

could threaten the health of Rhode Island's local economies and risk another national recession.

I know we have difficult choices ahead; but if there's one mandate both parties can claim from the November election, it is to solve our Nation's economic and fiscal challenges together. Although we may not agree on all aspects of a solution, we can all agree on the need to address the impending problem. The clock is ticking.

SUPPORTING RENEWABLE ENERGY RESEARCH PROGRAMS

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, let me thank all of the members, first of all, of the Sustainable Energy and Environment Coalition for working so hard to protect vital funding for environmental programs, including renewable energy initiatives from the so-called fiscal cliff.

Renewable energy research is the first step for job creation and building up American manufacturing. I'm proud to say that in my own district we're leading the way with a vibrant renewable energy research industry led by the University of California at Berkeley, the East Bay Municipal Utility District, the PolyPlus Battery Company, and the Lawrence Berkeley National Lab. They and others work day and night on innovations that will power our future and fuel our economy.

Mr. Speaker, we must end the billions we give in special tax breaks and subsidies to Big Oil and instead invest in manufacturing and green renewable energy projects here at home. And ending the Bush-era tax cuts for millionaires and billionaires will create more revenue for ending our dependence on foreign oil.

DON'T RAISE ELIGIBILITY AGE FOR MEDICARE

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

Mr. COHEN. Mr. Speaker, we're in these fiscal cliff talks, and the President and the Speaker are trying to work out a solution. They're talking about tax rates for the top 2 percent and taxing their wealth. That's something they should do because it's fair and it gives the other 98 percent tax relief. But at the same time they're talking about increasing the Medicare age from 65 to 67. That's taxing the wealth of the less fortunate people who are 65 and 67. For them and for everybody, your health is your wealth. Jimmy Copeland, a friend and semi-philosopher, said that "your health is your wealth." If you raise the Medicare age from 65 to 67, you're going to sacrifice the health of people who are not the most fortunate. So while we tax the income of the most wealthy, we'll be taxing what wealth the less wealthy

have—their health. That's wrong. Mr. President and Mr. Speaker should not increase that age and tax the poor.

LET'S WORK TOGETHER

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Speaking in the instance of deliberations, redundancy is sometimes good. So I join my colleagues in again placing the defining word "nonstarter" on any idea to raise the eligibility age for Medicare for hardworking seniors, but hardworking Americans.

Let me clarify that Medicare is earned; it is not a handout. The word that we use as "entitlement" sometimes now has become on the order of what ObamaCare used to be. An entitlement is entitled because of earning it, and that goes to Social Security—which is solvent until 2037—and even Medicaid for seniors who are in nursing homes who have worked.

So if we move that aside to look long term at how we begin to look at entitlements, we're open-minded. But the bottom line is let's pass the middle class tax cuts that are for 100 percent of Americans. Let's join Senator TOM COBURN: I'm for raising revenue because we have to; or Senator CORKER: There's a growing body of folks who are willing to look at the rate on the top 2 percent; or KAY GRANGER: Extending middle class tax cuts is just the right thing to do.

Mr. Speaker, let's get busy in a bipartisan way.

□ 1230

MANTI TE'O

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, much of Hawaii was waiting this past Saturday for word of whether one of our own, Manti Te'o, would win the Heisman trophy. It would have been a first for Hawaii. Manti shares Punahou, the same high school alma mater as President Obama, and his story is compelling.

Manti is someone who has trained so hard with his parents solidly by his side to play football well. You should hear the stories by his father. He plays the game for the sense of camaraderie and the building of friendships. He is not only gifted, but a very humble young man. But many may not know that he may not have played his senior year because he lost his girlfriend and grandmother within 4 days of each other. He did play because he promised his girlfriend that he would.

Manti, you have made many of us all proud, especially those of us from Hawaii. And to you and your teammates from Hawaii, Robby Toma and Kona Schwenke, we say, go fighting Irish! Mahalo and aloha.

TAX CREDITS AND TAX CUTS

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

Mr. PERLMUTTER. Mr. Speaker, the permission I request is to make two simple requests to my friends in the Republican leadership and to the Rules Committee, and that is to bring to the floor two bills. One is to extend middle class tax cuts for 98 percent of the country. So that has been passed by the Senate. It provides relief to so many Americans. It should be done immediately, and it will be passed overwhelmingly here in the House of Representatives. So the request is the middle class tax cuts. Let's bring them to the floor. That deals with a big portion of the budget conversation that's going on today in Washington.

Second is for the production tax credit to be brought to the floor. Thousands of jobs all across the country are dependent upon that tax credit. Again, it would be passed overwhelmingly if it were brought to the floor. There's no reason to hold these up any longer. We need to pass these. I ask the Republican leadership and the Rules Committee to bring them to the floor.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 827 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 827

Resolved, That it shall be in order at any time through the legislative day of December 28, 2012, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Fairport, New York, my dear friend, the ranking member on the committee, Ms. SLAUGHTER, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. SESSIONS. I rise today in support of this rule, which will provide this body the ability to consider legislation under suspension of the rules for

the remainder of this Congress. However, I would prefer not really to be here today talking about this resolution. I was speaking with the gentlewoman, Ms. SLAUGHTER, a few minutes ago, and we concluded that it sounds a lot like Christmas, and that's why we're all here. It must be Christmastime, and so we're going to work all the way through. But I'd like to be home with my constituents, I'd like to be home with the family, I'd like to be doing things. But the reality is that Congress will have to remain in session for the holiday season because we're the ones that said we would help solve the problems of this country, that we would step up to the plate on behalf of the American people and make sure we did what we said we'd do, and that is to make life better for people. We set the dates, we set the timing, and that's why we're here.

So while families all across the country are with their loved ones, we will be here working. We said we would, and what we're going to wait for is our two sides, our leaders, the President of the United States, Barack Obama, Speaker JOHN BOEHNER, certainly Senate Majority Leader HARRY REID, to lead those efforts to find a legislative deal that is designed to avoid America and this country, including our government, from going off the fiscal cliff. We have heard a lot about that. We are speaking about it. We've had discussions on the floor today about it. That's why we're here. And we're trying to make sure that we, as Members of Congress from both parties, are here trying to help resolve that so we can still do work in between that period of time.

So, 2 weeks ago, House Republicans proposed this solution of trying to make sure that we would have an answer. The President has come back with a solution, and we now know where to point where. Our friends, the Democrats, are insisting upon a tax increase to move forward, and Republicans are saying, hold on, hold on; we need new revenue, but we don't need new taxes, especially taxes on small business owners that are the creators of jobs in our economy. And so Republicans are saying, we're not going to fall victim for being for the President's ideas and the Democrats' ideas that destroy 700,000 American jobs.

So, here we are. We're here. We're going to stay here in town. Republicans have resolved to stay here. We said we'd sit at the table, we said we would do the American workers' and the American people's bidding at the table to make sure that we have a bipartisan answer, and that's what we are going to do.

So we all remember that following the election in November that our Speaker, JOHN BOEHNER, committed that this body would continue working with the President to reach a compromise that averts the fiscal cliff. Avoiding the fiscal cliff is what we should continue to do, and we should work very diligently. So for my friends

that wonder why we're here, perhaps, Mr. Speaker, our families, we're here. We're going to keep working. We're going to work day in and day out, and we're going to hope that our leadership, including the President, is able to make counteroffers until we reach that exact point where a deal can be done.

This is not just about negotiating. It is about finding an answer for the American people. By the way, for people that think this is all about politics and the things that are going on, perhaps it is, but it's going to take both sides—two sides, two willing partners—to want to come to an agreement. That's why we're still in town.

To date, I know we've not seen a lot of progress, and I know we are worried about it. But I would remind us, and I believe this is true, that the President said he is going to stay at the table, he is going to work with Republicans, he is going to get a deal that's good for the American people, and the President said this during the election, and so I think we're here to make sure that is what happens.

Mr. Speaker, in less than 20 days, in addition to the beginning of the New Year, we're going to find out that we also have a new set of taxes that have already been agreed to by the Congress. Ms. PELOSI, when she was Speaker, and the President ran through something that the President likes to call ObamaCare. But there are massive taxes already ahead in law for the American people, many of which we're just now becoming aware of. I guess that's what happens when you don't read the bill before you pass it. But every single American will see their personal taxes already go up, and that's before we get to whatever happens with the fiscal cliff.

□ 1240

This is an arbitrary across-the-board tax increase, the combination of which will mean that if we are unable to resolve the fiscal cliff without raising taxes, we'll already see a lot of new taxes as a result of the health care law on financial transactions, on insurance programs, on every single working American. That's why we have Speaker JOHN BOEHNER trying to present President Obama with an alternative that says rather than raising taxes, which is already going to happen on January 1 from this massive new tax increase that was in the health care bill, why don't we find a way to understand and have the economy take that in hand first.

I know the President stood here at the State of the Union address and said we're not going to spend one dime of taxpayer money. I know the President stood here and said every single American can keep their own insurance plan. I know the President has made these promises to the American people, and these are the things that we're going to have to understand about January 1 of next year. I believe that's why we need to have JOHN BOEHNER be

successful, and the President, to make sure we avoid further tax increases because we already have a massive tax increase that's going to take place. This would, in essence, be a double whammy on not just a fragile economy, but an economy that is in far worse shape with a country that is far more in debt and much more at risk today.

So you and I understand, the CBO has estimated some 2 million American jobs would be at risk because of the ObamaCare implementation and its massive impact on the free-enterprise system and taxation, combined with what would be this new—if the President gets his way—tax increase on working Americans and, in particular, small business.

While much has been made about the debates surrounding tax rates, there is, I think, a larger picture that we need to consider. We should focus on employment and jobs. Instead of trying to necessarily aim for fairness just by using this weapon against small business, we should focus, I think, on job creation.

We understand that if the President's bill passes, we will lose 700,000 jobs. That means 700,000 Americans and their families would then qualify, I presume, for unemployment, and it would mean that we begin the new year once again on a negative pathway. That's why we are here today talking and trying to have our leaders of this great Nation make sure that we avoid this.

This country is in desperate need of an economic kick-start. Lower taxes, we believe, through stimulating job creation and job investment and by stimulating the economy, will allow all Americans not only to keep their jobs but also to keep more of their own hard-earned pay. In fact, President John F. Kennedy, I think, agreed with us when he said:

It is a paradoxical truth that tax rates are too high and tax revenues are too low, and the soundest way to increase revenues in the long run is to cut rates now.

That's exactly where we are. Republicans are arguing not to increase taxes at a time when the American economy is struggling, when families are struggling. Let's not ask them to go into their pockets and pay more to a government that simply wants to spend more of this money.

Mr. Speaker, my Republican colleagues and I remain committed to staying in Washington, D.C., to try and get this done. Between now and then, what this rule is all about is saying that we're going to put us to work on solving some of the ideas and issues that remain in the workplace where there are answers with suspension votes. So that's why we're here today pending conference reports and decisions that need to be made.

I encourage my colleagues to support this rule with a "yes" vote, and I reserve the balance of my time.

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

I do want to thank my true and good friend, Mr. SESSIONS, for yielding this time; and I want to congratulate him on his ascension to the chair of the Rules Committee. I look forward to working with him.

I think, though, what we want to do this morning perhaps is debate the health care bill one more time. It's not enough that this House in the last term debated it 32 times at least to try to repeal all or part of it, and we know that not a single person on the other side voted for that bill. But as it gets more and more popular in the United States, I think sooner or later they'll wish that they had.

There is one comment I need to make before I get to the business at hand, and that is the notion that it was rammed through in the middle of the night. The health care bill went through the entire committee process. There are pieces in there that Republican members of committees put in. Although they may not want to admit it, they're there. In addition, the Democratic Caucus, under the leadership of NANCY PELOSI, went over that bill line by line three times. I remember it well.

But let me get to the business at hand because, Mr. Speaker, I haven't seen an honest day's work from Congress here in quite a while.

Earlier this year, the Columbia Broadcasting System News reported that it costs \$24 million a week to run the House of Representatives. But for the last month, the majority has spent the money on shuttling us back and forth to Washington and then asking us to sit here and twiddle our thumbs. No more. It's time to get down to brass tacks and give the American people a return on their multimillion dollar investment. We need to start right here and right now by passing the tax cut for the middle class. We could do it tomorrow. All we have to do is take up the Senate bill. It's right there.

In addition to that, we ought to really take up the Violence Against Women Act from the Senate, not the House bill. The House bill did not include numbers of women in America under this act: Native American women, gay women, and immigrant women. We couldn't tolerate that. So let's take the Senate bill and pass it. That bill has reduced domestic violence 67 percent. We need to reduce it 100 percent, but we cannot do without that. It's terribly important.

The farm bill is important, but we'll get to more of that. I cannot say enough that we absolutely need—and I think so many people this morning on 1-minute made the point clear. I know that numbers of Republicans want to do it in a bipartisan way. What we can do is what we've already agreed on, and that is that the middle class should not have a tax increase, but that the richer people in this country should be paying their fair share. There is simply no reason for this delay. Once those tax cuts are passed, then we can move on to the

countless other issues that I've already mentioned that demand our attention. We can extend unemployment insurance. It's set to expire on January 1 and will affect millions and certainly affect our economy. We can give support to millions of Americans struggling to recover from Hurricane Sandy. We can begin an open debate, as I said, on the Violence Against Women Act.

Historians have said that this term of Congress these last 2 years has been the least productive in American history. That is not anything to be proud of, but the majority seems to be intent on keeping that title. They spent 2 years taking vote after vote to repeal health care and even more time to make sure that the \$4 billion subsidy to the big oil companies stays intact. It's shameless, and we need to do more than that. The people who sent us here deserve more than that. We should not be crying out in the wilderness to work. We have been sent here to work, and we need to get down to it in the final hours of this Congress. We have always had the threat of a working Christmas. If we have to do it to get things done, I'm certainly willing to do that. But the majority should help solve the Nation's most pressing issues. That's why we're here. Do not actively choose—as that's what's going on—to leave the work unfinished.

As we sit and wait for the negotiations on the fiscal cliff, there is always other legislation that is ready, that could be done now, could help our markets, could relieve the minds of employer, could give security to the middle class and people below that; and we certainly ought to be doing it.

All we're doing now with today's rule is giving the majority the freedom to spend the rest of this month and the rest of this year on minor, non-controversial legislation. I refuse to give this blank check to a majority that has yet to show any interest in completing outstanding work.

I urge my colleagues to join me in opposing today's rule so that we can try to get back to work. This Wednesday should be the day we start doing our job to provide real solutions to those we represent who have real problems.

With that, I reserve the balance of my time.

□ 1250

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

Mr. Speaker, the gentlewoman makes a number of good points. We did pass in the House the Violence Against Women Act. It passed on May 16 of this year, 222-205. The House has passed, by the way—256 of our colleagues to 171—what's called the Job Protection and Recession Prevention Act. It was passed on August 1.

Ms. SLAUGHTER. Will the gentleman yield?

Mr. SESSIONS. I will yield in just a second.

Mr. Speaker, this bill would have extended all current rates and would

have compelled Congress to enact meaningful tax reform in 2013. We passed this. We've said we ought to do what we should do, and that was back in August.

I yield to the gentlewoman from New York.

Ms. SLAUGHTER. I thank you, Mr. SESSIONS, because I know you, and I know that you understand that I've already talked about this. That bill that passed this House excluded a large number of women. Basically, what this House said with that vote was to go ahead and beat them up, that we don't want them covered.

After the election, after what everybody has been through, after what the American public thinks about what a large number of our cohorts believe here, surely to goodness, you would not recommend that that bill become the law of the land. The simple thing we're asking for is to take up the Senate bill, which covers everybody in domestic violence.

Mr. SESSIONS. In reclaiming my time, I do appreciate the gentlewoman in that we will be engaged in many of these debates. We have been in the past, and we will be in the future. I think the gentlewoman makes a good point.

We offered this bill. We debated it. We passed it. We are waiting for the Senate to get to a point at which they can get to conference. I mean, this is how this thing works. We're not going to take the Senate bill and pass it. We passed our bill. Now, if we could get to conference, where the Senate and the House get together and they resolve their differences, then we can bring it back, and we'll have a bill. That's supposed to be how this place works. It's not where we pass our bill and then, all of a sudden, we decide we're just going to take the Senate bill and re-pass it and negotiate with ourselves. I think what we need to do is to stick to what we understand, and that is that we are waiting for the Senate to come and do business with us.

Mr. Speaker, at this time, I yield 5 minutes to a young, new member of the Rules Committee, the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I thank the gentleman from Texas for yielding. He will be our chairman next year, and I'm looking forward to his leadership.

We are kind of setting the tone for what's going to happen next year. I said all through the fall, Mr. Speaker, that this was going to be that opportunity, that we were going to have to kind of define where this Congress was going to go for the next 2 years.

I'd say to my friend from New York, for whom I have great respect and with whom I've enjoyed working on the Rules Committee for 2 years, Mr. Speaker, that this rule today does exactly what my constituents back home have asked me to come back to Washington to do. The gentlelady cited bill after bill after bill that I have been proud to support to try to rip the

President's health care bill out by its roots. We absolutely worked hard at that. Of course, the Senate hasn't cooperated with us and the President hasn't cooperated with us, so we weren't able to get that done.

What this rule does is to say let's move beyond those controversial topics, and let's move beyond those topics that we know we could jam through. For Pete's sake, there's a Republican majority in this House. We could jam through absolutely any piece of legislation we wanted to jam through. But what this rule says is that that's not the way to finish out the year. The way to finish out this year is to make sure that we're grabbing each piece of legislation out there that has bipartisan support. Let's grab each piece of legislation out there that folks have been laboring on for 2 years, that folks have brought together a consensus around and brought together a majority behind, and let's pass those things.

I think that's fantastic. I think that's fantastic that every single bill that Members have been investing their energy in they'll now have a chance to move to the floor. My frustration is, what about the bills that we've already worked on here in a bipartisan way that have yet to be taken up on the Senate side?

I heard from my constituents in a town hall meeting last night, and somebody said, Rob, why do you always put everything off until the last minute? Why didn't you deal with this sequester earlier?

I said, Do you mean like back in May when the U.S. House passed the only sequester replacement bill to have been passed in this town? It was back in May.

He said, Okay. Maybe that takes care of the sequester problem, but why didn't you fix these tax rates?

I said, Well, we did. As my friend from Texas just pointed out, what about back in August? In a bipartisan way, we passed a bill in this House to extend current tax rates for everyone in order to prevent tax rates from going up.

Then I took another question from one of the folks who said, But what about that Senate bill people keep talking about? What about the Senate bill? Why won't that get a vote in the House?

I said, Well, actually, it's quite unusual in the Rules Committee. You don't see it very often when a tax bill is coming to the floor. The Rules Committee back in August, when we were voting on taxes in general, waived all the points of order, took all the roadblocks out of the way, in kind of an unprecedented way, to allow what we call the Levin amendment, which was, basically, exactly the plan the President has been pushing, which is to raise taxes on family-owned businesses, to punish those job creators.

We took that vote here on the House floor, and I'm proud to say that, again, in a bipartisan way, Republicans and

Democrats came together, rejected class warfare, and said let's get behind a program that expands the economy for everyone. We passed that tax bill back in August, then again in September. Again, in being worried about this defense sequester that's coming up, we took up the bill from the gentleman from Florida to say, how could we deal with these defense sequestrations in a responsible way?

So I go back to May when this House did its work. I go back to August when this House did its work. I go back to September when this House did its work. There is proposal after proposal after proposal that, as the gentleman from Texas said, we could take to conference tomorrow.

If I could ask the gentleman from Texas, because you know better than I: I know this rule allows for suspensions to come to the floor, but what about that? What about when the Senate decides to get to work and takes up the companion legislation to some of these bills that we've passed in the House? Will we be able to move to go to conference?

Mr. SESSIONS. I appreciate the gentleman's engaging me. I would say to you there is nothing in this rule that will preclude our taking a conference report or any business on what we might call "regular order" that would require a rule to come forth.

Mr. WOODALL. So, as the gentlelady from New York was talking about some of these important pieces of legislation coming to the floor, you're saying, if the House appoints conferees and if the Senate appoints conferees, we can get together and bring legislation back to the House for every piece of legislation that she has on her agenda?

Mr. SESSIONS. The gentleman would be correct, and we do expect those.

Mr. WOODALL. Mr. Speaker, I thank the gentleman from Texas.

This is exactly the kind of deliberative House that I came to be a part of just 2 short years ago. We have the ability to get these things done in the next few days. I reject the idea that I read over and over and over again, Mr. Speaker, that this House has been delaying action. This House got it right. We got it right in our budget in April of 2011. We got it right in our budget in 2012. We got it right when we passed a sequester replacement. We got it right when we passed a tax replacement—and we're getting it right with this rule today, Mr. Speaker.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to our leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Thank you very much, Ranking Member.

Mr. Speaker, why did I sort of smell smoke when I heard this debate? It's reminiscent of Nero fiddling while Rome burned. The American people are waiting for us to get the job done here, not to make a myriad of excuses about why stuff hasn't been done.

You're bringing up a rule that says we should have a suspension authority?

Let's bring the middle-income tax cut up under suspension. I believe—and I am willing to take the chance—that this House would give over two-thirds of a vote to the middle-income tax cut.

Do I detect your smirk to mean that you don't think Republicans will vote for a middle-income tax cut, Mr. SESSIONS? Should I take it to mean that you will continue to hold middle-income tax cuts hostage, giving tax cuts to the wealthiest people in our country?

The unfairness of it is appalling. The fact that it increases the deficit is disgraceful, and that it does not create jobs is a big mistake for us to make.

What we are asking for in this rule is to say "no" to the previous question so that we can take up a rule that says that we cannot leave here until we and unless we pass the middle-income tax cut, whatever else happens on a whole myriad of other issues that relate to the cliff. This matters, what happens here. It matters that we get the job done. It is relevant to the lives of the American people.

□ 1300

As we gather here—we, a country of great family tradition, of family values, of commitment to faith, faith in ourselves, our families and our God, our country—we are away from home while people are lighting a Menorah candle, a Chanukah candle, while people are trimming trees and the rest of that. Okay, we're here to do our job. But we hear from the Republican side that they might not be ready to relieve the pain and curiosity that American families have about whether we are going to get this done. They are going to put this off until the very last minute, as to whether the markets will have confidence on how to grow the economy and create jobs and remove all doubt—remove all doubt in the full faith and credit in the United States of America.

Every time you come to this floor, it's an existential question: Why are we here? We are here to do the people's work. Let's sit down, get it done, and move forward, instead of filling the agenda, however worthy some of those initiatives may be; instead of, not along with, passing a middle-income tax cut.

This is also reminiscent of a year ago. The President proposed, the Senate Democrats and Republicans voted for the payroll tax holiday. The Republicans in the House resisted, painted themselves into a corner until they had no choice. The issue had been made too hot for them to handle, and they finally had to come around to supporting the payroll tax holiday.

And here we are again.

One hundred percent of the American people will receive a tax cut when we pass the middle-income tax cut. The wealthiest people in our country will receive a tax cut up to their income of \$250,000. We're asking them to pay a little bit more for what they make over

\$250,000 a year to help reduce the deficit, to help grow the economy. Grow the economy. That growth is what is essential. If you want to reduce the deficit, create jobs.

So why aren't we doing that? Why are we just having all this subterfuge and this, that, and the other thing? Why are we being told to make a reservation on Christmas Eve and one on the day after Christmas to come back. Is there not an appreciation for the Jewish holidays, the Christmas holidays, Kwanzaa, all the other things that families come together around, bonding rituals important to the strength of our society? Do we not care about that? Well, the American people do. And they want to shop for it. They want to have family dinners and they want to exchange gifts, as is the tradition. But they really don't know if they're going to be able to pay the bill in January for their purchases in December.

The President has been very clear: Democrats have agreed to \$1.6 trillion in cuts, much of it voted on—all of it voted on already either in the Budget Control Act or in other actions taken by this Congress in the course of this Congress. We have already taken a savings of over a trillion dollars, redirected savings in Medicare to prolong its life and to increase benefits. That would be \$700 billion in the Affordable Care Act and now another \$400 billion or such in the President's budget. We're committed to that.

Where are the tax cuts? Where are the tax cuts for the middle class that would inject demand into the economy and would therefore create jobs and create growth? Where are the revenues that we would get if we did that and then had the additional participation of those who make over \$250,000? Where is the revenue that the Republicans are willing to bring to the table? All we've seen from them is a letter. All we've heard from them is that they don't want to tax the rich. All we know is that the public is very much on board with everyone in our country paying his or her fair share.

And so this rule today that says give us authority to have other bills brought to the floor, well, if one of those bills is the middle-income tax cut, we're happy with that. But if that isn't the plan, then I urge my colleagues to vote "no" on the previous question because that will then enable us to bring a rule to the floor which calls for bringing forth the middle-income tax cut before we leave here.

Again, we support the President and his proposal, which is fair, which reduces the deficit, which creates jobs, and which will work for the American people.

Mr. SESSIONS. Mr. Speaker, with great respect to my dear friend, the gentlewoman from San Francisco and minority leader, I'm delighted that she came down to engage us on this very important issue. The gentlewoman does recognize and know that the

House on August 1, in fact, did exactly what she is suggesting today, and that is to take action on what the future tax rates would be in this country. And on a bipartisan basis, 256-171, this House of Representatives said let's understand that now is a bad time to raise taxes on the American people; and let's extend for a period of time all of what are known as the tax cuts which allow America to keep working. We passed it 256-171.

Mr. Speaker, I'll insert into the RECORD a chart that exists on the House Budget Committee that shows the choice of the futures. And one future that was presented, this slide that I've got that's on the House Budget Committee is essentially about the current pathway as the President would choose as outlined in his budget that the gentlewoman, Ms. PELOSI, spoke of that got no votes in the United States Senate. Not one vote. No votes here, the plan that the President has presented which would substantially not just raise taxes, but substantially raise spending.

If you isolate the President's ideas of simply raising taxes on whatever he calls the top 2 percent, those who have a household income of \$250,000 and above, what you essentially do, Mr. Speaker, is very quickly lose 700,000 American jobs. And that's the answer that this administration fails to include in their talking points, that there's a huge impact. And part of that impact, Mr. Speaker, comes from the problem where dividends, and dividends are that money that comes back as a result of an investment, would rise essentially from 15 percent to whatever a person's top tax rate is—meaning it could go, at least under the scenario that the President wants, to 39 percent. That means from 15 to 39 percent.

That window, that value in between is what people reinvest in their companies. They reinvest that many times in small business, and that's the job creation element. When you make this rate go up, you arbitrarily take away some 700,000 American jobs that need current capital every day, a small business owner, re-putting that money, re-investing that money for the life of their business.

And this is the part that we believe as Republicans, that we stand on the side of saying we shouldn't lose American jobs just for the sake of fairness, of what the President, what the minority leader is down arguing for, of increasing taxes.

□ 1310

So it's obvious to Republicans that what we believe we stand for is creation of jobs and making sure that that capital that's invested in the economy continues.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from South Carolina (Mr. CLYBURN), the assistant Democrat leader.

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

Mr. CLYBURN. Mr. Speaker, I thank the gentlelady for yielding me this time.

Mr. Speaker, when the so-called supercommittee failed last year to overcome the obstruction of the Tea Party Republicans and their leader, Grover Norquist, to achieve a fair and balanced plan for deficit reduction, economic growth, and job creation, I said it would take a decisive national election in order to settle the matter. I believe President Obama's victory on November 6 was very decisive and pretty definitive.

During the campaign, President Obama very clearly laid out his vision, and the American people strongly affirmed his position. The President won all but one of the swing States, 62 percent of the Electoral College, and carried the popular vote by more than 4½ million votes. Democrats added to our numbers in the House and Senate and captured a House popular vote by more than a million votes.

In February 2010, President Obama began the process to reduce our deficit by establishing the Simpson-Bowles Commission. Since that time, many bipartisan groups have made recommendations on how to reduce the deficit, and they have all been in agreement: We need a balanced deal that requires shared sacrifice from all Americans, including the wealthy.

In 2011, we began to reduce the deficit, but we did it entirely through spending cuts, over \$1.5 trillion, and have asked nothing of the most fortunate.

In 2012, the American people spoke. It is time for balance and shared sacrifice, and the first step is to allow the Bush tax cuts for income over \$250,000 to expire. But that is a debate for another day. Now we must do what we agreed on, extend the tax cuts for everyone on their first \$250,000 of income.

The proposals put forth by the Republicans since the election and their refusal to extend the middle class tax cuts, which we all agree should be extended, are just more of the same obstructionism.

The time for posturing is over. It's time for our House Republicans to accept the express will of the American people and get beyond their pledge to a special interest lobbyist here in Washington, D.C.; although, frankly, I fail to see how voting to cut taxes violates a pledge to never raise taxes.

We need to defeat the previous question.

Mr. SESSIONS. Mr. Speaker, I'd like to remind the gentleman that Republicans have already passed the bill for the middle class tax cut on August 1 of this year, and it passed 256-171. We're now waiting for the Senate to act on that.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I'll gladly yield 2 minutes to the gentleman from California (Mr. BECERRA), the vice chairman of the Democratic Caucus.

Mr. BECERRA. I thank the gentleman for yielding.

If you're in the middle class, shouldn't it feel like you're in the middle of America? Yet the politics of extremism is pushing the middle class to the very edge—the very edge.

Our House Republican colleagues continue to ignore the calls from the American people to extend middle class tax cuts now. That politics of extremism is threatening to raise taxes on the middle class by the amount of about \$2,200 starting January 1.

Republicans should, once and for all, join with Democrats and the American public to bring the bipartisan, Senate-passed middle class tax cut bill to a vote on the House floor. Passage of the bipartisan middle class tax cut bill ensures that 98 percent of Americans and 97 percent of small businesses don't see a single tax increase next year.

Democrats and two-thirds of the American people agree with a growing number of Republicans who are telling their Republican colleagues, Take the 98 percent deal; take the 98 percent deal.

My friends, this is not the time to put a foot on the brake of our economic recovery that we're beginning to experience. It's time to get our work done.

Remember, colleagues, where we were 4 years ago. Four years ago, November 2008, our country was hemorrhaging 800,000 American jobs. This November, we got the news, 146,000 new jobs. It's time to continue that progress.

Let's stop abiding by these pledges to special interests and start abiding by our pledge to the United States of America and to the people who elected us to serve the interest of all Americans, not those of special interests. Let's pass this middle class tax cut bill now.

Mr. SESSIONS. Mr. Speaker, I'd like to just make sure that the speaker that was up here, Mr. BECERRA, understands that on August 1 of this year we passed a bill to extend tax cuts for the middle class, 256-171. We've already done that, and it's now awaiting Senate approval.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I'd like to yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

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

Mr. HOYER. Mr. Speaker, I thank my friend for yielding. I want to thank the chairman of the Rules Committee for his efforts as well.

Ladies and gentlemen of this House, we talked a lot about, correctly, creating certainty, alleviating uncertainty, alleviating angst among our people and among our economy.

We have an opportunity to bring certainty to a large segment of the America that they will not receive a tax increase on January 1. We have that abil-

ity because the United States Senate has acted on a bill which will allow us to do that.

Even if we don't take their bill up, we could take a bill that TIM WALZ has introduced. Congressman WALZ has introduced a bill which will say to the 98 percent that we've talked about, You won't get a tax increase. I think that we have agreement on that. As the gentleman from Texas indicated, we have agreement on that.

I think there's not anybody here—or very, very few at least, on either side of the aisle—who doesn't say that those who are making \$250,000 or less as families or \$200,000 as individuals, or less, shouldn't get a tax increase.

Now, there are some who say that those above should not get a tax increase either. I understand that. But we have disagreement on that.

The American people are frustrated by the fact that even that on which we have agreement we can't move. That's their frustration. They understand that we have policy differences, but they are hopeful that when, at least, we have agreement on an issue that we can move it. And if we did so, think of the confidence.

Mr. COLE, former—had your job as the chairman of the Campaign Committee, said let's pass this. Let's give the middle class, the working people of America, a Christmas present, a sense of certainty, a sense of self-confidence, a sense of well-being. That will be good for our economy, but certainly good for them individually and as families as well.

So I would urge my colleagues on the Republican side and my colleagues on the Democratic side, vote against the previous question.

□ 1320

Now that's somewhat esoteric, Mr. Speaker. Those watching us say, What does that mean, voting against the previous question? What's the previous question? That's some sort of political jargon that they use in Washington.

What it means is, if we vote against the previous question, we will then be empowered to bring forward the middle class tax cut bill and we'll put it on the floor, and Mr. WALZ will be our leader on this because he's put it in the hopper.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 1 minute.

Mr. HOYER. We'll put that on the floor, and every Member of this House, all 435 Members, will have the opportunity to say to the American people, Yes, on December 12, we're going to tell you that on January 1 your taxes will not go up.

Give us that opportunity. Give us that opportunity to say "yes" to the American middle class. Give us the opportunity to say "yes" to certainty in our economy. Give us the opportunity to say "yes," we agree on something,

and aren't you proud of the fact that when we agree, your Congress can act? Let's say "yes."

Vote "no" on the previous question, and then vote "yes" for the middle class.

Mr. SESSIONS. Mr. Speaker, I do appreciate the gentleman, my dear friend from Maryland, whom I have not only regular conversations with but enjoy very much. I would once again remind the gentleman that on August 1 of this year we passed, 256-171, an idea that would be about not losing 700,000 jobs by doing it the way that our friends the Democrats want to do it.

Mr. HOYER. Will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman.

Mr. HOYER. It's never wrong to do the right thing twice.

Mr. SESSIONS. Reclaiming my time, it is wrong to lose 700,000 more American jobs, and that's the practical effect.

The minority leader and our speakers here all day want to talk about sequestration. The sequestration came as a result of a promise, a deal, an agreement that we as Republicans and House and Senate and the President agreed upon that we would come to an agreement upon how to cut some spending. The President says it's absolutely essential. Now they want to back away from the deal.

Well, here's what their deal is:

Their deal is, among other things, about the new taxes that will take place. Here's one of them that we know will happen already under law: Medicare DSH payments paid to qualifying hospitals that serve low-income patients will be reduced by 75 percent starting October 1, 2013, in addition to the \$700 billion that will be transferred away from senior care. And I know we had an election where we talked about this. One person tried to explain, Well, that's not really right. Those were to a certain group of people that may be rich. But it's right here, to low-income hospitals. That means that we're going to have hospitals that no longer will serve seniors because their payment rate got cut by 75 percent. Tax increases, tax increases on health care; tax increases, as we learned last week, when it was announced that all insurance plans will now be paying an extra \$63. Those are passed on to customers, consumers.

This is an outrageous government takeover of health care, and now what they want to do is diminish another 700,000 jobs. No, sir, we're not going to fall victim to that.

[From the House Committee on Small Business]

The Patient Protection and Affordable Care Act is currently being implemented. The following table lists some of the provisions affecting small businesses that take effect in 2013.

PATIENT PROTECTION AND AFFORDABLE CARE ACT—PROVISIONS EFFECTIVE IN 2013

Provision Law, Section (Effective date)	Description	Consequences for small businesses
Medicare Tax Increase P.L. No. 111-148, Sec. 9015 (January 1, 2013)	The Medicare Part A tax rate on wages increases from 1.45% to 2.35% for those single filers earning over \$200,000 (\$250,000 for married joint filers). A new and additional 3.8% tax will be assessed on unearned income such as taxable capital gains, dividends, rents, royalties, and interest for taxpayers with modified adjusted gross income (MAGI) over \$200,000 single and \$250,000 married joint filers.	Small businesses structured as pass-through entities that earn over the threshold amount will pay a significantly higher Medicare Part A tax rate. Small businesses relying on unearned income will be taxed an additional 3.8%.
New Medical Device Tax P.L. No. 111-148, Sec. 9009 (January 1, 2013)	A 2.3% excise tax will be levied on manufacturers, producers, or importers on the sale of most medical devices that are not directly marketed to consumers.	Higher costs for the manufacturers of medical devices are likely to be passed on to health care entities (often small and solo practice physicians and hospitals) and patients who rely on them. Several device manufacturers have already announced job cuts in anticipation of this tax.
Decrease in Deductions for Medical Expenses P.L. No. 111-148, Sec. 9013 (January 1, 2013)	The threshold for claiming an itemized deduction on medical expenses rises from 7.5% to 10% of adjusted gross income for those under age 65 effective in 2013; for those 65 or older, the 10% threshold will be effective after 2016.	Given the increased qualifying threshold, fewer small business owners and workers may be permitted to claim itemized deductions for medical expenses.
Limit on Flexible Spending Account (FSA) Contributions P.L. No. 111-148, Sec. 9005 (January 1, 2013)	Caps FSA contributions at \$2,500 per year	The new limit increases the tax burden for small business owners and employees with FSAs.
Elimination of Deduction for Employer Part D Subsidy P.L. No. 111-148, Sec. 9012 (January 1, 2013)	Prior to ACA, employers were able to deduct the cost of providing Medicare Part D to retirees and also were not taxed on the subsidy they received for providing this coverage. ACA eliminated the additional deduction employers receive for providing Part D coverage.	The number of employers offering prescription drug plans for Medicare-eligible retirees is likely to decrease, as there will be a reduced incentive to sponsor such plans.
Reduced Medicare Disproportionate Share Hospital (DSH) Payments P.L. No. 111-148, Sec. 3133 (October 1, 2013)	Medicare DSH payments, paid to qualifying hospitals that serve low-income patients, will be reduced by 75% starting October 1, 2013. A hospital will receive an additional payment based on three factors: 1) the remaining pool of DSH payments that would have been paid absent these changes; 2) current estimates of the uninsured compared to the estimate for 2013, the last year before the expansion of coverage; and 3) the hospital-specific share of uncompensated care. The estimate of the percentage of individuals who are uninsured will be decreased by 0.1 percentage points for FY2014 and by 0.2 percentage points for each year from FY2015–FY2019.	Small hospitals that currently receive Medicare DSH payments may find their DSH payments reduced.
Reduced Medicaid Disproportionate Share Hospital Payments P.L. No. 111-148, Sec. 2551 as modified by Sec. 10201(e); P.L. 111-152: Sec. 1203 (October 1, 2013)	In FY2012, Medicaid DSH allotments to states (i.e., the maximum amount of federal matching funds that each state is permitted to claim for Medicaid DSH payments) totaled \$11.3 billion. Medicaid DSH allotments to states will be reduced by \$500 million in FY2014, \$600 million in FY2015, \$600 million in FY2016, \$1.8 billion in FY2017, \$5.0 billion in FY2018, \$5.6 billion in FY2019, and \$4.0 billion in FY2020. The Secretary of Health and Human Services is responsible for determining how to distribute the aggregate DSH reductions among the states using some broad statutory guidelines.	Small hospitals that currently receive Medicaid DSH payments may find their DSH payments reduced.
Increase in Medicaid Medicaid Payments for Primary Care P.L. No. 111-418, Sec. 1202 (January 1, 2013)	Medicaid payments for primary care services furnished by physicians with a specialty designation of family medicine, general internal medicine, or pediatric medicine will increase to 100% of Medicare payment rates for CY2013 and CY2014 (i.e., January 1, 2013 and December 31, 2014).	Small and solo practices with physicians specializing in family medicine, general internal medicine, or pediatric medicine will receive larger Medicaid reimbursements (equal to 100% of Medicare payments) for primary care services for a 2-year period beginning in January 2013.
State Notification Regarding Exchanges P.L. 111-148, Sec. 1321 December 14, 2012, February 15, 2013)	States will have indicated to the Department of Health and Human Services by December 14, 2012 whether they will be creating a state-based American Health Benefit Exchanges and Small Business Health Options (SHOP) Exchanges. A state must declare its intention to create a partnership exchange by February 15, 2013.	Small businesses with 100 or fewer employees for 50 or fewer employees, at state option may be able to purchase insurance through these exchanges. All non-grandfathered plans offered in the individual and small group markets (both inside and outside an exchange) must cover certain minimum benefits (the essential health benefits).

Prepared by Small Business Committee Republican staff.

Sources:

The Henry J. Kaiser Family Foundation, Health Reform Source, Implementation Timeline, 2012.

The Commonwealth Fund, Health Reform Resource Center, Find Health Reform Provisions Tool, 2012.

U.S. House of Representatives Committee on Ways and Means, Timeline of Major Provisions in the Democrats' Health Care Package, 2010.

I reserve the balance of my time.

Ms. SLAUGHTER. I yield myself 2 seconds to say it is not a government takeover of health care. It will be performed by private insurance companies.

I am delighted to yield 2 minutes to my colleague, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank my colleague from New York for yielding me this time.

Ladies and gentlemen of America, this is not a mirage. We are actually here in this building, the U.S. Capitol. America, your Congress is in session and we're here to work, yet my Republican colleagues refuse to bring up the middle class tax cut bill that is right behind me at this desk.

My colleague from Texas can continue to talk about what happened in August of this year—staging votes for the election that took place. And we know the results of that election. What our constituents are concerned about is what happens in January if and when we fail to do our work here, now, and also to expose that the vote that took place in August was a vote to continue the Bush-era tax cuts, the very same tax cuts that got us into the mess we're in right now. They're doing that because they're holding hostage the 98 percent of Americans who will receive a tax cut under Mr. WALZ's bill that's at the desk today. And they're holding

them hostage to make sure that the wealthiest 2 percent continue to get that tax cut.

Our economy is 70 percent consumer-driven. That means when the middle class spends more, we all benefit. When the opposite takes place, when they spend less, we all are worse off for it. Holding the middle class hostage by threatening to raise their taxes not only hurts the American families, but it also hurts America's businesses.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 30 seconds.

Mr. CROWLEY. I think we owe it to our constituents to take this one single vote to ensure the middle class won't be held hostage any longer, one vote to give them the economic certainty that they so desperately need now, and one vote to keep our middle class spending and investing in creating jobs for American businesses. But we can't do that, ladies and gentlemen of America, unless our Republican colleagues allow Mr. WALZ's bill, which is at our desk right now behind me, up for a vote on this floor. That's why I will vote against the previous question, so that we can come back and have an opportunity to include Mr. WALZ's bill in that package.

We're here. We're ready. Let's vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

Mr. SESSIONS. The gentleman from New York, a very dear friend of mine, really, I think, got something wrong. What we're trying to extend is the law that President Obama signed into law as a result of bipartisan action 2 years ago, and the economy was better then than it is now. We were trying to extend the tax cuts that President Obama was asking us to do, and that's what we simply did in August again. So it is a President Obama last-signed bill that we're trying to offer an extension of.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. I thank the gentlelady.

Mr. Speaker, my discharge petition at the desk is really an approach that the American people spoke loudly in. Every single one of us just came through an election, and the message was abundantly clear to me: Why do you continue to bicker? Why do you continue to stand on the floor and make these ridiculous Kabuki-dance statements with one another when it shouldn't be that difficult? We came out of a Constitutional Convention, and when they asked James Madison

what the secret to this new government was: compromise, compromise, compromise.

Mr. Speaker, to sit here and do what we're doing—not bringing this forward and releasing the tension on the middle class, making sure the economy knows there's stability amongst taxes—is holding our economy back. And to be very honest, it's insulting to the American people. This is a Nation that won two world wars. This is a Nation that split the atom. This is a Nation that put a man on the Moon. This is a Nation sending pictures back from Mars from Curiosity.

Sign the discharge petition, bring it to the floor, get 435 votes, put it online for 24 hours, send it to the President, and by 3 o'clock tomorrow, the big chunk of the fiscal cliff is done. Don't insult the people with things that aren't true. Don't tell them that it's not about compromise, and don't sit here and pretend like we're working when we're not. They know better. They're smarter. They deserve better.

□ 1330

Bring the discharge petition to the floor, allow Members to vote for it, give the American people what they want—stability and a Congress that works—and let's move on to other pressing issues.

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

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 2 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. Speaker, there's a lot of disagreement about the future of our country. There's disagreement over how to handle spending—what should be cut, what should be reduced, what should be increased. There's disagreement over how much and when to raise the debt ceiling. These are very important questions.

There's a disagreement over whether taxes should or should not go up on income over \$250,000 a year. Our friends on the other side in good faith believe that's a bad idea. We know the economic history tells us that the last time the rates were at the level of 39.6 percent, 600,000 new businesses were formed and 23 million new jobs were created, so we think it works.

But there's something that everyone says they agree on, and that is that income up to \$250,000 a year should not have a tax increase. Everyone on both sides says that when January 1 shows up on the calendar there shouldn't be a tax increase on the middle class people of this country, that their first paycheck on the first Friday of the New Year should not have more taken out of it so as not to hurt our economy or hurt those families. Now, we all say we agree on this. It seems to me the right course is to put a bill on the floor that says exactly that, that says that for in-

come of less than \$250,000 a year, the tax rates for every American should stay where they are now and there should not be a tax increase.

My friend from Texas says that the majority did that in July. That's not quite right. What the majority did in July was to keep the rates low for people making less than \$250,000, but also keep them low for people making more than \$250,000. We just don't agree with that. Why don't we take the 98 percent that we agree on and vote on it right now?

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. I thank my friend.

If we don't do this, 19 days from today 98 percent of the American people—really 100 percent of the American people—get a tax increase. They have more taken out of their checks. It will hurt shoppers in the stores, diners in the restaurants, it will hurt jobs across the country. So why don't we take the 98 percent that we agree on right now and put it on the floor right now. By voting "no" on the previous question, that's what we can do and should do.

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

Ms. SLAUGHTER. Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. I thank the ranking member on the Rules Committee, Ms. SLAUGHTER, for yielding me the time.

Mr. Speaker, I regret that my Republican friends are turning this House of Representatives into a place where trivial issues get debated passionately and important ones not at all.

The bill that we are talking about right now on the House floor basically gives the majority who run this House the authority to bring up suspension bills from now until December 28. Suspension bills, for those who don't know, are bills really of not much consequence, by and large. They are bills that most of the time could pass by a voice vote.

Last night in the Rules Committee the distinguished ranking member, Ms. SLAUGHTER, suggested that instead of doing suspension bills we ought to be doing bills of some consequence, like reauthorizing the Violence Against Women Act, doing postal reform, doing a farm bill, or what we're talking about right now—passing a middle class tax cut extension. Those are real things that mean real things to real people in this country, and yet we're not talking about any of those things. We're talking today about basically doing not much of anything between now and December 28.

Last night in the Rules Committee we were told, well, we're trying to negotiate a deal on this fiscal cliff. Well, the reality is that there are a few Members of this House who are probably in discussions with the White

House about trying to work out a deal, but the vast majority here, Democrats and Republicans, are being asked to do nothing. Last night we came back and we voted on one bill, to approve the Journal. That's all we had to do last night, to approve the Journal. We haven't reauthorized the Violence Against Women Act. We haven't extended the middle class tax cut. We haven't reauthorized the farm bill—I can go on and on and on—but we had to come back and have a Journal vote last night.

The time has come for us to get back to work. The election was clear: the views advocated by Governor Romney and the Republican majority were rejected. The President won comfortably. Democrats won more seats in the Senate, we won more seats here in the House. I think it's a pretty clear message that the American people think that we ought to do what's right in terms of balancing the budget, and that is ask the Donald Trumps of the world to pay a little bit more.

We have already cut, I should say to the gentleman, \$1.5 trillion in discretionary spending. A lot of those cuts are in programs that I think help people. So, \$1.5 trillion in discretionary spending we've already cut, and my friends on the Republican side are saying that Donald Trump can't pay one penny more. Give me a break. Give me a break.

This is about fairness. This is about justice. This is about doing the right thing. At the very minimum, we should be debating now not suspension bills, but we should be debating the extension of the middle class tax cut. That is why we need to vote "no" on the previous question, to allow us to bring this bill to the floor.

If my Republican friends say they agree with us on a middle class tax cut, fine, let's vote it, vote overwhelmingly for it. You don't have to agree on everything to agree on something. Let's give the middle class certainty. Let's vote "no" on the previous question.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman, my friend, who formerly was the vice chairman of the Rules Committee. I would like to remind him that when he was the vice chairman of the committee, almost half of the 3,075 bills considered under suspension in the 110th and 111th Congress were for post offices and Federal building namings, or resolutions, or things just like National Pollinators Week.

What we're trying to talk about is, at the end of the year, since we're going to be here waiting for the "big deal," that we're going to make sure that we can take ideas that still exist and reside on a bipartisan basis.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I just want to say when we were in charge, we were able to walk and chew gum at the same

time. We passed some pretty important and substantive legislation that I'm proud of. We should be talking about real things that matter to real people right now instead of just extending the suspension authority.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I urge my colleagues to vote "no" on the previous question.

The message from my constituents and from the American people is loud and clear, and that's to extend the middle class tax cuts now. Republicans are simply holding hostage tax cuts for 98 percent of Americans and 97 percent of small businesses to give more tax breaks to the wealthiest Americans.

Now, Democrats have a commonsense solution, and we can't wait around any longer as real proposals languish while the House GOP gets its act together. Spearheaded by Congressman WALZ, Democrats last week filed the Walz discharge petition to automatically bring to the floor the Senate-passed middle class tax cuts—which the President has said that he will sign immediately—and overwhelmingly Members have signed this discharge petition.

My point is we don't have any time to waste. We can pass this extension of the middle class tax cuts now as we find a bold and balanced and fair agreement to avoid the fiscal cliff. There is a consensus that we do this. So why are the Republicans holding this hostage?

Once again, let us vote "no" on the previous question. Let's bring this middle class tax cut up now. It is the solution.

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

Ms. SLAUGHTER. I have no further requests for time, Mr. Speaker, and I wondered if my colleague is prepared to close.

Mr. SESSIONS. I thank the gentlewoman for asking. I have no further speakers and will allow her that opportunity, and then I will close.

□ 1340

Ms. SLAUGHTER. I thank the gentleman from Texas.

Mr. Speaker, we should be doing one thing today, and that's passing the continuation of tax cuts for the middle class. The American people couldn't be more united in their support for a tax cut, and there's no reason for delay. The Senate has already passed the bill that we could take up now. It's here at the desk. Members across our aisle agree, quite intelligently, that we must not let middle class taxes go up.

With such common ground, why would the majority waste another minute before ensuring that the taxes will not go up on the middle class? The answer isn't clear to me. I simply cannot fathom it. But if the majority won't take action, we will.

Mr. Speaker, if we defeat the previous question, I'm going to offer an

amendment to the rule that says two things. One is first that we will pass a bill to extend the middle class tax cut, and second that we will pass legislation that will avoid the fiscal cliff and the chaos that would ensue.

I ask unanimous consent to insert the text of my amendment to the rule in the RECORD along with extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote "no" to defeat the previous question so that we may put our rule on the floor. I urge a "no" vote on the rule if we are unsuccessful, and yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank my friend, the gentlewoman from New York, for this vigorous debate that we had on the floor today.

Mr. Speaker, top to bottom, the leadership of the Democratic Party has been on record here again today saying they want to increase taxes on small business. They want to increase taxes on family-owned businesses and people who get up every day and want to employ people and work harder. Small business is the engine of our economy, and our friends, the Democrats, want to punish them through taxes for fairness issues.

Well, I'd like to say, Mr. Speaker, we've got a bunch of problems in this country, and that's why we're at the fiscal cliff. This thing is not as a result of taxes, it's as a result of spending and too many people not having jobs to be able to pay in not just their taxes, but to be able to sustain our economy.

So we have millions of people that are unemployed and drawing unemployment compensation. We're seeing disabilities rise at a rate of 16 percent every year. One thing which we note is that just before President Obama took effect, the White House figure showed the Federal budget was \$2.9 trillion. Next year's estimate is going to be \$3.8 trillion. This is a 31 percent increase in spending in just 4 years.

We have someone as President, our great President, who is hung up on taxing and spending. What we need is a House of Representatives that's hung up on jobs and job creation, the American product, entrepreneurship, creativity, and competition with the world. The next new great ideas will not come from this body but from the creativity of the American people.

This is what Republicans are trying to keep alive in our country, the idea of self-reliance and working hard and taking care of people that are not just in your house but are in your neighborhood, your cities, our States, the vibrancy of our country. We are headed over the fiscal cliff after 4 years of leadership from this President who is running—running—directly to the fiscal cliff, and he has even said, and his

Secretary of the Treasury said, We don't mind jumping off this cliff.

Mr. Speaker, we should not be having that kind of attitude. We should have the attitude that we're for everybody. We want to be for American entrepreneurship and especially small business, because it's small business such as family farms, small business such as electrical companies and people who put their name on the buildings, the creative people who get up to go to work every day. That is who we're going to hurt.

We're not just going to hurt them, we're going to hurt their business families, the people they have had employed, small communities, large communities, but small business which is the engine of our economy. That's really who we're going to punish.

Lastly, we should not do it at this time, just like we should not have 2 years ago, but I guess we were aiming for an election at that time, and now the President does not have one ahead of him.

Mr. Speaker, I encourage a "yes" vote on the rule.

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

AN AMENDMENT TO H. RES. 827 OFFERED BY
MS. SLAUGHTER OF NEW YORK

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

SEC. 2. It shall not be in order to consider a concurrent resolution providing for adjournment or adjournment sine die unless the House has been notified that the President has signed a bill to extend for one year certain expired or expiring tax provisions that apply to middle-income taxpayers with income below \$250,000 for married couples filing jointly, and below \$200,000 for single filers, and other provisions to address the so-called "fiscal cliff."

(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. SESSIONS. 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.

ELIMINATE PRIVACY NOTICE CONFUSION ACT

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5817) to amend the Gramm-Leach-Bliley Act to provide an exception to the annual privacy notice requirement, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5817

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eliminate Privacy Notice Confusion Act".

SEC. 2. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM- LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

"(f) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution that—

"(1) provides nonpublic personal information only in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b), and

"(2) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this subsection,

shall not be required to provide an annual disclosure under this subsection until such time as the financial institution fails to comply with any criteria described in paragraph (1) or (2)."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia.

GENERAL LEAVE

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous materials on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

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

The amended version of H.R. 5817 represents compromise language that addresses concerns raised by some Members about the last section of the bill, which provided certain regulatory relief to State-licensed financial institutions. The bill before the House today is substantially the same as the legislation that passed the House by voice vote in April 2010, and we actually debated this bill a week ago.

I would like to thank the sponsors of H.R. 5817, Mr. LUETKEMEYER, Mr. SHERMAN, Mrs. MALONEY, Mr. CAPUANO, and Mr. FRANK, for agreeing to this compromise language.

With that, I reserve the balance of my time.

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

I will be brief. We passed substantially the same language unanimously by voice vote 2 years ago. This bill has been amended by unanimous consent so as to be virtually identical with what was passed 2 years ago. It now has the support of the ranking member.

I urge an "aye" vote and reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I would like to yield as much time as he needs to consume to the gentleman from Missouri (Mr. LUETKEMEYER), who is the primary sponsor of this bill.

Mr. LUETKEMEYER. Thank you, Chairman CAPITO, for yielding.

I rise today in strong support of the amended version of H.R. 5817, the Eliminate Privacy Notice Confusion Act. Under current law, all financial institutions are required to provide annual privacy notices explaining information-sharing practices to customers. Banks and credit unions are required to give these notices each year even if their privacy notice has not changed. This creates not only waste for financial institutions but confusion among and increased costs to consumers.

In his book entitled "The Financial Crisis and the Free Market Cure," John Allison reports that one bank offered at the end of its privacy notice to pay \$100 to any customer that read its notice in full. Only one customer took the bank up on that offer.

Year after year, millions of dollars are spent on privacy notices that are either disregarded by or confuse the customers. Let's think about this cost for a second. This outdated requirement doesn't cost only in postage alone, but also costs in compliance costs, cost of supplies, printing fees, and man hours.

I talked to one community bank in my district that said they spent roughly 70 cents per disclosure. With a minimum of 250,000 accounts and customers, this one bank spends \$175,000 a year on this requirement. It may not seem like a lot of money to some of my colleagues, but I can tell you that \$175,000 is a lot of money for a small institution like this one in my district, especially when a lot of those costs are passed on to the customer.

There is some debate over what this legislation will do. Let me be completely clear: this legislation will only remove the Gramm-Leach-Bliley annual privacy notice requirement of an institution if an institution has not, in any way, changed its privacy notice or procedures.

□ 1350

This legislation does not exempt any institution from an initial privacy notice, nor does it allow a loophole for an institution to avoid issuing an updated notice.

We worked in a bipartisan fashion to amend this legislation to remove the stipulations for State-regulated financial institutions. The amended language is now identical to the legislation that passed the House by a voice