every day that there is a lapse in appropriations, or if the debt ceiling prevents Federal expenditures. However, because H.R. 1255 already would deem H.R. 1 passed, no funding gap could exist, while hitting the debt ceiling would by definition prevent Federal expenditures like Member salaries.

This legislation would have absolutely no practical effect. Since the Senate would have to pass it and President would have to sign it, this bill is nothing but a talking point for the Tea Party wing of the Republicans. This bill would not have any effect on current, serious negotiations to keep the government operating. The Member Salary portion of the bill would also have no effect since H.R. 1255 already would deem H.R. 1 passed.

This legislation is unconstitutional. The Majority would make history by deeming that the Senate passed a bill which was considered on the Senate floor and failed. The Majority would also make history by deeming that the President would have signed a bill which he promised to veto, should it reach his desk. After opening Congress with a reading of the Constitution, the Republicans are breaking their pledge again.

This legislation exposes extraordinary hypocrisy from the House Republican Leadership. In the 111th Congress, while Republicans promised never to use the "deem and pass" process, it only took a few weeks for them to break another pledge to the American people. During the 111th Congress, then-Minority Leader and now-Speaker JOHN BOEHNER called deem and pass a "scheme and plot" that set a precedent that was "one of the most outrageous things [he] had seen since [he] had been in Congress"—and, erroneously claimed it had "never happened in American history." Now-Majority Leader ERIC CANTOR has previously offered a privileged resolution on "deem and pass" putting Republicans on record as considering this process a "malfeasance" and those who might support it as having "discharged the duties of their offices."

This legislation is a waste of the American people's time and a distraction from Democrats' serious efforts to keep the government from shutting down. Instead of passing this hypocritical, unconstitutional, meaningless bill, the GOP Leadership ought to spend more time at the negotiating table trying to reach a compromise agreement to keep the Government running.

I am an ardent supporter of working in a bipartisan manner to pass fiscally responsible legislation which properly funds the Federal Government through fiscal year 2011 and maintains important programs that are vital to our economic recovery. So, I urge my colleagues to join me in opposing this bill and supporting true bipartisan appropriations legislation to keep the Federal Government operational through fiscal year 2011, so that we may address and solve the important issues facing the American people.

Mr. VAN HOLLEN. Madam Speaker, generations of our nation's children have learned

about civics and our American form of government in elementary school—and through iconic television programs like PBS' Schoolhouse Rock, where a singing Bill explains to his youthful audience the process by which, if he's lucky, he can become a law.

To this day, countless Americans still recall how the hopeful Bill gets stuck in committee before making it to the House floor, then has to start all over again in the Senate and even get signed by the President before finally becoming a law.

Today, the Republican majority wants to defund public television and pass legislation saying that an action taken by a single chamber of Congress can become law.

Our old friend Bill is distraught. After all these years, was he just getting a runaround? Were those pesky steps in the Senate and the White House really necessary? What is he going to tell the kids? How could he possibly have gotten it so wrong?

Madam Speaker, fortunately for us, and for the school children of America, Bill did not have it wrong. Article I, Section 7 of the Constitution clearly states: "Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States."

Madam Speaker, the clock is ticking. The nation is waiting. The time for gimmicks and distractions and game playing is over. We have serious work to do. Let's move past this foolishness and negotiate a responsible continuing resolution for the American people.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I would like to submit the following letter:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, March 31, 2011.
Hon. JOHN BOEHNER,
Speaker of the House, U.S. House of Representatives,
The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: I write to formally notify you that the Committee on House Administration hereby waives further committee consideration of H.R. 1255, the Government Shutdown Prevention Act of 2011, in order that the legislation may proceed expeditiously to the House floor for consideration.

Sincerely,

DANIEL E. LUNGREN,
Chairman.

Mr. WAXMAN. Madam Speaker, either this is April Fool's Day or the Republicans are trying to fool the House of Representatives and the country by attempting to pass this legislation.

There is no truth in labeling whatsoever in H.R. 1255, the "Government Shutdown Prevention Act of 2011." It will prevent no such thing. It will accomplish no such thing.

Section 2 of the bill says that if the House has not received a message from the Senate stating, by next Wednesday, April 6, that the Senate has passed a spending bill for the balance of this fiscal year, then "the provisions of H.R. 1, as passed by the House on February 19, 2011, are hereby enacted into law."

Who are the authors of this bill kidding?

The House passed H.R. 1. It lies defeated on the Senate floor, unloved and unwanted.

The Senate voted against H.R. 1, 44–56. It did not even get 50 votes, much less 60.

So what, exactly, is the point of this exercise today? It is obviously not to enact H.R. 1, because that is futile.

With the vote on this bill today, we will in effect be passing H.R. 1 a second time.

This is getting to be a pattern. Instead of finding bipartisan solutions to our pressing national problems, this Republican House seems stuck on a pointless partisan treadmill.

H.R. 1 contained five amendments to defund the Affordable Care Act.

Yesterday, the Energy and Commerce Committee passed five bills to remove funding for public health and doctor training programs under the Affordable Care Act.

The majority passed 9 amendments in H.R. 1 that stop EPA from implementing climate change and pollution rules. And next week, we will vote on another bill doing the same thing.

The majority passed an amendment to H.R. 1 that keeps the American people from the benefits of an open and free Internet. Next week, we will pass this again.

The majority defunded all of public broadcasting in H.R. 1, and then defunded NPR on the House floor a couple weeks later.

On this April Fool's Day, do you want to know the truth about all this frantic legislative activity?

After three months on the job, we have not created one job—because of one simple fact.

In three months, the Republican leadership has not passed one major bill of any consequence that has been enacted into law.

That is the simple truth. They have failed to enact anything of consequence.

And so with that shameful record, they come to the floor today with an illusion, a joke, a diversion, a cover-up for their failure.

The Republicans have the votes to pass a bill that says their spending cuts and ideological amendments are hereby enacted if we pass this bill.

But we are not enacting this bill, because under Article I, Section 7 of the Constitution of the United States, this bill has to go to the Senate and be passed in identical form and then signed by the President.

Madam Speaker, this is April Fool's Day, and this is a bill for fools.

But the American people will not be fooled. Mrs. MALONEY. Madam Speaker, what holiday is this, again? Is it April Fool's—or is it Groundhog Day?

This bill, whether it's labeled H.R. 1 or H.R. 1255, is a distinct attack on the quality of life for women and their families in this country.

While the proposed cuts would be devastating to Americans as a whole, this bill would change the daily lives of women for the worse—and American women should understand.

Yet the Majority insists on ignoring the Constitution in order to ravage programs and policies that disproportionately impact women.

Today, I released a report documenting how this bill impacts women from birth to old age, every single step of the way.

The report shows that this bill cuts industries that disproportionately employ women and attacks programs that women depend on, such as Social Security, Medicare, and Medicaid.

This bill zeros out Title X funding, so that obtaining primary care and preventive screenings becomes far more difficult for many women.

This bill cuts childcare programs and after-school programs so that women are forced to choose between working—and supporting their families—or providing child care at home.

We cannot stand by as this Majority attacks women from all sides.

We must fight against this assault on American women and their families.

I voted no on H.R. 1, and I urge a no vote "on" H.R. 1255.

Mr. WOODALL. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 194, the bill is considered read and the previous question is ordered.

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

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

MOTION TO RECOMMIT

Mr. WALZ of Minnesota. Madam Speaker, I have a motion to recommit at the desk.

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

Mr. WALZ of Minnesota. I am.

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

The Clerk read as follows:

Mr. Walz of Minnesota moves to recommit the bill H.R. 1255 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. PROHIBITION ON PAY DURING GOVERNMENT SHUTDOWN.

(a) IN GENERAL.—Members of Congress and the President shall not receive basic pay for any period in which—

(1) there is more than a 24-hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or continuing resolution; or

(2) the Federal Government is unable to make payments or meet obligations because the public debt limit under section 3101 of title 31, United States Code, has been reached.

(b) RETROACTIVE PAY PROHIBITED.—No pay forfeited in accordance with subsection (a) may be paid retroactively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota is recognized for 5 minutes in support of his motion.

Mr. WALZ of Minnesota. Thank you, Madam Speaker.

To stand here in this hallowed place as a Representative, as all of my colleagues, all 435 of us, the incredible privilege and honor to represent the hardworking Americans across this country. In southern Minnesota, the chance to see genuine folks out working hard, doing the things that they built this country and made us the greatest nation on Earth, and one of those things is a very basic premise, the American work ethic. The idea that you should work hard and do your best and be compensated at the end of the day and feel good and a sense of accomplishment in what you did.

We have an opportunity. The American people did send us here, as you heard on both sides of the aisle, to do a very simple thing—to get the work

done and move this country forward. The debate is that there are differences in how to do that. That's the strength of this land. It's democracy. But there is one very strong principle that we can reinforce, that work ethic, that if you do not get your job done, you certainly should not be paid. No middle of the night, no if it passes and goes this way. Very simply, the easiest of things to do: If this Congress after being here 4 months—and I don't care where you put the blame—can't get this done by next week and the government shuts down, there will be no chance of a single paycheck going and no retroactive pay. That's the least we owe those hardworking folks. That's the least that we can do here.

I want to be very clear. I understand the majority is having a problem. They've got a debate happening inside their caucus if compromise is a virtue or a vice. They will work that out and decide, because that's what this debate today was about: Where do we compromise for the good of the American public? I come down on the side of compromise.

But with that being said, if we don't get our work done—and I will do everything in my power to ensure we do not shut this government down—the repercussions are catastrophic for Americans, and not just macroeconomically. Our seniors aren't going to get their checks. We're going to see medical care slowed down to our veterans. We're going to hear from and we have heard from our military commanders that it stresses the readiness of this nation. Our Federal workers and even the hardworking staff here will not receive a paycheck.

How do you go home, to Georgia, to Alabama, to Minnesota, look somebody in the eye and say, We failed because we bickered again but, dang, I'm going to take home that check.

So I tell my colleagues, especially the new Members, if you're a freshman in here, you came with an optimism that should not be able to be beaten out of you. Regardless if you disagree with us with every fiber of your being, the very simple principle that if we can't get this done, let's put skin in the game. No if it goes to the Senate and gets passed; no if it's not constitutional.

I offer you the rarest of opportunities today, the first time you've had this chance. If you vote "yes" on this motion to recommit, it goes to the President today and becomes law of the land, and no one here will be paid. You can look your constituents in the eye and whoever you blame for it, you can say, I'm not getting a paycheck till we fix this.

So I want to be very clear. This is an opportunity, a rare opportunity. You can vote however you want and decide however you want to balance the budget, but do not allow to play games. It is the bright lights of day, the board is going to come up, and you're going to have the opportunity. Not what's in

the underlying bill. That doesn't stop from retroactive pay. And that has to pass the Senate. MITCH MCCONNELL and every Republican already voted for my motion to recommit. So you have the chance to say, all right, I disagree with the Democrats on everything in this bill, but I'm not going to go back to Georgia and tell someone I'm picking up a paycheck and then trying to explain, but I voted for it really, but it was a motion to recommit that I didn't agree with and all of this. Nothing. Simple. Seventy-five words. Half page. Don't do your job, don't get paid. No work, no pay. It is very, very simple.

I yield to my colleague from Virginia.

Mr. MORAN. I thank the gentleman for yielding.

So the point is the law as it stands today is, we shut the government down, a million Federal employees don't get paid, our staff doesn't get paid, but we get paid. All the gentleman wants to say is treat ourselves like we would treat others. If our staff is going to be out on the street, we ought to be out there with them.

The other point the gentleman makes is, if we vote for this recommitment, the Senate has already approved it, and it goes right to the President. It gets signed into law. We've done something constructive. The alternative is to send something over to the Senate and the Senate's going to laugh at it. You know this H.R. 1255 isn't going to get passed. This would be passed. This becomes law. It's the right thing to do.

Mr. WALZ of Minnesota. Here's your rare opportunity. If you don't do this and you say, "But I'm going to vote for the underlying bill," the gentleman from Georgia said himself, Mr. WOODALL, that it would probably not pass the Senate. This is done. There's no more going anywhere. It's going to be done.

I know optimism abounds on April 1. I believe today the Twins are going to win the World Series. I believe that in my all heart. But I wouldn't take the bet or the chance on it. If you want to go back to each of your congressional districts and say, I stand with you to do what's right on the American work ethic. If we don't get done next week, we don't get paid.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Mr. WOODALL. I rise in opposition to the motion to recommit, Madam Speaker.

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

Mr. WOODALL. I don't know where to begin. The misrepresentation, after misrepresentation, after misrepresentation. I don't impugn anyone's motives. I admire the passion. But if you really believe with no work, no pay—and I wish we still had that board up

there—if you really believe it, all this time we've been spending talking about the Constitution, don't you think we ought to do that in a constitutional way?

I do. Because if we say it, we ought to mean it, and we ought to stand by our conviction.

Madam Speaker, to speak to these constitutional issues, I now yield to my chairman, the gentleman from California.

Mr. DANIEL E. LUNGREN of California. I appreciate the gentleman yielding.

I heard the eloquent plea of our friends from the other side of the aisle. Let me just read to you a message I received from the White House about this bill, with the words that the gentleman has presented on the floor.

□ 1420

"Unfortunately, S.B. 388"—which are the words the gentleman puts in his motion to recommit—"is patently unconstitutional, both as applied to Congress in violation of the 27th Amendment and to the President in violation of the compensation clause of Article II."

Mr. WALZ of Minnesota. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. No, I will not yield.

So if one wants to, by this bill, have some pressure exerted on the House, the Senate, and the President, it would be in the language closer to that that's contained in the underlying bill—

Mr. WALZ of Minnesota. Will the gentleman yield?

The SPEAKER pro tempore. The gentleman from Georgia controls the time.

Mr. DANIEL E. LUNGREN of California. Upon which you can make an argument it is constitutional because it does not vary the pay given to either the President or the Congress, which—

Mr. WALZ of Minnesota. Will the gentleman from Georgia yield?

Mr. WOODALL. I would like to let my chairman finish.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I believe regular order is to not interrupt one at the time that they are making the argument. Maybe it is because it is difficult to hear the words of the White House about the unconstitutionality of that which the gentleman brings to the floor.

If anyone wants us to act in vain, it is the gentleman on the other side who has presented this motion to recommit because it is, under any view, any view, unconstitutional. It violates the very terms of the Constitution with respect to the President and with respect to Members of Congress. So if you want to exert any influence on Members, if you believe this is the way to do it, you would accept the language that's in the underlying bill which does not attack directly the words of the Constitution.

I do not find it funny. I find it tragic that on this floor—we just heard the great arguments from the other side of

the aisle about observing the Constitution. And then they come to the floor and give us something which the White House says in its email to me is “patently unconstitutional,” not may be unconstitutional, not perhaps unconstitutional, not arguably unconstitutional, but “patently unconstitutional.”

So the gentleman has presented us the kind of, I guess, shell game we talk about where it looks good when it's presented to you but, by sleight of hand, it makes sure that it has no impact whatsoever.

The gentleman says, well, it will go right to the President. That is not true. This is not the bill sent over to us. It's the same language, so it does not go right to the President, number one. Number two, unless the President is sending me misinformation via his messenger, the President's position is it's patently unconstitutional. The DOJ's position, his Department of Justice says that it is patently unconstitutional.

So I guess the gentleman is arguing to us, send it to the President so that he may commit a patently unconstitutional act.

Now, I may have disagreements with the President, but I have no evidence whatsoever that the President is waiting with bated breath over at the White House for us to send something to him so that he can do an unconstitutional act. Perhaps the gentleman believes that is the position he wants to put the President in. And even though I have great disagreement with this President, frankly, I don't think that is an appropriate thing to do.

So I would argue to my colleagues, reject this unanimously, because it is really something which doesn't pass the truth in labeling act; and more than that, it violates the Constitution on its very words. It's almost an attempt to directly violate the Constitution. You couldn't have written it better to violate the Constitution, but somehow the gentleman has achieved that high honor.

Mr. WALZ of Minnesota. Will the gentleman yield?

Mr. WOODALL. Madam Speaker, I would say that I may be a freshman, but I know it cannot be said any better than 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.

Mr. WALZ of Minnesota. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 188, nays 237, not voting 7, as follows:

[Roll No. 223]

YEAS—188

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Bernan
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)

Fudge
Garamendi
Gohmert
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchev
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslie
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver

NAYS—237

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Bartlett
Bass (NH)
Benishek
Berg
Biggett
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan

Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart

Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer

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

Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—7

Barton (TX)
Campbell
Frelinghuysen

Giffords
Miller, George
Smith (WA)

□ 1448

Messrs. BARROW, ROTHMAN of New Jersey, BLUMENAUER, NADLER, Ms. RICHARDSON, Messrs. PASCHELL, MEEKS, RUSH, and Ms. KAPTUR changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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 noes appeared to have it.

RECORDED VOTE

Mr. WOODALL. Madam 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 221, noes 202, answered “present” 1, not voting 8, as follows:

[Roll No. 224]

AYES—221

Adams
Aderholt

Akin
Alexander

Austria
Bachmann

Bachus
Barletta
Bartlett
Bass (NH)
Benishkek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buoshon
Buerkle
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)

Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McHenry
McKeon
McKinley
McMorris
Rogers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson

Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslie
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Markey
Matheson

Matsui
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Ribble
Richardson
Richmond
Rohrabacher
Ross (AR)
Rothman (NJ)
Roybal-Allard

Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

a Houston political watchdog group, for being given the esteemed Ronald Reagan Award at the February meeting of the Conservative Political Action Conference.

The King Street Patriots started the True the Vote initiative in an attempt to uncover voter fraud in the greater Houston area. In their investigation they discovered unimagined levels of voter fraud, from vacant lots with registered voters to election judges helping voters with their ballots.

This is a movement made up of ordinary citizens who realize that voter fraud is one of the most egregious offenses under our Constitution. The King Street Patriots are now lobbying the Texas legislature to strengthen election laws and prevent future abuses.

Free and fair elections are essential to our democracy, and the King Street Patriots have shown an impressive commitment to civic duty, and I applaud their efforts.

□ 1500

YUCCA MOUNTAIN

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

Ms. BERKLEY. I rise today to reject Republican calls for an investigation into the decision to end Yucca Mountain. Let me save this Republican Congress a lot of time and a lot of money. President Obama put a stop to Yucca Mountain because it is too dangerous a site to store radioactive nuclear waste. This is a political stunt with one goal—turning my home State of Nevada into a nuclear garbage dump. Those pushing this review are lying about the dump safety. They know Yucca Mountain is smack in the middle of an earthquake zone. There's volcanic activity. There's groundwater issues.

Have we learned nothing about what is happening now in Japan? We ought to be demanding that the nuclear power plants act now to secure nuclear waste in dry-cask storage. Dry-cask storage will increase public safety now. Investigating Yucca Mountain will only increase the danger and waste money. Shame on the nuclear industry and its allies for being more interested in protecting their profits than in protecting public safety.

That is why, even in the face of one of the world's worst nuclear disasters unfolding now in Japan, the nuclear industry and its "naked-up" buddies in the United States Congress are playing partisan games with nuclear waste.

DELAY, DELAY, DELAY

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

Mr. POE of Texas. Mr. Speaker, delay, delay, delay is the administration's energy plan. The Keystone XL Pipeline project would bring 700,000

ANSWERED "PRESENT"—1

Farenthold

NOT VOTING—8

Barton (TX)
Campbell
Frelinghuysen
Giffords
Green, Gene
Miller, George
Smith (WA)
Visclosky

□ 1455

Mr. WU changed his vote from "aye" to "no."

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:
Mr. GENE GREEN of Texas. Madam Speaker, on rollcall No. 224, had I been present, I would have voted "no."

HOUR OF MEETING ON MONDAY, APRIL 4, 2011

Mr. HASTINGS of Washington. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

COMMENDING THE KING STREET PATRIOTS

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

Mr. OLSON. Mr. Speaker, I rise today to commend the King Street Patriots,

NOES—202

Ackerman
Altmire
Amash
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan

Carney
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)

DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Fudge
Garamendi
Gohmert
Gonzalez
Green, Al
Grijalva
Gutierrez