

Mr. LYNCH. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCHOCK. Mr. Speaker, I yield 4 minutes to my good friend, the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I believe that probably everybody in the House and in the Senate has someone that they know or knew that had breast cancer or another form of cancer.

My first wife, Barbara, died about 8 years ago from cancer. I will never forget the day she felt a lump in her breast. She thought it was a fibrous tissue. She had them before, and she didn't want to go have herself tested. I said, I want you to go to the doctor and have him look at that. She did, and she called me a couple of days later when I was out here in Washington and she started crying and said, I've got breast cancer. Of course, I went back home and we went to the doctor and went through all of the things that you have to go through, including the chemotherapy. For any family that has gone through that, they know how very difficult it is. Had she had a mammogram earlier, she might not have had the breast cancer metastasize and go to other parts of her body. She ultimately passed away. It was a tragic thing to watch that.

That is why this bill, although it may sound like just a resolution, is very, very important. One of the things in the health care negotiations that has concerned me a great deal is that there was some talk about limiting mammograms to people 50 and above, and the people between 40 and 50 might not be included in getting mammograms and having coverage for that, either under the health plan or insurance plans.

I want to read you a letter from a young lady from my district in Noblesville, Indiana, Tonya Lewis. Here is what she says: "I was diagnosed with triple negative breast cancer in May of 2008 at age 39. I found this lump myself. I had a baseline mammogram at age 35. It came back clear. I was advised not to have another mammogram until age 40. The radiologist that read my mammogram at age 39 advised me that if I would have had a mammogram at age 36, 37, or 38, most likely I would not have had to have a mastectomy and 14 lymph nodes removed. My cancer spread to my lungs and chest wall after doing chemo and radiation. After completing nine different types of chemo, as of November 24, 2009, I am finally cancer free. Please fight for us breast cancer survivors and the young women in the future. I believe mammograms should be available and paid for by insurance companies at any age."

When we talk about limiting breast cancer screening to people 50 and above, I think we make a mistake because breast cancer does kill. One in every eight women is going to get breast cancer in their lifetime and it is going to affect families across this country. I think we ought to make sure

that we don't start limiting mammograms to only people 50 and above. It has been 40 and above for some time. In this particular case it wouldn't have helped her because she was in her thirties when she developed breast cancer. It is a very, very serious thing, and unless somebody has lived with it, they don't understand how horrible it is to watch somebody pass away going through the travails of cancer.

So I want to congratulate my colleagues on sponsoring this bill, and I hope in the negotiations on the health care bill, regardless of how it comes out, we make sure that we take care of the women who are suffering from these things and catch it before it becomes terminal.

Mr. LYNCH. Mr. Speaker, I thank the gentleman for his remarks, and I continue to reserve the balance of my time.

Mr. SCHOCK. Mr. Speaker, I urge passage of House Concurrent Resolution 158, and I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in strong support of H. Con. Res. 158, a resolution expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer.

Breast cancer in women is one of the most frequent forms of cancer recognized in the more than 2 million new cases of cancer diagnosed each year in the United States. In fact, every 13 minutes a woman dies from breast cancer, and in 2009 alone, 192,370 women were diagnosed with breast cancer in the U.S. This resolution recognizes the importance of early detection for breast cancer victims and is paramount due to the deadly nature of the disease.

Mr. Speaker, the United States Preventative Services Task Force recommendations—against routine mammography for women ages 40 to 49 and breast self-examinations—were shocking to say the least. As a practicing OB/GYN physician for nearly 30 years, I saw first hand the benefits that early detection of cancer in women can have on saving lives and improving quality of life. Therefore, it is imperative that this House duly recognizes the significance of self-examination and early detection of breast cancer.

The designation of Early Detection Month will enhance public awareness of the catastrophic and devastating effects of cancer. Hopefully, this resolution will shine further light on a disease that so commonly affects millions of Americans and in turn help to promote research and advanced medical procedures that will one day lead to a cure.

I urge all of my colleagues to support this resolution.

Mr. LYNCH. Mr. Speaker, again I encourage my friends on both sides of the aisle to join Mr. ETHERIDGE in supporting the designation of an Early Detection Month for breast cancer and all forms of cancers through the passage of House Concurrent Resolution 158.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent

resolution, H. Con. Res. 158, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1130

PROVIDING FOR CONSIDERATION OF H.R. 3254, TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT ACT; FOR CONSIDERATION OF H.R. 3342, AAMODT LITIGATION SETTLEMENT ACT; AND FOR CONSIDERATION OF H.R. 1065, WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1017 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1017

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the further amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative McClintock of California or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque. All points of order against consideration of the

bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by Representative McClintock of California or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendment printed in part C of the report of the Committee on Rules, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the further amendment printed in part D of the report of the Committee on Rules, if offered by Representative McClintock of California or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

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

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. Diaz-Balart). All time yielded during consideration of this rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1017.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 1017 is a single rule that provides for separate consideration of three measures dealing with water rights settlements. Each bill is to be considered under a structured amendment process.

The rule provides for the consideration of H.R. 3254, the Taos Pueblo Indian Water Rights Settlement Act; H.R. 3342, the Aamodt Litigation Settlement Act; and H.R. 1065, the White Mountain Apache Tribe Water Rights Quantification Act of 2009. Each bill has 1 hour of general debate, to be controlled by the Committee on Natural Resources. The rule for H.R. 1065 self-executes an amendment to ensure that the bill is PAYGO compliant. Each bill allows for the consideration of a separate amendment by Representative MCCLINTOCK, which is debatable for 10 minutes. The rule also allows a motion to recommit, with or without instructions, for each of the three bills.

H.R. 1065, the White Mountain Apache Tribe Water Rights Quantification Act of 2009; H.R. 3254, the Taos Pueblo Indian Water Rights Settlement Act; and H.R. 3342, the Aamodt Litigation Settlement Act are all bipartisan pieces of legislation, and they are all sensible pieces of legislation. Each of these bills will approve, ratify, and confirm carefully negotiated settlement agreements between tribal representatives, non-Indian water users, and the United States Government.

These agreements will provide both the tribes involved and affected communities in Arizona and New Mexico proper access to clean water. These three bills will provide critical funding for the development of drinking water supplies for people who have been hauling their water for years in the back of their pickup trucks. We know how critical clean drinking water is for the human body's health and development. These bills will improve the health of young Native Americans by providing clean drinking water, and certainty to non-Indian people that the water will be available to them for development and use.

H.R. 1065 provides the required congressional approval for the agreement between the White Mountain Apache tribe and water users throughout Arizona. This legislation boasts the support of the entire bipartisan Arizona delegation.

H.R. 3254 and H.R. 3342 each approve water settlement agreements in New Mexico considered critical to clean water access to the Taos Valley and Rio Grande watershed. Both of these bills were favorably reported by voice vote out of the Natural Resources Committee.

Unfortunately, Mr. Speaker, it has taken decades to work out these settlements. Congress has a responsibility to approve these settlements now and provide clean drinking water access for the affected tribes and the non-Indian people, and for their generations to

come. I believe it is time for Congress to move on these bills, and I am pleased that Chairman RAHALL and the Natural Resources Committee has worked in a bipartisan way to move these bills through the process.

Now, there is some concern on the other side of the aisle that the Justice Department has not commented formally on any of these bills. Our colleague from California (Mr. MCCLINTOCK) believes the Department of Justice should formally respond to each of these bills before they take effect. The gentleman from California has legitimate concerns, and these concerns deserve to be considered on the floor today, and that is why we made this amendment in order on each of these bills.

This is a good rule. I urge my colleagues to support it today.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for the time, and I yield myself such time as I may consume.

Over the next 2 days, the House is set to consider three separate bills that would approve and ratify tribal claims to water rights made by the White Mountain Apache tribe in Arizona and the Pueblos of Pojoaque, San Ildefonso, Tesuque, and Taos in New Mexico. The bills would also restore and protect some environmentally sensitive land and watersheds, and require the maintenance of the water systems in question until they are conveyed to the respective tribes.

I support these bills when the McClintock amendments are included because I believe that the settlements will bring long-term certainty and stability to the respective tribes and water users in the affected areas.

Mr. Speaker, last night the majority in the Rules Committee decided to allow for consideration all three of the amendments submitted to the three bills we are set to consider this week. I wish to thank them for their uncharacteristic generosity in allowing minority amendments. These important amendments would prevent the bill from taking effect until the Attorney General assures Congress in writing that the settlements in these bills would represent a net benefit to the U.S. taxpayer based on the costs and risks of litigation and the odds the tribes would prevail in the litigation. I believe these amendments are important because they require the Attorney General to conduct a cost-benefit analysis of the settlements and make sure that they are fiscally responsible before the settlement funds can be paid.

Now, I assume that the other side of the aisle will highlight that this rule allows debate on all of the amendments which were submitted to the Rules Committee, but it restricts any and all possible further amendments from consideration. It is not an open rule. The majority campaigned on a promise to allow open and bipartisan debates in

Congress, yet this year they have yet to allow even one open rule. That is correct, not one open rule. And that, Mr. Speaker, includes even the traditionally open appropriations process.

They could have changed that glaring and unfortunate statistic by allowing an open rule on the underlying, uncontroversial bill, but the majority in the Rules Committee decided to continue to make this the most closed Congress in history.

Now, let's look at the possible reasons the majority on the Rules Committee decided to vote against an open rule for these bills. Could it be that there is not enough time on the House schedule this week? Well, the House, until last night, was scheduled to be in session until Friday. And this rule, as proposed, only allows for a total of 3½ hours of total debate time for all three bills and all three amendments.

Even though we are now scheduled to leave on Thursday, we still have more than enough time to complete the three bills with an open rule. I sincerely doubt that an open rule would garner more than a handful of amendments. It would allow the majority to say for the first time, and to prove, at least offer some evidence, that they are living up to their pledge to run an open Congress.

I believe the real reason is that the majority is afraid of an open debate even on uncontroversial bills, and so they restrict debate consistently. It has become their standard operating procedure to close debate in the House. It is unfortunate, but it is a fact.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I appreciate how well my colleague on the Rules Committee adheres to the Republican talking points, but I will again reiterate that all the amendments that were brought to the Rules Committee last night were made in order. And I think this is a good rule.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Well, it is not a question of talking points, it is a question of fact. We will move on.

I at this point yield, Mr. Speaker, 5 minutes, to my distinguished friend from Florida (Mr. BUCHANAN).

Mr. BUCHANAN. I want to thank the gentleman from Florida. I appreciate the opportunity.

My simple resolution requires that all negotiations on the health care bill be conducted under the watchful eye of the American people. The American people are angry, and for good reason. Washington is not listening.

□ 1145

Last night I think is a perfect example: It's not about Democrat and Republican, it's about the American people wanting to have more input into the process.

Even worse, Washington is not even letting the American people into the room to discuss or hear the health care reform debate. Secret deals, backroom

deals on the health care bill should not be tolerated. In the State of Florida, we have the toughest sunshine laws in the country. You can't have two city commissioners, two county commissioners, two State senators—no one can go in the back room together and cut a deal or a secret deal and then lay that on the American people. We want to bring that sunshine to Washington. I am pleased that we have over 165 Members that have joined me in this cause and cosponsored this bill, this resolution, Democrats and Republicans.

Also, I introduced, and we have 111 Members that have signed, a discharge petition to force a vote on the floor. We want to get a vote to the floor on this sunshine resolution, and we feel confident that we're going to be able to do that.

C-SPAN has offered to publicly broadcast the health care meetings, and congressional leaders should accept that opportunity. Even the President said during the campaign eight different times that he wants this to be the most open, transparent administration in history. He said eight different times he wanted C-SPAN in the room. C-SPAN has agreed to be in the room during these negotiations. I don't want to, as a Member of Congress, end up with a 3,000-page bill at the end of the day that nobody has had a chance to read and you've got a day or so to look at it.

I think there is a good reason why Speaker PELOSI doesn't want the negotiations in public, because basically it's a bad bill. In my area of Sarasota-Bradenton, Florida, we have the most seniors, almost 300,000 in our district, more than any other district in the country. They want to cut Medicare \$500 billion. I've seen the cuts. They're very real. They want to raise taxes on small business.

I know the biggest issue we've got is the economy and jobs. Working families want to get back to work, but yet they want to charge 8 percent on payroll. I've been in business for 30 years; I'm not a career politician. I can tell you that will kill more jobs than anything. That's a fixed expense, 8 percent on payroll.

They want to charge another 5.4 percent tax on businesses. Most businesses have pass-through income, whether they're a Sub S or LLC or a partnership, or whatever kind of business. They want to raise the taxes from 34, let Bush's tax cut sunset, which will take it to 39, then another 5.4, which will take it 45 percent in Florida. In many States like California that have a State income tax, or Oregon or New York, of 10 or 15 percent, it could take it up as high as 60 percent. So these small businesses have a lot of pass-through income. They're not going to have the capital. They're going to be sending the money here. That's going to cut more jobs.

It's time to bring some sunshine to Washington that we've got in Florida.

Mr. MCGOVERN. Mr. Speaker, aside from the fact that the gentleman's

comments have absolutely nothing to do with the bill that we're talking about here today, I find it ironic that any Member on the other side of the aisle would talk about jobs with a straight face given their record.

In the last 3 months of the Bush administration, the economy was losing, on average, 673,000 jobs per month. In the last 3 months of 2009, the average job loss was 69,000 per month, an improvement of nearly 90 percent. That is not acceptable, but we are trying to bring this economy in a different direction.

They drove this economy into a ditch; let's not forget that. Let's not forget the economy that President Obama inherited. Let's not forget the record job losses and the stock market crash and all the special deals on Wall Street.

I've heard enough from the other side about the issue of jobs. They nearly ruined this economy. They are responsible for the massive job losses that we see now that we're trying to fix. So enough about that.

I will go back to what we are talking about here today, and that is a rule to consider these important bills dealing with clean water for Native American tribes. I again would reiterate that this is a good rule, everything they wanted they got, and I hope it will pass unanimously.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Well, Mr. Speaker, we saw last night that the blame game no longer works. And if we want to look at the past, we will see that when we cut taxes, we made it a reality; the recession after 9/11 was the shortest recession in history.

Now, unfortunately, the policies that are being followed now are totally different. They're increasing debt massively. The deficit as a percentage of GDP after TARP—that I opposed, but it can be said that it was a bipartisan decision, TARP—after TARP, the deficit as a percentage of GDP was 4 percent. Today, 1 year after the Democrats took the Presidency and they had already taken the House and the Senate, the deficit as a percentage of GDP is almost 12 percent, Mr. Speaker.

We are running in a dangerous direction, heading toward a collision with a fiscal crisis of unprecedented proportion. But, Mr. Speaker, the Democrats just don't get it. They don't see it. The American people sent a message last night that they had better, but it still remains to be seen if they received the message.

Mr. Speaker, I yield 6 minutes to my distinguished friend from Virginia (Mr. WOLF).

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

Mr. WOLF. I rise in opposition to the rule.

Today, the press is reporting that a backroom deal has been cut with Democratic leadership to create a deficit-cutting commission by Executive

order. There are also reports that instead of putting every spending program and tax policy on the table, discretionary spending controlled by the Democratic-controlled Appropriations Committee would be exempt.

I oppose creating this panel by Executive order, and the American people will oppose this sleight of hand also. Press reports suggest that the Democratic leadership intends to bring the commission's recommendation up for a vote in Congress, but a vote that is not mandated as it would be if Congress passed similar legislation statutorily. More important, the vote that could take place under the administration's plan would happen after the midterm elections and before the newly elected Congress begins. It would be basically a lame-duck Congress vote. Lawmakers who are retiring or get defeated could vote on a set of recommendations with regard to entitlement spending and tax policy but never be accountable to the American people. Is it right for an outgoing Member of Congress to consider proposals that could affect every single American, knowing that days or weeks later they will no longer answer to voters in the district they once represented?

Between the Democrats and the Republicans in both Chambers, over 30 Members have already announced that they are retiring or running for another office. It is not appropriate for outgoing lawmakers who may eventually lobby for a special interest that has a vested interest in the outcome of the vote on the commission to then vote on that recommendation. Any recommendation put forward should be considered by the newly elected Congress, who will have to publicly stand by their vote on the commission's recommendations, Members who have been elected and are accountable to the American people. A deficit commission established through Executive order amounts to nothing more than political cover.

This Congress has run up the country's credit card to a point of no return, and now the administration wants to be able to tout a bipartisan solution to spending that will conveniently help them survive the upcoming election cycle. All of a sudden, the Obama administration has found deficit-cutting religion. The same administration that pushed through a \$787 billion economic stimulus promising that unemployment would be held under 8 percent now wants to get our Nation's financial house in order. The same administration that promised an open and transparent process on health care reform, which is now being negotiated behind closed doors and could cost taxpayers nearly \$1 trillion, now wants credibility on spending issues.

The FY 2009 budget deficit registered at an unprecedented \$1.4 trillion. I believe the American people understand the depth of our financial problems, recognize the spending gorge that Congress has embarked on, and won't be

fooled by a fig leaf commission established by an Executive order.

Moreover, Mr. Speaker, the American people will be cut out of the process under this plan. The bipartisan commission process I've talked about, and many Members on both sides have talked about for 4 years, includes a legitimate public engagement mandating public town hall-style meetings throughout the country. Now there will be no input from the hardworking people in our neighborhoods and communities. That is not right, and everyone knows it.

If lawmakers were serious about the debt and the deficit issues that Americans are increasingly worried about, Congress would halt the budget gimmicks, the slick talking points, and muster the political will to have an honest conversation with the American people about where we are, where we're heading, and what changes need to be made to get back on track. But an open process that allows the American people to weigh in will never happen through a commission established by an Executive order all done here in Washington.

This morning, Congressman LAMAR SMITH, our colleague from Texas, in a 1-minute speech on the floor offered a series of lessons to be learned from yesterday's special Senate election in Massachusetts. He said, All true reform starts with the voice of the people. The people will not have a voice in a deficit commission established through an Executive order.

He also said that common sense triumphs partisanship. A commission through Executive order negotiated by one party is the height of partisanship. Republican leadership in the House and the Senate have not been involved in this effort.

He also said voters can exercise real independence. Where is the voice of the people in a process that will not go beyond the Beltway?

In closing, Mr. SMITH correctly, and I say correctly, noted that one-party control leads to arrogance. We are seeing today an arrogance of power by a party that forecloses the minority from a seat at the table. And to be fair, Republicans were just as arrogant at times. Hopefully we have learned a lesson and will never go back to those times.

Mr. SMITH concluded that we should be listening to the American people, not defying them. The people of Massachusetts spoke yesterday. We would be wise in this Congress to heed that lesson.

I thank the gentleman for yielding.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, as we wait for the Republican leader, let me say that I have enjoyed this debate. These are noncontroversial bills that are being brought to the floor, and yet they're important. And, also, there are issues that have been brought out and that

will be brought out now. I will oppose the previous question to bring out the issue that Mr. BUCHANAN talked about and bring it to a floor vote this morning.

Since the Democrats regained the majority in the House, I have heard a number of Members come down to the floor and quote Supreme Court Justice Brandeis that sunshine is said to be the best disinfectant. I think that quote is fitting. It's fitting today considering, as Mr. BUCHANAN pointed out, that as we speak, the majority is drafting, behind closed doors with no sunshine in sight, health care legislation that will affect every American.

So I think the question is begged, what is going on behind those closed doors? We don't know. We do not even know who is at the table. The American people deserve to know what is going on behind closed doors.

□ 1200

We need to bring sunlight, sunshine, into a process that is shrouded with secrecy. That is why I, along with a bipartisan group of 163 Members of this House, have cosponsored House Resolution 847, a resolution by my friend and colleague, Representative BUCHANAN, that expresses the sense of the House that any meetings held to determine the final contents of sweeping health care legislation be held in public view and not behind closed doors. Mr. BUCHANAN pointed out the fact that C-SPAN has offered, in fulfillment of a campaign promise by the President, to be present at the negotiations.

Now, in order to help bring in sunshine to a process that the majority continues to hide from public view, I will be asking for a "no" vote on the previous question so we can amend this rule and allow the House to continue the Buchanan transparency resolution. This vote will give Members of the majority a chance to live up to their promise, as the distinguished Speaker said, "to lead the most honest, most open and most ethical Congress in history."

Madam Speaker, I know that Members are concerned that this motion may jeopardize consideration of the water rights bills and of the settlement bills that are being brought to the floor today; but I wish to make clear that the motion I am making provides for the separate consideration of the Buchanan transparency resolution within 3 days so we can vote on the water rights bills and then, once we are done, so that we can consider the Buchanan transparency resolution, H. Res. 847.

I have been informed that the Republican leader will not be coming down to the floor at this time.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Ms. MCCOLLUM). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, in closing, let me say a couple of things.

One is that this is a good rule and it should be approved. Secondly, and I say this with respect to my friends on the other side of the aisle, when they talk about sunshine, it's laughable. When you compare the transparency and the openness of this Democratic Congress to the way this place was run when they were in charge, there is no comparison.

I remember one night, after a conference report was completed and when all of the signatures were on the conference report, when they snuck in a special provision to provide special immunity to drug companies. That's the kind of transparency and openness that existed when they were in control.

On the health care bills, they've been on the Web. The House bill has been on the Web, and the Senate bill has been on the Web. Even the Senate read it verbatim. So there has never been as much openness and transparency in any Congress as we've seen in this Congress.

When my friend from Florida talks about the deficit, boy, what a short memory. When Bill Clinton left office, he had eliminated the deficit, and we had started paying down the debt, and we left George Bush, Dick Cheney and my Republican friends with a surplus. Through their reckless policies—tax breaks for millionaires, special privileges for Wall Street and drug companies and all that they did—they racked up a record debt, and they did nothing about it. In fact, when they were in charge, they used to argue on the floor that somehow the deficit and the debt didn't matter anymore. They tried to say it wasn't a big deal.

So they left this President with a mess. I guess it's sometimes fun to make a mess, but it's not so fun and not so easy to clean up a mess. The Democrats in Congress and the President of the United States have to clean up the mess that they left. It's a little bit ironic that those who drove this economy into a ditch are complaining about the size of the tow truck.

The fact of the matter is we have to make some tough decisions. We have to create the conditions for jobs to grow. We have to invest in industries where there is a future, and we are trying to do that.

Again, in the last 3 months of the Bush administration, the economy was losing, on average, 673,000 jobs per month. In the last 3 months of 2009, the average job loss was 69,000 per month, which is an improvement of nearly 90 percent. We on the Democratic side have pledged to do everything we can to help create more jobs in this country and to focus on the issue of jobs, because that's where the concern amongst the American people really is.

In the stock market, stocks have seen significant gains since the begin-

ning of March 2009, following the passage of the Recovery Act, which they all were opposed to. The Dow is up 58 percent. The S&P is up 64 percent. The Nasdaq is up 75 percent.

The GDP has grown. In the first quarter of 2009, the GDP was negative 6.4 percent. By the third quarter of 2009, the GDP was on the rise, increasing plus-2.2 percent, the best quarter for growth in 2 years. Forecasters predict steady GDP growth throughout 2010.

We see home sales are now rising. We see manufacturing beginning to rebound. U.S. manufacturing activity rose 55.9 from 53.6 in November, reaching the highest level since April of 2006. It is a positive indication of broader economic growth.

So it is difficult to sit here and to listen to lectures from Members on the other side of the aisle who created this mess, which is the worst economy since the Great Depression. That's what they gave to President Obama. We have to fix it, and we have pledged to do whatever is necessary to help put people back to work, to help people be able to stay in their homes, and to help nurture growth in future industries.

So, Madam Speaker, I appreciate the comments from my friends on the other side of the aisle. Given their abysmal record, it's hard to believe they come here with straight faces to talk about these things; but we're going to fix the mess that they made.

Again, I would urge my colleagues to support the rule, and I would urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1017 OFFERED BY MR. DIAZ-BALART

At the end of the resolution, add the following new section:

SEC. 4. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 847) expressing the sense of the House of Representatives that any conference committee or other meetings held to determine the content of national health care legislation be conducted in public under the watchful eye of the people of the United States. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit which may not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 847.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's* "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS

Mr. RANGEL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4462) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4462

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

SECTION 1. ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR RELIEF OF VICTIMS OF EARTHQUAKE IN HAITI.

(a) IN GENERAL.—For purposes of section 170 of the Internal Revenue Code of 1986, a taxpayer may treat any contribution described in subsection (b) made after January 11, 2010, and before March 1, 2010, as if such contribution was made on December 31, 2009, and not in 2010.

(b) CONTRIBUTION DESCRIBED.—A contribution is described in this subsection if such contribution is a cash contribution made for the relief of victims in areas affected by the earthquake in Haiti on January 12, 2010, for which a charitable contribution deduction is allowable under section 170 of the Internal Revenue Code of 1986.

(c) RECORDKEEPING.—In the case of a contribution described in subsection (b), a telephone bill showing the name of the donee organization, the date of the contribution, and the amount of the contribution shall be treated as meeting the recordkeeping requirements of section 170(f)(17) of the Internal Revenue Code of 1986.

(d) PAYGO.—All applicable provisions in this section are designated as an emergency for purposes of pay-as-you-go principles.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

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

Madam Speaker, all of us have witnessed this horrendous event that has taken place on our continent; and I know that, whether Republican or Democrat, we all want to be able to do whatever we can to ease the pain of these poor people. That's why I'm glad that Mr. HERGER is here representing the Republicans on the Ways and Means Committee, which did not hesitate to meet and decide on just what we could do as a committee to make it easier to encourage people to make contributions. I know all over the country that people are collecting clothes, food, and things of that nature; but the bottom line is that they need cash; they need checks. This is what we have decided to do.

So we have a nonpartisan bill here on this which deals with the technicality.

It's available on the Web site of the Joint Committee, www.jct.gov, and it's listed under Document No. JCX-2-10.

This bill allows Americans and others to make generous cash contributions to the charities of their choice; and at the same time, it allows them not to have to wait until next year to be able to deduct these as charitable contributions. It accelerates the time that this can be done between now and March so that any contribution that is made can be deducted on the 2009 tax return, which is being prepared now for April 15.

In addition to that, there has been some question as to how you can document the actual payment if it were made on the cell phone or if it were made without actually having proof of a charitable deduction. The only proof that could be made would be by using the telephone bill, and there was a question as to whether or not that would be considered as sufficient evidence of making the contribution. This bill will, indeed, make it possible for text messages to be relied upon, text messages which are used on cell phones, when claiming these charitable contributions.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. HERGER. Madam Speaker, we have all been moved by the reports and images of last week's horrendous earthquake in Haiti; and we were reminded just this morning of the dire situation that country is facing as reports have surfaced of a major aftershock.

Throughout our history, Americans have been eager to help others recover from the devastation of wars and natural disasters in faraway places. Once again, we have seen the compassion and generosity of the American people displayed front and center in the Haiti relief effort, including an outpouring of real-time donations through cell phones and the Internet. While many of our own U.S. citizens are struggling to find work and to make ends meet, it is only fitting that we should provide immediate tax relief for these charitable contributions.

This bill, which is sponsored by the bipartisan leadership of the Ways and Means Committee, as well as by the whips of both parties and by more than 150 Members from both sides of the aisle, would permit itemizers to treat Haiti-related charitable contributions made through the end of February as if they were made in 2009 rather than in 2010. This would allow itemizers the opportunity to claim the charitable deductions under 2009 returns, which most taxpayers are required to file by April 15 of this year, instead of waiting until they file their 2010 returns.

□ 1215

It would also permit taxpayers who use cell phone text messages to con-

tribute to the relief effort to use their phone bill as a record of their donation. This is a commonsense bipartisan idea, and it deserves the support of every Member. I urge an "aye" vote.

I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MEEK). He is a member of the Ways and Means Committee, but, more importantly, he has been so closely identified in the bringing back of Haiti before this tragedy. He has been there, and we admire and respect the contributions he is making to rebuild this great nation.

Mr. MEEK of Florida. Madam Speaker, I want to thank all of the Members that are here and the bipartisan support that we have for this great piece of legislation to not only incentivize Americans who continue to do what they have already done, to be able to help the people of Haiti, to be able to take off their contribution or get the tax benefit for giving in their 2009 taxes. I think it is important that we have a strong vote on this piece of legislation.

The Haitian people—I was just there. I spent 2 days on the ground there. Humanitarian workers are working so hard, and the majority of these non-governmental organizations that people can contribute to are doing the best work on the ground as it relates to the feeding and providing of comfort for the Haitians that are in desperate need of international support at this time. Madam Speaker, I would go even further to say hats off to our emergency response and urban rescue people that are really saving lives every day.

With the contributions that Americans give to organizations that are doing great work on the ground, coupled with the Congress and the House's action today of passing this legislation to allow some benefit to that individual for their contribution, will feed into a better response and a better recovery, not only for Haiti, but to also continue to fulfill our humanitarian commitment to the poorest country in the Western Hemisphere.

So I commend the chairman, the rest of the leadership that signed on to this bill, Republican Whip CANTOR, and a number of others that are on the Ways and Means Committee for this bipartisan effort. Thank you so very much.

I am pleased to be a co-sponsor on Chairman RANGEL, Majority Whip CLYBURN, Ranking Member CAMP, and Republican Whip CANTOR's bi-partisan bill that will provide an incentive for our citizens to contribute monetary donations to the relief efforts following the devastating January 12, 2010, earthquake in Haiti.

I filed an almost identical bill yesterday, H.R. 4467—with many co-sponsors.

Under this bill, if a citizen makes a cash contribution before March 1, 2010, they can take the charitable contribution deduction off of their 2009 income taxes, obviously decreasing their 2009 tax liability.

The American people have shown an outpouring of support for the Haitian people during their most vulnerable moment.