

water system. And because they are Washington bureaucrats trying to create a D.C. solution for a Florida problem, the requirements they have set on the State of Florida are scientifically impossible to reach given our State's natural phosphorous levels in our waters. Compliance will require an investment of billions of dollars that will be passed on—to whom? The Florida taxpayers, of course, effectively resulting in a new tax levied on all Floridians. Another analysis estimates that the EPA rulemaking will impose statewide costs ranging from \$3.1 billion to \$8.4 billion per year for the next 30 years.

□ 1320

To put that in perspective, Florida's total budget is only \$64 billion annually. The REINS Act is what people in Florida need and what people in the country need if we're going to keep executive agency rulemaking in check.

We've heard about a number of issues on this House floor. We've heard about issues as they relate to unemployment and to the payroll tax holiday. These issues, though, aren't what are in front of us today. It's really about the REINS Act. It's really about getting government off the backs of people. It's about making Congress accountable for the actions of the agencies that have their authority granted through Congress. It's not the other way around.

Regulatory agencies don't enact laws for Congress. Congress enacts laws. Congress enacts and gives the authority to those who regulate, but Congress can't walk away from its authority to oversee the rules, particularly the major rules, that are promulgated by these agencies—that are costing us jobs, that are costing us billions of dollars every year.

You've heard about it from all of my colleagues who spoke on this side of the aisle. I don't know when Congress lost its way—Representative BISHOP talked about it years and years ago—but Congress did lose its way. It's so much easier to just pass a law and say, You know what? Let the regulatory folks figure out how this is going to shake out at the end.

That's not what we were elected to do. We were elected not only to pass laws but to make sure that the regulations that are proposed by those agencies that have the authority from this Congress are responsible to the people. We need to be responsible to the people who elected us, not the other way around—not responsible to bureaucrats in Washington, D.C.

It's what I hear from all the businesses in my district. It's what I hear from the people I represent. They want government to get out of the way, not to end all regulations like you hear some of my friends across the aisle say. That's not what we're talking about. We are, though, talking about a congressional review before it actually comes to pass so that we stand up as a body and say, You know what? This is just not good for America.

The Keystone pipeline is a perfect example of a jobs bill. They keep talking about the lack of jobs bills. Had the Keystone pipeline come to fruition, which the President has pushed off until 2013, there would have been 25,000 immediate jobs to create and construct that pipeline, and there would have been 100,000 new jobs within the areas of Texas and Louisiana as it relates to the processing of that oil.

The last time I looked, Canada was a friend, but we buy oil from countries that hate us. Do you know what Canada said?—that China is ready to step in and help them out. Is that really what we want, or do we want to bring jobs to America?

With all that has been said, we're to the point at which we need to talk about regulations, and that's what this bill does. It allows seven amendments that are germane to come to the floor—two Republican and five Democratic amendments.

With that, I am happy to support the rule and the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 479 OFFERED BY MS. SLAUGHTER OF NEW YORK

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

Sec. 4. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to extend the payroll tax holiday beyond 2011, the title of which is as follows: 'Payroll Tax Holiday Extension Act of 2011.'

Sec. 5. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to provide for the continuation of unemployment benefits, the title of which is as follows: 'Emergency Unemployment Compensation Extension Act of 2011.'

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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

yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

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

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

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

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

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

**PANDEMIC AND ALL-HAZARDS PREPAREDNESS REAUTHORIZATION ACT OF 2011**

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2405) to reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health preparedness and countermeasure development, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2405

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Pandemic and All-Hazards Preparedness Reauthorization Act of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Reauthorization of certain provisions relating to public health preparedness.

Sec. 3. Temporary redeployment of personnel during a public health emergency.

Sec. 4. Coordination by Assistant Secretary for Preparedness and Response.

Sec. 5. Eliminating duplicative Project Bio-shield reports.

Sec. 6. Authorization for medical products for use in emergencies.

Sec. 7. Additional provisions related to medical products for emergency use.

Sec. 8. Products held for emergency use.

Sec. 9. Accelerate countermeasure development by strengthening FDA’s role in reviewing products for national security priorities.

**SEC. 2. REAUTHORIZATION OF CERTAIN PROVISIONS RELATING TO PUBLIC HEALTH PREPAREDNESS.**

(a) **VACCINE TRACKING AND DISTRIBUTION.**—Subsection (e) of section 319A of the Public Health Service Act (42 U.S.C. 247d–1) is amended by striking “such sums for each of fiscal years 2007 through 2011” and inserting “\$30,800,000 for each of fiscal years 2012 through 2016”.

(b) **IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.**—Effective on October 1, 2011, section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) in subsection (b)(2)(A)—

(A) in clause (iv), by striking “and” at the end;

(B) in clause (v), by adding “and” at the end; and

(C) by adding at the end the following:

“(vi) a description of any activities that such entity will use to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance, including any utilization of poison control centers;”;

(2) in subsection (f)—

(A) in paragraph (2), by inserting “and” at the end;

(B) in paragraph (3), by striking “; and” and inserting a period; and

(C) by striking paragraph (4);

(3) by striking subsection (h); and

(4) in subsection (i)—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

“(A) **IN GENERAL.**—For the purpose of carrying out this section, there is authorized to be appropriated \$632,900,000 for each of fiscal years 2012 through 2016.”; and

(ii) by striking subparagraph (B); and

(B) in subparagraphs (C) and (D) of paragraph (3), by striking “(1)(A)(i)(I)” each place it appears and inserting “(1)(A)”.

(c) **PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.**—Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended—

(1) in subsection (a), by inserting “, including capacity and preparedness to address the needs of pediatric and other at-risk populations” before the period at the end;

(2) in subsection (i)—

(A) by striking “The requirements of” and inserting the following:

“(1) **IN GENERAL.**—The requirements of”; and

(B) by adding at the end the following:

“(2) **MEETING GOALS OF NATIONAL HEALTH SECURITY STRATEGY.**—The Secretary shall implement objective, evidence-based metrics to ensure that entities receiving awards under this section are meeting, to the extent practicable, the goals of the National Health Security Strategy under section 2802.”; and

(3) by amending subsection (j)(1) to read as follows:

“(1) **IN GENERAL.**—For purposes of carrying out this section, there is authorized to be appropriated \$378,000,000 for each of fiscal years 2012 through 2016.”.

(d) **CDC PROGRAMS FOR COMBATING PUBLIC HEALTH THREATS.**—Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) by striking subsection (c); and

(2) in subsection (g), by striking “such sums as may be necessary in each of fiscal years 2007 through 2011” and inserting “\$160,121,000 for each of fiscal years 2012 through 2016”.

(e) **DENTAL EMERGENCY RESPONDERS: PUBLIC HEALTH AND MEDICAL RESPONSE.**—

(1) **ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.**—Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d–6(a)(5)(B)) is amended by striking “public health or medical” and inserting “public health, medical, or dental”.

(2) **NATIONAL HEALTH SECURITY STRATEGY.**—Section 2802(b)(3) of the Public Health Service Act (42 U.S.C. 300hh–1(b)(3)) is amended—

(A) in the matter preceding subparagraph (A), by inserting “and which may include dental health facilities” after “mental health facilities”; and

(B) in subparagraph (D), by inserting “(which may include dental health assets)” after “medical assets”.

(f) **PROCUREMENT OF COUNTERMEASURES.**—

(1) **CONTRACT TERMS.**—Subclause (IX) of section 319F–2(c)(7)(C)(ii) of the Public Health Service Act (42 U.S.C. 247d–6b(c)(7)(C)(ii)) is amended to read as follows:

“(IX) **CONTRACT TERMS.**—The Secretary, in any contract for procurement under this section—

“(aa) may specify—

“(AA) the dosing and administration requirements for countermeasures to be developed and procured;

“(BB) the amount of funding that will be dedicated by the Secretary for development and acquisition of the countermeasure; and

“(CC) the specifications the countermeasure must meet to qualify for procurement under a contract under this section; and

“(bb) shall provide a clear statement of defined Government purpose limited to uses related to a security countermeasure, as defined in paragraph (1)(B).”.

(2) **REAUTHORIZATION OF THE SPECIAL RESERVE FUND.**—Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(A) in subsection (c)—

(i) by striking “special reserve fund under paragraph (10)” each place it appears and inserting “special reserve fund as defined in subsection (g)(5)”;

(ii) by striking paragraphs (9) and (10); and

(B) by adding at the end the following:

“(g) **SPECIAL RESERVE FUND.**—

“(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts appropriated to the special

reserve fund prior to the date of the enactment of this subsection, there is authorized to be appropriated, for the procurement of security countermeasures under subsection (c) and for carrying out section 319L (relating to the Biomedical Advanced Research and Development Authority), \$2,800,000,000 for the period of fiscal years 2014 through 2018. Amounts appropriated pursuant to the preceding sentence are authorized to remain available until September 30, 2019.

“(2) **NOTICE OF INSUFFICIENT FUNDS.**—Not later than 15 days after any date on which the Secretary determines that the amount of funds in the special reserve fund available for procurement is less than \$1,500,000,000, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report detailing the amount of such funds available for procurement and the impact such funding will have—

“(A) in meeting the security countermeasure needs identified under this section; and

“(B) on the annual Countermeasure Implementation Plan under section 2811(d).

“(3) **USE OF SPECIAL RESERVE FUND FOR ADVANCED RESEARCH AND DEVELOPMENT.**—The Secretary may utilize not more than 30 percent of the amounts authorized to be appropriated under paragraph (1) to carry out section 319L (related to the Biomedical Advanced Research and Development Authority). Amounts authorized to be appropriated under this subsection to carry out section 319L are in addition to amounts otherwise authorized to be appropriated to carry out this section.

“(4) **RESTRICTIONS ON USE OF FUNDS.**—Amounts in the special reserve fund shall not be used to pay—

“(A) costs other than payments made by the Secretary to a vendor for advanced development (under section 319L) or for procurement of a security countermeasure under subsection (c)(7); and

“(B) any administrative expenses, including salaries.

“(5) **DEFINITION.**—In this section, the term “special reserve fund” means the ‘Biodefense Countermeasures’ appropriations account, any appropriation made available pursuant to section 521(a) of the Homeland Security Act of 2002, and any appropriation made available pursuant to paragraph (1) of this paragraph.”.

(g) **EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS.**—Section 319I(k) of the Public Health Service Act (42 U.S.C. 247d–7b(k)) is amended by striking “are authorized to be appropriated \$2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2011” and inserting “is authorized to be appropriated \$5,900,000 for each of fiscal years 2012 through 2016”.

(h) **BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.**—

(1) **TRANSACTION AUTHORITIES.**—Section 319L(c)(5) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(5)) is amended by adding at the end the following:

“(G) **GOVERNMENT PURPOSE.**—In awarding contracts, grants, and cooperative agreements under this section, the Secretary shall provide a clear statement of defined Government purpose related to activities included in subsection (a)(6)(B) for a qualified countermeasure or qualified pandemic or epidemic product.”.

(2) **BIODEFENSE MEDICAL COUNTERMEASURE DEVELOPMENT FUND.**—Paragraph (2) of section 319L(d) of the Public Health Service Act (42 U.S.C. 247d–7e(d)) is amended to read as follows:

“(2) **FUNDING.**—To carry out the purposes of this section, there is authorized to be appropriated to the Fund \$415,000,000 for each of fiscal years 2012 through 2016, the amounts to remain available until expended.”.

(3) **CONTINUED INAPPLICABILITY OF CERTAIN PROVISIONS.**—Section 319L(e)(1)(C) of the Public