more affordable for Americans if you destroy jobs.

Republicans want to give the American people a leg up through tax relief and resources for small businesses to provide quality health care coverage. We have solutions that do not rely on tax hikes, mandates, and Big Government bureaucrats which lead to waiting lists and rationing.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

DEMOCRATS ARE DOING SOMETHING ABOUT HEALTH CARE

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

Mr. HASTINGS of Florida. Mr. Speaker, my constituents have given me the honor and the privilege of serving here in the House of Representatives for 17 years now, and in all of those 17 years coming from an area where health care costs have continued to accelerate each year, in all those years, I've come here along with colleagues on both sides of the aisle seeking better opportunities for the seniors, those who are disabled, those who are without health care, and all we've done is talk.

Well, now the Democrats have done something about that. We do have a plan that is before the American public. It allows for no more copays or deductibles for preventative care and an annual cap on out-of-pocket expenses, keeping Americans from financial ruin; an end to increases for preexisting conditions, gender, or occupation; group rates of a national pool if you buy your own plan; guaranteed affordable health care and vision care.

If we keep the Republican's plan in mind, costs will go up.

AMERICANS NEED TO SAY ''YES'' TO REPUBLICAN HEALTH CARE ALTERNATIVE

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

Mr. BROUN of Georgia. Mr. Speaker, this morning on ''Fox and Friends,'' one of my favorite golfists, Phil Mickelson, was there talking about his wife, Amy, and his mother, Mary, having breast cancer. He made an astonishing statement. He said that the treatment of breast cancer today is better than it was 5 years ago, better than 10 years ago, and he's absolutely right. Mr. Mickelson's hope in the cure for his mother and his wife's breast cancer, this devastating illness, is very high.

But, Mr. Speaker, the American people need to understand if we pass the Democratic health care reform bill that they are proposing, innovation in health care is going to quit or go down and be very little. The quality of care is going to go down. As a physician, I can tell the American people that the quality of your care will be worse a few years from now because of the Democratic Party's health reform plan.

The American people need to stand up, Mr. Speaker, and say ''no'' to this and say ''yes'' to some of the alternatives that Republicans are presenting. We have a plan, but it will not be heard unless the American people demand it.

□ 0915

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the House that on July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

At an appropriate point today, the Chair will recognize the anniversary of this tragedy by observing a moment of silence in their memory.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. KING of Iowa. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas the gentleman from Iowa, Mr. King submitted an amendment to the Committee on Rules to H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have required that none of the funds made available in this Act be made available to ACORN or any of its 174 known affiliates;

Whereas, since 1994, ACORN, the Association of Community Organizations for Reform Now, and its affiliates have received $53,643,444.58 in taxpayer funding from the federal government;

Whereas despite the trust placed in ACORN by taxpayers to act as a responsible steward of the funding provided to it, ACORN has proven itself to be an organization committed to breaking our laws and undermining our democratic political process;

Whereas during the 2008 federal election cycle, ACORN mobilized its nationwide, grassroots organization in an effort to affect the outcomes of elections nationwide through voter registration campaigns; and

Whereas ACORN is now under investigation in at least 14 states regarding allegations of fraudulent activities that were undertaken by the organization as part of its voter registration campaigns;

Whereas ACORN was charged with voter fraud in Nevada;

Whereas ACORN has admitted to submitting over 400,000 fraudulent voter registrations in the 2008 election cycle;

Whereas, because of its alleged fraudulent behavior during the 2008 election cycle, it is important that ACORN be prohibited from receiving any additional taxpayer funding;

Whereas the need to prohibit additional funding to ACORN led the Gentleman to submit his amendment to the Committee on Rules;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Mrs. Pelosi, the Democrat leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 673, the rule to accompany H.R. 3293, be amended to allow the gentleman from Iowa's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Under rule IX, the resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Iowa will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PROVIDING FOR CONSIDERATION OF H.R. 3293, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution H. Res. 673 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 673

Resolved, That at any time after the 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. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, 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 except those arising under clause 9 or 10 of rule XXI. 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 Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 134, line 12. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are

waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except the amendments printed in 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, 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 except those arising under clause 9 or 10 of rule XXI. 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. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. 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. After disposition of the amendments specified in the first section of this resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 3293, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against consideration of the rule because the resolution violates section 426(a) of the Congressional Budget Act.

The resolution carries a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule and the gentleman from Arizona and a Member opposed each will control 10 minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I come here today completely baffled at this point. We've had in this appropriations season what can best be described as martial law, in legislative terms, where we've had appropriation bill after appropriation bill come to the floor under a closed rule or a modified structured rule, where the majority party decides which amendments the minority party can offer.

I suppose they thought it was amusing at first. They claim it was an issue of time. And so some of us on this side that had amendments that were ruled in order asked unanimous consent to be able to substitute other Members' amendments that had not been ruled in order—amendments that were germane—that the majority party simply saw unfit for this party to vote on and debate.

And 16 times that I have asked for unanimous consent, that unanimous consent has been denied. So it's not an issue of time at all. It's not an issue of time.

As much as the majority party wants to stand up and say, We've got to get these finished because we have a time limit—for one, it's a pretty sorry excuse. We do appropriations. That's what the Congress does. And to say we've got to get these done in 1 day for the Defense bill next week, one day for Labor-HHS today, but then we find out that that's a ruse in itself, because if we agree to stay within the time constraints, then they still won't allow us to substitute the amendments that we would like to offer.

On this bill, because the majority party had seen fit to give me several amendments on bills to cut earmarks that they knew would likely not pass because of the logrolling that takes effect here, I decided on this bill, although there were plenty of targets, I believe there were over a thousand earmarks in the bill, I decided not to offer one earmark amendment. So surely, surely the majority party would see fit to allow a few of my colleagues' amendments in order so they couldn't say, Oh, we gave you 10 amendments. Of course, 8 of those were Flake earmark amendments. But we gave you 10.

So I didn't submit any. Not one. Our party submitted 12 amendments—12 amendments—and we were given 4. Just four amendments. One was given to I think the chairman of the Appropriations Committee and several, my understanding, were rolled into the manager's amendment.

I would love to hear—and I will retain my time—but hear what the Rules Committee is thinking here, or why they see fit to deny the majority party the ability to offer amendments.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman is recognized for 10 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, my good friend for whom I have great affection began his remarks by saying he's baffled. Well, I'm baffled and befuddled by the many actions that my good friend from Arizona persists in bringing to the floor of the House of Representatives.

Start with the fact—and the distinguished chair of the Appropriations Committee will outline the particulars of the bill—but start with the fact that there are no unfunded mandates in this particular provision.

So, once again, this point of order is not about unfunded mandates. It's about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation itself.

I think that's wrong, and I hope my colleagues will vote ''yes'' so we can consider this important legislation on its merits and not stop it, as my friend would try to do, on a procedural motion.

Those who oppose the bill can vote against it on final passage. We must consider this rule, and we must pass this legislation today.

Now I have the right to close, but in the end I'm going to urge my colleagues to vote ''yes'' to consider the rule, and take one final moment to ask my friend to consider what he does when he persists, as is his right as a Member of this body, in coming here repeatedly after every measure that he wishes to put forward.

What does he think he is doing to the legislative council of this office? There are 441 Members that ought to be able to access that body, and many of us find our legislation at the back of the track for the reason that we are coming here with what amounts to nothing but process motions that everybody has heard.

We have an expression here—and children use it frequently—''I got the memo.'' Or, ''I got it.'' We hear him on this particular subject. He can vote on it at any such time, but it is the Rules Committee that makes the determination as to what rules are going to be on the floor of the House of Representatives.

I reserve the balance of my time.

□ 0930

Mr. FLAKE. I think the gentleman doth protest a little too much. We are here on the unfunded mandate thing because it's the only opportunity we've got. We've been shut out of just about everything else. We offered 12 amendments to a bill that typically has dozens and dozens and dozens and which typically we spend a couple of days on. We're told, ''We've got to get it done today, and we're only going to allow four amendments from the other side, and they are the four that we pick.'' I mean, what has this legislative body come to? I suppose the gentleman was referring to the 540 amendments that I have offered for the Defense bill. I have offered 540 because that represents the number of no-bid contracts that this body is authorizing for private companies in the Defense bill. That's why there are investigations swirling around this body. Yet we come to the floor and authorize 540—not authorize—we appropriate money for 540 no-bid contracts. So I make no apology at all for offering 540 amendments. But I knew that I didn't want to tie the

hands and tie up Legislative Counsel. That's something that I worry about. So we went to them and said, ''How can we do this without causing you trouble?'' They gave us a template, and we've done it all in our office. My staff and other staffs were up nearly all night last night, making 30 copies of 540 amendments on our own—not taking any of Legislative Counsel's time—just so we could do this body and this institution the favor of trying to actually vet some of the earmarks, no-bid contracts for private companies, that come through this body. And then we get scolded for that; and to say, ''You're taking up too much time. We've given you four amendments on this bill and you should be happy with it''? These crumbs that fall from the table, the Appropriations Committee and the Rules Committee, just be happy with it. Go on your merry way. It just is baffling. I don't know what else to say. I don't know what else we can do on this side. But bad process always begets bad policy, and it will come back to bite at some point. I just wish the majority party would realize that this martial law on appropriations bills is not justified. You shouldn't do it just because you can.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I stand duly chastised by my friend from Arizona. I am delighted that he took up his office's time and not the Office of Legislative Counsel's time in order to provide the amendments that I still consider to be spurious. Perhaps it is that he would urge not wasting his staff's time then. But there have been other times, by virtue of the repetition, that Legislative Counsel has been burdened, template or not. There are other Members in this body that exercise that abuse process, including another one that I am watching, and that is the use of privileged motions for purposes of legislating. Assume that every Member in this body wanted to use that prerogative, then we would never be able to get our work done. Yes, it is the responsibility of the majority to see to it that the business of the people of this country moves along.

I, again, want to urge my colleagues to vote ''yes'' on this motion to consider so we can debate and pass this important piece of legislation today.

I yield back the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Arizona has 4½ minutes.

Mr. FLAKE. I thank the gentleman. If I was looking to waste time and to delay, I would call a vote on this. That would take this body an extra half-hour or so. I am not going to do so. I know I'm going to lose this. But somebody at some point has to stand up and say, We're not potted plants over here. We're in the minority, yes. But we do have some rights, we think. The gentleman said that these amendments that I'll be offering to the Defense bill today are spurious. Last year I would have loved to have been able to offer some of these amendments, but I didn't have any ability at all. Not one amendment was offered to earmarks in the Defense bill. Why? Because it was a closed rule completely. It came in in mini-bus form, and no amendments at all were offered. That's happened, to some extent, over a couple of years. And what has happened during that time? Earmarks have been awarded, no-bid contracts to private companies, that are now being investigated because money went out; and individuals have already pled guilty to taking that earmarked money and spreading it around to some companies that did no work, none. They've already pled guilty for it. Again, we're bringing to the floor next week a Defense bill as if nothing's wrong, nothing's happening, no investigations are occurring. We're still going to award no-bid contracts to private companies. And yeah, we might hide some language or put some language in the bill that says, Well, these things are really going to be bid out. But the Defense Department, if you ask them today, Do you bid these things out? They say, Yes, we're required to. Except when we don't, when we issue what's called a J&A, and we decide, Well, we're really not going to bid that one out because it was asked for by Congress.

That is just unbelievable to me that we are accused of being spurious when we attempt to bring earmark amendments to the floor to vet in some way, shallow though it may be on the floor of the House, it's all we've got because we only got a list of these earmarks this week, we're scolded and told that we're spurious for asking for just a smidgeon of accountability here for the sponsor of the earmark to stand up and justify why he thinks or she thinks that she has the ability to award a no-bid contract to a private company whose executives may turn around and give big amounts of money to that Member. That's being investigated in some cases by the Department of Justice.

And we say, We should be able to do it, and no Member should be able to question it, that we shouldn't be able to raise it on the floor of the House. I just don't get it. Every time I think I have seen it all, I haven't. And today to be scolded for bringing amendments to the floor, and then to have the majority party bring 12 and to be told that we should be happy because they have seen fit to choose four of those amendments, allow us to offer them, and we should be somehow grateful and should embrace this rule just blows me away.

I don't know what to say, Mr. Speaker. But I would urge this Congress not to move ahead with this bill in this fashion. There is no requirement that we have to do this today any more than you have to do health care this week or next week. We're a deliberative body, I hope; and we should deliberate just a little bit more.

I yield back the balance of my time.

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

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

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

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself as much time as I may consume.

The resolution provides for consideration of H.R. 3293, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act of 2010 under a structured rule. The Labor-HHS-Education Appropriations bill provides $160.7 billion for fiscal year 2010 and continues this Congress' commitment to fiscal responsibility by coming in $52 million below the President's request, and cutting 46 individual programs to ensure that taxpayer funds are used in the most effective way. This bill also includes $1.1 billion for activities to reduce improper payments, abuse and fraud in the Departments of Labor and Health and Human Services and in the Social Security Administration, which could result in over $48 billion in taxpayer savings over the next 10 years. During these difficult economic times, it is more important than ever that we not only spend taxpayer funds prudently but that we make the necessary investments to move our economy forward.

This bill provides $64.7 billion for the Department of Education to prepare America's youth for an increasingly competitive global economy and to ensure that all Americans have access to the education needed to succeed. Funds in this bill, combined with the funds in the Recovery Act, will provide States with $4 billion in grants under the School Improvement Fund which will target assistance to approximately 13,000 low-performing schools. This bill also boosts Pell Grants which help approximately 7.6 million low- and middle-income students pay for college each year. Further, it provides $653 million to Historically Black Colleges and Universities, Hispanic-Serving Institutions and other developing institutions and nearly triples new loan guarantees for HBCUs.

As we prepare our youth for the jobs of tomorrow, we must also protect and develop our current workforce. This bill restores the Department of Labor's capacity to enforce laws that protect the wages, safety and benefits of workers. It also helps those who lost their jobs during the course of this recession by providing $1.4 billion for training and supportive services. Of these funds, $50 million will be used to prepare workers in green industries, not only helping to provide Americans with decent, good-paying jobs but also helping the American economy be more competitive.

This bill, recognizing the incredible burden that this economic crisis has placed on countless Americans, also provides much-needed assistance to our vulnerable populations. It will help families stay warm through the winter by providing $5.1 billion for the low-income energy assistance program. It will boost nutrition, transportation and other supportive services for seniors by providing $1.5 billion for senior nutrition and other services; and it will relieve some of the pressure placed on the Social Security Administration by providing $11.4 billion to help the agency process the rising number of claims and reduce its current backlog.

Finally, as we in Congress work to pass health care reform in the coming weeks, this bill will help build the capacity of our health care system and provide funding for job training in the health care sector, one of the strongest and fastest-growing sectors in our economy. My colleagues are well aware that a whole lot of people, well over 47 million people in our Nation, are uninsured. In the district that I am privileged to serve, 25 percent of my constituents lack health care coverage. This bill provides $2.2 billion for Community Health Centers, which provide primary care to 17 million patients, 40 percent of which are uninsured. While such centers provide a vital service, there are still far too many individuals that go without any primary care at all, endangering their health and increasing the burden on taxpayers by getting treatment when their illnesses have become serious and their care several times more costly. In my home State of Florida, over 971,000 women are in need of publicly supported family planning services; yet only 35 percent of them are currently being met through public funding providers.

While my colleagues on the other side of the aisle will throw—and have thrown—insulting accusations and deceitful claims, what we should be talking about today is how to further support the essential community providers, such as Planned Parenthood, during a provider shortage in this country rather than making it harder for women and families to access vital health care.

□ 0945

For 8 years, the Republican administration placed the needs of the wealthy and the privileged before those of the middle class and the poor, and now we are paying the price. I have listened to my Republican colleagues for the past week beat the drum of fiscal responsibility. Quite frankly, this is laughable at best.

These are the same people who claim to be deficit hawks, but quite frankly, the real truth is that Republicans instituted tax cuts for extremely wealthy people in this country and new spending programs that took our Nation from surplus to debt. And my colleagues on the other side of the aisle participated in decreasing taxes for wealthy people at a time when we were at war. It was the only time in the history of this country when we were at war that we decreased taxes. And then when we did it, we did it for the best of us in our society, as far as wealth is concerned. The Republicans lecturing us on fiscal responsibility is like Al Capone lecturing about crime on the street. It doesn't pass the laugh test.

With our economy in turmoil, Democrats are picking up the pieces of the Bush administration and restoring this Congress' responsibilities to protect our Nation's health and social safety nets to ensure equal access to a quality education and to develop a globally competitive workforce.

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

Mr. SESSIONS. Mr. Speaker, I also appreciate the gentleman from Florida yielding me such time as I may consume.

Mr. Speaker, let's just go to the words that people have. Republicans cut taxes and employed people, 5.3 million new jobs. The Democrats put their spending plan on the floor and said we would have jobs and more jobs, and we don't. So regardless of what the gentleman talks about with all these big tax breaks, they worked. They employed people. People had jobs. And in the scheme of things, Mr. Speaker, that's good for all of us. So I will stand behind those tax cuts that employed this country, as opposed to unemployment, the highest unemployment in 26 years, by our friends, the Democrats.

Mr. Speaker, today I stand about this structured rule, and I stand in opposition. My friends on the other side of the aisle, for the first time in the history of the Republic, have shut down the appropriations process by placing an extremely restrictive rule on every single appropriations bill that has come to the floor this year.

Chairman DAVID OBEY of Wisconsin has set an arbitrary timeline to finish the fiscal year 2010 spending bills which has forced this Congress and the Democrat-run Rules Committee to limit every Republican's and Democrat's chance to offer an amendment on the floor. Hundreds of amendments have been offered by all of my colleagues, and they have been rejected in an unprecedented fashion. I ask, once again, Mr. Speaker, what is the majority afraid of? Why are we doing this for the first time in the history of this Republic? Why won't they allow for the open and honest debate that they called for just a few years ago?

In order to operate under the needlessly short debate that my friends on the other side of the aisle have forced Republicans to pursue, my colleagues and I offered 12 amendments to ensure that a thoughtful and constructive debate could take place. We helped manage ourselves before we came to the Rules Committee. Yet what happened? Only four were made in order, while the Democrats had seven of their offered amendments rolled right into the manager's amendment.

This Democrat Congress, in unprecedented fashion, continues to reject and silence the American public and to muzzle Members on the floor of the House of Representatives, not allowing their voices to be heard on the people's floor.

Mr. Speaker, today we are discussing the Labor, Health and Human Services and Education Appropriations bill for fiscal year 2010. It is my intent to focus on this huge increase in spending over last year's level and to discuss the majority party's destructive initiatives that continue to kill jobs and lead to record deficits; that is, kill jobs and record deficits under control of Speaker NANCY PELOSI, the Democrat-held Senate, and President Barack Obama. This is their policy that we are debating on the floor today.

This underlying legislation is a 7 percent, or $10.6 billion, increase above the current year's spending levels, and that's excluding the $126 billion in stimulus funding that these programs have already received. Since 2007, funding for programs under Labor, Health and Human Services and Education have increased a whopping 93 percent. This bill does not represent a commitment, or any commitment, to fiscal sustainability. We simply cannot keep doing this. But, here we are again today. It will cost us jobs.

Mr. Speaker, we will continue to ask, where are the jobs? With this legislation, Congress only further slows down economic recovery and increases the financial burden being placed on our children and grandchildren. Mr. Speaker, where are the jobs?

The Obama administration promised Americans that unemployment would not go beyond 8 percent, that they would create and save millions of jobs if Congress simply passed the stimulus. Here we are, months later, with a record 9.5 percent unemployment rate, the highest in 26 years, and 2 million Americans have lost their job since the passage of this massive $1.2 trillion stimulus plan. Mr. Speaker, where are the jobs?

Earlier this month, when discussing the stimulus, Vice President BIDEN said the Obama administration misread how bad the economy was. The Obama administration got it wrong when it came to $1.2 trillion of taxpayer spending by this Democrat Congress. The

American people can no longer afford for this Democrat-controlled House, Senate, and White House to get it wrong. Where are the jobs?

Last month, my friends on the other side of the aisle passed a cap-and-trade bill that top White House economic advisers had suggested could actually cost up to $1.9 billion, raising prices on energy, goods and services for every American, an increase for every American back home, between $1,200 and $1,600 a year. Additionally, this legislation would kill up to 2 million manufacturing jobs. Mr. Speaker, we have to ask again, where are the jobs? Oh, we are beginning to find out that they are in Washington, D.C.

Mr. Speaker, next week, this Democrat-controlled Congress wants to pass sweeping health care reform that effectively will kill employer-based insurance marketplaces and force 114 million Americans into a government-run program, a program where government bureaucrats will be choosing what doctor-and-patient relationships will be and what procedures will be covered by that doctor.

This $1.2 trillion package raises taxes on individuals and small businesses that do not participate in the government plan, and up to $818 billion will be the cost, which, according to a model developed by the President's own economic adviser team, will result in 4.7 million employees losing their job. Mr. Speaker, we ask, once again, where are the jobs?

This is economic insanity. The American people know that you shouldn't spend what you don't have. But that is exactly what Ms. PELOSI and this Democrat majority is doing. Mr. Speaker, we ask, once again, where are the jobs?

According to the Congressional Budget Office, the Obama administration is on its way to doubling the national debt in 5 years. Mr. Speaker, we would ask, where are the jobs?

Earlier this month, the Congressional Budget Office released a Monthly Budget Review that states that the Federal budget deficit reached $1.1 trillion during the month of June. As of June 30, the national debt stood at $11.5 trillion. Mr. Speaker, we will ask again, where are the jobs?

Especially at a time of deep economic recession, Congress should be promoting progrowth policies that reduce spending, increase job growth, and give Americans confidence. Mr. Speaker, where are the jobs?

The deficit has increased $1.7 trillion, or 1,000 percent, since the Democrats took control of this House of Representatives 3 years ago. Mr. Speaker, where are the jobs?

It has gone from a $162 billion fiscal deficit to a projected $2 trillion this year. Mr. Speaker, we ask, where are the jobs?

In closing, Mr. Speaker, I would like to continue to point out to our friends on the other side of the aisle that we cannot tax, spend, and borrow our way out of this country's economic recession. Our Democrat colleagues need to get a handle on this out-of-control spending that, once again, they are bringing to the floor of the House of Representatives today to pursue an ever-growing American government size. Rising unemployment and record deficits cannot be remedied with massive increases in government spending. Mr. Speaker, where are the jobs?

Huge energy and health care bills will raise taxes and kill jobs. Mr. Speaker, the American public understands this. They know that the Republican Party has better ideas, and that's why we're on the floor of the House of Representatives today. I encourage a ''no'' vote but will, once again, ask the question, where are the jobs?

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am challenged to answer my good friend from Texas before I yield to the distinguished chairperson of the Appropriations Committee.

The mantra that I just heard from my colleague asks a legitimate question, where are the jobs? I can't attest to everyplace in the United States of America, but I do know this about the area that I'm privileged to serve.

Four months ago, 400 school teachers received slips indicating that their jobs were going to be lost. Since that time, money provided from the stimulus package has come into the system. When I was home this past weekend, I was very pleased to read that 124 of those school teachers have been called back to work and that it is expected that the next tranche will allow for all of them to be called back to work. It's a special concern to me, because one of those persons was a young lady that worked with me when she was in high school.

So, some things are turning. Some jobs are being created. But I would not have the American public believe that the recession began when Barack Obama became President. The recession began in December, and the job attrition was taking place then. We are in a transformational posture in this country of ours, and we are going to see the kind of uptick in jobs at the time that the stimulus takes full impact.

□ 1000

I would like, at this time, to yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY), who has worked actively to try to get us in a position where we can answer that ''where are the jobs.'' And my question is, Why did they lose so many before they started asking the question, Where are the jobs?

Mr. OBEY. Mr. Speaker, I don't particularly care to get into a partisan diatribe this morning. I recognize that the gentleman from Texas is the chairman of the Republican House Congressional Campaign Committee, and I can understand, in his position, why he would be willing to look anywhere he can to try to find the slightest issue which he thinks can restore his party to the majority status in this House.

And I sympathize with them because I suspect that he's going to have to strain at gnats often in order to accomplish that. And one such example is the objection that they're raising to the rule this morning with respect to amendments.

I want to walk you through, Mr. Speaker, what the facts are on the amendments that were offered to this bill. There were 35 amendments that were initially filed for the bill. On the Democratic side there were 21. Seven of those amendments were not in order because they violated the rules of the House, so they were set aside.

That left 14 left. Of the 14 that were left, nine of them are now going to be wholly or partially incorporated into the manager's amendment with the agreement of the sponsors. That leaves five left. Two of those amendments, in the judgment of the Rules Committee, were related to arguments that better belonged in the authorizing committees.

Another was, and I'm sure the gentleman from Arizona will be shocked by this, another would have added an earmark which would not have been eligible for funding under the program to which the earmark wanted to be attached, so the Rules Committee turned that down. And then two of those amendments, the remaining two, were dropped with the understanding that we would try to strengthen funding for the programs involved when we move to conference. So we've dealt with all of the amendments on the Democratic side.

On the Republican side there were 14 amendments that were offered. Initially, nine of them were out of order. They were worked with, and that reduced the number to four amendments that were out of order under House rules and subject to point of order. That left 10 Republican amendments.

Three of those issues, again, in the judgment of the Rules Committee, were determined to be issues that more appropriately should be dealt with in the health care reform bill. Example: one sought to prevent us from creating a public plan in the health insurance bill. I did not know that the Appropriations Committee was so talented that, in addition to handling the budget matters, it's also supposed to interfere in judgments about health care reform. Evidently, some people think they should. I think the Rules Committee was right.

Another amendment dealt with an issue that had been disposed of in the authorizing committee, the Education and Labor Committee, in the same week. And then there was one other amendment that simply rehashed an old campaign argument, a matter which relates to elections and more properly belongs in either the Judiciary Committee or the House Administration Committee, which oversees elections.

That leaves five remaining Republican amendments. Four of them were made in order. Four of them were made in order, four out of the five remaining amendments. And there was only one that was not made in order, and that one was an amendment that simply sought to stuff an additional $1 billion into a program that had already been increased by $12 billion.

So if someone wants to make a Federal case out of the fact that one amendment was denied, be my guest. I've seen worse offenses around here.

With respect to the budget, I'm not going to get into a partisan debate. All I want to say is this: both Presidents, Bush and President Obama, were faced with terrible problems when the economy collapsed late last year. We were losing 700,000 full-time jobs at a time when Mr. Obama was still waiting to take the oath to be sworn in, and so he inherited a terrible problem. Both President Bush and President Obama wound up having to push a lot of money into the financial sector of the economy to solve our economic problems. This bill takes care of the rest of the economy, and I hope we get to it and support it when it comes before the House.

Mr. SESSIONS. Mr. Speaker, I'm saddened that the gentleman from Wisconsin believes that if I bring up a question about jobs, that that's political. It shouldn't be. It's not on our side. It's just a fact of the matter. We don't know where the jobs are. We were promised these jobs.

Secondly, it's good for me to learn that now I know who runs the Rules Committee, the chairman of the Appropriations Committee, because I thought that the chairman of the Rules Committee did, but I found out now it's run by the Appropriations chair. At least I know that answer today.

Mr. Speaker, I would like to yield 3 minutes to the distinguished gentleman from Indianapolis, Indiana, Mr. BURTON.

Mr. BURTON of Indiana. Mr. Speaker, in 1965, this Congress passed the Federal Family Education Loan Program Act, and it was designed to provide private funds for college students' loans. And since 1965, this program has provided over 194 million loans to college students, with private funds, and they've delivered about $695 billion in loans.

The problem that we have is unemployment right now. It's 9.5 percent nationwide. And in Indiana, my State, it's 10.7 percent. And we have 35,000 jobs nationwide that work for this education program funded by private funds, and 2,400 people in Indiana. Now, Mr. CARTER and I, Congressman CARTER and I had an amendment that would guarantee the survivability of this program because it has helped so many college students get loans.

And what the Democrats are trying to do is they're trying to have a direct loan program take the place of the privately funded program that we now have, and that the government and the taxpayers will be paying for that loan. It's one more attempt for them to put everything that we do, day and night, under the control of the Federal Government.

Now, why in the world, when we have a program that's providing millions of loans to college students, without taxpayer dollars funding it, why would we want to change to a direct loan program and have the taxpayers underwrite it, especially at a time when the economy is going down the tubes and we're spending trillions of dollars on many programs we don't even need; the automobile industry, the banking financial industry, the health care industry, energy, all of those things?

And now they're going after education by trying to come up with a direct loan program that the taxpayers will have to pay for, and the private funding that's now being used will not be utilized. It will cost somewhere between 30,000 and 35,000 jobs across the country. Now, they want us to have more jobs. Here's a chance to preserve 30,000 to 35,000 jobs by not having the government step in and take over the financing of college loans for students.

And yet you want to have the government take over, the Department of Education, take over the direct funding program, take it away from the private sector and independent funding so we would have more government control and cost another 35,000 jobs we're going to put into the unemployment lines. It makes no sense to me.

My colleagues, I'm very disappointed you did not allow this under the rule. We should have fully debated this on the floor. I think you just didn't want to debate it because you don't want the American people to see, once again, we're putting everything under the control of government, every aspect of their lives and now including education.

I rise in strong opposition to this rule.

Congressman CARTER and I submitted an amendment to Rules Committee that was rejected. It was a legitimate and appropriate amendment for this bill. Unfortunately, under the House Leadership's modus operandi of "it's our way or the highway," I shouldn't be too surprised that it was not accepted.

Here's what the amendment would have done. The amendment stated that no funds may be used to promulgate, amend, or repeal any regulation pursuant to the Federal Family Education Loan program.

Although the Carter-Burton Amendment will not be debated today, I wanted to make sure that my colleagues know what the damage may be.

First, I want to thank my colleague from Texas, Representative JOHN CARTER, for working with me on this amendment. I very much appreciate his efforts on the Appropriations Committee to preserve the FEDERAL FAMILY EDUCATION LENDING PROGRAM.

The Rules Committee should have supported the Carter-Burton amendment, and I will tell you why.

THE FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP) WORKS

The Federal Family Education Loan Program—FFELP for short—was first established as part of the Higher Education Act of 1965 and has provided higher education funding for 53, tens of millions of Americans.

Since its creation, FFELP has disbursed more than 194 million loans to college students totaling nearly 695 billion.

A key component of FFELP is that it utilizes private capital, not taxpayer dollars, to fund loans with the Federal Government providing guarantees against loss.

Competition and choice in student loan delivery and support are hallmarks of the Federal Family Education Loan Program.

EFFORTS TO DISMANTLE FFELP

Right now there are efforts underway to weaken and dismantle the Federal Family Education Loan Program (FFELP).

The President's FY2010 budget plan contained a proposal that would effectively end FFLEP and force all student loans through the government's Direct Lending.

The President's plan calls for all Federal student loans—beginning with the 2010–2011 academic year—to be made under the Direct Lending Program. Moving to 100 percent Direct Lending in 2010–2011 coincides with—the expiration of the temporary loan purchase programs that were authorized by Congress in response to the credit crunch that swept this country last year.

The Department of Education is currently using appropriated dollars to implement the President's proposal, which has been considered by neither house of Congress, nor is authorized under current law.

They are writing letters to schools, enhancing systems, and otherwise using appropriated funds for a proposal not authorized by Congress.

Evidence of this comes in the form of a July 8, 2009, letter from the Chief Operating Officer for Federal Student Aid at the Department of Education to college presidents detailing the steps the Department is taking to ensure a smooth transition into the Direct Loan Program.

Quotes from the July 8th letter from the Department of Education to college presidents:

Since the President's announcement last February, we have taken numerous steps to ensure a smooth process for the transition of schools into the Direct Lending Program. We have expanded the capacity of the automated system that is used for the origination of Direct Loans.

Of course, what is most important to you and your colleagues at other colleges and universities is whether campuses will be ready to move to Direct Lending. To assist you, we will establish the electronic accounts that will enable your institutions to electronically send and receive Direct Loan records and reports. The establishment of these accounts does not obligate your institution to move to the Direct Lending Program at this time; it simply takes care of one of the first steps, so that when you are ready you can select the Direct Loan processing and funding options that work best for you.

However, to ensure a smooth transition, please encourage your staff to learn more about the Direct Loan Program and the business processes that are used to deliver these important financial resources to students and families. If they run into any problems that have not been satisfactorily addressed by our staff please let me know immediately.

The Rules Committee should have supported this amendment if they were serious about preserving American jobs. More than 30,000 private sector jobs nationwide are directly connected to the Federal Family Education Loan Program.

In my home state of Indiana 2,356 people are employed in the FFELP industry. In my district—the 5th Congressional District of Indiana—there are more than 1,500 jobs. The Nation's unemployment rate is running around 9.5 percent. In Indiana, which has been hit extremely hard by the current economy, the unemployment rate is 10.7 percent.

This amendment was a chance for this House to support thousands of hard-working Americans who are employed in industries supporting the Federal Family Education Loan Program.

Without the Carter-Burton Amendment, we leave open the door to the very real possibility that the existing FFELP infrastructure, which supports over 35,000 jobs nationwide, could be dismantled.

If you believe in a student loan industry that is driven by consumer choice, competition, continuous innovation, and dedicated customer service then you should join me in opposing this rule.

Mr. HASTINGS of Florida. I would like, at this time, to ask of the Speaker how much time remains on each side, please.

The SPEAKER pro tempore. The gentleman from Florida has 15½ minutes, and the gentleman from Texas has 16 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 4 minutes to the distinguished gentlewoman from Connecticut, my good friend, a member of the Appropriations Committee, Ms. DELAURO.

Mr. DELAURO. Mr. Speaker, I rise in support of this rule, and I commend the chairman and the staff for an excellent bill which reflects our noblest priorities as a Nation. It has been said that a society should be judged by how it treats it's least fortunate members. And with this bill, I believe we do our Nation proud. The goal of the bill has always been to make a strong investment in our future, to take seriously our responsibilities to the American public on the issues that affect people every single day, from our health, to our children's education, to scientific research that will unlock the cures of tomorrow, from protecting workers to providing the training that they need to succeed in today's economy.

Our bill does not disappoint. And, yes, to help States serve both the 14 million unemployed Americans and the many more millions of underemployed Americans, the bill provides resources for training, for supportive services to workers affected by mass layoffs and plant closures.

On worker protection, the bill provides an increase to key health and safety programs that protect the more than 140 million strong American workforce. On education, the bill restores critical funding to Title 1 so that disadvantaged children can continue to gain the educational skills that they need to thrive. On special needs education, the bill says to our States, the Federal Government is going to begin to make good on its promise, not leave you with an unfunded mandate to pick up the cost for special needs kids, but we are going to make a contribution to that, and we do so with a 25 percent Federal contribution.

I'm personally grateful to the chairman for continuing the funding for the Even Start Program. The bill makes real progress toward aiding college students with a significant increase in the Pell Grant, allowing us to raise the maximum Pell Grant award to $5,550. And with regard to my colleague's comments on direct loans, yes, essentially what we're doing there is taking bank profit out of that equation and allowing for families to be able to get the kinds of loans that they need for their children without having to pay additional money to add to the coffers and the profits of banks.

In the area of medical research, the bill provides continued investment and lifesaving innovations at the National Institutes of Health, provides resources to lead us into the future of a new health care system. The bill insures that 7½ million low-income households continue to receive home energy assistance. It supports the Community Service Block Grant. It allows States to expand critical services such as housing, home weatherization, parenting education, adult literacy classes and emergency food assistance.

Mr. Speaker, this bill not only reflects a commitment to our longstanding responsibilities, but this Congress' continued commitment to fiscal responsibility. In addition to the investments which are made, the program includes terminations, reductions and other savings when compared to last year totaling $1.3 billion and $3.3 billion when compared to what the budget request was about.

We will accomplish a lot of goodwill with this bill. I especially want to highlight and commend Chairman OBEY for again including the Reducing the Need for Abortion Initiative, total investment of $7.8 billion for programs such as Title X and Healthy Start teen pregnancy prevention, adoption awareness, after school programs and child care programs for new parents attending college, just to name a few.

Mr. Speaker, I am proud to be a member of this subcommittee. Its members and the work that we do every year, we live up to our moral responsibility to promote the general welfare, care and comfort the afflicted. It makes opportunity real for millions of Americans.

□ 1015

Mr. SESSIONS. Mr. Speaker, this floor is home to lots of people and to lots of ideas, but once again, we see from a senior member of the Democratic Party the words ''fiscal responsibility'' attached to this Congress. Incredible. Secondly, we heard, ''and let's take the bank profits out of the equation.'' Once again, the dialogue from this floor is really to bankrupt this country and to kill the free enterprise system. I see it firsthand right here on the floor.

Mr. Speaker, I would like to yield 3 minutes to the gentleman, the ranking member of Education, Labor and the Work Force, the distinguished gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

Mr. Speaker, I rise in very strong opposition of this rule. Yet again, this majority is stifling debate, and it is limiting opportunities for Members on both sides of the aisle to have a say in how we fund vital and some not so vital spending programs. Unfortunately, this time, it comes at the expense of some of our Nation's most vulnerable citizens.

Mr. Speaker, I am here because I had hoped to debate an amendment that would benefit every school in America and would begin to fulfill a commitment that has been slighted by Congress for far too long. This amendment, offered by Mr. TIAHRT of Kansas and myself, would have provided critical support for the Individuals with Disabilities Education Act, IDEA.

This act was created in 1975 to help States provide a free, appropriate public education for children with disabilities. At that time, Congress told the States that Congress would provide 40 percent of the excess costs of educating these students. Now, almost 35 years later, that funding stands below 17 percent, and even with the onetime spike of the stimulus bill, we fall far short of the 40 percent. We are overdue in keeping our promises here. We must fulfill this commitment. Our amendment would have taken a small step toward that goal by giving the IDEA an additional $1 billion this year. Had it been ruled in order, this amendment would have increased funding for IDEA to 18.3 percent, and it would have put us on a course toward meeting this obligation for the long term.

This may be seen as a small step, but Mr. TIAHRT and I believe it is time to put first things first, and that means living up to our funding commitments under IDEA before we create and expand unnecessary programs that are contained in this bill. If we were to fully fund IDEA, our local schools would have more of their own money to use for their specific needs, whether that is recruiting new teachers and the best new technology, reducing class sizes, or encouraging community service.

Mr. Speaker, this is exactly the kind of amendment that should have been made in order. It is 100 percent germane. It addresses priorities within the confines of the jurisdiction of this bill.

Should we spend more money on a new program or should we meet our commitment? We, the Members of this body, all of us, ought to have the

chance to say where those priorities lie. Do they lie with our schools across the board, with every school in America? Do they lie with our children's special needs or do they lie with some new program? That is a fair debate and one we ought to be having.

What has happened is, perhaps the chairman, perhaps the Rules Committee chairman, perhaps leadership on the other side has decided what those priorities ought to be, and the rest of us will have no say in making that determination. This body is supposed to have the opportunity to represent our constituents, to represent our best judgment and to give us a say in where those priorities are, and this rule denies that.

Mr. HASTINGS of Florida. Mr. Speaker, when I was a child, there was a radio program called ''Let's Pretend.'' It came on Saturdays. I really enjoyed that program, and I'm beginning to enjoy my colleagues who pretend as if other days didn't exist. Twelve billion dollars was put in the exact same program that the previous speaker spoke about just past. Not one Member of the Republican Party voted for it. Come on, gang. Let's stop playing ''let's pretend.''

Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, I rise in support of the rule and in strong opposition to the Pence amendment.

At a time when we are consumed with discussions of expanding health care to the uninsured and on improving our health care system, I find this amendment confusing. The Pence amendment would effectively cut off 1.7 million women from what, in many cases, serves as their primary care provider, Planned Parenthood.

Aren't we trying to expand coverage, not limit it?

Thirty-six percent of women receiving family planning care through the Title X program do so through Planned Parenthood. Let's be clear: These services do not include abortion. Title X dollars are prohibited from being spent on abortion. The services we are talking about cutting include breast exams, the testing for cervical cancer, the screenings for sexually transmitted diseases, HIV screening, and family planning services.

Planned Parenthood has worked for over 90 years to educate women about pregnancy and to help prevent unintended pregnancies and, thus, the need for abortion. For 1.7 million, the only medical care they will be able to receive this year is from a provider at Planned Parenthood. Why, when we are working so diligently to reform our health care system, would we take away the only source of health care to so many women?

Vote ''no'' on this destructive amendment. Vote ''no'' on the Pence amendment.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 3½ minutes to the distinguished gentleman from Indiana, the Republican Conference chairman (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise in opposition to the rule, and I rise in support of the Pence amendment.

I welcome the opportunity to debate my distinguished colleague on the topic on the floor, and will do so respectfully in an effort to alleviate what he described as his confusion about the bill.

A couple of basic facts: Planned Parenthood is the largest abortion provider in America. According to their annual report, most recently, they boasted of having performed more than 300,000 abortions in this country.

Another fact: Planned Parenthood is the largest recipient of Federal funding under Title X. According to that same annual report, Planned Parenthood received approximately $350 million in government grants and contracts.

The Pence amendment before the Congress today simply states that none of the funds made available under this act shall be available to Planned Parenthood for any purpose under Title X of the Public Health Services Act. The largest abortion provider in America should not also be the largest recipient of Federal funding under Title X. As I believe a majority of the American people would attest, the time has come to deny all Federal funding to Planned Parenthood of America.

Now the case for that: The Public Health Services Act was first enacted in 1946 and in 1970. It included the creation of Title X. Title X is the only Federal grant program that provides Americans with comprehensive family planning and related preventative health care services.

As my colleague just said, let me echo: Title X does provide a broad range of important and quality services to the underserved community in this country. Over 4 million Americans are served every year, 67 percent of whom are low-income. Approximately 600,000 abortions are prevented by Title X family planning funding, and it's reassuring to many of us that abstinence education is required of many clinics.

First, the Pence amendment does not cut or reduce the budget for family planning by one penny. Let me say that again to my colleagues in the majority, to whom I am grateful today to have been extended the opportunity to bring this amendment. The Pence amendment does not cut one penny from the budget of Title X.

Also, let me make a very clear point. I understand that current law and regulation prevents Title X funds from going directly to fund abortions, as my colleague just said, but there is no question that the money that Planned Parenthood receives for its operational expenses from the Federal Government frees up resources that can be used to provide and to promote abortions through its abortion clinics. Common sense teaches no other idea.

So these are important points as I rise and urge what I believe will be bipartisan support for this amendment. I believe it echoes the views of millions of Americans on the point as well. We could talk about the role Planned Parenthood plays in the abortion trade in this country. We could talk about the real scandal of the fact that 1 out of every 2 African American pregnancies ends in abortions. We could talk about the allegations of fraud and investigation; but let me just say to my colleagues:

The time has come to deny all Federal funding to Planned Parenthood. We have the opportunity to do it today. I urge the adoption of the Pence amendment.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to my good friend, the gentleman from California and a member of the subcommittee on Labor, Health, Human Services, and Education (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I am just a little bit concerned about information that has been shared with the public and through the media about the student loans and about the criticism of the fact that banks and other financial institutions were being eliminated from this ability to provide direct student loans to our students and were charging them interest rates.

As a teacher and as a person who used to receive student loans, I think that it's really misleading the public when we say that they're being put out of business when, in fact, the Federal Government subsidizes these banks and these financial institutions to provide the student loans, and then they add on top of that the subsidy that they're going to charge interest to the students so that these banks and financial institutions will be making money on Federal dollars and on the backs of students. That is so wrong, and I think that that has to be clarified.

So I just wanted to make that clarification, not only as a person who used to receive student loans and who made it through school, but also as a teacher who wants to make sure that our students get a fair break and that the taxpayers get a fair break.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 2 minutes to the distinguished gentleman from Tarkio, Missouri (Mr. GRAVES).

Mr. GRAVES. I thank the gentleman.

Mr. Speaker, I rise today in opposition to this proposed rule. I don't know what it is about open debate and process that some leaders in this House fear so much.

Today, the House of Representatives is considering an appropriation bill under a closed rule. In fact, yesterday, we learned that the option of the health care legislation's bypassing the House Energy and Commerce Committee isn't off the table since neither the Speaker nor the chairman have the

votes in committee to pass their multi-trillion-dollar Big Government health bill.

My own amendment that I offered, along with Congressman BONNER, to today's bill was rejected. It didn't violate a single rule of the House, but because the Speaker doesn't want Members to protect small businesses from their onerous mandates and tax increases, the message is loud and clear to me. The majority has no plans to protect small businesses in any health care plan that comes to this floor.

This is unacceptable, and the majority leadership's legislative game of hide-and-seek can only last so long. Sooner or later, when health care legislation comes to the floor, Members of this body are going to have to make a decision. They're either going to vote to increase taxes and force everybody into a government-run health care plan or they're going to have to vote it down.

Mr. Speaker, I strongly urge my colleagues to join me in standing up for our Nation's small businesses today by voting against this rule. I appreciate the opportunity.

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

Mr. SESSIONS. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, I wanted to clarify something that was said earlier. The gentleman from the Rules Committee mentioned or suggested that I had tied up the Leg Counsel office by offering 540 amendments for the no-bid contract in the defense bill for next week.

In truth, we went to the Leg Counsel office because we were concerned about that, and they worked with us so that we could draft all of those amendments and so that they didn't have to do any of it. We didn't consume any of their time.

If the gentleman has other information, I would ask him, please, to say so, but I think to suggest that we're doing that is, one, unfair to Leg Counsel. They work hard over there, and they do a great job. Secondly, it's unfair to my staff, who has worked a long time, late into the night, to do that.

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. FLAKE. I will yield to the gentleman.

Mr. HASTINGS of Florida. When I stood before, evidently, you were distracted, and didn't hear me when I said I was duly chastened and appreciated the fact that you took that burden off of legislative counsel. I said, perhaps, you ought to consider taking that burden off your staff as well.

Mr. FLAKE. I appreciate it. I have a very hardworking staff. They deserve a lot of credit.

□ 1030

Also, since we have the chairman of the Appropriations Committee here and he was mentioning the process that's been gone through, and I, like our representative from the Rules Committee, are now learning who it seems controls what goes on in the Rules Committee. But I'm wondering why my unanimous consent request to simply swap amendments that were germane, like, for example, on financial services, the amendment to protect broadcaster freedom was not allowed. It came within the time constraints. It was germane. It was even offered last year and passed by an overwhelming margin. Why was unanimous consent not received to swap that?

I would ask either the gentleman from the Rules Committee or the gentleman from the Appropriations Committee.

Mr. HASTINGS of Florida. If the gentleman will yield.

Mr. FLAKE. Yes, I will.

Mr. HASTINGS of Florida. I believe you understand that it was not made in order under the rule, and toward that end, I think that's your answer.

One of the things I keep hearing—

Mr. FLAKE. I reclaim my time.

There was another one. I asked unanimous consent to swap one of my amendments for the D.C. voucher amendment in D.C. Again, it fell within the time constraints.

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

Mr. SESSIONS. I think the gentleman, Mr. FLAKE, makes a point that it's a shame that we have to come beg the Rules Committee for what for 229 years has been appropriate on the floor.

Mr. Speaker, I would like to yield 2 minutes to the gentleman from Iowa, the distinguished gentleman, Mr. KING.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas for his yielding and for his relentless work on the Rules Committee that has taken on a responsibility that goes beyond what was anticipated by the Founding Fathers or the tradition of this House.

Mr. Speaker, 229 years, and Members are reduced to sitting in tiny little chairs with their elbows tucked into their waistline, not having room for their own staff to come in the room, sending e-mails out where the staff has congregated in order to get a piece of paper handed in that you might need to beg the Rules Committee to allow for an open debate here on the floor of the House of Representatives. This is the deconstruction of deliberative democracy. This usurps 229 years of tradition in this House, and it muzzles Members of the United States Congress and disenfranchises the people on this side of the aisle especially that represent over 600,000 people.

I have offered, the number goes upwards of 40 amendments to the Rules Committee. Only two have been allowed to come to the floor. Both of them passed. In 2007, the last time we had a legitimate open rules process under appropriations, I offered something like 12 amendments; nine of them passed. I don't think anybody in Congress was successful in passing more amendments than I happened to have been myself, but my constituents have been muzzled by this.

Today, my amendment that was offered would have cut off funding to the criminal enterprise ACORN in light of this report that came out of the Government Reform Committee that is about 82 pages long and now lists 361 entities that are affiliated with ACORN and claims that there has been systemic fraud, that they have created a paper wall, that they are a criminal conspiracy, that they have laundered Federal money, that they manipulated the elections and the electorate of the United States of America, that they have evaded taxes, that they have obstructed justice, that they have covered up embezzlement of $948,607.50 embezzled by the brother of the founder and covered it up for 8 years.

The gross abuse of tax laws that is affiliated with that and other bookkeeping procedures, the documents they have from insiders, the definitive evidence that is here, this amendment needs to be allowed, and this rule needs to be voted on.

Mr. SESSIONS. Mr. Speaker, Republicans are on the floor today asking the question, where are the jobs and what about the process of the ability to come and talk on this floor about issues and ideas, ideas that these Members have.

I was reminded again today in looking at Congress Daily dated Friday, July 24, and while it was talking about health care, it's really a philosophy, and they're quoting the House Rules Committee Chairman LOUISE SLAUGHTER of New York. And I will quote what's in here: We can do anything up there in the Rules Committee. We can do anything.

What that really means is they can do whatever they want to do. Evidently Speaker PELOSI really does run the Rules Committee. We can do anything up there, even muzzle all of the Members of this floor.

Mr. Speaker, I will be asking for a ''no'' vote on the previous question so we can amend this horrible rule, the muzzle rule, and allow for an open rule. There is no question that the rule the majority brings forth today will only submit the dangerous precedent the majority set earlier this year. Every single appropriations bill. It will only damage bipartisanship and, really, the nature of this body.

I urge my colleagues to vote ''no'' on the previous question so we can allow free and open debate on the appropriations bills and uphold the right of millions of Americans, or perhaps more than that, just the Members of Congress who come here and do this work every day.

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

There was no objection.

Mr. SESSIONS. I urge a ''no'' vote on the previous question and a ''no'' vote on the rule.

Mr. Speaker, Members of Congress need to get this. Every single one of us can say ''no'' to the way this body is being run and just put us on a different course, a course that we have had for all these years. We recognize what open and honest and ethical government is. And today, we had Members of this body come to the floor and talk about openness, about ethics with the gentleman, Mr. FLAKE, and about the ability of this body to run as it has in its entire history.

We Republicans don't understand why this big change. We do understand why we are in a deep recession. We do understand President Obama has an economic problem because he has helped create that, and we do understand Obama economics are about destroying the free enterprise system of this country on behalf of government. What we don't get is why can't Members of Congress openly debate this issue.

Vote for it and have openness and ethics at the same time. Mr. Speaker, I'm going to vote ''no.''

I yield back the balance of my time.

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

I will take just one moment to make it very clear that there is nothing that's being done by the President of the United States or this Congress that is going to destroy the free enterprise system in the United States of America. The free enterprise system cannot be destroyed by any of us.

The proposals that are being offered on a variety of measures, and particularly this one, increases opportunity for the least of us and those in the middle that have been hit the hardest by our colleagues on the other side. They can name it anything they want to. It doesn't have to be class warfare. People can come up here and talk all they please. Middle class Americans have carried the weight of this country for a substantial period of time.

Now we're in two wars and we find ourselves in a position of having to try to right an economy that allows, among other things, that we had taken a surplus and turned it into a deficit. That is irrefutable.

President Obama has been in office 6 months. Let's give him a little bit more time. Let's give this Democratic Congress the time, as we are undertaking right now, to do something that hasn't been done in quite a while, and that is to complete the appropriations process, which is our principle work here on behalf of the American people.

Mr. Speaker, for years, Republicans thought that they could ignore our children and ignore the poor, ignore the middle class, ignore the unemployed and ignore the uninsured, and somehow our Nation would magically prosper. Footnote right there: All of these people that keep talking about health care, all of these folks who say we can't do health care, I have been here 17 years and we haven't done it. One thing I know for sure is, if we do nothing, health insurance rates will rise and the cost of health care will increase.

Well, Mr. Speaker, now we are seeing the repercussions of the philosophy of the past. Our economy is in grave distress. Everybody knows that. Millions are out of work. My colleague asked, Where are the jobs? There is no one in the House of Representatives that would not do anything and everything that he or she could to ensure that every American is employed. Much of what's in these programs will help many of those Americans.

Our Nation's schools are falling further behind than their overseas' counterparts right in our face and have been, and these are the people that said leave no children behind. They didn't only leave children behind, they lost them and couldn't find them.

Now, while my Republican colleagues continue to play politics with this measure, I remind them that we are facing grave problems in this country. We must put the empty, divisive rhetoric aside and pass the bill so that we can provide real relief for those struggling in this economy, shoring up our Nation's health and social safety nets by protecting our workforce and increasing access to the education and training opportunities that are vital to our country's long-term economic recovery and success.

And no, America, no free enterprise is going to be lost. And no, America, there is no reason to fear. The fear would come from the people that caused us to be in this position in the first place.

I urge a ''yes'' vote on the previous question and the rule.

Mr. POLIS. Mr. Speaker, I rise today in strong support of this rule and the underlying bill.

I would like to thank Chairman OBEY for his leadership in developing a bill that represents a major investment in our nation's human capital and strikes a responsible balance between funding critical priorities that will put the nation on a path toward growth and prosperity and making the necessary adjustments for controlling spending and promoting government efficiency. I would like to thank his committee staff for all of their hard work in achieving all this within reasonable spending constraints.

As a strong proponent of adequate federal funding for education, I believe that this bill builds upon the historic investments Congress made in the Recovery Act and provides unprecedented support to help close the achievement gap plaguing our schools. The inclusion of several key investments will help America achieve educational excellence for all children and retain its global competitiveness and leadership.

From funding for schools serving low-income children, special education, adult education, adolescent literacy, Head Start, and English Language Learners, to Pell Grants and other programs that help disadvantaged and first-generation college students to attend and graduate from college, this bill takes another bold step toward our shared goal of providing educational opportunity to each and every child.

And as a longtime advocate of education reform and innovation, I am particularly pleased that this bill proposes more than quadrupling funding for the Teacher Incentive Fund, which will help reward effective teaching outcomes in high-need schools, and a significant increase of $40 million to support the start-up of additional new public charter schools. Also, for the first time, this legislation recognizes that the federal role in public charter schools needs to move beyond the start-up phase to scaling up successful innovation by allowing the Secretary of Education to provide up to $30 million to organizations to replicate and expand outstanding charter school models.

The need to build on and scale up educational innovation that gets the job done is greater than ever and this new flexibility is an important step in the right direction. I would like to thank Chairman OBEY for incorporating this recommendation in the Manager's Amendment. However, given the large number of exceptional models with a proven track record of serving the needs of at-risk students and closing the achievement gap, this approach cannot meet our public charter school expansion and replication needs.

That is why I will soon introduce the All Students Achieving through Reform (All-STAR) Act to create a new competitive grant program in the Department of Education to enable and encourage excellent public charter schools to expand and replicate. This bill will allow more students in underperforming schools to access educational opportunity and realize their full potential, while strengthening accountability and transparency.

But in addition to education investments, which will pave the road for our nation's long-term future, this bill provides immediate relief to the American people who are experiencing the longest and deepest economic downturn since the Great Depression and tackles the challenges facing hard-working families, local communities and states across the country. With vital services being cut back and eliminated, this bill protects the most vulnerable among us, supports our health and social safety net, and gives hope to all those struggling for economic survival.

Few things can be more disruptive and destabilizing than a job loss. Uncertainty and economic insecurity have a devastating effect on families and communities. This bill helps unemployed and underemployed workers by providing training and supportive services to dislocated workers, veterans transitioning to the civilian workforce, and older workers. It offers at-risk youth the opportunity to earn high school credentials and construction skills training while building affordable housing for homeless families, and prepares workers for careers in energy efficiency, renewable energy, health professions, and other high-demand and emerging industries. It also helps States process unemployment insurance claims, strengthens worker safety and health law enforcement, and ensures that approximately 7.5 million low-income households continue to receive the home energy assistance they need in a volatile energy market.

As we move forward to enact meaningful health care reform, we must also continue to support the infrastructure that serves many of the uninsured and most vulnerable populations. This bill achieves this goal and lays the groundwork for the comprehensive reform we're working so hard to pass. Community health centers play an essential role in rural and urban areas by addressing unmet primary health care needs. Recognizing this, the funding in this bill will serve 17 million patients, of whom 40 percent are uninsured, in 7,500 service delivery sites.

My district is home to several such community health centers, including Clinica Family Health Service. Clinica's mission is to provide high-quality health care services to low-income and other underserved people in South Boulder County, Broomfield County and West Adams County. Last year, Clinica provided 160,190 medical, dental, behavioral health and health education encounters to 34,257 Coloradans at its four clinics, which are located in Boulder, Lafayette, Thornton and unincorporated Adams County. Half of its patients had no health insurance.

I would like to thank Chairman OBEY for providing Clinica with funds that will be used to help cover the cost of technology upgrades and medical and dental equipment for a new clinic in Boulder and a dental clinic in West Adams County. The new facilities will allow Clinica to serve an additional 1,500 people with medical care and 3,500 people with dental care annually, while the information and communications technology upgrades will significantly improve clinical quality and efficiency.

Finally, this bill also provides funding to the National Institutes of Health for biomedical research to improve health and reduce health care expenditures that will help doctors move away from today's costly and predominantly curative model to a presumptive model, allowing intervention before disease occurs. Further, it increases funding for public health programs administered by the Centers for Disease Control and Prevention and for mental health services, and substance abuse and treatment programs administered by the Substance Abuse and Mental Health Services Administration.

Mr. Speaker, by helping people train for jobs, protecting workers, meeting the needs of our nation's most vulnerable populations, laying the groundwork for comprehensive reform of health insurance, and providing historic levels of education funding, this bill represents a responsible, yet bold, step to a more prosperous, healthier, and stronger America.

I urge passage of this rule and the underlying bill.

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

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. 673 OFFERED BY MR. SESSIONS OF TEXAS

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the 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. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, 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 except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill hack to the House with a recommendation that the bill do pass, 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.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

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 Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

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 Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. 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. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the gentleman from Georgia, Mr. Price, submitted an amendment to the Committee on Rules to H.R. 3288, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010;

Whereas the said gentleman's amendment would have required that none of the funds made available in this Act be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the otherwise lawful possession or use of firearms in federally assisted housing;

Whereas the Second Amendment of the United States constitution guarantees that ''the right of the people to keep and bear Arms, shall not be infringed'';

Whereas the Second Amendment applies equally to all Americans, regardless of who owns or pays for their housing;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process, but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for open debate on this Floor; and

Whereas the Speaker, Ms. Pelosi, the Democrat leadership, and the chairman of the