PROTECT SERVICEMEMBERS FROM SEXUAL ASSAULT

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

Mr. POE of Texas. Mr. Speaker, last year the military received over 3,000 reports of sexual assault involving other members in the service. This week, 17 veterans are saying that the military ignored their cases of sexual assault while they were on active duty. These accusations have occurred in all branches of the military.

The most recent complaint came from a woman who says she was drugged and gang raped by two fellow members of the Navy. This ended her career. Another rape victim reported the crime to the Marines, and she was ordered not to tell anyone, and to respect the alleged rapist, who was of a higher rank.

The perpetrators of rape in the military must be held accountable for their misdeeds, and victims should be respected and validated by the military. The United States has the world's finest military personnel, and we must support all of them, including victims of crime.

And that's just the way it is.

PROTECT THE CLEAN AIR ACT

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

Mr. INSLEE. Mr. Speaker, I come to the floor to warn my colleagues and the American public of a nasty little amendment in this CR. An amendment will be offered by the Republicans today to eliminate the ability of the Environmental Protection Agency to enforce the clear mandates of the Clean Air Act.

The Supreme Court has ruled that the EPA owes the American public an obligation to reduce certain of these dangerous toxic gases. And yet, incredibly, the Republican Party wants to eliminate the ability to enforce that bill. Now, I think of this amendment as the dirty air act. And it is the dirty air act because if they pass it, that is what we'll get, dirty air.

Now, Americans, and I want to warn my colleagues, a poll distributed by the American Lung Association shows Americans are adamantly opposed to this amendment. They know we want clean air. They know we don't want more children's asthma. And we have got to defeat this amendment, defeat the dirty air act, keep the Clean Air Act as the law of this country.

LISTEN TO THE PEOPLE

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

Mr. WALZ of Minnesota. Mr. Speaker, listen to the people. Kindergarten teachers, not a group easily riled, are amongst 30,000 of their neighbors in Wisconsin at the State Capitol. The audacity of their demand? The ability to negotiate a living wage, safe working conditions, and a dignified retirement.

These public servants make our society safe and functioning at an average wage of $30,000 a year. They did not cause the financial catastrophe in this country. That was the speculators and robber barons who received billions in TARP funds and then off-sourced it to avoid paying taxes. The folks in Wisconsin who are rallying teach our children to read.

At a time of Astroturf rallies, I urge all my colleagues, listen to that sound coming like a warm spring breeze off the prairie. That's the sound of America's proud middle class that built this country, and they have found their voice. We would all be wise to listen to the people.

THE CR AND THE DIRECTION OF AMERICA

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

Mr. ELLISON. Mr. Speaker, I come to the floor today to talk about the CR in larger context. What's going on? The American people have been watching us debating this stuff for days now late into the night. What is it all about? What it's all about, Mr. Speaker, is which direction will America go in? Will we cut back and scale back vital programs that help Americans do better and move into the middle class? Will we cut back and scale back vitally needed regulations to help protect us, allow us to have clean air and clean water and important other rights?

Or, Mr. Speaker, will we have an America where we have labor rights, where we can organize, where we can have adequate regulations that give us the opportunity to a decent standard of life in America? It is a stark choice. A dim view where the vision is a small number of really wealthy people and a vast number of really desperate people, or a large, robust, strong middle class which powers America into the future? What we are fighting about is the soul of this country, the direction of this country. And the Democratic Caucus is standing firmly with the people as we have seen the people of Wisconsin stand up and snatch back their destiny from somebody who would take it from them.

So, Mr. Speaker, today focus your attention, the people are rising up around America, and the Democratic Caucus is standing strong right here.

CALIFORNIA SALMON INDUSTRY

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

Ms. SPEIER. Mr. Speaker, our budget is a serious document and a statement of our values as a Union. Americans are depending on us to reduce the deficit in a responsible manner while growing our economy and putting people back to work. But as their ''so be it, let them eat cake'' approach to jobs and the economy shows, our Republican colleagues have chosen to abandon the responsibility for recklessness.

Now the Republicans are proposing to wipe out the California salmon industry and the thousands of jobs that depend on it. California's fishermen just made it through 3 years of unprecedented slowdown in the salmon industry. An estimated 23,000 jobs and $2.8 billion have been lost in just the last 3 years. These latest proposals threaten water supplies for millions, including both fishermen and farmers.

Mr. Speaker, salmon means jobs. I have met the people who make their living with salmon, and they are proud of their jobs. According to recent studies, restoring the California bay-delta could provide 94,000 new jobs and $5.7 billion in economic activity.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1.

□ 0910

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. BISHOP of Utah (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on the legislative day of Thursday, February 17, 2011, a request for a recorded vote on amendment No. 466 printed in the CONGRESSIONAL RECORD offered by the gentleman from Texas (Mr. POE) had been postponed, and the bill had been read through page 359, line 22.

AMENDMENT NO. 575 OFFERED BY MR. REHBERG

Mr. REHBERG. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be paid to any employee, officer, contractor, or grantee of any department or agency funded by title VIII of division B of this Act to implement the provisions of Public Law 111–148 or title I or subtitle B of title II of Public Law 111–152.

POINT OF ORDER

Ms. DELAURO. Mr. Chairman, I rise to make a point of order on the amendment.

The Acting CHAIR. The gentlewoman will state her point of order.

Ms. DELAURO. Mr. Chairman, I make a point of order against the Rehberg amendment because it violates clause 3(j)(3) of House Resolution 5 by proposing a net increase in budget authority in the bill. According to a cost estimate received from the Congressional Budget Office, the Rehberg amendment would increase net budget authority in the bill by $2 billion in fiscal year 2012 and a total of $5.5 billion over 10 years. Let me repeat that. That is adding $5.5 billion to the deficit. And I have, in my hand here, the CBO estimate of the budgetary effects of amendment 575 to H.R. 1, a CBO document.

The House rules package, adopted at the beginning of this Congress in House Resolution 5, includes the following rule in section 3(j)(3): ''It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill.''

According to the CBO estimate, the Rehberg amendment does, in fact, produce a net increase in budget authority and is, therefore, not in order.

The majority have raised a point of order on all other amendments that violate this rule in section 3(j)(3) because they increase net budget authority; yet on this amendment by Mr. REHBERG, that is not the case. It would seem that on the question of health care, the majority is not abiding by its own rules to reduce the deficit.

I ask a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Mr. REHBERG. Mr. Chair, I wish to be heard on the point of order.

The Acting CHAIR. The gentleman from Montana is recognized.

Mr. REHBERG. I have been advised by the chairman of the Committee on Budget that my amendment complies with all applicable rules of the House. The point of order that my amendment violates clause 10 of rule XXI, known as the cut-go rule, is inapplicable in this case. The cut-go rule does provide a point of order against amendments to appropriations bills that cause an increase in mandatory spending over the 5-year scoring window. However, that rule contains an important exception. The point of order applies only to provisions that are modifications to substantive law. My amendment does not constitute such a modification; rather, it is a temporary provision limiting the use of funds in this act for the implementation of the law in a particular fiscal year.

As the chairman of the Committee on the Budget stated, my amendment does not make a modification to substantive law in a year after the year for which the bill makes appropriations. Accordingly, the prohibition contained in clause 10 of rule XXI does not apply to my amendment, and the point of order should be overruled.

And I respectfully ask the Chair for a ruling.

The Acting CHAIR. Does anyone else wish to be heard on the point of order?

Mr. ANDREWS. Mr. Chairman, I wish to be heard on the point of order.

The Acting CHAIR. The gentleman from New Jersey is recognized.

Mr. ANDREWS. The gentlelady from Connecticut's point of order should be sustained, and, frankly, the chairman's arguments are deficient in two respects:

First, he notes that the chairman of the Budget Committee's opinion is that the point of order should not be sustained. Although I realize that the chairman of the Budget Committee's opinion by custom is given some sort of special gravity on these kind of questions, with all due respect, the Chair is the Chair. The Chair is the authority here, and the Chair's responsibility is to follow the rules of the House which very clearly state that a piece of legislation that has a net increase in budget authority is out of order under these circumstances.

Secondly, the chairman makes the argument that this is not a change in substantive law. One first would wonder why it's then being offered. But secondly, it seems to me that if agents of the executive branch have a responsibility and that responsibility includes discretion as to how to carry out a certain law, prohibiting them from carrying out that responsibility and limiting their discretion is, in fact, a significant change in substantive law.

On those grounds, I would urge that the point of order be sustained.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Mr. PALLONE. I rise to be heard on the point of order, Mr. Chairman.

The Acting CHAIR. The gentleman from New Jersey is recognized.

Mr. PALLONE. Mr. Chairman, I just find it incredible what I am hearing on the other side of the aisle here because we've gone through several weeks now where basically the rules have been changed so that the Budget Committee chairman basically does whatever he pleases and has the authority almost like equal to the rest of the House, the way the Republicans have given him this authority. It's sort of like a one-man dictatorship. So I'm not sure that I am particularly interested in his opinion on this one.

But beyond that—and I will follow up on my colleague from New Jersey—when you talk about substantive changes to the law, the whole purpose of this amendment is to basically gut the health care reform and make sure that it never takes place. And if it were to become law, if it were to be adopted, that is exactly what would happen. This has a major substantive impact.

And beyond that, what we're highlighting here is the fact that here we have the Republicans saying that they are trying to save money or cut spending when, in reality, what they are doing with this amendment is increasing the deficit and actually making it more difficult to create jobs.

I don't see how we could ever argue, frankly, that this amendment is in order. It clearly increases the deficit. It clearly increases the budget authority. It will kill the health care reform, and that's its purpose. So I would ask that the chairman rule that this is certainly out of order.

The Acting CHAIR. Does any other Member wish to be heard on the point of order.

Ms. DELAURO. Yes, Mr. Chairman, I would like to make a comment on the point of order.

The Acting CHAIR. The gentlewoman from Connecticut is recognized.

Ms. DELAURO. The chairman has argued—with all due respect to the chairman—that the amendment does not violate clause 10 of rule XXI. But that is not the point of order that I raised. The point of order was section 3(j)(3) of H. Res. 5, and I will repeat what that says.

□ 0920

''It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill.'' This clearly, clearly proposes an increase. And we have the documentation from CBO.

So I am asking that this amendment be ruled out of order.

The Acting CHAIR. Is there anybody else who wishes to be heard on the point of order?

Mr. REHBERG. Mr. Chair, if I may respond.

The Acting CHAIR. The Chair recognizes the gentleman from Montana.

Mr. REHBERG. It doesn't matter which clause they want to draw from. The chairman said there is no impact.

My amendment scores at a savings of $100 million in the current fiscal year. That is substantive savings, and I again ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentlewoman from Connecticut makes a point of order that the amendment offered by the gentleman from Montana violates section 3(j)3 of House Resolution 5.

Section 3(j)3 establishes a point of order against an amendment proposing a net increase in budget authority in the bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment, which proposes a limitation on funding in the instant bill for the instant fiscal year, does not propose a net increase in budget authority in this bill.

The point of order is overruled.

Pursuant to the order of the House of February 17, 2011, the gentleman from Montana (Mr. REHBERG) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Montana.

Mr. REHBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is simple and straightforward. This amendment denies any funding provided by this bill to be used by the department or agency funded through the Labor-HHS title of the bill to support ObamaCare. It will create a firewall so that funds from this bill cannot be used for that purpose.

ObamaCare included mandatory funding for several provisions normally funded through the discretionary appropriations; for example, a $1 billion implementation fund. So, unfortunately, resources will be available to Health and Human Services. This amendment can slow but not completely stop the process.

I have tried everything within my power to write an amendment that would completely defund implementation yet withstand a point of order. This is the best I can do today. I liken the situation with this bill to trying to drive a car to the moon. A car is the wrong vehicle for that purpose, but a car can take us on the first leg of the trip. It can get us to the launching pad. And I will continue to do everything I can to finish the journey.

My goal, and the goal of the majority of Americans, is to repeal the new health care law. Until then, my objective is to defund it entirely and stop its implementation.

It is impossible at this time to describe the many reasons that justify defunding and repeal. Let me begin with my belief that the law is unconstitutional. It runs contrary to our most fundamental concepts of limited government and individual liberty and responsibility. It's a law designed by those who wish to control every health care decision made by health care providers and patients, by every employer and employee, by every family and individual. It will control every aspect of one-sixth of our economy.

This unaffordable program will cost $2.6 trillion in the first 10 years if fully implemented. Ninety percent of that cost is for Medicaid expansion and insurance subsidies. Roughly half of the Federal Government's costs will be paid through new taxes, penalties, and fees on individuals and businesses. The other half is covered by cuts in Medicare benefits.

The tax increases and regulatory burdens will be a significant drag on economic growth and job creation, and other costs to States, businesses and individuals are not included in the $2.6 trillion figure.

This is a job killer. How foolhardy to create a new entitlement program when we cannot pay for the ones we already have and cannot meet our current operating expenses without borrowing beyond our ability to repay. This is madness.

The structure of this bill was built on a foundation of multiple mandates, the individual mandate that requires people to purchase insurance whether they want to or not, mandates on States to create and operate insurance exchanges and to expand Medicaid dramatically, mandates on employers to provide insurance or be penalized, mandates regarding the precise terms of insurance policies that everyone ultimately must purchase, and on and on.

Our forefathers would be appalled to see the power over our health and lives that we are surrendering to government. They had firsthand experience with unfettered government control, and they carefully designed a Constitution to limit the government's power. We've learned nothing from them. Never has there been such a complete transfer of power to our government with such blind faith and hope that government will get it right when our experience in every other context is so totally to the contrary.

This is an experiment, a huge gamble imposed on us by those who did not read the legislation or fully understand its consequences. We are already catching glimpses of how government power will be exercised. Large corporations and unions have been granted waivers for mandates they cannot meet; large corporations with armies of lawyers and unions who hold a special place in the hearts, minds, and political campaigns of those who enacted this bill. Will Government be so accommodating to you?

There are problems with the existing health care system, but this law only makes matters worse. The law must be repealed so that it can be replaced with incremental, market-oriented, affordable measures to improve, rather than transform, our current health care system. In the meantime, implementation must be stopped.

There's a second reason to defund implementation. The law's individual mandate has been declared unconstitutional by two Federal judges. Judge Roger Vinson has written a powerful opinion that strikes down the entire law. The administration and Congress are on notice of the substantial risk that the Supreme Court will uphold Vinson's decision. If that occurs after a year or more of litigation, billions of dollars spent by the Federal Government to implement the law and by States, businesses, individuals, and taxpayers to comply with the law will have been completely wasted, thrown away. In light of the crisis created by our ballooning debt and anemic economy, it is fiscally irresponsible to go forward with implementation until the court challenge is finally resolved.

For these reasons, I urge you to support my amendment.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 30 minutes.

Ms. DELAURO. Mr. Chairman, I yield myself 5 minutes.

The American people want us to work together to address their top priorities—creating jobs, turning the economy around, and reducing the deficit. The Republican majority told the American people, Vote for me, that's what we are going to do. This is a classic case of bait and switch.

Their first order of business was to repeal health care reform, the results of which would add to unemployment, add to the deficit, and delay the economic recovery. And today, by denying funds for the implementation of health care, they are at it again.

This amendment would take away the consumer protections of the Affordable Care Act and put the insurance companies back in charge, a further demonstration of the majority's special interest priorities and an hypocrisy on job creation and deficit reduction.

Repealing health care will destroy jobs in the health professions. It will slow growth by 250,000 to 400,000 jobs a year. It will increase medical spending and add nearly $2,000 to the average family insurance premium. And according to CBO, repeal would add $230 billion to the deficit in the first 10 years and $1 trillion in the second 10 years. And let me repeat that. This amendment adds billions and ultimately trillions of dollars to the deficit, and it starts next year with $2.2 billion.

While my colleague will say that for the rest of this year that that isn't the case, one needs to just look at what the CBO says overall on the $5.5 billion in deficits that this would create. This is not what they promised the American people.

This amendment will allow insurers to charge women 48 percent more than men for exactly the same coverage. It allows insurance companies to once again discriminate against Americans with preexisting conditions, even children with preexisting conditions. Women may again be denied coverage because they survived breast cancer or because they were a victim of domestic violence or because they had a c-section. It will deny up to 4 million small businesses $40 billion in tax credits.

This amendment will increase drug costs for seniors. It will take away the 50 percent discount on brand name drugs for those who have found themselves in the doughnut hole. It will increase, also, seniors' health care costs, making lifesaving preventive services like mammograms, colonoscopies, wellness visits, blood pressure screenings, and diabetes screenings more expensive. This amendment will cost money and it will cost lives.

In Connecticut 191,000 children with preexisting conditions benefit from the health care reform law. More than 540,000 seniors with Medicare coverage no longer have out-of-pocket expenses

for recommended preventive services, and up to 15,400 small businesses in my district alone will benefit from these tax credits.

□ 0930

If this amendment passes, what will happen to children with preexisting conditions, to seniors in the doughnut hole, to small business owners trying to help their employees find quality health insurance?

I urge my colleagues to vote against this irresponsible amendment.

I reserve the balance of my time.

Mr. REHBERG. Mr. Chair, I am pleased to yield 5 minutes to my good friend from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding.

As was so eloquently put forward by Mr. REHBERG, the chairman of the Subcommittee on Health and Human Services Appropriations just a moment ago, this is a temporary limiting amendment on the appropriations for implementation of the Patient Protection Affordable Care Act.

''Bait and switch,'' that term was used by the other side just a moment ago in their arguments. Bait and switch. Think back to where we were just a little over a year ago in this House of Representatives when the Democrats' version of a health care bill passed. Where is that bill today? Somewhere in the dustbin out in the halls outside the office the former Speaker now occupies.

Bait and switch. What happened on Christmas Eve of last year of 2009? The Senate passed a bill, a bill that was never intended to become law. It was a placeholder. It was a vehicle to simply get the Senators home for Christmas Eve ahead of a snowstorm so that then everyone can come back to the Capitol in January 2010 and work on the bill that would ultimately become President Obama's health care reform. But it didn't happen. The Democrats lost an election in Massachusetts for the Senate seat, and that changed the paradigm, that changed the narrative, that changed the debate.

And then what happened? The House took up the bill passed by the Senate, conveniently, a bill that had been passed by the House of Representatives the summer before as a housing bill, H.R. 3590. Look it up on Thomas at home if you doubt. 3590 passed the Senate.

Why would Senator REID—why would the other body take up a previously passed House bill and turn it into a health care bill? Because it wasn't a health care bill; it was a tax bill. It was a tax bill that, by constitutional authority, had to originate in the House of Representatives.

So then the other body had the perfect vehicle: Take this housing bill, strip out the housing language, put in the health care language, pass it on Christmas Eve, and then we'll all gather back after the New Year's Eve festivities and create a conference committee and pass the President's signature health care legislation. But it didn't happen that way.

And then the elimination of opponents on the Democratic side began in sequential form such that by March 23 of last year enough Democrats had changed their votes and would support the Senate-passed House bill. And the question, Will the House now agree to the Senate amendment on 3590? was answered affirmatively.

But was that the end of the story? No. This was extensively litigated in the political arena last fall. And what was the judgment of the American people after the litigation in the political arena? The answer was: We don't want it. We don't want any part of it. Fix it. Do something.

So Chairman REHBERG is doing exactly that today. Within the limits that he is constrained by in a continuing resolution, he is providing the vehicle, the floor by which the implementation of this very flawed process, this very flawed law can now be contained.

It was important before, but 3 weeks ago it became critical. It became critical because of Judge Vinson's ruling. And why is that? And I encourage my colleagues to go to Judge Vinson's ruling. It's available on the Internet. It's not hard to read. It's about 75 pages.

Judge Vinson's ruling, page 76 of 78: ''Because the individual mandate is unconstitutional and not severable, the entire act must be declared void.''

Pretty clear language.

Now, why is it necessary to approach the funding? Because earlier in his opinion Judge Vinson observed: There is a longstanding presumption that officials of the executive branch will adhere to the law as declared by the court. As a result, declaratory judgment is the functional equivalent of an injunction.

Well, that should be good enough for members of the executive branch. They had the Federal agencies. But apparently that is not so, because what we see today in our committee hearings, in the headlines in the newspapers is that this administration is proceeding at light speed with implementation.

The previous health care czar is now the Deputy Chief of Staff in the White House. What does that tell you about their plans for implementation? In fact, the plans for implementation were going so fast that one of the chief architects of implementation was hired 1½ months before the bill was signed into law, and that's testimony that we heard in our committee in Energy and Commerce this past week.

I sent a letter to Secretary Sebelius this week asking her to provide for us what direction she was going to take in light of Judge Vinson's ruling.

In closing, I thank the gentleman for bringing this limiting amendment to the floor today. It is critically important that this Congress act to limit the implementation of this very flawed health care law. Let's get back to the work the American people asked us to do in the election.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2011.

Hon. KATHLEEN SEBELIUS,
Secretary of Health and Human Services, Washington, DC.

DEAR SECRETARY SEBELIUS: I write to inquire of the Department of Health and Human Services your response to and specifically subsequent implementation decisions made by the Department in the wake of Judge Vinson's ruling in The State of Florida v. United States Department of Health and Human Services. As you are well aware, the plaintiff sought declaratory judgment that the Patient Protection and Affordable Care Act is unconstitutional as well as an injunction against its enforcement.

In his opinion, Judge Vinson relied on precedent in Committee on Judiciary of U.S. House of Representatives v. Miers to determine that when a court issues a declaratory judgment against federal officials, the ''declaratory judgment is the functional equivalent of an injunction.'' He quoted a previous United States Court of Appeals decision which further addressed his point, ''that officials of the Executive Branch will adhere to the law as declared by the court. As a result, the declaratory judgment is the functional equivalent of an injunction. . . There is no reason to conclude that this presumption should not apply here. Thus, the award of declaratory relief is adequate and separate injunctive relief is not necessary.''

I would like to request information on how, in light of the declaratory relief issued by Judge Vinson, the Department plans to proceed in its implementation of the Patient Protection and Affordable Care Act.

Thank you for your time and consideration on this issue and I look forward to your response. Should you have any questions, please contact me in my Washington office at (202)225–7772.

Sincerely,

MICHAEL C. BURGESS, M.D.,
Member of Congress.

Ms. DELAURO. I yield 3 minutes to the gentleman from California (Mr. MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding me this time.

The author of this amendment said a few minutes ago that this was a very simple and straightforward amendment. And that's probably true for Members of Congress who have government-paid health insurance, have policies that are looked after by a PPO to make sure that we get benefits. But if you are a member of the American public, this is not a simple and straightforward amendment. If you are a member of the American public, this amendment changes your life. For millions of Americans and for millions of their children, for millions of their parents this amendment changes their life. This isn't straightforward.

So many of our new Republican colleagues have come to town and said, I'm just one of the folks back home. I'm not enamored with Washington. I'm just one of the folks back home.

Vote for this amendment, and you won't be like the folks back home.

Vote for the amendment, and you will be very different than the folks back home, because you will have insurance and they won't. You will have coverage and they won't. You won't have lifetime caps and they will. You won't lose your insurance when you need it for you, your children, or your spouse, but your constituents will. You are not just like the folks back home. You are doing grave damage to the folks back home.

So you ought to think about this amendment before you vote for it. Not only does it add $5 billion almost immediately to the deficit; it adds $1 trillion to the deficit over 20 years, takes us in the wrong direction. But this punishes people back home. Talk to your constituents who now are the seniors who have that free physical checkup and have been given medicine, have been told about things that they are doing wrong with respect to their health and now can prevent additional doctors' visits and hospital care because of that checkup that they now get that this amendment would take away. Talk to the parents. And you really ought to talk to the grandparents of the children who now have coverage that didn't have it before. They are as concerned about the coverage of their grandchildren as they are about their Medicare coverage, which you will change with respect to the cost of pharmaceuticals.

No, this isn't simple and straightforward, and this isn't just like the folks back home. The folks back home are struggling every day to pay their insurance premiums. Pass this amendment, and once again the insurance companies can rip them off. Once again, they no longer have to dedicate 80 percent of your premiums to your health care. They can write themselves the bonuses, the advertising, the salaries, and forget the health care.

There won't be that kind of protection for people who struggle every month to achieve health care coverage, for the 9 million people who are in the middle of getting rebates now because of the change in the law to make sure that health insurance companies provide you health insurance instead of a funding stream for the executives.

No, this isn't simple and straightforward, and you are not just like the folks back home once you vote for this amendment. Is that clear?

Mr. REHBERG. Mr. Chairman, I am pleased to yield 2 minutes to a new member of the Appropriations Committee, a great addition, the gentleman from Georgia (Mr. GRAVES).

Mr. GRAVES of Georgia. I thank the gentleman.

You know, just listening to what we just heard from our colleague across the aisle, he said, Go back and talk to your doctors, talk to parents, talk to seniors.

You are missing the point. It's time to listen. That's what we've been doing. We've been listening. And the American people in November said it's time not only to defund this but to repeal this measure. Again, the House has moved forward to do so. Maybe you should quit talking to and start listening to.

Mr. Chairman, I'm here in support of this amendment because, simply put, it defunds ObamaCare bureaucrats. If this amendment is adopted, government bureaucrats cannot be paid so much as to lift a finger, move a paperclip, send an email if it has anything to do with ObamaCare.

Ms. WASSERMAN SCHULTZ. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. Does the gentleman from Georgia yield for a parliamentary inquiry?

Mr. GRAVES of Georgia. Sir, I would rather just finish my comments here. They have plenty of time on their side.

The Acting CHAIR. The gentleman does not yield for that purpose and continues to be recognized.

Mr. GRAVES of Georgia. And since today we're here to talk about saving the taxpayer dollars, let's remember the cost of ObamaCare.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIR. The gentleman from Georgia would need to yield for a parliamentary inquiry.

The gentleman from Georgia is recognized.

Mr. GRAVES of Georgia. So we are here today to talk about the taxpayers' money. Let's remember the cost of ObamaCare: $2.6 trillion over the first 10 years once it's implemented, $560 billion in new taxes on American families and businesses, unconstitutional mandates, higher premiums, and, yes, lost coverage.

The law is so damaging that the Obama administration themselves have granted at least 915 waivers for health plans and organizations.

□ 0940

Now, think about that savings—2.5 million people from ObamaCare.

Mr. Chairman, let's save the rest of America here today and let's support the Rehberg amendment and move on and zero out the payments to those ObamaCare bureaucrats.

PARLIAMENTARY INQUIRY

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIR. The gentlewoman will state her inquiry.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, is it a violation of the House rules wherein Members are not permitted to make disparaging references to the President of the United States? In two previous gentlemen's statements on the amendment, both of them referred to the Affordable Care Act, which is the accurate title of the health care reform law, as ObamaCare. That is a disparaging reference to the President of the United States, it is meant as a disparaging reference to the President of the United States, and it is clearly in violation of the House rules against that.

The Acting CHAIR. The gentlewoman has stated a hypothetical. The Chair will not issue an advisory opinion, but will inform all Members that remarks in debate must avoid personalities, including personalities toward the President.

Ms. DELAURO. Mr. Chairman, I yield myself 30 seconds.

To the prior gentleman, I would just say you didn't listen to the people of this country; you sold them a bill of goods. You told them you were going to create jobs, you were going to reduce the deficit, and you were going to turn the economy around. You have done none of this. You have been here 6 weeks, 8 weeks; and you have not done anything. And with this amendment you will, indeed, by the CBO numbers, increase the deficit as soon as next year by over $2 billion.

Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. How many times are we going to hear about repealing the health care reform instead of having an initiative that actually creates jobs? I go out. The gentleman from Georgia said, Are you listening to your constituents? Yes, I listen to my constituents. They tell us we should address job creation and the economy and not constantly argue over and over again about repealing health care reform, which we know is going absolutely nowhere. So when I listen, that is what I hear: jobs, the economy, not this constant repetition of repeal.

Now, I have a lot of respect for the gentleman from Montana, I have to say, but he talks about completely stopping and defending implementation. Well, the reason that the Republicans are saying that they want to defund implementation is because this health care reform is already working. Insurers now can't drop someone's coverage when they get sick; seniors are saving money on prescription drugs; young adults to age 26 are getting back on their parents' insurance; and small businesses are receiving billions of dollars in tax credits to provide health care coverage. This is moving along. This is working. That is why they want to stop the implementation, is because they know it is working.

Now, the defunding amendments will end all these benefits, putting health insurance companies back in charge of America's health care. The only person who benefits from defunding and repeal are the special interest health insurance companies that want to charge more and continue their discriminatory practices.

The gentleman from Montana talked about the cost. Well, the fact of the matter is that if we pass these defunding amendments offered in the guise of budget austerity, they are actually one step closer towards repealing the largest deficit cutter passed in the last decade, and that is the Affordable Care Act.

Health care reform helps tremendously in reducing the deficit. It will save $230 billion over the next 10 years and over $1 trillion in the 10 years after that. If we defund health care reform, there will be no prohibition on discrimination against over 100 million Americans with preexisting conditions, no prohibition on insurance companies canceling your coverage when you get sick, no prohibition on lifetime caps and annual limits, no required coverage for young adults on their parents' policies, no assistance for seniors struggling to afford the cost of drugs in the doughnut hole, no free annual checkups in Medicare, and no tax credits for families and small businesses to pay for health insurance.

Repeal, I stress, is a boon for the insurance companies, but an enormous setback for American families. If we pass this amendment, the insurance companies can raise their rates without review or transparency, they can deny coverage to millions of Americans with preexisting conditions, and they can cut off coverage when someone becomes sick.

I urge all Members to vote ''no'' on these defunding amendments. Health care reform is working. I go back home and people are pleased with it because already in many cases they are able to get insurance they weren't able to get before.

I am tired of hearing this over and over again. Concentrate on jobs and the economy, not this charade.

Mr. REHBERG. Mr. Chairman, I yield myself 1 minute.

I respectfully do refer to it as ''ObamaCare.'' You would think that he would want his name attached to his signature legislation. But in four quick years, this Congress and this President have made what is a spending problem into a spending crisis. We wanted to create jobs. You wasted time on the health care reform that did not control the costs.

They call it affordable health care. Unfortunately, all it did was add people. It didn't control the costs of health care, and that is one of the reasons it needs to be repealed. We wanted to build an economy; they wanted to build government. So we call it what it is. It is ObamaCare. It is a travesty. It is Big Government. It is not controlling health care costs, and it needs to be repealed.

Today we are going to try to defund it, to the best of our ability; and if we are not successful this time, we are going to try again and again and again until we either have a Senate that is willing to pass it or a President that understands that we cannot do this to the American people.

At this time I yield 5 minutes to my good friend, the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the chairman of the Appropriations Subcommittee on HHS, Congressman REHBERG, for yielding.

I want to declare my support for this amendment, and I think he is happy if I refer to it as the Rehberg amendment. I also want to thank DENNY REHBERG for the work that he has done on this. America will never know, Mr. Chairman, how much work went into crafting this amendment to get this fix that does a little bit to take us down the road. And, boy, it is important to me to see $100 million cut out of the resources that would be used to implement ObamaCare.

Mr. Chairman, I am also very confident in declaring it to be ObamaCare. I listened to President Obama address it as ObamaCare on February 25 of last year at the Blair House during the health care summit. I thought that was the source of the moniker ObamaCare, was the President himself, and if anyone thinks otherwise, I think they should look back and check the record.

ObamaCare is this: It's not $1 trillion in deficit over 20 years if we don't go through with this atrocity; it's $2.6 trillion in spending in the first full decade, according to the chairman of the Budget Committee, PAUL RYAN—$2.6 trillion in spending.

We are here in this CR to cut spending. We know that we have to go into a national era of austerity because of the overspending that has taken place over the last 4 years in particular and the last 2 years in a hugely significant way.

□ 0950

We're looking at a budget now that has a deficit proposed by the President of $1.65 trillion. And if you roll back to the full Federal outlays in 1997, $1.6 trillion. The on-budget items in 2002, $1.6 trillion. And we have that much deficit proposed by the President. We want to shut off $2.6 trillion worth of irresponsible spending. We want to preserve the liberty and the freedom of the American people and the best health care system in the world. That's why you see sheikhs' planes landing in places like Rochester, Minnesota to get health care that they can't get in other places in the world. If Michael Moore thinks Cuba has the best health care system, I suggest he swim there. This country, we need to preserve the system we have and expand it. The Rehberg amendment helps slow down this implementation that is going on in an aggressive fashion by the Obama administration.

I happen to have in my hand, Mr. Chairman, an excerpt from a CRS report that tells you how duplicitous this bill once one picked it up and read it, the 2,500 pages. And in here are multiple places, over 50 places where ObamaCare actually not just authorizes, but it also appropriates—not completely unprecedented, but it is the largest, most substantial effort to trigger automatic spending that goes on in perpetuity, Mr. Chairman.

The number here is not $100 billion. The number on this CRS report is $105.5 billion over the next 10 years. And in the balance of this fiscal year, it's $4.95 billion that we're having trouble getting at. Thanks to DENNY REHBERG, we're getting at $100 million. I believe this amendment will pass today and it will go on this CR and it will become a significant leverage point over in the United States Senate.

Other components of this that need to be ripped out that—oh, wait a minute, I forgot to remind you. Again, H.R. 2, full repeal of ObamaCare. I was pleased to see language that I had worked on and drafted for all those months went over to the Senate where every Republican voted to repeal ObamaCare. Here we had bipartisan support for the repeal of ObamaCare—three times the bipartisan support described by then-Speaker NANCY PELOSI. And we sit here now with Americans that have—two-thirds of them by the polling—rejected ObamaCare.

In this bill, another piece that reads deceptively is this: ''The authority for the Secretary of Health and Human Services to do interdepartmental transfers in any amount greater than the 2008 budget bill,'' which means slush funds all through that Department to aggressively implement ObamaCare. The Rehberg amendment shuts off some of that—probably not all of that, but it gets at it and it lays the point out. And I hope that we can do better on some of the others into the future.

We also need to understand that when America has rejected a piece of legislation that so upsets all of our lives and takes away so much of our liberty and freedom, takes away our ability to buy a health insurance policy that is high deductible, high copayment, and low premium, that we have many more good solutions that will unfold here.

This bill is unconstitutional in four places at least, two Federal courts have ruled, so we know that it will eventually get to the Supreme Court. And we can never say with certainty what the result will be, but we know the certainty of the two Federal courts, Mr. Chairman. We must have the Rehberg amendment so the American people are dealt with respect and honor of their opinion. H.R. 1 cuts the funding; H.R. 2 repeals.

Thank you, Mr. Chairman. I thank the gentleman from Montana.

Ms. DELAURO. Mr. Chairman, let me just reiterate again: This amendment would not create jobs; it would not do anything to reduce the deficit. In fact, by the CBO numbers, it would increase net budget authority in the bill by $2 billion next year, a total of $5.5 billion over the next several years. It increases the deficit. Let's keep hitting it on that point.

I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. If this amendment would become part of the CR, there will be no CR, and that will be your responsibility, your responsibility.

This is an effort to repeal by paralysis, paralyzing the provisions that have gone into effect—preexisting conditions for children being covered, children under 26 having the ability to get insurance. It would paralyze the efforts to begin to implement the 2014 benefits.

Instead of searching for common ground, this amendment intensifies warfare. Instead of collaboration, this amendment would mean chaos.

The Republicans have become a wrecking crew, led by PAUL RYAN and wrecking Medicare. This amendment is a deeply dangerous prescription for Americans' health. This prescription needs to be rejected.

Mr. REHBERG. Mr. Chairman, I yield myself 1 minute.

Does anybody honestly believe in America that by repealing ObamaCare it's actually going to cost the government money? It just doesn't pass the smell test. Yes, the way the CBO is scoring it based upon the questions that they are asked show it is. But nobody, honestly nobody in this country honestly believes that when you repeal a piece of legislation it's going to end up costing you money.

I now yield 5 minutes to one of the few people that clearly gets the entire picture, a doctor, one of our Members from the State of Georgia (Mr. PRICE), who understands that defensive medicine was entirely left out of this, but, of course, we know why. And it's one of the issues driving the cost of health care.

Mr. PRICE of Georgia. I thank my friend, and I appreciate him for his remarkable leadership on this. Many of us tried to figure out how we could bring this issue to the floor under this bill, and you have done that.

Our friends on the other side of the aisle talk about jobs, that this won't create any jobs. Well, I'll tell you some jobs that this will save if we pass this amendment and that's the physicians in this land.

As a physician—and if folks in this body talk to their doctors back home, they will understand the remarkable challenges and the number of physicians who are throwing up their hands and saying, I can't handle the hassles anymore; I can't believe the intrusion of the Federal Government into my ability to take care of my patients in the way that I deem best.

And so what are they saying? They're saying, well, there isn't any way for me to uphold and live by the oath that I took, to do what was best for my patients, and therefore I'm left in a remarkable moral quandary. And for many of them it is to say, I'm sorry, I'm no longer able to practice under this oppressive government.

The deficit. That's right, we ought to be talking about the deficit. Here's the track right here of the folks who have been in charge for the last 4 years. In 2006, they came in, and this is what the Federal Government was spending down here, a little over $2.6 trillion. The last year of their reign they're up in the $3.7 trillion, $3.8 trillion range. The deficit is about a third of that, this year coming up, $1.6 trillion. So Mr. Chair, to have our friends on the other side of the aisle tell us about deficit is a bit curious.

I'm reminded by my friend from Texas, a fellow physician who gave a remarkable recitation of the history of the law that we have in place now, the non-health care reform law that was enacted, and I'm reminded of the jubilation on the other side of the aisle when they passed this piece of legislation last March. At the time I had some serious conversations with friends on the other side because we weren't allowed to have this kind of robust debate. That wasn't allowed, it wasn't allowed in committee, it wasn't allowed on the floor of the House. The decisions had been made beforehand and the bill was shoved down the throat of the House of Representatives and the American people.

But I remember talking with them and I remember saying, It's puzzling to me why you're so enthusiastic and excited about this. There's no way that this law can go forward because it is clearly unconstitutional. And in fact now we've seen a Federal court in Virginia and a Federal court in Florida agree that the individual mandate—that the notion that the Federal Government can say to the American people, by virtue of being a citizen you must purchase this product and this is exactly what it must be. And that's what the law has done.

And so I believe that before we will hold another election in this country this law will be determined to be unconstitutional, which really is a shame because we will have missed a great opportunity.

My friend from Michigan who talked about bipartisan cooperation—of which there was none over the last 4 years in this arena—but we have missed a great opportunity, and hopefully we'll be able to enhance the opportunities that we have over the coming 2 years to be able to work together in a bipartisan way to address the challenges in health care. Because the status quo, as a physician and as a Member of Congress, the status quo is clearly unacceptable.

But when you look at the principles of health care—accessibility, making certain that people have accessibility to health care, which they don't right now and which this law actually harms; affordability, which is becoming more and more of a challenge to the American people and which this law actually harms—if you don't believe it, just ask the employees in businesses across this land who are having to pay higher premiums because of this law; the quality issues, all of the quality sorts of things that we all believe in so strongly and which this law actually harms because the only person who knows what's quality health care for you and your family is you and your family and your physician.

□ 1000

What this law does is remove this decisionmaking power from you and your family and your physician, and it replaces it with folks here in town who believe they know best what kind of health care you ought to receive. Then there is the responsiveness of the system and innovation in the system and choices, Mr. Chairman—choices that have been remarkably limited and will continue to be limited by this law.

So what Mr. REHBERG has done here is said that the only way that we can begin to dismantle this, which is what the American people desire in significant majority numbers, is to say you can't use resources that you have in your department to implement the law, itself. If the States and the Federal Government would listen to Judge Vinson in Florida, then they would realize that it, in fact, is their responsibility, that it is their responsibility not to implement this law.

So I urge adoption of the amendment, and I encourage my colleagues to get to work on the principles of health care, which this law absolutely ignored.

Ms. DELAURO. The Rehberg amendment would increase net budget authority in the bill by $2 billion in fiscal year 2012—that's next year—for a total of $5.5 billion over the next several years.

Mr. Chairman, 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. Mr. Chairman, all across the country this morning, millions of Americans got up for another day of searching the job search Web sites or looking at the want ads, enduring another day of courtesy interviews, pointless discussions with potential employers, and dreading the arrival of the letter carrier today because he is going to bring one more credit card bill or dunning letter for a bill that they can't pay.

Life has become a nightmare for 15 million unemployed Americans—and here we are in the House of Representatives. I don't think many of them got up this morning and said, I really hope that Congress for the second time in a month debates the repeal of the health care law. I think what our constituents said was, Why don't they get to work, working together to create jobs in this country?

Instead, the Tower of Babel that the House of Representatives has become this week has produced yet another meaningless debate on the repeal of the health care law, which followed on the heel of defunding Planned Parenthood last night.

Now, it's not bad enough what this bill doesn't do in having us work together to create jobs for the American people; it's bad in what it does do. It's very important that the Members understand the real-world consequences of the chairman's amendment.

If his amendment passes and if the parents of a child with juvenile diabetes wake up one day to discover that an insurance company won't sell their son or daughter insurance because that child has juvenile diabetes or that an insurance company will charge them four or five times the amount of the premium because the child has juvenile diabetes, the person at the Department of Health and Human Services who can step in and stop the insurance company from doing that won't be able to, because this amendment says, let's tie the hands of the people here to enforce the law.

If an insurance company says to a family who is grappling with a malignancy or a brainstem injury for their son or their daughter, ''You've run out of coverage. You've hit your lifetime limit. Too bad, so be it,'' the person who would be in a position to do something, to require an insurance company to pay those hospital bills, won't be able to do that because this is happening.

With all due respect, we've had a debate about using names this morning. I think we're using the wrong name for this amendment. This should be called the ''insurance company bill of rights'' because what it says is, anything any insurance must do at any time, so be it.

The American people deserve better than this. Members of the House should vote ''no'' on the Rehberg amendment and get back to the business of putting Americans back to work.

Mr. REHBERG. Mr. Chairman, may I inquire as to how much time remains on both sides?

The Acting CHAIR. The gentleman from Montana has 6½ minutes remaining. The gentlewoman from Connecticut has 15½ minutes remaining.

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

Ms. DELAURO. The Rehberg amendment increases net budget authority in the bill by $2 billion next year, a total of $5.5 billion over 10 years. It increases the deficit, and it puts the American people back in the hands of the insurance companies. Again, it's a classic bait and switch.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentlelady for yielding to me to participate in this debate.

It's really quite amazing, Mr. Chairman, the alternative reality that has been created on the Republican side. They never liked the health care bill—I think people know that already—but it is the law of the land. They tried to repeal it. They haven't been able to do it. But the health care bill passed.

Under the laws of the United States, people have certain rights under this legislation. For example, insurers cannot drop people's coverage when they get sick. Seniors are saving money on prescription drugs. Young adults to 26 are getting back on their parents' insurance, and small businesses are receiving billions of dollars in tax credits to provide health care coverage.

The Republicans said they like all of that. They like that. When they give us a bill, they're going to have all that in it. Meanwhile, they want to stop those things from happening under the existing law. Defunding amendments will end these benefits, putting health insurance companies back in charge of Americans' health care.

We should realize, when we have a law, it should be implemented in a reasonable, responsive and efficient manner. States want it. Insurers want it. Businesses want it. Health care providers want it. Trying to starve a program so we cannot implement it in a reasonable manner is irresponsible.

Defunding amendments offered in the guise of budget austerity is actually one step toward repealing the largest deficit cutter passed in the last decade, the Affordable Care Act. The Affordable Care Act, if this amendment passes, will be stopped. There will be no prohibition against discrimination for over 100 million Americans with preexisting conditions; no prohibition on insurance companies canceling your coverage when you get sick; no prohibition on lifetime caps and annual limits; no required coverage for young adults on their parents' policies; no assistance to seniors struggling to afford the cost of drugs in the doughnut hole and no free annual checkups in Medicare; and no tax credits for families and small businesses to pay for health insurance.

The full impact of this legislation will happen in 2014, which will require the Department of Health and Human Services to put into place its implementation so that we can move on a clear, reasonable path to accomplishing these goals.

The repeal or even this defunding proposal is a boon for insurance companies, but it is an enormous setback for American families. That's why I urge all Members to vote ''no'' on this amendment.

Mr. REHBERG. My Democratic friends using the deficit argument is simply a diversion to draw attention from the real issue: the huge cost of this program.

At this time I yield 30 seconds to the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

Mr. Chairman, seeing the gentleman from California down on the floor reminds me:

When this bill passed, the Congressional Budget Office told us there would be $142 billion in savings over 10 years; but less than 30 days later, the chief actuary at CMS, Dr. Foster, came forward and said the bill was going to cost $318 billion additionally over that time.

□ 1010

That's a $450 billion swing, and even in the United States Congress, we ought to be able to get a little closer than that.

I filed a resolution of inquiry with Chairman WAXMAN, who was then chairman of Energy and Commerce, who said let's sort this out. What did they know, when did they know it? Was Congress given inaccurate information before we voted on this very large bill?

I was never allowed to bring that forward. We could have solved that last year and settled that part of the debate last year.

Ms. DELAURO. CBO: Repeal of the health care bill would add $230 billion to the deficit in the first 10 years. The Rehberg amendment would add $2 billion in 2012, a total of $5.5 billion over the next several years.

I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

Another day on a bill that will not create one single job in the United States of America; in fact, a bill that will cost thousands of Americans their jobs. The response just the other day from our Republican colleagues: So be it.

Now we have an amendment before us to strip away critical patient protections for consumers, for our constituents. This is an insurance industry dream amendment. We heard from our colleagues they wanted to listen to the American people. They have not had one hearing, not one, to listen to the people around this country who were already benefiting from this bill.

The provisions to ensure that kids with diabetes, leukemia, asthma, are not discriminated against by the insurance industry any more, not one mom was heard from.

Provisions to make sure that our constituents aren't denied their coverage when they need it the most. There are thousands of Americans out there already benefiting from that. Didn't listen to one of them.

And now under the guise of trying to save the taxpayer money, they are offering an amendment that, according to the independent, nonpartisan Congressional Budget Office, will increase the deficit over the next 10 years by $230 billion. And when it's fully implemented, the bill, and you strip it away, it will add $1.4 trillion to the deficit.

I just urge my colleagues to read the letter from January of this year from the head of the CBO to the Speaker of the House. It's right in there, plain and simple.

We had a hearing in the Budget Committee just the other day. I hope your colleagues on the Budget Committee may have talked to you about it because the head of CBO was before the committee and Members on the Republican side. Surely you must have arrived at this deficit number through double counting.

The head of CBO said very plainly there is no double counting. Read the lips of CBO. This adds $230 billion to the deficit over 10 years, $1.4 trillion over the next 20 years. So don't come to the floor here and pretend that by

enacting this amendment it's part of an effort to save taxpayer dollars.

This will add more red ink to this Nation's credit card, the same kind of red ink that we saw being added over the years and years and years of the prior administration. We are trying to turn the corner on that.

But all this does is add more. The cost is not just in terms of higher deficits; the costs are to the people throughout this country who are going to lose the important protections that this bill has provided them.

Shame on this House for spending time doing this rather than focusing on jobs and getting this economy moving.

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

Ms. DELAURO. The Rehberg amendment increases the deficit by $2 billion in 2012, $5.5 billion over the next several years, and does nothing to create a single job.

I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. Chairman, I rise today to oppose the Republicans' latest cynical and callous attempts to derail health care reform, and I think it's quite interesting that the gentleman from Montana would be dismissive of the issue of deficit reduction and that somehow that's now labeled a distraction.

I think that adding $5.5 billion to the deficit when we should be going in the opposite direction is far more than a distraction. It's a moral imperative that we not do that. In the past 6 weeks, we have seen the true face of the Republicans' legislative agenda. Rather than work to create jobs and improve our economy, they have focused on baseless attacks on American families.

With their repeal and replace bills, they have demonstrated that they don't mind if insurance companies drop patients as soon as they get sick, or that families wouldn't be able to save thousands of dollars by keeping young adult children on their family plan. And with this pernicious amendment, we now see their outrageous attempts to strip funding from the implementation of the health care law.

Let's be clear: Our colleagues across the aisle want to yank funding from a law that is already helping millions of Americans. This amendment would seize funding from the agencies and workers who have already been tasked with implementing the most essential tenets of the Affordable Care Act, provisions which are already making a world of difference in millions of lives.

If this amendment passes, seniors will be thrown back into the Medicare part D doughnut hole coverage gap and be forced to pay exorbitant costs for their prescription drugs. Women in desperate need of an annual mammogram or a colonoscopy will once again face prohibitive copays or perhaps face denial of coverage for the preexisting condition of simply having ovaries, and our Nation will once again return to the egregious practice of denying so many young children coverage for their health history that they cannot control.

Rather than roll back the hard-fought consumer protections and freedoms that unshackled Americans from the whims of private insurance companies, Republicans should be working with us to build on and improve the health care system. Instead, they wish to use this amendment process to reverse the progress that we have made with these vital health care reforms. I am glad the American people can see their hypocrisy right out in the open.

Mr. REHBERG. I continue to reserve, Mr. Chairman.

PARLIAMENTARY INQUIRY

Mr. WEINER. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIR. What is the gentleman's parliamentary inquiry?

Mr. WEINER. Mr. Chairman, would it be appropriate under the rules in the UC that have been suggested that we divide the question so that Members of Congress can vote individually on whether to deny seniors coverage for the doughnut hole, to deny coverage for pre-existing conditions, to deny small businesses from getting the tax benefit in this bill, all the different things—would it be appropriate to divide the question that way so that all of the benefits that Americans get they can see individually where my Republican friends stand on them?

The Acting CHAIR. Under the order of the House of February 17, 2011, even if otherwise divisible, an amendment to this bill is not subject to a demand for a division of the question.

Ms. DELAURO. The Rehberg amendment would increase the deficit by $2 billion next year, a total of $5.5 billion over the next several years, and that is the estimate of the nonpartisan Congressional Budget Office. It increases the deficit and does not create any jobs.

I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Thank you. I would like to say to the Republicans, be careful what you wish for. Your star is fading on this effort to repeal, to defund the Affordable Care Act. Only about 18 percent of Americans now are for full repeal of this bill.

And are you the ones that are going to go and tell the American people that insurance companies can drop you when you get sick? Children with pre-existing conditions? Well, they can be denied coverage.

You go and explain that insurance companies can impose devastating annual and lifetime caps, and that pregnant women and breast cancer survivors can be denied coverage, and that being a woman will continue to be a preexisting condition. That's your mission if you were to succeed.

In passing this legislation, the American people finally said, this Congress said, that health care is a right, that it should not impoverish individuals. Vote ''no.''

□ 1020

Mr. REHBERG. I am pleased to yield 2 minutes to my good friend from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I stand in strong support of the Rehberg amendment. I do so because of this very controversial health care bill which was passed through strong-arm tactics last year during a time period when the American public was crying out against it. This was a product of the backroom deal-making in Washington, D.C. This is one reason why the Democrats lost control of the U.S. Congress. It wasn't so much the bill; it was the process.

But let's talk about the bill. An individual mandate that's already been ruled unconstitutional by two judges, a mandate which the Governor of Alaska is saying he is not even going to implement the rule. This is hardly a law that's bringing America together. This bill needs to be put on the back burner, and let us retool it and rework it. I believe that's what the Americans want us to do.

It destroys the doctor-patient relationship. One thing that's abundantly clear is people do not want the insurance companies telling the hospitals and the docs how to conduct medicine. But they sure as heck don't want government bureaucrats in Washington, D.C., and all of the hundreds of new agencies and the IRS agents coming in and telling the doctor how to conduct medicine. The cost of this—there is not one credible report that says this will bring down costs.

And I keep hearing this hollow cry from Democrats, suddenly with 15 million people unemployed, that they are concerned about jobs. I haven't met in the First District of Georgia or anywhere else I have traveled in the country one business person who says this is a great bill.

And I want to say this about 26-year-old children: As a father of four, and I have three kids under 26 years old, they are old enough to take care of themselves. They don't need the nanny state coming in. I have raised them to be responsible. At the age of 21, I expect them to go out and get their health care. You know, the average age in Vietnam I think was 19 years old. World War II, probably the same. And we have soldiers in harm's way all over the world who can take care of themselves. But we are saying but come home to mommy and daddy, we will take care of you until you are 26 years old.

The Acting CHAIR. The time of the gentleman has expired.

Mr. REHBERG. I yield the gentleman an additional 15 seconds.

Mr. KINGSTON. And let me say this, Mr. Chairman. If you talk to the Nation's Governors, Democrat and Republican, one of the biggest drains on their

expenses right now, on their budget, is Medicaid. Yet this bill increases the Medicaid rolls by 16 million people without funding it. If we want to break our States, we need to keep this bill. If we want to help them, we need to repeal it.

Ms. DELAURO. I remind the gentleman from Georgia that the taxpayers pay for Congress' health insurance as well. And any children that we have are covered under our health insurance. We are in a rarified air in that regard. We have health insurance, as Mr. MILLER pointed out. We go to the head of the line if there is anything wrong with us. That is not the case for millions of people in this Nation. And that's what the other side of the aisle would like to continue, that millions of people will not have the same kind of health care that we in the United States Congress have.

With that, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I strongly oppose this amendment because it is harmful to the American people. It adds significantly to the deficit. And I have listened to my constituents. And they tell me they are opposed to this defunding stunt. Why? If health care reform is defunded, who will ensure that seniors in the doughnut hole receive half-price medications this year? Who will process the small business tax credits that employers across the country are entitled to this year under the reform law? Who will keep insurance companies honest, protecting Americans from coverage denials and limits on care?

The Affordable Care Act is law. It's endorsed by the American Medical Association. And attempts by my colleagues on the other side of the aisle to repeal it have failed. Instead of fighting this same battle over and over again and living in the past, Congress must turn its focus now to what the American people really care about: creating jobs and strengthening our economy.

Mr. REHBERG. Mr. Chairman, at this time I am pleased to yield 2 minutes to another physician who clearly understands the cost of health care, the gentleman from Georgia (Mr. GINGREY).

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

Mr. Chairman, I rise wholeheartedly in support of his amendment to repeal the funding of ObamaCare. ObamaCare, in not just my opinion, but many others have expressed this, is possibly the worst piece of legislation passed in the history of this Congress. In fact, it would probably be better called ''patient pain and non-affordable care act'' because it has accomplished none of the goals that President Obama set out to accomplish, especially not lowering the cost of health insurance.

So we in this body, the Republican majority, in our initial week in the 112th Congress, we passed a repeal of ObamaCare. Unfortunately, our colleagues in the Senate, the Democratic majority, stopped that. It is our obligation to the American people to defund this wrongful piece of legislation. It is costing jobs all across this country.

Talk about things like who is going to solve the problem of the doughnut hole, as the gentlelady from California just said. Well, I will tell you who solved it, Big Pharma solved it when the President and the Democratic majority in the last Congress broke their arm and made them agree to cut their prices in half for their brand name drugs. So there are other ways to solve the doughnut hole problem than having the Federal Government take it over lock, stock, and barrel.

In regard to having children remain on the health insurance policy of their parents until age 26, why are they going to have to do that? Because they have no jobs. And why do they not have any jobs? Because of the job-killing bills like ObamaCare, and stimulus, and bailout, and I could go on and on and on. We have an obligation to defund this and to replace it with the right kind of legislation that will accomplish the goals of lowering health costs so that many more Americans can have health insurance and have good health insurance.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Chairman, it's often said that the facts are lost in the fog of war. The facts are lost in the fog of this debate. We should step back for just a few moments and see what this total picture is all about. This is nothing about a class war assault on the working men and women and the poor in this country, and literally around the world.

Take a look at all of the provisions and add them all up. The decimation of clinics that provide care to the poor and the unemployed. The decimation and the significant reduction of Medicaid, providing care to those who do not have high incomes, including the elderly and the disabled. The decimation now in this of the health care proposals, turning over to the insurance companies once again the opportunity to go after working men and women and deny them the coverage that they need.

Taken in total, and include the tax provisions for the great wealthy who will ultimately have their tax breaks paid for by the working men and women, put it all together, and this is class warfare by the Republicans against the working men and women of this Nation.

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

Ms. DELAURO. I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentlelady.

Eight hundred seniors gathered just a year or two ago, expressing their horrific opposition to the idea of being overwhelmed by this doughnut hole. My colleagues today are telling seniors all over America we now will close the door on you again. We will ensure that you will not have the money to pay for your rent or food because you will be paying these ridiculously high costs for your prescription drugs. That's what this amendment will do. It will close down potentially the Affordable Care Act that is providing a lifeline for our seniors.

And then if you are laying on the sick bed in your hospital room and you need more care and more care to restore yourself, you have a doctor or an administrator come in and say, your insurance company called and they're pulling the plug. Not the plug that the doctors are pulling, but they are pulling the plug. You have no more money, get out and try to do the best you can.

Two hundred and thirty billion dollars this amendment will cost us. But more importantly, this bill is not, the Affordable Care Act, unconstitutional. Only two courts have rendered that. And frankly, the Supreme Court will speak. Don't do this to the American people.

□ 1030

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

Ms. DELAURO. I yield myself 30 seconds.

Let me just repeat, to be absolutely clear, about what this amendment does.

It does not create jobs. It adds to the deficit $2 billion next year, $5.5 billion over the next several years. It does nothing to bring the deficit down. It increases the deficit, and it puts the American people back in the hands of insurance companies.

I reserve the balance of my time.

Mr. REHBERG. Mr. Chairman, I am not the Speaker of the House. I am not the majority leader. But you know what I do? I represent more people in the United States Congress than anybody sitting in this body, consistently. After every census, I have the most population. I probably have more town hall meetings as well. I probably have more hospitals, more highways, more of everything in my congressional district. And I have had more town hall meetings, probably, than anyone, 75. And in those 75, they all tell me the same thing: They do need health care reform. They need to control the cost of health care.

But they get it. They understand, this does not do it. You would not need waivers for unions and big businesses if it was working. You would not need legislation to fix the 1099 on the penalty for the $600 purchases if it was working. You wouldn't have to cook the books, as they attempt to do, by counting a $750 billion tax increase as a reason to suggest that if we repeal it, it's going to cost the government something. That's funny money. It's not true. Nobody in America believes it.

Get out. Listen at your town hall meetings. Travel around my State. Do the 75 town hall meetings like I did. And you will find you cannot control the cost of health care if you leave defensive medicine out. We gave an opportunity for people to join the Federal system. It was turned down by the Democrats in committee. They voted it down on a party-line vote.

This is not the way to reform health care. It was done very quickly. In fact, the sponsor of the bill said I didn't need to read the bill. That's what I have staff for. It was so large, it was done so quickly, there was not enough input that the people of America know this is not the right thing to do. It's a job killer. It's going to bust our budget. In the end, it does, in fact, cost us $2.6 trillion to implement in the first 10 years.

Please support this. Let's begin defunding ObamaCare.

The Acting CHAIR. The time of the gentleman from Montana has expired.

Ms. DELAURO. I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), Democratic leader of the House.

Ms. PELOSI. I thank the gentlelady for yielding. I commend her for her leadership on a very important issue, the health and well-being of the American people.

Mr. Chairman, I rise in opposition to the amendment that is on the floor today and also the underlying bill of which it is a part. The American people are desperate for jobs. They have sent us here to work together to create jobs; and in the 6 weeks of this new majority, not one piece of legislation has come forward to create one job.

Showing the lack of ideas to do so, the Republican majority has chosen, instead, to change the subject, taking up a bill of such consequence without hearings, without really an open process to make amendments to it, with the illusion of open debate. And now they come before us, again without hearings, in amendment form to this bill and say they want to have no funds go to enact provisions of the health care bill which was passed before.

Let's talk about the consequences of your action here today. What would it mean to people in our country if this amendment were to prevail? It may prevail on this floor, which is driving itself into irrelevance with the amendment process that is here, but that's another subject. Let's talk about the subject of this amendment. Let's talk about what this means to America's families. Let's talk about a family that came before a hearing that we had earlier in January.

We heard from Stacie Ritter. She has 12-year-old twins. When those adorable little girls were 4 years old, they were both diagnosed with cancer and faced years of treatment and recovery. Imagine if that happened in your family. Their mother said they were lucky that they did have health insurance, but the additional cost of the care for these children drove their family into bankruptcy. The children got well, thank God, but they had a preexisting medical condition for the rest of their lives—until this bill came along. And now their mother was pleased to testify they are not to be the objects of discrimination because they have a preexisting medical condition. They will not face annual or lifetime caps on the benefits they receive. These healthy young girls now will be able to proceed in a healthy way, not discriminated against.

Or let's talk about Vernal Branch, a woman diagnosed with breast cancer 15 years ago. Ever since, she has struggled to find health insurance because even though she had cancer and for the moment is free of cancer and, God willing, will be forever free of cancer, she had a preexisting medical condition which meant that she would be discriminated against in terms of getting health insurance—until this came along. Vernal Branch told us that the Affordable Care Act represents protection from the uncertainty and fear that came from being diagnosed and being denied health insurance coverage because of a past disease. Passing this amendment would stop the reform and mean that 129 million Americans, like Vernal, 129 million Americans would lose coverage because of a preexisting medical condition.

Do you understand what that means in the lives of these people?

And to our seniors, the subject has been brought up over and over again about our seniors. Claudette Therriault and her husband, Richard, are seniors on Medicare. Richard is a diabetic, and his insulin alone costs nearly $1,000 a month. When they fell into the doughnut hole, they were forced to choose between defaulting on the loan of their home or paying for Richard's health. As Claudette put it, Well, we chose my husband's health. But changes made, that we made in this bill, are starting to change the doughnut hole so families aren't forced to choose between paying their mortgage or paying for their medicine. Passing this amendment would mean that over 2.7 million Medicare beneficiaries would again fall into the doughnut hole, and Medicare would no longer be able to pay for the annual checkup for 44 million seniors in our country.

Mr. KINGSTON says that his children are old enough that they should be able to take care of themselves, even though they are under 26 years old. Bravo for you. But that's not the way it is for many young people across the country, even if they do have a job. You say they don't have insurance because they don't have a job. It may be news to you, but there are many, many, many working Americans who do not have health insurance. But they will under the Affordable Care Act.

If this amendment were to pass, if it were to become law, immediately all of those children who can now be on their parents' policy, if their parents are willing, would lose their health insurance.

□ 1040

With a job or without a job, these young people coming out of school are idealistic and ambitious. They want to follow their passions and their pursuits. That is what our Founders told them they could do—life, liberty and pursuit of happiness. These young people want a healthier life to pursue their happiness, to choose a job not based on the health benefits it may or may not provide, but to choose an occupation which addresses their aspirations—not ours, theirs.

So I just want to repeat back to our colleagues something I heard them say over and over again. They said, we didn't read the bill. Well, we did. But clearly, you did not. And I urge you to read the bill, because if you did, you would see that the bill puts medical decisions in the hands of patients and doctors, not your favorite insurance company. You would see that it brings down the cost of prescription drugs for seniors. You would see that it ends the days of discrimination based on preexisting conditions and lifetime caps on the care of children and families. You would see that under this bill, no longer would being a woman be a preexisting medical condition as it is now as women are discriminated against in terms of price and access to insurance.

You would see that it offers tax credits to millions of small businesses who choose to do right by their employees and offer insurance benefits.

It was for all of these Americans that we acted. It is for them that we stand here today to oppose this amendment.

And if you read the bill, you will see contrary—contrary to misrepresentations that were set forth by those who do the bidding of the health insurance industry in our country, you would see what the bill does. You would see that it is about innovation. It's about prevention. It's about a healthier America, not just health care in America. It's about using the technologies of the future. It's about bringing health care closer to people where they live to lower the cost, to improve the quality and to expand the access.

You would see that it is a bill about the future. Instead of the misrepresentations about this, that, and the other thing which I don't even want to repeat here, you would see that this is transformative for our country because it gives people the liberty, again, to pursue their lives.

So I would like to know how many of you read the bill? We read it over and over again, to each other, drilling down on different parts of it. So we know of what we speak when we come to this floor. And maybe if you knew more about it, you wouldn't be so quick to say—we do not want to allow children to stay on their parents' policies. We do not want to end discrimination on the basis of preexisting conditions for our children. We do not want to begin

to close the doughnut hole. We do not want to have preventive medicines without cost and copay for our seniors. And the list goes on and on. So that's what's happening here today.

This is again, yet again, another example of our friends standing up for the insurance companies at the expense of the American people, standing up for the insurance companies at the expense of the health and well-being of our country. It is again an example of Washington, D.C. holding on to the special interest status quo. It is again this Congress saying to the American people, we are here for the special interest, we are not here for the people's interest. To Stacie, we are not here for your two daughters. For Vernal, we are not here for women and having being a woman being a preexisting condition. To Claudette and Richard, to say to them, too bad about your mortgage. If you can't pay your mortgage because you have to pay your medical bills, so be it.

I urge my colleagues to vote against this amendment, which is another manifestation of the ''so be it'' attitude of some in Congress at the expense of many in our country.

Ms. FOXX. Mr. Chair, there are few policies passed in the past several decades that could do more harm to our country than last year's passage of the health care overhaul.

That is why I fully support the Rehberg amendment to defund Obamacare and the McMorris Rodgers amendment to bar the IRS from spending any taxpayer money on implementing the law. Not only will these amendments save billions and billions in taxpayer dollars, they will also halt the government takeover of health care dead in its tracks.

Mr. Chair, we cannot afford this misguided legislation that empowers bureaucrats and insurance companies rather than patients and their care providers. It creates constitutionally questionable mandates, raises hundreds of billions in new taxes, and penalizes job creators, families and businesses who do not comply with its draconian requirements.

In the middle of a nascent economic recovery, how can we allow this job-destroying bill to take root? We can't. This body has a responsibility to listen to the American people who are demanding that we uproot this legislation. These two amendments help us do just that and I am proud to support their inclusion in the continuing resolution.

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

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

Mr. REHBERG. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 266 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. Notwithstanding any other provision of law, none of the funds made available in this Act or any previous Act may be used to carry out the provisions of Public Law 111–148, Public Law 111–152, or any amendment made by either such Public Law.

Ms. DELAURO. Mr. Chair, I reserve a point of order on this amendment.

The Acting CHAIR. The gentlewoman reserves a point of order.

Pursuant to the order of the House of February 17, 2011, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, amendment No. 266 is the amendment that has had a lot of discussion around the Chamber and around this country. And what it does is it recognizes the results of the CRS report, Mr. Chairman, this report dated just last Thursday, February 10, 2011. It took a long time to put all the numbers together in an official document that identified the money that is automatically appropriated in ObamaCare. In digging that out, there are dozens of locations that automatically trigger appropriations that go on in perpetuity. And the total in this report is $105.5 billion. And here we are in this continuing resolution that the CRS reports at $105.5 billion. I had been working on that for some months, and finally we came with a total.

But if we are not able to shut off all of the funding that is automatically appropriated in the ObamaCare legislation, both components of it, the reconciliation package and the bill itself, then forever this money goes forward, and the administration aggressively uses it to implement ObamaCare.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. Does the gentlewoman continue to reserve her point of order?

Ms. DELAURO. I do, yes.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Very briefly, I yield myself 30 seconds.

This amendment—this amendment—will add to the deficit in the next year—next year—$3.5 billion, and over the next several years $5.6 billion. It will not create a job and once again would put the American people back in the hands of the insurance companies without the ability to be able to get the kind of health insurance that they require to deal with any illness that may befall them.

With that, I yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman and Members, I thank my colleague from Connecticut for yielding to me.

Let me first say that I have read the bill. I was on the subcommittee and the full committee and served on the Health Subcommittee for many years. And I had many people ask me that. And believe me, when you spend hours and hours literally in testimony and amending the bill, you have the chance to read it.

And I would hope my Republican colleagues, and all of us, would do the same thing, our appropriators, I would hope they would read the appropriations bill if they are accusing us on the Energy and Commerce Committee who drafted that bill.

What this amendment would do would take away the funding that the Department of Labor and Health and Human Services would be able to enforce that insurance can't drop someone from coverage when they become sick.

□ 1050

They would take away that funding. Seniors would be saving money. They should enforce it, saving money for seniors for prescription drugs. Young adults up to age 26 are getting back on insurance with their parents. That would stop the Department of Labor and Health and Human Services from enforcing that law. Small businesses are receiving billions of dollars in tax credits to provide health care coverage. This would stop it.

Defunding health care would end these benefits and put insurance companies back in charge. The whole goal of the health care bill, whether you call it ObamaCare—I wanted it to be called the Gene Green bill. But I admit, I'm only one of 435 is to cut these benefits. That's what this bill is about in this amendment. It will defund the great things in the health care law.

Let's go back and talk about the things that we all agree that need to be changed. But if you take away the money, we'll lose this for all the folks in our districts.

Mr. KING of Iowa. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I thank Mr. KING for yielding.

Make no mistake about it—the effort on the part of STEVE KING is to defund ObamaCare. This Chamber already passed a bill to repeal ObamaCare, which the American people have asked. This is now an effort to defund ObamaCare. Because as we have seen from the Congressional Research Service, the ingenious nature of the ObamaCare bill was to already put the funding in place so that if the majority lost the gavel, which they did, the new majority would be unable to defund this bill.

Speaker PELOSI said it well last year when she said we had to pass the bill to know what is in it. We only found out recently that literally tens of billions of dollars have already been appropriated to fund ObamaCare. It was put in ''mandatory spending,'' spending

where this Chamber would not have access to be able to defund the bill.

If we are unable to defund the bill now, make no mistake, Mr. Chair, this Chamber and the American people will do everything they can to make sure they put into place a new President, a new Senate, and a House that will have the requisite courage to finally defund the government takeover of health care.

Ms. DELAURO. I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in opposition to this amendment and in opposition to the underlying bill.

I fail to see how Republican efforts to eliminate all funds for health reform will create jobs or help our fragile economy recover. Instead, defunding health reform would leave behind thousands of whom I represent in Wisconsin, thousands of Wisconsin families who have already begun to experience the benefits of health care reform.

Should the Republican efforts succeed, tens of thousands of young adults in Wisconsin would stand to lose their insurance coverage through their parents. Once again, children would be refused insurance, discriminated against because of preexisting conditions. And nearly 50,000 Wisconsin seniors would face higher prescription drug costs. What's more, the efforts to defund the health care reform law come on top of extreme cuts to community health care centers and family planning clinics.

While I agree with my Republican colleagues that we must reduce the deficit and bring the budget into balance, we must be smart about it. And this amendment is not smart about it. This unwise bill jeopardizes our Nation's health, our Nation's recovery, and our Nation's future. And it's particularly troublesome to me this week because it falls on top of efforts by Wisconsin's governor to cut health, education, and public safety services, and to take away the rights of public servants to provide them.

Mr. Chairman, today I stand in solidarity with my fellow Wisconsinites as I fight for a better future for all Wisconsinites and all Americans. I urge my colleagues to oppose Republican efforts to defund the health care reform law and to oppose the underlying bill.

Mr. KING of Iowa. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

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

Mr. Chairman, I stand in full support of the King amendment. I was at the well just a few minutes ago in support of the Rehberg amendment. But what this amendment does is eliminate and stop the funding, the hundred billion dollars' worth of funding that was automatically put in this bill to prevent, if we took over the majority of this House, Mr. Chairman, as we have done, or try to stop us from stopping the worst bill that's ever been passed in the history of the Congress. And we have to do this.

This is a pledge to the American people. We can do it. We can start over, we can make this bill right, we can enact health care reform that truly does bring down the cost for patients so they can get access, they have more control, and that we don't destroy the medical profession in the process of continuing this wrongheaded, boneheaded ObamaCare bill.

So I want to stand strongly with my colleague from Iowa in supporting this amendment.

Ms. DELAURO. I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate that.

My friends on the other side of the aisle talk about the need for listening to the American public. Well, I have been back home in my district meeting with providers, people in the insurance industry, hospitals, nurses, doctors and they are dealing with this plan moving forward. Many are excited about the opportunities to take advantage of it. The protections that are under way in the law right now are popular with the public because they are important to the public.

My friends talk about listening to the American citizens. The Associated Press pointed out in a poll last month that the overwhelming majority opposed the notion of trying to defund health care. In fact, in that same poll, 43 percent thought the protection should be expanded.

We are in a situation now where we can make a profound difference in improving the quality of health care in this country while we reduce deficits.

Putting sand in the health care gears, arguing, trying to create confusion is not moving us forward. Work with our hospitals, work with our doctors, work with our citizens. Make health reform work for America.

Mr. KING of Iowa. Mr. Chairman, this amendment No. 266, someone put the moniker on it ''The Silver Bullet Amendment.'' And as much as we have all worked here to try to find the right way to shut off all of the funding to freeze in place the implementation and enforcement of ObamaCare, many of us have worked in a number of different ways. This is the amendment that looks at the pattern that was set, that I understood, back in 1974, when there was a CR before the House of Representatives that shut off all funding that would go to the Vietnam War for offensive or defensive operations, in the air, over the land of, the seas adjacent to, or the countries adjacent to it. That language covered everything, and it stopped bullets on the dock from going into the hands of people to defend themselves.

I disagree with the policy. But the foundation is here in multiple places in the history of this Congress. This is the language that shuts off the funding of ObamaCare until such time as H.R. 2 becomes law. That's the repeal legislation that becomes law. This is H.R. 1. It's completely appropriate—and H.R. 2 and H.R. 1 are married together—that we shut off the funding for implementation of ObamaCare, all of it, the entire $105.5 billion that was slipped into this report that we just got back last February 10.

So I urge the adoption of this amendment.

I yield back the balance of my time.

□ 1100

Ms. DELAURO. Mr. Chairman, I urge my colleagues to oppose this amendment. What we need to be doing is to focus on jobs to grow the economy and to reduce the deficit. This amendment does none of the above. Essentially what it does, it takes us back into the hands of insurance companies when they had free rein to raise rates, to reject claims and deny coverage to families and businesses who would have no recourse. It protects their CEO bonuses and their corporate profits.

We need to be about the business of creating jobs. This amendment does nothing to do that and increases the deficit. It should be absolutely clear to everyone here and everywhere else what this amendment does.

POINT OF ORDER

Mr. DELAURO. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' It waives existing law.

I ask for a ruling from the Chair.

The Acting CHAIR. The gentlewoman from Connecticut has stated a point of order against the amendment. Does any Member wish to be heard on the point of order?

Mr. KING of Iowa. Yes, Mr. Chairman.

The Acting CHAIR. The gentleman is recognized.

Mr. KING of Iowa. Mr. Chairman, this is a point of order that has been raised on my amendment that I referred to as the silver bullet amendment. I think it does not consider a duty that we have here in the House of Representatives, and that is we stand here and take an oath to uphold the Constitution of the United States, each one of us. I bring in my Bible to do that. And I take it very, very seriously when we take an oath to uphold the Constitution.

We don't take an oath to uphold a rule, but we take an oath to uphold the Constitution. And as I look into this Constitution and read through it, Article I, Section 5 reads in pertinent part: ''Each House may determine the rules of its proceedings.'' And because each House can determine the rules of its proceedings here in this Constitution, you have in your hands the gavel, Mr.

Chairman, and the power and the authority to determine those rules, at least to make a strong recommendation to this body.

I would urge that we understand that two Federal courts have found this bill, ObamaCare, to be unconstitutional, and it is immoral and unjust and irresponsible to waive any opportunity to shut off the billions of dollars that are automatically appropriated in a deceptive fashion and continue for the implementation of ObamaCare because we might think somehow that a rule would trump the very Constitution itself.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Mr. WEINER. I do, Mr. Chairman.

The Acting CHAIR. The gentleman from New York is recognized.

Mr. WEINER. Mr. Chair, I agree with the gentleman. His amendment is clearly in order. But I know this because if this were legislating on this bill, that would mean that they can legislate. They controlled the House and the Senate and the Presidency; they were unable to legislate. We've been here for 8 weeks; they're unable to legislate. It is impossible to believe he is legislating in this bill.

The point of order, if I may speak to it, suggests that the gentleman is legislating on an appropriations bill. I have watched those guys. They're incapable. There is no way this is legislating. So I believe the point of order should be struck down. It is impossible. After 8 weeks they haven't legislated. They had 8 years in the majority, and they didn't legislate. How can it possibly be, Mr. Chairman, that the point of order is correct?

The gentlelady from Connecticut is rarely incorrect, but if you think they're legislating, impossible, almost metaphysically impossible for the gentleman to legislate. He doesn't know how. How can we possibly have the legislating in this bill?

I think the gentleman is absolutely correct. Let us have this debate because if it is that moment, if lightning is striking, if it is chilly in hell, then maybe this is the moment we have been waiting for—the Republican majority is going to start legislating. Please, praise God, maybe this is the moment.

So I think the gentleman is correct. He is not legislating in this bill because it is impossible for them to do so because they simply don't know how.

The Acting CHAIR. The Chair is prepared to rule.

The Chair finds that the amendment proposes explicitly to supercede existing law.

As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

AMENDMENT NO. 267 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available by this Act may be used to carry out the provisions of Public Law 111–148, Public Law 111–152, or any amendment made by either such Public Law.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, this amendment No. 267 is an amendment that is narrowed in its scope in anticipation of the point of order that was raised by the gentlelady from Connecticut, and I can't help but reflect on what it must have been like before in this body before the invention of television. But my Amendment No. 267 says this in pertinent part: ''No funds made available by this act may be used to carry out the provisions of ObamaCare.''

So what this does is, for the appropriations that go on outside of the scope of this continuing resolution, we have lost that point of order. But this amendment goes to those funds that are appropriated within it, down the exact same path as the Rehberg amendment, except it goes to the outside of the particular Department of Health and Human Services as the narrower scope of the Rehberg amendment. So this goes broader than just HHS, but it does go directly to shutting off all funds within this CR that would be used to enforce or implement ObamaCare.

I have made my arguments, Mr. Chairman, on that.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I yield 1 minute to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Mr. Chair, poll after poll shows that Americans oppose repealing or defunding health care. The latest one says 62 percent of Americans oppose these efforts. Why? Because they have figured out that the nonsense coming from Republicans over the last several years about this being socialized medicine or a government takeover is just that—it is nonsense.

What they figured out is that this is helping millions of Americans all around this country, millions of Americans like a little 8-year-old boy named Kyle McCollough who had the courage to walk into my office yesterday and tell me about his battle with hemophilia. His family has to put out $10,000 a month to pay for his medications, and repeal of this legislation means bankruptcy for his family and for him a lifetime of worrying as to whether he has a job that covers his illness or whether he has the medications to stay alive.

That is why 62 percent of Americans oppose what the Republicans are trying to do on this floor. And for anyone that votes for this, they have to have an answer to them and they have to answer to little Kyle McCollough.

Mr. KING of Iowa. Mr. Chairman, I am pleased to yield 1½ minutes to the doctor from Louisiana (Mr. FLEMING).

Mr. FLEMING. I thank the gentleman.

Mr. Chairman, one thing that is lost in this debate is this fact, and that is there is a difference between coverage and access to care. I have been a physician for 35 years. I can tell you that today, pre-ObamaCare, we have 85 percent coverage, but we have 100 percent access to care. Anyone who wishes can report to any emergency room in this country and receive care. Now, they may receive a bill, but if they pay that bill or not, they can still return for care.

Now let's move to Canada and the U.K. where they have supposedly 100 percent of coverage. Well, they oftentimes wait a year, maybe 2 years, for a CT scan or an MRI scan, and then once they get the results back, they may wait another year to get surgery.

□ 1110

It's not unusual to be told, hey, we could have helped you had we made the diagnosis in time.

It's perfectly acceptable in these countries to have a death rate from lack of treatment. Look at the death rates from cancer, prostate, breast cancer in our country versus others; a horrific difference. Why? Because we diagnose it much earlier; we treat it much more aggressively.

But if we go forward with this ObamaCare, then what we will have is budgets coming up against the decision on what type of care our citizens can receive. We'll be taking it out of insurance companies; but, yes, we'll also be putting it in the hands of the government.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I come before you today after spending 27 years in the health care industry representing my local hospitals, and I can tell you that this bill was supported by them because it creates care in our communities, and it creates jobs in our communities.

If we're going to focus on how to improve care and reduce cost, the bill is replete with opportunity. We can support accountable care organizations, we can support medical home pilots, we can support community health centers, we can support electronic medical records, we can support telemedicine, and we can support the Center for Medicare and Medicaid Innovation. That is how we're going to improve

care, reduce cost, and deliver benefit to our constituents.

Mr. KING of Iowa. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. Mr. Chairman, just earlier we heard the former Speaker come to the floor just moments ago and say that she has now read the bill. Uh-hmm. Of course we heard her famously saying before that we had to pass the legislation in order for her to find out what was in the bill.

We can tell you who has read the bill, and that is the courts of this great country. And the most recent Federal courts said they have read it, and they have found that the bill is unconstitutional. For this is the first time in the history of this country that the price of citizenship, this is the first time in the history of this country that the price of freedom, this is the first time in the history of this country that the price of being an American is that you have to buy a particular product that some unknown, faceless bureaucrat here in Washington ordains that you have to buy.

We have come to the time that liberty is being taken away from us, that the strong hand of a Big Brother is reaching out and telling us you have to do this and you have to do that as the price of freedom and the price of liberty.

Yes, to answer your questions. Yes, we will legislate; yes, we will address health care; yes, we will address the American people's interests in this area. And I commend the gentleman from Iowa on this amendment.

Ms. DELAURO. I remind the gentleman that the courts are split two and two.

Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I thank the gentlelady.

Mr. Chairman, I rise in opposition to King amendment No. 266.

It has been said that we are the sum total of our experiences, Mr. Chairman, and that is certainly true. My experience consists of growing up in a low-income minority community whose history dates back more than 150 years since slavery. I represent that district, the First District of North Carolina, the fourth poorest district in the country.

My constituents, Mr. Chairman, overwhelmingly support the Affordable Care Act. Why? My constituents know that their insurance costs are soaring, exceeding more than 18 percent per year in increased costs. For those constituents who don't have insurance, they know that they will be able to qualify for Medicaid if their income is less than 133 percent of the Federal poverty line.

My rural hospitals, Mr. Chairman, know that finally when patients walk into their emergency rooms, the hospitals will be paid for their care, and they will not continue to face bankruptcy.

Mr. Chairman, this assault on the Affordable Care Act is unfounded, it's unnecessary; and I ask my colleagues to defeat this amendment.

Mr. KING of Iowa. Mr. Chairman, may I inquire as to the amount of time remaining for each side.

The Acting CHAIR. The gentleman from Iowa has 1¼ minutes remaining; the gentlewoman from Connecticut has 2¼ minutes remaining.

Mr. KING of Iowa. I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Republicans seem to be pretending that emergency room care is free. Every insured American is paying an extra 1,100 bucks this year—$1,400 in Oregon—for those who are uninsured. We want to begin to address that problem, get them in earlier, get them treatment, less expensive, don't pass the costs on to other Americans. Personal responsibility.

We outlawed the worst abuses of the insurance industry—canceling your policy when you get sick even though you've been paying the premiums, preventing people from getting health care because of a pre-existing condition.

I heard from a dad whose young son with birth defects is finally getting covered for those issues because of this law. And then the students I met at Lane Community College—21, 22, 23 years old, getting an education, wanting to get in the workforce—they thanked me for their health insurance. They need that health insurance.

The Republicans said they were going to repeal and replace. Well, they've been pretty darn silent on the replace side, maybe because it upsets their patrons in the insurance industry who are so generous at campaign time.

Mr. KING of Iowa. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I really take issue with the gentleman that declared this to be nonsense. This is not nonsense. This is very, very serious business. This is the largest taking of American liberty in the history of this country. And the shenanigans that went on to put this bill in place, you could not have sent this bill out on the floor of the 111th Congress and had it pass if it were all packaged up together in one big stack. It was two pieces of bills. And we listened to Dr. BURGESS earlier about all of the things that took place to represent this bill in one place or another, to put it together, including a promise of an executive order that was designed to trump the very Congress itself.

And here we are, with the first opportunity to put the brakes on ObamaCare—yes, we've passed the repeal, H.R. 2. This is H.R. 1. It's here because it's more important to the Speaker than H.R. 2. And that means that we must shut off this funding to ObamaCare.

This CRS report, $105 billion automatically appropriated over a 10-year period of time that goes on in perpetuity, sending the tentacles of this malignant tumor down. It is metastasizing as we speak, and American liberty is being strangled off by ObamaCare. This amendment is the amendment that shuts all of the funding within the CR. It must be passed by this Congress to keep faith with the American people.

I yield back the balance of my time.

Ms. DELAURO. May I inquire how much time I have remaining.

The Acting CHAIR. The gentlewoman has 1¼ minutes remaining.

Ms. DELAURO. I yield the balance of my time to the gentleman from Washington State (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, we've been here now the better part of 2 months, and we've seen political theater go on and on and on. Each day we bring out something that looks like it might have some usefulness, but it turns out it's just more political theater. We read the Constitution in here. Well, that took us a day. Then we spent 9 hours arguing about a bill that we knew wasn't going anywhere. Then we brought out the health care bill. Then we keep doing this. Meanwhile, the American people are saying—and Bill Frist—now, I wouldn't say Dr. Frist was a good friend of mine, but he was the majority leader in the Senate, a Republican, a doctor who said don't repeal this law, fix it.

There have been no hearings in 2 months about how you would fix the bill, and yet the American people—the problems that my colleagues come out here talking about one after another are multiplied by the millions in this country. They know there's a problem, they don't want to repeal it. The numbers for repeal have been dropping as the people have seen more and more provisions of this law come into effect. They want you to fix it, not political theater. It doesn't help them in the emergency room or in the doctor's office.

The Acting CHAIR. The time of the gentleman has expired.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I yield to the gentleman from New Jersey.

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

Mr. ANDREWS. If I could just get the attention of the gentleman who is the author of the amendment, Mr. Chairman, I wanted to yield to the gentleman from Iowa.

The Acting CHAIR. The gentlewoman from Connecticut has the time.

Mr. ANDREWS. I would ask her, at the appropriate time, to yield for an answer.

Here is my question: Let's say we have a person who is on Medicare who

has $100 a week on drug costs and they hit the doughnut hole in August of the year.

□ 1120

The way the law works right now is they will get help to continue to pay for their prescription drugs in the form of either a cash rebate in the past or a discount in the future.

I wonder if the gentleman could explain to us what will happen to those Medicare recipients when they hit the doughnut hole if his amendment becomes law.

I would ask the gentlelady to yield to him for an answer.

Ms. DELAURO. I yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentlelady for yielding.

To the gentleman from New Jersey as to his question on the doughnut hole, I understand. Under the current circumstances of the doughnut hole, there are many people in the lowest incomes who are not affected by it.

Ms. DELAURO. Reclaiming my time, I think we want to try to answer the gentleman's question.

I yield to the gentleman from New Jersey.

Mr. ANDREWS. The question was: What about someone who is in the doughnut hole? What happens to him under your amendment?

Ms. DELAURO. I yield to the gentleman from Iowa.

Mr. KING of Iowa. To compress my response, I think it's a bit unclear because we don't know how the Secretary of Health and Human Services may respond when the funding is shut off.

Ms. DELAURO. Reclaiming my time, I yield to the gentleman from New Jersey.

Mr. ANDREWS. With all due respect, Mr. Chairman, it is not unclear at all.

What would happen under the gentleman's amendment is the prescription drug price of this senior would go up dramatically, and he would have to pay the entire cost of that prescription until he hit, I think, the $5,100 limit. This is substantive legislation, the effect of which will dramatically raise prescription drug costs for America's neediest seniors.

I thank the gentlewoman for her time.

Ms. DELAURO. I thank the gentleman.

Mr. Chairman, I would like to now yield to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank the gentlelady for yielding.

Mr. Chairman, when you take a look at what is happening here, the effort to repeal, to kill, to stop the Affordable Health Care Act is an assault on the American public, and it would give back to the insurance industry their opportunity to deny benefits, to deny coverage.

It is hard to understand how in this period of time when we should be talking about building jobs that our colleagues would put before us legislation that would, in fact, destroy over 800,000 jobs and destroy the opportunity for millions upon millions of Americans to have health care that they could afford. For small businesses to be able to provide the health care to their employees and to receive a reduction in the costs of that health care, it is hard to understand why they would be doing this when we need jobs, when we need health care.

When you look across the broad impact of H.R. 1, it is an assault on the working men and women of the poor in this country. When you take a look at the tax proposals put forward by the Republicans, it is to benefit the high and the mighty and the wealthy to the detriment of the working men and women and the poor of this country.

This is flat-out class warfare against the working men and women of this country. Plain and simple.

If you remove health care, you remove their ability to get health care, and you remove their ability to be healthy and to work. If you remove the clinics, you remove their opportunity to get health care. If you cut back on Medicare and Medicaid, you remove their ability to have health care.

It is an assault on the working men and women, on the elderly and the poor in this Nation. That's what it adds up to.

Ms. DELAURO. Mr. Chairman, I now yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I would just say to the gentleman from New Jersey that I was in almost all of the meetings in our caucus. This bill was read provision by provision, sentence by sentence, and we had the staffers there who wrote these provisions under the direction of our chairman at that time.

This was carefully considered, and any idea from the gentleman from New Jersey that it wasn't is just an outrageous statement on his part, and he ought to be ashamed of himself.

Ms. DELAURO. Reclaiming my time, Mr. Chairman, once again, as to what we are doing here, this amendment just mirrors the prior amendment of which we had a discussion. We keep saying it over and over again: Your inability to come here, as you promised, to create jobs for the American people, to lower the deficit for them, and to turn the economy around has failed.

Ms. WATERS. Mr. Chair, I rise to oppose the King amendment.

Repealing or de-funding health care reform is part of the Republicans' No Jobs Agenda. The Affordable Care Act will create jobs. One study says that repealing the law will put in jeopardy the 250,000 to 400,000 new jobs this law will create each year.

More importantly, de-funding the Affordable Care Act will jeopardize the many benefits this law provides to the American people.

1. The Affordable Care Act prohibits insurance companies from denying coverage to people with pre-existing conditions, like diabetes, heart disease, cancer, and HIV/AIDS.

2. Starting this year, the Affordable Care Act provides seniors in the "donut hole" a 50 percent discount on brand-name prescription drugs.

3. Also starting this year, small businesses may qualify for a tax credit that covers up to 35 percent of the cost of providing health insurance to their workers.

4. The Affordable Care Act provides $11 billion for community health centers, which serve low-income and uninsured families in my district and throughout the country.

5. The Affordable Care Act provides $15 billion for wellness and prevention activities, such as cancer screenings and child immunizations.

6. The Affordable Care Act provides funding to train additional primary care doctors and nurses, who will be able to serve patients in underserved parts of the country, like Los Angeles County.

7. Most importantly, the Affordable Care Act guarantees all Americans access to affordable health insurance that covers essential medical benefits and that cannot be taken away when they get sick and need it most.

De-funding the Affordable Care Act will impact all Americans, but especially harm the least of these—women, children, people of color, the poor, the homeless—people who often lack a voice and whom I have championed during my four decades in public service. People of color are disproportionately impacted by a lack of access to health insurance. According to the Department of Health and Human Services' Office of Minority Health, 20 percent of African-Americans were uninsured in the United States in 2007, and 32 percent of the Hispanic population was uninsured.

Quality health care must be available for all Americans regardless of race, level of income, gender, or the existence of a pre-existing condition. That's why the Affordable Care Act specifically addresses health disparities and protects the rights of people with pre-existing conditions, and that's we must fully fund the Affordable Care Act.

I urge my colleagues to oppose this amendment.

The Acting CHAIR. The time of the gentlewoman has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

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

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 268 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay the salary of any officer or employee of any Federal department or agency with respect to carrying out the provisions of Public Law 111–148, Public Law 111–152, or any amendment made by either such Public Law.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. WEINER. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIR. The gentleman from New York reserves a point of order.

Mr. KING of Iowa. I yield myself 30 seconds.

Mr. Chairman, amendment No. 268 goes to the end of the bill. It simply says that none of the funds made available in this act may be used to pay the salary of any officer or employee of any Federal department or agency with respect to carrying out the provisions of ObamaCare. It is that simple.

It is one additional way to slow down the implementation and the enforcement of ObamaCare until such time as we see that day that the full repeal is signed by, hopefully, the next President of the United States, unless the one we have today has a reconsideration.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, this amendment and the underlying bill go in precisely the wrong direction.

We should be talking about strengthening the historic reform that we passed last year. We should not be tearing it apart, because we all know that its repeal will leave millions out in the cold, stripping them of access to affordable health care; and it will cost small businesses the incentives and the tax breaks that they would get. It all goes in the wrong direction.

The majority claims to believe in cutting government spending above all else; yet the CBO has concluded that, over a 10-year period, up to 2021, their bill would add $230 billion to the national debt. Now, if you're really serious about reducing our debt, you should have a robust public option. That would save $68 billion.

Mr. KING of Iowa. I am pleased to yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

We keep hearing from the Democrats that we're here and that we're not doing a jobs bill.

Why are we doing this bill? Why are we doing this bill now? It's because you guys did not pass a budget. We are on FY11, as you know, because you did not take care of your business. We are reaching back, trying to finish up what you guys should have done by October 1 of last year.

By the way, this does create jobs, because the small businesses do not want government-mandated health care; and the folks back home don't want bureaucrats coming in between the doctor-patient relationship, which is what ObamaCare does. Now, we know the nanny state wants full control from cradle to grave, but folks back home don't want it. That's what November was about.

So what we're trying to do is finish up the unfinished business of the Pelosi House from last year so that we can move forward on the coming year, FY12. We will continue to have this debate, but we are trying to protect the doctor-patient relationship, not create a doctor-bureaucrat-patient relationship, which ObamaCare does.

□ 1130

Ms. DELAURO. I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentlelady.

When you consider how rhetoric doesn't square up with reality in this institution, the gentleman from Iowa started by saying this is the greatest threat to personal liberty in history. Well, we have some young people here today, and I guess he thinks that Plessy vs. Ferguson and Dred Scott and Lincoln's suspension of habeas corpus, that those didn't represent a threat to personal liberty.

Now, President Bush said that the best way to get health care, for those who were outside the mainstream, was very simple. You could go to an emergency room.

That is not health care. That treats the issue in front of the individual. It denies preventive care. It doesn't offer assistance to women who are in need of additional health care. This proposal that we passed was modest, and it was market driven. It kept the private sector alive and it put in place basic protections for the American consumer.

I wish that we could have a separate vote on the individual proposals that we included in that bill, and I guarantee you we wouldn't be talking about death panels; we would be talking about the idea of extending health care benefits to all members of the American family, including the 51 million who find themselves outside of the mainstream.

Just think of it today. This is more of a threat to liberty than Plessy vs. Ferguson and Dred Scott and Lincoln's suspension of habeas corpus.

Mr. Chair, I rise in opposition to the amendment offered today which wold repeal the historic health care reform bill.

With passage of the new law last year, American families can take back the control of their health care.

The law bars insurance companies from discriminating coverage based upon pre-existing conditions, health status and gender.

The law caps the out-of-pocket health care expenses that have bankrupted many American families.

The law allows individuals and small businesses to purchase affordable insurance from competitive marketplaces.

And—the law contains the cost of health care while reducing the deficit by $138 billion over the next 10 years.

We solved the dilemma so many Americans families face on a child's 22nd birthday by extending dependent benefits until age 26.

I am an ardent supporter of Social Security and Medicare. The new law filled the Medicare prescription donut hole and provided new wellness and preventive benefits seniors.

We made history last year with this new law. And yet, today, this amendment seeks to undo all of this progress, all of these achievements, all of these new protections and benefits for Americans.

I have visited the world-class hospitals of Massachusetts and spoken with the administrators, doctors, nurses, and other health care professionals. Massachusetts is way-ahead of the rest of the country in requiring health insurance coverage for almost all of our citizens. And I can tell you the state is better for it. The hospitals are better for it.

I urge opposition.

The Acting CHAIR. The time of the gentleman has expired.

Mr. KING of Iowa. Mr. Chairman, I am pleased to yield 1 minute to the judge and Congressman from east Texas, Mr. LOUIE GOHMERT.

Mr. GOHMERT. Mr. Chairman, we heard Minority Leader PELOSI saying earlier that we were here as Republicans siding with the insurance companies. Revisionist history is great, but if you go back and look at who was supporting the ObamaCare efforts, you had the insurance companies lined up all out there, supportive.

You had the big pharmaceutical companies all out there supportive. You saw the American Hospital Association out there supportive. You saw the AMA out there supportive. You saw AARP. They were seen out there encouraging all of the ObamaCare stuff. Naturally they stand to gain with UnitedHealth more than anybody. They are the biggest sellers of Medigap insurance.

So if you really want to look at history, who was it that was not supportive? Well, folks, we heard from them in November. It was the American people.

That's why we are here. We are with small business. They will create the jobs. We are with the American people. That's why we are doing this.

Ms. DELAURO. I yield 1 minute to the gentlelady from Florida (Ms. WILSON).

The Acting CHAIR (Mrs. MILLER of Michigan). The Chair would note that the point of order by the gentleman from New York continues to be reserved throughout.

Ms. WILSON of Florida. Good afternoon. Madam Chair, somewhere in America today a family is losing their home because they can't afford the health care premiums for a diabetic dad and a hypertensive mom. Somewhere in America tonight a child will die because they have been denied health care because of a preexisting condition.

Somewhere in America tomorrow a family will go bankrupt because they took care of a cancer-stricken family member.

Black, white, Hispanic, Asian, urban, rural Republican, Democrat, independent, tea party, it doesn't matter.

At some time in our life we will all get sick. We need health care.

But you know what? We, as Members of Congress, are very fortunate. We all get health care. We get the very best.

But what about Jennifer and Lisa and James and grandma and grandpa and the Johnsons and baby Joshua? We represent them too. They deserve what we get.

My constituents sent me to Washington to preserve the affordable health care legislation. They are proud of the product that the 111th Congress and NANCY PELOSI and President Obama produced. Long live affordable health care legislation.

On behalf of the people of this Nation who depend on our leadership, I call upon you to defeat this amendment.

Mr. KING of Iowa. Madam Chair, I am pleased to yield 2 minutes to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Thank you to the gentleman from Iowa for offering this important amendment.

The liberal talking point in the debate thus far has gone something like this: We can't defund ObamaCare today because we have to focus on job creation.

Now, that is very interesting, coming from the liberals in this Chamber who spent literally trillions of dollars out of the public Treasury only to see 2 million jobs lost in the private sector because of their failed policies on job creation.

ObamaCare will likely create the largest government bureaucracy in the history of our country, filled with even more government jobs than any other agency. There is one thing that ObamaCare will likely do very, very well, and it's this: It will create the largest bureaucracy of government workers in the history of the Nation.

It isn't that we will necessarily get more doctors; it isn't that ObamaCare will necessarily give us more nurses or truly more health care.

What we will get from ObamaCare, according to the Congressional Budget Office, is increased costs in health care with a huge bureaucracy, all designed for the purpose likely of saying ''no'' to people when they need to have access to health care.

What a bargain, Mr. Chairman. Pay more, get less. That's the reason why I believe the Rasmussen poll came out last week and said that 58 percent of the American people are begging this Congress to repeal ObamaCare. Repeal we will, and defund we must.

Ms. DELAURO. I yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Thank you very much to my dear friend.

This is a siege on the lives of innocent Americans. It is a siege by undocumented claims of unconstitutionality.

When Justice Scalia said the relevant inquiry is simply whether the means are chosen or reasonably adapted to the attainment of a legitimate end under the commerce clause. It is. This bill is constitutional.

What this gentleman wants to do is to literally shut down community health clinics that are now under the Affordable Care Act. He wants to make sure that children are not getting immunized. He wants to make sure that HIV patients are not getting their medicine. He wants to make sure that seniors who can come to these clinics are not able to access them. He wants to make sure that families are getting no coverage. This is the end result of this very, very dangerous amendment.

In addition, we have to respond to someone who got up and actually said this is the worst bill that has ever been passed. What about the slave laws? What about the fugitive slave laws? How dare anyone suggest this is the worst bill when we give opportunity to all Americans.

This amendment should be denied. They should listen to Senator Frist, who said this bill is a good bill. There are Republicans who believe we should provide health care for America.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. KING of Iowa. Madam Chair, I yield myself the balance of my time.

Madam Chair, I recall back at the beginning of the Obama administration when President Obama said that we are in an economic calamity, an economic mess, and we couldn't fix our economic problems unless we first fixed health care. And so his solution for spending too much money was to spend a lot more money, $2.6 trillion on health care.

So if we couldn't first fix the economy unless we first fix health care, let me take that philosophy and turn it this way. We can't fix health care unless we first repeal ObamaCare. That's where this country is today. We can't put the replacement in place, we can't put the fixes in place until we pull this thing out by the roots.

And the only way to do this today is to shut off the funding. The repeal is over there in the Senate. The House voted in a strong way to repeal ObamaCare. H.R. 1 is the unfunding of ObamaCare. It is the vehicle to do it. This amendment is one of the vehicles that contributes to that cause.

Again, I thank DENNY REHBERG and the people that did this work and all those people that worked on this cause. I urge adoption.

I yield back the balance of my time.

□ 1140

Ms. DELAURO. Madam Chairman, the American people want us to focus our time and attention on creating jobs. They want us to turn the economy around. They want us to reduce the deficit. The total of the two amendments that have just come before this body would increase the deficit, increase it, the first one by $5.5 billion over the next several years, and this one at about $5.3 billion over the next 5 years.

That's not what you told them you were going to do. You told them you were going to create jobs and roll back the deficit. What you are doing here is putting the American people in the hands of the insurance companies again to make their decisions about health care. And we have health care in this body. Millions in this Nation do not.

I urge my colleagues to vote against this bill, which doesn't create jobs, doesn't turn the economy around, and adds to the deficit.

POINT OF ORDER

The Acting CHAIR. Does the gentleman from New York insist on his point of order?

Mr. WEINER. Yes, I do.

The Acting CHAIR. The gentleman will state.

Mr. WEINER. Madam Chair, I make a point of order that the gentleman's amendment is not in order because it results in a net reduction of revenues to the Treasury, in violation of the rules of the House and in violation of the rules stipulated in this bill. I explain that in the following way:

As the gentleman surely knows, if his amendment is successful, the checks that are going to small businesses today, the tax breaks that they are getting to provide health care to their workers and the fact that there are no burdens on those small businesses means that they are going to have less money to spend, therefore less people they will be able to hire, a reduction in the amount of jobs, a reduction in the amount of revenue coming into the government, an increased burden on government services.

In fact, the gentleman would say that anyone that would be writing the check to give back to citizens, they can't do it. Anyone taking that check, bringing it to them can't any longer do it. Anyone cashing that check would be in violation of the law. This amendment says that anyone getting a tax break under this bill would have to give it back. That would provide a net reduction in the amount of economic activity and job creation in this country, and therefore his amendment is out of order.

The Acting CHAIR. Is the gentleman making a point of order under section 3(j)(3) of House Resolution 5?

Mr. WEINER. I actually withdraw my point of order.

The Acting CHAIR. The gentleman withdraws his point of order.

The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

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

Ms. DELAURO. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 83 OFFERED BY MRS. EMERSON

Mrs. EMERSON. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Internal Revenue Service to implement or enforce section 5000A of the Internal Revenue Code of 1986, section 6055 of such Code , section 1502(c) of the Patient Protection and Affordable Care Act, or any amendments made by section 1502(b) of such Act.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentlewoman from Missouri and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Missouri.

Mrs. EMERSON. Madam Chair, I yield myself 2 minutes.

Madam Chair, this amendment will prevent the appropriation of any funds in this act to implement or enforce the provisions within the health spending law that require the IRS to verify that individuals have health care coverage and impose penalties on those who don't comply.

The fate of this mandate in the courts is uncertain, but we know that it already has been ruled upon by the American people. They don't want and shouldn't suffer a mandate from government to engage in specific economic activity. As a matter of fact, my own State of Missouri passed a ballot initiative last August by a vote of 71 percent not to enforce the individual mandate.

This is the bright lights example of what's wrong with the health care law. It compels Americans to give up their freedoms, to render their choices, and part with their hard-earned money to support a system of health care designed by and run by the Federal Government through a maze of boards, committees, and bureaucrats.

No Americans should be forced to buy or purchase health insurance they neither want nor can afford, and the Federal Government has never based the purchase of a good or service as a condition of being a law-abiding citizen. The American people need some form of protection that the IRS will not begin to aggressively implement the individual mandate, and this measure ensures that it won't be implemented prior to the end of fiscal year 2011.

States, including my own, small businesses across the country, and individuals of their own volition deserve the chance to speak on this important matter in the courts before the law adds extraordinary new burdens to the fiscal responsibility of the State governments, forces small businesses to fire employees they value, and compels individuals to spend money they would rather save. For all these disconcerting reasons, I urge you to support this crucial amendment.

I reserve the balance of my time.

Mr. SERRANO. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I think before we go any further on this subject, we really have to understand what is happening here. The majority party would like to do away with the health care reform law, and the way to do that is exactly that way, to try to do away with the law. But they don't have the votes in both Houses to do that. So what they're trying to do is not fund provisions that have to go into place.

So at this moment what Mrs. EMERSON is trying to do is say that no funds can be used to impose this mandate. Now, this particular part is going to get played out in the courts. So let's be honest: the courts will have to decide why it's okay to mandate that you have car insurance but not this particular issue. And there are going to be a lot of other issues that are going to be done. But the issue here is that they would like to legislate on this bill the end of health care. And that's just not going to happen.

Lastly, what this amendment does is speak to the larger issue, which is that in this country now we have a law that provides access to quality health care to all residents regardless of who they are, where they live, or their income. The only people who are upset about this bill, about this law, and have done a good job of telling the American people that this is the end of the world, are the insurance companies who now have to step up to the plate and follow the law.

So we know what this is about. We know what you are trying to accomplish, but it's not going to work. It's not going to work this way, and it's not going to work in rescinding the law.

Lastly, you know that every so often I give advice to the Republican Party because I like you. If you keep calling it ObamaCare, you know what's going to happen? It's going to make it through the courts, and 20 years from now you are going to have Social Security, Medicare, and ObamaCare, and you would have cemented his legacy forever. So we thank you for that, and I am sure the President thanks you.

I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank my friend for yielding, and I rise in opposition to this amendment. The reason I do is as a member of the Ways and Means Committee, we had Commissioner Shulman before us talking about the IRS role in the implementation of the Affordable Care Act. And he said virtually all of the additional funding that they will receive will be used for outreach efforts to inform small businesses of the tax cuts that they are now eligible to receive with the implementation of this law.

That means 16,000 small businesses in my district alone in western Wisconsin are receiving tax credits under the Affordable Care Act, making it more affordable for them to provide health care coverage to their workers.

And if you look at the 50 million uninsured individuals in this country every year, the bulk of them are working Americans, typically in small businesses or family farms who have a hard time providing health care coverage. And yet the IRS is going to be doing outreach to them to let them know the benefits they are eligible for, along with other individuals throughout the country, of what they are eligible for in the Affordable Care Act to make sure they receive quality, affordable health care coverage. That in essence would be the IRS role. And I think for that reason we should vote against this amendment.

□ 1150

Mrs. EMERSON. I continue to reserve the balance of my time.

Mr. SERRANO. How much time do I have, Madam Chair?

The Acting CHAIR. The gentleman from New York has 2 minutes remaining. The gentlewoman from Missouri has 3 minutes remaining.

Mr. SERRANO. I would like to yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Chair, I would just like to point out, again, the gentlewoman's amendment is just like the others we've heard before. It is going to completely eliminate implementation of the health care reform because the bottom line is that, if this amendment were to pass, then all of the positive things that have already gone into place in terms of eliminating discrimination against preexisting conditions or the other discriminatory practices, like lifetime or annual caps, or the requirement that young people up to the age of 26 be able to get insurance coverage on their parents' policies, all of these things essentially depend on the mandate, because without the mandate, what happens is that insurance companies go back, again, to discriminatory practices. This is nothing more but an effort essentially to eliminate the health care reform. Whether it's defunded, whether it's eliminating the mandate or the other amendments that we're going to see later today because this is a package. And we all know, it's absolutely clear, that without the mandate, it is going to be impossible to carry out the coverage and the implementation of these important provisions that eliminate discrimination.

Mrs. EMERSON. At this time, Madam Chair, I yield 1½ minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentlelady for yielding.

The issue is, is this constitutional? It's not whether it's a great idea, whether an individual mandate is going to save us all. The issue is whether it's constitutional. Now I do not believe the Constitution gives the Federal Government the authority to force an American to buy anything, whether

it's health care insurance, whether it's a car, or whether it's a box of doughnuts. And if we allow the Congress to go in and force Americans to buy a product or be punished by paying a fee which is a fine, and if you don't pay the fine, you could be prosecuted under the IRS code and go to prison, then where does it stop? Where does Congress then stop its nonsense of forcing Americans to buy products all in the name of saving us all?

This portion is unconstitutional. We should not force Americans to buy any product. And we should defund the individual mandate for the simple reason it's unconstitutional. Let's talk about that issue in this discussion and debate on the House floor.

Mr. SERRANO. I yield 30 seconds to the gentleman from the great State of California.

Mr. GARAMENDI. Madam Chair, the issue before us is whether the IRS should be able to enforce the laws, in this case the health care laws. During the first decade of the 2000 period, there was enormous Medicare fraud going on. In the health care bill, additional agents were added to the IRS and other agencies to enforce the Medicare laws against fraud. This provision would defund that and make it impossible to enforce the laws and prevent Medicare fraud. A very bad idea.

I urge a ''no'' vote on the amendment.

Mrs. EMERSON. I continue to reserve the balance of my time.

Mr. DICKS. I rise to ask a question of the Chair. Who has the right to close on this amendment?

The Acting CHAIR. The gentleman from New York has the right to close.

PARLIAMENTARY INQUIRY

Mrs. EMERSON. Madam Chair, parliamentary inquiry.

The Acting CHAIR. The gentlewoman will state her parliamentary inquiry.

Mrs. EMERSON. Is it not correct that I would have the right to close?

The Acting CHAIR. The manager in opposition would be entitled to close.

Mrs. EMERSON. Madam Chair, I yield myself the balance of my time.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 2 minutes.

Mrs. EMERSON. Number one, my colleague tried to make a comparison between car insurance and health insurance. First of all, auto insurance, if you will, deals with liability and the harm that you may do to others. Health insurance has to do with a liability to yourself. It's totally different. And I don't believe that any State actually requires comprehensive insurance. The bottom line is, we do not want the IRS implementing now regulations that may be overturned perhaps in the near future in the courts.

At the end of the day, we do not know what the courts are going to say about the constitutionality of an individual mandate. And as such, it seems irresponsible for the Internal Revenue Service, when it has so many demands on its time and on its employees, to implement something that we don't know whether or not it's actually going to become the law of the land. So with that, I believe very strongly that the IRS should not be spending those moneys in FY 2011, and we will deal with 2012 at the time when it comes up.

I yield back the balance of my time.

Mr. SERRANO. Let me just very quickly in closing say that I was very surprised and interested in hearing that the Republican Party is going to move next on undoing the mandate on car insurance throughout this country and other insurance. We know what this is. This is a way to try to kill the law of the land. This should not be done. And I oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Missouri (Mrs. EMERSON).

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

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

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

AMENDMENT NO. 552 OFFERED BY MR. SCHRADER

Mr. SCHRADER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) Notwithstanding any other provision of this Act (other than a provision relating to amounts required to be made available by a provision of law), divisions A and B of this Act appropriate for fiscal year 2011, for each agency for which amounts were made available (with respect to division A) in the Department of Defense Appropriations Act, 2010 (Public Law 111–118) or (with respect to division B) an appropriations Act referred to in section 1101(a), such amounts as may be necessary, under the authority and conditions provided in applicable appropriations Acts and at the level specified in section 1101(c), except that such level, with respect to the following appropriations Acts, shall be equal to the following percentages of the amounts made available for such agency in such Acts for fiscal year 2010 (other than amounts required to be made available by a provision of law), including transfers and obligation limitations:

(1) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 (division B of Public Law 111–117), 89 percent.

(2) The Department of Defense Appropriations Act, 2010 (Public Law 111–118), 101 percent.

(3) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83), the percentage required to bring the aggregate amount appropriated in such Act for fiscal year 2010 (other than amounts required to be made available by a provision of law) to $42,517,000,000.

(4) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (division E of Public Law 111–117), the percentage required to bring the aggregate amount appropriated in such Act for fiscal year 2010 (other than amounts required to be made available by a provision of law) to $74,682,000,000.

(5) All other appropriations Acts referred to in section 1101(a), 96 percent.

(b) Notwithstanding any other provision of this Act, expenditures made pursuant to the Continuing Appropriations Act, 2011 (Public Law 111–242), shall be charged to the applicable appropriation, fund, or authorization provided by division A in the same manner as provided by this Act with respect to division B.

(c) Amounts appropriated by subsection (a) may be allocated by the applicable agency head among agency accounts, programs, projects, and activities, notwithstanding any other provision of this Act.

Mr. ROGERS of Kentucky. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of February 17, 2011, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. SCHRADER. Madam Chair, colleagues, I have enjoyed seeing this open process in this body for the first time in a long time, as far as it goes. However, a real open process would allow for real alternatives representing meaningful compromises in scope as well as in the particulars. America needs and deserves a real bipartisan solution that is more than political theater and actually has a chance of being a viable compromise with the Senate and President.

I took two messages from the election last November: America wants jobs, and they want to see their Nation's fiscal health restored. To achieve these dual objectives, we need to have a careful balance between ensuring this fragile recovery and beginning the march to prudent fiscal reform. Expert economists and previous CBO directors agree that $61 billion in reductions to the 2010 budget level, which we are currently debating, representing a 14 percent hit to our domestic spending on education, health care, public safety, and economic development, would be a crushing, crushing burden on job creation and our economic recovery.

Contrary to the lofty rhetoric surrounding the CR's role in correcting our budget deficits and national debt, this deals with less than 15 percent of our budget.

□ 1200

I'm afraid this is merely a political exercise. America is begging for more from its duly elected Representatives. The proposed CR does not even get to the mythical $100 billion in reductions that were talked about during the political campaign. This proposal was not even considered by the Republican leadership as real. They opted for a more reasonable $34 billion reduction target before being hijacked by politics again. Where are the open committee

hearings? Where is the testimony from individuals, businesses or agencies? We are operating with virtually no deliberation at all; and oftentimes, Members have mere minutes to evaluate the amendments.

Members have literally been working day and night for a reasonable compromise. We need a CR that gets us through these tough times and sets the stage for real fiscal reform.

I have such a proposal before you here today. My alternative CR requires a 4.7 percent, across-the-board reduction in domestic spending for the remainder of 2011. The only exception is the Census Bureau. My proposal strikes more appropriate reductions in military spending while at the same time protecting our warriors in the field. As the Secretary of Defense has stated, we need to eliminate costly weapons systems, way over budget, out-of-control civilian contracting and achieve much needed efficiencies in the agency. So rather than a 2 percent increase, we talk about a 1 percent increase.

This proposal, which I hope is taken as a beginning for a bipartisan compromise on the continuing resolution, makes real cuts of about $20 billion in our current level of spending, enough to be meaningful, with 7 months remaining in our calendar year, or our fiscal year, but not enough to undermine the recovery. It's simple, it's serious, and it's real.

I urge its adoption.

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

POINT OF ORDER

Mr. ROGERS of Kentucky. Madam Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI, which states in pertinent part: an amendment to a general appropriation bill shall not be in order if changing existing law. The amendment attempts to create a legislative formula for spending.

I ask for a ruling.

The Acting CHAIR. Does any Member wish to be recognized to speak to the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment seeks to establish a legislative formula for funding. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 89 OFFERED BY MR. KIND

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used to provide payments (or to pay the salaries and expenses of personnel to provide payments) to the Brazil Cotton Institute.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. KIND. I yield myself such time as I might consume.

Madam Chair, my amendment is very simple and straightforward. It would save the American taxpayers $150 million a year by ending a new American taxpayer subsidy that is going to Brazilian cotton agribusiness. If this program sounds crazy, it's because it is. But it's also the truth.

How did we get to this point? Well, Brazil had a successful WTO challenge against our own cotton subsidy program under our own farm bill. They prevailed; and you would think that the logical, reasonable response from us would be to reform our cotton subsidy program. But that's not what happened.

Instead, a new program has been created to the tune of $150 million per year to buy off Brazil cotton agribusiness so they won't pursue economic sanctions against our country. It's foolish, it's wasteful, and it speaks to the need for us to get into serious farm bill reform, especially under the title I subsidy commodity programs. We need to eliminate this new subsidy and then get onto the tough lifting of comprehensive farm bill reform.

I ask my colleagues to support the amendment.

I reserve the balance of my time.

Mr. KINGSTON. I rise in opposition to the Kind amendment.

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

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

Madam Chairman, in 2004, the WTO, the World Trade Organization, found the United States guilty of illegal subsidies to American cotton farmers. It's been a long process, but Brazil is a very important ally of ours. We get along fine. They are very important to us strategically in our own hemisphere, so we want to get along with Brazil. And because of that, we worked out this settlement which kept Brazil from putting retaliatory tariffs on us. That saved us money.

If we did not agree to this—which Mr. KIND has pointed out—$147 million, we would have to pay $829 million. This is less, and it only is in effect until the farm bill is passed. In the 2012 farm bill, we'll deal with that.

With that, I yield 1½ minutes to the chairman of the Agriculture Committee, the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. I rise in opposition to this amendment.

This transfer of funds was established as part of an agreement negotiated between the U.S. and Brazilian Governments. As a result of this agreement negotiated by the USTR and USDA, Brazil agreed to suspend retaliation against U.S. exports. If this amendment passes and the funds are not transferred in compliance with the agreement, then the U.S. will be in violation of the agreement. Brazil would then have the right to immediately impose punitive tariffs on U.S. exports. What Mr. KIND's amendment does is invite a trade war.

The U.S.-Brazil agreement is in place only until the 2012 farm bill is completed. This provides an opportunity for the U.S. to determine what adjustments to current law are necessary as a part of the next farm bill to bring the U.S. cotton program into compliance with the WTO ruling. This amendment should not be on this bill. It is a policy change.

Please join me in defeating this amendment.

Mr. KIND. Madam Chair, I respect my colleagues' position. The answer is not to create a new $150 American subsidy program going to Brazil. The answer is to reform our programs now in the United States.

And with that, I yield 1 minute to my good friend from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Chair, I think if we were to have a contest on your YouCut for the single stupidest thing the Federal Government could do, it would be to take $120 million more of American tax dollars and send it to subsidize Brazilian cotton farmers so we can continue to subsidize American cotton farmers. That's what we're talking about.

I find it somewhat ironic that my friends who are the great believers in free enterprise and the free market think somehow there's an exception for agriculture. But whether you do or you don't, sending money to Brazilian cotton farmers at a time when we are making fundamental cuts here is problematic.

It also illustrates my problem with the structure of this bill. I was hardpressed to find offsets so we could continue to fund enforcement of securities fraud or consumer protection. Where could we have gotten the money? Well, we could have gotten it from Brazil. Instead of sending it to Brazilian cotton farmers, we could have used it for our own law enforcement. But the bill is structured to protect this. At least we cannot waste it.

So let's be very clear. To protect our right to continue to subsidize American cotton farmers, we are going to subsidize Brazilian cotton farmers. Lunacy.

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

Mr. KIND. Madam Chair, at this time, I would like to yield 1 minute to my friend from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I hope that nobody in this Chamber or watching here misses the irony of this, that we are spending money to subsidize Brazilian agriculture so that

we can continue to subsidize agriculture here. That is just incredible when you think about it.

And what this amendment will do is to force us back to the table. It won't spark a trade war. It will simply say, all right, stop subsidizing your own agriculture in a way that violates your trade agreements. That's what we want to do is force the issue where we can actually get out of these subsidy programs. We cannot continue to send money to Brazil so that we can continue to subsidize agriculture here. It just makes no sense at all. This is a great amendment. I hope that my colleagues will support it.

Mr. KINGSTON. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Georgia has 3 minutes remaining. The gentleman from Wisconsin has 1¾ minutes remaining.

Mr. KINGSTON. Madam Chair, I yield myself 10 seconds. I just want to point out that I understand and hear what the folks are saying, but we are in a situation where we have an existing farm bill. If we do not do this, it is going to cost American taxpayers $682 million. That was the WTO agreement.

With that, I yield 1 minute to the gentleman from California, the ranking member of the Ag Subcommittee on Appropriations, Mr. FARR.

□ 1210

Mr. FARR. I think that this is a problem. And I think Mr. KIND has a way of looking at trying to remove the money, but it's not going to make the problem go away.

I agree that this is a thing that needs to be addressed because there's going to be retaliatory implications if this money is just pulled, and those retaliatory implications are unknown to an awful lot of other agriculture who may even support this amendment. So it is an idea that we need to address. This is not the place to address it.

I oppose the amendment.

Mr. KIND. Again, the answer is not to invite a trade war. The answer is to fix our problem here in America by reforming the long overdue cotton subsidy program.

With that, I yield 1 minute to my friend from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. We've got everything but murder going on here.

We're being blackmailed by the Government of Brazil, and so we are giving precious U.S. taxpayer dollars, $147 million, to Brazil for their cotton farmers while I have got small farmers going broke. Now, come on.

And now we hear from the gentleman from Georgia, well, that's what the law says. Hey, you just repealed health care. You can change the farm bill. We can do away with these obscene subsidies, $3.4 billion bilked from U.S. taxpayers going to subsidize cotton farmers, who use subsidized water on top of that, whose total crop value was $4 billion. So $3.4 billion of it is our taxpayer subsidy. This is indefensible.

Take this step now, and then next week you can repeal the farm bill and replace that.

Mr. KINGSTON. I would remind the gentleman from Oregon we are going to reauthorize the farm bill next year, which is what this is all about.

I yield 1½ minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Madam Chair, I rise in opposition to this amendment.

While far from perfect, this agreement was arranged by the Obama administration and the country of Brazil. This will incite a retaliatory trade war against the United States' intellectual properties. It won't have anything to do with tariffs on U.S. agriculture, but it will hurt other segments of our economies.

The 2008 farm bill was a contract with American farmers. They have put business processes in place based on that 5-year contract. We will renew and renegotiate that contract in 2012. It makes no sense to unwind this on a piecemeal basis right now.

This is a smokescreen by the other side who wants to go after the farm bill. Madam Chairman, they have gone after it time and time again. But the contract with American farmers, which allows Americans to enjoy the cheapest, most affordable, most abundant and safest food and fiber supply in the world, is on the backs of this farm bill. Reopening it now on an ad hoc piecemeal basis is the wrong policy for this country. Voting for this is a vote to institute a trade war with Brazil, no matter what the rhetoric is from the other side.

Oppose this amendment.

Mr. KIND. Madam Chair, what is really ironic in this debate is that cotton prices are at an all-time high in the marketplace, and yet it shows the built-up resistance in this institution to get to the hard work of reforming these farm subsidy programs, which is long overdue. They claim they are going to do it in the next farm bill, but there is no assurance when that is going to come up. It could be 3 years from now. That could be an additional half billion dollars from the American taxpayer for subsidies flowing to Brazil. The answer is to do it now rather than waiting next year or 3 years from now, or maybe never at all.

I have been around here long enough to know the powerful special interests that resist farm reform. We should do it and save taxpayer dollars at the same time.

I yield back the balance of my time.

Mr. KINGSTON. Madam Chair, I yield the balance of my time to the gentleman from Texas (Mr. BRADY), the chairman of the Trade Subcommittee, who will explain why this saves $682 million and complies with WTO laws.

Mr. BRADY of Texas. Madam Chair, I am sympathetic to this amendment. The United States should live up to its WTO obligations, particularly if we expect other countries to do the same.

Paying Brazil about $12 million a month rather than complying with the WTO decision regarding cotton subsidies isn't the best way to resolve this dispute. I acknowledge that. But this settlement is necessary to prevent Brazil from imposing almost $1 billion in retaliation against American goods and services, as it's entitled to do.

This retaliation could take many dangerous and costly forms, including high tariffs on our American sales abroad and allowing Brazil to no longer protect American intellectual property rights. Such retaliation would be devastating. It would cost U.S. jobs and harm thousands of innocent workers who have nothing to do with this case.

As a result, I must oppose this amendment and urge its defeat.

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

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

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

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

AMENDMENT NO. 88 OFFERED BY MR. KIND

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division A of this Act may be used to research, develop, test, evaluate, or procure any of the following:

(1) Expeditionary Fighting Vehicle.

(2) Surface-Launched Advanced Medium-Range Air-to-Air Missile program.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Madam Chair, my amendment is pretty straightforward and simple. It would eliminate two weapons programs that the Defense Department, Secretary of Defense, the Joint Chiefs of Staff, the bipartisan fiscal commissions all say are not necessary, they are not needed, they don't go to improve military readiness, and they are redundant. It's the Expeditionary Fighting Vehicle as well as the Surface Launch Medium Range Air-to-Air Missile System, the SLAMRAAM for short.

Now, I am not going to get into the details as to why these weapons programs should be defunded. Those serving on the committee have heard these arguments for years. But what I want to make is a larger point here today; that if we're going to be serious about true deficit reduction, the defense aspect of the Federal budget also has to

be on the table. And what better place to start than by listening to our own military leaders who continually tell this Congress: Stop appropriating money for weapons systems we don't want, that we don't want to use, that aren't necessary, they don't enhance military readiness, and they are not going to support our troops in the field. And these two programs fit that bill.

Now, we had a previous amendment from Ms. WOOLSEY in regards to the EFV program. She laid out the reasons behind that, that I don't have to get into. But the fact is defense spending is the second largest spending category in the entire Federal budget after health care costs. And if that is taken off the table, which I hear too often from too many of my colleagues, it's going to make restoring the fiscal health of our Nation that much more difficult.

And with just the elimination of the Expeditionary Fighting Vehicle, Secretary Gates estimates it could save the American taxpayer over $12 billion. And then for the SLAMRAAM program, General Chiarelli estimated that would save an additional $1 billion. When the budget is going to be tight and there's inevitably going to be an increasing squeeze on our military and military readiness, what better place to start than these weapon programs that the military is not even asking for and instructing Congress to stop the insanity?

But I was also proud in the last session of Congress that the Democratic majority moved forward on another important area of defense reform, and that's the weapons procurement program. A recent General Accounting Office report indicates that current weapons programs in the pipeline today are over $300 billion over budget.

So this blank check that defense contractors expect from the American taxpayers has got to end, or we will spend ourselves into oblivion and we won't get a good bang for the taxpayer dollars and we won't be doing right for the American fighting soldier.

So the point of my amendment is simple. It's going to be tough making the type of budget decisions that we have to make in a bipartisan fashion to get these structural deficits under control. The defense budget should also be fair game for scrutiny and transparency and cost savings. And what better place to start than where our own military leaders are instructing us to go: weapons programs they don't need, will save money, reduce the redundancy, and help deal with the budget deficits that we're facing.

I reserve the balance of my time.

□ 1220

Mr. YOUNG of Florida. Madam Chairman, I rise in opposition to the amendment.

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

Mr. YOUNG of Florida. Madam Chairman, we had a long discussion on the EFV program, and this legislation provides for an agreement that we are just about to reach where it is a win-win situation. It is a win for the taxpayer. The taxpayer is not going to have to pay $145 million in termination costs. The same money can be used to complete the program as it stands.

The Marine Corps is satisfied with this. I have been discussing this with Secretary Gates for quite a long time now. Too often the military starts a program, a great idea, spends a lot of money in the conceptual design, research and development, only to cancel the program, get nothing for it and lose the money. Here is a case where we win. Three billion dollars has already been spent. We get to take advantage of completing that program with the money that we would pay to terminate the program anyway.

SLAMRAAM is basically a similar program, much smaller than the EFV program, but SLAMRAAM is similar. They are just about to complete the development stage and have SLAMRAAM on the shelf in the event they need to go to procurement immediately for an immediate need.

So I am opposed to this amendment. It doesn't do good for the taxpayer or the military.

I want to compliment Mr. KIND, because we have had several opportunities to work together with his constituents, wounded constituents and their families, and he has been very, very helpful. I want to thank him for having worked on those issues.

I am happy to yield 2 minutes to the gentleman from Washington (Mr. DICKS), the distinguished ranking member of the Appropriations Committee and the Defense Appropriations Subcommittee.

Mr. DICKS. I rise in reluctant opposition to this amendment for the same very reason. The Expeditionary Fighting Vehicle is coming to an end. I agree with the chairman. It makes me cringe that they have spent $3 billion on this, but for an additional $34 million, we can finish the R&D phase of this program. That is what the chairman was talking about. Then we don't have to pay $145 million, as I understand it, in termination costs. I think it is just wise to get the final research done. So I would reluctantly have to oppose this amendment because it would take away our opportunity to get this better agreement that the chairman is talking about.

SLAMRAAM is an AIM–9 missile that is ground-based, and this program is coming to an end. It is being terminated as well, and we support that.

Again, I think we should reject the gentleman's amendment, but the outcome of what he is talking about will be achieved in the very near future.

Mr. KIND. Madam Chairman, I am just going to conclude my statement with this. I have great respect and admiration for the two gentlemen who have been serving on the Defense Appropriations Committee for years and I am not going to stand here and pretend that I know more about the defense budget than these two gentlemen do. I don't. But I do tend to listen carefully to our own military leadership at the Pentagon.

Secretary of Defense Gates said about the Expeditionary Fighting Vehicle that over two decades the program is going to consume half of the Marine Corps procurement funds and nearly all of the ground vehicle budget, something they are trying to avoid. Even though the Marine Corps Commandant General James Amos has supported the EFV in the past, he has now recognized that this is ''an onerous fiscal program.''

So if we can't start here with these programs, where are we going to go in defense for cost savings?

I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. As I understand the arguments of the chairman and the ranking member, it is we are going to get rid of these eventually, but let's not do it too quickly because we might save money prematurely. I have never heard a weaker defense for continuing to spend money, that at some point we are going to stop. So why not stop now? So I think the gentleman from Wisconsin ought to be supported.

Mr. YOUNG of Florida. Madam Chairman, I will conclude this debate.

This is probably a very well-intentioned amendment, but it just gets in the way of working out solutions that are a win for the taxpayer and a win for the military. We should take advantage of every opportunity that we have to save the money for the taxpayer and get them something for it. That is what this amendment would prevent from happening.

We had a lengthy discussion on the EFV earlier in the debate yesterday, and I am more convinced than ever, as well-intentioned as the amendment might be, it is just not a good idea and it is not in the best interests of the taxpayer or the military.

I yield back the balance of my time.

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

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

Mr. KIND. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 48 OFFERED BY MR. POLIS

Mr. POLIS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to enforce section 75.708 of title 34, Code of Federal Regulations, as it relates to section 5205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221d).

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, this amendment would help increase the ability of the administration to leverage the resources they already have to support expansion and replication of charter schools that have shown to be effective.

Basically, this amendment will remove a regulation that prevents subgranting and doesn't allow charter school grants to be done through intermediaries, which are generally venture philanthropy organizations like New Schools Venture Fund and Charter School Growth Network. These organizations have proven that they can help guide charter schools and CMOs, organizations that manage one or two charter schools and help build them into successful, multisite organizations that support student success.

These venture philanthropy organizations use the same model in the nonprofit sense—I want to emphasis they are nonprofits—as venture capital does in the private sector and support excellence in the charter schools that are part of their portfolio. They encourage rigorous evaluations. They provide strategic guidance to board membership.

One of the issues we frequently have with charter schools is lack of quality governance. These intermediaries actually can help establish quality governance, which is such an important determinant of whether a charter school is successful or not. They can provide flexibility and provide specific interventions as needed. When something isn't working, they can help.

Finally, it will empower the administration to help be able to work through venture philanthropy organizations to better leverage Federal funds. If you have X dollars in Federal funds, they can combine that with two-X or three-X in private philanthropic capital they have raised to have a more meaningful impact on student achievement, to help expand and replicate what we know works with regard to charter schools.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman from California, ranking member of the Education Committee.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and thank him for this amendment. I would hope he would withdraw this amendment so we would have an opportunity to go through exactly what the thresholds would be for the Department to award this right to the grantors to make these subgrants.

Obviously, you have been a leader in the effort of improving the quality and number of charter schools, but this is a $50 million pool of money that could rightfully be used for this purpose, but I think we want to make sure that we have some assurances as to accountability and the kinds of subgrants that would be made to expand the universe of high-quality, high-performing charter schools.

I know that Congressman KLINE is also supportive of this amendment, but I think it would be best if we had an opportunity to walk through it and then either approach the Department to rewrite the regulation or to have legislation from the committee.

Mr. POLIS. I thank the gentleman and look forward to working with the chair and the ranking member to ensure that the administration has all the tools they need to make sure that the limited resources they have for expansion or replication of models that we know work are used in the highest-leveraged way possible.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

□ 1230

AMENDMENT NO. 400 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Chair notes that the amendment proposes to amend portions of the bill already passed in the reading.

Does the gentlewoman from Texas seek unanimous consent to offer the amendment at this point in the reading?

Ms. JACKSON LEE of Texas. I do.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Texas?

Mr. ROGERS of Kentucky. I object.

The Acting CHAIR. Objection is heard.

Mr. DICKS. Madam Chair, I move to strike the requisite number of words.

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

Mr. DICKS. I am very sorry that the gentlelady cannot offer her well-thought-out amendments on a technicality, but I will yield 3 minutes to her to explain what her amendments would have done if they had been in order.

Ms. JACKSON LEE of Texas. It's unfortunate that Republicans want to issue a point of order. We asked unanimous consent for amendments that have been placed timely into the RECORD against jobs. And that is what my amendment is about. It clearly is about restoring the $5 billion that the Republicans want to take out and block American jobs.

You can clearly see how long we've been here, and there have been actually no jobs being created by Republicans. This amendment does simply one thing: It restores the $5 billion in stimulus dollars that have created thousands upon thousands of jobs. It has created this housing for low-income housing. It has created this kind of map that shows that stimulus jobs have been all over America and created 585,653 jobs, 253,000 projects.

It is interesting that our friends can support President Obama on agricultural subsidies, but they can create no jobs, and they want to oppose restoring the $5 billion in stimulus dollars—and I might call them reinvestment dollars.

In addition, our friends want to ignore the fact that by taking away $5 billion they close what we call community health clinics. Yes, this is where Americans are now getting their good health care, in community clinics.

So I would argue that it is a shame that we have a situation where you cannot present this amendment. Jobs, the idea of infrastructure investment, the idea of low-income housing that is being created, and as well, projects like housing for the elderly in Minnesota, Kawana Village Apartments that are in the Washington area, Father Murphy Phase III, 10 new rental duplexes in Shawnee, Oklahoma. Blackfeet housing, 223 homes, again, in Montana. Mount View Village Lodge, again in Alaska. And of course Pueblo Housing in El Paso, Texas. Can you tell me why you want to eliminate the idea and the ability for individuals to work by taking away the moneys that have been invested in America? That is what this has done.

In Houston alone, Center Point has been able to improve their grids to provide more energy for our community. We have gotten $849 million that has put people to work and has provided health care, has improved the environment. I would ask my colleagues to take away the point of order, to not say I'm out of order.

You're putting a point of order on American jobs. And I think it is insane to not be able to allow a Member to stand and say that the moneys that you're taking away have proven themselves to be moneys that have been legitimate and have called upon the American people to rise up and to be employed.

There are people who are now at their 99th level of not being able to get employed and get unemployment insurance. They need these jobs. The $5 billion that will be taken away will be impacting projects yet to come that will help rebuild America's infrastructure.

I thank the gentleman from Washington for allowing this explanation, but I hopefully will be heard at least by the colleagues and the people of the United States on this amendment, restoring simply $5 billion.

There was a second amendment that was going to make the point that we don't want Americans to know how much great work the Recovery Act has done by taking money away for signs

that have been put up. I'm willing to withdraw that amendment because $5 billion is $5 billion to put Americans to work. I am simply appalled at the fact that we don't have the opportunity to share with the American people their tax dollars to make sure that they have the opportunity to work, to have good health care, to have housing, and to have good energy relief to make sure that our environment is safe and that we expand our independence by having the kind of energy efficiency that seniors are in need of.

So to the gentleman from Washington, I do want to acknowledge that the Recovery Act moneys have been an effective tool for building jobs. And frankly, 1,000 jobs were created in Houston.

Mr. DICKS. Will the gentlewoman yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman from Washington.

Mr. DICKS. Many economists today say that if we had not had stimulus, unemployment would be at 13 percent. I hear so often over on the other side that it didn't work.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DICKS. Madam Chair, I move to strike the last word.

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

Mr. DICKS. I hear so much talk on the other side that the stimulus program didn't—reputable economists say the unemployment rate would be at 12.5 to 13 percent if we hadn't had the stimulus package. And again, that's why we're so worried about the magnitude of the cuts here having a countercyclical effect. So I appreciate the gentlewoman's work on this.

Madam Chair, I yield back the balance of my time.

AMENDMENT NO. 104 OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Madam Chair, as the designee of the gentleman from Ohio (Mr. JORDAN), I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) Each amount made available by the following provisions of division B of this Act (other than an amount required to be made available by a provision of law) is hereby reduced by the following percentage:

(1) Section 1101(a)(5) and title IX, 11 percent.

(2) All other provisions of such division (except as provided by subsection (b)), 5.5 percent.

(b) Subsection (a) shall not apply to amounts made available—

(1) by section 1101(a)(3) and title VI;

(2) by section 1101(a)(6) (with respect to division E of Public Law 111–117) and title X; and

(3) for Israel, by section 1101(a)(6) (with respect to division F of Public Law 111–117) and title XI.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Madam Chair, the American people spoke loud and clear in November, and they have continued to speak and hold us accountable. Their message is clear: They are overtaxed, this government is overspent, and they have had enough of Washington passing bills, regulations, rules and programs they can't afford and do not want. They have said stop the out-of-control spending.

Washington does not have a revenue problem; Washington has a very serious spending problem. They are ready for us to change the way the system operates. They want the fiscal house in order, and there is a systematic way we can approach this.

In the past couple of years, 26 different States have used this method—indeed, even Tennessee, my State, used it during a time of fiscal crisis. They have replaced billions of dollars in deficit spending and projections with spending cuts, and now it is time for the Federal government to follow the States.

The Republican Study Committee amendment makes an 11-percent cut on our legislative branch spending and a 5½ percent cut in other non-Defense, non-Veteran, non-Homeland Security accounts. This amendment will save $22.2 billion for the balance of this fiscal year and from this year's deficit. I know not everyone is a fan of across-the-board cuts, but many of us are and so are our constituents.

This is a concept that should be implemented at the Federal level. And indeed, it has been used before. President Roosevelt used it during World War II, and from 1942 to 1944 they cut 20 percent. President Truman, with the Korean War, they cut 28 percent in 1950. It is used. It works. It has a history of working. It is imperative that we get the spending cut. And across-the-board spending reductions are a very responsible way for us to do this.

Madam Chair, I reserve the balance of my time.

Mr. DICKS. Madam Chair, I rise in opposition to the amendment.

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

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

Mr. DICKS. Let me remind my colleagues what the underlying CR does to existing programs even before we consider the additional across-the-board cut offered by Mr. JORDAN:

A cut of $107 million from food safety inspections. This amendment by Mr. JORDAN would take an additional $5.6 million. The CR also already cuts $400 million to the Food and Drug Administration, and this amendment would take an additional $22 million. Cuts to State law enforcement assistance of $1.3 billion, 35 percent compared to the current rate; the Jordan amendment would cut an additional $68 million. The original version also completely eliminated the Cops Hiring Program, but an amendment passed by the House this week from our side prevailed, reinstating some of that funding.

□ 1240

It cut $661 million below the current rate from the Army Corps of Engineers, leaving hundreds of communities without critical flood control and navigation work. The Jordan amendment would cut an additional $35 million.

The CR also completely eliminates weatherization in State energy programs.

It cuts $648 million from the Nuclear Nonproliferation program, increasing the likelihood of bomb grade material entering the United States. The Jordan amendment would cut an additional $37 million.

The CR cuts safe drinking water and clean water State funds by 56 percent, or $1.7 billion. The Jordan amendment would cut an additional $167.2 million.

The CR cuts the maximum Pell Grant amount by $845. These grants help more than 8 million students afford college. The Jordan amendment exacerbates that reduction by taking an additional $962 million from the program.

The CR cuts Head Start by more than $1.1 billion, which is $500 million below the 2008 level. The Jordan amendment would cut an additional $338 million, meaning that individual students would lose their right to Head Start, that the teachers would be fired, and that people would be unemployed because of this amendment.

Then Transportation and HUD, which already saw a cut of nearly $14 billion, would be cut by an additional $3.7 billion, impacting critical funding for roads and bridges and infrastructure across this country.

This is a meat ax approach on top of a meat ax approach—it's a double meat ax approach. It is an amendment that we should defeat and defeat soundly.

I reserve the balance of my time.

Mrs. BLACKBURN. I yield 1 minute to the gentleman from Illinois (Mr. WALSH).

Mr. WALSH of Illinois. I rise today in support of amendment No. 104.

You know, we have spent the past few days talking about billions here, billions there—real programs, real people. But the American people have got to be shaking their heads.

We are broke. We are $14 trillion in debt, and we know it's more than that. By 2014, in interest on the debt alone, we will spend more than we will on all non-discretionary spending except for defense. By 2014, every citizen in the United States will spend $2,500 just to pay interest on the debt.

I appreciate the leadership the Republican leadership has provided in being as bold as they can be on necessary, important spending cuts; but

my colleagues, we've got to have faith in the American people. They are ahead of us on this. They are ready. This is one of those rare moments when the American people are asking us to be bold, when they are asking us to go one step further.

I have a brother who has been in the financial services industry for 20 or 30 years. He sent me a text last night, which read: Keep the cuts coming, baby.

The lack of leadership the White House is providing on this issue is stunning. You have to lead. The American people are ahead of us. To get back to real FY08 spending levels, to actually get $100 billion in cuts, my colleagues, don't be afraid of that. That's what the American people want.

Mr. DICKS. I yield 1 minute to the distinguished chairman of the House Appropriations Committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the gentleman for yielding time.

I am in opposition to this amendment, Madam Chairman. The House Republican package that we have before us already represents the largest reduction in discretionary spending in the history of the Nation. It is a historic package with much needed spending cuts and reductions that meet and exceed the pledged goal of cutting $100 billion.

In this package, there is $106 billion in cut spending, including the termination of 150 programs. These reductions were tough, thoughtful, and were made by the people who know those programs best. They went through the budget line by line, cutting or eliminating programs that don't work or that we can no longer afford. The subcommittee chairs, the staff, and our Members worked around the clock to make it happen. They did the hard work of getting deep into the weeds, making the best possible choices of exactly where and how to make these cuts.

In contrast, rather than make careful decisions on specific programs, the Jordan amendment hits everything indiscriminately and in a heavy-handed way. We were elected to make choices, not run on automatic pilot.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. KLINE) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 266. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

S. 307. An act to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the ''W. Craig Broadwater Federal Building and United States Courthouse''.

S. 365. An act to make a technical amendment to the Education Sciences Reform Act of 2002.

The SPEAKER pro tempore. The Committee will resume its sitting.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The Committee resumed its sitting.

Mrs. BLACKBURN. Madam Chair, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentlelady for yielding.

The gentleman before said, in the base bill, these represent the largest cuts we've ever made. That is true, but we are running the largest deficit we have ever run. We have had the largest debt we have ever had, and what the situation calls for are deeper cuts than are in the underlying bill.

If we are really going to get on the right track here, we have got to understand that we have to make unprecedented cuts and realize that what we are doing here is a rounding error compared to what we are going to have to do with entitlement spending, which is going to come. But to ensure that we can make those choices when we deal with entitlements, we've got to go deeper than we are going in this base bill.

Again, we are running a deficit of $1.5 trillion this year on a debt of $14 trillion. The $100 billion in the base bill is 1/15th of the entire deficit that we are running—just 1/15th. That's not enough. We have to go further. I support the Jordan amendment. Let's make deeper cuts.

Mr. DICKS. I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. BRADY), who has been the chair and ranking member of the House Administration Committee.

Mr. BRADY of Pennsylvania. Thank you for allowing me to speak on this.

Madam Chair, I am embarrassed to be here. I am embarrassed to be a Member of this House right now. I am embarrassed to have to stand up here and fight for the little people who can't fight for themselves.

I was here on 9/11. I was in my office, and the police officers came in to get me out of my office. I wanted to stay. They said, No, Congressman, we've got to get you out. As he's taking me out, he's going back in. He's putting his life in harm's way, and we're talking about taking money from him. It's totally ridiculous.

Madam Chair, we don't want to hurt our little guys and gals; we don't want to hurt our House staff members; we don't want to hurt our administrators, our Sergeant-at-Arms, our doorkeepers, the ladies in the cloakroom who take good care of us. All of these people and the administrators here don't make overtime. They put their time in like we do.

We're running 67 hours in this House today—67 hours. Do you know what it's costing us? $2 million to put this CR on a bridge to nowhere. That's where it's going. It's a disgrace that we've got to hurt the little people, and I'm not going to let that happen.

You hear about yield back. Well, we yield back. We want them to yield back their money. We want them to yield it back to us. They do an excellent job.

Madam Chair, I don't want them to yield back. I'm not going to let them yield back. I'm not even yielding back now. I'm just done.

Mrs. BLACKBURN. Madam Chair, how much time remains on each side?

The Acting CHAIR. The gentlewoman from Tennessee has 10½ minutes remaining. The gentleman from Washington has 11 minutes remaining.

Mrs. BLACKBURN. At this time, I yield 1 minute to the gentleman from New Hampshire (Mr. GUINTA).

Mr. GUINTA. I thank the gentlelady from Tennessee for yielding time.

Madam Chair, I am not embarrassed to be here as part of this institution. I am honored. I am honored to represent New Hampshire in its quest for fiscal discipline, fiscal responsibility, and fiscal restraint.

□ 1250

Ladies and gentlemen, we are at the precipice of our country in terms of spending. We simply offer an amendment that further reduces the necessary spending restraints our country is demanding. This is about listening to our country, listening to the people who just elected this Congress to restore discipline with respect to our spending recognitions in Washington.

Ladies and gentlemen, this amendment, which I am happy and honored to cosponsor, first cuts our own institution. In New Hampshire, I say to the people in New Hampshire, we are going to cut first ourselves before we make other tough cuts in this country.

This amendment further reduces our own expenditure. And, finally, it takes 5.5 percent across the board with a few exceptions in the eight non-security divisions of the CR.

I support this amendment. I think we have to get serious about spending in this Nation and send a strong message that we are listening to the American people.

Mr. DICKS. I yield 1 minute to the distinguished former chairman and ranking member of the THUD Subcommittee, the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Madam Chairman, this is a thoughtless and destructive amendment. I strongly oppose the underlying bill and believe it profoundly limits the transportation options for Americans and will damage our economy through hundreds of thousands of lost jobs. But I do respect that Chairman LATHAM provided oversight and made tough decisions on priorities.

Unfortunately, the Jordan amendment, after all these days of individually considered amendments, does none of that. It reduces every account by 5.5 percent without any understanding or probably even concern for