

veterans that they had received in several years. I am equally proud that we are doing right by our veterans by moving the COLA bill increase this year in the form of H.R. 4114.

I urge all Members to support this critical piece of legislation.

Mr. MILLER of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, last month we were honored with the presence of over 400 Montford Point Marines in the Capitol to receive the Congressional Gold Medal. From 1942 to 1949, almost 20,000 African American Marines experienced basic training at Camp Montford Point near the New River in Jacksonville, North Carolina.

These heroes fought on two fronts, at home against discrimination, and across the sea to defend our Nation. This highest civilian award in the United States was first presented during the Revolutionary War to George Washington. It is fitting that this latest award should go to those men who, years before Jackie Robinson and Rosa Parks, joined the Marines to defend their country.

During this week when we are going to be debating the Affordable Care Act, we need to discuss a project that affects veterans health in my State of Florida. On July 1, the VA paid an additional \$500,000 to rent a portable operating room for a project that is 95 percent complete in the Miami VA Medical Center. When this renovation was first proposed, two minor projects, each costing \$10 million, were sponsored to fulfill the requirements of the project.

I visited the medical center last month and heard directly from the administrators of the facility about the project. The planners on the ground soon realized that patients could have been put at risk due to contamination of the operating rooms by the construction on the other side of the room.

Veterans health care was being put at risk, and rather than let this happen, it was decided by those who know the veterans health the best—those at the health facilities—to combine the projects into one and rent the portable operating rooms.

We need a procedure to give the Secretary the ability to correct these kinds of projects and not waste taxpayers' money. I will soon be introducing legislation to give the Secretary the help he needs to save taxpayers money.

In the last Congress, our Democratic leadership in the House and the Senate, with President Barack Obama, we were able to pass the largest increase in the veterans budget in history. We also passed advanced appropriations for the VA health care so that veterans would not be subject to the deadline that Congress seems to miss every year to pass a proper budget. It allows the VA to plan for the following year's health care needs and reassure veterans that they will be able to get the care that they need.

We also passed the caregivers law to help those who are taking care of the members of the military, funded PTSD and TBI mental health programs, homeless programs and rural health care in the veterans homes. It is the least we can do for those who have given so much to protect our freedom. We did not just talk the talk but walked the walk.

And since we're discussing repeal of the health care law tomorrow, I would like to briefly discuss how, in fact, the Affordable Care Act benefits our Nation's veterans and all Americans. Although not a perfect bill—and no bill is since there are many compromises made—this is a perfect start, and attempting to obtain universal health care has been a primary goal of every single President and Congress since the days of Franklin Delano Roosevelt, who had fought for quality, accessible health care insurance reform for all Americans. And now, 75 years later, after the Supreme Court ruling just over a week ago, our Nation has finally attained that goal.

Millions of Americans have already come to rely on the wide-ranging and lifesaving benefits of the Affordable Care Act.

And let me just say, I keep hearing ObamaCare. Let me just be clear. Obama cares for the American health care.

Before Congress passed the Affordable Care Act, nearly one in five citizens in the wealthiest country in the world had little or no hope of affordable insurance and access to regular health care. When fully implemented, the Affordable Care Act will cover an additional 30 million Americans and 3.8 million African Americans who otherwise would remain uninsured.

Already under the Affordable Health Care Act, 17 million children with pre-existing conditions can no longer be denied coverage; 105 million Americans no longer have a lifetime limit on their coverage; 32.5 million seniors received free preventive service in 2011; 54 million Americans in private plans have received free preventive services; 6.6 million young adults up to the age of 26 have obtained insurance through their parents' plan; and 5.2 million seniors and disabled people save an average of \$704 each on their prescription drugs; 360,000 small businesses received tax credits to help them afford coverage for 2 million workers; 13 million families will receive insurance premium rebates averaging \$151 in 2012.

However, instead of debating a health care repeal, we should be debating a construction reauthorization bill to deal with the waste of taxpayer dollars, like I indicated in Miami—\$500,000 this month for a portable operating room.

In closing, let's get to work.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I think it's rather interesting that my colleague would talk about the supposed great things that are in the ObamaCare bill and not talk about how

it's going to be paid for—in fact, the largest tax increase on the American people that this Congress has ever placed on their backs.

They would make you believe that it was all free, but it's not. It's going to cost somebody, and that's going to be the American citizens.

□ 1630

I also want to talk about the Miami project very quickly. I had to go down and actually visit and then pressure the VA Secretary to make sure that the director of the Miami Medical Center left her job because she was not doing what she was supposed to do. In fact, this was, in a way, a skirting of the rules and of the laws by splitting a project into two, thus costing the taxpayers of the United States considerably more money, including the cost of the rental of the trailers that are being used as temporary operating rooms.

We continue to wait for the Department of Veterans Affairs to actually make an official request for us to come forward and take care of this problem that exists in Miami, specifically because of, I think, poor administrative oversight not only at the administrative level in Miami but with the VISN Director in VISN 8 as well.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, at this point, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous materials that they may have on H.R. 4114.

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

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, the Senate itself hasn't been able to pass a budget for almost 4 years, and they cannot pass an appropriations bill on time, so I do support the advanced appropriation that this House supported and that ultimately was signed into law. With that, I encourage all Members to support H.R. 4114.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 4114.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ELECTRONIC FUND TRANSFER ACT AMENDMENT

Mr. LUETKEMEYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4367) to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4367

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

SECTION 1. FEE DISCLOSURE REQUIREMENT.

Section 904(d)(3)(B) of the Consumer Credit Protection Act (15 U.S.C. 1693b(d)(3)(B)) (commonly known as the "Electronic Fund Transfer Act") is amended—

(1) by striking "REQUIREMENTS," and all that follows through "The notice required under clauses (i) and (ii)" and inserting "REQUIREMENT.—The notice required under clauses (i) and (ii)" after "NOTICE"; and

(2) by striking " , except that during the period beginning" and all that follows and inserting a period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. LUETKEMEYER) and the gentleman from Georgia (Mr. DAVID SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. LUETKEMEYER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add extraneous material to this bill.

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

There was no objection.

Mr. LUETKEMEYER. Mr. Speaker, I yield myself such time as I may consume.

Today, we are considering one of the most commonsense bills seen in some time. This bill provides a real solution to a real problem that is impacting banks, credit unions, and merchants nationwide.

Regulation E currently mandates that ATM fee disclosures appear both in physical placard or in sticker form on the machines as well as through an on-screen electronic notification. Unfortunately, some individuals have seen the potential to make a quick buck off a frivolous claim and have begun to remove stickers from ATMs across the country, thereby placing financial institutions and merchants out of compliance. This is exactly what has happened to some small financial institutions in my district and throughout Missouri. Someone was traveling through the State, removing stickers from ATM machines, and then was offering to settle with the banks for several thousands of dollars per machine or the banks would face lawsuits.

The premise of this bill is simple: to eliminate an outdated and unnecessary regulatory burden facing merchants and financial institutions while continuing to ensure consumer protections for all ATM users through required on-screen fee disclosures.

It is important to recognize that the Consumer Financial Protection Bureau has also expressed interest in eliminating this duplicative fee disclosure requirement. In December of 2011, the CFPB asked the public to comment on the elimination of this requirement. However, during the public comment

period, the CFPB admitted that it may not be able to remove the duplicative disclosure requirement and that it would be up to Congress to take action.

Today, Mr. Speaker, it is time for us to take action.

H.R. 4367 is supported by the National Association of Federal Credit Unions, the Credit Union National Association, the American Bankers Association, the Independent Community Bankers of America, the United States Chamber of Commerce, the Electronic Funds Transfer Association, the Consumer Bankers Association, The Clearing House, the Food Marketing Institute, the Financial Services Roundtable, the National Association of Convenience Stores, the American Gaming Association, and the ATM Industry Association as well.

This legislation has broad bipartisan support from its 145 cosponsors. Among them is the gentleman from Georgia (Mr. SCOTT), who has been a great partner on this initiative, and I thank him for his efforts.

Again, I want to remind my colleagues that this bill does not in any way alter the mandate for on-screen fee disclosures, meaning that customers will have a clear understanding of what they will be charged before they complete their ATM transactions.

It is time to put an end to these frivolous lawsuits. I thank my colleagues for the sponsorship of this legislation, and I ask all Members to support this bill today.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

First of all, let me say that this is very much bipartisan legislation in that it has been sponsored by both Democrats and Republicans. I am very, very pleased to have as an original cosponsor on this and to have worked very closely with Mr. LUETKEMEYER, who has done an admirable job in providing leadership on a much, much needed piece of legislation, which is H.R. 4367. As I said, I am proud to be an integral part of moving forward a very timely, reasonable, and vital piece of legislation.

Let me just say at the outset, Mr. Speaker, that our banking system, our retail system, our credit unions all sit at the center—at the epicenter—of this Nation's great economic system, which is facing tremendous challenges. As Mr. LUETKEMEYER said, we are faced with people who are basically scam artists, those who will go in and remove the labeling off the ATM machines, knowing that the penalty is upwards of one half a million dollars, and then will try to bring class action lawsuits against these financial institutions in very tough economic times. So this legislation has been developed to address this and to fix this so that our banking industry and our financial services industry will not have this threat over them.

What it would do is repeal the requirement for both a physical placard as well as an electronic notice disclosing the transaction fees on the ATM screens. Currently, as it works now, if an ATM machine does not display a physical placard, a financial institution—a bank, a credit union or our retailers—can be subject to a class action lawsuit, which would potentially amount to, as I said, one half a million dollars, or 1 percent of its net worth. This penalty has the potential of prompting bogus lawsuits against financial institutions simply due to a lack of the physical placard, even when the electronic notice is shown to a customer, perhaps because the placard was removed by a third party. So you can see that this is not fair for these institutions to be faced with up to a half million dollars in penalty fees, especially in these tough economic times. At the same time, many of these institutions continue to struggle to maintain standard operations while being faced with our current economic climate.

□ 1640

Mr. Speaker, let me just talk about that for a moment because there have been 31 bank failures in this country this year alone. About 3 weeks ago, three banks shut their doors, including the Security Exchange Bank in Marietta, Cobb County, Georgia, which is located in my district. As a matter of fact, in Georgia alone, 78 banks have closed their doors since our crisis began.

Georgia leads the Nation, unfortunately, in bank closures. That's why I am so particularly concerned about it and so pleased to have this measure pass, because this sensible legislation that we consider today would remove the threat of legal action against financial institutions—a bank or a credit union—simply for the lack of the physical placard at one of its ATM machines.

Passage of this bill, as Mr. LUETKEMEYER pointed out, will still provide the consumer with the protections that they need because a notice informing them of any fees will still be required upon the start of a transaction on the ATM screen. In addition, consumers will still be able to benefit from the convenience that the estimated 445,000 ATMs in operation in this country provide.

I'm very proud to have worked on this bill. It's very timely. It's very important for our economy that we move with this bill. The bill certainly deserves the strong bipartisan support that we have, and it's been a pleasure to work with Mr. LUETKEMEYER on it. I urge my colleagues to support this measure today.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, it is now my distinct honor to yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS) to

speak on the bill, our distinguished chairman on the Financial Services Committee.

Mr. BACHUS. Mr. Speaker, I came here to compliment the two gentlemen who have spoken on this bill, who are the cosponsors of a bipartisan bill.

When I first heard about this legislation, I thought, like most legislation this year, it won't go anywhere. I thought it may pass the House, but it may not pass the Senate. I understand that with this particular legislation, that our Senate colleagues are waiting for it and they're ready to act upon it.

Mr. SCOTT brought up, I think, a salient point when he said that we're having many banks and credit unions who are struggling, because when people don't have jobs, they can't pay back their loans. Our banks and credit unions are trying to cope with the added expense of more regulation. Particularly at a time like that, but at any time, for people to take advantage of a statute that is intended to protect the American people is really audacity and greed in its purest sense.

I'm an attorney, and I can tell you that 999 out of 1,000 attorneys or former attorneys would absolutely be enraged to find that very few of their colleagues are taking advantage of Regulation E and the Electronic Fund Transfer Act to sue these institutions on lawsuits that are totally against the public interest, and particularly are against the interests of those living in low-income areas and high-crime areas. The people in those areas are coping with so much that to add to that, having an ATM machine removed from that location or from a low-income area, just adds another expense for people who have very little means of financing their life today. That's what's happening.

Either the vandals themselves are going and vandalizing the sticker that we've all seen—we've all used an ATM. We've all seen the sticker there. We probably didn't notice the sticker there because what really caught our attention is when we get on the screen and we see that same notice, but that notice actually on the screen requires us to affirmatively say "yes," we will agree to it. So people today probably don't even notice that sticker. The few people who noticed that sticker and took advantage of it were people that were up to no good, people that were willing to bring what some of us would call a "frivolous lawsuit."

These lawsuits can ask for a half million dollars worth of damages. And because it is actually a statutory failure to have it, these lawsuits sometimes result in a \$100,000 or \$200,000 judgment. They're also resulting in these ATMs not being located in areas that are subject to vandalism. Of course, almost any area could be subject to it, but we've penalized those Americans who are least able to afford to travel a greater distance for the convenience of an AMT machine.

As Mr. LUETKEMEYER and Mr. SCOTT said, people come up; they scrape it off.

Some of these appear to be well-organized efforts by the very people that bring the lawsuit to go out and do these in an organized manner among hundreds of machines. They then come in and file a class action.

Mr. LUETKEMEYER, at one time, was a banker in a small Missouri community. And in most cases, particularly a small credit union or a community bank or a local bank, they can't afford to battle these for \$50,000 or \$100,000—it actually may be a big law firm bringing these lawsuits—so they settle them for \$50,000. This will put an end to that.

Let me tell you, no one on the Financial Services Committee expressed any doubt about this legislation. I don't think anyone would, other than those people who are complicit in vandalizing these machines and making money on what we sometimes called "unintended consequences." I tell you, it certainly was unintended. If we had, in our imagination, sat down for days and said what is the worst thing that could happen by requiring us to put a sticker on as well as electronic notice, we would have never come up with this. We would have never come up with the ingenuity of some people to take advantage of the law. But that's what's happened here.

Today, I think, unanimously, hopefully, we're going to shut the door on this practice and send this bill over to the Senate, particularly for areas where there is high vandalism in our rural communities. We're going to set a wrong right.

Let me say that this is a model for how this Congress ought to operate, of coming together, having a consensus, coming up with good, commonsense legislation that benefits the public and reduces unnecessary costs and puts what I consider and I think is criminal behavior out of business. We're going to put some criminals out of business with this legislation.

Mr. LUETKEMEYER, Mr. SCOTT, and all Members who are cosponsoring this bill, I commend each and every one of you.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, in closing I certainly would just like to say how important this legislation is.

As the chairman of our Financial Services Committee, Chairman BACHUS, just stated, these are sophisticated individuals. These are people who know the system. That's why I refer to them as scam artists.

This is a racket, and it's a racket that we need to put out of business that's causing tremendous headaches, tremendous difficulties for the heart of our fine economic system, which is our banking system, our commercial system. This will go a long way in helping to take away a very superfluous but serious enough threat.

The other thing about this that's very fine is we hear a great cry among the American people for great bipartisanship. Here's a great example of Democrats and Republicans working

together for the good of the United States of America.

Thank you very much for working with me on this, and I appreciate having an opportunity to work with you.

And since I have no other speakers, I yield back the balance of my time.

□ 1650

Mr. LUETKEMEYER. Mr. Speaker, again, I want to thank Mr. SCOTT from Georgia for helping this bill along. As he articulated, Georgia has had an inordinate number of banks this past year, 2 or 3 years, that have suffered and have gone out of business.

This is just another situation here where this bill may not be a very big bill in the light of things, but it certainly is going to relieve some stress on some of our institutions, also some exposure for some of our merchants. I think, as our distinguished chairman articulated, it's time to put some of these folks out of business as well.

I have had, unfortunately, some of these things go on in my district, and this is how it was brought to my attention. But I think we have come together as a group, and we had a great meeting the other day in Financial Services and had strong bipartisan support. We have the support in the Senate.

With that, I will close and ask for the support of the body.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. LUETKEMEYER) that the House suspend the rules and pass the bill, H.R. 4367.

The question was taken.

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

Mr. DAVID SCOTT of Georgia. 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.

HYDROPOWER REGULATORY EFFICIENCY ACT OF 2012

Mrs. McMORRIS RODGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5892) to improve hydropower, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5892

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 "Hydropower Regulatory Efficiency Act of 2012".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Promoting small hydroelectric power projects.
- Sec. 4. Promoting conduit hydropower projects.