past time to extend emergency unemployment insurance, and I am ready to vote to do so today.

Unfortunately, this Republican Congress is denying more than 2 million people across the country the opportunity to support their families and get back on their feet.

Extending emergency unemployment insurance is simply the right thing to do. Have Republicans lost their compassion or have they simply lost touch with reality? Every week, another 72,000 Americans run out of unemployment insurance. In Georgia, 75,000 people have already been cut off. This is supposed to be a lifeline for people who are involuntarily unemployed. No one wants to be unemployed.

It is essential we show the compassion our forefathers displayed when America was rebuilding itself after the Great Depression. We must come to compromise when it comes to helping those looking for work.

□ 1230

PROTECTION OF WOMEN'S RIGHTS

(Ms. CLARK of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CLARK of Massachusetts. Mr. Speaker, a few weeks ago, I stood here to advocate for better economic policies for women because what this Congress takes up week after week doesn't reflect the priorities of the women I talk to at home.

When I talk to the women in my district, the common thread is clear. Women just want a fair shot. They want to know, if they work hard and play by the rules, they will succeed and their families will succeed.

Unfortunately, there are some that just don't get it. Just last month, we had to fight against an unconscionable bill attacking a woman's right to choose her own health care decisions. The Hobby Lobby case the Supreme Court will hear in a few weeks will decide if a woman's boss can choose what type of care and medicine she can access.

When it comes to ensuring that women get a fair shot, we have to protect a woman's right to make her own health care decisions and her ability to plan for her family and her future.

That is why I am proud to stand with my colleagues from the Pro-Choice Caucus in signing the amicus brief to ask our Supreme Court to protect this critical right for women and their families.

EMPOWERING FAMILIES TO CHOOSE PUBLIC SCHOOLS

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

Mr. POLIS. Mr. Speaker, just as the storied competition between the New York Yankees and the Boston Red Sox works to improve both teams, so does school choice and empowering families to choose the public school that best fits their kids to improve all of our public schools.

Our Education and the Workforce Committee this week had an excellent hearing on charter schools, which I encourage my colleagues to look at the record of. We heard testimony from across the country about the tremendous role that charter schools are playing as part of our public education system in ensuring that all students have access to a quality education.

In addition to charter schools, making sure that States have policies like Colorado does for open enrollment within a district and between districts, parents should be empowered to choose their neighborhood school, a magnet school, a charter school, another public school, with an educational model that fits the unique learning needs of their kid.

In this way, we can ensure that the next generation of American children are prepared to succeed in the 21st century.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK.
HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 2014.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 13, 2014 at 9:39 a.m.: that the Senate passed S. 611.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

PROVIDING FOR THE REAPPOINTMENT OF JOHN W. MCCARTER AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the joint resolution (S.J. Res. 32) providing for the reappointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S.J. RES. 32

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of John W. McCarter of Illinois on March 14, 2014, is filled by the reappointment of the incumbent. The reappointment is for a term of 6 years, beginning on March 15, 2014, or the date of enactment of this joint resolution, whichever occurs later.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3189, WATER RIGHTS PROTECTION ACT; PROVIDING FOR CONSIDERATION OF H.R. 4015, SGR REPEAL AND MEDICARE PROVIDER PAYMENT MODERNIZATION ACT Of 2014; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM MARCH 17, 2014, THROUGH MARCH 21, 2014

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 515 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 515

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3189) to prohibit the conditioning of any permit, lease, or other use agreement on the transfer, relinquishment, or other impairment of any water right to the United States by the Secretaries of the Interior and Agriculture. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such

amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4015) to amend title XVIII of the Social Security Act to repeal the Medicare sustainable growth rate and improve Medicare payments for physicians and other professionals, and for other purposes. All points of order against consideration of the bill are waived. The amendment printed in part B of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 3. On any legislative day during the period from March 17, 2014, through March 21, 2014—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 4. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 of this resolution as though under clause 8(a) of rule I.

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

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), 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. BURGESS. 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. BURGESS. Mr. Speaker, House Resolution 515 provides for consideration of H.R. 3189, the Water Rights Protection Act, under a structured amendment process, making in order three amendments and providing for extra time for debate for the substitute amendment, which will be offered by Mr. POLIS.

The rule also provides for the consideration of H.R. 4015, the SGR Repeal and Medicare Provider Payment Modernization Act of 2014 with one amendment, offered by Chairman CAMP from the Ways and Means Committee, being self-executed in order to ensure that the legislation has a valid pay-for.

This is necessary so that the bill before us does not run afoul with the majority's rule on CutGo. As is customary, the rule allows the minority to offer a motion to recommit on each bill. Finally, the rule provides for the customary district work period authority.

H.R. 3189, the Water Rights Protection Act, addresses a concern of a number of our Western State colleagues who have experienced the Federal Government threatening to take over the private water rights of businesses and private citizens held on public lands.

The bill, sponsored by Representative SCOTT TIPTON from Colorado, is a bipartisan effort to protect water supplies and property rights designated for recreation, agriculture, local conservation, and municipal use from Federal Government overreach.

The bill protects water users and upholds State water laws by prohibiting Federal agencies from extorting water rights through their use of permits, leases, and other land management arrangements.

If the floor debate on this bill is anything like the debate which members of the Rules Committee observed last night, this discussion will be spirited, as this issue deeply affects Western States, where so much of their land is controlled by the Federal Government.

The second bill, H.R. 4015, the SGR repeal legislation, is an issue that I have worked on my entire congressional career. It reflects years of bipartisan, multicommittee, bicameral discussions and negotiations, bringing together Members of all ideological stripes, as well as those from the outside, to coalesce around a policy to help patients and to help their care providers get out from under the constant threat of payment cuts under the current sustainable growth rate structure for Medicare payments.

Everyone agrees, Mr. Speaker, that the Medicare sustainable growth rate has got to go; but today, we are considering an actual framework to realistically accomplish that goal.

This formula—the sustainable growth rate formula—was enacted as part of the Balanced Budget Act of 1997 in an ultimately misguided means by which to restrain Federal spending in Medicare Part B.

The formula consists of expenditure targets, which are established by applying a growth rate, which is designed to bring spending in line with the expenditure targets over time.

Since 2002, this formula has called for a reduction to physician reimbursement rates. However, every Congress has consistently passed legislation to override this formula. This has led this body to find over $150 billion with no solution out of this annual mess.

If Congress were to let the SGR go into effect, physicians would face a 24 percent reduction in reimbursement rates in just a few weeks' time. This unrealistic assumption of spending and efficiency have plagued the health care profession and our Nation's seniors.

The bill before us repeals the SGR—let me repeat that because it is so important—this bill repeals the sustainable growth rate formula, avoiding potentially devastating across-the-board cuts slated for 2014 and does so at a cost far lower than what Congress has already spent or would likely spend over the next 10 years' time.

The bill provides for 5 years of payment transition, essential to allow us to ensure continued beneficiary access, to allow medicine to concentrate on moving to a broad adoption of quality reporting, and allow Congress to move past the distraction of this formula to identify Medicare reforms that can further benefit beneficiaries.

This bill will also allow providers the time to develop and the time to test quality measures and clinical practice improvement activities, which will be used for performance assessment during other phases of this bill. During the 5-year stability period, physicians will receive annual increases of ½ of 1 percent.

I know, I can hear it already. That is not very much. Correct, it is not; but it is more in aggregate than what has been provided over the last several years. More importantly, it provides that stability so physician offices can plan and plan ahead on how to take care of their patients.

□ 1245

The quality measures implemented in what is called the Merit-Based Incentive Payment System will be evidence-based and developed through a transparent process that will seek input from provider groups, from patient groups, and from other stakeholders.

Quality reporting will involve a provider's being judged against its practice rather than a one-size-fits-all, generic standard of care that does not take into account the unique practices of various specialty providers.

Providers will also self-determine their measures. We consolidate three reporting programs into the Merit-Based Incentive Payment System, easing the administrative burden on doctors while retaining the congressionally established goals of quality, resource use, and meaningful use.

The new reimbursement structure ensures continued access to high-quality care while providing physicians with certainty and security in their reimbursements. Physicians will be aware of the benchmarks they are competing against, and unlike current law, all penalties assessed from those not meeting the benchmarks will go to those who are. This keeps the dollars

in the Medicare system, and that, ultimately, drives the quality, which benefits Medicare patients.

Standards against which providers will be measured will be developed by professional organizations in conjunction with existing programs and will incorporate ongoing feedback to doctors, thus further ensuring that optimal care is ultimately provided to the patient.

Realtime feedback will be gained through registries and performance data, and doctors are encouraged to participate in the process through data reporting. For eligible professionals who choose to opt out of the fee-for-service program, alternative payment models will be available. These alternative models may include patient-centered medical homes, whether they are primary or specialty models, and bundles or episodes of care. By encouraging alternative payment models, care coordination, and disease management, our proposed solution will inspire innovation. Qualifying practices that move a significant number of their patients into one of these alternative payment methods will see a 5 percent quality bonus. The bill will also take affirmative steps to improve the accuracy of relative values and misvalued services.

But even though we are taking these important steps toward ensuring quality care, the bill specifically states that these quality measures are not creating a Federal right of action or a legal standard of care or a duty of care owed by the health care provider to the patient.

Mr. Speaker, we have had a lot of discussion. I know my friends on the other side of the dais may disagree with having to pay for new spending, but this is an important reform that Republicans put in place when they reclaimed the majority after the 2010 elections. If you want to increase mandatory spending, you should reduce mandatory spending elsewhere. This is a simple concept, and I know that my constituents and many Americans agree with this.

The Democrats' substitute highlights the difference between the parties on this issue. Democrats have embraced a budget gimmick to offset their bill, a gimmick that even the nonpartisan Congressional Budget Office has said is not scorable. There is no way that it will pay for anything, because the score is zero.

Republicans want to reform Medicare and the payment system in a responsible way and do so in a way that is paid for. If my colleagues on the other side can find a legitimate offset, I am happy to review it. In fact, this is exactly what we are asking of the United States Senate. You don't like our offset. Offer one of your own, and let's work together to pass these much-needed reforms.

This bill is consistent in its themes throughout. We provide payment stability, reduce and streamline the administrative burden, increase predictability in doctors' interactions with the Centers for Medicare and Medicaid Services, build transparency into systems, encourage innovation and the delivery of services, and keep providers in the driver's seat.

I encourage my colleagues to vote ''yes'' on the rule and ''yes'' on the underlying bills.

I reserve the balance of my time.

Mr. POLIS. I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, we have two bills before us under this rule, which I will briefly discuss before getting into the more important topic of what bills are not being considered on the floor of the House this week.

Notably, despite comprehensive immigration reform's having passed the Senate with more than two-thirds support, despite the fact that there are more than 10 million people here in this country illegally, despite the fact that our borders are porous and that people are sneaking across, as well as illicit goods, despite the fact that we have no meaningful workplace enforcement, despite the fact that farmers and the faith-based community are crying out for reform—the business community, the tech community, labor—there is no immigration bill on the floor of the House today. Instead, we are discussing two bills.

We are discussing one SGR fix. Now, that sounds obscure to people, ''SGR fix.'' What is that? This is the reimbursement rate for doctors under Medicare, and there is a budgetary fiction that long predates me in this place. I assume that, at the time, Republicans and Democrats created this elaborate budgetary fiction together as this degree of budgetary fiction requires both parties' most creative thoughts to possibly put it together. So we pretend every year that there are going to be large cuts to Medicare. I think Republicans and Democrats know that that is not likely to happen. Those cuts would completely gut Medicare. Doctors would drop Medicare patients if those cuts were to occur.

So each year and sometimes shorter than a year—sometimes 6 months, sometimes 3 months, sometimes 2 years—Democrats and Republicans have to come together to figure out how to avoid those automatic cuts that otherwise occur. That discussion is about how to pay for avoiding those cuts each time.

Democrats have suggestions to pay for it—let's eliminate oil and gas loopholes; let's use the overseas contingency fund. Republicans have ideas about how they want to pay for it—in this case, the 52nd repeal of ObamaCare. By the way, they want to keep all of the taxes from ObamaCare; they just want to get rid of some of the benefits. So they are going to keep all of the taxes from ObamaCare—those Republicans love those taxes—but they are getting rid of some of the benefits. That is the secret of what they are using to pay for it, just so you know.

The real discussion is how to do it, but in this case, the Republicans are presumably so embarrassed about their pay-for—the fact that they are using the ObamaCare taxes to pay for Medicare—that they are slipping it into the rule in what is called the ''deem and pass'' language, or what is characterized by some as the ''demon pass'' language.

This rule says:

> The amendment printed in part B of the report of the Committee on Rules accompanying this resolution shall be considered as adopted.

That means there is not even going to be a vote on the actual way to pay for avoiding the Medicare cuts. It is in the rule, itself. This is the most costly rule I have ever seen. This rule costs $138 billion of ObamaCare taxes that the Republicans want to use. This is an expensive rule, Mr. Speaker. If there is a real desire to talk with Democrats about ways to pay for the Medicare SGR fix, also called the ''doc fix,'' we are happy to do it. We were hoping that you would allow a Democratic pay-for sponsored by Mr. TIERNEY, who will talk about the previous question. Our idea is to use the Overseas Contingency Fund to avoid any cut to Medicare beneficiaries, but this rule does not allow us to do that. This rule doesn't even allow the House to vote on using ObamaCare taxes to pay for SGR. It includes the ''deem and pass'' language in the rule, itself—a rule, itself, that includes self-executing language that costs $138 billion. That is one expensive rule, Mr. Speaker, and I certainly hope my colleagues vote ''no.''

This rule also includes H.R. 3189, the Water Rights Protection Act. As my colleague said, those of us in the West feel that whiskey is for drinking and water is for fighting about. I think the debate on the Rules Committee last night and the upcoming debate here on the floor will probably reflect that old adage. The genesis of this particular bill is something that Mr. TIPTON and I and, I think, many Members of this body agree on. We wanted to address a narrow dispute between the U.S. Forest Service and ski permit holders that directly impacts my district and impacts Mr. TIPTON's district.

I support Mr. TIPTON's efforts in that regard, and I was hoping we could have gotten the bill to a point where it would have passed near unanimously or unanimously. Instead, this bill has become a job-killing Republican water grab that even the counties that it was designed to help oppose. The counties in my district that have ski resorts—Eagle, Rand, Summit County, famous resorts like Winter Park, Vail, Arapahoe Basin, Breckenridge, among others—now oppose this bill because it will destroy jobs in their counties by destroying recreational opportunities like white-water rafting, fishing, year-round tourism opportunities, which are

critical to the economic success of my district.

These changes to this job-killing Republican water grab have caused this bill to snowball into an effort that will hurt our rivers' health, destroy recreational opportunities, and the underlying bill jeopardizes the agreements that leave waters in streams and rivers, which allow our tourism industry to be so vibrant. Even some of the counties, as we mentioned in the Rules Committee yesterday—certainly not all of those counties—like Pitkin County and the home of Aspen and Mr. TIPTON's district, also oppose this bill. Again, there was an overreaching decision by the U.S. Forest Service that required ski area permittees to transfer the ownership of water rights to the Federal Government. In 2012, that water directive was overturned by a U.S. District Court judge.

It is important to note that I believe in the purpose of this bill, and I hope that we can address it through the amendment that I have offered, which allows for 20 minutes of floor debate under this bill. This bill can still be saved by this body's endorsing the amendment that I have offered as part of this bill, which is also supported by ski area representatives from across the Mountain West, along with my colleagues from Colorado Ms. DEGETTE and Mr. PERLMUTTER.

Unfortunately, this job-killing Republican water grab bill uses the ski area directive as a pretense for making wholesale job-killing changes. Look, ski areas have been a punching bag for U.S. Forest Service's misguided policies for the last decade. I think we can find common cause around a narrow solution. In that time, the Forest Service has changed the ski area water policies four times. It has inconsistently enforced others' water clauses. It has left ski areas subject to the agency's whim. They are very capital-intense ski areas. They are the major economic driver of the mountain areas of my district, but they have been at the whim of sometimes arbitrary Federal actions. Ski areas collectively hold water rights worth hundreds of millions of dollars that are critical for their businesses.

Now, my colleagues might wonder what kind of improvements a ski area might want to make. In 2011, this body unanimously voted to support the Ski Area Recreational Opportunity Enhancement Act, which allowed ski areas to expand summertime activities, like zip lines and mountain biking. Amongst some of those other summertime activities that ski resorts benefit from are white-water rafting, fishing—the very kinds of recreational opportunities that will be impacted by this job-killing Republican water grab.

I entered several pieces of testimony into the record in the Rules Committee yesterday—statements from water districts and from counties—with regard to how this bill will impact recreational opportunities in Colorado. Along with Ms. DEGETTE, Mr. PERLMUTTER, Ms. DELBENE, Ms. KUSTER, Mr. CARTWRIGHT, and Mr. HUFFMAN, I was proud to offer an amendment that would fix and address the issues in H.R. 3189 and return the bill to its original purpose.

The amendment ensures that any U.S. Forest Service directive will not condition ski area permits on the transfer title of any water right or require any ski area permittee to acquire a water right in the name of the United States. The amendment ensures the long-term viability of ski areas, and it makes sure that this bill is not the job-killing Republican water grab that it has become.

It is important to note that the narrow dispute that was the genesis of this bill could have been solved with a suspension measure. We have offered language repeatedly to Mr. TIPTON and his staff, to the committee and its staff, but we were not taken up on that offer, sadly. Instead, we have before us a job-killing Republican water grab bill that would devastate my district.

□ 1300

Instead, the manager's amendment was offered, as well as additional language in committee.

This bill is riddled with problems that are not addressed. The bypass flows issue is not solved in the manager's amendment, which does address the Endangered Species Act component but does nothing to address the issues around the Forest Service, BLM, Interior, and Agriculture agencies that also have relevant authority under a number of statutes, including the Federal Land Policy and Management Act, Forest Service and Park Service Organic Act, and Wild and Scenic Rivers Act, to impose bypass flows.

Simply put, the manager's amendment doesn't make the necessary improvements to make this a bipartisan measure—they are simply window dressing for a job-killing Republican water grab.

Let's talk about some of the issues in the underlying legislation.

In the West, water rights are State-based, and any challenge to a right or to the system itself is a very delicate proposition to years of precedence and claims, subordinate and senior, with regard to water.

As a result, this legislation only serves to cast doubt on the complicated laws and authorities that make up our Nation's and State water laws, and that companies, individuals, and counties have made decisions on and already have economic investments in.

In addition, this bill, absent my amendment, muddles the message of disapproval over the 2011 decision.

What exactly are we saying with regard to this bill? A bill that was meant to address the needs of ski areas because of the 2011 directive instead has become an all-encompassing, job-killing Republican water grab, which is not even a clear signal of our unhappiness with the original directive.

I think not only would there be a much cleaner path to actually become the law of the land if we were to consider a targeted approach encompassed by the amendment that I have offered, but it also, even absent becoming law, would send a clear and unambiguous message to the U.S. Forest Service of congressional disapproval of the directive.

Instead, I think they will just shrug their shoulders and say, That is that crazy House of Representatives.

This bill is not going to become law. This bill will not have any impact—and the message is lost with regard to the 2011 directive.

If they think this is the House's reaction—muddled, job-killing, water-grabbing—to this sort of thing, what is to stop them from doing this again? What is to stop them from targeting ranchers? What is to stop them from targeting recreation areas?

When this kind of thing occurs, we need a targeted reaction that can become law or a clear and unambiguous message that the House will not stand for it.

In summary, this rule contains $183 billion in ObamaCare taxes that are spent for another purpose and allows two bills to come to the floor, both of which could be negotiated in good faith with the Democrats, and both of which have not.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself 1 minute to respond to some of this, just to put things in context on a timeline.

H.R. 4015 was introduced on February 6, 2014. The bill has been available to all Members and the public for more than a month. The bill is cosponsored by the bipartisan chairs and ranking members of the Committees on Energy and Commerce, Ways and Means, and the Senate Finance Committee.

We are recommending no changes to the underlying substance of H.R. 4015, which has been negotiated on a bipartisan basis.

I do believe that providing offsets for new spending is an appropriate course of action. Therefore, the Camp amendment saves almost $170 billion over the next 10 years, and this rule ensures that we aren't making future generations foot the bill.

I yield 4 minutes to the gentleman from Colorado (Mr. TIPTON).

Mr. TIPTON. I thank the gentleman for yielding.

Mr. Speaker, it is with some dismay that I have to address some of the comments that have been made by my good friend and colleague from Colorado.

Unfortunately, through their own words, they are willing to throw farmers and ranchers—hardworking Americans—under the bus, for an ideological cause, something that we simply cannot accept in the West. In the Western United States, water is the lifeblood of our communities. H.R. 3189 codifies that existing right.

The water grab that is taking place is not by this legislation but by the

very Federal Government that our opponents seem to want to be able to protect and put in a position of authority over State rights and the Fifth Amendment of the Constitution.

As a sponsor of this bipartisan legislation, I support the rule on H.R. 3189, and I encourage an open debate because I believe the merits of this bill will truly speak for themselves.

Federal attempts to be able to manipulate Federal permit, lease, and land management processes to circumvent long-established State water law and hijack privately held water rights have sounded the alarm bell for all non-Federal water users that rely on these water rights for their livelihood.

The most recent case of the Federal Government's overreach and infringement on private property rights involves a U.S. Forest Service attempt to require the transfer of privately held water rights to the Federal Government as a permit condition on National Forest System lands. There is no just compensation for the transfer of these privately held rights, despite the facts that many stakeholders have invested millions of their own capital in developing them and, in many cases, rely on them for their livelihoods.

This Forest Service permit condition has hurt a number of stakeholders in my home State of Colorado, including the Powderhorn ski area near Grand Junction. The Aspen ski area in my district, which he cited, supports this legislation.

Despite having been excellent stewards of the environment and their water rights, the Forest Service has demanded the relinquishment of State-granted water rights from these ski areas in order to continue their operations.

The same tactics have been used in Utah, Nevada, and other Western States where agencies have required the surrender of possession of water rights in exchange for approving the conditional use of grazing allotments.

This water grab has broad implications that have begun to extend beyond the recreation and farming and ranching community, and are now threatening municipalities and other businesses.

As a result of efforts that began in 2011 and encompass testimony from several hearings by the Natural Resources Committee, conversations with numerous stakeholders across Colorado and the West, and close collaboration with my friends on the committee, I introduced this bipartisan Water Rights Protection Act.

This legislation provides critical protection for water rights holders from Federal takings by ensuring that Federal agencies cannot extort private property rights through uneven-handed negotiations. The Water Rights Protection Act offers a sensible approach that preserves water rights and the ability to develop water requisite to living in the arid West without interfering with water allocations for non-Federal parties or allocations that protect the environment that is cherished by all Westerners.

To this end, the bill prohibits Federal agencies from pilfering water rights through the use of permits, lease, and other land management arrangements for which it would otherwise have to pay just compensation under the Fifth Amendment of the Constitution. The bill also prohibits Federal land management agencies from forcing water users to apply for or acquire water rights from the United States rather than for the water users themselves.

Finally, this commonsense legislation provides certainty by upholding longstanding Federal deference to State water law in which countless water users rely.

As the American Farm Bureau states in their letter of support:

> H.R. 3189 grants no new rights to any party, nor does it in any way infringe on existing rights of individuals, States, or the Federal Government. This legislation simply reaffirms what has been existing law for generations in the West.

I am proud that this important piece of legislation that is supported by a broad coalition of stakeholders is now present. Water is our most precious resource in the West, and long-held private property rights to it must be protected from uncompensated Federal takings.

I urge adoption of the rule.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), to further discuss the rule that allows for the debate of the job-killing Republican water grab and the bill to keep ObamaCare taxes and remove the benefits.

Ms. JACKSON LEE. I thank the gentleman very much.

Might I make a March plea in this March madness?

Can't we all get along and work together on important items such as water rights and the SGR?

I rise, first of all, to make it very clear that I am a strong supporter of providing adequate compensation to our physicians who serve Medicare patients. It is important for our seniors to know that Medicare will be there when they need it. But it is equally important that there are physicians who are willing to attend to them without going broke.

Let it be very clear that I believe my record has been extremely strong on the idea of making sure the benefits for seniors are not cut.

The misrepresentation that the Affordable Care Act cuts Medicare benefits is not true. Now we have the sustainable growth rate, which we had bipartisan support for, and all of a sudden we have a poison pill of a self-executing rule, which was challenged in the Rules Committee, to take money from the Affordable Care Act to allegedly help the doctors.

Every doctor I speak to wants a permanent fix for the SGR. There are a number of suggestions made in the other body, somewhat unpleasant, but we were willing to look at those particular suggestions.

As with any business, medical clinics and physician offices have payrolls to meet, bills to pay, and expenses to meet as they become due. Why are we playing with them when, in essence, we know that this is not going anywhere? Why are we not taking care of these physicians who spend 8 years and hundreds of thousands of dollars to work to gain a degree because they are healers, they believe in it, they want to serve the public. Now, rather than have a bipartisan bill—in the spirit of St. Patrick's Day—and be able to come together and work together, no, we have a bill that poses a serious problem.

I oppose the rule because it corrupts what would otherwise be a strongly supported bipartisan bill to sustain physician reimbursement rates, and it is another attempt, again by our friends on the other side, to disregard and mislead the public about the Affordable Care Act.

Let me clearly say that 11 groups representing the Nation's seniors—doctors and advocates—sent a letter to congressional leaders urging the House to reject the Republicans' toxic doc fix, the GOP's 51st vote to repeal.

From the letter:

> The undersigned organizations representing Medicare beneficiaries and providers appreciate the bipartisan, bicameral work done to repeal the Sustainable Growth Rate, SGR, and reform the Medicare reimbursement system. The current effort to link, however, SGR reform with changes to the Affordable Care Act injects partisan politics in bipartisan legislation.

Access to health care for more than 50 million Americans with Medicare is a serious matter. We should not schedule a vote that does not take seriously the idea of making sure our doctors get sufficient compensation.

The other wrongheaded approach to this is there are no amendments being allowed. No amendments, Mr. Speaker. A closed rule. I just saw some documentation of how many closed rules we have had in this House.

The SPEAKER pro tempore (Mr. WOMACK). The time of the gentlewoman has expired.

Mr. POLIS. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE. I thank the gentleman.

The Jackson Lee amendment that was not allowed would have ensured that, notwithstanding any provision of this act, no delay in the application of any provision of the Affordable Care Act would have occurred. It would have called for some studies about Medicare providers. It would have given us real information.

Jackson Lee amendment No. 2 would have required the Secretary to submit a report on cost savings.

The real point is, between skewing the water rights of people and the SGR, this rule should be opposed. We should get back to the drawing board.

Can't we all get along and work together on the right kind of legislation for water rights? More importantly, Mr. Speaker, our doctors deserve better, and I will say to them, you will get better from us.

Mr. Speaker, I rise to speak in strong opposition to the Rule for H.R. 4015, the SGR Repeal and Medicare Provider Payment Modernization Act of 2014.

Let me say first that I am a strong supporter of providing adequate compensation to our physicians who serve Medicare patients. It is important for our seniors to know that Medicare will be there when they need it. But it is equally important that there are physicians who are willing to attend to them without going broke.

That is why we have a Sustainable Growth Rate or "SGR." Medicare reimbursement enables rural physicians and hospitals to remain open for business.

As with any business, medical clinics and physician offices have payrolls to meet, bills to pay, and expenses to meet as they become due. If revenues are not sufficient to cover costs, the business will not long survive.

Thus, it is critical that we not disrupt timely and adequate payment to Medicare providers.

The problem with H.R. 4015 is what happened in the Rules Committee.

The Rules Committee, on a party line vote, added language to the Rule for H.R. 4015 that would delay the Affordable Care Act's implementation of the individual mandate.

I oppose the Rule for two reasons:

It corrupts what would otherwise be a strongly supported bipartisan bill to sustain physician reimbursement rates for medical services approved under Medicare, and

It is another attempt by the Republicans to mislead the public regarding the Affordable Care Act.

The Jackson Lee Amendments offered to the Rules Committee for H.R. 4015 would have improved the bill by removing the uncertainty that physicians would not keep the reimbursement rates they now have for treating patients under Medicare.

Jackson Lee Amendment #1 would have ensured that notwithstanding any provision of this Act, no delay in the application of any provisions of the Affordable Care Act's individual mandate can take effect before January 21, 2017.

Jackson Lee Amendment #2 would have required the Secretary of Health and Human Services to submit a report to Congress on the impact of the Medicare provider payments on the diversity and availability of physicians and hospitals to underserved rural and urban communities.

Jackson Lee Amendment #3 would have required the Secretary of Health and Human Services to submit a report to Congress on the cost savings associated with people no longer using emergency rooms or acute care facilities as their primary means of obtaining health care.

Jackson Lee Amendment #4 would ensure that the bill cannot be construed or interpreted to permit or require a delay in the application of the Affordable Care Act's individual mandate.

I know that many predicted that the Affordable Care Act would cause havoc on the nation's health care system. But it is not the ACA that is causing havoc—it is the 50 desperate but futile attempts by the Tea Party to scuttle a law that has been passed by Congress, signed by the President, upheld by the Supreme Court.

The most threatening actions to our nation's healthcare system by Tea Party Republicans are their attacks on Medicare.

In 2014, according to the Kaiser Foundation 16% of the nation's people have medical insurance under Medicare:

Texas has 12% of its residents insured under Medicare;

Arkansas, Florida and Vermont have 19% of their residents insured under Medicare; and

West Virginia and Main have 21% of their residents insured under Medicare.

Kentucky; Mississippi, Missouri, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Wisconsin, Ohio, Oklahoma, and Oregon have 18% of their residents insured under Medicare.

Every state has more than 10% of their residents insured by Medicare.

The uncertainly created by the majority regarding Medicare reimbursement over the last several years has forced physicians to reevaluate continuing their medical practice and frustrated hospitals working to make budget projections over several years into the future—this is critical to business decision making.

Because of uncertainty created by Medicare physician reimbursement—physicians and hospitals have been forced to close their offices, reduce services, or merge.

When patients find they cannot keep their physician or that their options for health care are being affected—it is not because of the Affordable Care Act.

Our nation has taken a momentous step in creating a mindset that good health is a personal responsibility with the enactment of the Affordable Care Act. The health care law did not automatically enroll all citizens into the program; it was specifically designed to be an opt-in process.

There are tens of thousands of visitors each day to the website and despite problems with the initial rollout of the online health insurance registration process, millions have enrolled and experience the peace of mind that comes from having affordable, high quality health insurance that is there when you need it.

I have held many events in my District to inform and connect people with Navigators and Community Health Centers and send a strong message to my constituents encouraging them that now is the time for them to obtain affordable, accessible, and high quality health insurance for themselves and their families.

So it is puzzling that with less than 70 legislative days remaining in the Second Session of the 113th Congress, we are still seeing attempts to end the Affordable Care Act.

The fact that a bill that is critical to the provision of payments to physicians that treat Medicare patients is not safe from the politics of the moment is troubling.

I ask my colleagues to support Medicare patients and their physicians by rejecting this Rule.

Mr. BURGESS. Mr. Speaker, may I inquire as to the amount of time that remains.

The SPEAKER pro tempore. The gentleman from Texas has 15½ minutes remaining. The gentleman from Colorado has 12 minutes remaining.

Mr. BURGESS. Thank you, Mr. Speaker.

I yield myself 2 minutes.

I wanted to just list some of the exemptions from the individual mandate—those passed in a bipartisan manner by the House of Representatives and those instituted by executive action by the President:

July 17, we delayed the individual mandate until 2015. Twenty-two Democrats voted in favor of that.

March 10, 2014, delayed the individual penalty for individuals who fail to have health care coverage. Twenty-seven Democrats voted in favor.

March 11, H.R. 1814, exempted individuals with certain religious beliefs. Passed by a voice vote. Not a single dissenting vote.

March 11, we exempted volunteer firefighters and emergency responders from the individual mandate. The vote was 410–0. 186 Democrats voted in favor.

March 11, we exempted individuals who receive health coverage under TRICARE, VA, from being counted towards the employer mandate under the ACA. 183 Democrats voted in favor of that exemption.

This is not something that is exclusive to the House of Representatives.

□ 1315

Just last week, the administration quietly excused millions of people from the requirement to purchase health insurance or else pay the tax. Now all you need to do is fill out a form attesting that your plan was canceled and you believe that the plan options available in the marketplace in your area are more expensive than your canceled insurance policy. You believe that to be true. You don't have to prove it. You believe it to be true. It is self-attestation. So the President has already delayed the individual mandate for another 2 years' time.

This is a reasonable proposal, what is out there today. Yes, doctors do need relief, but we need to pay for that. I believe the proposal before the Congress today will do just that.

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

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

The Republicans are getting worse and worse on these ObamaCare votes. You would think that you would get better with practice, after 52 times they would be better at repealing ObamaCare. That is because this body, the House of Representatives, has voted to repeal ObamaCare, in whole or in part, 52 times.

Those votes started out where it was very simple. The votes were to repeal everything that was in the Affordable Care Act. That is how those votes started. Now they have gotten to the point where the Republicans want to keep the taxes from ObamaCare and get rid of the benefits. I don't think anybody wants that.

I mean, if you are talking about repealing the Affordable Care Act, you still have people that are split on that. You might have a few more people that

agree with you or a few more that agree with us, but the American people have different opinions about that. But if you offered any of them keep all the taxes and get rid of the benefits, I can't imagine anybody wants that.

I would hope that, after so much practice, the Republicans would be quite good at this. It seems to be the core competency they are developing. Almost every week, in fact, this body repeals ObamaCare, but now they are repealing it in a way that keeps all the taxes and gets rid of the benefits; so I am quite surprised that the old adage of ''practice makes perfect'' is far from true with regard to the Republican approach to this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my good friend from Colorado for yielding me this time.

Mr. Speaker, we have an opportunity in this session of Congress of getting rid of an onerous policy that has affected the delivery of health care throughout our country since 1997, the so-called sustainable growth rate. That is the reimbursement that our doctors, our physicians receive in Medicare.

We have been working hard at this for a number of years. I commend my good friend and colleague from Texas for the leadership that he has shown on this issue.

The policy behind the SGR repeal that is going to be before this Congress tomorrow has been bipartisan in support. It moves the health care system in the direction where it needs to go, with an emphasis on quality and value, as opposed to the volume of services and moving away from the so-called fee-for-service reimbursement schedule that we have right now.

I believe that if we continue to drive the health care system in that direction, we can get much better quality of care for all Americans, but at a much better price. There are a lot of tools under the Affordable Care Act that are moving us in that direction now to a more integrated, coordinated, patient-centered health care delivery system, but also a reimbursement system that finally is based on the value or the quality of care that is given and no longer the volume of services that are rendered.

In fact, just recently, the Institute of Medicine at the National Academy of Sciences came out with their analysis of the health care system, and found that we are spending close to $750 billion every year on things that don't work. They don't improve patient care. It is the overutilization that is costing us so much and, most of the time, leading to worse outcomes rather than better outcomes; yet the bill with the SGR before us would correct a lot of this with different payment models, with the emphasis on quality and value, with value incentives built into it.

The problem that we have before us tomorrow is how they are going to pay for it. It is this itch that they have to scratch over and over again called the Affordable Care Act, or so-called ObamaCare. They can't help themselves but to keep going back to that well in order to find offsets and pay-fors for other measures where there is bipartisan support and agreement on.

So we will go through this ruse yet again tomorrow. We will have this debate. The vote will probably be along partisan-lines, knowing that it is not going to advance anywhere in the Senate, nor would the President embrace this type of pay-for eliminating the individual responsibility component of the Affordable Care Act. And then we will be right back to where we are today, and that is having to sit down, talk to one another, find some reasonable offsets in order to finally repeal the SGR.

Repeal of SGR is on sale right now. The Congressional Budget Office has been very kind in their score on what repeal would look like—roughly $138 billion. Still a lot of money. In fact, where current per capita health care spending is going right now, it keeps getting better month after month. We are at the lowest per capita health care spending in the last 50 years, certainly lower than anything that we have ever seen under Medicare and Medicaid.

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

Mr. POLIS. Mr. Speaker, I yield the gentleman an additional 45 seconds.

Mr. KIND. So there are some powerful trends that are leading to a reduction in overall health care spending, things that we should study and explore and try to sustain.

But moving forward with an SGR repeal based on pay-fors that are being offered is just a dead-end road, it is not going to advance, and this is too important of a topic, too serious of an issue throughout our health care system to play these partisan, political games all over again.

So let's scratch this itch once again, and then, next week, let's come back together and see if we can, in a bipartisan fashion, find some commonsense, reasonable offsets that both parties can agree to, that the Senate can work on, that the President will sign, so we can finally get rid of this SGR onus that has been hanging over us.

Mr. BURGESS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, again I remind the body that this language, this compromise, this bipartisan, bicameral compromise has been available for all to see since February 6. During that time, what response have we gotten from the United States Senate as the responsible way to pay for this legislation? Crickets. Zero. Nothing.

We are offering this bill today with the pay-for that has been embraced by both sides in a bipartisan fashion, as I have demonstrated to you already. This would not be necessary if the Senate had provided us feedback on what their approach to a method of paying for this legislation would be, but they did not.

We know the chairman of the Senate Finance Committee, the Finance Committee in the other body, the chairwoman has now gone to a different occupation, so there is a new chairperson in the other body on the Finance Committee, but that shouldn't have been an obstacle. There was a way forward to provide the discussion, a preconference conference, if you will, because we had all agreed on the policy. This was not a mystery. This was not something that one body had done in secret. This had all been done out in the open for the past 2 years. So that pathway was available.

But for whatever reason, the other body said no deal. We don't want to deal with the House. We want to jam the House at the last minute and get them to accept something. Or better yet, let's just do another patch and get us past our Election Day. That is a very cynical approach.

Mr. Speaker, today before us on the floor we are taking a responsible approach. And guess what. Because we have taken this approach, the Senate is now talking once again about their way forward, which, ultimately, I think is a good thing.

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

Mr. POLIS. Mr. Speaker, I would like to inquire of the gentleman if he has any remaining speakers.

Mr. BURGESS. As the gentleman from Colorado knows, I am capable of filling whatever volume of time remains on my own, but, no, I don't see other speakers seeking recognition.

I would inquire of the gentleman from Colorado his status of additional speakers.

Mr. POLIS. I am prepared to close. I have 6 minutes, and I wanted to yield to the gentleman if he has remaining speakers who wanted to speak before I close.

Mr. BURGESS. I am prepared to close.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, sadly, with these two bills, while the Republican job-killing water grab bill and the ObamaCare tax bill are both not going to become law, they both have a genesis in a real issue, one that calls for bipartisan cooperation, one that affects the water rights of ski areas that we have offered language in an amendment that would address, the other, my colleague, Mr. KIND, addressed.

This body has a long tradition of coming together around figuring how to pay for SGR. Now, the gentleman mentioned February 6 the language was available. The language regarding the SGR fix is not what is in dispute. The way of paying for the SGR fix is what is the topic of debate between Democrats and Republicans. That language was not seen February 6. That language is not even going to be voted upon under this rule. It is contained in the rule itself.

Sadly, while we take up our time on these bills that are not going to become law, we continue to avoid action on the pressing issue of reforming our immigration system. In August, a number of us sent a letter to Speaker BOEHNER saying that he should introduce comprehensive immigration reform legislation. If he failed to do so, we would work with a diverse group of our colleagues to introduce a bill for comprehensive immigration reform in the House. There were crickets, and so my colleagues and I, in October, introduced H.R. 15, comprehensive immigration reform, a bill that has bipartisan cosponsors, over 200 sponsors from both sides of the aisle.

Immigration reform is supported by an unprecedented coalition, including business and tech companies, faith leaders from across the country, police, security specialists, but most importantly, the American people, who are sick and tired of having over 10 million people in our country illegally.

We need to restore the rule of law. We need to allow American families to succeed in our country and to live their dreams. We need to have control of our border. We need to implement mandatory workplace authentication to ensure that people who are here illegally cannot work. Every day that passes is a failure of this body to address these issues, and the solution to all of these issues, workplace authentication, securing our border, uniting families, those are all in H.R. 15.

Look, we are ready to talk. If you don't want to bring H.R. 15 to a vote, Mr. Speaker, what are your immigration bills? What is the package of bills that will address these? Because we know it will take a multifaceted approach. A wall alone on the southern border doesn't solve this issue. The day after that wall is erected, there are still 10 million people here illegally, and the fact that half the people who are here illegally don't sneak across that border, they come here legally and then they outstay their welcome and work illegally. So this requires a solution that I think this Congress is capable of. I think we can work together.

Rather than consider divisive, job-killing water grab bills, rather than consider divisive ObamaCare tax bills that the Republicans want to use ObamaCare taxes, rather than repeal them, let's come together around immigration reform. House Republicans need to reject offensive and unproductive rhetoric and show real leadership that the business community in our country is calling out for.

A few weeks ago, a Wall Street Journal op-ed criticized Republicans' failure to act on commonsense reform. The Wall Street Journal said: ''Republicans have killed immigration reform for now, but the Farm Bureau study shows that in the real economy it's still needed.''

We could increase GDP by 3.3 percent. We can raise American wages by $470 billion with immigration reform. We can create 121,000 jobs for Americans each year by bringing comprehensive immigration reform to the floor.

Over 70 percent of the American people support immigration reform. It is time to act.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up the reasonable solution that would permanently fix the SGR and is offset by capping spending on the Overseas Contingency Fund.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment 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 Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, unfortunately, but I regret to say unsurprisingly, the Republicans continue to play politics with Medicare, politics with water that is the lifeblood of the American West and the economic lifeblood of the counties that I represent in Eagle and Summit County. And all we have here to vote on today is, once again, an attempt to undermine the Affordable Care Act, to keep the taxes and remove the benefits, and an attempt to grab the water from those who would use it for fishing and recreation in the Mountain West.

□ 1330

I hope that we can do better.

If we can reject this $183 billion rule, I think it will send a message to the Speaker that we are ready for immigration reform.

We are ready to reach out our hand on the SGR, on the doc fix, and figure out the best way to pay for it, taking the best ideas that Republicans and Democrats have to offer, working with the gentleman from Wisconsin (Mr. KIND) and others to bend the cost curve, so that we can deliver a better quality of services to American seniors and contain costs more effectively.

I urge my colleagues to vote ''no'' and defeat the previous question and vote ''no'' on the underlying bills.

I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I do want to direct Members' attention to yesterday's Wall Street Journal, the article entitled ''ObamaCare's Secret Mandate Exemption,'' which goes into some detail about the self-attestation for the so-called hardship exemption, which the administration included as part of an unrelated rule last week.

As a consequence, there is an exemption from the individual mandate for the next 2 years for anyone who simply wants to go and say: I am sorry; this is too tough for me to do.

Mr. Speaker, today's rule provides for the consideration of two important bills, one dealing with critical water rights and the other addressing the serious problem in the Medicare Sustainable Growth Rate.

I certainly want to thank the gentleman from Colorado (Mr. TIPTON) on H.R. 3189, as well as thank the chairmen and the ranking members of the House Committees on Energy and Commerce and Ways and Means, as well as the Senate Finance Committee, for coming together for our Nation's doctors and seniors.

As I close, I would like to note that each committee's work is represented in H.R. 4015. H.R. 4015's base policy has the backing of the House and Senate negotiators and all three committees of jurisdiction. The original cosponsors of the bill include the chairmen and the ranking members of the full committees of jurisdiction, as well as their health subcommittees.

The bill has gained support from the GOP Doctors Caucus, as well as many physicians on the other side of the aisle. We have over 100 bipartisan cosponsors. The bill's policy has been embraced by organized medicine, with well over 700 State and national groups in support of the bill.

From primary care to specialists to surgeons to organized nursing and everyone in-between, we have support for this policy. We will not be able to accomplish this goal without substantive and immediate bipartisan dialogue seeking agreement on reforms to offset the costs associated with the policies in H.R. 4015.

While the delay of the mandate has received bipartisan support, I understand the problems that arise and the opposition that arises.

These reforms must receive the necessary majority support, not only of the House and Senate, but also be agreed to by the White House. However, no one Chamber can negotiate on such an important task in a vacuum.

This action by the House is a means of clearly demonstrating that the legislative policies contained within H.R. 4015 and S. 2000 not only have the support of the committees of jurisdiction and organized medicine, but can gain the necessary support to pass the House.

Mr. Speaker, this is clearly not the end of this conversation. It is another step—another step of many that have been taken in demonstrating to both sides of the Capitol that the committees of jurisdiction have produced significant policy that can serve as the solution to the sustainable growth rate formula that most of us have sought throughout our congressional careers.

Mr. Speaker, I do want to take a moment to thank some of the staff members who have done so much work. I really wanted to start with Dr. John O'Shea, who no longer is on the staff, but now works at the Brookings Institute.

Dr. O'Shea, a physician from New York, was hired by committee staff for the express purpose of helping develop the policy for repealing the sustainable growth rate. In addition, James Decker

on my staff assists me with rules issues.

J.P. Paluskiewicz, known affectionately by his friends as J.P., has put in extraordinary hours on this project, as have Sarah Johnson and Adrianna Simonelli on my personal staff.

On the committee staff, Clay Alspach and Robert Horne have additionally put in hours well above and beyond what ordinarily would be required of committee staff in order to see this project come to fruition.

I certainly want to thank Chairman UPTON for making this a priority during his chairmanship of the Committee on Energy and Commerce; and I thank all of the staff—staff on Ways and Means and staff on Senate Finance—who have worked on this issue and will continue to work on this issue until it is solved.

Every success we have had at every point in this process was further than we have ever come before, and that involved a lot of working weekends; but ultimately, if we use this action to springboard to full bicameral engagement on the package that can go to the White House and get signed by the President, indeed, I think all involved would agree that it would be worth it.

I look forward to passage. I look forward to continuing the process with this Chamber and the other Chamber to embrace the underlying policy and ultimately identify the offsets that can get this badly needed policy into law. I urge my colleagues to support the rule and both underlying bills.

[From the Hill, March 13, 2014]

OBAMACARE'S SECRET MANDATE EXEMPTION

ObamaCare's implementers continue to roam the battlefield and shoot their own wounded, and the latest casualty is the core of the Affordable Care Act—the individual mandate. To wit, last week the Administration quietly excused millions of people from the requirement to purchase health insurance or else pay a tax penalty.

This latest political reconstruction has received zero media notice, and the Health and Human Services Department didn't think the details were worth discussing in a conference call, press materials or fact sheet. Instead, the mandate suspension was buried in an unrelated rule that was meant to preserve some health plans that don't comply with ObamaCare benefit and redistribution mandates. Our sources only noticed the change this week.

That seven-page technical bulletin includes a paragraph and footnote that casually mention that a rule in a separate December 2013 bulletin would be extended for two more years, until 2016. Lo and behold, it turns out this second rule, which was supposed to last for only a year, allows Americans whose coverage was cancelled to opt out of the mandate altogether.

In 2013, HHS decided that ObamaCare's wave of policy terminations qualified as a ''hardship'' that entitled people to a special type of coverage designed for people under age 30 or a mandate exemption. HHS originally defined and reserved hardship exemptions for the truly down and out such as battered women, the evicted and bankrupts.

But amid the post-rollout political backlash, last week the agency created a new category: Now all you need to do is fill out a form attesting that your plan was cancelled and that you ''believe that the plan options available in the [ObamaCare] Marketplace in your area are more expensive than your cancelled health insurance policy'' or ''you consider other available policies unaffordable.''

This lax standard—no formula or hard test beyond a person's belief—at least ostensibly requires proof such as an insurer termination notice. But people can also qualify for hardships for the unspecified nonreason that ''you experienced another hardship in obtaining health insurance,'' which only requires ''documentation if possible.'' And yet another waiver is available to those who say they are merely unable to afford coverage, regardless of their prior insurance. In a word, these shifting legal benchmarks offer an exemption to everyone who conceivably wants one.

Keep in mind that the White House argued at the Supreme Court that the individual mandate to buy insurance was indispensable to the law's success, and President Obama continues to say he'd veto the bipartisan bills that would delay or repeal it. So why are ObamaCare liberals silently gutting their own creation now?

The answers are the implementation fiasco and politics. HHS revealed Tuesday that only 940,000 people signed up for an ObamaCare plan in February, bringing the total to about 4.2 million, well below the original 5.7 million projection. The predicted ''surge'' of young beneficiaries isn't materializing even as the end-of-March deadline approaches, and enrollment decelerated in February.

Meanwhile, a McKinsey & Company survey reports that a mere 27% of people joining the exchanges were previously uninsured through February. The survey also found that about half of people who shopped for a plan but did not enroll said premiums were too expensive, even though 80% of this group qualify for subsidies. Some substantial share of the people ObamaCare is supposed to help say it is a bad financial value. You might even call it a hardship.

HHS is also trying to pre-empt the inevitable political blowback from the nasty 2015 tax surprise of fining the uninsured for being uninsured, which could help reopen ObamaCare if voters elect a Republican Senate this November. Keeping its mandate waiver secret for now is an attempt get past November and in the meantime sign up as many people as possible for government-subsidized health care. Our sources in the insurance industry are worried the regulatory loophole sets a mandate non-enforcement precedent, and they're probably right. The longer it is not enforced, the less likely any President will enforce it.

The larger point is that there have been so many unilateral executive waivers and delays that ObamaCare must be unrecognizable to its drafters, to the extent they ever knew what the law contained.

TEXAS MEDICAL ASSOCIATION,
Austin, TX, March 13, 2014.

Hon. MICHAEL C. BURGESS, MD,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BURGESS: On behalf of the 47,000-plus physician and medical student members of the Texas Medical Association, I am writing to reiterate our strong support for the work you have done to effectuate the repeal of Medicare's Sustainable Growth Rate (SGR) formula. In conjunction with your Texas colleague, Kevin Brady, you have gotten closer to solving this challenging issue than ever before. And you have done so with the support of every member of the Texas delegation, both Democratic and Republican, on the Energy & Commerce and Ways & Means Committees.

Perhaps more than anyone in Congress, you understand the frustration and anxiety that the ongoing SGR uncertainty creates for practicing physicians. You have worked tirelessly to craft a piece of legislation that not only repeals the SGR immediately, but also guarantees positive updates for physicians for five years, removes potential causes of liability against physicians, and eliminates some unnecessary bureaucratic red tape that prevents physicians from concentrating on patient care.

We especially appreciate your ongoing consultation and dialogue with TMA and Texas physicians throughout this process.

As you know well, the SGR Repeal and Medicare Provider Payment Modernization Act of 2014 has made it this far because of a bipartisan, bicameral agreement on the need to replace the SGR. We are committed to helping you finish the task.

Sincerely,

STEPHEN L. BROTHERTON, MD,
President.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 515 OFFERED BY MR. POLIS OF COLORADO

Strike section 2 and replace with:

Sec. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4209) to amend title XVIII of the Social Security Act to repeal the Medicare sustainable growth rate and improve Medicare payments for physicians and other professionals, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, the chair and ranking minority member of the Committee on Ways and Means, and the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

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

Sec. 5. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4209

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 Democratic minority 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.''

The Republican majority may 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. BURGESS. With that, 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.

Mr. POLIS. 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, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 227, nays 193, not voting 10, as follows:

[Roll No. 125]

YEAS—227

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

NAYS—193

Barber	Brown (FL)	Castro (TX)
Barrow (GA)	Brownley (CA)	Chu
Beatty	Bustos	Cicilline
Becerra	Butterfield	Clark (MA)
Bera (CA)	Capps	Clarke (NY)
Bishop (GA)	Capuano	Clay
Bishop (NY)	Cárdenas	Cleaver
Blumenauer	Carney	Clyburn
Bonamici	Carson (IN)	Cohen
Brady (PA)	Cartwright	Connolly
Braley (IA)	Castor (FL)	Conyers
Cooper	Kelly (IL)	Peters (MI)
Costa	Kennedy	Peterson
Crowley	Kildee	Pingree (ME)
Cuellar	Kilmer	Pocan
Cummings	Kind	Polis
Davis (CA)	Kirkpatrick	Price (NC)
Davis, Danny	Kuster	Quigley
DeFazio	Langevin	Rahall
DeGette	Larsen (WA)	Richmond
Delaney	Larson (CT)	Roybal-Allard
DeLauro	Lee (CA)	Ruiz
DelBene	Levin	Ruppersberger
Deutch	Lewis	Ryan (OH)
Doggett	Lipinski	Sánchez, Linda T.
Doyle	Loebsack	Sanchez, Loretta
Duckworth	Lofgren	Sarbanes
Edwards	Lowenthal	Schakowsky
Ellison	Lowey	Schiff
Engel	Lujan Grisham (NM)	Schneider
Enyart	Luján, Ben Ray (NM)	Schrader
Eshoo	Lynch	Schwartz
Esty	Maffei	Scott (VA)
Farr	Maloney, Carolyn	Scott, David
Fattah	Maloney, Sean	Serrano
Foster	Matheson	Sewell (AL)
Frankel (FL)	Matsui	Shea-Porter
Fudge	McCarthy (NY)	Sherman
Gabbard	McCollum	Sinema
Gallego	McDermott	Sires
Garamendi	McGovern	Slaughter
Garcia	McIntyre	Smith (WA)
Grayson	McNerney	Speier
Green, Al	Meeks	Swalwell (CA)
Green, Gene	Meng	Takano
Grijalva	Michaud	Thompson (CA)
Gutiérrez	Miller, George	Thompson (MS)
Hahn	Moore	Tierney
Hanabusa	Moran	Titus
Hastings (FL)	Murphy (FL)	Tonko
Heck (WA)	Nadler	Tsongas
Higgins	Napolitano	Van Hollen
Himes	Neal	Vargas
Hinojosa	Negrete McLeod	Veasey
Holt	Nolan	Vela
Honda	O'Rourke	Velázquez
Horsford	Owens	Visclosky
Hoyer	Pallone	Walz
Huffman	Pascrell	Wasserman Schultz
Israel	Pastor (AZ)	Waters
Jackson Lee	Pelosi	Waxman
Jeffries	Perlmutter	Welch
Johnson (GA)	Peters (CA)	Wilson (FL)
Johnson, E. B.		Yarmuth
Kaptur		
Keating		

NOT VOTING—10

Amodei	Dingell	Rush
Bachmann	Gosar	Wagner
Bass	Payne	
Courtney	Rangel	

□ 1404

Mr. GALLEGO changed his vote from ''yea'' to ''nay.''

Messrs. BRADY of Texas, MEEHAN, and CALVERT changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 12, 2014.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Gary J. Holland, Assistant Director of Elections, Office of the Secretary of State of Florida, indicating that, according to the preliminary returns of the Special Election held March 11, 2014, the