

those laws, to follow those laws. That's the way our Constitution is set up, but that is not occurring. Because, you see, we have laws in this country that this body has passed that the administration doesn't want to enforce.

In fact, recently, the administration sent down an edict through its administrative agencies and said no longer will the President be the chief enforcer of the law. He will, in my opinion, become the chief ignorer of the law, the immigration laws. Because, you see, Immigration Services has decided, well, we are really not going to enforce the law that applies to all of those people that are here in the United States illegally.

So we are going to defer action. What does that mean? Here's what it means, Mr. Speaker. It means that people who have been charged with being in the country illegally, who are waiting for their hearings, waiting to be deported, they are going to get a pass if they haven't committed some serious crime or some other condition that Immigration Services has outlined.

And if people are in this country illegally and they haven't committed a violent crime, well, they are going to get a pass too. They are not going to be deported because the law will not be enforced. The action of prosecuting them will be deferred indefinitely.

Now, whether it's a good idea or not to let certain people stay in the country because of certain reasons is not the issue. The issue is Congress has not authorized this so-called prosecutorial discretion. I was a prosecutor, many Members were prosecutors. Before I was a judge, I was a prosecutor.

Prosecutorial discretion means this: A case comes before the prosecutors's office and you read the case and you find out, hey, this person may not be guilty or there is no evidence to prove they did this. So you dismiss that case because the person is innocent.

The law sets up reasons for why there is prosecutorial discretion, but not so anymore. The Administration has written exceptions to the law. There are 20 reasons, Immigration Services says—by no means these are exhaustive—why people should not be deported any longer.

What that means is Immigration Services has given a list of reasons, well, we are not going to deport these people for these reasons. They don't have that authority. Congress writes the laws, not the administration. And just because the administration doesn't like the law gives them no authority to say we are going to ignore certain laws for this reason. I notice that this memo that came out from Immigration Service came out while Congress was in recess.

The chief enforcer of the law has the duty to enforce the rule of law. We write them, the President enforces it. Whether the President, the administration, Immigration Services likes it or not, they are going to enforce the rule of law and not come out with some

memo saying, well, here are some exceptions to the law, we are just not going to get around to deporting people because of these numerous reasons.

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In essence, the administration has altered the law by edict—or by memo in this case. It is the obligation of the chief enforcer of the law to enforce the rule of law, not to give a pass to certain people that are in this country illegally because of certain reasons. I don't know the reason why the President has made this decision. People can conjecture up their own reasons why certain folks are getting a pass.

But it is great news for people who are in the country illegally. It's great news for people who are coming to the country illegally. The Government is saying: "It's okay to stay in America as long as you don't commit some serious crime in the United States." And it is an obligation of the President to enforce the law, enforce the immigration laws that we write and not become the chief ignorer of the laws.

And that's just the way it is.

EXERCISING PROSECUTORIAL DISCRETION CONSISTENT WITH THE PRIORITIES OF THE AGENCY FOR THE APPREHENSION, DETENTION, AND REMOVAL OF ALIENS

FACTORS TO CONSIDER WHEN EXERCISING PROSECUTORIAL DISCRETION

When weighing whether an exercise of prosecutorial discretion may be warranted for a given alien, ICE officers, agents, and attorneys should consider all relevant factors, including, but not limited to—

the agency's civil immigration enforcement priorities;

the person's length of presence in the United States, with particular consideration given to presence while in lawful status;

the circumstances of the person's arrival in the United States and the manner of his or her entry, particularly if the alien came to the United States as a young child;

the person's pursuit of education in the United States, with particular consideration given to those who have graduated from a U.S. high school or have successfully pursued or are pursuing a college or advanced degrees at a legitimate institution of higher education in the United States;

whether the person, or the person's immediate relative, has served in the U.S. military, reserves, or national guard, with particular consideration given to those who served in combat;

the person's criminal history, including arrests, prior convictions, or outstanding arrest warrants;

the person's immigration history, including any prior removal, outstanding order of removal, prior denial of status, or evidence of fraud;

whether the person poses a national security or public safety concern;

the person's ties and contributions to the community, including family relationships;

the person's ties to the home country and conditions in the country;

the person's age, with particular consideration given to minors and the elderly;

whether the person has a U.S. citizen or permanent resident spouse, child, or parent;

whether the person is the primary caretaker of a person with a mental or physical disability, minor, or seriously ill relative;

whether the person or the person's spouse is pregnant or nursing;

whether the person or the person's spouse suffers from severe mental or physical illness;

whether the person's nationality renders removal unlikely;

whether the person is likely to be granted temporary or permanent status or other relief from removal, including as a relative of a U.S. citizen or permanent resident;

whether the person is likely to be granted temporary or permanent status or other relief from removal, including as an asylum seeker, or a victim of domestic violence, human trafficking, or other crime; and

whether the person is currently cooperating or has cooperated with federal, state or local law enforcement authorities, such as ICE, the U.S. Attorneys or Department of Justice, the Department of Labor, or National Labor Relations Board, among others.

This list is not exhaustive and no one factor is determinative. ICE officers, agents, and attorneys should always consider prosecutorial discretion on a case-by-case basis. The decisions should be based on the totality of the circumstances, with the goal of conforming to ICE's enforcement priorities.

FOOD INSECURITY

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

Mr. MCGOVERN. Mr. Speaker, every year the Department of Agriculture collects, analyzes, and releases a report detailing the amount of domestic food insecurity. Yesterday, USDA released this report. This may sound like a wonkish, policy-driven report, but it is one of the most important reports written and released by any Federal agency. Simply put, Mr. Speaker, this is a report about hunger in America.

Our country is going through very difficult economic times; the most difficult since the Great Depression. One of the results of this recession has been an increase in hunger. Families who have lost their jobs or have seen their incomes reduced because of the economy have had a difficult time putting food on their tables. It's common to see families who once volunteered at or donated to local food pantries now stand in line for food from these very same nonprofit organizations. Unfortunately, these organizations have had difficulty meeting the demands they've faced over the past few years.

The good news, I suppose, is that the new USDA report shows that fewer people were food insecure in 2010 than in 2009. The bad news is that there are still 48.8 million Americans who struggled to put food on their tables last year.

Frankly, Mr. Speaker, these numbers are unacceptable. It's unconscionable that even one person in this country goes without food, let alone 48.8 million people. It breaks my heart that 16.2 million of these hungry people are children. That's almost a quarter of the total food insecure population.

President Obama pledged to end childhood hunger by 2015. It's clear, barring some dramatic shifts in policy, he's not going to achieve that goal. I regret that very much; so should every elected Member of this Congress.

While 48.8 million hungry Americans is a daunting figure, it's important to realize that these figures would be much worse if it weren't for the Supplemental Nutrition Assistance Program, or SNAP. Formerly known as Food Stamps, SNAP is a true safety net program that helps low-income individuals and families buy groceries. The added benefit of SNAP is that it is also an economic stimulus that benefits local economies. It's a simple concept—for every SNAP dollar spent, \$1.84 goes into the economy.

But despite what SNAP critics may claim, SNAP prevented millions of Americans from going without food. Without a doubt, yesterday's food insecurity numbers would have been much worse if it weren't for SNAP.

Mr. Speaker, hunger is a political condition. We have the means to solve hunger if we muster the political will to do so. SNAP is a proven program, one that prevents hunger while stimulating the economy. It's for both the moral reason and the economic reason that any deficit reduction proposal considered by the Select Committee on Deficit Reduction—the so-called supercommittee—must not cut SNAP or do anything that increases hunger and poverty.

Cutting SNAP or similar antihunger programs will increase hunger, an action which I believe is morally indefensible. That's why I will be circulating a letter urging the 12 members of the select committee not to approve any deficit reduction policies that will increase hunger or poverty in this country. I urge my colleagues, Republican and Democrat, to join with me in this important letter.

A responsibility of government is to protect the most vulnerable people in our country while doing everything we can to ensure that we pass on the strongest country possible to our children and our grandchildren. Cutting SNAP, the program that literally prevents millions of Americans from going hungry, would be wrong. And collectively, we must do everything we can to prevent any actions that increase hunger in America.

These food insecurity numbers are sad and disheartening, but they are also a call to action. We can do better. We must do better.

TAX ON MEDICAL INNOVATION

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

Mr. PAULSEN. Mr. Speaker, last year, as part of the new health care reform law, a new \$20 billion tax on medical devices was put in place. Since the day this ill-conceived tax was first proposed on medical innovation, I have said it would reduce access to new lifesaving technologies and put American jobs on the line. Yesterday, a study was released that confirms just that. According to the report, this new tax on

medical innovation, which goes into effect in January 2013, could cost America as many as 43,000 jobs in just the next several years.

Mr. Speaker, there is still time to repeal this tax. There is still time to pass my bill to prevent this job-crushing tax from being implemented and ensuring that we do everything possible to retain these high paying, high-tech manufacturing jobs here in the United States.

Made in America innovation of medical devices is an American success story. But if we don't stop this new innovation tax, we could see more jobs go overseas and the decline of one of our leading U.S. industries.

PROVEN POLICIES RATHER THAN POLITICAL POSTURING

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

Mr. CONNOLLY of Virginia. Mr. Speaker, America needs jobs, and it's time we focused on proven policies rather than political rhetoric and posturing.

We need a real jobs program that builds on actual successes. The President tonight will be putting forward his job creation proposal. Unfortunately, some of our colleagues on the other side of the aisle have already decided that they are not even going to come and respect the President's joint appearance tonight. Talk about closed minds.

According to reports, he will call for infrastructure investments and middle class tax relief through an extension of the payroll tax cut, policies we know can create jobs. I look forward to working with the President and those who are willing to work with us on the other side to jump-start our economy and create American jobs.

To that end, I have introduced two bills to incentivize private sector job creation. They include tax cuts and private sector tax incentives, ideas that work, ideas that Republicans traditionally have supported.

I introduced H.R. 11 to extend the successful Build America Bonds program to leverage private sector investment to facilitate needed infrastructure improvements. Repairing bridges, building hospitals, renovating schools create jobs now. During the last 2 years under the Build America Bonds program, for every Federal dollar we invested, we leveraged \$41 of private sector support for more than 2,000 projects in every State and created hundreds of thousands of jobs. Build America Bonds is the kind of public-private partnership that Republicans generally support, and we know from the Recovery Act that they create jobs.

I have also introduced legislation to expand the tax deduction for business startups. Lending and venture capital investments in small businesses, especially startups, continue to lag significantly behind traditional levels. Ex-

tending this tax deduction for startup expenses gives entrepreneurs greater certainty for their financial planning and greater incentives to start creating jobs. These tax cuts and small business startups will enable the private sector to do what it does best—create jobs.

Make no mistake: The challenge is daunting. The Great Recession was the worst economic collapse in 80 years. At its height, America was losing 700,000 jobs a month; so Democrats in the last Congress took action. We passed the Recovery Act, which cut taxes for 95 percent of all Americans and increased infrastructure investment, saving and creating hundreds of thousands of construction jobs. We provided educational support to train a more highly skilled workforce. We enacted a hiring tax credit to spur private sector hiring of recently laid off workers, and we saw results. After months of horrific job losses, America began more than 1 year of monthly private sector net job growth, peaking earlier this year with 3 straight months of more than 200,000 private sector jobs created. In fact, in the last 18 months, we created 2.4 million private sector jobs. The public sector, however, has lost jobs every single month this year. Isn't this the result for which the Republicans actually advocated?

□ 1020

Didn't they tell us that cutting government will free up the private sector? Then why did we have just 17,000 private sector jobs created in August? In fact, the job results this August, with the Republican economic plan in action, continued cutting and zero net jobs created.

It's time we acknowledge that the Republican "cut to create" philosophy cuts the job market and creates only uncertainty. The choice is simple: Politics versus job creation. We're all going to be listening with great attention tonight to the President, and I hope all of us attend.

FINDING COMMON GROUND FOR JOB CREATION

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

Mr. DOLD. Over the past several weeks, I've had the privilege to meet with people from all over Illinois's 10th Congressional District. Whether I was at a senior center or holding a town hall meeting, one thing was clear: The people are concerned about the economy, and they want Congress to work together to find solutions. Throughout August I toured several factories, held town hall meetings, hosted a job fair where over 600 people attended, and organized meetings with manufacturers and entrepreneurs. At each and every one of these events people eagerly shared their ideas about how to spur the economy. And one thing also was clear, that they were fed up with Washington's politics as usual.