

is not a surrender; it is a solution. It is not time to fight; it is time to vote.

THE PRESIDENT'S REFUSAL TO NEGOTIATE IS HURTING OUR ECONOMY AND PUTTING OUR COUNTRY AT RISK

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

Mr. BOEHNER. Mr. Speaker, my colleagues over the last 10 days have been through quite a bit. We sent four bills to the United States Senate to keep our government open and to protect the American people from the harmful effects of ObamaCare. Each of these requests was denied by the United States Senate.

After the fourth effort, we asked to go to conference and sit down and resolve our differences to keep the government open and to provide fairness to the American people under ObamaCare. The Senate Democrats once again said no.

The President had us all down to the White House last week, only to remind me that he was not going to negotiate over keeping the government open or over the looming need to increase the debt limit.

The President's refusal to negotiate is hurting our economy and putting our country at risk.

This morning, a senior White House official said that the President would rather default than to sit down and negotiate. Really? I am going to say this again: a senior White House staffer this morning said that the President would rather default on our debt than sit down and negotiate.

Now, the American people expect when their leaders have differences and we are in a time of crisis that we will sit down and at least have a conversation. Really, Mr. President, it is time to have that conversation before our economy is put further at risk.

TWELFTH ANNIVERSARY OF WAR IN AFGHANISTAN

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

Ms. GABBARD. Mr. Speaker, today, as Congress focuses on the government shutdown, our Nation quietly marks the close of our 12th year at war in Afghanistan.

While the country talks about a Federal Government shutdown and the divisive partisan politics that are standing in the way of progress, the harsh reality and hell that is war seem a distant memory for most. Meanwhile, we have over 54,000 troops serving in Afghanistan today. To all of our troops, thank you for your service and the sacrifices that you and your families have endured.

Two thousand one hundred and forty-three U.S. servicemembers have been killed in Afghanistan to date, leaving behind families who will never again

feel their warm embrace. Let us honor those who have served and who continue to put their lives on the line and do our best to bring them home. Let us remember their great sacrifices and set aside the pettiness in our own lives that divides us, and let us remember their great service and ask ourselves constantly how best can we be of service.

A PREVENTABLE TRAIN WRECK: WHITE HOUSE BUILT SLOPPY IT ARCHITECTURE

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, yesterday, the administration finally began to acknowledge what many have been saying for some time: healthcare.gov is having major problems.

The administration spent most of last week boasting about the high number of visitors to the Federal site, but it conveniently left out a very important statistic: how many people actually were able to purchase insurance.

Unlike the initial claims that the sites were crashing because demand was so high, it is clear now that the exchanges were failing because they appear to have major structural flaws. According to technicians and people at The Wall Street Journal, the site appears to be built on a "sloppy software foundation."

To make matters worse, even the information the Web site collected may be useless thanks to a security problem that corrupted a lot of the data. According to one estimate, 99 percent of the applications submitted may be facing data problems that will stop these applications.

Members of the administration need to come to the Energy and Commerce Committee and start telling us the truth about this information architecture. Taxpayers have spent money, a lot of money, to build these sites. If they have been sold a pig in a poke, they need to know.

PAY OUR MILITARY ACT

(Mr. HOLDING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDING. Mr. Speaker, my office continues to be flooded with calls from North Carolinians who are frustrated with the government shutdown. The House and Senate clearly disagree on how to proceed, but one thing we can all agree on is supporting our men and women in the military.

Last Monday, Congress passed, and President Obama signed, the Pay Our Military Act. This bill ensures that our servicemen and -women and their civilian counterparts are paid during the shutdown.

Unfortunately, the administration delayed using this authority to pay all

members of the military and DOD civilians, meaning many civilian workers who should be working were furloughed.

Our servicemen and -women deserve our deepest respect and gratitude. These men and women bravely serve their country and their paychecks should not be jeopardized. After pressure from the House, the administration quit delaying the implementation of this law.

Mr. Speaker, I urge the administration to also adopt the other common-sense funding bills passed by the House last week. Americans want to get back to work and don't want to see the government play politics with their paycheck.

RECESS

The SPEAKER pro tempore (Mr. PETRI). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 11 minutes p.m.), the House stood in recess.

□ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at 5 o'clock and 45 minutes p.m.

FOOD AND DRUG ADMINISTRATION CONTINUING APPROPRIATIONS RESOLUTION, 2014

Mr. ADERHOLT. Mr. Speaker, pursuant to House Resolution 371, I call up the joint resolution (H.J. Res. 77) making continuing appropriations for the Food and Drug Administration for fiscal year 2014, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 371, the joint resolution is considered read.

H.J. Res. 77

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the Food and Drug Administration for fiscal year 2014, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2013 (division A of Public Law 113-6) and under the authority and conditions provided in such Act, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2013, and for which appropriations, funds, or other authority were made available by such Act under the heading "Department of Health and Human Services—Food and Drug Administration".

(b) The rate for operations provided by subsection (a) for each account shall be calculated to reflect the full amount of any reduction required in fiscal year 2013 pursuant to—

(1) any provision of division G of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6), including section 3004; and

(2) the Presidential sequestration order dated March 1, 2013, except as attributable to budget authority made available by the Disaster Relief Appropriations Act, 2013 (Public Law 113-2).

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 103. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2014, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2014 without any provision for such project or activity; or (3) December 15, 2013.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 106. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2013, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 107. It is the sense of the Congress that this joint resolution may also be referred to as the "Food and Drug Safety Act".

This joint resolution may be cited as the "Food and Drug Administration Continuing Appropriations Resolution, 2014".

The SPEAKER pro tempore. The joint resolution shall be debatable for 40 minutes, equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from Alabama (Mr. ADERHOLT) and the gentleman from California (Mr. FARR) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

GENERAL LEAVE

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 77, and that I may include tabular material on the same.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Joint Resolution 77, which would continue the funding for the Food and Drug Administration. I think everyone here in the House agrees that funding for the FDA is necessary to this critical operation in order to support our Nation's public health and the millions of jobs associated with FDA activities. Most Members of this body may not realize it, but FDA-regulated industries account for almost 25 percent of the consumer spending in the United States of America.

Fiscal year 2013 agency appropriation included total funding of \$4.2 billion; \$2.5 billion came from discretionary funds and \$1.7 billion from user fees. Of greatest importance is the need to ensure that our constituents continue to consume safe foods and use safe and effective drugs and medical devices. Despite reduced funding levels overall for FY 2013, we were able to provide a strategic increase of \$12.5 million for food safety activities and \$10 million for food and drug safety inspections in China. These funding increases will continue under a CR.

In addition to the funds appropriated for the FDA, this resolution that we are debating this afternoon would allow FDA to collect and spend drug and medical product user fees. Of course, the fees are charged to the industry to support such lifesaving activities for the review and approval of new and generic drugs as well as medical devices.

This House has already passed a resolution to fund the public health activities at the NIH, and it awaits the Senate's approval. Also, USDA meat and poultry inspectors were deemed critical to our Nation's food supply and have stayed on duty during this temporary delay in funding. It is now time for this body to continue funding one more critical component of our public health infrastructure.

The Food and Drug Administration touches every Member of this House, either directly or indirectly, and we need the entire Agency back at work. We need to also limit any damage to the millions of jobs impacted by FDA's work in the food and bioscience industries.

Now is the chance for my colleagues here in the House to join me in keeping this important program fully operational. I would ask that my colleagues support this resolution that we're debating this afternoon. It will ensure that all critical elements of our Nation's food and drug supply will be protected.

I reserve the balance of my time.

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

My colleague and chair, Mr. ADERHOLT, just said that this bill is necessary because funding for the FDA is necessary. He's absolutely right, but this bill doesn't do all that. You cannot

just fund one component of government and not have the rest of government. FDA is the Food and Drug Administration. It relies heavily on the Centers for Disease Control. You do nothing to fund the Centers for Disease Control. So as just one critical component of the Federal Government, it isn't the Federal Government, and that's what has been shut down, and so I adamantly oppose this legislation.

We have been here a number of days now with the government shut down because people are trying to use the appropriations process, which is, as every schoolchild knows, the process where the President asks and then the Congress disposes, and we use the Appropriations Committee to dispose; that is, we make the decisions on how much is going to be spent by each agency.

The President came to Congress asking for \$1.2 trillion in expenditures. The Republicans rejected that in their budget and came up with a much less budgeted number of \$967 billion. This bill on the floor, the big bill, has the Democrats agreeing to \$986 billion. That's a \$200 billion reduction. That's just amazing. I don't think this has ever been done before where that big of a cut has been made to the Federal Government, and yet we can't pass it.

The Senate has passed it because, as everyone knows, it's a bicameral process, and whatever the President signs has to be passed by both Houses. The Senate has passed over here a clean bill, as we say, which means without all kinds of conditionality. That would go to the President if this House had voted for it. It could go forward tonight. This whole thing—this charade of shutting down government—could be over tonight. All we would have to do is pass what the Senate sent over.

But no, here we go again. Now we're going to take it in piecemeal fashion. Tonight, we bring up the FDA; it's a wonderful organization. I want to point out to my colleagues on the other side of the aisle that, since I've been here, in 20 years, we've passed 111 CRs—enacted. In fact, under President Bush, we passed 56. And I'm sure every one of the Republicans passed those; 56, without conditionality. Democrats didn't try to bring down the House. And even under President Obama, so far, we've passed 19 CRs. So why can't we do that now? Why can't we do what we've been doing, this House has been doing for decades, passing a CR to keep government open?

It's certainly not the responsible thing for our committee, and we're very proud of our committee, but a CR is giving up because we haven't passed the appropriation bills that are really the mechanics of how we ought to be spending money. In fact, my distinguished colleague, Mr. ADERHOLT, has, 94 times, voted for a CR. So I cannot support this piecemeal specialty of the day, just voting for one segment of the Federal Government and ignoring all the rest.

I reserve the balance of my time.

Mr. ADERHOLT. I yield 4 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of the full Appropriations Committee.

Mr. ROGERS of Kentucky. Mr. Speaker, this bill makes sure that, even during this shutdown, the Food and Drug Administration's critical safeguards remain in place to protect our food and drug supply. The health of our people should not be jeopardized. This legislation provides funding for the FDA at the current post-sequestration annual rate of \$2.3 billion. This will provide funding to maintain protections for food, drugs, and medical devices, and allow the FDA to collect and spend user fees.

The length of this authority will last until December 15 or until we enact year-long appropriations that address the funding of the Federal Government in full.

As with each of the other individual bills we have considered this week, the language in H.J. Res. 77 is nearly identical to what was included in my clean continuing resolution filed back in September. This bill moves us a step closer to the finish line, but we've got to remember that we can get there much faster if we find a way to fund the entire Federal Government. This will require cooperation and conversation from both the Senate and the House.

This will be the ninth bill the House has sent to the Senate to reopen the Federal Government. The ninth bill, Mr. Speaker. The House has voted to provide nearly one-third of the funding to reopen the government; but, unfortunately, the Senate won't even consider these bills, and so the government is still shut down. Our colleagues in the Senate say they want a clean CR, but when we've sent them these bills—pieces of a clean CR with clean funding mechanisms, nonetheless—they won't even bring them up for a vote.

This is not my first choice of how to fund the Federal Government. My preference would be to have passed full-year appropriations bills for all the government before September 30. The House made great strides toward that goal with our committee approving nearly all of our annual bills and with the full House passing four of them, yet the Senate would not even pass a single bill off the floor of the Senate. But I still hope and believe that we can find a path forward. It will require both parties, both bodies, to find ways we can work together to end this shutdown.

As we work toward that end, we can pass this bill to ensure that nearly all of the Federal Government's food safety activities are funded during the shutdown. I urge support of the bill.

Mr. FARR. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), the distinguished ranking member on the Appropriations Committee.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to the reckless Republican

shutdown. I wish my colleagues had shown this same level of concern for the Food and Drug Administration over the last 3 years. Since Democrats passed the landmark Food Safety and Modernization Act, Republicans have done nothing but stand in the way of its implementation by underfunding the critical needs in the FDA bill.

This bill is nothing more than a Republican ploy, and the claim that Democrats are not negotiating is absolutely false. House Republicans wrote a bill and sent it to the Senate. The Senate adopted the most important part of it, the funding level, and the President agreed to sign it even though the Democrats want greater investment to support economic growth. The only thing Democrats say "no" to are irresponsible efforts to put health care decisions back in the hands of insurance companies, which has nothing to do with keeping the government open. That is democracy. That is negotiation. We have done more than meet in the middle, but the Republicans now say "no" to their own bill. We could end the shutdown today if the majority would only support a reasonable solution to allow a vote on the Republican-written, Senate-passed bill.

Vote "no," and demand a House vote to immediately end the reckless Republican shutdown.

□ 1800

Mr. ADERHOLT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. UPTON), who chairs the full committee of Energy and Commerce.

Mr. UPTON. Mr. Speaker, I rise tonight in strong support of the Food and Drug Safety Act.

As we try to work out our fiscal differences, it is imperative that the Food and Drug Administration does have the resources that it needs to ensure the safety and quality of our Nation's food and drug supplies and medical devices. This bill will help ensure that the FDA can focus on that very important mission.

Over the past week, the House has acted to reopen major parts of other government. The legislation before us is yet another piece of that important effort to continue critical programs for the American people.

From food inspections to approvals of breakthrough new drugs and devices, Members on both sides of the aisle indeed understand and appreciate the important role of the FDA. This essential work should continue as we wait at the negotiating table for the President to join in a conversation to resolve our differences.

I urge my colleagues to support this bill to ensure that the FDA has the resources to get the job done. Let's stand together in support of food safety and drug approvals.

Mr. FARR. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan, Congressman LEVIN, the ranking member of the Ways and Means Committee.

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

Mr. LEVIN. Mr. Speaker, we should not be debating a bill that's going nowhere. We should be debating a bill that will end this shutdown.

Yesterday, the Speaker said this: There are not enough votes in the House to pass a clean bill to fund the government and end the shutdown. The truth of the matter is, if the bill will come up, it will pass.

On Saturday, 195 Democrats wrote to the Speaker and said, Bring up the bill. Informed reports say there are 22 Republicans who will also vote "yes." That is a majority of the House.

I say to the Speaker: Let all of us speak.

The President today said this:

The truth of the matter is there are enough Republican and Democratic votes in the House of Representatives right now to end this shutdown immediately, with no partisan strings attached. The House should hold that vote today. If Republicans and Speaker Boehner are saying there are not enough votes, then they should prove it. Let the bill go to the floor, and let's see what happens. Just vote.

Then he continued:

There's no reason that there has to be a shutdown in order for the kind of negotiations Speaker Boehner says he wants to proceed. Hold a vote. Call a vote right now, and let's see what happens.

We say to the Speaker: Let democracy prevail. Bring the Senate bill up for a vote now.

Mr. ADERHOLT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS), the chairman of the Health Subcommittee of the Energy and Commerce Committee.

Mr. PITTS. Mr. Speaker, I rise in strong support of the Food and Drug Safety Act.

Since the Senate will not negotiate with us about opening up the entire government, we will continue proposing commonsense bills to reopen critical functions as soon as possible.

This bill funds the FDA and ensures that it performs important duties, including inspections of food, medical devices, and pharmaceutical facilities. It makes sure that reviews of lifesaving new devices and drugs continue and that the government doesn't stand in the way of innovation.

We have the most dynamic and productive medical research firms in the world. American companies and universities are paving the way to incredible new cures. In fact, three American scientists were just honored with this year's Nobel Prize in medicine for their research into how our cells function. Americans can continue leading the world in this field, but we have to make sure that the FDA conducts reviews promptly.

Let's get the FDA back open and performing their important work. Patients, young and old, are counting on it.

Mr. FARR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the former

ranking member of the Agriculture Committee and now the ranking member of Labor, Health and Human Services, Education, and Related Agencies.

Ms. DELAURO. Mr. Speaker, we are almost a full week into this self-inflicted government shutdown because the Speaker refuses to stand up to a vocal minority in his own party. There is no end in sight. Instead, we sit here watching the Republican majority talk out of both sides of their mouths and pretend to hold positions they have been voting against from the first day that they took power.

This bill is today's daily exercise in cynicism. I served as chairwoman of the Agriculture Appropriations Subcommittee, the body that oversees funding for the Food and Drug Administration. We worked hard to increase the resources at FDA so that more food could be inspected, more outbreaks prevented.

We also passed the Food Safety Modernization Act in 2010 to improve FDA's ability to respond quickly and efficiently in a proactive, science-based fashion to contaminated food outbreaks.

Since taking office in 2011, this Republican majority has tried to undercut and hamstring the FDA at every step. In 2011, the first bill this majority passed included a \$241 million cut to the FDA. In 2012, they tried to slash salaries by 21 percent, hampering the agency's ability to implement the Food Safety Modernization Act. In 2013, they tried to cut FDA by another \$16 million. They rejected an amendment that I offered to increase funding by \$50 million for monitoring foodborne pathogens and implementing the new food safety law.

For years, we've been trying to get the Republican majority to be serious about the FDA and food safety funding. Food illnesses account for 48 million illnesses, 128,000 hospitalizations, and 3,000 deaths each year, and particularly affect children, pregnant women, and older adults.

Meanwhile, over 80 percent of the seafood and 30 percent of the fruit and nuts consumed in the United States are produced elsewhere, yet less than 1 percent of imported food is inspected by the FDA.

The Republican majority has refused to fund these food safety initiatives. Now they are bringing up this disingenuous bill for political show. The health of American families is not a game. These are people's lives.

Over 13 Federal agencies have important food safety responsibilities. The Centers for Disease Control identifies food safety pathogens in sources, and they are not funded in this bill. The Department of Justice prosecutes food contaminants, but they are not funded in this bill. The National Oceanic and Atmospheric Administration carries out seafood inspections for the FDA, but they are not funded in this bill. USDA is responsible for a whole host of critical safety measures, but they are not funded in this bill.

Now, if you think there should be only one food safety agency, that's something that we can talk about.

This bill does not protect our families from contaminated food. It doesn't adequately fund the FDA. It's another in a series of purely political bills put forward by the Republican majority.

Mr. ADERHOLT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana (Mrs. BROOKS), who sits on the Homeland Security Committee.

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today in support of the Food and Drug Safety Act.

Right now, moms and dads across this country have too many worries. They worry about whether or not they'll have enough money to pay their rent, their mortgage, and even fill up their gas tanks. They worry about whether or not their hours are going to be cut at work next month. Why should we add to their worry the list of the safety of the food that they're feeding their children at dinner tonight?

One of my constituents from Fishers, Indiana, Elizabeth Armstrong, has experienced firsthand a child becoming ill due to contaminated food. Several years ago, Elizabeth's young daughter fell very ill after eating spinach contaminated with E. coli. This brave little girl luckily survived, but she now lives with kidney disease.

Isn't food safety a core function of our government? Is it responsible to stop routine inspections of food processors and place our constituents at risk of developing foodborne illness.

Mr. Speaker, our parents are worried, but this is one worry they should not have. FDA needs to keep food inspectors on the job. I urge passage of this resolution.

Mr. FARR. Mr. Speaker, how much time do both sides have remaining?

The SPEAKER pro tempore. The gentleman from California has 9 minutes remaining, and the gentleman from Alabama has 11 minutes remaining.

Mr. FARR. Mr. Speaker, I reserve the balance of my time.

Mr. ADERHOLT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER), who currently chairs the House Administration Committee.

Mrs. MILLER of Michigan. I thank the gentleman for yielding the time.

Mr. Speaker, I rise today in very strong support of the Food and Drug Safety Act. The bill we are debating this afternoon would provide immediate funding for the Food and Drug Administration, which is, of course, the agency in charge of the safety and stability of our Nation's food supply and our medicine supply as well.

Mr. Speaker, the American people deserve an answer to a couple of simple questions. First of all, will Congress actually take action now to secure and to inspect our Nation's food supply? Secondly, will Congress take action now to secure our Nation's medicine supply?

I know that many on the other side of the aisle will once again oppose this

legislation because they say they need to have an entire government funding bill or else nothing will be funded. Yet, they call Republicans "absolutists." However, many on the other side of the aisle will recognize these legitimate concerns and will help us pass this important funding. It's time for the Senate to act on this and the other important funding bills that have passed with broad bipartisan majorities.

Mr. Speaker, the Senate majority leader and the President cannot continue to say that they will not negotiate on ending this government shutdown. They must stop holding so many important issues hostage to their absolutist demands. I say let's go to a conference committee now, let's negotiate in a bipartisan way, and let's stop this government shutdown.

Mr. FARR. Mr. Speaker, I yield 2 minutes to the distinguished Congresswoman from Texas, SHEILA JACKSON LEE, the ranking member on the Border and Maritime Security Subcommittee.

Ms. JACKSON LEE. I thank the distinguished gentleman from California, and I thank him for his leadership.

Mr. Speaker, what baffles me is that our Republican friends are seemingly acting like there's business as usual, that we are quietly on the floor of the House, just passing a food safety initiative.

Our House is on fire, and there's nobody here to put the fire out. We're in the middle of a government shutdown. Of course I'm committed to the principles of this legislation, as my colleagues, as the ranking member, as the ranking member of the full committee, as Ms. DELAURO and Mr. WAXMAN are. We are all committed to this.

May I remind my friends that 45 percent of the FDA employees, they are on furlough. Just today, four people in Texas were arrested because of FDA criminal investigators. They were trying to sell stem cell packages to sick people, devastated people, that were fraudulent and diseased and inappropriate to terminally ill people. It was the FDA criminal investigators that were able to make this case and the U.S. Attorney in my district said "thank you." But right now there are U.S. Attorneys across the Nation getting ready to lay off their attorneys.

The House is on fire, and my friends don't seem to understand.

□ 1815

Let me just share with you that there are usually 80 inspections on food facilities a day. They're not going on right now. Up to October 17, there will be some 960 facilities not inspected, and the only reason is that we will not come to the floor, put the clean CR on the floor, and have 195 plus 21 people vote in the majority to open the doors of this government.

But more importantly, have you heard the stories of families whose husbands or wives are laid off, struggling to make ends meet, calling on relatives to be able to help them? You've heard

of the young woman who came to my attention who had to be carried away to a shelter because she was suffering domestic abuse because of the financial crisis; or maybe you haven't heard that 70 percent of Americans and 51 percent of Republicans are saying, We don't like what you're doing, Republicans. We want this government to open.

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

Mr. FARR. I yield the gentlewoman from Texas an additional 15 seconds.

Ms. JACKSON LEE. Or maybe you haven't heard from the Democratic Governor of Kentucky, Governor Beshear, who says that right now 7,000 are already enrolled in the Affordable Care Act. He is saying that he has a report that says that if this Affordable Care Act works, he'll have 17,000 more jobs, \$15 billion in the economy.

Let's stop this foolishness with ObamaCare. It's working. Let's get back to work and pass a clean CR. Too many people are hurting. Enough is enough. We need to do what is right for America.

Mr. Speaker, I rise today to speak on H.J. Res. 77, a piece-meal "mini-CR," which woefully underfunds the Food and Drug Administration, FDA.

Mr. Speaker, this bill would be unnecessary if only the House majority would allow a vote on the clean Continuing Resolution, passed by the Senate. The House would easily pass the measure and the President will sign it, as he reaffirmed today.

H.J. Res. 77 is the latest attempt by the House Republicans to extricate themselves from the mess they created by shutting down the government. But they should have learned by now that it would not work. It is inefficient, unfair, and costly. The shutdown needlessly disrupts the lives of Americans who provide benefits and services and those who depend upon them. These reckless mini-CRs will have the effect, intended or not, of sowing division when unity is needed. It is not surprising, therefore, that responsible leaders of organizations that would benefit from these mini-CRs are united in opposing this piece-meal approach to appropriating.

Veterans groups opposed the 'Republican mini-CR for veterans' affairs. Similarly, leading research and consumer protection organizations oppose the FDA mini-CR before us.

For example, the Center for Science in the Public Interest, CSPI, opposes H.J. Res. 77. Although the organization is a health advocacy nonprofit that promotes food safety, the CSPI does not support the piecemeal approach by government that would make funding the FDA a partisan issue because "the irresponsible shutting down of government and particularly public health agencies like FDA and Center for Disease Control places families at risk from food borne diseases. But opening FDA alone would not solve the problem. Food safety is a joint governmental effort involving 13 different agencies often working collaboratively?"

The FDA is an essential federal agency with the life-saving mission of protecting all Americans from unsafe drugs, devices, biologics, and food.

For example in Texas, three men were arrested and a fourth is being sought by the FBI in connection with what investigators say was

a \$1.5-million Texas-based scheme to illegally market and sell stem cell treatments to patients with terminal diseases. "Protecting the public from unproven and potentially dangerous drug and medical procedures is very important," said Kenneth Magidson, U.S. attorney for the Houston-based southern district of Texas. "This office will continue to prosecute violations involving threats to the public health."

"This indictment demonstrates the commitment of the FDA to protect the American public from the harms inherent in being exposed to unapproved new drugs," said Patrick J. Holland, special agent in charge of the FDA Office of Criminal Investigations, according to the statement. Due to the shutdown, the FDA is now unable to continue to aggressively pursue perpetrators of such acts and ensure that they are punished to the full extent of the law.

It is important that the FDA is funded as it plays a vital role in protecting consumers from contaminated and misbranded food.

But it is even more important that the entire government be reopened to serve all the needs of the American people.

Due to the shutdown, the FDA will have to cease most of its food-safety operations. That includes "routine establishment inspections, some compliance and enforcement activities, monitoring of imports, notification programs (e.g., food contact substances, infant formula), and the majority of the laboratory research necessary to inform public health decision-making."

The U.S. Department of Agriculture's Food Safety Inspection Service will continue manning every meat facility with full-time inspectors, even as many government programs are halted. But the FDA also oversees the safety of the vast majority of the country's food industry. According to a memo released by the Department of Health Human Services, the bulk of FDA food inspectors have been deemed non-essential, so few, if any, food facilities will be inspected until the shutdown is over.

This past December, the FDA shut down a nut processor in New Mexico after records showed that the facility was shipping products infected with salmonella. This sort of monitoring and enforcement could become much harder because of the shutdown.

In fiscal 2011, the FDA coordinated or conducted inspections of about 20,000 food facilities for compliance with safety regulations. The number of past inspections suggests FDA officials normally inspect about 80 facilities per business day. So, for every day the government doesn't work, approximately 80 food facilities will go without federal inspections. If the shutdown lasts until October 17, 960 facilities may go without U.S. inspections.

A spokesman from the FDA contacted The Huffington Post on Wednesday to note that a portion of these inspections would be conducted by the agency's partners in state agriculture and public health departments. But he couldn't say how big a portion, or whether the FDA would continue, during the shutdown, to pay state agencies their normal fee for inspections conducted on the FDA's behalf.

To get a sense of what this means, we must understand that the FDA sends letters to food facilities that failed inspections. They reveal gnarly conditions at major food manufacturing facilities, including cooking implements covered in mold and stored in brown, soiled water

at a Detroit donut facility; high levels of illegal drug residues in veal were found from a farm in upstate New York; and flies infesting a tortilla factory in Hagerstown, Maryland.

The warning letters give the facilities in question a chance to correct sanitation mistakes before they cause serious outbreaks of food borne illness. If the commands in a warning letter are not obeyed, the FDA has the authority to punish, or even shutdown, the facility in question.

These warning letters are sent to just a small fraction of all facilities that are inspected, and not all of these facilities have infractions that lead directly to illness. That means, it is impossible to say whether cancelled food safety inspections will directly lead to food consumers getting sick. However, fewer inspections can have a direct correlation to more contamination in the marketplace.

For these reasons, we must end the government shutdown as soon as possible, or, barring that, to fund food safety programs with a separate bill.

The following leading research and consumer groups have urged Congress to end the shutdown completely since they cannot support a legislative approach that shuts down some essential public health agencies while temporarily funding others: American Medical Student Association, Breast Cancer Action, Community Access National Network, Connecticut Center for Patient Safety, Jacobs Institute of Women's Health, National Consumers League, National Research Center for Women & Families, National Women's Health Network, Our Bodies Ourselves, The TMJ Association, WomenHeart: The National Coalition for Women with Heart Disease, WoodyMatters.

It is not responsible to fund the FDA at the same time that the Center for Disease Control and Prevention is unable to fully function to examine the cause of epidemics caused by unsafe food or defective medical products.

Mr. Speaker, if Congress fails to pass a "clean" continuing resolution before month's end, FDA inspections will continue to decrease across the nation and the likelihood of consumers becoming ill will increase.

This would be unconscionable.

Normally I would be pleased to be here today to talk about the funding for this program, but this is different. What the majority is doing is playing games with safety of the food supply and the lives of real people—the lives of our families, our friends, and our constituents.

For these reasons, we should be working to pass H.J. Res. 59 as amended by the Senate. That is the best way to keep faith with all persons who serve the American people as employees of the federal government, and the people who depend upon the FDA program.

OCTOBER 4, 2013.

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

Hon. NANCY PELOSI,
Democratic Leader, House of Representatives,
Washington, DC.

SPEAKER BOEHNER AND LEADER PELOSI: We are writing as public health, patient, consumer, and scientific nonprofit organizations to oppose H.J. Res 77 and any other efforts to single out the Food and Drug Administration for funding. Our organizations represent millions of patients, consumers, health professionals, and scientists who strongly support

the work of the FDA and urge Congress to provide the level of appropriations the agency needs throughout FY 2014.

We appreciate the recognition that the FDA is an essential federal agency with the life-saving mission of protecting all Americans from unsafe drugs, devices, biologics, and food. We are very concerned that the current shutdown is curtailing the agency's work, which will inevitably delay the approval of new medical products and the inspection of medical products and food. The shutdown also harms scientists and other employees who have dedicated their careers to public service, and will make it even more difficult for the agency to attract the scientific expertise it needs now and in the future. And, the shutdown will also have a devastating impact on some of the companies that rely on FDA reviews to get their new products to market, and their workers.

Nevertheless, we cannot support a legislative approach that shuts down some essential public health agencies while temporarily funding others. For example, it is not responsible to fund the FDA at the same time that the Centers for Disease Control and Prevention is unable to fully function to examine the cause of epidemics caused by unsafe food or defective medical products.

We strongly urge Congress to do its job: immediately open up all federal agencies and then quickly work together to get the FY 2014 appropriations bills enacted into law, based on the funding levels needed to do their jobs well. These appropriations bills should not include a sequester or arbitrary across the board cuts, but rather should give agencies the authority to cut ineffective programs and adequately fund those that are essential.

American Medical Student Association; Breast Cancer Action; Community Access National Network; Connecticut Center for Patient Safety; Jacobs Institute of Women's Health; National Consumers League; National Research Center for Women & Families; National Women's Health Network; Our Bodies Ourselves; The TMJ Association; WomenHeart; The National Coalition for Women with Heart Disease; WoodyMatters.

Mr. ADERHOLT. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS), one of our physicians here in the House.

Mr. BURGESS. I thank the gentleman for yielding.

Mr. Speaker, the Food and Drug Administration historically has been one of the bipartisan efforts that this House has enjoyed. In fact, a little over a year ago, the Food and Drug User Fee Reauthorization Act passed both the House and the Senate, went to a conference committee, was signed by the President of the United States on July 9, 2012, in the middle of an election year when partisanship was at its fever pitch, and yet this House came together and passed that reauthorization bill.

You've heard the chairman of the full Appropriations Committee say that he hoped this bill would pass today to allow the Food and Drug Administration to utilize those user fees that have been remitted by the companies that are actually looking to have their products approved by the FDA. I support him in that, and I hope he's correct.

One of the most important missions of the government, one of the premier

agencies of the Federal Government is the Food and Drug Administration. Its job is to ensure that medical drugs and medical devices are safe and effective. The FDA is also a gateway for patients who are suffering disease and disability with the hope of one day getting past that disease and disability. The FDA is the gateway for those patients.

We've taken legislative steps to fix some of the issues with the FDA. They aren't always functioning in a perfect manner, but I know one thing for sure: keeping FDA employees away from their jobs is not the way to accomplish those goals.

This is a good bill today, the Food and Drug Safety Act. I hope the Senate will take this up. The House is going to pass it in a bipartisan manner in just a very short period of time. We will send it over to the Senate, as we have many other bills last week, and we'll continue to send bills. This is the way the process should work. Appropriations shouldn't be done in one large lump. They should be done in the individual departments.

I support this bill today. I urge my colleagues to do the same.

Mr. FARR. Mr. Speaker, the gentleman has voted for CRs 19 times since President Obama has been in office, with the whole enchilada, passing them without rancor, without asking the President to negotiate. So there's no reason we can't do that tonight.

I yield 2 minutes to the gentleman from California, HENRY WAXMAN, the distinguished ranking member of the Energy and Commerce Committee.

Mr. WAXMAN. Mr. Speaker, we're on the seventh day of a government shutdown caused by the reckless actions of House Republicans; and we are now considering the sixth piecemeal bill that reopens a few government activities, but still continues the shutdown for everybody else.

Now, I support the FDA. Who doesn't support the FDA? It's very important that they do their job. But you know what's also important? What's also important is the Centers for Disease Control and Prevention, which responds to disease outbreaks and works to prevent the spread of seasonal flu. They're not going to be reopened. There's no funding for the Substance Abuse and Mental Health Services Administration, which limits its ability to improve mental health across the country.

There are things this government does—and I'm pleased my Republican colleagues are starting to understand why government is so important. And that's why we shouldn't have this closing down of government and then reopening it piece by piece.

This is an effort to hold the government hostage until the unreasonable demand to deny health insurance for American families is met, and that is a demand that we will not give in to. Let the House vote on a clean bill to fund the whole government, not the piecemeal approach we're considering today. It's a gimmick, and it's also poor policy.

And you should understand something else, Mr. Speaker, they're not giving FDA the full funding. What they're doing is still continuing the draconian sequestration cut which took over \$200 million out of FDA's budget. If they love FDA so much, fund it where it should be funded, not with \$200 million less.

Mr. Speaker, there is no funding for hundreds of the Nation's tribes. There is no funding for meals for millions of seniors. There is no assistance to more than 1 million families in need.

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

Mr. FARR. I yield the gentleman from California an additional 30 seconds.

Mr. WAXMAN. I think we're all supporters of the FDA; but if the Republicans were truly interested in FDA, they would work with Democrats. We would have a conversation about it to lift the sequester and restore funding for FDA and all other critical programs as well.

I thank the gentleman for yielding me the time.

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

Mr. FARR. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland, Mr. CHRIS VAN HOLLEN, our distinguished leader.

Mr. VAN HOLLEN. I thank my friend from California.

Mr. Speaker, I have the privilege of representing the congressional district that is home to the Food and Drug Administration. Those individuals do great work for our country; and I can tell you, Mr. Speaker, nobody—and I mean nobody—is being fooled by this ridiculous stunt that the Republicans in this House are pulling, trying to cherry-pick little pieces of government to fund when they know they're not going anywhere, when the American people know that this House is in possession of a piece of legislation that, if we were allowed to vote on it, would go to the President's desk tonight; he would sign it; and we would open up all of government immediately—FDA, NIH, the VA, everything.

The position Republicans are taking is made even more ridiculous by what we did on Saturday. On Saturday, we said, We're going to pay all Federal employees—not just employees at FDA, not just at NIH—all Federal Government employees. That was the right thing to do.

Now you're saying you only want to keep some of those agencies open, not all of them open. So what our Republican colleagues are telling the American people is, we want to pay all the employees in the Federal Government; but we don't want to allow a lot of them to go to work. We want to pay for everybody in the Federal Government, but we don't want to allow everybody to go to work. What kind of policy is that?

Now, Mr. Speaker, just this weekend, the Speaker of this House admitted on

national television that he had reached an agreement with the Democratic leader in the United States Senate, Senator HARRY REID, where HARRY REID and the Senate Democrats said, We will agree on a temporary basis to the lower funding levels in the sequester in exchange for making sure we have a clean continuing resolution, that we keep the government open. That's what the Speaker agreed to.

But then he came back to this House, and he couldn't hold his caucus. Why? Because Senator CRUZ and a radical reckless faction said, No, we can't do that. We have to close the government unless we shut down the Affordable Care Act. And that position hasn't changed. That's why today we can't open the government, because our Republican colleagues want to continue to shut down the Affordable Care Act.

Let's vote today to open the whole government. Let's have a vote, Mr. Speaker, on the bill that's in our possession.

Mr. ADERHOLT. Mr. Speaker, I reserve the balance of my time.

Mr. FARR. I yield to the distinguished Congressman from Arizona, RON BARBER, for a unanimous consent request.

Mr. BARBER. Mr. Speaker, while Congress recessed this weekend, I stayed here in Washington to work with my colleagues to end this shutdown. I talked with southern Arizonans to hear from them about the shutdown and how it's impacting their families. Mr. Speaker, I can tell you that the people I talked with don't care who is to blame. They want us to reopen their government.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. BARBER. On behalf of my constituents in southern Arizona, I ask unanimous consent that the House bring up the Senate amendment to the continuing appropriations resolution, H.J. Res. 59. We must come together, and we must put the American people first. We cannot allow this stalemate to continue for one more day.

The SPEAKER pro tempore. It is out of order for the gentleman to make a speech when seeking recognition for a unanimous consent request.

Under guidelines consistently issued by successive Speakers, as recorded in section 956 of the House Rules and Manual, the Chair is constrained not to entertain the request unless it has been cleared by the bipartisan floor and committee leaderships.

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

Mr. Speaker, I rise in opposition to this piecemeal bill to nowhere that continues to delay and shut down government when we could be passing a bill right now that would keep government open, and it would open it up tomorrow morning; but the Speaker refuses to allow that legislation to come to the floor. He tells the press there aren't the votes.

Let's try it. I dare you. I dare you. Bring it to the floor. Let's see if there

are enough votes. I think there are because I think the majority of this body wants to keep the government open and not play these games.

These are games. Never done before. Never done before. Congress has never shut down the government. Yes, it was shut down under Clinton, but it was by a veto. It wasn't for a failure to get them a bill. They're saying, Well, the President has to negotiate. He doesn't have to negotiate.

Under President Bush, we passed 56 CRs with no negotiation. Under President Obama, so far, 19. Almost every Member here voted for those. So you've been voting for CRs continuously for years and years without rancor. What's the difference now? You don't like a bill that passed 3 years ago, and you have to come and break the rules here by getting a waiver so you can bring up these issues on the appropriations bill because you don't want to do it in regular order? This is just insane.

This is insane. We've never done it like this. And the country is wondering what the heck is going on. Well, what's going on is we've just become children in this fight. This is nuts. This is not the way to run a government.

By God, let's get government open. We can do it tonight. Let's bring the bill to the floor and vote on it. Vote against this bill to nowhere.

I yield back the balance of my time.

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

Mr. Speaker, I would hope that all of my colleagues would join me tonight in supporting House Joint Resolution 77 that has been discussed here over the last hour.

I understand that many of my friends across the aisle would disagree with the majority's decision to immediately fund the most critical function of government during the delay that we have in current funding.

I recognize your preferences for a vote on all the government at one time; but you must recognize the truth of the matter is we don't have consensus in the House. Until the White House and the Senate are willing to sit down and negotiate a quick solution to this stalemate, I ask that my friends across the aisle join me in supporting the Food and Drug Administration, an agency that is on the front lines for our public health on a day-to-day basis.

There are a number of us who would question why nearly half of the FDA is furloughed when nearly all of their work impacts the safety and protection of human life. However, the administration has chosen to cease activities related to food, to medical devices, and to human drug establishment inspections, infant formula notifications, and to laboratory research that are tied to public health decision-making.

□ 1830

Most importantly, I would want to think that the administration is not playing politics with the safety of our Nation's food supply; but why is it that

87 percent of the Food Safety and Inspection Service is on the job while only about half of FDA's food safety staff are actually working, especially when FDA is responsible for 80 percent of the food supply?

As I noted in my opening remarks a few minutes ago, I would speculate that many of our colleagues don't realize how the FDA impacts every single one of our constituents in one way or the other. From formula fed to babies, to blood transfusions needed during emergencies and routine surgeries, to drugs that extend the lives of the sick, to the domestic or imported foods we feed to our families, on every occasion, the FDA is there.

Just 2 days ago, this body voted 407-0 to approve a measure that will provide backpay to furloughed Federal workers. This vote did not impact the critical needs of public health, yet an important vote, nonetheless. I would ask that each of the 407 Members who voted on Saturday for the backpay for Federal workers to now vote in favor of a bill that provides for urgent needs for our public safety and our welfare across the United States of America.

Again, I urge my colleagues to support this joint resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 371, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. FARR. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FARR. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Farr moves to recommit the joint resolution H.J. Res. 77 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the resolving clause and insert the following:

That upon passage of this joint resolution by the House of Representatives, the joint resolution (H.J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes, as amended by the Senate on September 27, 2013, shall be considered to have been taken from the Speaker's table and the House shall be considered to have (1) receded from its amendment; and (2) concurred in the Senate amendment.

Mr. FARR (during the reading). I ask unanimous consent to dispense with the reading.

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

There was no objection.

Mr. ADERHOLT. Mr. Speaker, I reserve a point of order on the gentleman's motion.

The SPEAKER pro tempore. A point of order is reserved.

Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. FARR. Mr. Speaker, this is the eighth time we've made this motion to bring the clean CR to the floor. And what could be simpler than a clean appropriations bill? No riders, no earmarks, no policy changes. I know it's something that my friends on the other side of the aisle have done over and over and over again. In this case, it's even with no increase in spending. It's clean; it's simple; it's the right thing to do.

So why are we here today, day after day, tinkering at the margins? Today we fund one agency; tomorrow it's something else; last Friday it was several others. This isn't any way to run a government, and no one who votes for this bill should think that it is. All this bill does is play favorites, pitting one agency against another for meager government funding.

So I offer this motion to recommit with the hope that our colleagues on the other side of the aisle will join me in funding, not part of government, not piecemeal government, all of government. Why? Because all Americans deserve a complete government at their service, a full-time government, not a partial government or a sometimes government.

This motion will allow us to pass the Senate version, which is a clean, what we call, continuing resolution, and it would reopen government within 24 hours. Very simple. Just bring it to the floor. Let the vote be what it is.

We've had, as I said earlier, 111 CRs since President Clinton was elected to office. In fact, I have the breakdown right here. We had 36 CRs, continuing resolutions, passed without this kind of conditionality, without the government shutting down—36. Under President Bush, we had 56 CRs passed without shutting down the government. With President Obama, in the years that he has been here, we've already passed 19 CRs without shutting down the government, without rancor, without conditions.

So why are we doing it now? It doesn't make any sense. Nobody can explain this. All Americans want all of their government back, and we can do that. Voting on this motion to recommit, we can get government open.

So I ask my colleagues on both sides of the aisle to support this motion to recommit. Support our ability to get government back, working for all the people for all the time, not part-time.

Mr. Speaker, I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Mr. Speaker, I make a point of order that the instructions that are contained in the motion violate clause 7 of rule XVI, which requires that an amendment be germane to the bill under consideration at the time.

As the Chair recently ruled on October 2, 3, and 4 of 2013, the instructions contain a special order of business within the jurisdiction of the Committee on Rules, and, therefore, the amendment is not germane to the underlying bill.

Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mr. FARR. Mr. Speaker, I request to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from California is recognized on the point of order.

Mr. FARR. Mr. Speaker, doesn't this bill before us fund a portion of the Federal Government?

My motion to recommit would open the entire Federal Government so that all the consumer protections that our Nation provides are guaranteed. We need to open up not just food safety, but we also need to open up the Centers for Disease Control. We need to open up consumer hotlines. Can the Chair explain why it is not germane to open up all the Nation's consumer protections?

The SPEAKER pro tempore. Does the gentleman have argument confined to the point of order?

Mr. FARR. Last Saturday, we agreed to pay our workers furloughed during the shutdown. I supported that bill. But what sense does it make to have workers paid to sit at home and not be able to do their jobs? What kind of strange House is this that would force this situation on our fellow workers? You've got to sit at home, but don't worry, you'll get paid?

Mr. Speaker, if you rule this motion out of order, does that mean we will not have a chance to keep the entire Federal Government open today? Can the Chair please explain why we can't keep the entire Federal Government open tonight, now?

The SPEAKER pro tempore. The Chair is prepared to rule on the point of order raised by the gentleman from Alabama.

The gentleman from Alabama makes a point of order that the instructions proposed in the motion to recommit offered by the gentleman from California are not germane.

The joint resolution extends funding relating to the Food and Drug Administration. The instructions in the motion propose an order of business of the House.

On October 2, October 3, and October 4, 2013, the Chair ruled that a motion to recommit proposing an order of business of the House was not germane to various measures on the basis that the motion failed the committee jurisdiction test of germaneness.

Here, the joint resolution falls within the jurisdiction of the Committee on Appropriations. The instructions in the motion fall within the jurisdiction of the Committee on Rules.

The instructions, therefore, propose a non-germane amendment. The point is of order is sustained.

Mr. FARR. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. ADERHOLT. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on passage of the joint resolution, if arising without further proceedings in recommitment.

The vote was taken by electronic device, and there were—yeas 217, nays 182, not voting 32, as follows:

[Roll No. 527]

YEAS—217

Aderholt	Garrett	Meadows
Amash	Gerlach	Meehan
Amodei	Gibbs	Messer
Bachmann	Gibson	Mica
Bachus	Gingrey (GA)	Miller (FL)
Barletta	Gohmert	Miller (MI)
Barr	Goodlatte	Miller, Gary
Barton	Gowdy	Mullin
Benishek	Granger	Mulvaney
Bentivolio	Graves (GA)	Murphy (PA)
Bilirakis	Graves (MO)	Neugebauer
Bishop (UT)	Griffin (AR)	Noem
Black	Griffith (VA)	Nugent
Boustany	Grimm	Nunes
Brady (TX)	Guthrie	Nunnelee
Bridenstine	Hall	Olson
Brooks (AL)	Hanna	Palazzo
Brooks (IN)	Harper	Paulsen
Broun (GA)	Harris	Pearce
Bucshon	Hartzler	Perry
Burgess	Hastings (WA)	Petri
Calvert	Heck (NV)	Pittenger
Camp	Hensarling	Pitts
Campbell	Holding	Pompeo
Cantor	Hudson	Posey
Capito	Huelskamp	Price (GA)
Carter	Huizenga (MI)	Radel
Cassidy	Hultgren	Reed
Chabot	Hunter	Reichert
Chaffetz	Hurt	Renacci
Coble	Issa	Ribble
Coffman	Jenkins	Rice (SC)
Cole	Johnson (OH)	Rigell
Collins (GA)	Johnson, Sam	Roby
Collins (NY)	Jones	Roe (TN)
Conaway	Jordan	Rogers (KY)
Cook	Joyce	Rogers (MI)
Cotton	Kelly (PA)	Rohrabacher
Cramer	King (IA)	Rokita
Crawford	Kingston	Rooney
Crenshaw	Kinzinger (IL)	Ros-Lehtinen
Culberson	Kline	Roskam
Daines	Labrador	Ross
Davis, Rodney	LaMalfa	Rothfus
Denham	Lamborn	Royce
Dent	Lance	Runyan
DeSantis	Lankford	Ryan (WI)
Diaz-Balart	Latham	Salmon
Duffy	Latta	Scalise
Duncan (SC)	LoBiondo	Schock
Duncan (TN)	Long	Schweikert
Ellmers	Luetkemeyer	Scott, Austin
Farenthold	Lummis	Sensenbrenner
Fincher	Marchant	Sessions
Fitzpatrick	Marino	Shimkus
Fleischmann	Massie	Shuster
Fleming	McCarthy (CA)	Smith (MO)
Flores	McCaul	Smith (NE)
Fortenberry	McClintock	Smith (NJ)
Fox	McHenry	Smith (TX)
Franks (AZ)	McKinley	Southerland
Frelinghuysen	McMorris	Stewart
Gardner	Rodgers	Stivers

Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao

Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams

Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NAYS—182

Andrews
Barber
Barrow (GA)
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu
Cicilline
Clarke
Cleave
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Frankel (FL)
Fudge
Gabbard
Garamendi
Garcia
Grayson
Green, Al

Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Himes
Hinojosa
Holt
Honda
Horsford
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Loebach
Lofgren
Lowenthal
Lowe
Lujan Grisham
(NM)
Luján, Ben Ray
(NM)
Lynch
Maffei
Maloney,
Carolyn
Maloney, Sean
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meng
Michaud
Miller, George
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke

Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Price (NC)
Quigley
Rahall
Rangel
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schneider
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Watt
Waters
Watt
Waxman
Wilson (FL)
Yarmuth

NOT VOTING—32

Bass
Blackburn
Buchanan
Castro (TX)
Clay
Davis, Danny
DesJarlais
Ellison
Forbes
Gallego
Gosar

Gutiérrez
Herrera Beutler
Higgins
Hoyer
King (NY)
Lipinski
Lucas
McCarthy (NY)
McKeon
Meeks
Moore

Poe (TX)
Polis
Richmond
Rogers (AL)
Rush
Sanchez, Loretta
Sanford
Simpson
Welch
Young (FL)

□ 1906

Messrs. CLYBURN and SIREs changed their vote from "yea" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the joint resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 162, not voting 34, as follows:

[Roll No. 528]

YEAS—235

Aderholt
Amash
Amodei
Bachmann
Bachus
Barber
Barietta
Barr
Barrow (GA)
Barton
Benishak
Bentivolio
Bera (CA)
Bilirakis
Bishop (UT)
Black
Boustany
Brady (TX)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Bucshon
Burgess
Bustos
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
DeBene
Denham
Dent
DeSantis
Diaz-Balart
Duffy
Duncan (SC)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foster
Foxy
Franks (AZ)
Frelinghuysen
Garcia
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger

Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Loebach
Long
Luetkemeyer
Lummis
Lynch
Maloney, Sean
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCauley
McClintock
McCollum
McHenry
McIntyre
McKinley
McMorris
Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen

Andrews
Beatty
Becerra
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Brown (FL)
Brownley (CA)
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu
Cicilline
Clarke
Cleave
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
Deutch
Dingell
Doggett
Doyle
Duckworth
Duncan (TN)
Edwards
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Frankel (FL)
Fudge
Gabbard
Garamendi
Grayson
Green, Al

NAYS—162
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Himes
Hinojosa
Holt
Honda
Horsford
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lofgren
Lowenthal
Lowe
Lujan Grisham
(NM)
Luján, Ben Ray
(NM)
Maffei
Maloney,
Carolyn
McDermott
McGovern
McNerney
Meng
Michaud
Miller, George
Moran
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke

Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Pocan
Price (NC)
Quigley
Rahall
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watt
Waxman
Wilson (FL)
Yarmuth

NOT VOTING—34

Bass
Blackburn
Buchanan
Castro (TX)
Clay
Davis, Danny
DesJarlais
Ellison
Forbes
Gallego
Gosar
Gutiérrez

Herrera Beutler
Higgins
Hoyer
King (NY)
Lipinski
Lucas
McCarthy (NY)
McKeon
Meeks
Moore
Poe (TX)
Polis

Rangel
Ribble
Richmond
Rogers (AL)
Rush
Sanchez, Loretta
Sanford
Simpson
Welch
Young (FL)

□ 1914

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 139

Mr. HOLT. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 139, a bill originally introduced by Representative MARKEY of Massachusetts, for the purposes of adding co-sponsors and requesting re-printings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Mr. RICE of South Carolina). Is there objection