

GOVERNMENT SHUTDOWN

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

Ms. FRANKEL of Florida. Mr. Speaker, with all due respect to my friends on the other side of the aisle, this shutdown talk has evolved to ridiculousness.

To quote Dr. Seuss:

When beetles fight these battles in a bottle with their paddles

And the bottle's on a poodle and the poodle's eating noodles . . .

They call this a muddle puddle tweetle poodle beetle noodle bottle paddle battle.

Mr. Speaker, it's time to work together and stop these beetles. I mean, stop the battle.

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

Mr. KILDEE. Mr. Speaker, like a number of the previous speakers, I'm a freshman and I'm really frustrated.

I'm frustrated because we haven't done our job, but I'm mostly frustrated because I continually hear the talking point spouted that the President will not negotiate, and that's the reason we're in the position we're in. Nothing could be further from the truth.

The President won't negotiate on the full faith and credit of the United States, just like we can't negotiate on our oath of office and you can't negotiate on the law of gravity. Some things can't be negotiated.

What's frustrating to me is that the failure to negotiate falls clearly on the shoulders of the Republicans. The Senate and the House passed budgets. What the leadership on the Republican side failed to do is to appoint conferees to do what? To negotiate a budget, one that we might not like, the Senate might not like, but that we come together on and adopt a budget that the American people can support.

This is a failure to negotiate, that's right. But it's a failure to do what every fourth-grade civics student knows: how a bill becomes a law, negotiate the differences.

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

Mr. PALLONE. Mr. Speaker, I heard the same thing on the Republican side of the aisle: Why doesn't the President compromise?

The bottom line is that the President is always willing to negotiate on the issues of the budget, as are the House Democrats. But what we are seeing from the GOP is that they just want to kill the Affordable Care Act. That's what this is all about. They do not want the Affordable Care Act to proceed.

I know for myself that in my district there are plenty of people who just

can't wait until October 1. They don't have insurance, they want a good benefit package. It makes absolutely no sense to link the budget, which has nothing to do with the Affordable Care Act or ObamaCare, and say, Well, we want to kill that because we don't like it.

We had an election last November. Less than a year ago, President Obama said he was going to continue with the Affordable Care Act, and his opponent said, no, he would repeal it, and the President won. This is over. The Republicans should not continue to come back and insist that there be changes, repeal, defunding of the Affordable Care Act. That's not the way this government operates.

No one on the Republican side of the aisle has asked to sit down with the Democrats, and no one on the Republican side of the aisle has suggested they'll do anything, but they have to repeal the Affordable Care Act. That's what this is all about, and it should not be, Mr. Speaker.

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

Ms. JACKSON LEE. Mr. Speaker, we're here on a Saturday, and we're probably in the I-don't-believe-it crowd. It's not because we're here on a Saturday, but because the people's business must be done.

I hope that the backdrop of the U.N. resolution that dealt with 15 countries that stood together to bind themselves against Syria's holding of chemical weapons may be an example for the coming together of this body. Something historic happened because people listened to each other. I hope that as we move towards some mode of peace, as we work to reconcile the terrible violence in Syria, the killing of Syrians, we first ensure that those chemical weapons do no harm to anyone in this world.

I hope the Republicans can listen and understand that it is always the other person's interests that should be promoted and put first. That is to say, this Nation must fund itself and we must pay our bills. A good lesson, for once, from the United Nations. We all would do well to understand that we can work together.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276h and the order of the House of January 3, 2013, of the following Members on the part of the House to the Mexico-United States Interparliamentary Group:

Mr. PASTOR, Arizona

Ms. LINDA T. SANCHEZ, California

Mr. GENE GREEN, Texas

Mr. POLIS, Colorado
Mr. GALLEGOS, Texas

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES AND RELATING TO CONSIDERATION OF SENATE AMENDMENT TO H.R. 2642, FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 361 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 361

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of September 30, 2013, relating to any of the following: (1) A measure making continuing appropriations for the fiscal year ending September 30, 2014. (2) A measure relating to the public debt limit.

SEC. 2. Upon adoption of this resolution, the House hereby (1) takes from the Speaker's table the bill (H.R. 2642) to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes, with the Senate amendment thereto; and (2) concurs in the Senate amendment with an amendment substituting for the matter proposed to be inserted by the Senate amendment the text of H.R. 2642, as passed by the House, modified by the insertion of a new title IV consisting of the text of H.R. 3102, as passed by the House, with designations, short titles, and cross-references conformed accordingly.

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

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman and my friend from Worcester, Massachusetts, (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. SESSIONS. Mr. Speaker, House Resolution 361 provides this body with an expedited procedure necessary to ensure that all legislation needed to prevent a government shutdown can be expeditiously considered without delay. That is why we are here today, Mr. Speaker.

Additionally, this resolution allows for consideration of legislation designed to ensure that our government

does not default on its debt obligations.

Finally, House Resolution 361 provides the necessary framework to move forward with consideration of the farm bill, with our friends in the Senate.

Mr. Speaker, at midnight on Monday, just 2 days from now, the Federal Government would shut down if Congress does not act to provide the necessary appropriations. There are varying schools of thought on what these appropriations should look like, but I believe that all Members, regardless of party affiliation, are united in the understanding that a government shutdown is detrimental to this Nation and to the American people.

Over the next couple of days, there will be much deliberation over how to appropriately fund this effort and the government. This resolution before us today is necessary to ensure that once a decision is reached, this body can quickly react without undue delay to prevent a government shutdown.

□ 1230

I recognize that this is an important time, as do all of my colleagues. Even the House Chaplain is here on the floor of the House today because he has great expectations that we, as a body, can work together to do the things that will ensure that our government is seen in the light by the American people as doing the right thing for them, because that is what our job and our oath of office is, to make sure that the American people are protected and that we, as one Nation under God, will move forward together.

I urge my colleagues to vote “yes” on the resolution, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman, my friend from Texas, the chairman of the Rules Committee, for yielding me the customary 30 minutes. And I yield myself such time as I may consume.

Mr. Speaker, this is a martial law rule that will allow for consideration of a yet-to-be-seen continuing resolution and a yet-to-be-seen debt ceiling bill. This martial law rule also adds to the farm bill the dreadful and hurtful cuts to food stamps that the Republicans approved last week, a cut that will throw 3.8 million people off the program, including 170,000 unemployed veterans.

This was a truly awful piece of legislation; and the way the Republicans continue to diminish the plight of poor people, the way they continue to beat up on programs that benefit them stuns me. It takes my breath away.

Mr. Speaker, once again, the Republican majority is back on the House floor, trampling upon regular order and eliminating any possibility of a fair and transparent legislative process.

When the majority assumed control of this Chamber in 2011, they promised to adhere to regular order. On March 10, 2010, National Journal reporter Major Garrett asked Speaker JOHN BOEHNER:

If you are Speaker, will you ever bring a bill to the floor that hasn't been true to the 3-day rule?

Speaker BOEHNER replied with one word, “No.”

In the same interview, Congressman BOEHNER said:

We need to stop writing bills in the Speaker's Office and let Members of Congress be legislators again. We have nothing to fear from the battle of ideas.

Those promises seem a million miles away today.

Sadly, since that time, the Republican majority has repeatedly violated their own promises of openness and transparency; 33 times, the majority has violated its own 3-day promise and rushed legislation to the House floor. They have avoided the committee process and brought legislation straight to the House floor 48 times. And despite promising to let the House “work its will,” the majority has approved 157 closed or structured rules and just 31 open or modified rules. In short, the majority has shut out the Democrats and shut out many Republicans and shut down the democratic process.

Why have they done this? Not because they are letting the House work its will. They have abandoned regular order because an extreme faction of the Republican Party is so uncompromising that they are willing to shut down our government or implode our economy unless they get their way.

As a potential government shutdown looms just a couple of days from now, we still do not know what the Republican majority is planning to do. What we do know is that whatever they propose will have been written behind closed doors in an attempt to appease the most extreme elements of the Republican Conference.

Mr. Speaker, time is running out. Now more than ever, the American people deserve a fair and transparent legislative process so that we can keep our government open and our economy on track. Implementing martial law, as this rule would do, would be a step in the wrong direction. And I urge my colleagues to reject today's rule and protect our democratic process.

Finally, Mr. Speaker, I would strongly urge my Republican friends not to shut this government down. Now, we've heard rumors that behind closed doors, Republicans are gathering and are trying to figure out what to do. And I know that you have to check with TED CRUZ before you bring anything to the House floor. But the rumors that we are hearing is that what you are proposing is even more right-wing than what the Senate has already rejected, in other words, a nonstarter.

I would urge my friends, do not put the American people through yet another manufactured crisis that will do great damage to our economy. Stop the drama. This has become theater of the absurd.

I am praying that there are some grownups in the Republican Conference who will take charge and avoid an un-

necessary shutdown by passing a clean CR and also by passing a clean debt ceiling bill that isn't porked up with Tea Party sweeteners. Time is running out. The American people are frustrated. It's time to get real. This isn't a game. People will be hurt by your intransigence. Do the right thing. Do your job.

I reserve the balance of my time.

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

With great respect for the gentleman from Massachusetts, we have been debating these issues for a long, long time—not just the closed rule and the way that the ObamaCare bill was rushed to the floor of the House in March a couple of years ago, but since then, a complete denial about what really the real impact of ObamaCare is.

And the gentleman is right, the gentleman is absolutely correct: Republicans, 100 percent of us, are absolutely opposed to ObamaCare. But there are reasons why. It's not some narrow political ideology. In fact, it's reality.

And the reality is—and I will lay these out in several different formats, Mr. Speaker, just to make it easy for the American people to understand what we're talking about—the cost to taxpayers. And I know we were told there won't be any cost to taxpayers; but, in fact, there was a \$716 billion cut to Medicare. That means senior care. This ObamaCare cuts seniors' care. It takes \$716 billion out of Medicare to pay for ObamaCare. That's wrong. That is taking this out on America's seniors.

Next, there will be \$1.8 billion that we know about that we will be spending over the next decade alone to fund ObamaCare.

The cost to families. I'm from Dallas, Texas. On average, Texas families face a potential premium increase from 5 to 43 percent in the individual market and a 23 percent increase for small groups. That's the little bit that we know about the announcement that came out the other day. It could be up to a 43 percent increase.

The cost to employers. Well, the cost to employers is also a cost to their workers. It's a cost to the economy. It's a cost to stock prices, which people have their pensions in. Recently, Delta Airlines announced that ObamaCare will cost the company \$100 million in increased premiums in just 1 year. That's a huge cost, \$100 million.

The impact on health insurance coverage. Americans are losing their current health insurance. Employers have begun dropping spouses from their health insurance. Just last week, UPS also announced an extra 15,000 spouses of its employees will be dropped from their health insurance plan.

ObamaCare's impact on American jobs: fewer jobs. According to the CBO, ObamaCare will shrink employment by .5 percent. Well, let's see what that does. It doesn't just decrease it by .5 percent. It really means that full-time workers are becoming part-time workers directly as a result of ObamaCare.

ObamaCare puts 3.2 million jobs at risk in the franchise industry alone. Fewer hours and more part-time jobs. Since ObamaCare was passed, there have been seven part-time jobs created for every one full-time job.

That's simple. I get that. As a former employer, I understood if you put rules and regulations on who is required to pay for full-time workers, they simply understood that and ducked out by hiring part-time employees. Full-time growth has only expanded by .23 percent. That's two-tenths of 1 percent since ObamaCare has passed.

This is not the direction America ought to be going. The Republican Party is opposed to ObamaCare. We are here on the floor of the House of Representatives again; and I think we are gathering support across the lines of the American people, including union leaders who say this is the wrong way to go.

I don't know that this is the last time to say "no." But we are taking every opportunity we can, as the Republican Party, to say that where we are headed with this costly health care change, which will diminish and destroy America's greatest health care system in the world, is what we are going to stand up for.

Mr. Speaker, I believe that the facts of the case are a daunting task for our American economy to overcome. And that's why the Republican Party, the party of full-time jobs and careers, is on the floor of the House of Representatives, thoughtfully articulating here and to the American people about why we're doing what we're doing.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to insert into the RECORD an article entitled, "Why a Government Shutdown Could Be a Pricy Proposition," talking about the cost to the taxpayers if the Republicans move ahead with the shutdown.

WHY A GOVERNMENT SHUTDOWN COULD BE PRICY PROPOSITION

(By Carrie Dann)

[From NBC News, Sep 28, 2013]

If past is prologue, a looming government shutdown could actually cost U.S. taxpayers money. A lot of money.

According to the Office of Management and Budget, the two shutdowns in 1995 and 1996 cost taxpayers \$1.4 billion combined. Adjust for inflation and you've got \$2 billion in today's dollars.

Those two shutdowns lasted a total of 27 days, but there's no telling how long the government could be shuttered this time around if Congress fails to act by Monday at midnight. Even shorter shutdowns have proven successful at draining government funds.

In the immediate aftermath of the first government shutdown in 1981, the most conservative estimate—conducted by the General Accounting Office (now called the Government Accountability Office)—put the cost of shutting the government down for a single day at \$8.2 million, or almost \$21 million in today's dollars. A House panel later concluded that the day-long furlough cost taxpayers 10 times more than that.

"Past shutdowns have disrupted the economy, and this shutdown would as well,"

President Barack Obama said at an address at the White House on Friday. "It would throw a wrench into the gears of our economy at a time when those gears have gained some traction."

It may seem counter-intuitive that pressing the pause button on the federal government's operations could come with such a hefty price tag . . . so why does it take so much cash to keep the government's lights off? And why do estimates vary so widely?

First, there's the actual mechanics of preparing for a shutdown, like alerting staff of procedures and preparing to secure files and facilities. For example, during the first five day shutdown in 1995, the Labor Department alone spent almost \$12,000 on postage, printing and paper for furlough notices. The Treasury Department calculated the cost of developing contingency shutdown plans at just over \$400,000.

That process—and some of the costs associated with it—is already underway days or even weeks before a shutdown deadline, whether the crisis is averted or not.

"Those costs begin to be incurred now, when the debate is still going on," said Bruce Yandle, a professor of economics at Clemson University who served as the executive director of the Federal Trade Commission during the Reagan Administration. "It's what employees are already discussing around the water cooler. It's already affecting decisions being made by management."

The impact of a brief shutdown—or even just the threat of one—for government contractors can also mean higher costs for federal agencies in the future, although it's almost impossible to assign a dollar amount, says Roy Meyers, a political science professor at the University of Maryland Baltimore County and a former CBO analyst.

"It can reduce the profits of the contractors," says Meyers. "And the next time they consider working with the federal government, they count that as a risk, and they charge more."

That impact could be felt acutely in the Washington, D.C., area, where many contractors are based. And that could be compounded by the impact on tourism in the District as federally-funded museums and monuments are shuttered. The shutdowns of the 1990s cost the District of Columbia an estimated \$50 million in lost business and cancellations, officials said at the time.

There's also the issue of back-pay for furloughed workers. While only those workers deemed "non-essential" would stay home during a shutdown—about 40 percent of the federal workforce during the mid-1990s—there's a precedent for lawmakers granting those individuals their pay once the government is back up and running, even though they weren't producing any work.

Cost estimates must also factor in delays in the collection of fines and fees typically gathered by federal agencies.

OMB said after the twin shutdowns in 1995 and 1996 that \$2.2 billion worth of licenses for U.S. exports were delayed and that some \$60 million in environmental fines and settlements were not collected or negotiated.

Most of those fees eventually get collected, says Yandle, but the delays and the inconvenience to businesses and consumers can end up having resonance that won't show up in cost estimates at all.

"Those costs that cannot be estimated are often much more important than those that can," he said.

Meyers argues that a shutdown's cost to the budget or the effects on the overall economy estimates—flawed as they may be—pale in comparison to the societal cost of a government that seems bent on playing political chicken rather than focusing on solving problems.

"The real costs are really not in terms of consumer confidence or any of the standard measures in macroeconomics or even the federal budget," he said. "The real costs are in trust in government and belief that government officials are paying attention to the real issues of the country."

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

Let me just say, before I yield to the gentlelady from New York, the Republican talking points we just heard are absolutely wrong, absolutely wrong.

To suggest that somehow senior citizens will get less care is just false. The fact of the matter is we see expanding care for senior citizens. We see preventative care being covered without copays. We see the doughnut hole in the Medicare prescription drug bill that the Republicans passed, where seniors are asked to pay huge out-of-pocket expenses, closing down.

We are seeing young people being able to stay on their parents' insurance until they are 26. It is no longer considered to be a preexisting condition if you are a woman in this country because of the Affordable Care Act. And I could go down the list of all the things that have been accomplished.

Now, let me just say to my Republican friends, you lost the last election. You lost big. President Obama won reelection. Your whole election was about the Affordable Care Act. He won reelection by 5 million votes. Democrats picked up seats in the Senate. We even picked up seats in the House. And by the way, in terms of the congressional races, Democrats received 1 million more votes than Republicans did. You lost the last election.

Now, if you don't like the Affordable Care Act, there's a way you can deal with it: you can go out and try to win some more seats. And then you can come to the floor, introduce bills, bring them through committee, you know, have the Senate do the same thing, conference them, and then send them to the President's desk. And by the way, you can try to win the Presidency. That's the normal way to do legislative business.

What you are doing here is you have distorted the legislative process. This is making a mockery of the legislative process. You have turned this House of Representatives into a laughingstock. And the bottom line is, what the American people want us to do right now is to keep the government moving ahead, keep it running—not shut it down—deal with the debt ceiling without holding that hostage to all the Tea Party sweeteners, and do our job.

Democrats are willing to work with Republicans to get things done. But instead, you are all huddled in this secret meeting somewhere in the Capitol, where there's no transparency, where we have absolutely no say, where we're going to be told, Here it is; take it or leave it. That's not the way this process should work. This process has become a disgrace.

So I say to my colleagues that the notion that somehow your health care

benefits have been decreased because of the Affordable Care Act is just so far from the truth, it's comical.

At this point, I yield 5 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the distinguished ranking member of the Rules Committee.

Ms. SLAUGHTER. Thank you very much. I appreciate my colleague for yielding.

Mr. Speaker, I think the gentleman from Massachusetts did a very good job of refuting what we heard in the talking points, but let me add just one or two things to it.

We've always known that if people say an untruth often enough, loud enough, that they begin to believe it themselves. But we still hope that the country out there at large will not.

Let me just put it this way as succinctly as I can. The same group that's fighting today also fought the Social Security law and the Medicare law. They hated it all. They didn't want any of that done, and I don't believe that the American people now are feeling very good about giving up either one of those.

Their fear right now is that when this bill goes into effect—not until January—all the awful things you have heard about are not even in effect yet because this bill is not in effect—that it is going to be a success, and they are going to have a lot of explaining to do.

Now, a report just released that I heard about yesterday showed that only 1 percent of businesses in the United States of America have made any changes at all. And, indeed, small business gets great benefits providing health care in tax rebates.

Now, the most important thing I want to say—because the contrast to what we're doing here today is so glaring. When we did the health care bill—and every President since Teddy Roosevelt has tried to—when we did it, it went through the committee process in both Houses, and everybody had a chance. Every committee in the House and in the Senate contains both Republicans and Democrats who proposed amendments. Some of them were accepted. In fact, one of the ones we are working with now is to try to make some sense out of the one that was added by Senator GRASSLEY over in the Senate, a Republican.

The idea that we rammed this thing through in the middle of the night and nobody had ever seen it is absurd.

□ 1245

Everybody knew about it. The whole thing was transparent. The committee meetings were all open, and everybody had a chance.

Never in the world have we ever seen people fight so hard to do away with a piece of legislation that is a legitimate law. And what do they do with the rest of it? They have dropped the entire process of governing the House of Representatives. We have, over this year, seen not a piece of work get down. Appropriations bills in the House and

Senate, none. Absolutely none. So we are having to do a continuing resolution because we have no budget. A budget was passed in the House; a budget was passed in the Senate. The Republicans in the House of Representatives have refused what is normal process, to sit down and confer over that budget and give us a budget.

Since January of 2011, 42 votes have been held here to defund or to undermine the historic law. They have repeatedly failed to complete the most basic of congressional functions, which is passing the appropriations legislation to keep the government open. In fact, what their mantra is: Do we need to create jobs in America? Well, let's repeal ObamaCare. Do we need to balance our budget? Well, let's repeal ObamaCare. We need to keep the government open; oh, my goodness, let's repeal ObamaCare—the answer to everything and the cure for absolutely nothing.

And now their legislative malpractice—and I don't know of anything else that you can call it—has led us to the brink of a major crisis. Reading just this morning from Frank Keating, the former Republican Governor of Oklahoma: What in the world is going on here? What in the world do we think we're doing?

As they begin to see the consequences of their action, they're doubling down, putting forth a list of demands that even the greediest child on Christmas morning would be put to shame. In exchange for averting government shutdown and a global economic crisis, the House majority considers making the following demands:

A 1-year delay of the individual mandate, which would gut the health care law; the implementation of Congressman RYAN's tax reform plan, which does away with Medicare, by the way, despite the fact that voters, as my colleague said, rejected his draconian vision as he ran for Vice President last year; and the repeal of Dodd-Frank.

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

Mr. MCGOVERN. I yield an additional 1 minute to the gentlelady.

Ms. SLAUGHTER. The repeal of Dodd-Frank so that we can go back to an era of unregulated Wall Street banks; and they want to construct the Keystone pipeline.

None of this has anything in the world to do with what is facing us today. They want to do away with all of the environmental regulations. The list goes on and on.

It is time for this temper tantrum to end and for cooler heads to prevail. There must be some cooler heads here on the other side. With time running out, the majority has to act to keep this government open and try to get this economy on track. The American people must be spared from the consequences of a majority that cannot find the will or the ability to legislate.

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

Ten days ago, we had a debate on this floor where we heard about what the Republican Party was doing: Taking food away from disabled people; that's not true. Today, we hear about how Republicans want to repeal all laws that are related to clean water, clean air, all of these onerous things that they talk about; not true. We're for clean water; we're for clean air.

I, myself, and many of my colleagues, are outdoorsmen who believe in not only the wilderness of this country but also the freedoms that come with that. We're for clean water and clean air, but we're not for the rules and regulations that kill jobs like the Democrats' war on coal, and that's when Republicans do stand up, Mr. Speaker. We stand up and say: We're not going to tolerate taking away our constitutional rights nor the rights of free people to have their jobs by rules and regulations that are based upon premises that just aren't even true, that cannot stand the test of sound science.

Mr. Speaker, at this time, I yield 5 minutes to the gentleman from Texas (Mr. BURGESS), who is one of the brightest Members of our body and who also sits on the Rules Committee.

Mr. BURGESS. Mr. Speaker, I thank the chairman for yielding to me.

I just heard a term used here, "legislative malpractice." It's an interesting term because I believe it applies so succinctly to the process that gave us the Affordable Care Act.

Many people now don't even remember December 21, 2009. It is but a distant and dim memory; but on that very night, on the longest and the darkest evening of the year, the Senate held a cloture vote to allow the Affordable Care Act to proceed to a vote in the full Senate. It passed the 60-vote margin. On Christmas Eve, the Affordable Care Act passed by that same 60-vote margin, right ahead of a big snowstorm because all of the Senators wanted to get out of town.

Let's think about this for a minute. Were there hearings on H.R. 3590 in the House of Representatives? No, there were not. There were health care hearings, to be sure. Those led to a big, explosive growth in attendance at our town halls in the summer of 2009, but there was never a hearing on H.R. 3590, save the hearing in the Rules Committee the night before it came to the floor of the House in March of 2010. The hearings on H.R. 3200 were vastly different from the law as written in H.R. 3590.

And here's the real crux, Mr. Speaker. Here's what's really wrong and why Washington is in such a lather right now: The Affordable Care Act was never intended to become law. It was a vehicle to get the Senators home on Christmas Eve before the snowstorm. It was never intended to be law. The law that was passed by the Senate was a rough draft. It's equivalent to saying the dog ate my homework so I turned in the rough draft; and, unfortunately, the rough draft got signed into law the

following March, and that's why there's so much difficulty with this.

You know, HR directors across this country, labor lawyers across this country are just literally pulling their hair out trying to make heads or tails of what they are required to do under the law. They get conflicting information from people at the Federal agencies.

Goodness knows, in our committee hearings on Energy and Commerce, we have yet to have an administration person come in and really be prepared to answer our questions. What they are prepared to do is to try to mislead us and try to fill the time and try to filibuster and live through the hearing of the day and then get on to whatever it is they do.

I asked the Director of the Center for Consumer Information and Insurance Oversight just last week: Will you be ready on October 1? A yes or no question; I asked for a simple yes or no answer. He gave me a long, convoluted answer about people going online and this, that, and the other. I said: You can't answer the question "yes" or "no?" He repeated his long discourse.

But then what happened, while the President himself was out giving a speech on the greatness of the Affordable Care Act, oh, yeah, the Department of Health and Human Services put out a little memo that, in fact, people won't be able to go online. They might have to fax their information in on October 1.

And here's the real point. Sure, you can criticize Republicans for having 42 votes to repeal parts of the Affordable Care Act. Guess what? Seven times we've been successful. It passed the Senate and went on to the President and he signed it. Gone are the 1099s; gone are the CLASS Act. There are some things that, in fact, have happened to actually make the Affordable Care Act a little bit better. But who has been the delayer in chief on the Affordable Care Act? It has been the White House. It has been the President himself.

Why do I say that? They extol the benefits of coverage for preexisting conditions, but no one can go to the Department of Health and Human Services and sign up for that Federal preexisting program. They closed the window on February 1 and said, Good luck. We'll see you next January 1 when you can sign up for ObamaCare. That's no answer to the problem.

And look at what happened on July 2, right before everybody was to leave for the July Fourth holiday: 6 o'clock in the evening, on a blog post, they delayed the employer mandate.

Now look, HR directors across the country are calling my office and asking: What Twitter feed do we need to follow to find out what's happening to this law? Do I need to go on Instagram to keep up with what's happening in this law? What's going to be delayed next?

The President of the United States has been the delayer in chief. The caps

on out-of-pocket maximums, delayed for another year. Small business health exchanges, gone for another year. The story repeats itself over and over again. I dare say, we will see a compression of morbidities next week and the week after, after this thing is supposed to go live.

Mr. Speaker, the fact of the matter is, had we had hearings, we might have actually come to an answer that would be more logical. Why didn't we ask any Governor what they thought of what the Congress was doing with health care in 2009? Where was Governor Mitch Daniels, who had managed to hold down cost in his State employees' health care by 11 percent over 2 years with his Healthy Indiana Plan? Why didn't we have him into committee to find out how he had managed to do that? Why didn't we have the Governor of Utah, who was attempting to set up exchanges in his State?

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

Mr. SESSIONS. I yield the gentleman an additional 1 minute.

Mr. BURGESS. The Governor of Utah had been trying to set up exchanges in his own State for some time. He came to our committee and testified after the fact, after this thing had passed, after the Republicans were back in the majority and we invited him in. He said: I don't know what to do. I'm on shifting sands. Nothing seems stable right now.

Where were the Governors when this law was written? Where were the Governors in our hearing?

Mr. Speaker, we are at a crucial time in our country. The House is going to put forward legislation today that will keep our government open and funded. I pray—I pray—that HARRY REID and the President of the United States will not shut the government down.

Mr. MCGOVERN. Mr. Speaker, oh, my goodness.

First of all, I would say to the gentleman from Texas who just went on this kind of diatribe trashing the President of the United States and the Affordable Care Act, rather than doing that, maybe he can enlighten us about what's going on in that secret meeting downstairs? What has the right wing decided to do in terms of bringing a CR to the floor or debt ceiling? I'd be happy to yield 10 seconds to him to tell us what's coming to the floor.

I was referring to the other gentleman from Texas, but if this gentleman from Texas can inform us what, in fact, is coming.

Mr. SESSIONS. I certainly can, and I appreciate the gentleman yielding.

Mr. MCGOVERN. I yield the gentleman 10 seconds.

Mr. SESSIONS. We're gathering our ideas together, and we're going to come to this floor of the House this afternoon and, with resolve, help the American people.

Mr. MCGOVERN. That's not particularly enlightening; but, let me ask the gentleman: Are we going to have any

hearings on what is being decided in the back room somewhere in the Capitol here? Will Members be able to offer amendments? Or are we just going to be given something and told to take it or leave it?

I yield 10 seconds to the gentleman.

Mr. SESSIONS. I appreciate the gentleman engaging me.

An announcement has been made, Mr. Speaker, that the Rules Committee will be in this afternoon to do just that. I thank the gentleman.

Mr. MCGOVERN. Mr. Speaker, in other words, none of the committees of jurisdiction that oversee a lot of the issues in the CR will be having any hearings or there will be any markups on that.

I would also say to the gentleman from Texas (Mr. BURGESS) who kind of went on about no hearings, there were lots of hearings on the Affordable Care Act. Maybe he didn't go to them, but there were lots of them, number one.

I would like to ask him: How many hearings were there on the bill that the Republicans brought up last week to cut the food stamp program by \$40 billion, throwing 3.8 million low-income people off the program, throwing 170,000 veterans off the program? How many hearings on that? None. Zero.

This is becoming a habit in this House where the committees of jurisdiction don't even have a say. The Agriculture Committee didn't have a chance to hold a hearing or even a markup on that bill. This is the way this House is being run.

I would just again remind the gentleman from Texas (Mr. BURGESS) again, look, you may not like the Affordable Care Act—I get it—but it passed with a majority of votes in the House and a majority of votes in the Senate. The President signed it into law. That's the way we do things here. That's the way laws are passed. And you didn't like it and you went to the Supreme Court, and the Supreme Court upheld it. I'm sorry you don't like it, but the majority voted for it, and I think a majority of people in this country, once they understand that all the falsehoods and distortions that are being told here are nothing more than Republican talking points, I think they'll appreciate the fact that health care will be a right in this country and not a privilege.

The SPEAKER pro tempore. The Chair reminds all Members to direct their remarks to the Chair and not to others in the second person.

Mr. MCGOVERN. I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Let me begin by paraphrasing Sir Walter Scott, and I think it's really an accurate description of what is going on on the other side of the aisle with the Republican majority. Sir Walter Scott said:

Oh, what a tangled web we weave when first we practice to deceive.

This is about deception of where we are moving forward.

Mr. Speaker, I rise in opposition to this rule. It aims to put our country on the same radical, dangerous, ideological path that was decisively repudiated at the polls last November. We all know one definition of insanity is doing the same thing over and over. Well, here we are again.

The House majority is trying to move one step closer to locking in the deep, automatic cuts caused by sequestration. Everyone in this room knows these cuts are destroying jobs all across America, robbing children of the education they need, slowing the pace of lifesaving research, and threatening everything from public safety to public health. Even the chair of the Appropriations Committee—I might add, a Republican—has said:

Sequestration—and its unrealistic and ill-conceived discretionary cuts—must be brought to an end.

□ 1300

This rule does exactly the opposite. It allows the majority to advance a budget that makes these dangerous cuts permanent.

This resolution also seeks—for the 43rd time—to deny quality, affordable health care to millions of Americans. In fact, the Affordable Care Act has passed the Congress—House and Senate. It was signed into law by the President. It was upheld by the Supreme Court. And it was reaffirmed by the American people at the ballot box.

Let me say to my colleagues on the other side of the aisle: get over it. The Nation doesn't want to repeal this bill. They do want, if there are problems, to make changes. In short, it is the law of the land—one that will help Americans lead healthier lives without having to worry about being bankrupted by an injury or an illness.

And what my colleagues want to do, quite frankly, is they want to return your decisions on your health care back to the insurance companies to make the decisions on your health care, and to tell you that they're not going to cover you for a preexisting condition. They won't cover your child who may have asthma or autism, or for someone like myself, who is a cancer survivor.

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

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Ms. DELAURO. And because they cannot repeal the law through the usual process, the majority is threatening to bring down the government—and soon, the economy—to get their way. This could not be more irresponsible.

They also want to push forward a rule that will move their farm bill with \$40 billion in cuts in the food stamp programs, while at the same time providing \$90 billion in crop insurance subsidies for wealthy agribusiness. Deep cuts to the food stamp program have nothing to do with cutting the debt and everything to do with the majority's radical ideology.

The Department of Agriculture reports it spent \$14 billion on crop insurance last year alone. This majority chooses to force over 4 million low-income Americans to go hungry—children, seniors, veterans, and working families—while continuing to provide the richest of subsidies to the rich.

Let's be clear: we are at the eleventh hour. It is time for the majority to stop playing games, stop trying to repeal the last election, and stop trying to push a government and the entire economy into a shutdown. We have to do better.

I urge my colleagues to oppose this rule.

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentleman from Houston, Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, our job description is "Representative," and we are reelected every year to come to change the law, no matter what might have happened in previous Congresses.

Today, in a few hours, the Nation is going to see the constitutional conservative majority in the House stay true to our word to our districts and to our Nation to stand on principle. We will have the courage of our convictions to do what we need to do to slow down this destructive law that was rammed through this House in less than 24 hours—so rapidly that even Speaker PELOSI said we had to pass the law to find out what was in it.

We are elected every Congress to come back and try to change the law. But today, the Nation will see the courage of the conviction of the constitutional conservatives that are in the majority in this House doing our job for our districts and our Nation. We will be 100 percent unified in this effort because we're standing on principle.

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

Maybe the gentleman from Texas can enlighten us as to what's going on in the secret meeting downstairs with the Republicans because we have no idea what's going to come to the floor. We have no idea about what's going to be in this continuing resolution or whether we're going to have a debt ceiling bill or anything. We're in the dark here. We'd like to know. I think the American people would like to know what's in this bill.

Can you enlighten us about what's happening in this secret meeting? Is TED CRUZ in the meeting? What's going on?

I yield to the gentleman from Texas for 5 seconds.

Mr. SESSIONS. I thank the gentleman for yielding.

It is a meeting all Republican Members are attending, and we are meeting together and speaking. We will be up in the Rules Committee this afternoon.

Mr. MCGOVERN. Reclaiming my time, I would say to the other gentleman from Texas that we're all elected, too. We respect and appreciate and value the Constitution every bit as

much as he does, and there is a constitutional way to run the government, which we are all supporting here.

It seems what the gentleman wants to do is just trash all that. He wants to say that what happens in the House and the Senate doesn't matter; the President signs it, it doesn't matter; the Supreme Court rules, it doesn't matter. I don't know where he's coming from.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

(Ms. JACKSON LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman from Massachusetts for yielding and for his leadership.

We do live in a constitutional Republic. That constitutional Republic requires for this Nation not to be held hostage by self-centered special interests.

We come to the floor today to stand in opposition to the minority of the majority holding the vast numbers of Americans who want a rational approach, to continue the operation of this government, and to be able to make a difference.

So I rise today and say that martial law—even the concept of it—is one that finds itself with a very difficult premise. Whatever we want to throw down today, the American people have to take it. And so if someone rises and says there are Medicare cuts, we have to take it and believe that it happens. The Affordable Care Act did not do that. In fact, the Affordable Care Act rescued seniors from the abyss of the doughnut hole. When you threw them over the doughnut hole, when they were drowning in the doughnut hole because of Medicare part D, we've helped them cut their prescription costs.

And so this misrepresentation about the Affordable Care Act and the urgency to defund it is a misnomer, it's incorrect, and it's just plain wrong.

This proposed CR, or continuing resolution, that now wants to delay the individual mandate, Mr. Speaker, I don't think my colleagues remember the hours and days and weeks of hearings that we had in this place. Maybe they don't remember the little girl who was suffering from leukemia that went into an insurance company with her family in California and died because the insurance company would not cover her because she had a preexisting disease. I wonder what it feels like to see your child die in your arms because there is no insurance.

I will not vote for anything that will delay the individual mandate while young women over the age of 26 who are susceptible to early cancer will not be able to find affordable, reasonable health insurance. Not on my watch.

I will not vote for this rule. And I ask you not to vote for it. It is interesting that we can cut \$40 billion out of food subsistence for 46 million Americans—

75 percent are children, 23 percent are disabled, 11 percent are elderly, and some of them are the families of soldiers—but we can vote today to give fat cats subsidies.

You will divide us like that if you want to make sure that you take care of your district and not take care of America. Well, I came today to rise on the floor of the House to say that the Founding Fathers stuck together in the Thirteen Colonies when they declared their independence. There's something about unity for the greater good. And I refuse to let this House fall on the spear for individual selfish perspectives—because I got mine, you get yours. America deserves better. We will vote in the best interest of America. It is to continue this government and provide for ObamaCare and make sure that there's health care for a better America.

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

I appreciate the gentlewoman's arguments that she makes on the floor, but the facts of the case are the facts of the case.

ObamaCare took \$716 billion out of Medicare to fund ObamaCare. Secondly, since ObamaCare was passed, there have been seven part-time jobs added for every one new full-time job added.

We cannot pay for this bill. It is non-sustaining, and it's harming America and its future. That's why Republicans are here, gathering in strength and in numbers with resolve again today.

I reserve the balance of my time.

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

Mr. Speaker, it's pretty clear what's going on here today. My Republican friends didn't get their way so now they're throwing a tantrum.

I see many more Members on the floor today as these speeches have gone on. I'm just curious: Can anybody enlighten us on what in fact happened in your secret conference, what we're going to vote on? I think the American people would like to know.

I yield to anybody if they can tell me one fact that has been decided.

I guess nobody wants to tell us.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, the gentleman from Massachusetts yielded to me, but I don't know what they've got cooking over there.

What I do know is this, Mr. Speaker—and this is abundantly clear: unless we take up the Senate bill, unless we take up what the Senate has passed, we will be in a situation where whatever is put on the floor and passes will have to go back to the Senate. And HARRY REID has indicated we don't have time.

So unless we take up the Senate bill, we are going to head for a shutdown. That means the Republican majority has just shut down the government.

Now we still have time. Reasonable heads can still prevail. But if we do

anything other than keep the government open until November 15 vis-a-vis the Senate bill, the Republicans will have done what they did 17 years ago: shut the government down.

This is extremely irresponsible, Mr. Speaker. It's extremely irresponsible because people on Social Security who need to call and get their questions answered—and who might need to get some real responsive answers—won't get them because there won't be people there to man the phones.

Veterans' services will be slowed down, as well as national parks, medical research, and all types of people working for the Federal Government will have a painful payday. They'll have time when they're in suspended animation. No matter what is going on, their lives will be turned upside down, as they don't know what is going to happen.

So we're not taking up the Senate bill, apparently. We don't know what we are taking up, but we're not taking up that. And that is irresponsible and wrong.

Why are we doing this? Is there some big reason? The reason was the deficit. You recall, Mr. Speaker, August 2011, the Republicans threatened to break the debt ceiling and default on America's full faith and credit because of debt and deficit. We're not even talking about that today. It's all now about ObamaCare.

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

There's a lot of words that are coming out of my friends' mouths about a secret meeting, about things that are happening, like they can't figure it out.

Mr. Speaker, right behind me are going to be 230 strong Republican Members of Congress who were in a meeting where we, with great resolve, saw the future of this country. They saw it not only the same way, but we're going to do our job.

I think the height of irresponsibility is any of these two bodies sending their Members home. Speaker JOHN BOEHNER has the Republican Members of Congress who are here, ready, willing, and able to vote.

And you're right, you did hear these Members gathering together with excitement about helping our future, helping the American people. That's why we're here today. We're proud to be Republicans. We're proud to be Americans, one Nation under God.

I reserve the balance of my time.

□ 1315

Mr. MCGOVERN. Mr. Speaker, I would just say to the gentleman, if it's not a secret meeting, can someone tell us what happened in it, or is just for Republicans only? I think we ought to know what we're voting on before we vote on it. Maybe that's a radical idea in this Republican-controlled House, but I think it's a reasonable request.

At this time I'd like to yield 2 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, it is time for my Republican colleagues to do more than repeal. It is time for my Republican colleagues to pass a bill.

Who can deny that the House is controlled by my Republican colleagues? They control every committee, they control every subcommittee. They are in control. Who can deny that they have the opportunity to pass the perfect bill to deal with health care in this country?

Where is the bill that will deal with closing the doughnut hole for senior citizens? Where is the bill that will help those who have preexisting conditions to acquire insurance? Where is the bill that will deal with the cap that has been placed on insurance prior to ObamaCare?

They are in charge. The logical question is: Why haven't they passed a bill since the Affordable Care Act passed more than 3 years ago?

It is time to do more than repeal. You have to have a bill. It is time for my Republican colleagues to do the logical thing, to do the judicious thing, to do the prudent thing: pass your bill. Then we can see how ObamaCare passed to what you have, which of course is the perfect bill.

It's time to do more than repeal. It is time to pass a bill.

Mr. SESSIONS. Mr. Speaker, we have our Republican majority Members here ready, willing, and able not just to do the work of the American people, but to do the things that will make sense about our future for the next generation of Americans.

I am through with any speakers that we now have and would reserve the balance of my time for the gentleman to close and use his time as he chooses.

Mr. MCGOVERN. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 2½ minutes remaining.

Mr. MCGOVERN. I yield myself the balance of my time.

Mr. Speaker, we are voting on a marital law rule that will allow us to bring up either a continuing resolution or a debt ceiling bill this very day, and nobody has seen anything. Nobody has seen any language.

There has been a secret meeting with Republicans to talk about what they can pass, but none of that information has been shared with us. There have been no hearings. There's been nothing. What a lousy way to run a government. This is not the way it should be done, and it doesn't have to be done this way.

Mr. Speaker, the stakes are very high. You know, come Monday at midnight, if we don't do the right thing, the government is going to shut down. And as I said earlier in the debate, that is going to cost the American taxpayers a great deal of money. Shutdowns aren't free.

Part of the problem here is that my Republican friends can't get over the

fact that they lost the Presidential election. The right wing is holding the economy hostage based on a fixation on this view that everybody in this country doesn't deserve health care, when I think the majority of Americans believe that everybody should have access to good, quality health care in this country.

I know you don't like the Affordable Care Act, but it passed. It passed the House and the Senate, signed by the President. The Supreme Court even upheld it. If you want to work with us to make it better, we're willing to do that. But the idea that you want to hold this economy hostage to repeal this is just ridiculous.

I would urge my colleagues, in closing, to listen to your constituents. The majority of people in this country do not want you to shut this government down. The majority of people do not want you to defund the Affordable Care Act. Listen to your constituents—and not some guy in the other body, who one of his own colleagues referred to a "whacko bird."

The bottom line is: do the right thing. Do the right thing. Keep this government open. Do not shut the government down. I appeal to the grownups in the Republican Conference to come together. Let's have a compromise that we can pass and that we can send to the President and keep this government going and also address our debt ceiling issue. But let's stop the theatrics.

Let's do the right thing. Let's vote on a clean CR and send it over to the Senate, and then let's get on with our other business.

I yield back the balance of my time. The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

Mr. SESSIONS. Mr. Speaker, thank you very much. In fact, I will confine my remarks to you, Mr. Speaker, because we appreciate your great service. We also know that you represent JOHN BOEHNER, our great Speaker, who has Republican Members here today to do the business of the American people. We are not a body that cuts and runs; we're a body that stays here and gets our work done.

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

The gentleman from Massachusetts asked and made a point about same-day rules. In fact, Democrats in the 110th Congress were faced with this circumstance 17 times; in the 111th Congress, 26 times. It becomes normal and regular that you have to be here to get your work done, and that is what we're doing.

Mr. Speaker, plain and simple: the Republican Party is here today because we are opposed to ObamaCare and the big government that comes behind it. We're opposed to what it is doing not just to the American people and our economy, but taking freedom away

from people and making us more reliant upon the Federal Government. Less pride and freedom will be available in America if we do not do something about it.

The cost is simple. The cost means that we're finding that \$716 billion was taken by the Democrats out of senior care in ObamaCare to fund the ObamaCare issue. The bottom line is, since ObamaCare was passed, there have been seven part-time jobs created for every one full-time job. That is not a future that we are going to stand with. The Republican Party is here in strength and numbers today.

Mr. Speaker, I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 226, nays 191, not voting 14, as follows:

[Roll No. 493]

YEAS—226

Aderholt	Fincher	Lance
Amodei	Fitzpatrick	Lankford
Bachmann	Fleischmann	Latham
Bachus	Fleming	Latta
Barber	Flores	LoBiondo
Barletta	Forbes	Long
Barr	Fortenberry	Lucas
Barton	Fox	Luetkemeyer
Benishek	Franks (AZ)	Lummis
Bentivolio	Frelinghuysen	Marchant
Bilirakis	Gardner	Martinez
Bishop (UT)	Garrett	Massie
Black	Gerlach	McCarthy (CA)
Blackburn	Gingrey (GA)	McCaul
Boustany	Gohmert	McClintock
Brady (TX)	Goodlatte	McHenry
Bridenstine	Gosar	McIntyre
Brooks (AL)	Gowdy	McKeon
Brooks (IN)	Granger	McKinley
Buchanan	Graves (GA)	McMorris
Bucshon	Graves (MO)	Rodgers
Burgess	Griffin (AR)	Meadows
Calvert	Griffith (VA)	Meehan
Camp	Grimm	Messer
Campbell	Guthrie	Mica
Cantor	Hall	Miller (FL)
Capito	Hanna	Miller (MI)
Carter	Harper	Miller, Gary
Cassidy	Harris	Mullin
Chabot	Hartzler	Mulvaney
Chaffetz	Hastings (WA)	Murphy (PA)
Coble	Heck (NV)	Neugebauer
Coffman	Hensarling	Noem
Cole	Herrera Beutler	Nugent
Collins (GA)	Holding	Nunes
Collins (NY)	Hudson	Nunnelee
Conaway	Huelskamp	Olson
Cook	Huizenga (MI)	Palazzo
Costa	Hultgren	Paulsen
Cotton	Hunter	Pearce
Cramer	Hurt	Perry
Crawford	Issa	Petri
Crenshaw	Jenkins	Pittenger
Culberson	Johnson (OH)	Pitts
Daines	Johnson, Sam	Poe (TX)
Davis, Rodney	Jordan	Pompeo
Denham	Joyce	Posey
Dent	Kelly (PA)	Price (GA)
DeSantis	King (IA)	Radel
DesJarlais	King (NY)	Reed
Diaz-Balart	Kingston	Reichert
Duffy	Kinzinger (IL)	Renacci
Duncan (SC)	Kline	Ribble
Duncan (TN)	Labrador	Rice (SC)
Ellmers	LaMalfa	Rigell
Farenthold	Lamborn	Roby

Roe (TN)	Shuster	Wagner
Rogers (AL)	Simpson	Walberg
Rogers (KY)	Sinema	Walden
Rogers (MI)	Smith (MO)	Walorski
Rokita	Smith (NE)	Weber (TX)
Rooney	Smith (NJ)	Webster (FL)
Roskam	Smith (TX)	Wenstrup
Ross	Southerland	Westmoreland
Rothfus	Stewart	Whitfield
Royce	Stivers	Williams
Runyan	Stockman	Wilson (SC)
Ryan (WI)	Stutzman	Wittman
Salmon	Terry	Wolf
Sanford	Thompson (PA)	Womack
Scalise	Thornberry	Woodall
Schweikert	Tiberi	Yoder
Scott, Austin	Tipton	Yoho
Sensenbrenner	Turner	Young (AK)
Sessions	Upton	Young (IN)
Shimkus	Valadao	

NAYS—191

Amash	Green, Al	Nolan
Andrews	Green, Gene	O'Rourke
Barrow (GA)	Grijalva	Owens
Bass	Hahn	Pallone
Beatty	Hanabusa	Pascrell
Becerra	Hastings (FL)	Pastor (AZ)
Bera (CA)	Heck (WA)	Payne
Bishop (GA)	Higgins	Perlmutter
Bishop (NY)	Himes	Peters (CA)
Blumenauer	Hinojosa	Peters (MI)
Bonamici	Holt	Peterson
Brady (PA)	Honda	Pingree (ME)
Braley (IA)	Horsford	Pocan
Broun (GA)	Hoyer	Polis
Brown (FL)	Huffman	Price (NC)
Brownley (CA)	Israel	Quigley
Bustos	Jackson Lee	Rahall
Butterfield	Jeffries	Rangel
Capps	Johnson (GA)	Richmond
Capuano	Johnson, E. B.	Royal-Allard
Cárdenas	Jones	Ruiz
Carney	Kaptur	Ruppersberger
Carson (IN)	Keating	Ryan (OH)
Cartwright	Kelly (IL)	Sánchez, Linda
Castor (FL)	Kennedy	T. Kildee
Castro (TX)	Kilmer	Sanchez, Loretta
Chu	Kirkpatrick	Sarbanes
Cicilline	Clarke	Kuster
Clarke	Cleaver	Langevin
Clyburn	Clyburn	Larsen (WA)
Cohen	Cohen	Larson (CT)
Connolly	Connolly	Lee (CA)
Conyers	Conyers	Levin
Cooper	Cooper	Lewis
Courtney	Courtney	Lipinski
Crowley	Crowley	Loebsock
Cuellar	Cuellar	Lofgren
Cummings	Cummings	Lowenthal
Davis, Danny	Davis, Danny	Lowe
DeFazio	DeFazio	Lujan Grisham (NM)
DeGette	DeGette	Lujan, Ben Ray (NM)
Delaney	Delaney	Lynch
DeLauro	DeLauro	Maffei
DelBene	DelBene	Maloney
Deutch	Deutch	Maloney, Sean
Dingell	Dingell	Matheson
Doggett	Doggett	Matsui
Doyle	Doyle	McCollum
Duckworth	Duckworth	McDermott
Edwards	Edwards	McGovern
Ellison	Ellison	McNerney
Engel	Engel	Meeks
Enyart	Enyart	Meng
Eshoo	Eshoo	Michaud
Esty	Esty	Miller, George
Farr	Farr	Moore
Foster	Foster	Moran
Frankel (FL)	Frankel (FL)	Murphy (FL)
Fudge	Fudge	Nadler
Gabbard	Gabbard	Napolitano
Gallo	Gallo	Neal
Garamendi	Garamendi	Negrete McLeod
Garcia	Garcia	
Gibson	Gibson	
Grayson	Grayson	

NOT VOTING—14

Kind	Rush
McCarthy (NY)	Schock
Pelosi	Visclosky
Rohrabacher	Young (FL)
Ros-Lehtinen	

□ 1343

Mrs. BEATTY, Messrs. JEFFRIES, RANGEL, and BARROW of Georgia

changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1345

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

DRUG QUALITY AND SECURITY ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3204) to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3204

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Drug Quality and Security Act”.

SEC. 2. REFERENCES IN ACT; TABLE OF CONTENTS.

(a) REFERENCES IN ACT.—Except as otherwise specified, amendments made by this Act to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

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

Sec. 1. Short title.
Sec. 2. References in Act; table of contents.

TITLE I—DRUG COMPOUNDING

Sec. 101. Short title.
Sec. 102. Voluntary outsourcing facilities.
Sec. 103. Penalties.
Sec. 104. Regulations.
Sec. 105. Enhanced communication.
Sec. 106. Severability.
Sec. 107. GAO study.

TITLE II—DRUG SUPPLY CHAIN SECURITY

Sec. 201. Short title.
Sec. 202. Pharmaceutical distribution supply chain.
Sec. 203. Enhanced drug distribution security.
Sec. 204. National standards for prescription drug wholesale distributors.
Sec. 205. National standards for third-party logistics providers; uniform national policy.
Sec. 206. Penalties.
Sec. 207. Conforming amendment.
Sec. 208. Savings clause.

TITLE I—DRUG COMPOUNDING

SEC. 101. SHORT TITLE.

This Act may be cited as the “Compounding Quality Act”.

SEC. 102. VOLUNTARY OUTSOURCING FACILITIES.

(a) IN GENERAL.—Subchapter A of chapter V (21 U.S.C. 351 et seq.) is amended—

(1) by redesignating section 503B as section 503C; and

(2) by inserting after section 503A the following new section:

“SEC. 503B. OUTSOURCING FACILITIES.

“(a) IN GENERAL.—Sections 502(f)(1), 505, and 582 shall not apply to a drug compounded by or under the direct supervision of a licensed pharmacist in a facility that elects to register as an outsourcing facility if each of the following conditions is met:

“(1) REGISTRATION AND REPORTING.—The drug is compounded in an outsourcing facility that is in compliance with the requirements of subsection (b).

“(2) BULK DRUG SUBSTANCES.—The drug is compounded in an outsourcing facility that does not compound using bulk drug substances (as defined in section 207.3(a)(4) of title 21, Code of Federal Regulations (or any successor regulation)), unless—

“(A)(i) the bulk drug substance appears on a list established by the Secretary identifying bulk drug substances for which there is a clinical need, by—

“(I) publishing a notice in the Federal Register proposing bulk drug substances to be included on the list, including the rationale for such proposal;

“(II) providing a period of not less than 60 calendar days for comment on the notice; and

“(III) publishing a notice in the Federal Register designating bulk drug substances for inclusion on the list; or

“(ii) the drug compounded from such bulk drug substance appears on the drug shortage list in effect under section 506E at the time of compounding, distribution, and dispensing;

“(B) if an applicable monograph exists under the United States Pharmacopeia, the National Formulary, or another compendium or pharmacopeia recognized by the Secretary for purposes of this paragraph, the bulk drug substances each comply with the monograph;

“(C) the bulk drug substances are each manufactured by an establishment that is registered under section 510 (including a foreign establishment that is registered under section 510(i)); and

“(D) the bulk drug substances are each accompanied by a valid certificate of analysis.

“(3) INGREDIENTS (OTHER THAN BULK DRUG SUBSTANCES).—If any ingredients (other than bulk drug substances) are used in compounding the drug, such ingredients comply with the standards of the applicable United States Pharmacopeia or National Formulary monograph, if such monograph exists, or of another compendium or pharmacopeia recognized by the Secretary for purposes of this paragraph if any.

“(4) DRUGS WITHDRAWN OR REMOVED BECAUSE UNSAFE OR NOT EFFECTIVE.—The drug does not appear on a list published by the Secretary of drugs that have been withdrawn or removed from the market because such drugs or components of such drugs have been found to be unsafe or not effective.

“(5) ESSENTIALLY A COPY OF AN APPROVED DRUG.—The drug is not essentially a copy of one or more approved drugs.

“(6) DRUGS PRESENTING DEMONSTRABLE DIFFICULTIES FOR COMPOUNDING.—The drug—

“(A) is not identified (directly or as part of a category of drugs) on a list published by the Secretary, through the process described in subsection (c), of drugs or categories of drugs that present demonstrable difficulties for compounding that are reasonably likely to lead to an adverse effect on the safety or effectiveness of the drug or category of drugs, taking into account the risks and benefits to patients; or

“(B) is compounded in accordance with all applicable conditions identified on the list described in subparagraph (A) as conditions that are necessary to prevent the drug or category of drugs from presenting the demonstrable difficulties described in subparagraph (A).

“(7) ELEMENTS TO ASSURE SAFE USE.—In the case of a drug that is compounded from a drug that is the subject of a risk evaluation and mitigation strategy approved with elements to assure safe use pursuant to section 505–1, or from a bulk drug substance that is a component of such drug, the outsourcing facility demonstrates to the Secretary prior to beginning compounding that such facility will utilize controls comparable to the controls applicable under the relevant risk evaluation and mitigation strategy.

“(8) PROHIBITION ON WHOLESALING.—The drug will not be sold or transferred by an entity other than the outsourcing facility that compounded such drug. This paragraph does not prohibit administration of a drug in a health care setting or dispensing a drug pursuant to a prescription executed in accordance with section 503(b)(1).

“(9) FEES.—The drug is compounded in an outsourcing facility that has paid all fees owed by such facility pursuant to section 744K.

“(10) LABELING OF DRUGS.—

“(A) LABEL.—The label of the drug includes—

“(i) the statement ‘This is a compounded drug.’ or a reasonable comparable alternative statement (as specified by the Secretary) that prominently identifies the drug as a compounded drug;

“(ii) the name, address, and phone number of the applicable outsourcing facility; and

“(iii) with respect to the drug—

“(I) the lot or batch number;

“(II) the established name of the drug;

“(III) the dosage form and strength;

“(IV) the statement of quantity or volume, as appropriate;

“(V) the date that the drug was compounded;

“(VI) the expiration date;

“(VII) storage and handling instructions;

“(VIII) the National Drug Code number, if available;

“(IX) the statement ‘Not for resale’, and, if the drug is dispensed or distributed other than pursuant to a prescription for an individual identified patient, the statement ‘Office Use Only’; and

“(X) subject to subparagraph (B)(i), a list of active and inactive ingredients, identified by established name and the quantity or proportion of each ingredient.

“(B) CONTAINER.—The container from which the individual units of the drug are removed for dispensing or for administration (such as a plastic bag containing individual product syringes) shall include—

“(i) the information described under subparagraph (A)(iii)(X), if there is not space on the label for such information;

“(ii) the following information to facilitate adverse event reporting: www.fda.gov/medwatch and 1–800–FDA–1088 (or any successor Internet Web site or phone number); and

“(iii) directions for use, including, as appropriate, dosage and administration.

“(C) ADDITIONAL INFORMATION.—The label and labeling of the drug shall include any other information as determined necessary and specified in regulations promulgated by the Secretary.

“(11) OUTSOURCING FACILITY REQUIREMENT.—The drug is compounded in an outsourcing facility in which the compounding of drugs occurs only in accordance with this section.