

own. Now, before this plan to cut our spending and balance our budget is demagogued, let me tell you exactly how this thing works:

This plan makes no changes to Social Security and Medicare. This plan makes no changes to the veterans' spending. This plan will cut spending by \$111 billion in fiscal year 2012.

We must use this debate as an opportunity to bring real change to Washington and to start paying down our debt. If you believe that cutting spending and providing a way forward for a balanced budget are commonsense ideas, vote for this legislation.

CUT, CAP, AND BALANCE WASHINGTON'S CHECKBOOK

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

Mr. HECK. Mr. Speaker, I am here to share a short letter I received from one of my constituents who used to own a small business. His name is Steve, and his letter eloquently addresses the issue we are discussing today.

Steve wrote: "I know it is a very contentious time in Washington. The 2008 election led me to sell my business because I saw an assault on the small business owner. My peers continue to ask me how I anticipated our current situation.

"First, it was the mandated health insurance, then more government regulation and regulators, and now it is the assault on my earnings that I worked hard for over the last 40 years.

"The President and his Progressive friends will not be satisfied until they kill what reward for risk incentive is left.

"Equal wealth for everyone is not guaranteed in our Constitution.

"The reward for risk is what made this country what it is today.

"I ask that you hold the line even if it means losing the next election."

I came to Congress to get Nevada's economy back on track, and the only way to do that is by listening to our job creators—by listening to their concerns and then addressing those very concerns. When I talk with Nevada's small business owners, they feel the same way Steve does. They say the reason they're not creating jobs is due to too many harmful regulations, too many taxes and too much government spending.

We are in a fiscal crisis, and it is killing our job creators' very ability to create jobs. In all of my conversations with Nevada business owners, the one thing—the one thing—I've never heard them say is, "Do you know what would help me create more jobs? A tax increase."

I urge Nevadans and my colleagues not to listen to the President's false choice—the idea that we can fix government's fiscal problems by merely closing loopholes and reining in subsidies. Now, let me be clear. I support closing loopholes and subsidies because

we need to level the playing field, but that won't by itself solve the problem, because even if we close the loopholes and rein in the subsidies, the government will still have a spending problem, and it will only be a matter of time before another tax increase is proposed.

Past all of the talking points and hyperbole, the President's real choice is about the tax burden families and businesses face in Nevada and across the country. Will that burden be lower or higher? I am fighting to make sure it's lower. Our job creators, like Steve, realize this. Why doesn't Congress? Forty-nine of 50 States balance their budgets. Why doesn't Congress? Nevada families live within their means. Why doesn't Congress?

Just because there are checks in the checkbook doesn't mean there is money in the checking account. The Cut, Cap, and Balance proposal is a thoughtful solution to solving the government's spending problem that protects the promise of Social Security and Medicare for seniors and veterans' benefits to our brave men and women who have fought to protect our freedoms. It will cut \$5.8 trillion over the next decade and give our job creators confidence that we are serious about getting this economy back on track.

I urge my colleagues to support the Cut, Cap, and Balance bill and show that we are serious about balancing Washington's checkbook.

□ 1140

THE DEBT CEILING

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

Mr. TIPTON. Mr. Speaker, as Americans, we face a challenge. The question yet to be answered is: Will we rise to be able to meet that challenge?

We can often hear in the debate on this floor something that happens at every Super Bowl at half time. It's called "kick, pass, and punt." We can kick each other around, we can pass on this problem in addressing it today, and we can punt to the next generation. But I think far more is expected of us.

The people who elected us, the people who sent us to this office, are seeking solutions and leadership to be able to deal with the true challenges that we all face at home.

Last night around dinner tables across our country, moms and dads were going over the family budget looking at how much it cost to fill up that gas tank, how they're going to meet that family budget to be able to put food on the table, to be able to keep a roof over their heads. They're spending within their means.

Forty-nine of our 50 States have one form or another of a balanced budget requirement meaning that, as States, they have to be able to live within their means. Surprisingly, only here in

Washington, D.C., in our Nation's capital, do we think there is this inexhaustible resource called the American taxpayers' hip pocket to be able to draw from so that government can grow. The constant argument, my friends, is government needs it more than the people at home. I don't think so. Come and walk my district. Look in the eyes of the people right now that are struggling to be able to keep that roof over the top of their heads.

We have that economic challenge. We face a debt in this country of \$14.4 trillion. Now, I don't know about you. I'm a small businessman. It's hard really to get your arms around just what is a million dollars, let alone a trillion dollars.

Well, if you're a basketball fan, you may have paid a little attention to this last season. LeBron James, arguably one of the best basketball players in the entire country, being paid \$40 million a year to be able to play basketball, well, if he wants to earn just \$1 trillion, we have to wish him very good health. He'll have to play basketball for 25,000 years to earn just \$1 trillion.

We've stacked up over \$14.4 trillion. The President has asked for a blank check to increase the debt of this country an additional 2 trillion-plus dollars.

Is the time now for fiscal responsibility in Washington? It is. We have to rise to be able to meet that challenge. Cut, cap, and balance, is that unreasonable? We can demonize it. We can say that Washington is above the rules of every American and the rules they have to be able to live with, or we can look to the people who we sent to Washington to stand up for us to live under the same constraints that we do in our individual lives.

If we've spent more than we've taken in, we have to be able to find ways to be able to cut back. We then also have to have that alternative to be able to restrain that spending and then to be able to balance the budget.

Unfortunately, yesterday the President said that it was going to be dead on arrival. I hope that our American citizenry will rise to this challenge. I have great hope that this Chamber will pass Cut, Cap, and Balance. But we need to let the Senate of the United States and the President of the United States know that we're going to be holding them accountable. Our future truly depends on it.

This is our time. This is our challenge. This is truly our opportunity. Let's put aside what is often referred to as just politics as usual. This is not a Democratic issue. This is not a Republican issue. This is an American issue.

I hope that our Members will join with me in seeking real solutions to real problems to deal with it so that the American people can look to a brighter future.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until noon today.

Accordingly (at 11 o'clock and 45 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Dear God, we give You thanks for giving us another day.

We ask Your special blessing upon the Members of this people's House. They face difficult decisions in difficult times, with many forces and interests demanding their attention.

Give them generosity to enter into their work. May they serve You in the work they do, as You deserve; give of themselves and not count the cost; fight for what is best for our Nation and not count the wounds; toil until their work is done and not seek to rest; and labor without seeking any reward, other than knowing they are doing Your will and serving the people of this great Nation.

Bless them, O God, and be with them and with us all this day and every day to come. May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

Mr. POE of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mr. CLEAVER) come forward and lead the House in the Pledge of Allegiance.

Mr. CLEAVER led the Pledge of Allegiance as follows:

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

COMMUNICATION FROM THE CLERK OF THE HOUSE (H. DOC. NO. 112-44)

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives; which was read and, together with the accompanying document, referred to the Committee on House Administration and ordered to be printed:

HOUSE OF REPRESENTATIVES,

Washington, DC, July 19, 2011.

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

DEAR MR. SPEAKER: I have received the following correspondence regarding the election of Janice Hahn to fill the vacancy of the 36th congressional district for the state of California. The correspondent was not a candidate for office and affirms that he is not eligible to contest the election under the law. As such, I forward the correspondence to the House for its disposal.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk.

Enclosure.

JULY 18, 2011.

Hon. KAREN L. HAAS,
Clerk of the House of Representatives,
Washington, DC.

DEAR MS. HAAS, I am protesting the election of Janice Hahn in the July 12, 2011 Special Election to fill the vacancy for the Thirty-Sixth Congressional District of California.

As I was not a candidate for this election, I am not eligible to challenge the election under the preferred method specified by the Federal Contested Elections Act. I am, however, eligible to protest the election according to Chapter 9 of Volume 2 of Deschler's Precedents of the United States House of Representatives which provides for a protest filed by "any other person" to be referred to the Committee on House Administration for investigation.

The House of Representatives has the constitutional authority to determine if a Member-elect is "duly elected." See *Powell v. McCormack* (1969). Further, the U.S. Supreme Court made it clear that the House of Representatives is the final authority to make "an unconditional and final judgment" in determining questions regarding the elections of Members of that body, and that the courts have no role in reviewing any such determination. See *Roudebush v. Hartke* (1972).

The election referenced above was not a valid election because it violated Article 1, Section 4, clause 1 of the Constitution:

"The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators."

The Manner of holding this special election was not prescribed by the California State Legislature, but rather through a ballot process which amended the State Constitution. Senate Bill 6 approved a ballot measure to be placed for consideration before the people of the State of California. This action did not prescribe the manner of elections. The people of the California, and not the legislature thereof, then prescribed the manner of holding elections by voting in favor of Proposition 14, which institutes a "top two primary system" within the California State Constitution. The merits and shortcomings of this particular system are irrelevant to

the constitutional question being raised. The process by which this system was prescribed is a direct violation of both the letter and the spirit of the U.S. Constitution.

Further, since Proposition 14 instituted the election process within the state constitution, the state legislature is not able to specify a different process, should it so choose. This is also a direct violation of both the letter and the spirit of the U.S. Constitution. Finally, choosing the manner of holding elections is not a duty that can be delegated directly to the legislature. Such delegation would violate both the previously mentioned clause as well as Article 4, Section 4 of the Constitution:

"The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence."

As such, any election held under this process, which was not prescribed by the legislature of California, is not valid and the office should remain unfilled until such time as a constitutional election can take place.

Respectfully,

TONY DETORA.

ANNOUNCEMENT BY THE SPEAKER

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

AMERICA'S JOBLESSNESS

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

Mr. ROGERS of Alabama. Mr. Speaker, this country has a real problem with jobs, or the lack of jobs, and our economy. It's what we in the Congress need to be debating solutions to resolve. Instead, we're having to argue with the President about our debt ceiling.

The President is refusing to cut spending that every American knows we have to do unless he gets tax increases. And he's threatening to withhold Social Security checks from seniors to get his way. I think that's shameful, and he's going to have to answer for that one day. But right now, we've got a solution in the House, the Republicans do, called Cut, Cap, and Balance, that will limit spending to a level that we can afford in a responsible way without new taxes.

We're urging the President to do something big. He says he wants to do something big about our debt problem. This is the solution. We urge him to work with us and not demand new taxes. And once he will do that, we can turn to some meaningful things that will help improve the job situation, which, by the way, is at 9.2 percent unemployment and going in the wrong direction. We can do some things, like getting the regulators off our community banks so that small businesses can have access to capital, and shrinking the size of EPA and OSHA and NLRB, which are bloated in their infrastructure and are just stifling jobs in America. We have a lot of things we can do. But first, we've got to get our spending under control.