The Senate was not in session today. Its next meeting will be held on Monday, September 30, 2013, at 2 p.m.

House of Representatives

SATURDAY, SEPTEMBER 28, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. STEWART).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, September 28, 2013.

I hereby appoint the Honorable CHRIS STEWART to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

CONTINUING RESOLUTION AND DEBT CEILING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, we are here in the Capitol awaiting a decision by the Republicans in the House about the next step to deal with the fiscal crisis they have created.

It is not really that complicated. The Monday deadline approaches to continue the operation of the Federal Government with a shutdown looming because the Republicans have refused to work on a bipartisan basis to resolve the funding issues.

The centerpiece of their rhetoric has been objection to the Affordable Care Act and their childish insistence that a program that has been approved by Congress, President Obama reelected by the Supreme Court, that somehow this bell can be un-rung.

Billions have already been spent, hundreds of thousands of people are working to make the reform operational, and it seems to be working.

Better prescription drug benefits for senior citizens are putting more money in their pockets. Children under the age of 26 have been able to stay on their parents’ policies.

Beginning Tuesday, enrollment starts for the exchanges, and on January 1 it goes live with better health insurance. People can’t be refused insurance for preexisting conditions. There will be no lifetime limits on benefits. Health insurance will be more affordable with subsidies for millions, and there will be more competition for all.

These provisions are overwhelmingly supported by the American public.

The health insurance program will save billions of dollars for the Federal Government, reducing the deficit. That’s the judgment of the CBO. In fact, isn’t it ironic that having campaigned against these health care savings and losing, PAUL RYAN and the Republicans include those very savings in their budget?

My Republican friends are paralyzed in part because they’ve adopted a draconian budget that actually requires savings in the very health plan they want to defund. They claim to want to reduce government spending; yet they have refused to allow the House to vote on the spending bills their budget calls for.

We have been waiting for 2 months to finish the transportation and housing spending bill. They got halfway through it on the floor of the House, and they realized that their own Members wouldn’t vote for it because it was so awful, and they stopped. They didn’t even bother to bring the Interior spending bill to the floor.

If their budgets are so bad that their own Members won’t vote for them, they shouldn’t throw a tantrum, threaten to shut down the government, or destabilize the global economy by playing games with the debt ceiling. If they’re afraid to have their own Members vote on their spending bills, shouldn’t they allow a conference committee between the House and the Senate to resolve budget differences? That’s how the system is supposed to work.

They whine the President won’t negotiate with them. How is the President supposed to deal with people who are unwilling to face up to the consequences of their own irresponsible budgets or refuse to allow Congress to
work the process to establish a consensus budget by having a conference committee? How are Democrats supposed to deal with the Republicans as they try to cope with the cuts to vital services? In a shutdown? How do you deal with Republicans who are willing to default on paying America’s debt, breaking our moral and legal obligations, and risking not just America’s, but the world’s, economy?

Earth to my Republican friends: America is the last best hope of Earth. Always has, always will. It is the height of hypocrisy to blame this on the President, the Affordable Care Act, or the Democrats.

We wait breathlessly to see if the Republicans can agree to anything to be voted on today; but the American people should insist that if my Republican friends are serious, they should bring their own budgets to the floor, allow the process to work to have a conference committee between the House and the Senate to reconcile their differences. Then we can act like grownups, not children throwing tantrums, and we wouldn’t need to threaten the global economy over the debt ceiling.

CONTINUING RESOLUTION

The Speaker pro tempore. The Chair recognizes the gentleman from Texas (Mr. Williams) for 5 minutes.

Mr. WILLIAMS. Mr. Speaker, yesterday, the President yet again chose to bash Congress and blame the House Republicans for the failure of America’s economy. I have seen him make this argument on television many times, but he never shows up on Capitol Hill to actually engage in productive conversations. He does talk, however, to the Russians, the Chinese, and the Iranians. This is no surprise. This is the same man who spends more time with Hollywood stars than Members of Congress.

It is not Congress that will shut our government down—it’s our President. I would argue that he already has shut the government down. Five years ago, unemployment was at 9 percent and the national poverty rate was at 12%, and approximately 30 million Americans received food stamps. Today, unemployment sits at 7.6 percent, and approximately 30 million Americans received food stamps.

The President’s economic agenda is only pushing us further into danger, and it’s a disaster. For more than four decades, I have owned my business and I can say with certainty that today’s economy is the toughest economy our country has seen from a small business standpoint.

Everything from health care to taxes to regulations is killing businesses and forcing job creators to play defense. Rather than generating profits, businesses are saving profits. This isn’t the sign of a rebounding economy.

Despite this, in his public address to the Nation, President Obama said the economy has gained traction and continued to place the blame on Congress. What the American people need to hear are solutions, not sound bites. As a business owner, I know what it takes to create jobs. I live it every single day.

First, we need true tax reform. Lower taxes mean more savings and more incentives. More specifically, we need to cut taxes for all taxpayers across the board and quit picking winners and losers.

The first step in doing this is cutting the corporate tax rate, the personal tax rate, the capital gains tax, the dividends tax, and eliminate forever the inheritance tax.

The next step is to begin a dialogue on whether we should move to a fair or a flat tax. Either one of these is certainly better than what we have today.

Second, we need to change health care policy. With the addition of ObamaCare, the government now comprises one-sixth of the nation’s economy. This is a complete travesty, and the private sector must be given more control of health care, not the Federal Government.

Consumers should be able to shop across state lines, which will create more competition. As a result, premiums would go down and services go up. That’s what competition does. Consumers also need to own their own health care, not their employer, and not the Federal Government. It needs to be tax deductible. It needs to be portable so you can take it with you if you retire, you lose your job, or move around.

Third, we need to energize the energy business and not penalize the energy business. Let’s favor an all-American approach to energy and let the private sector drive our energy, not our government. We do this by reducing regulations, letting the industry drill, and promoting the advancement of safe nuclear and alternative energy sources. Let the private sector tell us where to go.

Developing our domestic energy sources will undoubtedly lower energy prices for families and businesses.

Finally, we need to ensure America remains the world’s superpower with a strong and well-equipped military. Our men and women in uniform must have the best equipment and must have the best training to fight for our freedom and our liberty.

It shouldn’t even be an option to balance our Nation’s books on the backs of our military. Doing so diminishes our military’s readiness and threatens our national security, and it simply shows weakness across the world.

These are real solutions. They will allow business to grow big and small to invest, to take risks, and they will also be rewarded. They show that the Federal Government believes in the private sector, believes in entrepreneurs, and believes in people getting checks and lets everyone feel good about themselves.

We should never accept 7.6 percent as the normal level for unemployment. We should never accept a 15 percent poverty rate. We should never accept $2.5 billion in free cell phones. We should never accept 15 percent underemployment. We should never accept 52 percent of our college graduates who are either underemployed or can’t get a job.

There is no question that America is the greatest country in the world. In the unforgettable words of Abraham Lincoln:

America is the last best hope of Earth.

Let’s keep it that way by believing in the people and not the Federal Government and not Big Government. Let’s say good-bye to ObamaCare, the largest and most flawed extension of government we have ever seen in our history.

It is truly our generation’s Valley Forge. Let’s be shepherds and not sheep, and let’s be patriots and not victims. In God we trust.

LET’S PASS A SOUND BUDGET

The Speaker pro tempore. The Chair recognizes the gentleman from New York (Mr. Tonko) for 5 minutes.

Mr. TONKO. Mr. Speaker, I have one basic question: What are we doing here? What are we doing here?

Each day we talk about problems, problems, the real problems that face our country that are fixable with compromise and clear-headed solutions. Each day, this Chamber does nothing to overcome those challenges in front of us. Each day, the American people think we can’t sink any lower or be any more dysfunctional.

Right now, there’s talk about passing a 1-week budget to simply provide the time for elected officials—people charged with running the government of this great Nation of ours—to get along for enough time to pass yet another extension. Say it isn’t so. One week. There are lemonade stands with better budgeting practices than what we have seen in this body in the past 2 years.

This is unacceptable, this is absurd, and it’s certainly not what American people deserve from any layer of government, especially their Federal Government. Let’s get this done. Let’s pass a budget, a budget that cuts where
During our 5 1/2-week district work penetration has meant in my own district.

I have worked with the small businesses—those who represent Republicans and Democrats in the House of Representatives and in the United States Senate—to come to terms, to develop the compromise in the spirit by which our Founding Fathers developed this wonderful blueprint of a Republic, guided by the democracy.

Why are we rejecting that opportunity?

A sound budget could allow us to escape the terrible consequences of sequestration.

I have witnessed what that sequestration has meant in my own district. During our 5 1/2-week district work period, I visited with many of those Head Start programs, with Early Intervention, with nutrition programs, with food banks that address the nutrition needs of the people of this great Nation. I have worked with the small business community to understand more fully what the impact of sequestration might mean to them—cuts to the programs in 5 years, decided they would enter into the budget process. We were very disappointed, quite frankly, when they said they would not move to the conference table with us.

I want to begin my remarks with a couple of comments about the budget process. I think my colleagues could be a little bit confused on this.

I will remind my colleagues that it is this body that every single year meets our statutory duty and our constitutional duty to bring forward a budget that funds the operations of the United States of America. We do not miss our deadlines, and this year, we did it. I know that the White House did their Sweet 16 bracket before they did their budget, but we were still pleased to see that they were willing to participate in that process, and we were pleased that our friends in the Senate, for the first time in 5 years, decided they would enter into the budget process.

We were very disappointed, quite frankly, when they said they would not move to the conference table with us. They were asking for a tax increase. That is what they want—agreement to a tax increase in this kind of economy and with about 8 percent unemployment and with 20 million Americans either un- or underemployed? They want more taxes—more control over people's lives? We were not willing to do that.

We are continuing to stand and fight for the American people—for responsible government, for getting this budget balanced within the next decade, and for SPEAKER pro tempore. The House do not want Eric Holder and Barack Obama making the determina-
tion of who and what will be open in this Federal Government, what will be funded and what agencies are going to be working. We don't want to give them responsibility; they want that. I know they're trying to get a government shutdown, but I have to tell you that that is not what we want.

What we are for, as I said, is making certain that we protect the future and the financial solvency of this great Nation. One of the reasons we have worked so diligently on a budget for this body is that we know the cost and the impact that ObamaCare is going to have on the Nation's fiscal health, and we are very concerned about it. We see what is happening in our communities.

I just want to reference some of the correspondence and conversations I am having with my constituents in Tennessee.

Yesterday, I spoke with a gentleman who went to a check cashing store, borrowed $100, started a retail business, now has 45 employees in five locations—a great business. What he is looking at is he can't expand. He can't hire anybody else. He is having to deal with all of the hoops that really weigh this business down, and it is because of ObamaCare.

For the interest of my colleagues, Mr. Speaker, I will just walk through some of these points.

One of the reasons they want it is that the President wants control of the checkbook. Right now, the U.S. House of Representatives has primary responsibility, and we and we want to keep it. We don't want a government shutdown. We want to keep the government open and keep cutting it. We want to keep the government open so we can delay, defund, repeal, and replace ObamaCare. This budget process of going into a shutdown gives control to the administrative branch.

There is another little tidbit when you read this circular that directs you to the 2011 revision of Circular No. A–11. OMB's current instructions would have agency heads use the Department of Justice opinions. I can tell you the American people and a Republican-led Senate do not want Eric Holder and Barack Obama making the determina-
tion of who and what will be open in this Federal Government, what will be funded and what agencies are going to be working. We don't want to give them responsibility; they want that. I know they're trying to get a government shutdown, but I have to tell you that that is not what we want.

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The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. Himes) for 5 minutes.

Mr. Himes. Mr. Speaker, I am happy to be able to follow the rank, partisan remarks of Mrs. BLACKBURN's, because I wanted to speak this morning on the subject of compromise.

Compromise is not an easy subject to speak on. Of course, we all have it in our minds here that the right thing to do is to lead great ideological battles—to stand unbending by your principles, to stand up for what you think is right—and it is the right thing to do to stand up for what you think is right.

Compromise is a hard thing to dis-
cuss because, of course, those on the
fringes, those on the extreme—those who are unbending—will accuse us of not standing by our ideals if we compromise; but the fact is that most, if not all, of the accomplishments in the history of this country that have been achieved by the United States Congress have been achieved through compromise.

Let’s talk for a moment about one of the reasons I am happy to represent the State of Connecticut. The Congress in which Mrs. Blackburn and I serve—the very structure and architecture of that Congress—was formed by something known as the Connecticut Compromise of 1787, when Roger Sherman and a group of people who disagreed on stunning issues of the day—and some of the people who were disagreeing were inviting foreign powers in to stand with them—came together and said, Do you know what? We will have a bicameral legislature—a Senate—that will balance the big States and the small States. And Roger Sherman’s statue is here in the Capitol.

By the way, the capital is here because Madison and Jefferson and others of our Founding Fathers made a compromise in which they said the Federal Government will assume the remaining Revolutionary debt of the States in exchange for putting the capital in the Southern States. Compromise is how we get things done around here.

For those who might challenge my own credentials on compromise, I will point out that I was one of 38 Members of the House of Representatives who voted for the Simpson-Bowles’ budget for which I voted. So many things could get done, Mr. Speaker, if the gentleman from Ohio would set aside this small rump group of dead-enders and say, We will govern. We will improve on the tradition of Roger Sherman, of James Madison, of Thomas Jefferson by listening to the other side, by shutting down the extremes and by thinking about the long-term interests of this great country.

A COMMON COURSE FOR COMMON GOALS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. McCloskey) for 5 minutes.

Mr. McCloskey. Mr. Speaker, a crisis is not a good time for inflammatory rhetoric or ad hominem attacks. I believe that my colleague from Connecticut just missed the mark a moment ago when he threw out terms such as “dead-enders” and “extremists.” I will simply say that, yesterday, the President missed an opportunity to bring both sides together. That responsibility now rests solely with us.

Nobody on the Republican side of the aisle wants to see a government shutdown or a credit default—let’s make that clear—and I am confident that nobody on the Democratic side wants to see millions of Americans lose the health plans they were told they could keep or see their health care costs skyrocket or lose their jobs or work hours because of the unintended consequences of ObamaCare, but these events that nobody wants to see are now unfolding. They will do great damage to our Nation that nobody wants to see happen.

If we agree on these fundamental issues, our success should be clear, and it is only blocked by the kind of partisan division that we heard yesterday from the White House and a few moments ago. We can avert these calamities and redeem this institution if we can put aside the name-calling for a few days and get down to the business of governance.

The good news is we have a process of government that has evolved over centuries that is very good at resolving differences of opinion between the two Houses of Congress and within the two Houses of Congress. In this case, there shouldn’t even be much to resolve. All of us want to see the government stay open. All of us want to see the government’s credit preserved. All of us want to see millions of Americans losing health plans that they want to keep or from being socked with crushing premium increases or from losing their jobs or from having their hours cut back.

If we’re all agreed on these objectives, isn’t the appropriate course self-evident? Senator MANCHIN seems to have laid it out very clearly the other day: a temporary continuing resolution to keep the government open, a temporary increase in the debt limit while we complete the normal appropriations process, and a temporary delay in ObamaCare until the unintended consequences of its mandates can be corrected.

Is that so unreasonable? After all, this administration has already exempted big corporations and more than 1,000 politically connected groups from ObamaCare mandates. More revealingly, the administration has protected Members of Congress from its crushing costs. That ought to be the ultimate wake-up call. If Members of Congress can’t afford to meet ObamaCare’s costs, how do we expect the average American to do so? Why not give everybody the same relief by delaying these mandates until the law can be replaced with provisions that actually fulfill the promises made to the American people when it was enacted.

I don’t like continuing resolutions at all. The Congress has a responsibility to superintend the Nation’s finances, and it’s developed an appropriations process that requires painstaking review of every expenditure of this government. That review involves countless hours of committee work, scores of hours of floor debate, and hundreds of individual amendments. Continuing resolutions cast aside this work and abandon Congress’ responsibility over the Nation’s finances. They shift enormous authority to the executive branch that the Founders never intended. I had hoped to be done with continuing resolutions.

Those who enacted ObamaCare need not hope it would lower health care costs and help the economy. Sadly, events in this imperfect world can often disappoint and transfigure our fondest hopes. We’ve not completed the appropriations process. We need additional time to do so, and we need to correct the damage being done to existing health plan holders and employees of ObamaCare. If we could all agree on these objectives, then our course would be clear. We should fund the government long enough to complete the normal appropriations process, and we should delay
ObamacareCare long enough to preserve the jobs, working hours, and existing health care policies of the millions of Americans who are now losing them.

So let's cool the rhetoric and do what this institution is designed to do: come together in support of the objectives upon which we agree for the good of the Nation and the people who have entrusted us with its care.

GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. BERA) for 5 minutes.

Mr. BERA of California. Mr. Speaker, in 3 days, this body threatens to shut down the government.

A government shutdown is going to affect millions of Americans. A government shutdown is going to affect middle class families at a time when our economy is slowly recovering, at a time when people are just starting to feel a little bit better about their home values, at a time when my constituents in Sacramento County are just now starting to feel a little bit better.

Mr. Speaker, we can avoid this. Let's do what we have shown we can do. President Ronald Reagan was able to work with Speaker Tip O'Neill and get something done. That's what happens in divided government. President Bill Clinton was able to work with Speaker Newt Gingrich and get something done. That's what happens in divided government. You work together. You listen to each other. You don't play this blame game. You act like adults.

Let's start talking and let's start listening to one another. That's what the American public wants. They want Democrats and Republicans to bring their best ideas forward, put those ideas on the table, and put the people first. It's not that hard to do. That's what we teach our kids to do. That's what we do for those of us that have worked in the private sector. That's what American families do every day. They learn how to work together.

The House is controlled by Republicans, the Senate is controlled by Democrats, and President Obama was reelected as a Democratic President. This is divided government. Mr. Speaker, sit down with the President, sit down with the leadership, put the best ideas together, compromises. But you can't operate in a my-way-or-the-highway mentality, a winner-take-all mentality because that's killing this country.

The public is watching. In these next 3 days, I hope this body acts like adults and we don't start playing the blame game and saying, Oh, it's the Republicans' fault; oh, it's the Democrats' fault. That's not going to get us anywhere.

Yesterday, the Senate passed a continuing resolution to keep the government funded for 2 months. That isn't a solution, but at least it gives us 2 months to act like adults and put together a real budget. At its core, that's what we need to do. The number one job for elected officials, for all of us in this body, is to put together a real budget that takes the best Democratic ideas and the best Republican ideas, puts them together and puts the American people first.

We can listen to all of the rhetoric that says the House has passed a budget and we did it on time, the Senate has passed a budget, the President has passed a budget. The sad fact is all the way from the bottom up, how do you operate a business like that? How do you manage your household like that? Let's act like adults, and let's go to conference. Let's take those three budgets, let's figure out a solution and a compromise and agree on one budget, and then bring that back to this body.

Yes, the Senate passed a continuing resolution. Mr. Speaker, I urge you to bring it to this body today. Give us a chance to vote up or down. If you don't like that resolution when the Republicans who control the House will vote down on it. But give us a chance to vote up or down. That's how this should work.

The Senate has passed a farm bill that is important to this country and it's important to my constituents in California and Sacramento. Give us a chance to vote on that bill up or down. That's how government should work.

We've got to start coming together. We've got to get people first. There are ideas that are working together. I'm a leader of a group called "The Problem Solvers." It's now up to 83 Members. It's Democrats and Republicans. We don't agree on everything, but we listen to one another. We put our ideas forward. We want government to work. We want to fix problems, not fight. We want to actually take those ideas.

One of the first bills that I passed and I cosponsored was No Budget, No Pay, which says if we don't actually put a budget together, why should Members of Congress get paid? Nobody else in America gets paid if they don't do their job. This body is not doing its job. No Budget, No Pay, we passed it. The Senate passed it and the President signed it into law. Let's actually pass a budget. If we get 2 months, if we get 3 months in funding the government, let's use those 3 months wisely to pass a budget. The public is watching.

Here are three things that we could do: number one, go to a conference committee. The Senate has appointed folks to talk about their budget. The House has not appointed those folks. Let's get this done, and let's start moving America forward and relieving the debt burdens on our kids and grandkids. We can do this. The public is watching. Three more days.

OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. Mr. Speaker, I rise first to thank my colleague and friend from California (Mr. BERA), for recognizing that in divided government, which we've had in the past, it's important that we sit down and resolve differences and we managed to do that.

He correctly pointed out that President Reagan, in the 1980s, was willing to and quick to negotiate with then-Speaker of the House Tip O'Neill, and they accomplished great things. They passed the Tax Act of 1986, they reformed Social Security by working with Tip O'Neill and Senator Moynihan from New York. Twelve years later, President Clinton was willing to sit down and speak with then-Speaker of the House Newt Gingrich, and they performed important things for this country. They reformed welfare and balanced the budget. Those things weren't easy. Those things took resolution. It took resolve and willingness to sit down and talk with each other.

Here we are in the year 2013, and many of us on this side of the aisle are feeling like we don't have government that's willing to sit down and negotiate. As a matter of fact, this morning the Independent Hill it is reported that that says: "Obama to Republicans: I will not negotiate." So here we are at the eleventh hour ready, willing to compromise, to negotiate with a Commander in Chief and Chief Executive that is not negotiable, will not negotiate.

What you need in order to compromise many times is time and space, and I'm here today, Mr. Speaker, to express my support for delaying the Affordable Care Act by at least 1 year. Since the law's passage, time has shown that the Affordable Care Act is a misguided effort which has divided Americans on the common goal of affordable access to world-class health care, as opposed to bringing us together to rise to the challenges that we face as a country.

What has most of us deeply troubled is that not only will the law leave over 30 million Americans uninsured and forced to pay a tax, but it is forcing physicians to fundamentally question the nature of their profession and its pursuit.

The role of the doctor fundamentally changes under this law. As opposed to being healers, doctors are now bureaucrats. The law establishes an American medicine, defined by exceptional medical care practiced by highly trained experts who are driven to innovate and improve for the common good. Instead, this law leads to medicine by forced to pay a tax, but it is forcing physicians to fundamentally question the nature of their profession and its pursuit.
OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (DANNY K. DAVIS) for 5 minutes.

Mr. Smith of Missouri. Mr. Speaker, Deficit Day is the symbolic day each calendar year when the Federal Government runs out of money and begins adding to the already enormous debt. Despite the $2.7 trillion the government is estimated to collect this year from taxes, tariffs, fees, and other sources on a calendar-year basis, the money ran out this past Wednesday, September 25.

As the debt limit approaches in mid-October, the Federal Government continues to spend money it does not have on things that Americans do not want. Washington is projected to spend over $10 billion per day; and from this point until December 31, every dollar that it spends from this point on adds to our enormous national debt, which is already nearly $17 trillion. In the last 4 years, Congress has raised the debt limit seven times; and, today, the debt for every man, woman, and child averages over $53,000 per person.

Mr. Speaker, I look forward to working with all my House and Senate colleagues to pass a budget, to balance a budget, and to reduce our national debt.

[From the Wall Street Journal, Sept. 24, 2013]

HAPPY DEFICIT DAY, UNCLE SAM

(By James R. Harrigan and Antony Davies)

“Deficit Day” is here again, marking the day the U.S. government runs out of money. Mr. Speaker, we’re adding to our already enormous debt. Despite the $2.7 trillion the federal government collects every year from Americans in the form of income, payroll, corporate, estate and excise taxes, as well as tariffs, fees and other sources, the overall federal debt limit, which will be reached in the next few weeks. The closer the government comes to balancing the budget, the further it pushes Deficit Day toward the end of the year. So it’s good news that the federal government runs out of money 16 days after this year; last. But the underlying reality is much less rosy: Despite the repeal of the payroll-tax cut—a move that cost the average American $1,000 this year—there will still 97 days left in the year for which the federal government has no income.

Income, or no income, the government certainly won’t stop spending.

This is not fiscal responsibility. Through the payroll tax, the government has simply raised tax revenues at the expense of people who are already overtaxed. Had the government simply held spending constant from last year, Deficit Day would have been shifted 30 days into the future, not 16. But a politician who is more concerned about being re-elected than reducing the national debt, which is already nearly $17 trillion. (This is a separate calculation from the overall federal debt limit, which will be reached in the next few weeks.)

Mr. Speaker, families and small businesses from across the United States are forced to live within their means. The Federal Government should be held to the same standard. If my friends back in my home State of Missouri can successfully balance their budgets; why cannot the Federal Government?

Mr. Speaker, I look forward to working with all my House and Senate colleagues to pass a budget, to balance a budget, and to reduce our national debt.
proaching this coming Monday—on our fiscal year budget, the farm bill, as well as what we see impending with the Obama health care takeover of the exchanges implementation.

What do we have a lot of around here? Drama—from the left, from my colleagues on the other side of the aisle; from the press, saying, government shutdown, government shutdown. My daughter, who is in school, she tries to avoid drama at school, but I end up, instead, stick to what she knows she needs to get done.

Yet around here, that’s a pretty big byproduct. We need to be working on a lot of key things for our country to run better, more fiscally sound. That would be, for example, working towards actually balancing the budget long term. What I see in the plans that are coming from the White House, over in the Senate, is that there is no plan to move towards a balanced budget in the future. It’s going to take hard work. It’s going to be difficult. There will be a lot of infighting and caterwauling in this place in order to try to move to that direction.

But Republicans actually offer a plan to, in the future, move towards a balanced budget, to make those lines finally come together after many, many years of overspending. We don’t see those ideas come from the other side.

Unfortunately, we’re not going to get out of this pattern of having to raise the debt ceiling until we achieve the balanced budget that we direly need in this country. That’s the dirty little secret. Debt ceilings are going to be part of our future until we can truly get the balance. So real solutions are needed that move us in that direction, not more drama.

Mr. Speaker, stop the drama. Let’s get together and work on these solutions. I urge my colleagues on the other side of the aisle, talking about that this morning, let’s do real budgets instead of CRs. I don’t like doing confrontational things, I guess it’s a way to keep the government open in the meantime until we can come to an agreement. But we have to have some kind of fiscal reality that says that we can’t keep spending more than we take in.

We can’t implement a program like the Obama health care takeover that’s killing jobs, that’s giving people fewer choices on their health care, that’s running down the business. It’s no fun for them anymore when they see this coming down upon them.

Let’s go to free market approaches. Let’s go to what the Republican Study Committee is working on, with the American Health Care Reform Act, which gives people choices, which actually addresses the high-risk pools and allows people that are in a permanent situation, needing long-term health care to find those solutions. Instead, we get something that we know, we see is not going to work.

Look at all the delays in the implementation of the health care exchanges. Delay after delay after delay. Yes, we need delays because it isn’t working.

Instead, we hear threats: Government shutdown; you, Republicans, are doing this; you are doing that.

Mr. Speaker, let’s stop the drama and get to real solutions. Let’s do the math on the Obama health care takeover, how it’s not going to work. Let’s do the math on how CRs are not really a solution but a temporary measure. Let’s do the math on moving toward a truly balanced budget in the future, which the Republican House has offered but doesn’t seem to be coming at all from the White House.

We’ve asked the White House, Do you have a plan to balance the budget? Or the Senate, Do you have a plan to balance the budget, ever? We don’t see them. We have to balance them in our own personal lives, around our households, our businesses. Yet why doesn’t government continue to have a blank check and get away with it, with the taxpayers’ money, our future? How many trillions of dollars of debt do we have to get to before we are actually going to learn this lesson that we’re going to leave for the coming generations?

I want to be a part of the solution that moves these lines together so that we get to a balanced budget sometime in the near future, not never. This Nation requires it. If we want to have jobs, if we want to have the prosperity that we once knew, we need to go back in that direction.

So, Mr. Speaker, I ask this body, I ask our colleagues in the Senate, I ask the White House: Let’s stop with the drama. Let’s get back to the table and negotiate.

When our President says that he will not negotiate with us, the American public should be appalled that in the process of the give-and-take of the institutions our Founders set up here, with these three branches—the House, Senate, and White House—supposed to get together, compromise, hammer things out, argue, get along, all those things—that when one branch of that does not want to get together, to even talk and compromise, but, instead, is willing to be on the phone with Iran or Russia and not our own colleagues, we should be appalled.

Let’s get back together. Let’s stop the drama of the name-calling, of threatening government shutdowns, where Republicans are not moving towards that at all, but are actually trying to find solutions. Let’s get it done for the American people. I think the American public demands that. Let’s have solutions.

52 PERCENT OF AMERICANS OPPOSE OBAMACARE

The Speaker pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. Thompson) for 5 minutes.
Mr. THOMPSON of Pennsylvania. Mr. Speaker, the President, in his remarks to the country yesterday, demonstrated a willingness for diplomacy and negotiations. Sadly, any leadership he reflected in his remarks was a willingness to communicate and negotiate with the dictators of Iran and Syria and not the United States House of Representatives. What the President also made clear was his unwillingness to serve the will and the concerns of a majority of American citizens, families, and businesses when it comes to their health care.

Health care is one of the more intimate issues in America. There should be no surprise of the emotional reaction and rejection by the majority of the country when this legislation is passed unilaterally by one party without adequate debate or vetting and is mandated on 311 Americans.

The September 4 to 23 Real Clear Politics compilation of seven major national polls shows that an average of 52 percent of Americans are opposed or against the Affordable Care Act, while only 38.7 percent are for or in favor of this law.

Mr. Speaker, I understand the political divide that unfortunately exists in Washington, but what I do not get is how the President ignores the will of the majority of the American people. We expect leadership from the President, but there is no leadership when the direction you want to take the country is against the will of the majority of American citizens.

Now, some have said that the Affordable Care Act is the law, so just implement it. Well, that makes a dangerous assumption that Congress can and has corrected the mistakes that it has made. The Prohibition, which was repealed in 1933, had been fairly unpopular—and a failure to implement than even ObamaCare. More recently, the Medicare Catastrophic Coverage Act of 1988, a bipartisan bill, was intended to provide supplemental health care insurance for the elderly. But it also included a surtax on middle- and upper-income seniors which was quickly repealed when the will of a majority of Americans was taken into consideration.

Now, what is more dangerous than a government that may err on occasion or supposed leaders that are incapable of recognizing an error and taking a course of correction?

Mr. Speaker, the Senate Democrats yesterday recklessly voted to disregard the will of the American majority and essentially endorse a government shutdown rather than take any course of correction on what is a fundamentally flawed law that is raising premiums and already limiting access.

In my home State of Pennsylvania, countless children in disadvantaged homes are covered under the Children's Health Insurance Program, or CHIP. The CHIP program originated in Pennsylvania and provides support to parents of these children to allow them to buy health insurance for their children from the commercial insurance market. The CHIP program gives access to quality health care, not with government-run programs, but through a partnership with the private sector. Under ObamaCare, these children are being ripped out of CHIP and placed in a Washington office where the parents will be hard-pressed to find a pediatrician even willing to see, let alone treat, their child.

Mr. Speaker, the unwillingness to admit the errors of ObamaCare and take corrective action is even throwing America's most vulnerable children, who are growing up in poverty circumstances, under the bus. They deserve better.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, I want to give high praise to my colleagues on this side of the aisle who have been here this morning talking about the really, really important issues that are facing our country these days. Why are we here in Washington, D.C., on a Saturday? We should be at home in our districts. Republicans believe that the wisdom of the world is not in Washington, D.C.; it is back in our districts; it is back with the American people. But we're here because of a failed policy that was passed without bipartisan support but strictly on behalf of liberals in this body, in the Senate, and the failed policies of a very liberal President. We shouldn't have to be here today if it weren't for that failed policy.

Unfortunately, our colleagues on the other side of the aisle are trying to put the blame on us for saying that we're here because we're fighting what we see as a failed policy. The American people see it as a failed policy also. The majority of the American people are opposed to what we have come to call ObamaCare. It was not passed by bipartisan votes. Our colleagues are talking about bipartisanship. It was passed purely on a partisan basis. No Republican has ever voted for ObamaCare, and every Republican who has had the opportunity to vote against it, has voted against it. Why? Because we believe we represent the American people. We don't want to shut down the Federal Government. In fact, we've passed bills to keep the government running; but we want to have the policy right.

My colleague from Connecticut talked about the need for compromise and he said, erroneously, this is the first time that we would shut down the government over a policy. He must have forgotten that the Federal Government has shut down 17 times before—sometimes when Democrats were totally in control, sometimes when there was split government, but it has happened 17 times to take corrective action.

What are we doing here on our side of the aisle? We are fighting for the American people. We know this is a failed policy, and we do not want to see this failed policy go any further than it has gone. As my colleague, the sad thing about it is our President is willing to negotiate with a country that we call a terrorist country but is not willing to negotiate on this. He said: What I haven't been willing to negotiate, what I will not negotiate, is on the debt ceiling. He doesn't want to negotiate on ObamaCare either. But we know that the President did negotiate in August 2011, that we know that five other Presidents have negotiated on this issue. We also know we are going to be people who are not going to be covered by this program that is supposed to be covering all Americans. And, Mr. Speaker, I include, for the RECORD, an article by Daniel Henninger in the September 25 Wall Street Journal, called, “Let ObamaCare Collapse,” because it points out many, many of the problems with this program that haven't all been pointed out this morning.

And we have another issue that we're going to be facing in the next few days, and that is the raising of the debt limit. I want to quote someone who talked about the failure of leadership if we have to face raising the debt limit: "The fact that we are here today to debate raising America's debt limit is a sign of leadership failure. It is a sign that the U.S. Government can't pay its own bills. It is a sign that we now depend on ongoing financial assistance from foreign countries to finance our government's reckless fiscal policies. Increasing America's debt weakens us domestically and internationally. Leadership means that "the buck stops here." Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. Americans deserve better."

That was then-Senator Barack Obama on the floor of the U.S. Senate March 20, 2006.

Yes, indeed, Mr. President, we have a failure of leadership, and the buck stops with you.

[From the Wall Street Journal, Sept. 25, 2013]
political underpinnings collapse, perhaps permanently.

If ObamaCare fails, or seriously falters, the entitlement state will suffer a historic loss of credibility among American people. It will finally be vulnerable to challenge and fundamental change. But no mere congressional vote can achieve that. Only the American people can do it.

No matter what Sen. Ted Cruz and his allies do, ObamaCare won’t die. It would return another day in some other incarnation. The Democrats, argue the Republicans, rightly, that the ideas inside ObamaCare weren’t defeated. What the Democrats would lose is a vote in Congress that the Republicans would win.

A political idea, once it becomes a national program, achieves legitimacy with the public. Over time, that legitimacy deepens. So it has been with the idea of national social insurance.

German Chancellor Otto von Bismarck’s creation of a social insurance system in the 19th century spread through Europe. After the devastation of World War I, few questioned its need. In the U.S., Franklin Roosevelt’s Social Security system was seen as an antidote to the Depression. The public’s three-decade support for the idea allowed Lyndon Johnson to pass the Medicare and Medicaid entitlements even in the absence of an economic crisis.

Going back at least to the Breaux-Thomas Medicare Commission in 1999, endless learned bodies have warned that the U.S. entitlement machine is financially unsustainable. Off Medicare, Rep. Bill Thomas said at the time, “One of the biggest problems is that the government tries to administer 10,000 prices in 3,000 counties, and it gets it wrong most of the time.” But change never comes.

Medicare is the worst medicine in the United States. It grinds on. Doctors in droves are withdrawing from Medicare. No matter. It all lives on.

An established political idea is like a vampire. Facts, opinions, votes, garlic: Nothing can make it die.

But there is one thing that can kill an established political idea. It will die if the public that embraced it abandons it.

Six months ago, that didn’t seem likely. Now it does.

The public’s dislike of ObamaCare isn’t growing with every new poll for reasons of philosophical attachment to notions of liberty or American exceptionalism. It is growing because a cascade of news suggests that ObamaCare is an impending catastrophe.

Big labor unions and smaller franchise restaurant owners want out. UPS dropped coverage for employed spouses. Corporations such as Walgreens and IBM are transferring employees or retirees into private insurance exchanges. The Florida-based Fair Share Clinic has announced early retirements for staff and possible layoffs.

The government this week made public its estimate for the first time of the number of uninsured Americans. It is a morass, revealing the law’s underappreciated operational complexity.

But ObamaCare’s Achilles’ heel is technology. The software glitches are going to drive people insane.

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Creating really large software for institutions is hard. Creating big software that can communicate across unrelated institutions is unimaginably hard. ObamaCare’s software has to work—accurately—a cross into a mind-boggling array of institutions: HHS, the IRS, Medicare, the state-run exchanges, and a whole galaxy of private insurers’ and employers’ testing systems.

Recalling Rep. Thomas’s 1999 remark about Medicare setting prices for 3,000 counties, there is already mispricing of ObamaCare’s insurance policies inside the exchanges set up in the states.

The odds of ObamaCare’s eventual self-collapse don’t look good. What if that happens, then what? Try truly universal health insurance? Not bloody likely if the aughtest U.S. public has any say.

Enacting 50 million American votes, ObamaCare is the solely owned creation of the Democrats’ belief in their own limitless powers to fashion goodness out of legislated entitlements. Sometimes social experiments go wrong. In the end, the only one who supported Frankenstein was Dr. Frankenstein.

The Democrats in 2014 should by all means be asked relentlessly whether their monster.

Republicans and conservatives, instead of titting at the defunding windmill, should be working now to present the American people with the policy ideas that will emerge inevitably when ObamaCare’s declines. The system is broken in 2014 by all means be asked relentlessly whether their monster.

Republicans and conservatives, instead of titting at the defunding windmill, should be working now to present the American people with the policy ideas that will emerge inevitably when ObamaCare’s declines. The system is broken.

If Republicans feel they must “do something” now, they could get behind Sen. David Vitter’s measure to force Congress to enter the burning ObamaCare castle along with the rest of the people. Come 2017, they can reap the ruins.

The discrediting of the entitlement state begins next Tuesday. Let it happen.

The SPEAKER pro tempore. All Members are again invited to address their remarks to the Chair.

AFFORDABLE AND ACCESSIBLE HEALTH CARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. TIPTON) for 5 minutes.

Mr. TIPTON. Mr. Speaker, let’s begin with where we can all agree as Americans: the very basic exchange being the debate when it came to health care in 2008, it was about affordability and accessibility when it comes to health care. We can’t disagree about that. As Americans and small businessmen, we felt the pain and the soaring premiums, but we also wanted to make sure that we had access to real doctors.

What are the results that are now coming out of the Affordable Care Act? Let me give you an example that was just emailed to me last night out of a small community church in my district in Durango, Colorado. They were just able to extend their plan before the Affordable Care Act takes effect. For six employees working at the church, their premiums are now going to be $50,065 for the next 12 months.

When the Affordable Care Act impacts them in the next cycle, those rates will rise for those same six employees to $72,069, a 48.7 percent increase.

So the question we have to ask is: Has the Affordable Care Act achieved the goal that, as Americans, we can all agree that we desire to be able to have—affordability?

Let’s talk to those six people working in that small church in Durango, Colorado, who are now finding on charitable contributions to be able to have their jobs, to have affordable health care. The answer is no.

Let’s talk to senior citizens that I visited with throughout the Third Congressional District of Colorado, many of whom just became senior citizens and are now required to sign up for Medicare under the law. Just because of a birthday over the last year or two, these people are now required to sign up for Medicare. They cannot even find a doctor who will accept Medicare.

I just held a meeting with better than 20 physicians in Grand Junction, Colorado, several of whom expressed the year they were no longer able to practice in their practices. So have we addressed accessibility in America? We have not.

What the administration fails to understand is there’s a quantitative difference between affordability and accessibility and just having an insurance card. We can insure every American, but does that mean you have access to quality health care at an affordable price?

The Republican Party is putting forward real solutions to be able to address this challenge. Let’s get the free market going again. It actually will have a real competition. Let’s allow businesses to be able to come together to be able to form real groups and to be able to negotiate lower rates.

Let’s incentivize rather than disincentivize, as the President’s law does, those private medical health care savings accounts if we really care about health care. Let’s, indeed, make sure that people with preexisting conditions have access and affordable health care as well.

These are the plans that we are putting forward; but it’s going to require that we work together. What is not helpful is when we hear an administration say it is nonnegotiable while at the same time saying we have to work together. We can’t work together if we cannot have a dialogue. That is what this House of Representatives is putting forward—real solutions to be able to address the real problems to help real Americans that are struggling right now.

And the bottom line is, if we want health care, we also need jobs. If you talk to the people in my district, small businesses, they aren’t able to hire right now simply because of the cost of the Affordable Care Act and the impacts that they’re feeling. These are affecting real Americans, real people, and their lives. The solution is not and should not be just bigger government, just a legacy piece of legislation.

I believe that the American people deserve a policy that will actually work for them. That can only be achieved if we work together. We are putting those ideas forward today. We are not about shutting down this government. We want to keep it open. That’s the policy of our conference.

And the Republicans, instead of talking to those six people working in that small church in Durango, Colorado, who are now finding on charitable contributions to be able to have their jobs, to have affordable health care. The answer is no.

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This is something that we can achieve a positive solution on if the administration will open that door to dialogue rather than distrust. Let’s work for the American people rather than for bigger government.

NO SPECIAL EXEMPTION FOR MEMBERS OF CONGRESS UNDER OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. Ross) for 5 minutes.

Mr. ROSS. Mr. Speaker, you know the only thing worse right now than having the implementation of this health care law is known as ObamaCare on October 1 would be the implementation of this law with special consideration to Members of Congress. And some may say that’s not going to happen because Members of Congress are subjected to and not exempted from ObamaCare; and the short answer to that is yes, but the real answer is no.

And the real answer is no because there is a state of confusion over whether we, as Members of Congress and certain staff members, can continue to receive a 72 percent contribution to our health care benefits.

Now to understand this, let’s go back to how this even became an issue. Senator GRASSLEY, at the time that the ObamaCare bill was being debated, wanted to make sure that Members of Congress and their staff were subjected to the pains and the ills and everything else of ObamaCare. He offered an amendment that said:

Notwithstanding any other provision of law, Members of Congress and congressional employees would be required to use their employer contribution to purchase coverage through a State-based exchange rather than using the traditional Federal Employees Health Benefits Plan.

That was offered. What became law is different. The language that became law specifically says that Members of Congress and congressional staff with respect to their service as a Member of Congress or congressional staff shall be health plans that are either created by the Members of Congress or under the law but in the eyes of our constituents.

To date, there has been no independent certification that the information will be kept safe. We are simply supposed to rely on this administration’s word that reliable security systems will be in place come October 1. This is the same administration that has repeatedly failed to meet their self-imposed deadlines for the implementation of this disastrous law.

Their word is simply not good enough, and this is why 13 States’ attorneys general have sent a letter to HHS Secretary Kathleen Sebelius expressing their concerns over whether there are adequate safety measures to protect their constituents’ personal data.

Making this situation even worse are the ObamaCare “navigators” that are tasked with assessing this information to help people enroll. These navigators are not required by the Federal Government to have background checks or even a high school diploma.

And yet they will be tasked with handling Americans’ most sensitive personal information, such as medical records and even tax returns. In fact, earlier this month, a navigator applicant in Minnesota recently received 2,400 Social Security numbers by mistake.

Mr. Speaker, we know that ObamaCare is simply not ready for prime time. We cannot allow Americans’ most sensitive personal information to be exposed to these threats. It is completely irresponsible for this President to be encouraging people to sign up when these threats exist.

The President has already delayed portions of this law to help Big Business and insurance companies. It is time for him to work with this Congress to stop this train wreck and to shield the American public from widespread fraud and abuse.

HOW WILL OBAMACARE AFFECT YOU?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. Poe) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, I posted on my Facebook page the question, How has ObamaCare affected you or will it affect you in the future? I received almost 400 responses. I will just read a few of those. I certainly won’t read the ones that were volatile, Mr. Speaker, because a lot of people are just mad.

It is true that about 20 percent of those responses like ObamaCare and about 80 percent, not so much.

Leisa says:
My son was lowered to 29 hours last week for a new full-time norm because owner doesn’t want to pay ObamaCare.

Sharon says:
My mother is diabetic and couldn’t take insulin for 2 years because she couldn’t get her test strip prescription filled due to a Medicare glitch because of ObamaCare.

FRAUD AND ABUSE IN OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. Black) for 5 minutes.

Mrs. BLACK. Mr. Speaker, in just 3 days, the ObamaCare exchanges are set to go live, and tens of millions of Americans’ most sensitive personal information remains at risk.

For the purposes of enrolling people in the exchanges, the administration is building the largest network of Americans’ personal information ever created, called the Federal Services Data Hub. This data hub will have the names, birth dates, Social Security numbers, taxpayer status, gender, email addresses, and telephone numbers of millions of Americans expected to apply for coverage in the exchanges. This poses an alarming and obvious risk for identity theft and cybersecurity attacks.

This is an alarming and obvious risk for identity theft and cybersecurity attacks.

Mr. Speaker, we can correct this. We can stand up as a collegial body, Republican and Democrat, and say we believe we need to be subjected to the law 100 percent and we think OPM is wrong. And the American public to have what they desperately need to have in this Congress, which is the credibility of this Congress, we need to pass my amendment to the continuing resolution being offered today that says that this OPM letter was wrong and that all Members of Congress, all staff, the President, the Vice President, and all political employees will be subjected to the laws of ObamaCare and not receive this contribution. We should not receive this contribution. We shouldn’t carve out a specialty to ourselves.

Further, what is worse is that if we don’t make some change to this law, people will say there will be a brain drain. I see more of a litigation train starting—a litigation train because we’ve already put in the law a special class of employees. My employees are now subject to the laws of ObamaCare, but the leadership and their employees aren’t. We have employment discrimination cases that are absolutely unnecessary and could be avoided if we have the foresight, if we have the ability to say, America, we’re going to correct this; we’re going to make sure that we are subject to all the laws, 100 percent, the same way we ask you to be.

Therefore, Members, I ask, I implore you to please consider this amendment, consider doing what is right, not only under the law but in the eyes of our constituency.
Kristy:
My hardworking husband can only find temporary contract work. No one wants to hire permanent positions, and those that do have permanent positions are hard to get and also pay very little. I hope it doesn’t last long. We have a baby due in mid-October, and already have three children.

Joseph:
I expect my employer will not be able to afford future raises due to the enormous expense he has to pay under ObamaCare.

Victoria:
My husband has not been able to get a job because folks are not hiring due to ObamaCare. He actually had their insurance taken off. My parents are elderly and they have three doctors who have quit medicine because of ObamaCare. So no, Mr. Poe, it is not the greatest thing ever.

April says this:
Since the implementation of ObamaCare, I have not been able to find a job. No one wants to hire a permanent position. Every thing is part-time or temporary for all those jobs, and they also tell me that I’m over-qualified. I think the whole ObamaCare thing needs to be done away with.

Genelle says:
My husband and I are in our seventies. Our copays for prescriptions have doubled. Our doctor told us that he will not be able to treat us with the same quality we now get when he goes into full steam.

Mary Lou probably said it the best. She said:
Ted, we pray even more fervently that we just don’t get sick.

Those are some responses of people out there who actually work for a living and are concerned about the problems we have. Is it the idea that the people of Syria and Russia and Iran are more important to talk with than Members of Congress? I don’t get that.

Why doesn’t he come over here to the House? Let’s sit down on an informal basis and just chat about the problems we have. Like Mary Lou said, “ObamaCare: we don’t want to get sick.”

And now, today, we’re facing a debt ceiling problem, we’re facing a continuing to fund the Federal Government problem, we have ObamaCare that we actually laid people off. My parents are elderly and they have three doctors who have quit medicine because of ObamaCare. So no, Mr. Poe, it is not the greatest thing ever.

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And that’s just the way it is.

AT A CROSSROADS

The SPEAKER pro tempore. The Chair is joined by a gentleman from Florida (Mr. MICA) for 2½ minutes.

Mr. MICA. Mr. Speaker, it’s Saturday morning and we’re here in the House of Representatives in an unusual session. I’m glad some people had the opportunity to go home last night and come back this morning.

Some people say, Oh, this is unusual duty, you’re working hard, and all of that. And I say to them that I represent the millions of people across the United States who are going to work, sometimes at midnight, work all night, and get up in the morning and go to work at 6 o’clock. They’re struggling to put food on the table. They’re struggling to educate their children. They’re struggling to pay their mortgage and keep their home and their family together.

So I believe that it’s Congress’ responsibility, and there’s no question about that—work on Saturday, we work on Sunday, we work on Monday, and we’ll work until we get this situation resolved.

Now where are we? We’re at a crossroads. Rarely, in the history of our Nation, have we come to a crossroads like this. We have the biggest government program probably since World War II in ObamaCare and the President’s health care plan going into effect in a few days. We have the government running out of money in a few days, on October 1. And then we have the country facing a financial deficit in less than 2 weeks.

So this is an important crossroads. We need to get it right because there are a lot of hardworking Americans counting on us.

We must avoid the biggest government takeover of health care or any segment of our economy in history. We must avoid forcing people into part-time employment and the government making decisions about our health care. Even the unions are walking away from this plan now. We have a short time to accomplish that.

The deficit is $17 trillion, and they want to extend it almost another trillion—$900 billion—for 1 year. Since the beginning of the Obama administration, in 5 years, we’ve gone from $9 trillion to $17 trillion in debt—almost doubling it.

Finally, funding the government. We must keep the government open. We must be responsible stewards for the public. But the spending spree in Washington has to stop. Republicans have held the line. We need to hold the line responsibly. We can cut inefficiencies, and we can make government accountable to the people.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o’clock and 28 minutes a.m.), the House stood in recess.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Collins of Georgia) at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear Lord, we give You thanks for Your Spirit of peace and reconciliation, that instead of ascendancy over opponents, the Members of this people’s House and all elected to represent our Nation might work together humbly, recognizing the best in each other’s hopes to bring to resolution the current impasse over the economy.

Give Your Spirit of consolation to those who are concerned about the stability of their income, especially those who serve in our Armed Forces. May their welfare inspire those engaged in this debate to find fair and lasting solutions.

May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Ohio (Mrs. Beatty) come forward and lead the House in the Pledge of Allegiance.

Mrs. BEATTY led the Pledge of Allegiance.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

EPA REGULATIONS DRIVE UP ENERGY COSTS

(Mr. Wilson of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)
Mr. WILSON of South Carolina. Mr. Speaker, the current administration has dictated that the Environmental Protection Agency is to unilaterally institute regulations without seeking congressional approval. South Carolina energy producers have been forced to expedite the closing of 12 coal facilities, which has driven up energy costs for consumers, has destroyed jobs, and has made the workers less competitive. Earlier this month, the EPA acted alone again by proposing new regulations.

This week, I spearheaded a letter to the President and EPA Administrator, which was signed by other members of the South Carolina delegation, that supported legislative review. The American people deserve to have a voice in these new policies to promote jobs and lower energy costs.

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

My sympathy to Sarah Clarkson and her family of Columbia, South Carolina, on the death yesterday of her husband, A. Crawford Clarkson, Jr.—a true son of Scottish heritage, a naval officer awarded the Order of the Palmetto by Governor Carroll Campbell.

A GOVERNMENT SHUTDOWN

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

Ms. CHU. Mr. Speaker, yet again, House Republicans have taken us down to the wire—refusing to pass a budget or to pay our bills on time.

As The Wall Street Journal asked recently of the GOP: “Are you nuts?”

If their antics force the government to shut down, our military, including people serving overseas right now, will not be paid on time. If they default on our bills, 10 million Americans won’t receive their Social Security checks on time, and families will pay higher interest rates on their mortgages, loans, and credit cards. The last time Republicans took us too the brink, the S&P downgraded our credit rating. If the GOP doesn’t compromise, they could trigger a worldwide financial crisis and cause long-term economic damage.

Since when have these cutthroat tactics been an acceptable way to govern?

The answer is: they are not.

DELAY, DEFUND, REPEAL, AND REPLACE OBAMACARE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, it’s interesting what brings us here to the House floor this Saturday morning as we are looking at a continuing resolution to fund the government and as we are looking for ways to address what is happening with ObamaCare—where 17 percent of our Nation’s economy is being nationalized and federalized.

Those are concerns that we are hearing from our constituents. They do not want ObamaCare to be put into action, and they do not want these insurance exchanges to be stood up and put into action. There are a lot of good reasons why.

First of all, they are not ready. That’s why we need to delay this for 1 year. Delay it. We know that there are problems with the exchanges. We know that there are problems with all of the interactive technologies. We know that ObamaCare has already missed over half of its deadlines.

Why would you move forward on a program that is not ready for prime time?

Delay, defund, repeal, replace. That is what we need to do with ObamaCare.

THE AMERICAN PEOPLE WANT COMPROMISE

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

Mr. BUTTERFIELD. Mr. Speaker, Republican extremists have put the Federal Government on the brink of a shutdown in less than 3 days. On yesterday, the Senate sent over a resolution that funds the government through November 15 using the sequester level of $986 billion.

What is the Republican leadership going to do with this resolution that will keep the lights on through November 15?

Are you going to continue to listen to the 40–50 ultraconservatives in your Conference whose agenda is to disparage President Obama and hold us hostage until we gut the Affordable Care Act, as the gentlelady from Tennessee just made reference to, and make deeper cuts that hurt the American people?

Is this where we are headed?

I pray for reasonableness on the part of my Republican colleagues. I know it’s not all Republicans who are swing-voting the wrecking ball, but it’s a critical mass within the Republican ranks that is beyond reason.

A very sad day in American history is upon us.

I urge Speaker Boehner to listen to voices of reason in his Conference and to pull together like-minded Republicans who can join with like-minded Democrats and get this done. The American people want compromise. They want it today.

THE PRESIDENT WILL NOT NEGOTIATE OR COMPROMISE

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

Ms. FOXX. Mr. Speaker, a “compromise” is an “agreement reached by each side making concessions,” but how can we reach a compromise if President Obama isn’t even willing to negotiate?

The President has said he will not negotiate raising the debt ceiling even though every major attempt to deal with the deficit over the last 30 years has been tied to the debt limit. He will not negotiate delaying the individual mandate even though he delayed the employer mandate until 2015. He will not negotiate repelling the medical device tax even though the 33 Democrats voted to do precisely that.

However, he is willing to negotiate with labor unions and special interests over their objections to ObamaCare. He is willing to negotiate with dictators who are using chemical weapons against their own citizens. He is willing to negotiate with Iran.

He is just not willing to negotiate with Congress, and he is not willing to listen to the American people, who are demanding a revamp of his half-baked health care law and real solutions to America’s debt and deficit problems.

COMPROMISE, NOT A SHUTDOWN

(Mrs. BEATTY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BEATTY. Mr. Speaker, Congress is faced with much unfinished business—a budget that needs to be passed, a sequester that needs to be repealed, and a debt limit that needs to be lifted.

I remind my Republican colleagues that citizens want us united. They want compromise, not to be shut down.

If the United States defaults on its debt, the results could be devastating. A default could mean 3.4 million veterans not receiving disability benefits; delay in your reunification for our military who have served overseas right now, and there are a lot of good reasons why.

I urge Speaker Boehner to listen to voices of reason in his Conference and to pull together like-minded Republicans who can join with like-minded Democrats and get this done. The American people want compromise. They want it today.

OBAMACARE

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

Mr. SAM JOHNSON. Mr. Speaker, we are just 3 days away from October 1—the day ObamaCare’s health care exchanges are scheduled to open. Yet every constituent phone call, news headline, and report I come across further proves that this law is simply unaffordable and unworkable.

On Thursday, at 11:22 a.m., President Obama said:
Most of the stories you’ll hear about how Obamacare can’t work is just not based on facts... We’re only 5 days from finishing the job.

Exactly 23 minutes later, I received a news alert, saying the White House postponed another portion of Obamacare—the sixth unilateral delay. Worse, in my home State of Texas, premiums will increase by 53 percent for young males and by 11 percent for females.

Mr. Speaker, I have heard the personal stories, and I have seen the facts. Obamacare is unaffordable and unworkable. Americans want, need, and deserve patient-centered reforms, not this “government knows best” health care law.

**DAMAGING THE NATION’S ECONOMY**

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

Mr. ELLISON. Mr. Speaker, I remember being in this House not that long ago—August 2011—when we were told that we’ve got to threaten the breaking of the Federal debt ceiling of the United States because of debt and deficit. The deficit has come down. So here we are again, threatening to harm the economic fortunes of Americans with a shutdown and even the debt ceiling, but we are not talking debt and deficit anymore—now we are talking Obamacare.

My advice to my Republican colleagues is to try to overturn the Affordable Care Act at the ballot box. Oh, that didn’t work. Here is another piece of advice: go to court and try to have it found unconstitutional. Oh, boy, that didn’t work out either. Okay. Try to go through the regular legislative process. Well, 43 times later, that didn’t work. So now we are going to literally damage the economy of this Nation?

The fact is that this is wrong. It is going to hurt veterans, seniors. It is going to hurt children, and it is going to hurt our parks. It is going to hurt our whole country. So I pray that my colleagues stop this.

**COMPROMISE**

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

Mr. LaMalfa. Mr. Speaker, again, we hear about compromise. Yet, the President says he is unwilling to talk to us, that he is unwilling to negotiate. How is that compromise?

We hear more and more talk about shutdowns. Now, if the Republicans talk about shutdowns, they talk about offering solutions, including the Full Faith and Credit Act, in order to keep the government open and operating for the American debt ceiling of the United States.

Finally, in this debate, in this drama, we hear deception or that people are using tactics to threaten the American people and scare them. Mr. Speaker, by saying that their Social Security is going to be taken away, which it would not be, if the Democrats actually pushed this thing to a shutdown.

Let’s stop the deception and, once again, stop the drama so that maybe my daughter will actually watch us on TV—because she is sick of the drama at school. We are sick of the drama here, so let’s get together and get this stuff done. We’ve got 48 hours or less to get this out. Let’s work together and compromise. Let’s work with the President, work with the Senate, and work amongst ourselves.

**MR. SPEAKER, IT IS TIME TO LISTEN AND TIME TO TALK**

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

Ms. HANABUSA. Mr. Speaker, can you just tell me what’s going on so I can tell my constituents?

I can’t believe we are here on Saturday morning, 3 days away from a potential government shutdown, with no plan from you. I can’t believe that we are about 20 days away from the greatest Nation on this Earth—the United States—defaulting on our obligation, with no plan from you.

Mr. Speaker, being “Speaker” means what? The majority party—your party—has an obligation to all of the people of this great Nation to lead. Instead, you choose to play games with people’s livelihoods and with the full faith and credit of our Nation—the greatest Nation on this Earth.

It is our Nation, Mr. Speaker. Mr. Speaker, it is time for you to listen to the people—don’t shut down government; don’t play with the debt ceiling. It is time to listen, time to talk.

**GOVERNMENT SHUTDOWN**

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

Mr. CARTWRIGHT. Mr. Speaker, once again Congress is set to play politics by threatening to shut down the government, rather than work toward a compromise.

Just last month, we marked a disgraceful anniversary of our Nation, the S&P’s downgrading of the full faith and credit of the United States. A government that has shrunk the brink of a government shutdown by fringe Tea Party members whom only goal seems to be to deny hardworking taxpayers the right to insurance.

While the Republican-led House has voted 42 times to sabotage uninsured Americans gaining health care coverage, not once have they allowed a vote to repeal and replace the sequester. Over 400 hardworking taxpayers in Fort Worth, Texas, have lost their jobs at Bell Helicopter due to the sequester.

To make matters worse, once again Republicans are placing the livelihoods of American families at risk by threatening to furlough government employees. The bottom line here is that Congress has a lot of work to do this weekend and in the weeks and months to follow.

This is the work that we as Members of Congress were elected to do. I take this responsibility very seriously and expect my colleagues to as well.

**GOVERNMENT SHUTDOWN**

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

Ms. HAHN. Mr. Speaker, once again, the clock is ticking. And with another deadline looming before Congress, Republicans are bullying this Nation with the threat of a government shutdown unless we get rid of the Affordable Care Act.

The Republicans have tried over 40 times to repeal the Affordable Care Act, and it hasn’t gotten them anywhere. Now they’ve found themselves a hostage and they’re saying, Give us what we want, or we’re going to blow up the economy and shut down this government. That will cause critical services to be stopped for the American people, which could mean that over 3 million veterans will not receive their disability benefits, 10 million Americans may not receive their Social Security checks on time, and the SEC and EPA will be closed for business.

Careening from one fiscal crisis to the next is no way to run this country. That’s not how we’re supposed to do business. There are enough problems in this Nation without Congress manufacturing new ones. Let’s end this man-made crisis and get to the business of not hurting the American people.

**GOVERNMENT SHUTDOWN**

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

Mr. VEAHEY. Mr. Speaker, we are faced with the threat of a government shutdown on Tuesday due to the Republican Party/Tea Party extremists’ inability to compromise and pass a spending bill for fiscal year 2014. Once again we are pushed to the brink of a government shutdown by fringe Tea Party members whose only goal seems to be to deny hardworking taxpayers the right to insurance.

While the Republican-led House has voted 42 times to sabotage uninsured Americans gaining health care coverage, not once have they allowed a vote to repeal and replace the sequester. Over 400 hardworking taxpayers in Fort Worth, Texas, have lost their jobs at Bell Helicopter due to the sequester.

To make matters worse, once again Republicans are placing the livelihoods of American families at risk by threatening to furlough government employees. The bottom line here is that Congress has a lot of work to do this weekend and in the weeks and months to follow.

This is the work that we as Members of Congress were elected to do. I take this responsibility very seriously and expect my colleagues to as well.
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 on a noodle
They call this a muddle puddle tweetle noodle bottle paddle battle.
Mr. Speaker, it’s time to work together and stop these beetles. I mean, stop the battle.

GOVERNMENT SHUTDOWN

(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 points, shouted out 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.

GOVERNMENT SHUTDOWN

(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.

GOVERNMENT SHUTDOWN

(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. 276b 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. Sánchez, California
Mr. Gene Green, Texas
Mr. Polis, Colorado
Mr. Gallego, 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 THE 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. RRS. 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 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. 3162, as passed by the House, modified by the insertion of a new title IV consisting of the text of H.R. 3162, 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
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 the American people 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, there is a new law that will allow for consideration of a yet-to-be-seen continuing resolution and a yet-to-be-seen debt ceiling bill. This new law 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 Party 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 act like grownups. 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 McGovern noted:

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 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 want the House to work its will. They have abandoned regular order because an extreme faction of the Republican Party is so uncompromising that they do not want to work. They are talking about shutting down our government.

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 the new 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 work 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 unnecessary 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.

Mr. Speaker, time is running out. The Republican Party is so uncompromising that they are talking about shutting down our government. 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 a huge cost to pay for ObamaCare. That’s wrong. That is taking this out on America’s seniors.

Time is running out. 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. People need to 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.

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 and their 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 does 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 myself, 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, months 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 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 Pricey Proposition,” talking about the cost to the taxpayers if the Republicans move ahead with the shutdown.

WHY A GOVERNMENT SHUTDOWN COULD BE A PRICEY PROPOSITION

(By Carrie Dann)

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 stalls the budget on Monday by 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 shutdown damage for one day at $8.2 million, or almost $21 million in today’s dollars. A House panel later concluded that the day-long furor cost taxpayers even 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 tangle, but it takes 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 staffing surfeit of procedures and preparing to secure files and facilities. For example, during the first five day shutdown in 1995, the Labor Department spent $12,000 on postage, printing and paper for furlough notices. The Treasury Department calculated the cost of developing contingency shutdown plans at just over $600,000.

That process—and some of the costs associated with it—already underway 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, an economic associate at Clemson University who served as the executive director of the Federal Trade Commission during the Reagan Administration. “It’s what employees are doing around the water cooler. It’s already affecting decisions being made by management.”

The impact of a brief shutdown—or even just the threat in choosing 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 contractor,” 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 tourism 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 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 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. exporters were delayed and that some $250 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.

“These costs that cannot be estimated are often much more important than those that can,” he said.

Meyers notes that a shutdown’s cost to the budget or the effects on the overall economy estimates—flawed as they may be—pale in comparison the societal cost of a government shutdown. In the case of 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.

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 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.
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 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 the things that we’ve been doing. The American people now are feeling very good about giving up either one of those.

Their fear right now is that 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.

Everybody knew about it. The whole thing was transparent. The committee met open, 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 in the House of Representatives. We have, over this year, seen not a piece of work get done. 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 go down and pass a budget. And let us pass a 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 procedures, which is passing the appropriations legislation to keep the government open. In fact, what’s 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 actions, they’re doubling down, putting forth a list of demands that even the greediest child on Christmas 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 and agenda 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 makes 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 this_names are forever. 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 this bill. They 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 wonderful things 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 clean air, clean water, clean everything.

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 House floor 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 become law. The law that was passed by the Senate was a rough draft. It was never intended to become law—why 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 putting 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 had to have an administrative 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 fillbuster 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 by the April 1st? Yes, Yet? More than a week? 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 1999s, gone the 2005s, gone the 2010s. Some things that, in fact, have happened to actually make the Affordable Care Act a little bit better. But who has been the delay 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 is 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 delay 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 forward.

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 will do with health care in 2009? Where was Governor Mitch Daniels, who 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 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 the air with the Republican majority. The President of the United States will 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 get 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 gentleman 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.

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 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 gentlewoman has expired.

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

Ms. JACKSON LEE. And because they cannot repeal the law through the usual process, the majority is threatening to bring down the government—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. We must continue 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 have put all 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 5 seconds.

Ms. JACKSON LEE. I yield the gentlewoman from Texas (Ms. JACKSON LEE).

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 will be done 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 default and was facing ruin, and then she got the 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 urge my colleagues to oppose 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—much as he does, and there is a constitutional way to run the government, which we are all supporting here.
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 show 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 stood 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. ELLISON. Mr. Speaker, I yield myself such time as I may consume.

I agree with 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, when 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 it’s why Republicans are here, gathering in strength and in numbers with resolve again today.

I reserve the balance of my time.

Mr. MCCGOVERN. 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. It’s just foolish: 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 do I 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? It’s precisely 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 way, but we’re going to do our job.

I think the height of irresponsibility is any of these 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.

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 a reasonable request is to know 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 a reasonable request is to know 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.

That means the Republican majority has just shut down the government.

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 righteous 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. McCGOVERN. I yield myself the balance of my time.

Mr. Speaker, we are voting on a maritial 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. We 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 the opportunity to get affordable, 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 the part that 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 as 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. It's growing up 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.

Mr. Speaker, 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 sec-

Mr. BARTON. Mr. Speaker, thank you very much. In fact, I will convey 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 some-

Mr. Speaker, plain and simple: the Republican Party is here today because we are opposed to ObamaCare and the big-government trend 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 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 the 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 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:

Yeas—226

Mrs. BEATTY, Messrs. JEFFRIES, GRIJALVA, BISHOP (NY), MILLER (FL), MESSER, ROYCE, ROGERS (KY), WADEN, WAGNER, WALTERS, WEBER (TX), WEBSTER (FL), WESTMORELAND, WHITFIELD, WILKSON, WILKSON (SC), WITTMAN, WOLF, WOODWORTH, WORK, YOUNG (IN)
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.

Record votes on postponed questions will be taken later.

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:

SECTION 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 503(f)(1), 505, and 582 shall not apply to a drug compounded by or under the direct supervision of a licensed pharmacist 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 by or under the direct supervision of a licensed pharmacist that uses bulk drug substances that are each bulk drug substance as defined in section 201(h)(1). In the event such bulk drug substance appears on the drug shortage list in effect under section 506E at the time of compounding, distribution, and dispensing:

(A) the drug is compounded in accordance with all applicable conditions identified on the list established by the Secretary; or

(B) the drug is compounded in accordance with all applicable conditions identified on the list that prominently identifies the drug as a compounded drug; and

(ii) the drug is compounded in an outsourcing facility in which the compounding pharmacy is recognized by the Secretary for purposes of this paragraph, the bulk drug substances each comply with the monograph for such 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(b)); and

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

(3) INGREDIENTS (OTHER THAN BULK DRUG SUBSTANCES).—The 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, and, if used as a compounded drug, the drug is distributed or dispensed other than pursuant to a prescription executed in accordance with section 503(b)(1).

(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) PRIORITY LABELING.—The drug is not compounded in an outsourcing facility in which the compounding pharmacy is recognized by the Secretary for purposes of this paragraph.

(6) PRESCRIPTION DRUGS.—The drug is not compounded in a pharmacy that is in compliance with the requirements of this paragraph.

(7) VARIOUS ERRORS.—The drug is not compounded in a pharmacy that is in compliance with the requirements of this paragraph.

(8) PRESCRIPTION DRUGS.—The drug is not compounded in a pharmacy that is in compliance with the requirements of this paragraph.

(9) VARIOUS ERRORS.—The drug is not compounded in a pharmacy that is in compliance with the requirements of this paragraph.

(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 expression that prominently identifies the drug as a compounded drug;

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

(iii) the lot or batch number;

(II) the established name of the drug;

(III) the drug shortage list in effect under section 506E at the time of compounding, distribution, and dispensing;

(iv) the expiration date;

(v) the National Drug Code number, if available;

(vi) the statement 'Not for resale'; and

(vii) the expiration date.

(II) the National Drug Code number, if available;

(III) the statement 'Not for resale'; and

(IV) the expiration date.

(3) DRUGS COMPounded in an outsourcing facility in which the compounding pharmacy is recognized by the Secretary for purposes of this paragraph, and, if such facility demonstrates to the Secretary prior to beginning compounding that such facility will adhere to controls applicable under the relevant risk evaluation and mitigation strategy.

(4) 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).

(5) FFRs.—The drug is compounded in an outsourcing facility that has paid all fees due by such facility pursuant to section 744K.

(6) LABELING OF DRUGS.—(A) LABEL.—The label of the drug includes—

(i) the statement 'This is a compounded drug,' or a reasonable comparable alternative expression that prominently identifies the drug as a compounded drug;

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

(iii) 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

(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 reconstituted for dispensing or for administration (such as a plastic bag containing individual product syringes) shall include—

(i) the information described under subparagraph (A)(v), the statement 'Not for resale'; and

(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 other information as determined necessary and specified in regulations promulgated by the Secretary.

(II) OUTSOURCING FACILITY REQUIREMENT.—The drug is compounded in an outsourcing facility in which the compounding of drugs occurs only in accordance with this section.
"(b) Registration of Outsourcing Facilities and Reporting of Drugs.—

"(1) Registration of outsourcing facilities.—

"(A) Annual registration.—Upon electing and in order to become an outsourcing facility, and during the period beginning on October 1 and ending on December 31 of each year thereafter, a facility—

"(i) shall register with the Secretary its name, place of business, and unique facility identifier (which shall conform to the requirements for the unique facility identifier established under section 510), and a point of contact email address; and

"(ii) shall indicate whether the outsourcing facility intends to compound a drug that appears on the list in effect under section 506E during the subsequent calendar year.

"(B) Availability of registration for inspection; list.—

"(i) Registrations.—The Secretary shall make available for inspection, to any person so requesting, any registration filed pursuant to this paragraph.

"(ii) List.—The Secretary shall make available on the public Internet Web site of the Food and Drug Administration a list of the name of each facility registered under this subsection as an outsourcing facility, the State in which such each facility is located, whether the facility compounds from bulk drug substances, and whether any such compounding from bulk drug substances is for sterile or nonsterile drugs.

"(2) Drug reporting by outsourcing facilities.—

"(A) In general.—Upon initially registering as an outsourcing facility, once during the month of June of each year, and once during the month of December of each year, each outsourcing facility that registers with the Secretary under paragraph (1) shall submit to the Secretary a report—

"(i) identifying the drugs compounded by such outsourcing facility during the previous 6-month period; and

"(ii) with respect to each drug identified under clause (i), providing the active ingredient, the source of such active ingredient, the National Drug Code number of the source drug or bulk active ingredient, if available, the strength and dosage form of such active ingredient per unit, the dosage form and route of administration, the package description, the number of individual units produced, and the National Drug Code number of the final product, if assigned.

"(B) Form.—Each report under subparagraph (A) shall be prepared in such form and manner as the Secretary may prescribe by regulation or guidance.

"(C) Confidentiality.—Reports submitted under this paragraph shall be exempt from inspection under paragraph (1)(B)(i), unless the Secretary finds that such an exemption would be inconsistent with the protection of the public health.

"(3) Early registration and reporting.—Registrations and drug reporting under this subsection (including the submission of updated information) shall be submitted to the Secretary by electronic means unless the Secretary grants a request for waiver of such requirement because use of electronic means is not reasonable for the person requesting waiver.

"(4) Risk-based inspection frequency.—

"(A) In general.—Outsourcing facilities—

"(i) shall be subject to inspection pursuant to section 808 in accordance with a risk-based schedule established by the Secretary.

"(B) Risk-based schedule.—The Secretary shall...
(1) In general.—For fiscal year 2015 and each subsequent fiscal year, the Secretary shall, in accordance with this subsection, assess and collect—
(A) an annual establishment fee from each outsourcing facility; and
(B) a reinspection fee from each outsourcing facility subject to a reinspection in such fiscal year.
(2) Multiple reinspections.—An outsourcing facility subject to multiple reinspections in a fiscal year shall be subject to a reinspection for each reinspection.
(3) Establishment and reinspection fee setting.—The Secretary shall—
(A) establish the amount of the establishment fee and reinspection fee to be collected under this section for each fiscal year based on the methodology described in subsection (c); and
(B) publish such fee amounts in a Federal Register notice not later than 60 calendar days before the start of each such year.
(c) Fee and adjustment factors.—
(1) Fee.—An outsourcing facility subject to a reinspection in a fiscal year shall pay an establishment fee and reinspection fee for each reinspection.
(B) the amount of any reinspection fee (if applicable) under subsection (b) shall be equal to USD of the amount calculated under paragraph (1)(A)(i) for such fiscal year.
(2) Adjustment factor.—To qualify for the exception under this paragraph, a small business shall submit to the Secretary a written request for such exception, in a format specified by the Secretary in guidance, certifying its gross annual sales for the 12 months ending April 1 of the fiscal year immediately preceding the fiscal year in which fees under this subsection are assessed. Any such application shall be submitted to the Secretary not later than 60 calendar days before the fiscal year.
(3) In general.—In establishing the small business adjustment factor under paragraph (2), the Secretary shall—
(A) determine the small business adjustment factor described in paragraph (2) for fiscal year 2015 and each subsequent fiscal year.
(B) the adjustment to the establishment fee under subsection (b) for a fiscal year shall be equal to $15,000, multiplied by the inflation applicable under subsection (b) shall be equal to the amount of the annual establishment fee under subsection (a)(1) for such fiscal year.
(B) the annual establishment fee and reinspection fee to be collected under subsection (a) and (b) shall be equal to the sum of—
(1) $15,000, multiplied by the inflation adjustment factor described in paragraph (2); plus
(2) the small business adjustment factor described in paragraph (3); and
(3) the amount of any reinspection fee (if applicable) under subsection (b) shall be equal to $15,000, multiplied by the inflation adjustment factor described in paragraph (2).
(4) Annual report to Congress.—The Secretary shall, in accordance with this subsection, as—
(A) an annual report to Congress, for fiscal year 2015 and each subsequent fiscal year, a description of fees assessed and collected for such year, a summary description of entities paying the fees, a description of the hiring and placement of new staff, a description of the use of fees to support inspecting outsourcing facilities, and the number of inspections and reinspections of such facilities performed each year.
(B) notification of the Secretary to each outsourcing facility under this section have been assessed and collected if no entity qualified for the small business exception in paragraph (4).
(C) determination of appropriate fees.—For fiscal year 2015 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section an amount equal to the total fees that the Secretary would have assessed and collected for such fiscal year under this section.
(5) Crediting of fees.—In establishing the small business adjustment factor under paragraph (2), the Secretary shall—
(A) provide for the crediting of fees from the previous year to the next year if the Secretary determines appropriate to avoid unreasonable application of the small business adjustment factor for such previous fiscal year; and
(B) consider the need to account for any adjustment of fees and such other factors as the Secretary determines appropriate.
(6) Use of fees.—The Secretary shall make all funds collected pursuant to subsection (a) available solely to pay for the costs of oversight of outsourcing facilities.
(e) Supplement not supplant.—Funds received by the Secretary pursuant to this section shall be used to supplement and not supplant any other Federal funds available to carry out the activities described in this section.
(f) Crediting and availability of fees.—Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purpose of paying the costs of oversight of outsourcing facilities.
(g) Collection of fees.—
(1) Establishment fee.—An outsourcing facility shall remit the establishment fee due under this section in a fiscal year when submitting a registration pursuant to section 505(a) or 503B.
(2) Reinspection fee.—The Secretary shall specify in the Federal Register notice described in subsection (b)(2) the manner in which reinspection fees assessed under this section shall be collected and the timeline for payment of such fees. Such a fee shall be collected after the Secretary has conducted a reinspection of the outsourcing facility involved.
(h) Effect of failure to pay fees.—
(A) Registration.—An outsourcing facility shall not be registered under section 505(b)(b) in a fiscal year until the date that the outsourcing facility remits the establishment fee under this section for such fiscal year.
(B) Misbranding.—All drugs manufactured, prepared, propagated, compounded, or processed by an outsourcing facility for which any establishment fee or reinspection fee has not been paid, as required by this section, shall be deemed misbranded under this section.
(i) Collection of unpaid fees.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 calendar days after it is due, such fee shall be treated as a claim of the United States Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.
(j) Annual report to Congress.—Not later than 60 calendar days after each fiscal year in which fees are assessed and collected under this section, the Secretary shall submit a report to the Committees on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to include a description of fees assessed and collected for such year, a summary description of entities paying the fees, a description of the hiring and placement of new staff, a description of the use of fees to support inspecting outsourcing facilities, and the number of inspections and reinspections of such facilities performed each year.
(k) Authorization of appropriations.—For fiscal year 2014 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section not less than the total fees assessed for such fiscal year under this section.
Subchapter II—Pharmaceutical Distribution Supply Chain

SEC. 581. DEFINITIONS.

In this subchapter:

(1) Appellant means a person or business entity that has a relationship with a second business entity if, directly or indirectly—
(A) both business entities control, or have the power to control, the other business entity; or
(B) a third party controls, or has the power to control, both of the business entities.

(2) AUTHORIZED.—The term ‘authorized’ means—
(A) in the case of a manufacturer or re-packer, having a valid registration in accordance with section 516;
(B) in the case of a wholesale distributor, having a valid license under State law or section 582, in accordance with section 582(a)(6), and complying with the licensure reporting requirements under section 516(e), as amended by the Drug Supply Chain Security Act;
(C) in the case of a third-party logistics provider, having a valid license under State law or section 582(a)(7), and complying with the licensure reporting requirements under section 516(b); and
(D) in the case of a dispenser, having a valid license under State law.

(3) Dispenser.—The term ‘dispenser’—
(A) means a retail pharmacy, hospital pharmacy, pharmacy benefit manager, chain pharmacies under common ownership and control that do not act as a wholesale distributor, or any other person authorized by law to dispense or administer prescription drugs, and the affiliated warehouses or distribution centers of such entities under common ownership and control that do not act as a wholesale distributor; and
(B) does not include a person who dispenses only products to be used in animals in accordance with section 512(a)(5).

(4) Disposition.—The term ‘disposition’, with respect to a product within the possession or control of an entity, means the removal of such product from the pharmaceutical distribution supply chain, which may include disposal or return of the product for disposal or other appropriate handling and disposition of a sample of the product for further additional physical examination or laboratory analysis of the product by a manufacturer or regulatory or law enforcement agency.

(5) Distribute or distribution.—The term ‘distribute’ or ‘distribution’ means the sale, purchase, trade, delivery, handling, storage, or receipt of a product, and does not include the dispensing of a product pursuant to a prescription executed in accordance with section 512(a)(5).

(6) Exclusive distributor.—The term ‘exclusive distributor’ means the wholesale distributor that purchased the product directly from a person described in subparagraph (A) or (B) and has on a machine-readable data carrier that includes, in both human-readable form and on a machine-readable data carrier that conforms to the standards developed by a public or private entity, that includes a second business entity if, directly or indirectly—
(A) both business entities control, or have the power to control, the other business entity; or
(B) a third party controls, or has the power to control, both of the business entities.

(7) Identity.—The term ‘identity’ means a product that has a single National Drug Code number on a machine-readable data carrier that conforms to the standards developed by a public or private entity, that includes a second business entity if, directly or indirectly—
(A) both business entities control, or have the power to control, the other business entity; or
(B) a third party controls, or has the power to control, both of the business entities.

(8) Illegitimate product.—The term ‘illegitimate product’ means a product for which credible evidence shows that the product—
(A) is counterfeit, diverted, or stolen;
(B) is intentionally adulterated such that the product would result in serious adverse health consequences or death to humans;
(C) is the subject of a fraudulent transaction; or
(D) appears otherwise unfit for distribution such that the product would be reasonably likely to result in serious adverse health consequences or death to humans.

(9) License.—The term ‘licensed’ means—
(A) in the case of a wholesale distributor, having a valid license in accordance with section 505(e) or section 582(a)(6), as applicable;
(B) in the case of a third-party logistics provider, having a valid license in accordance with section 582(a)(7), as applicable; and
(C) in the case of a dispenser, having a valid license under State law.

(10) Manufacturer.—The term ‘manufacturer’ means, with respect to a product—
(A) a person that holds an application approved under section 505 or a license issued under section 351 of the Public Health Service Act for such product, or if such product is not the subject of an approved application or license, the person who manufactured the product;
(B) a so-called co-licensed person described in paragraph (A) that obtains the product directly from a person described in paragraph (A) or (B); or
(C) an affiliate of a person described in paragraph (A) or (B) that receives the product directly from a person described in paragraph (A) or (B).

(11) Packaged.—The term ‘package’ means the smallest individual saleable unit of product for distribution by a manufacturer or re-packer that is intended by the manufacturer for ultimate sale to the distributor or re-packer of such product.

(12) Individual saleable unit.—For purposes of this paragraph, an ‘individual saleable unit’ is the smallest container of product introduced into commerce by the manufacturer or re-packer that is intended by the manufacturer or re-packer for individual sale to a dispenser.

(13) Prescription drug.—The term ‘prescription drug’ means a drug for human use subject to section 503(b)(1).

(14) Produced.—The term ‘produced’ means a prescription drug in a finished dosage form for administration to a patient without substantial further manufacturing (such as encapsulation and labeling) before reconstitution, but for purposes of section 582, does not include blood or blood components intended for transfusion, radioactive drugs, or radioactive biological products (as defined in section 606(c)(2) of title 21, Code of Federal Regulations) that are regulated by the Nuclear Regulatory Commission or a State pursuant to an agreement with this Commission under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), imaging drugs, an intravenous product described in subparagraph (B), (C)(i), (C)(ii), (C)(iii), (C)(v), (C)(vi), (C)(vii), or (C)(viii) of subparagraph (A), any medical gas (as defined in section 575), homeopathic drugs marketed in accordance with applicable guidance under this Act or a drug denominated in compliance with section 506A or 503B.

(15) Product identifier.—The term ‘product identifier’ means a standardized graphic that includes, in both human-readable form and on a machine-readable data carrier that conforms to the standards developed by a widely recognized international standards developing organization and that is denominated in human-readable form by a numerical identifier, lot number, and expiration date of the product.

(16) Quarantine.—The term ‘quarantine’ means the storage or transfer of a product, to prevent distribution or transfer of the product, in a physically separate area...
clearly identified for such use or through other procedures.

“(16) REPACKAGER.—The term ‘repackager’ means a person who owns or operates an establishment that repackages and relabels a product or package for—

“(A) further sale or;

“(B) distribution without a further transaction.

“(17) RETURN.—The term ‘return’ means providing product to the authorized immediate trading partner from which such product was that returned (such as returned to pharmacy to any other for the purpose of increasing or replenishing stock in anticipation of a potential need.

“(18) RETURNS PROCESSOR OR REVERSE LOGISTICS PROVIDER.—The term ‘returns processor’ or ‘reverse logistics provider’ means a person who owns or operates an establishment that repackages or otherwise processes saleable or nonsaleable product received from an authorized trading partner such that the product may be processed for credit to the purchaser, manufacturer, or seller or disposed of for no further distribution.

“(19) SPECIFIC PATIENT NEED.—The term ‘specific patient need’ means a product or biological product, assembled in an establishment that is registered as a ‘medical convenience kit’) if—

“(I) the medical convenience kit is assembled in an establishment that is registered under section 274 of the Atomic Energy Act of 1944 (42 U.S.C. 2021);

“(II) 2 or more separate products packaged together in a single package or as a unit and comprised of one device or biological product or

“(III) 2 or more finished medical devices plus one or more of the other regulated components (such as a drug/device, biologic/device, or drug/device/biologic) that are physically, chemically, or otherwise combined or mixed and produced as a single entity;

“(20) STANDARDIZED NUMERICAL IDENTIFIER.—The term ‘standardized numerical identifier’ means a set of numbers or characters used to uniquely identify each package or homogenous case that is composed of the National Drug Code that corresponds to the specific product (including the particular package configuration) combined with a unique alphanumeric serial number of up to 20 characters.

“(21) SUSPECT PRODUCT.—The term ‘suspect product’ means a product for which there is reason to believe that such product—

“(A) is potentially counterfeit, diverted, or stolen;

“(B) is potentially intentionally adulterated such that the product would result in serious adverse health consequences or death to humans;

“(C) is potentially the subject of a fraudulent transaction; or

“(D) appears otherwise unfit for distribution such that the product would result in serious adverse health consequences or death to humans.

“(22) THIRD-PARTY LOGISTICS PROVIDER.—The term ‘third-party logistics provider’ means an entity that provides or coordinates warehousing, or other logistics services of a product in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispensers of a product, but does not take ownership of the product, nor have responsibility to direct the sale or disposition of the product.

“(23) TRADING PARTNER.—The term ‘trading partner’ means—

“(A) a manufacturer, repackager, wholesale distributor, or dispenser from whom a manufacturer, repackager, wholesale distributor, dispensers of a product, or dispenser transfers direct ownership of a product; or

“(B) a third-party logistics provider from whom a manufacturer, repackager, wholesale distributor, or dispenser accepts direct possession of a product or to whom a manufacturer, repackager, wholesale distributor, or dispenser transfers direct possession of a product.

“(24) TRANSACTION.—
conformed partner, a third-party logistics provider, or repackager) engaged in wholesale distribution (as defined in section 503(e)(4)), as amended by the Drug Supply Chain Security Act.

SEC. 582. REQUIREMENTS.

(a) IN GENERAL.—The Secretary shall, in consultation with other appropriate Federal officials, manufacturers, repackagers, wholesale distributors, dispensers, and other pharmaceutical distribution supply chain stakeholders, develop guidance documents that establishes standards for the interoperable exchange of transaction information, transaction history, and transaction statements, in paper or electronic format, for compliance with this section.

(b) MANUFACTURER REQUIREMENTS.—

(1) PRODUCT IDENTIFIER.—Not later than 2 years after the date of enactment of the Drug Supply Chain Security Act, manufacturers are required to affix or imprint a product identifier to each package and homogenous case that is in the pharmaceutical distribution supply chain at the time of the effective date of the requirements of this section. Such manufacturer shall be considered 'licensed' until such time as the Secretary determines exceptions, and a process through which a manufacturer or repackager may request such an exception, to the requirements of this section.

(2) TRANSMISSION OF INFORMATION.—Each manufacturer shall transmit transaction information to the subsequent purchaser of a product and to the ultimate consumer of a product.

(3) ELECTRONIC FORMAT.—

(A) IN GENERAL.—Prior to issuing the draft guidance under subparagraph (A), the Secretary shall gather comments and information from stakeholders and maintain such comments and information in a publicly accessible online database.

(B) PUBLIC INPUT.—Prior to issuing the draft guidance under subparagraph (A), the Secretary shall gather comments and information from stakeholders and maintain such comments and information in a public docket for at least 60 days prior to issuing such guidance.

(C) PUBLICATION.—The Secretary shall publish standards for the pharmaceutical distribution supply chain to provide access to information required for compliance with this section within 1 year after the date of enactment of the Drug Supply Chain Security Act.

(D) WAIVERS, EXCEPTIONS, AND EXEMPTIONS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Drug Supply Chain Security Act, the Secretary shall, by rule, establish a process by which an authorized manufacturer, repackager, wholesale distributor, or dispenser may request a waiver from any of the requirements set forth in this section.

(B) LABEL CHANGES.—Changes made to packaged product identifiers may be submitted to the Secretary in the annual report of an establishment, in accordance with section 314.70(d) of chapter 21, Code of Federal Regulations (or any successor regulation).

(C) PRODUCT IDENTIFIERS.—With respect to any requirement related to product identifiers under this subsection—

(A) unless the Secretary allows, through guidance, the use of other technologies for the display of identifiers if such technologies described in clauses (i) and (ii), the applicable data;

(B) shall be included in a 2-dimensional data matrix barcode when affixed to, or imprinted upon, a package; and

(C) shall be included in a linear or 2-dimensional data matrix barcode when affixed to, or imprinted upon, a homogeneous case and—

(1) provide the applicable transaction information, transaction history, and statement for the product.

(2) capture the transaction information (including lot level information), transaction history, and statement for each transaction and maintain such information, history, and statement for not less than 6 years after the date of the transaction.

(3) REQUESTS FOR INFORMATION.—Upon a request by the Secretary or other appropriate Federal or State official, in the event of a recall or for the purpose of investigating the dispensing or other handling of a product, a manufacturer shall, not later than 1 business day, and not to exceed 48 hours, after receiving the request, or in other such reasonable time as determined by the Secretary, based on the circumstances of the request, provide the applicable transaction information, transaction history, and transaction statement for the product.

(4) ELECTRONIC FORMAT.—

(A) IN GENERAL.—Beginning not later than 4 years after the date of enactment of the Drug Supply Chain Security Act, a manufacturer shall affix or imprint a product identifier to each package.

(B) EXCEPTION.—A manufacturer may continue to use a product identifier for a product that is distributed by using an unchangeable, machine-readable means.

(5) THIRD-PARTY LOGISTICS PROVIDER LICENSING.—

(A) IN GENERAL.—Beginning not later than 2 years after the date of enactment of the Drug Supply Chain Security Act, the Secretary shall, by rule, establish a process by which a third-party logistics provider may request a waiver from any of the requirements set forth in this section.

(B) LABEL CHANGES.—Changes made to packaged product identifiers may be submitted to the Secretary in the annual report of an establishment, in accordance with section 314.70(d) of chapter 21, Code of Federal Regulations (or any successor regulation).

(C) PRODUCT IDENTIFIERS.—With respect to any requirement related to product identifiers under this subsection—

(A) unless the Secretary allows, through guidance, the use of other technologies for the display of identifiers if such technologies described in clauses (i) and (ii), the applicable data;

(B) shall be included in a 2-dimensional data matrix barcode when affixed to, or imprinted upon, a package; and

(C) shall be included in a linear or 2-dimensional data matrix barcode when affixed to, or imprinted upon, a homogeneous case and—

(1) provide the applicable transaction information, transaction history, and statement for the product.

(2) capture the transaction information (including lot level information), transaction history, and statement for each transaction and maintain such information, history, and statement for not less than 6 years after the date of the transaction.

(3) REQUESTS FOR INFORMATION.—Upon a request by the Secretary or other appropriate Federal or State official, in the event of a recall or for the purpose of investigating the dispensing or other handling of a product, a manufacturer shall, not later than 1 business day, and not to exceed 48 hours, after receiving the request, or in other such reasonable time as determined by the Secretary, based on the circumstances of the request, provide the applicable transaction information, transaction history, and transaction statement for the product.

(4) ELECTRONIC FORMAT.—

(A) IN GENERAL.—Beginning not later than 4 years after the date of enactment of the Drug Supply Chain Security Act, a manufacturer shall affix or imprint a product identifier to each package.

(B) EXCEPTION.—A manufacturer may continue to use a product identifier for a product that is distributed by using an unchangeable, machine-readable means.

(5) THIRD-PARTY LOGISTICS PROVIDER LICENSING.—

(A) IN GENERAL.—Beginning not later than 2 years after the date of enactment of the Drug Supply Chain Security Act, the Secretary shall, by rule, establish a process by which a third-party logistics provider may request a waiver from any of the requirements set forth in this section.

(B) LABEL CHANGES.—Changes made to packaged product identifiers may be submitted to the Secretary in the annual report of an establishment, in accordance with section 314.70(d) of chapter 21, Code of Federal Regulations (or any successor regulation).

(C) PRODUCT IDENTIFIERS.—With respect to any requirement related to product identifiers under this subsection—

(A) unless the Secretary allows, through guidance, the use of other technologies for the display of identifiers if such technologies described in clauses (i) and (ii), the applicable data;

(B) shall be included in a 2-dimensional data matrix barcode when affixed to, or imprinted upon, a package; and

(C) shall be included in a linear or 2-dimensional data matrix barcode when affixed to, or imprinted upon, a homogeneous case and—

(1) provide the applicable transaction information, transaction history, and statement for the product.

(2) capture the transaction information (including lot level information), transaction history, and statement for each transaction and maintain such information, history, and statement for not less than 6 years after the date of the transaction.

(3) REQUESTS FOR INFORMATION.—Upon a request by the Secretary or other appropriate Federal or State official, in the event of a recall or for the purpose of investigating the dispensing or other handling of a product, a manufacturer shall, not later than 1 business day, and not to exceed 48 hours, after receiving the request, or in other such reasonable time as determined by the Secretary, based on the circumstances of the request, provide the applicable transaction information, transaction history, and transaction statement for the product.

(4) ELECTRONIC FORMAT.—

(A) IN GENERAL.—Beginning not later than 4 years after the date of enactment of the Drug Supply Chain Security Act, a manufacturer shall affix or imprint a product identifier to each package.

(B) EXCEPTION.—A manufacturer may continue to use a product identifier for a product that is distributed by using an unchangeable, machine-readable means.
trading partners of a manufacturer may be only authorized trading partners.

"(4) VERIFICATION.—Beginning not later than January 1, 2015, a manufacturer shall have the capability to enable the manufacturer to notify a person, including a subsequent purchaser, to whom the product is sold or distributed, to comply with the following requirements:

(A) SUSPECT PRODUCT.—(i) In general.—Upon making a determination that a product in the possession or control of the manufacturer is a suspect product, and upon receiving a request for verification from the Secretary, a manufacturer shall notify the Secretary and initiate an investigation as described in this paragraph. If the Secretary has reason to believe at the time such manufacturer

(B) CLEARED PRODUCT.—If the manufacturer makes the determination that a suspect product is not an illegal product, the manufacturer shall promptly notify the Secretary, and subsequently, the systems and processes of the manufacturer shall, in a manner consistent with the systems and processes of other manufacturers and the Secretary, based on the circumstances of the request, make the determination that the product is an illegitimate product, which shall include

(C) REQUESTS FOR VERIFICATION.—(i) In general.—Upon determining that a product in the possession or control of a manufacturer is an illegitimate product, the manufacturer shall, in a manner consistent with the systems and processes of other manufacturers and the Secretary, based on the circumstances of the request, make the determination that the product is an illegitimate product, which shall include

(D) ELECTRONIC DATABASE.—(i) In general.—The establishment of an electronic database by a manufacturer or a repackager that is operated by another entity shall be consistent with the requirements of this subparagraph. (ii) Requirements.—A manufacturer shall establish an electronic database to provide

(E) SALEABLE RETURNED PRODUCT.—Beginning not later than January 1, 2015, upon receipt of a product returned by a downstream distributor, a manufacturer may return a product to the manufacturer or repackager, to the extent the returned product was manufactured, or to a person acting on behalf of such a person, including a returns processor, without providing the information described in paragraph (1)(A)(ii).
described in clause (iii) shall inform the subse-
quently purchased to such wholesale dis-
tributor from a product described in clause
(ii) upon request by a or (other appropriate Fed-
eral or State official), as necessary and appro-
propriate. The development and operation of
such a database shall not relieve a wholesale
distributor of the requirement under this
paragraph to respond to a verification request
submitted by means other than a secure
electronic database.
(1) NONSALEABLE RETURNED PROD-
UCT.—Beginning 6 years after the date of
enactment of the Drug Supply Chain Security Act, the
wholesale distributor shall keep records of the disposition of each
product not for less than 6 years after the conclusion of the disposition.
(1) ELECTRONIC DATABASE.—A database
maintained by any entity that satisfies the requirements of
this paragraph to develop a secure electronic database shall make its database
available to other members of the pharmaceutical supply chain, at
appropriate. The development and operation of such a database
shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other
than a secure electronic database.

(1) PRODUCT TRACING.—Beginning 6 years after the date of
enactment of the Drug Supply Chain Security Act, a
wholesale distributor may disclose the trans-
action information, including lot level infor-
mation, transaction history, or transaction statement
of a product to the subsequent purchaser upon request
by the Secretary or other appropriate Federal or State
official, as necessary and appropriate. The development and operation of such a
database shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other than
a secure electronic database.

(1) dispensed; and
(1) PROCEDURE.—Beginning 6 years after the date of enactment
of the Drug Supply Chain Security Act, a
wholesale distributor may disclose the trans-
action information, including lot level infor-
mation, transaction history, or transaction statement
of a product to the subsequent purchaser upon request
by the Secretary or other appropriate Federal or State
official, as necessary and appropriate. The development and operation of such a
database shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other than
a secure electronic database.

(1) dispensed; and
(1) PROCEDURE.—Beginning 6 years after the date of enactment
of the Drug Supply Chain Security Act, a
wholesale distributor may disclose the trans-
action information, including lot level infor-
mation, transaction history, or transaction statement
of a product to the subsequent purchaser upon request
by the Secretary or other appropriate Federal or State
official, as necessary and appropriate. The development and operation of such a
database shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other than
a secure electronic database.

(1) dispensed; and
(1) PROCEDURE.—Beginning 6 years after the date of enactment
of the Drug Supply Chain Security Act, a
wholesale distributor may disclose the trans-
action information, including lot level infor-
mation, transaction history, or transaction statement
of a product to the subsequent purchaser upon request
by the Secretary or other appropriate Federal or State
official, as necessary and appropriate. The development and operation of such a
database shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other than
a secure electronic database.

(1) dispensed; and
(1) PROCEDURE.—Beginning 6 years after the date of enactment
of the Drug Supply Chain Security Act, a
wholesale distributor may disclose the trans-
action information, including lot level infor-
mation, transaction history, or transaction statement
of a product to the subsequent purchaser upon request
by the Secretary or other appropriate Federal or State
official, as necessary and appropriate. The development and operation of such a
database shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other than
a secure electronic database.

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wholesale distributor may disclose the trans-
action information, including lot level infor-
mation, transaction history, or transaction statement
of a product to the subsequent purchaser upon request
by the Secretary or other appropriate Federal or State
official, as necessary and appropriate. The development and operation of such a
database shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other than
a secure electronic database.

(1) dispensed; and
(1) PROCEDURE.—Beginning 6 years after the date of enactment
of the Drug Supply Chain Security Act, a
wholesale distributor may disclose the trans-
action information, including lot level infor-
mation, transaction history, or transaction statement
of a product to the subsequent purchaser upon request
by the Secretary or other appropriate Federal or State
official, as necessary and appropriate. The development and operation of such a
database shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other than
a secure electronic database.

(1) dispensed; and
(1) PROCEDURE.—Beginning 6 years after the date of enactment
of the Drug Supply Chain Security Act, a
wholesale distributor may disclose the trans-
action information, including lot level infor-
mation, transaction history, or transaction statement
of a product to the subsequent purchaser upon request
by the Secretary or other appropriate Federal or State
official, as necessary and appropriate. The development and operation of such a
database shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other than
a secure electronic database.

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(1) PROCEDURE.—Beginning 6 years after the date of enactment
of the Drug Supply Chain Security Act, a
wholesale distributor may disclose the trans-
action information, including lot level infor-
mation, transaction history, or transaction statement
of a product to the subsequent purchaser upon request
by the Secretary or other appropriate Federal or State
official, as necessary and appropriate. The development and operation of such a
database shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other than
a secure electronic database.

(1) dispensed; and
(1) PROCEDURE.—Beginning 6 years after the date of enactment
of the Drug Supply Chain Security Act, a
wholesale distributor may disclose the trans-
action information, including lot level infor-
mation, transaction history, or transaction statement
of a product to the subsequent purchaser upon request
by the Secretary or other appropriate Federal or State
official, as necessary and appropriate. The development and operation of such a
database shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other than
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(1) PROCEDURE.—Beginning 6 years after the date of enactment
of the Drug Supply Chain Security Act, a
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action information, including lot level infor-
mation, transaction history, or transaction statement
of a product to the subsequent purchaser upon request
by the Secretary or other appropriate Federal or State
official, as necessary and appropriate. The development and operation of such a
database shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other than
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(1) PROCEDURE.—Beginning 6 years after the date of enactment
of the Drug Supply Chain Security Act, a
wholesale distributor may disclose the trans-
action information, including lot level infor-
mation, transaction history, or transaction statement
of a product to the subsequent purchaser upon request
by the Secretary or other appropriate Federal or State
official, as necessary and appropriate. The development and operation of such a
database shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other than
a secure electronic database.

(1) dispensed; and
(1) PROCEDURE.—Beginning 6 years after the date of enactment
of the Drug Supply Chain Security Act, a
wholesale distributor may disclose the trans-
action information, including lot level infor-
mation, transaction history, or transaction statement
of a product to the subsequent purchaser upon request
by the Secretary or other appropriate Federal or State
official, as necessary and appropriate. The development and operation of such a
database shall not relieve a wholesale distributor of the requirement under this
paragraph to respond to a verification request submitted by means other than
a secure electronic database.
not apply to sales by a dispenser to another dispenser to fulfill a specific patient need; and

(iii) shall capture transaction information (including lot level information, if provided), transaction history, and transaction statements, as necessary to investigate a suspect product, and maintain such information for not less than 6 years after the transaction.

(B) AGREEMENTS WITH THIRD PARTIES.—A dispenser may enter into a written agreement with any person that includes an authorized wholesale distributor, under which the third party confidentially maintains the transaction information, transaction history, and transaction statements required to be maintained under this subsection on behalf of the dispenser. If a dispenser enters into such an agreement, the dispenser shall maintain a copy of the written agreement and shall not be relieved of the obligations of the dispenser under this subsection.

(C) RETURNS.—(i) SALEABLE RETURNS.—A dispenser may return product to the trading partner from which the dispenser obtained the product without providing the information required under subparagraph (A).

(ii) NONSALEABLE RETURNS.—A dispenser may return a nonsaleable product to the manufacturer or repackager, to the wholesaler distributor from whom such product was purchased, to a returns processor, or to a sale distributor from whom such product was purchased, to a wholesaler distributor, under which the third party confidentially maintains the transaction information, transaction history, and statements for not less than 6 years after the date of enactment of the Drug Supply Chain Security Act, verifying whether the lot number of a suspect product corresponds with the lot number for which the required information is documented.

(B) ILLEGITIMATE PRODUCT.—(i) SUSPECT PRODUCT.—Upon a request by the Secretary or other appropriate Federal or State official, in the event of a recall, whether the product is an illegitimate product, the dispenser shall notify the Secretary, the manufacturer, the wholesaler distributor, or a person acting on behalf of such a person, without providing the information required under subparagraph (A).

(ii) SALEABLE OR NONSALEABLE PRODUCT.—(i) NONSALEABLE PRODUCT.—A repackager described in section 581(16)(A) may return a nonsaleable product to the manufacturer or repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).

(ii) SALEABLE OR NONSALEABLE PRODUCT.—A repackager described in section 581(16)(B) may return a saleable or nonsaleable product to the manufacturer, repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).

(C) REQUESTS FOR INFORMATION.—Upon receipt of a request by the Secretary or other appropriate Federal or State official, in the event of a recall, the dispenser shall notify the Secretary, the manufacturer, the wholesaler distributor, or a person acting on behalf of such a person, without providing the information required under subparagraph (A).

(D) REQUESTS FOR INFORMATION.—(i) IN GENERAL.—Upon a request by the Secretary or other appropriate Federal or State official, in the event of a recall, the manufacturer, wholesaler distributor, or a person acting on behalf of such a person, shall, not later than 1 business day, and not later than 7 years after the date of enactment of the Drug Supply Chain Security Act, verify whether the lot number of a suspect product corresponds with the lot number for which the required information is documented.

(ii) SALEABLE OR NONSALEABLE PRODUCT.—(i) NONSALEABLE PRODUCT.—A repackager described in section 581(16)(A) may return a nonsaleable product to the manufacturer or repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).

(ii) SALEABLE OR NONSALEABLE PRODUCT.—A repackager described in section 581(16)(B) may return a saleable or nonsaleable product to the manufacturer, repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).

(E) RECORDS.—(i) NONSALEABLE PRODUCT.—A repackager described in section 581(16)(B) or a wholesaler distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, may return a saleable or nonsaleable product to the manufacturer or repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).

(ii) SALEABLE OR NONSALEABLE PRODUCT.—A repackager described in section 581(16)(B) may return a saleable or nonsaleable product to the manufacturer, repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).

III. "(i) IN GENERAL.—Upon a request by the Secretary or other appropriate Federal or State official, in the event of a recall, whether the product is an illegitimate product, the dispenser shall notify the Secretary, the manufacturer, the wholesaler distributor, or a person acting on behalf of such a person, without providing the information required under subparagraph (A).

(ii) SALEABLE OR NONSALEABLE PRODUCT.—(i) NONSALEABLE PRODUCT.—A repackager described in section 581(16)(A) may return a nonsaleable product to the manufacturer or repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).

(ii) SALEABLE OR NONSALEABLE PRODUCT.—A repackager described in section 581(16)(B) may return a saleable or nonsaleable product to the manufacturer, repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).

(E) RECORDS.—(i) NONSALEABLE PRODUCT.—A repackager described in section 581(16)(B) or a wholesaler distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, may return a saleable or nonsaleable product to the manufacturer or repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).

(ii) SALEABLE OR NONSALEABLE PRODUCT.—A repackager described in section 581(16)(B) may return a saleable or nonsaleable product to the manufacturer, repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).

(F) AUTHORIZED TRADING PARTNERS.—Upon the receipt of a notification from the Secretary or other appropriate Federal or State official, in the event of a recall, the dispenser shall notify the Secretary, the manufacturer, the wholesaler distributor, or a person acting on behalf of such a person, without providing the information required under subparagraph (A).

(G) REQUESTS FOR INFORMATION.—Upon receipt of a request by the Secretary or other appropriate Federal or State official, in the event of a recall, the dispenser shall notify the Secretary, the manufacturer, the wholesaler distributor, or a person acting on behalf of such a person, without providing the information required under subparagraph (A).

(H) RECORDS.—(i) NONSALEABLE PRODUCT.—A repackager described in section 581(16)(B) or a wholesaler distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, may return a saleable or nonsaleable product to the manufacturer or repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).

(ii) SALEABLE OR NONSALEABLE PRODUCT.—A repackager described in section 581(16)(B) may return a saleable or nonsaleable product to the manufacturer, repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).

(I) REQUESTS FOR INFORMATION.—Upon receipt of a request by the Secretary or other appropriate Federal or State official, in the event of a recall, the dispenser shall notify the Secretary, the manufacturer, the wholesaler distributor, or a person acting on behalf of such a person, without providing the information required under subparagraph (A).

(J) RECORDS.—(i) NONSALEABLE PRODUCT.—A repackager described in section 581(16)(B) or a wholesaler distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, may return a saleable or nonsaleable product to the manufacturer or repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).

(ii) SALEABLE OR NONSALEABLE PRODUCT.—A repackager described in section 581(16)(B) may return a saleable or nonsaleable product to the manufacturer, repackager, or to the wholesale distributor from whom such product was purchased, or to the person acting on behalf of such a person, including a returns processor, without providing the information required under subparagraph (A).
秘书，如果适用，根据这样的判断，如果一个产品不是非法产品，他应当制作这样的判断，如果一个嫌疑产品，包装商应当—
(ii) shall maintain the product identifier information for a product not for less than 6 years after the date of the transaction;
(iii) may engage in transactions involving a product only if such product is encoded with a product identifier (except as provided pursuant to subsection (a)(5)); and
(iv) shall record records for not less than 6 years to allow the repackager to associate the product identifier the repackager affixes or imprints with the product identifier assigned by the original manufacturer of the product.

(b) Exception.—A package that is required to have a standardized numerical identifier, shall be required to have a unique device identifier.

(3) Authorized Trading Partners.—Beginning January 1, 2015, the trading partners of a repackager described in section 581(16) may be only authorized trading partners.

(4) Verification.—Beginning not later than January 1, 2015, a repackager described in section 581(16) shall have systems in place to enable the repackager to comply with the following requirements:

(A) Suspect Product.—
(i) In General.—Upon making a determination that a product in the possession or control of the repackager is a suspect product, the repackager shall notify the Secretary that has made a determination that a product within the possession or control of a repackager is a suspect product, a repackager shall—

(ii) quarantine such product within the possession or control of the repackager from further sale, distribution, or storage of a product.

(iii) clear product.---If the repackager makes the determination that a suspect product is not an illegitimate product, the repackager shall promptly notify the Secretary, if applicable, of such determination and such product may be further distributed.

(iv) Records.—A repackager shall keep records of the investigation of a suspect product for not less than 6 years after the conclusion of the investigation.

(B) Illegitimate Product.—
(i) In General.—Upon determining, in coordination with the manufacturer, that a product in the possession or control of a repackager is an illegitimate product, the repackager shall, in a manner that is consistent with the systems and processes of such repackager—

(ii) quarantine such product within the possession or control of the repackager from further sale, distribution, or storage of such product is dispositioned;

(iii) disposition the illegitimate product within the possession or control of the repackager;

(iv) unreasonable and appropriate steps to dispose a product, including, to dispose an illegitimate product not in the possession or control of the repackager; and

(v) submit a sample of the product for further physical examination or laboratory analysis of the product by the manufacturer or Secretary (or other appropriate Federal or State official) upon request by the manufacturer or Secretary (or other appropriate Federal or State official) as necessary and appropriate.

(ii) Making a Notification.—Upon determining that a product in possession or control of the repackager is an illegitimate product, the repackager shall notify the Secretary and all immediate trading partners that the repackager has reason to believe has received the illegitimate product of such determination not later than 24 hours after making such determination.

(iii) Responding to a Notification.—Upon receiving a notification from a manufacturer or a trading partner, the repackager shall identify all illegitimate product subject to such notification that is in the possession or control of the repackager; and

(iv) make a determination, in consultation with the Secretary, that a notification is no longer necessary, or the repackager shall notify immediate trading partners that the repackager notified pursuant to clause (i) that such notification has been terminated.

(v) Records.—A repackager shall keep records of the disposition of an illegitimate product for not less than 6 years after the conclusion of the disposition.

(C) Requests for Verification.—Beginning 5 years after the date of enactment of the Drug Supply Chain Security Act, upon receiving a request for verification from an authorized manufacturer, wholesale distributor, or dispenser that is in possession or control of a product they believe to be a repackager, the Secretary shall, not later than 24 hours after receiving the verification request or in other such reasonable time as determined by the Secretary, instruct the repackager to promptly respond to such repackager request, notify the person making the request whether the product identifier, including the standardized numerical identifier, is the subject of any investigation or proceeding of the repackager, and any product the repackager has reason to believe is an illegitimate product, the repackager shall advise the person making the request of such belief at the time the repackager responds to the verification request.

(D) Electronic Database.—A repackager may satisfy the requirements of paragraph (a)(4) by maintaining a database or utilizing a secure electronic database developed or operated by another entity. The owner of such database shall establish the requirements to respond to requests and may provide for data access to other members of the pharmaceutical distribution supply chain, as appropriate. The owner of such database shall—

(i) shall not relieve a repackager of the requirement under subparagraph (C) to respond to a verification request submitted by means other than a secure electronic database.

(E) Verification of Saleable Returned Product.—Beginning 3 years after the date of enactment of the Drug Supply Chain Security Act, upon receipt of a returned product that the repackager intends to further distribute, before further distributing such product, the repackager shall—

(i) verify the product identifier for each sealed homogeneous case of such product or, if such product is not in a sealed homogeneous case, verify the product identifier on each package.

(F) Drop Shipments.—In General.—A wholesale distributor that does not physically handle or store product shall be exempt from the provisions of this section, except the notification requirements under clause (ii), (iii), and (iv) of subsection (c)(4)(B), provided that the manufacturer, repackager, or other wholesale distributor that distributes the product to the (i) meet the requirements of a drop shipment for such wholesale distributor includes on the transaction information and transaction history to the dispense the contact information for the appropriate Federal or State official, that provides the transaction information, transaction history, and transaction statement directly to the dispense for purposes of the Drug Supply Chain Security Act, the following interoperable, electronic tracing of product at the package level requirements shall go into effect:

(i) The transaction information and the transaction statements as required under this section shall be exchanged in such a secure, interoperable, electronic manner in accordance with the guidance issued by the (ii) The transaction information required under this section shall include the product identifier at the package level for each package included in the transaction.

(ii) Systems and processes for verification of product at the package level, including the standardized numerical identifier, shall be required in accordance with the standards established under the guidance issued pursuant to paragraphs (3) and (4) of subsection (h), including any revision of such guidance in accordance with paragraph (5) of such subsection, which may include the use of aggregation and inference as necessary.

(D) The systems and processes necessary to promptly respond with the transaction information and transaction statement for a product upon request by the Secretary (or other appropriate Federal or State official) in the event of a recall or for the purposes of investigating a suspect product or an illegitimate product shall be required.

(E) The systems and processes necessary to promptly facilitate gathering the information necessary to produce the transaction information and transaction history as required back to the manufacturer, as applicable, shall be required.
‘’(I) in the event of a request by the Secretary (or other appropriate Federal or State official), on account of a recall or for the purposes of investigating a suspect product or an illegitimate product; or

‘’(II) in the event of a request by an authorized trading partner, in a secure manner that ensures the protection of confidential commercial information and trade secrets, for purposes of conducting a suspect product or assisting the Secretary (or other appropriate Federal or State official) with a request described in clause (I),

‘’(F) when receiving a saleable return shall have systems and processes in place to allow acceptance of such product and may accept saleable returns only if such person is capable of a saleable return product with the transaction information and transaction statement associated with that product.

‘’(G) CONCLUSION.—

‘’(A) INFORMATION MAINTENANCE AGREEMENT.—A dispenser may enter into a written agreement with a third party, including an authorized wholesale distributor, under which the third party shall confidentially maintain any information and statements required to be maintained under this section.

‘’(B) ALTERNATIVE METHODS.—The Secretary, taking into consideration the assessment conducted under paragraph (3), shall provide for alternative methods of compliance with any of the requirements set forth in paragraph (1), including—

‘’(i) establishing timelines for compliance by small businesses (including small businesses of five or fewer full-time employees) with such requirements, in order to ensure that such requirements do not impose undue economic hardship for small businesses, including small business dispensers for whom the criteria set forth in the assessment under paragraph (3) is not met, if the Secretary determines that such requirements would result in undue economic hardship; and

‘’(ii) establishing a process by which a dispenser may request a waiver from any of the requirements set forth in paragraph (1) or set forth in regulations implementing such requirements, including—

‘’(I) timelines for small businesses to comply with the requirements set forth in the regulations in order to ensure that such requirements do not impose undue economic hardship for small businesses; and

‘’(II) the public meetings held and related guidance documents issued under this section;

‘’(III) the public health benefits of any additional regulations in comparison to the cost of compliance with such requirements, including on entities of varying sizes and capabilities;

‘’(IV) the diversity of the pharmaceutical distribution supply chain by providing appropriate flexibility for each sector, including both large and small businesses; and

‘’(V) the assessment pursuant to paragraph (3) with respect to small business dispensers, including related public comment and the public meeting, and requirements under this section;

‘’(B) provide a period of not less than 30 days for comments on the proposed regulation;

‘’(C) provide a period of not less than 80 days for comments on the proposed regulation; and

‘’(D) publish in the Federal Register the final regulation not less than 2 years prior to the effective date of the regulation.

‘’(G) GUIDANCE DOCUMENT.—

‘’(I) In general.—For the purposes of facilitating the successful and efficient adoption of secure, interoperable product tracing and distribution security and further protect the public health, the Secretary shall issue the guidance documents as provided for in this subsection.

‘’(II) Suspect and illegitimate product.—

‘’(A) In general.—Not later than 180 days after the date of enactment of the Drug Supply Chain Security Act, the Secretary shall issue a guidance document to aid trading partners in the identification of a suspect product and notification of termination. Such guidance document shall—

‘’(i) identify specific scenarios that could significantly increase the risk of a suspect product entering the pharmaceutical distribution supply chain;

‘’(ii) provide recommendations on how trading partners may identify such product and make a determination on whether the product is a suspect product as soon as practicable; and

‘’(iii) set forth the process by which manufacturers, repackers, wholesale distributors, and dispensers shall terminate notifications in consultation with the Secretary regarding illegitimate product pursuant to subsections (b)(4)(B), (c)(4)(B), (d)(4)(B), and (e)(4)(B).

‘’(B) Revised guidance.—If the Secretary revises the guidance issued under subparagraph (A), the Secretary shall follow the procedure set forth in paragraph (5).

‘’(3) UNIT LEVEL TRACING.—

‘’(A) In general.—In order to enhance drug distribution security at the package level, not later than 18 months after conducting a public meeting on the system attributes necessary to enable secure tracing of product at the package level, including allowing for the use of verification, inference, and aggregation, as necessary, the Secretary shall issue a final guidance document that outlines and recommends with respect to the system attributes necessary to enable secure tracing at the package level as required under the requirements established under subsection (g). Such guidance document shall—

‘’(i) define the circumstances under which the sectors within the pharmaceutical distribution supply chain may, in the most efficient manner practicable, infer the contents of a case, pallet, tote, or other aggregate of individual packages or containers of product, from product identifiers associated with the case, pallet, tote, or other aggregate, without opening each case, pallet, tote, or other aggregate or otherwise individually scanning each package;

‘’(ii) identify methods and processes to enhance secure tracing of product at the package level, such as secure processes to facilitate the use of verification activities, the use of aggregation and inference, processes that utilize the product identifiers to enhance tracing of product at the package level, including using the standardized numerical identifier, or package security features; and

‘’(iii) ensure the protection of confidential commercial information and trade secrets.

‘’(B) Procedure.—In issuing the guidance under subparagraph (A), and in revising such guidance, if applicable, the Secretary shall follow the procedure set forth in paragraph (5).

‘’(4) STANDARDS FOR INTEROPERABLE DATA EXCHANGE.—

‘’(A) In general.—In order to enhance secure tracing of a product at the package level, the Secretary, not later than 18 months after conducting a public meeting on the system attributes necessary to facilitate the use of aggregation and inference, enhanced distribution security and further protect the public health, the Secretary shall issue the guidance documents as provided for in this subsection.

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“(1) Identifies and makes recommendations with respect to the standards necessary for adoption in order to support the secure, interoperable electronic data exchange among sectors within the pharmaceutical distribution supply chain that comply with a form and format developed by a widely recognized international standards development organization;

“(ii) takes into consideration standards established pursuant to subsection (a)(2) and section 505D; and

“(ii) facilitates the creation of a uniform process or methodology for product tracing; and

“(iv) ensures the protection of confidential commercial information and trade secrets.

“(B) PROCEDURE.—In issuing the guidance under subparagraph (A), and in revising such guidance, the Secretary shall follow the procedure set forth in paragraph (5).

“(B) PROCEDURE.—In issuing or revising any guidance issued pursuant to this subsection or subsection (g), except the initial guidance issued under paragraph (2)(A), the Secretary shall—

“(A) publish a notice in the Federal Register for a period not less than 30 days announcing that the draft or revised draft guidance is available;

“(B) post the draft guidance document on the Internet Web site of the Food and Drug Administration and make such draft guidance document available in hard copy;

“(C) provide an opportunity for comment and review and take into consideration any comments received;

“(D) revise the draft guidance, as appropriate;

“(E) post a notice in the Federal Register for a period not less than 30 days announcing that the final guidance or final revised guidance is available;

“(F) post the final guidance document on the Internet Web site of the Food and Drug Administration and make such final guidance document available in hard copy; and

“(G) provide for an effective date of not earlier than 1 year after such guidance becomes final.

“(I) PUBLIC MEETINGS.—

“(I) IN GENERAL.—The Secretary shall hold not less than five public meetings to enhance the safety and security of the pharmaceutical distribution supply chain and provide for comment. The Secretary may hold the meetings described in this paragraph not later than 1 year after the date of enactment of the Drug Supply Chain Security Act. In carrying out the public meetings described in this paragraph, the Secretary shall—

“(A) prioritize topics necessary to inform the issuance of the guidance described in paragraphs (3) and (4) of subsection (h); and

“(B) take all reasonable and practicable steps to ensure the protection of confidential commercial information and trade secrets.

“(II) CONTENT.—Each of the following topics shall be addressed in at least one of the public meetings described in paragraph (I):

“(A) An assessment of the steps taken under subsections (b) through (e) to build capacity for a unit-level system, including the impact of the requirements of such subsections on—

“(i) the ability of the health care system collectively to maintain patient access to medicines;

“(ii) the scalability of such requirements, including their impact to product line;

“(iii) the capability of different sectors and subsectors, including both large and small businesses, to affix and utilize the product identifier; and

“(B) The system attributes necessary to support the requirements set forth under subsection (g), including the standards necessary for adoption in order to support the secure, interoperable electronic data exchange among sectors within the pharmaceutical distribution supply chain that comply with a form and format developed by a widely recognized international standards development organization;

“(C) Best practices in each of the different sectors within the pharmaceutical distribution supply chain to implement the requirements of this section;

“(D) The costs and benefits of the implementation of this section, including the impact on each pharmaceutical distribution supply chain and public health;

“(E) Whether electronic tracing requirements, including tracing of product at the package level, are feasible, cost effective, and needed to protect the public health;

“(F) The systems and processes needed to utilize the product identifiers to enhance tracing of product at the package level, including allowing for verification, aggregation, and inference, as necessary.

“(G) The technical capabilities and legal authorities, if any, needed to establish an interoperable, electronic system that provides for tracing of product at the package level;

“(H) The impact that such additional requirements would have on patient safety, the drug supply, cost and regulatory burden, and timely patient access to prescription drugs;

“(I) Other topics, as determined appropriate by the Secretary.

“(J) PILOT PROJECTS.—

“(I) IN GENERAL.—The Secretary shall establish 1 or more pilot projects, in coordination with authorized manufacturers, repackagers, wholesale distributors, and dispensers, to explore and evaluate methods to enhance the safety and security of the pharmaceutical distribution supply chain. Such projects shall build upon efforts, in existence at the date of enactment of the Drug Supply Chain Security Act, to enhance the safety and security of the pharmaceutical distribution supply chain, take into consideration any pilot projects conducted prior to such date of enactment, including any pilot projects that use aggregation and inference, and inform the draft and final guidance under paragraphs (3) and (4) of subsection (h).

“(II) CONTENT.—

“(A) IN GENERAL.—The Secretary shall ensure that the pilot projects under paragraph (I) reflect the diversity of the pharmaceutical distribution supply chain and that the pilot projects, when taken as a whole, include participants representative of every sector, including both large and small businesses.

“(B) PROJECT DESIGN.—The pilot projects under paragraph (I) shall be designed to—

“(i) use the product identifier for tracing of a product, which may include verification of the product identifier of a product, including the use of aggregation and inference;

“(ii) improve the technical capabilities of each sector and subsector to comply with systems and processes needed to utilize the product identifiers to enhance tracing of a product;

“(iii) identify system attributes that are necessary to implement the requirements established under this section; and

“(iv) complete other activities as determined by the Secretary.

“(K) SUNSET.—The following requirements shall have no force or effect beginning on the date that is 10 years after the date of enactment of the Drug Supply Chain Security Act:

“(I) The provision and receipt of transaction history under this section.

“(J) The requirement for returns under subsections (b)(4)(E), (c)(1)(B)(i), (d)(1)(C)(i), and (e)(4)(B).

“(3) The requirements set forth under subparagraphs (A)(v)(II) and (D) of subsection (c)(1), as applied to lot level information only,

“(A) RULE OF CONSTRUCTION.—The requirements set forth in subsections (g)(4), (1), and (j) shall not be construed as a condition, prohibition, or precedent for precluding or delaying the provisions becoming effective pursuant to subsection (g).

“(B) REQUESTS FOR INFORMATION.—On the date that is 18 years after the date of enactment of the Drug Supply Chain Security Act, the timeline for responses to requests for information from the Secretary, or other applicable Federal or State official, as applicable, or in such other reasonable time as determined by the Secretary based on the circumstances of the request.

“SEC. 204. NATIONAL STANDARDS FOR PRESCRIPTION DRUG WHOLESALE DISTRIBUTORS.

“(a) AMENDMENTS.—

“(1) REQUIREMENT.—Section 505(e) (21 U.S.C. 353(e)) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

“(1) REQUIREMENT.—The technical capabilities and legal authorities, if any, needed to establish an interoperable, electronic system that provides for tracing of product at the package level;

“(2) CONTENT.—

“(I) IN GENERAL.—The Secretary shall hold not less than five public meetings to enhance the safety and security of the pharmaceutical distribution supply chain and inform the draft and final guidance projects that use aggregation and inference, as necessary.

“(II) The name, address, and contact information of each facility at which, and all trade names under which, the person conducts business; and

“(II) if the State from which the drug is distributed has not established a licensure requirement, is licensed by the Secretary; and

“(III) if the drug is distributed interstate, is licensed by the State into which the drug is distributed if the State into which the drug is distributed requires the licensure of a person that distributes drugs into the State.

“(B) STANDARDS.—Each Federal and State license described in subparagraph (A) shall meet the standards, terms, and conditions established by the Secretary under section 505.

“(2) REPORTING AND DATABASE.—

“(A) REPORTING.—Beginning January 1, 2015, any person who owns or operates an establishment that engages in wholesale distribution shall—

“(i) report to the Secretary, on an annual basis, pursuant to a schedule determined by the Secretary—

“(II) if the State from which the person is licensed or the appropriate identification number of each such facility at which and all trade names under which, the person conducts business; and

“(II) if the State from which the drug is distributed is appropriately licensed to engage in wholesale distribution.

“(III) if the name, address, and contact information of each facility at which, and all trade names under which, the person conducts business; and

“(C) DATABASE.—Not later than January 1, 2015, the Secretary shall establish a database of authorized wholesale distributors. Such database shall—

“(I) identify each authorized wholesale distributor by name, contact information, and each State where such wholesale distributor is appropriately licensed to engage in wholesale distribution.

“(II) be available to the public on the Internet Web site of the Food and Drug Administration.

“(III) be regularly updated on a schedule determined by the Secretary.

“(4) INTERNAL USES.—

“(A) REQUIREMENT.—Not later than January 1, 2015, the Secretary shall establish a database of authorized wholesale distributors.

“(B) DATABASE.—Not later than January 1, 2015, the Secretary shall establish a database of authorized wholesale distributors.

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"(C) COORDINATION.—The Secretary shall establish a format and procedure for appropriate State officials to access the information provided pursuant to subparagraph (A) in a timely manner.

"(D) CONFIDENTIALITY.—Nothing in this paragraph shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

"(3) AUTHORIZED FEES OF SECRETARY.—If a State does not establish a licensing program for persons engaged in the wholesale distribution of a drug subject to subsection (b), the Secretary shall license a person engaged in wholesale distribution located in such State and may collect a reasonable fee in such amount necessary to reimburse the Secretary for costs associated with establishing and administering the licensure program and conducting periodic inspections under this section. The Secretary shall adjust fee rates as needed on an annual basis to generate only the amount of revenue needed to perform this service. Fees authorized under this paragraph shall be collected and available for obligation for the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from available until expended.

"(4) AFFILIATE.—Section 503(e) (21 U.S.C. 353(e)), as amended by paragraph (3), is further amended by adding at the end the following:

"(5) STANDARDS.—Subchapter H of chapter V, as added by section 202, is amended by adding at the end the following:

"(6) AFFILIATE.—For purposes of this subsection, the term 'affiliate' means a business entity that holds an ownership interest in the business entity if, directly or indirectly—

"(A) one business entity controls, or has the power to control, the other business entity;

"(B) a party to a joint venture, or a party to a third-party logistics provider relationship, or a party to a nonprofit affiliate of the organization to which the relevant business entity is a party.

"(7) In accordance with subsection (d), the Secretary shall establish, and every State shall adopt, reasonable standards for the distribution of a drug between members of an affiliate or other health care entity and other health care entities or by a wholesaler to a health care entity and other health care entities, including processing of orders and payments; or

"(8) The transfer of a product by a hospital or other health care entity, or by a wholesaler, or the manufacturer of such product to a nonprofit affiliate of the organization to which the relevant business entity is a party.

"(9) For purposes of ensuring uniformity with respect to standards set forth in this section, the standards established under subsection (a) shall apply to all States and Federal licenses described in paragraph (5) of subsection (e) (as added by the Drug Supply Chain Security Act) and shall include standards for the following:

"(10) The storage and handling of prescription drugs, including facility requirements.

"(11) The establishment and maintenance of records of the distributions of such drugs for purposes of determining the existence of other equivalent means of security, as follows:

"(A)(i) For the issuance or renewal of a wholesale distributor license, an applicant that is not a governmental entity or operated by the government shall submit a surety bond of $10,000 or other equivalent means of security acceptable to the State.

"(B) For purposes of subsection (d), the State or other applicable authority may accept a surety bond in the amount of $25,000 if the annual gross receipts of the previous fiscal year for the wholesaler is $10,000,000 or less.

"(C) If a wholesale distributor can provide evidence that it possesses the required bond in a State, the requirement for a bond in another State shall be waived.

"(D) Mandated background checks and fingerprinting of facility managers or designated representatives.

"(E) The establishment and implementation of requirements for the physical distribution of drugs, including monitoring the distribution of drugs, and distribution of information in a timely manner.

"(F) The mandatory physical inspection of the drug distribution at the United States Public Health Service at the end of the fiscal year.
Federal or State licensing authority may conduct the inspection or may accept an inspection by the Secretary in which the facility is located, or by a third-party accreditation or inspection agency approved by the Secretary or the State licensing such wholesale distributor.

(2) Prohibited persons.—The standards established under subsection (a) shall include requirements to prohibit a person from receiving or maintaining licensure for wholesale distribution if the Secretary finds that such person—

(1) has been convicted of any felony for conduct relating to wholesale distribution, any felony violation of subsection (i) or (k) of section 204, is further amended by adding at the end the following:

(4) In this subsection, the term ‘authorizing distributors of record’ means those distributors with whom a manufacturer has established an ongoing relationship to distribute such manufacturer’s products.

(c) Costs.—

(1) Authorized fees of Secretary.—If a State does not establish a licensing program for a third-party logistics provider, the Secretary shall issue a license to a third-party logistics provider located in such State and may collect a reasonable fee in such amount necessary to reimburse the Secretary for costs associated with establishing and administering the licensure program and conducting periodic inspections under this section. The Secretary shall adjust fee rates as needed on an annual basis to generate only the amount of revenue needed to perform this service. Fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation.

(2) State licensing fees.—

(A) State established program.—Nothing in this Act shall prohibit a State that has established a program to license a third-party logistics provider from collecting fees from a third-party logistics provider for such a license.

(B) No state established program.—A State that does not establish a program to license a third-party logistics provider in accordance with this section shall be prohibited from collecting a State licensing fee from a third-party logistics provider.

(d) Regulations.—

(1) General.—Not later than 2 years after the date of enactment of the Drug Supply Chain Security Act, the Secretary shall issue regulations regarding the standards for third-party logistics providers under this section.

(2) Content.—Such regulations shall—

(A) establish a process by which a third-party accreditation program approved by the Secretary shall, upon request by a third-party logistics provider, issue a license to such third-party logistics provider that meets the requirements set forth in this section;

(B) establish a process by which the Secretary shall issue regulations regarding the standards for third-party logistics providers that meets the requirements set forth in this section if the Secretary is not able to approve a third-party accreditation program because no such program meets the Secretary’s requirements necessary for approval of such a third-party accreditation program;

(C) require that the entity complies with storage practices, as determined by the Secretary for such facility, including—

(i) maintaining access to warehouse space of suitable size to facilitate safe operations, including a suitable area to quarantine suspect products;

(ii) maintaining adequate security; and

(iii) having written policies and procedures to—

(I) address receipt, security, storage, inventory, shipment, and distribution of a product;

(II) identify, record, and report confirmed losses or thefts in the United States;

(III) correct errors and inaccuracies in inventory information;

(IV) provide support for manufacturer recall;

(V) prepare for, protect against, and address any reasonably foreseeable crisis that affects security or operation at the facility, such as a strike, fire, or flood;

(VI) ensure that any expired product is segregated from other products and returned to the manufacturer or repackager or destroyed.

(D) Prohibit the manufacturer, wholesale distributor, dispensing or an authorized government agency; and

(E) prohibit a facility from having as a manager or designated representative anyone convicted of an felony violation of subsection (i) or (k) of section 301, or any felony violation of section 305 of title 18, United States Code, relating to product tampering;

(F) provide for mandatory background checks of a facility manager or a designated representative of such manager;

(G) require a third-party logistics provider to provide the applicable licensing authority, upon a request by such authority, a list of all product manufacturers, wholesale distributors, and dispensers for whom the third-party logistics provider provides services at such facility;

(H) include procedures under which any third-party logistics provider license—

(i) expires on the date that is 3 years after issuance of the license; and

(ii) may be renewed for additional 3-year periods.

(3) Procedure.—In promulgating the regulations under this subsection, the Secretary shall establish or continue in effect any requirements for licensure under subsection (a), including the revocation and reissuance of such license, to third-party logistics providers under this section.

(4) In general.—Not later than 2 years after the date of enactment of the Drug Supply Chain Security Act, the Secretary shall issue regulations regarding the standards for third-party logistics providers to establish or continue in effect any requirements that are inconsistent with, more stringent than, or otherwise applicable under section 503(e) (as amended by the Drug Supply Chain Security Act), and such regulations shall be promulgated in accordance with this Act.

(5) Fiscal year limitation.

(6) Authorization of appropriations for costs.—

(A) Product tracing and other requirements.—Beginning on the date of enactment of the Drug Supply Chain Security Act, no State or political subdivision of a State may establish or continue in effect any requirements for tracing products through the distribution system (including any requirements for maintaining possession of the distribution history, transaction history, transaction information, or transaction statement of a product as such product changes ownership in the supply chain, or verification, investigation, disposition, notification, or recordkeeping relating to such system) unless such requirements are included in a State product tracing and other requirements applicable under section 503(e) (as amended by such Act) or this subchapter (or regulations issued thereunder), or which are inconsistent with such requirements.

(7) Any waiver, exception, or exemption pursuant to section 581 or 582; or
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“(b) WHOLESALE DISTRIBUTOR AND THIRD-PARTY LOGISTICS PROVIDER STANDARDS.—

“(1) Beginning on the date of enactment of the Drug Supply Chain Security Act, no State or political subdivision of a State may establish or continue any standards, regulations, or requirements with respect to wholesale prescription drug distributor or third-party logistics provider licensure and requirements applicable under section 503(e) (as amended by the Drug Supply Chain Security Act) that are inconsistent with, less stringent than, or otherwise related to, or covered by the standards and requirements applicable under section 503(e) (as amended by such Act), in the case of a wholesale distributor, and section 503(a), in the case of a third-party logistics provider.”

“(2) STATE REGULATION OF THIRD-PARTY LOGISTICS PROVIDERS.—No State shall regulate third-party logistics providers as wholesale distributors.

“(3) ADMINISTRATION FEES.—Notwithstanding paragraph (1), a State may administer fee collections for effectuating the wholesale drug distributor and third-party logistics provider licensure requirements under sections 503(e) (as amended by the Drug Supply Chain Security Act), 582, and 584.

“(4) ENFORCEMENT, SUSPENSION, AND REVOCATION.—Notwithstanding paragraph (1), a State may:

“(A) may take administrative action, including fines, to enforce a requirement promulgated by the State in accordance with section 503(e) (as amended by the Drug Supply Chain Security Act) or this subchapter;

“(B) may provide for the suspension or revocation of licenses issued by the State for violations of the laws of such State;

“(C) upon conviction of violations of Federal, State, or local drug laws or regulations, may provide for fines, imprisonment, or civil penalties;

“(D) may regulate activities of licensed entities in a manner that is consistent with product tracing requirements under section 582;

“(c) EXCEPTION.—Nothing in this section shall be construed to preempt State requirements related to the distribution of prescription drugs if such requirements are not related to product tracing as described in subsection (a) or wholesale distributor and third-party logistics provider licensure requirements described in subsection (b) applicable under section 503(e) (as amended by the Drug Supply Chain Security Act) or this subchapter (or regulations issued thereunder.).

“SEC. 206. PENALTIES.

“(a) PROHIBITED ACT.—Section 301(t) (21 U.S.C. 331(t)), is amended—

“(1) by striking “or” after “the requirements of section 503(d),” and

“(2) by inserting ‘, failure to comply with the requirements with respect to wholesale drug distributor and third-party logistics provider licensure requirements under sections 503(e) (as amended by the Drug Supply Chain Security Act) or this subchapter (or regulations issued thereunder).’.

“(c) EXCEPTION.—Nothing in this section shall be construed to preempt State requirements related to the distribution of prescription drugs if such requirements are not related to product tracing as described in subsection (a) or wholesale distributor and third-party logistics provider licensure requirements described in subsection (b) applicable under section 503(e) (as amended by the Drug Supply Chain Security Act) or this subchapter (or regulations issued thereunder.).

“SEC. 207. CONFORMING AMENDMENT.

“(a) In GENERAL.—Section 303(b)(1)(D) (21 U.S.C. 333(b)(1)(D)) is amended by striking ‘503(e)(2)(A)’ and inserting ‘503(e)(1)’.

“(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2015.

“SEC. 208. SAVINGS CLAUSE.

“Except as provided in the amendments made by paragraphs (1), (2), and (3) of section 204(a) and by section 206(a), nothing in this title (including the amendments made by this title) shall be construed as altering any authority of the Secretary of Health and Human Services with respect to a drug subject to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)) under any other provision of such Act or the Public Health Service Act (42 U.S.C. 201 et seq.).

“The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

“The Chair recognizes the gentleman from Michigan.

“GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and in prices; it avoids additional drug shortages; and it eliminates hundreds of millions of dollars worth of duplicative government red tape on American businesses, which is harming job growth.

“The supply chain provisions of the Drug Quality and Security Act are the product of many years of tireless work. We know from stakeholders like Pfizer and Perrigo in Michigan that this is not just a patient safety issue; it’s a jobs issue. This bill will bring certainty to the drug supply chain and ensure that patients will continue to receive the medicine that they need without interruption. This bill also addresses drug compounding.

“H.R. 3204 is the result of the Energy and Commerce Committee’s thorough investigation of the NECC meningitis outbreak, which began its devastating spread almost a year ago today. To date, the CDC has linked 64 deaths and nearly 750 cases in 20 States to contaminated drugs from the NECC. Only State of Michigan has been the hardest hit by the outbreak, with 19 lives needlessly lost—three in my district. The sad truth is that, yes, they could have been prevented.

“This legislation is an important step in helping to prevent such tragedy from ever occurring again. By reviewing countless documents, holding four committee hearings, and reviewing various legislative proposals, we better understand what is needed to help prevent a future NECC, and we have built that into this legislation.

“Mr. Speaker, this bill upholds the current section 503(a) of the law, and works with the clarifying changes that FDA needs by eliminating the unconstitutional provisions. The bill also requires FDA to engage in meaningful communication with State boards of pharmacy. Further, under this bill, entities engaged in sterile drug compounding can voluntarily register with FDA and operate under FDA regulation. Finally and importantly, this bill protects traditional pharmacy compounding that occurs in community pharmacies across the country. That’s why the bill has the support of the National Community Pharmacists Association, and I would like to thank them for working with us so closely.

“I also want to thank Chairman PITTS, Chairman MURPHY, Vice Chair BLACKBURN, Mr. LATTA, and particularly Mr. GRIFFITH for their outstanding leadership on these issues. I want to commend Mr. WAXMAN, Mr. PALLONE, Mr. DINGEL, Ms. DOGGETTE, Mr. GREEN, and M. MATHESSON for their work as well.

“The SPEAKER pro tempore. The time of the gentleman has expired. Mr. UPTON, I yield myself an additional 1 minute.

“I also want to thank Chairman HARKIN and Senator ALEXANDER for their leadership, and I’ve talked with them a number of times over the last number of weeks.

“I want to thank our staffs on both sides, particularly on our side: Clay Alspaugh, Paul Edattel, John Stone, and Carly McWilliams. It is because of their collaborative and tireless efforts that we are near the resolution of last year’s deadly outbreak, and their work is to be applauded.

“To all of the families who have lost loved ones and to those who are still suffering today—and I talked to someone just within the last hour who is still suffering today—we are near the resolution of last year’s deadly outbreak.

“To those families who have lost loved ones and to those who are still suffering today, with this bill, we say: never again.

“I urge my colleagues to support the bill, and I reserve the balance of my time.

“Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

“I rise to support the passage of the Drug Quality and Security Act.

“It has been a year now since the tragic fungal meningitis outbreak caused by the New England Compounding Center in Massachusetts. At least 64 people died, and over 750 people were sickened.

“More than 14,000 others are still waiting—and must live in fear for years—to see whether they, too, will get meningitis. This was the largest outbreak of contaminated drugs from the NECC. My nearly 750 cases in 20 States to connect to the drug supply chain and ensure that patients will continue to receive the medicine that they need without interruption. This bill also addresses drug compounding.

“This legislation is an important step in helping to prevent such tragedy from ever occurring again. By reviewing countless documents, holding four committee hearings, and reviewing various legislative proposals, we better understand what is needed to help prevent a future NECC, and we have built that into this legislation.

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“I rise to support the passage of the Drug Quality and Security Act.

“It has been a year now since the tragic fungal meningitis outbreak caused by the New England Compounding Center in Massachusetts. At least 64 people died, and over 750 people were sickened.

“More than 14,000 others are still waiting—and must live in fear for years—to see whether they, too, will get meningitis. This was the largest outbreak of contaminated drugs from the NECC. My nearly 750 cases in 20 States to connect to the drug supply chain and ensure that patients will continue to receive the medicine that they need without interruption. This bill also addresses drug compounding.
In recognizing the need to act in the face of this tragedy, Members on both sides of the aisle in both Houses of Congress came together in the months following the outbreak to try to figure out how to solve this problem.

One thing was clear: FDA’s authorities over compounding pharmacies were not up to the task. Divergent court decisions on the underlying statute had forced the agency to cobble together a piecemeal approach to regulating compounding pharmacies that was different in each part of the country than in others. That untenable legal situation created loopholes that companies like NECC were able to exploit.

FDA was also facing a pharmacy compounding industry that had dramatically changed since 1997, the last time Congress passed legislation on this issue. Since that time, hospitals have grown dependent on so-called “outsourcers,” very large compounding pharmacies that mix batches of customized drugs for hospitals.

The legislation we are considering today will take a major step toward addressing these issues.

First, it will correct the constitutional deficiency in the underlying law that has wreaked havoc on FDA’s ability to regulate compounding.

Second, it will give hospitals and doctors the ability to access a source of compounded medicines that are made in a facility subject to stringent FDA quality standards and oversight. All other compounding pharmacies will continue to be subject to current law.

Third, the bill will remedy one of the major problems that surfaced in the NECC situation—a lack of effective communication between State boards of pharmacy and the FDA. Specifically, it will create a system in which State boards of pharmacy and FDA can notify each other when there are concerns about violations occurring at a particular compounding pharmacy.

These authorities represent a significant improvement over current law, and they will go a long way toward better protecting public health.

The SPEAKER pro tempore (Mr. HOLDING). The time of the gentleman has expired.

Mr. WAXMAN. I yield myself an additional 30 seconds.

Mr. Speaker, in addition to these important authorities, this legislation will establish an electronic, interoperable system at the Federal level that tracks each package of drugs at the unit level and that involves the entire supply chain. This will help prevent Americans from being harmed by counterfeit and substandard medicines.

There is no question in my mind that this bill represents a step forward, and I urge all of my colleagues to support it.

I reserve the balance of my time.

Mr. UPTON. At this time, I yield 3 minutes to the gentleman from Pennsylvania (Mr. TRTTS), the chairman of the Health Subcommittee.

Mr. PITTS. Mr. Speaker, I am very pleased that the House is considering today H.R. 3204, the Drug Quality and Security Act. This legislation would address two important issues affecting the public health and security of America’s drug supply chain. This will help protect Americans from being harmed by counterfeit and substandard medicines.

First, the bill would protect traditional pharmacies and clarify laws related to human drug compounding in response to last year’s nationwide meningitis outbreak—one of the largest public health crises in recent memory, efectuated the quality and security of America’s drug supply chain. This legislation will establish an electronic, interoperable system at the Federal level.

Second, the bill would strengthen the prescription drug supply chain in order to protect American families against counterfeit drugs.

As we all remember, in the summer and fall of 2012, a Massachusetts company, the New England Compounding Center, the NECC, shipped over 17,000 vials of an injectable steroid solution from three contaminated lots to health care facilities across the country. After receiving injections of NECC’s contaminated steroid, over 64 people died from complications associated with fungal meningitis, and 750 others were stricken with meningitis or other persistent fungal infections.

Title I of H.R. 3204 is based off of Representative MORGAN GRIFFITH’s Compounding Clarity Act and is the culmination of a nearly yearlong House Energy and Commerce Committee investigation. It clarifies FDA’s authority over the practice of compounding drugs, and it requires FDA to engage in dialogue with State regulators to prevent against another tragedy like NECC’s while protecting the role of traditional pharmacies in compounding.

Title II, based on Representative BOB LATT’A’s Safeguarding America’s Pharmaceutical Act, addresses the safety of the Nation’s prescription drug supply chain, as drugs travel from the manufacturer to the pharmacy. It creates a uniform national standard for drug supply chain security to protect Americans against counterfeit drugs while eliminating needless levels of bureaucratic red tape.

The Drug Quality and Security Act is the result of months of bipartisan, bicameral negotiation, and I would like to thank Chairman UPTON, Ranking Member WAXMAN, Chairman Emeritus DINGELL, Representatives GRIFFITH, LATTA, PALLONE, DÉGÊTTE, and GENE GREEN for their work on this important legislation, and also Senators HARKIN and ALEXANDER in the Senate.

Finally, I would like to thank the staff of the Energy and Commerce Health Subcommittee, especially Clay Alspach, Paul Edattel, Carly McWilliams, Heidi Stirrup, and Monica Volante.

This bill is supported by PhRMA, the Generic Pharmaceutical Association, the National Community Pharmacists Association, the Healthcare Supply Chain Association, and the Pharmaceutical Distribution Security Alliance, among others.

I would urge all of my colleagues to support this commonsense, bipartisan legislation.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), the ranking member of the Health Subcommittee.

Mr. PALLONE. Thank you, Mr. Waxman.

Mr. Speaker, I rise in support of the Drug Quality and Security Act. This bill represents a bipartisan, bicameral effort to clarify existing laws, pharmaceutical compounding laws and secure our Nation’s pharmaceutical drug supply chain. It’s the culmination of several months of hard work and tireless negotiations between our committee and the Senate Health Committee.

As a result of the terrible tragedy in Massachusetts, the House Energy and Commerce Committee held hearings and engaged with stakeholders and the FDA in order to understand the existing problems and find solutions for addressing them. What became clear was a need for patients and providers to have access to safe compounded drugs. This legislation helps ensure that quality compounded drugs are available to patients who need them.

The effort also saw that FDA’s authorities over compounding pharmacies needed to be fixed. A court split decision over the statute had hampered FDA’s ability to effectively enforce their authority over compounding pharmacies and ensure the safety and effectiveness of compounded medications. The bill before us will fix this constitutional flaw by deleting the provisions that were deemed unconstitutional by the courts.

The bill will permit compounding pharmacies who wish to practice outside the scope of traditional pharmacy to register as outsourcing facilities, but those who choose to remain traditional pharmacies will continue to be regulated as such under current law. This gives doctors and hospitals the ability to purchase compounded drugs for their patients made in a facility that is subject to stringent FDA quality standards and oversight.

In addition, the legislation offers providers and patients better information about compounded drugs by directing FDA to make a list of FDA-regulated outsourcing facilities available and requiring detailed labeling on compounded drugs. It will also improve communications and coordination with FDA and State authorities.

The second title of the bill establishes a uniform, national drug-tracing framework to track prescription drugs from the manufacturer to the pharmacy, and raises the standards for prescription drug wholesalers and third-party logistics providers across the U.S. This is the result of several years of work to address the growing problems of pharmaceutical theft, counterfeiting, and diversion.

The bill before us today makes significant improvements from the bill that passed the House earlier this year.
Most notably, it develops a workable pathway to unit-level, interoperable tracing in a decade. I think we should all be proud of the work our staffs have done. I would like to thank again Mr. WAXMAN, Mr. UPTON, as well as Chairman PITTS, Mr. DINGELL, Ms. DEGETTE, Mr. GREEN, Mr. MATHESON, Mr. LATTA, and Mr. GRIFFITH for their work on this bill.

Mr. Speaker, the American people deserve to know that the medicines they take are safe and effective. The Drug Quality and Security Act is a critically important step in protecting the public’s health, and I urge Members to support this bipartisan, bicameral legislation.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. LATTA), a member of the committee.

Mr. LATTA. I thank the chairman for yielding.

Mr. Speaker, I rise today in support of the Drug Quality and Security Act of 2013.

Title II of this legislation, Drug Supply Chain Security, is based on H.R. 1919, the Safeguarding America’s Pharmaceuticals Act of 2013, which I introduced along with Congressman MATHESON. H.R. 1919 was passed on the floor by a voice vote on June 3 of this year. Title II of this bill relates to the drug supply chain, and I am pleased that a bipartisan, bicameral agreement was reached to secure our drug supply chain and protect patients. Securing our drug supply chain is extremely important, and passage of this bill is an important step forward in protecting America’s families.

Pharmaceutical distribution occurs nationwide, and it is estimated that within the United States there are more than 4 billion prescriptions filled each year. By replacing the current patchwork of multiple State laws with a uniform national standard, we’re improving, as well as eliminating duplicative regulations, and creating certainty for all members of the pharmaceutical supply chain. When anyone takes a prescribed medication, he or she should have full confidence that the medication is as prescribed and that no counterfeit or adulterated drug has entered the supply chain.

To protect patient safety, the bill creates a uniform national standard for securing the drug distribution supply chain, thereby preventing duplicative State and Federal requirements relating to tracing. No State can impose additional or inconsistent regulations related to tracing products on supply chain members. The bill increases security of the supply chain by establishing tracing requirements for manufacturers, wholesale distributors, pharmacies, and repackagers based on the changes in ownership. The bill also establishes a collaborative, transparent process for developing traceability standards and holders to study ways to even further secure the drug supply chain through public meetings and pilot projects.

I was successful in including language in the FDA user fee law to allow hospital systems to repackaged drugs within a hospital system in the instance of a drug shortage.

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

Mr. UPTON. I yield the gentleman an additional 30 seconds.

Mr. LATTA. I will continue working with hospital systems on the issue of permitting these systems to prepare batches of compounded drugs in advance of a specific physician prescription or order.

Mr. Speaker, I want to especially thank Chairman Upton and Subcommittee Chairman Pitts for all their assistance in advancing this legislation. I want to thank the Health Subcommittee staff, especially my legislative director, Allison Witt, for all their hard work.

Mr. Speaker, I urge full support of H.R. 3294.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised not to traffic the well while another Member is under recognition.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the chairman emeritus of our committee.

Mr. DINGELL. Mr. Speaker, this is a good bill. It’s not perfect, but it is a huge step forward.

It represents a major step in securing our pharmaceutical supply chain and improving FDA’s authority to oversee compounding pharmacies. It also is done under a bipartisan, bicameral, cooperative, and enthusiastic effort by Members on both sides of the aisle and of the Capitol working together.

It addresses the problems of the deadly fungal meningitis outbreak of several years ago, which were traced to lots of supposedly sterile steroid injections made at the New England Compounding Center. There were 264 cases of fungal meningitis in my home State and 19 deaths. This will address that concern in a very excellent way.

It also sees to it that the FDA and the States are able to cooperate together, have better funding and more authority over compounding pharmacies. It also does something else, which is very important, it that now we can track and trace pharmaceuticals through the channels of trade, a very important need. And it is for the first time going to see to it that Americans are able to address their concerns about the safety of pharmaceuticals in these important areas.

I want to thank Chairman Upton for his leadership, Ranking Member WAXMAN, Representatives PALLONE, MATHESON, DeGETTE, LATTA, PITTS, and GRIFFITH, and my good friend, Mr. Green, for their work on this legislation.

I hope that we can quickly send this legislation to the President’s desk for signature.

Now just one thought: why is it that on legislation of this kind, this body can work together, and we are not capable of dealing with massive problems like government shutdowns and dealing with continuing resolutions? Perhaps it is a little bit of informed, intelligent behavior by this House on other matters would be in order.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are not to traffic the well or proceed with any audible conversation in violation of the rules of the House.

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GRIFFITH), who played a very large part on the compounding side of this legislation.

Mr. GRIFFITH of Virginia. Mr. Speaker, I thank Subcommittee Chairman Pitts for giving me the freedom to work on this. I appreciate it very much.

It has been a year since last fall’s fungal meningitis outbreak associated with the tainted steroid compounded drugs from the New England Compounding Center. In my district and in our area in Virginia, we had several deaths, we had 50 confirmed cases, and we had approximately 1,400 patients who were notified that they could have been exposed to fungal meningitis because they received tainted steroid injections.

In working on this bill, I appreciated the bipartisan manner that we used to address this and to work on this matter, particularly with my colleagues across the aisle, Representatives GENE GREEN and DIANA DEGETTE, for whom I am very grateful for all of their time and effort by both them and their staffs. I should also thank my staff member who worked on this most, which was Adam Harbison.

Mr. DINGELL of Michigan. Mr. Speaker, I yield with Mr. DINGELL that it is a good bill and not a perfect bill, but I am glad to see that language from the Griffith-Green-DeGette effort was adopted and the FDA will be required to engage in meaningful communication with all of the States when potential problems are identified, as this has always been my priority.

In my opinion, this was the biggest failure of the FDA in handling the NECC case, as they were warned about problems by at least two States prior to this problem coming to the forefront with all of these deaths and with this horrible situation. Two States had sent out a warning signal. The State of Colon and Virginia’s health department, we’re not going to let these folks operate here. The State of Ohio had notified the FDA that they had concerns about NECC being a manufacturer, yet there was no swift action taken on NECC or even an attempt to alert other States, including the State of Massachusetts, to the problems that were happening.
I know there's a lot of concern out there by some in the medical community, particularly the doctors and some others, but this does not change the existing law on office use, and it does not change the existing law on repackaging.

There were legal questions that evolved with this situation surrounding the advertising requirements of the original bill. I was a little surprised that the FDA had waited 10 years to bring that up, but this bill fixes that. This bill takes away that cloud of uncertainty as to whether or not the whole bill was not constitutional because the advertising sections were not constitutional.

This is a good bill. I'm just talking about the compounding sections, but also the track-and-trace sections are very good. I think we are drawing a clear line defining so that the FDA can better determine who are the traditional compounding pharmacies and who are large drug manufacturers. I think that is great that this bill has that in here.

I would be remiss if I didn't tell a story that struck me last week as we are on that 1-year anniversary.

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

Mr. UPTON. I yield the gentleman an additional minute.

Mr. GRIFFITH of Virginia. Last week, I went to have lunch with my sons at their elementary school. As was a newsletter school secretary said to me, "I know I probably shouldn't say anything, but I want to thank you for working on this compounding bill.

Doug Wingate, who died a year ago, was my family's best friend, and he and his wife were supposed to be on a cruise for their 25th anniversary and instead we were attending his funeral. His wife last week was on that cruise with her son, but we can never bring her husband back. This bill will make sure that we don't have that problem again, and the other Doug Wingates of the world will not have to die in order for us to change the law to make a better protected system for the American people.

Ms. DEGETTE. Mr. Speaker, almost exactly 1 year ago, as you've heard, there was a tragic meningitis outbreak in Massachusetts; 64 people lost their lives, and 750 people were sickened.

In the investigation of NECC, the compounding pharmacy, there was found black specks floating in the vials. There was found fungal material. The factory, itself, had greenish yellow residue on supposedly sterile equipment and surfaces that tested positive for mold and bacteria.

In a series of hearings in our committee, we learned that the Food and Drug Administration Modernization Act of 1997 left a loophole large enough to allow large drug compounders to escape oversight by the FDA. The wording of the act also led to litigation and confusing court decisions about the FDA's authority over those manufacturers.

This bill takes the first, albeit important, step to address these issues. It incorporates important pieces of bipartisan legislation, as you've heard, that I have introduced with the gentleman from Virginia (Mr. GRIFFITH) and the gentleman from Texas (Mr. GENE GREEN). It deletes the provisions from existing law that were deemed unconstitutional by the courts. It also enhances cooperation between State boards of pharmacy and the FDA; and it gives doctors and hospitals the ability to purchase compounded drugs for their patients made in a facility that is subject to stringent FDA quality standards and oversight. Importantly, all other compounding pharmacies would be subject to current law. Finally, the Drug Quality and Security Act will require within a decade the implementation of a nationwide system for the tracking and tracing of drugs as they move through the supply chain from manufacturer to pharmacy.

Mr. WAXMAN. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Ms. DEGETTE. I yield the gentlady an additional 30 seconds.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 2 minutes to the gentleman from Texas, (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I am committed to strengthening this law so that we never have any other tragedy such as what Mr. GRIFFITH discussed, where we have a Doug Wingate who right now is missing his 25th anniversary cruise because he was killed by these tainted drugs.

I'm proud to have worked with my colleagues from both sides of the aisle. I associate myself with the chairman emeritus' remarks that we should be able to do this on the continuing resolution and on the debt limit. I also want to thank all of our staff; and, in particular, my chief of staff, Lisa Cohen, who spent the entire August recess working on this. And I thank the chairman.

Mr. WAXMAN. Mr. Speaker, I yield the gentleman from Texas, Dr. BURGESS, vice chair of both the Health and O and I Subcommittees.

Mr. BURGESS. I thank the chairman for yielding.

Mr. Speaker, as an original cosponsor and as a negotiator of the House legislation, I rise in the strongest support of the track-and-trace provisions which would protect the public and give confidence to doctors in practice that the drugs they are dispensing, in fact, came from the manufacturer.

In regard to the language over compounding, there is, in fact, much to like. There was additional work that could have been done; but, unfortunately, due to the intransigent insistence of the Senate, we are considering these two issues together.

Sixty American lives were lost a year ago. Excellent investigative work was done by our Subcommittee on Oversight and Investigations. And it is disturbing to me personally that not one person at the Food and Drug Administration has been held accountable for their failure to use existing authority or informing the State of what they knew.

My test for consideration of new categories of regulation is that it must not impact the traditional practice of medicine, pharmacy, or compounding.

Mr. Speaker, no bill is perfect. There's always the risk of unintended consequences. I sincerely hope that this language will pass this test; but if it does not, I hope that our committee and this body will stand ready to do the necessary oversight and correct and unintended consequences.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 2 minutes to the gentleman from Texas, (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I yield in strong support of the Drug Quality and Security Act. This important bill is the result of weeks of bipartisan bicameral negotiations. I want to thank my colleagues, Representatives MORGAN GRIFFITH and DIANA DEGETTE and for our efforts over many months. I also want to thank Chairman UPTON, Ranking Member WAXMAN, Chairman PITTS, Ranking Member FALLONE, Chairman Emeritus DINGELL, and my good friend Congressman MATHESON for all their leadership through this process and their commitment to getting this final product to the floor. It was a group effort, which is how this body should function all the time.

This bill is not perfect. We heard those concerns, and we have tried to address them, but the nature of compromise is not getting everything. The Energy and Commerce Committee investigated last year's outbreak and found there were breakdowns in the regulations at the State and, most concerning, at the Federal level.

Large operators were able to sell products interstate in an unregulated gray area. In the case of the NECC, their sterile facility was not classified as sterile. They operated without fear of penalties for far too long, and people died because of that.

I'm proud to say that this bill fixes the problems that led to the fungal meningitis outbreak, and it requires the FDA to succeed where it failed in the past. Bad actors concerned more with profit than with public health ought not to be able to operate with impunity again.

I hope that the FDA uses their enforcement discretion to maintain patient access to important drugs from nuclear pharmacies, certain repackaged drugs, and drugs for "office use."
While I acknowledge there are problems, it is most important that we act to protect the public health. Our constituents, when they seek care, will now have the confidence that a sterile compounded product really is sterile. We must make sure another fungal meningitis outbreak is never allowed to occur again. This bill succeeds in that goal, and I am proud to support it.

Mr. UPTON. Mr. Speaker, at this time I yield to the gentleman from Pennsylvania, Dr. Murphy, the chairman of the Oversight and Investigations Subcommittee.

Mr. MURPHY of Pennsylvania. I thank the chairman.

Mr. Speaker, we are here today in part to deal with the issue of the compounding pharmacies which allows the FDA to have greater oversight over interstate sales.

How we got here is a tragedy. In our Oversight and Investigation Subcommittee, we found that some 64 people died from this pain medication manufactured by the New England Compounding Center. These patients trusted the medicines injected into their spine or their joints to relieve chronic pain was perfectly safe because of the confidence our Nation’s health care providers place in the Food and Drug Administration.

This drug was contaminated with fungus and hurt people dramatically. More than 700 people received these lethal injections. Today, most are living with the unbearable horror of not knowing whether they will survive and must spend their days in the hospital, missing work, holidays, and time with family, and must take large doses of morphine to ease the pain. Each day is lived under the deadly threat of an infection that could reach their brains and perhaps kill them.

This outbreak is one of the worst public health disasters in our country’s history and a terrible tragedy and an epic failure.

Sad, during our hearings, it was pointed out that while the FDA was still having multiple visits to compounding pharmacies, they still told us they did not have the authority. Unfortunately, several years had dragged on where the FDA heard numerous complaints about the problems with NECC. They told us it was too complex to act on; but, clearly, it was not complex nor was it a surprise. Neither NECC nor its sister company, AmerisourceBergen, was doing the right thing.

They were under the nose of the FDA for a decade. The field staff were aware of it. There were warning signs, alarm bells, flashing red lights, complaints from patients, nurses, pharmacists, pain clinics, hospitals, and drug companies. So the FDA told us they need more authority. This bill will grant it to them.

But I must say, in the context of this, when Dr. Hamburg told us it was too complex and that’s why they could not act on it, and then Dr. Woodcock who told us they need to think more like physicians and less like attorneys. That is the right attitude.

So with the passage of this bill, the FDA will have the authority it needs, will have to also make sure that they have the fortitude to take action on any compounding pharmacy that they see not up to the high level of standards the FDA sets, that all citizens expect.

The Drug Quality and Security Act will end these problems, we hope, and these inspection holidays and reassure the American public that these medications—wherever they are manufactured—and many compounding pharmacies do a superb job of maintaining sterile conditions. But in all cases, the FDA will have the authority to make sure they have the inspections and they have the team that can go in there and take solid action when these centers do not adhere to those high standards.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, the bill before us today has two main components. We talk about the drug compounding issue and also the issue of the drug supply chain, how we can track medications through the pharmaceutical supply chain, make sure that the materials are safe and have not been subject to counterfeit medications entering that supply chain.

I would like to speak primarily about the supply chain component of the bill. That component is a product of several years of work and collaboration between a number of Members on both sides of the aisle, working with, beyond Members, a lot of stakeholders—the pharmaceutical supply chain stakeholders, the Food and Drug Administration, and others. And this act, in part, is going to provide immediate steps to help strengthen our drug supply chain from counterfeiters and other bad actors. It also establishes a clear and defined path toward full electronic product-level traceability.

You know, we’ve seen this in recent press reports. Counterfeit meds can slip into our drug supply, and it’s so tempting to counterfeiters. When you think of last year alone, the prescription drug market in the United States, Americans spent $325 billion on prescription meds. So this is a lucrative market, and it’s very tempting for counterfeiters.

And that’s why it’s so important we ensure the integrity of the drug supply chain. This bill is going to work to do just that.

The other thing that bill does is it provides some much-needed regulatory certainty for everyone in the supply chain, establishing a national uniform standard for assuring the integrity of the supply chain. And that’s important, as opposed to having each State do their own thing. Then the participants in the supply chain are going to have to do 50 different sets of rules, and that doesn’t make sense.

And, finally, the bill establishes a collaborative process between the FDA and the industry to establish protocols

I want to thank so many people, but I particularly want to thank Chairman Upton and Ranking Member Waxman for their work on this. I also would like to thank a couple of colleagues who worked on this issue before who are no longer Members of Congress, Mr. Buyer and Mr. Bilbray, who spent a lot of time: in the current Congress, Congressman Latta and Mr. Dingell as well.

Mr. UPTON. Mr. Speaker, I have no further requests for time on our side, so I’m ready to close.

Mr. WAXMAN. Mr. Speaker, at this time I yield 2 minutes to a good friend from the State of Connecticut (Ms. Delauro).

Ms. DELAURIE. Mr. Speaker, I rise in opposition to the bill before us. I supported the track-and-trace provisions to prevent fake medication from entering the drug supply, and I commend the ranking member for his efforts.

But the voluntary approach to regulating large-scale compounding pharmacies in this bill is not strong enough to ensure the public’s safety in this area.

This is a life-and-death issue. Last year, one single compounding pharmacy in Massachusetts caused a fungal meningitis outbreak that sickened over 700 people and caused over 60 deaths, which is why I introduced legislation to draw a clear line between whether a business is a traditional compounding pharmacy or a drug manufacturer, like the one in New England, and to ensure the proper mandatory FDA regulation of compounding drug manufacturers shipping mass amounts of drugs across State lines.

Under this bill, large-scale, high-risk compounding manufacturers would voluntarily register with the Food and Drug Administration without meaningful penalties for failing to comply. And the New England Compounding Center, responsible for over 60 deaths, would not have to register. This voluntary approach will continue to expose patients to potentially unsafe mass-produced compounded drugs that are not approved or evaluated by the FDA for safety, efficacy, and adequate directions for use. It is an approach that can do real harm, and it is time for the FDA to be the regulatory agency that was intended to be.

At the very least, given that lives are at stake, the House should consider this issue as a stand-alone bill, through regular order, with the opportunity for amendments.

Mr. UPTON. Mr. Speaker, we have no further speakers, and I reserve the balance of my time.
Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman for yielding to me, and I rise in support of this compromise legislation before us today. I believe that H.R. 3204 will enable our courts to further protect our pharmaceutical distribution chain and help keep patients who depend on compounding pharmacies safe.

I am proud of the Energy and Commerce Committee because concerns that many of us had about the previous version of this track-and-trace legislation have been taken care of in this bill. They have been addressed in this bill. The previous bill was H.R. 1919, and we had difficulty with it. So I look forward to supporting this bill. We held hearings, and we are compromising on both sides. I wish Congress would take our lead on other issues and compromise, but I am happy to support this bill. I urge my colleagues to vote "aye." 

Mr. UPTON. I continue to reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself the balance of my time. I want to thank Chairman Upton, Chaired Ranking Member PALLONE. On the Democratic staff, Tiffany Guarascio for Mr. PALLONE; Greg Bailey for Mr. Green; Rachel Stauffer and Lisa Cohen for Ms. DeGette; Nate Tipton from Mr. Green; Joe Bailey for Mr. MATHESON; Karen Nelson, Eric Flamm, and Rachel Sher—all of these people played an essential role in getting this bill through.

I want to single out Mr. GRIFFITH who introduced the bill in the House, along with Ms. DeGette and Mr. Green, that served as a foundation for the compounding debate. Mr. MATHESON and Mr. LATTA introduced the House track-and-trace bill.

Every dollar we get what they wanted. This bill is a compromise. This institution has to reach compromises to get things done. We cannot have every issue litigated and relitigated. Once the law is settled, we must go on. And I am chagrinned that we are likely to close the government because, on the other side of the aisle, the leadership in this House wants to keep the fight going on the Affordable Care Act. It is the law. It has been affirmed by the courts. It is about to be put in place. We should work together to solve our country’s problems, not make them worse by failing to compromise and work with each other.

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

Mr. Speaker, this legislation that we hopefully will pass in the next few minutes is very important. It clearly, I think, would have saved the lives of those folks that were taken, and it reflects the hard work of our committee on a bipartisan basis.

From the very start, the Oversight and Investigation Subcommittee went to work. It got to the bottom of a very tragic situation that impacted some 20 States, hundreds and hundreds of people, and we’ve changed that system now. Because of their work and their investigation, we came back and moved legislation through the proper channels, and through the Energy and Commerce Committee. We worked very closely with Republicans and Democrats in the Senate to craft this bill that would have stopped this awful thing that happened a year ago.

Congress does work and can work when we work together, and I am proud of this product. I am proud of this legislation. I urge the Senate to take it up in the next day or two so we can, in fact, get it to the President’s desk, and I thank every Member who worked so hard.

We saw today certainly the personal impact on all of our districts and on the Members themselves. Many of us, in fact, did directly impacted not only through death, but also those who were impacted because of the impact on their own lives as they still try to recuperate and survive. I urge all of my colleagues to vote "aye."

I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, I rise in support of H.R. 3204, the Drug Quality Security Act. The merits of this legislation are clear: It provides additional oversight of the prepara-
tion of compounded medications. It institutes new labeling requirements and clarifies exist-
ing ones. And it helps us track products from manu-
facturer to consumer. Coloradans in my district will be safer when this bill is signed into law.

But Mr. Speaker, this bill also serves as a reminder that despite the differences between Republicans and Democrats on so many issues, we still can come together to do the work of the American people.

Last year, we saw the tragic results of un-
regulated and unsafe compounding. This year, we’re seeing Congress respond by passing a bill supported by patient advocates, the public

health community, and stakeholders at all parts of the pharmaceutical supply chain. No, this legislation isn’t perfect. But it rep-

resents a significant step forward in protecting public health and safety, and it shows that we can join together to get things done.

That’s how this chamber should work. Mr. Speaker, and I’m hopeful that the my colleagues on both sides will continue to legislate by seeking common ground, rather than focusing on the issues that divide us.

Mr. SESSIONS. Mr. Speaker, I rise concern-
 ing certain provisions of H.R. 3204, legis-
lation addressing human drug compounding and drug supply chain security.

This legislation continues that Section 503(A) of the Food and Drug Administration Act (FDA) to enter into memorandums of understanding with the states to address “the distribution of inordinate amounts of compounded products nationwide,” and to make sure that there are proce-

dures that provide “for appropriate investiga-
tion by a State agency of complaints relat-
ing to compounded drug products distrib-
uted outside State.”

It is my understanding that this authority is to be used by the FDA to make sure that systems and procedures are set up so that consumers have available redress for any potential problem with compounded prescriptions that are shipped across state lines. I am aware of concerns that the FDA may use this authority to try to restrict interstate commerce rather than following the letter of the law, which seeks to guarantee “appropriate investiga-
tion” on complaints and other issues that may arise.

Mr. Speaker, I will continue to monitor the implementation of Section 503(A) in consulta-
tion with compounding pharmacies in Texas, and call on the FDA to ensure that these provi-
sions are not used to restrict interstate sales of compounded pharmaceuticals within all app-
licable laws and regulations.

The SPEAKER pro tempore. The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF STATE OPERATIONS AND EMBASSY SECURITY AUTHORIZATION ACT, FISCAL YEAR 2014

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2648) to authorize appropriations for the Department of State for fiscal year 2014, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

R. 2648

Be it enacted by the Senate and House of Rep-

resentatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the “Department of State Operations and Embassy Security Authorization Act, Fiscal Year 2014”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as fol-
los:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Appropriate congressional commit-
tees defined.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Administration of foreign affairs.

Sec. 102. Contributions to international or-

ganizations.

Sec. 103. Contributions for international peacekeeping activities.

Sec. 104. International commissions.

Sec. 105. National Endowment for Democ-

racy.

Sec. 106. Prohibition on use of funds relating to Federal Acquisition Regulation.

Sec. 107. Prohibition on use of funds relating to security and training facility.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 201. Foreign Service Act of 1980.
TITLES

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

Sec. 301. Suspension of foreign service members without pay.

Sec. 302. Repeal of recertification requirement for senior foreign service.

Sec. 303. Limited appointments in the foreign service.

Sec. 304. Limitation of compensatory time off for travel.

Sec. 305. Department of State organization.

Sec. 306. Overseas comparability pay limitation.

TITLE IV—EMBASSY SECURITY AND PERSONNEL PROTECTION

Subtitle A—Review and Planning Requirements

Sec. 411. Designation of high risk, high threat posts and working conditions.

Sec. 412. Contingency plans for high risk, high threat posts.

Sec. 413. Strategic review of Bureau of Diplomatic Security.

Sec. 414. Revision of provisions relating to personnel recommendations of Accountability Review Board.

Subtitle B—Physical Security and Personnel Requirements

Sec. 421. Capital security cost sharing program.

Sec. 422. Local guard contracts abroad under diplomatic security program.

Sec. 423. Transfer authority.

Sec. 424. Security enhancements for soft targets.

Sec. 425. Reemployment of annuitants.

Sec. 426. Sense of Congress regarding minimum security standards for temporary United States diplomatic and consular posts.

Sec. 427. Assignment of personnel at high risk, high threat posts.

Sec. 428. Bureau of Diplomatic Security mobile biometric enrollment program.

Subtitle C—Security Training

Sec. 431. Security training for personnel assigned to high risk, high threat posts.

Sec. 432. Report to Congress.

Subtitle D—Expansion of the Marine Corps Security Guard Detachment Program

Sec. 441. Marine Corps Security Guard Program.

SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

Except as otherwise provided in this Act, the term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law:

1. DIPLOMATIC AND CONSULAR PROGRAMS.
   - For “Diplomatic and Consular Programs”, $9,013,450,000 for fiscal year 2014.
   - (A) Bureau of Democracy, Human Rights, and Labor. Of such amounts, not less than $26,839,000 for fiscal year 2014 is authorized to be appropriated for worldwide democracy and human rights.
   - (B) Worldwide Security Protection. Of such amounts, not more than $2,182,135,000 for fiscal year 2014 is authorized to be appropriated for worldwide security protection.

2. CAPITAL INVESTMENT FUND.
   - For “Capital Investment Fund”, $76,900,000 for fiscal year 2014.

3. EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.
   - For “Educational and Cultural Exchange Programs”, $566,000,000 for fiscal year 2014, of which funding for educational and cultural programs that occur in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife should be prioritized.

4. CONFLICT STABILIZATION OPERATIONS.
   - (A) In General. For “Conflict Stabilization Operations”, $45,207,000 for fiscal year 2014.
   - (B) Transfer. Subject to subparagraph (C) of this paragraph, of the amount authorized to be appropriated pursuant to paragraph (1), up to $35,000,000 is authorized to be transferred to, and merged with, the amount specified in subparagraph (A) of this paragraph.

5. REPRESENTATION ALLOWANCES.
   - For “Representation Allowances”, $5,833,000 for fiscal year 2014.

6. PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.
   - For “Protection of Foreign Missions and Officials”, $27,750,000 for fiscal year 2014.

7. EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.
   - For “Emergencies in the Diplomatic and Consular Service”, $9,073,000 for fiscal year 2014.

8. REPATRIATION LOANS.
   - For “Repatiation Loans”, $1,374,000 for fiscal year 2014.

9. PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.
   - (A) In General. For “Payment to the American Institute in Taiwan”, $21,778,000 for fiscal year 2014.
   - (B) Transfer. Subject to subparagraph (C) of this paragraph, of the amount authorized to be appropriated pursuant to paragraph (1), the Secretary is authorized to be transferred to, and merged with, the amount specified in subparagraph (A) of this paragraph.

10. NOTIFICATION.
    - If the Secretary of State exercises the transfer authority described in subparagraph (B), the Secretary shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

11. DIPLOMATIC AND CONSULAR PROGRAMS.
    - For “Diplomatic and Consular Programs”, $9,013,450,000 for fiscal year 2014.
    - (A) Bureau of Democracy, Human Rights, and Labor. Of such amounts, not less than $26,839,000 for fiscal year 2014 is authorized to be appropriated for worldwide democracy and human rights.
    - (B) Worldwide Security Protection. Of such amounts, not more than $2,182,135,000 for fiscal year 2014 is authorized to be appropriated for worldwide security protection.

There are authorized to be appropriated for “Contributions to International Organizations”, $1,400,000,000 for fiscal year 2014, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes. The Secretary shall notify the appropriate congressional committees not less than fifteen days prior to obligating funds authorized under this section to implement or establish any principle commission or organization required by a treaty that has not been ratified by the Senate.

SEC. 103. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

There are authorized to be appropriated for “Contributions for International Peacekeeping Activities”, $1,942,000,000 for fiscal year 2014 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes, except that such amounts may not be used to support any United Nations Unmanned Aerial Systems (drone) activities or missions operating in United States airspace, including United States territories and possessions. Notwithstanding any other provision of law, funds authorized to be appropriated under this section are authorized to remain available until September 30 of the fiscal year.
any offeror or any of its principals if the of- 
feror certifies, pursuant to the Federal Ac- 
quision Regulation, that the offeror or any 
of its principals—

(1) within a three-year period preceding 
this offer has been convicted of or had a civil 
judgment rendered against it for commission 
of fraud or a criminal offense in connection 
with a contract or subcontract; violation of Fed- 
eral or State antitrust statutes relating to the 
submittal of false or misleading information; 
embezzlement, theft, forgery, bribery, falsifi- 
cation or destruction of records, making false 
statements, tax evasion, violating Federal 
criminal tax laws, or receiving stolen prop- 
erty; or

(2) are presently indicted for, or otherwise 
criminally or civilly charged by a govern- 
mental entity with, commission of any of 
the offenses enumerated in paragraph (1); or

(3) within a three-year period preceding 
this offer, has been notified of any delin- 
quent Federal taxes in an amount that ex- 
ceeds $3,000 for which the liability remains 
unsatisfied.

SEC. 107. PROHIBITION ON USE OF FUNDS RE- 
LATING TO SECURITY AND TRAIN- 
ING FACILITY.

No funds under this Act are authorized to 
be appropriated to any new Department of 
State security and training facility, includ- 
ing the proposed Foreign Affairs Security 
Training Center, for which there is not a 
completed, independent feasibility study 
that has been provided to the appropriate 
congressional committees, verifying that 
safety and security training for all Depart- 
mant personnel required to receive such training 
cannot reasonably be provided at the exist- 
ing Federal Law Enforcement Training Fa- 
cility.

TITLE II—DEPARTMENT OF STATE 
AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. FOREIGN SERVICE ACT OF 1980.

Section 301 of the Foreign Service Act of 
1980 (22 U.S.C. 2361) is amended by inserting 
“If a position designated under this section is 
unfilled for more than one single assign- 
ment cycle, such position shall be filled, as 
appropriate, by any new Department of State 
security and training facility, as a result of 
which the training cannot reasonably be 
provided at the existing Federal Law 
Enforcement Training Facility.”

SEC. 202. CENTER FOR STRATEGIC COUNTER- 
TERORISM COMMUNICATIONS OF THE 
DEPARTMENT OF STATE.

(a) STAFF.—As articulated in Executive Order 13384, issued on 
September 9, 2011, it is the policy of the United 
States to actively counter the actions and 
ideologies of al-Qa’ida, its affiliates and ad- 
herents, other terrorist organizations, and 
violent extremists overseas that threaten the 
interests and national security of the United 
States.

(b) ESTABLISHMENT OF CENTER FOR STRA- 
TEGIC COUNTERTERRORISM COMMUNICATIONS.— 
There is established within the Department of State, under the direction of 
the Secretary of State, the Center for 
Strategic Counterterrorism Communications (in this Act referred to as the “CSCC”).

(c) MISSION.—The CSCC shall—

(i) coordinate, inform, and support—

(1) the Departments of State, 
Defense, and Homeland Security; 
(2) the National Counterterrorism Center 
of the Office of the Director of National 
Intelligence; and 
(3) the United Nations Office for 
Counterterrorism.

(ii) provide for the sharing of 
information, including with 
foreign governments; and

(iii) manage outreach efforts to key 
United States and foreign 
governments.

(d) COORDINATOR OF THE CENTER FOR STRA-
TEGIC COUNTERTERRORISM COMMUNICATIONS.— 
The head of the CSCC shall be the Coor- 
dinator of the CSCC.

(1) report to the Under Secretary for Pub-
lic Diplomacy and Public Affairs; and

(2) collaborate with the Bureau of Counter-
terrorism of the Department of State, other 
Department bureaus, and other United 
States Government agencies.

(e) DUTIES.—The CSCC may—

(1) monitor and evaluate extremist nar-
ratives and events abroad that are 
relevant to United States national secu-
rities, including intelligence reporting 
and analysis;

(2) identify current and emerging trends in 
extremist communications and commu-
nications activities directed at audi-
ences, other terrorist organizations, and 
ideologies of al-Qa’ida, its affiliates and ad-
herents, other terrorist organizations, and 
vio-

(3) identify current and emerging trends in 
extremist communications and commu-
nications activities directed at audi-
ences, other terrorist organizations, and 
ideologies of al-Qa’ida, its affiliates and ad-
herents, other terrorist organizations, and 
vio-

(4) facilitate the use of a wide range of 
communications technologies by sharing 
expertise among United States Govern-
ment and non-Government sources;

(5) identify and request relevant informa-
tion from United States Government agen- 
cies, including intelligence reporting, data, 
and analysis;

(6) identify shortfalls in United States ca-

tibilities in any areas relevant to the 
CSCC’s mission, and recommend necessary 

capability enhancements or changes;

(7) establish measurable goals, performance 
metrics, and monitoring and evaluation 
plans to focus on learning, accountability, 
and policymaking.

(f) STAFF.—

(1) IN GENERAL.—The Secretary of 
State may establish a Steering Committee 
comprised of senior representatives of all 
United States Government and 
non-Government entities involved in 

capabilities in any areas relevant to the 
CSCC’s mission, and recommend necessary 

capability enhancements or changes;

(7) establish measurable goals, performance 
metrics, and monitoring and evaluation 
plans to focus on learning, accountability, 
and policymaking.

(f) STAFF.—

(1) IN GENERAL.—The Secretary of 
State may establish a Steering Committee 
comprised of senior representatives of all 
United States Government and 
non-Government entities involved in 
CSCC’s mission to provide advice to the 
Secretary on the operations and strategic ori-
tentation of the CSCC and to ensure adequate 
support for the CSCC.

(2) MEETINGS.—The Steering Committee 
should meet not less often than once every 
six months.

(g) LEADERSHIP.—The Steering Committee 
should be chaired by the Under Secretary of 
State for Public Diplomacy. The Coordinator 
for Counterterrorism of the Department of 
State should serve as Vice Chair. The Coordi-
nator of the CSCC shall serve as Executive 
Secretary.

(h) COMPOSITION.—

(1) IN GENERAL.—The Steering Committee may include one or more represen-
tatives designated by the head of each of the following 
agencies:

(i) The Department of Defense.

(ii) The Department of Justice.

(iii) The Department of Homeland Secu-
rity.

(iv) The Department of the Treasury.

(v) The National Counterterrorism Center 
of the Office of the Director of National 
Intelligence.

(vi) The Joint Chiefs of Staff.

(vii) The Counterterrorism Center of the 
Central Intelligence Agency.

(viii) The Broadcasting Board of Gov-
ernment.

(ix) The Agency for International Develop-
ment.

(i) ADDITIONAL REPRESENTATION.—Repre-
sentatives from United States Government 
agencies not specified in subparagraph (A) 
may be invited to participate in the Steering 
Committee at the discretion of the Chair.

SEC. 203. ANTI-PIRACY INFORMATION SHARING.

The Secretary of State is authorized 
to provide for the participation by the United 
States in the Information Sharing Centre in 
Singapore, established under the Regional 
Cooperation Agreement on Combating 
Piracy and Armed Robbery against Ships in 
Asia (ReCAAP).

Subtitle B—Consular Services and Related 
Matters

SEC. 211. EXTENSION OF AUTHORITY TO ASSESS 
PASSPORT SURCHARGE.

(1) In section 301(b) of the Act (4 U.S.C. 136), after subsection (a), 
insert the following:—

“Federal laws enacted after the enactment of the 
Act establishing the ReCAAP Centre, 
as established by the ReCAAP Centre, 
including in Singapore, as established by the 
ReCAAP Centre, is amended by striking “2010” and 
inserting “2016”.”

SEC. 212. AUTHORITY TO RESTRICT PASSPORTS.

(a) IN GENERAL.—The Secretary of State is authorized to—

(1) limit to one year or such period of time as 
the Secretary deems appropriate the period 
of validity of a passport issued to a sex offender; and

(2) revoke the passport or passport card 
of an individual who has been convicted by a 
court of competent jurisdiction in a 
foreign country of a sex offense.

(b) LIMITATION FOR RETURN TO UNITED 
STATES.—Notwithstanding subsection (a), in 
no case shall a sex offender who has been 
convicted by a court of competent jurisdiction in 
foreign country of a sex offense be 
excluded from entering the United States 
due to passport revocation under such 
subsection.

(c) RERECERTIFICATION.—An individual 
whose passport or passport card was revoked 
pursuant to subsection (a) may reapply for a 
passport or passport card at any time 
after such individual has returned to the United 
States.

Definitions.—For purposes of this section—

(1) SEX OFFENDER.—The term “sex of-

fender” means an individual who is listed 
on the National Sex Offender Registry 
estab-
ished pursuant to section 119 of the Sex Of-

fender Registration and Notification Act (2 U.S.C. 1611).

(2) SEX OFFENSE.—The term “sex offense” 
means a sex offense as defined in section 
115(e) of the Sex Offender Registration and 

Subtitle C—Report Requirements

SEC. 221. REPORTING REFORM.

(a) IN GENERAL.—The following provisions 
of law are repealed:

(1) Subsections (c)(4) and (c)(5) of section 601 of Public Law 96–465.

(2) Section 585 of Public Law 104–208.

(3) Subsections (b) and (c) of section 11 
of Public Law 107–245.

(4) Section 102 of Public Law 103–377.

(5) Section 102(c) of Public Law 103–377.

(6) Section 207 of Public Law 106–236.

(7) Section 106(f) of Public Law 107–173.

(8) Subsections (a) and (b) of section 4 of 
Public Law 79–24.

(9) Sections 101 and 102 of Public Law 106–236.

(b) CONFORMING AMENDMENT.—Section 11 of 
Public Law 107–245 is amended by striking “(a) IN GENERAL.—”

(c) REPORT ON UNITED STATES CONTRA-
CUTIONS TO THE UNITED NATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act 
annually thereafter, the Director of the Of-

fice of Management and Budget shall 
submit to Congress a report on all assessed 
voluntary contributions, including in-kind,
of the United States Government to the United Nations and its affiliated agencies and related bodies during the previous fiscal year.

(2) CONTENT.—Each report required under subsection (a) shall include the following elements:

(A) The total amount of all assessed and unassessed contributions, including in-kind, of the United States Government to the United Nations and its affiliated agencies and related bodies during the previous fiscal year.

(B) The approximate percentage of United States Government contributions to each United Nations affiliated agency or related body compared with contributions by other users of the United Nations and its affiliated agencies during the previous fiscal year.

(C) The purpose of the contribution, and

(D) The date of the member's security clearance suspension.

(3) SCOPE.—The first report required under this subsection shall include the information required under this section for the previous three fiscal years.

(4) PUBLIC AVAILABILITY OF INFORMATION.—Not later than 14 days after submitting a report under this subsection, the Director of the Office of Management and Budget shall post a public version of such report on a text-based, searchable, and publicly available Internet Web site.

TITLe III—ORGANIZATION AND PERSONNEL AUTHORITIES

SEC. 301. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

(a) SUSPENSION.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended—

(1) in subsection (a) by inserting before the end the following new paragraphs:

"(A) The term ‘reasonable cause to believe a member has committed a crime’ means the member has been indicted by a grand jury.

(B) The term ‘suspension’ means the placing of a member of the Foreign Service in a temporary status without duties and pay.’’;

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT OF SECTION HEADING.—Section 610 of the Foreign Service Act of 1980, as amended by subsection (a) of this section, is further amended, in the section heading, by inserting ‘‘SUSPENSION’’ before the period at the end.

(2) CLERICAL AMENDMENT.—The item relating to section 610 in the table of contents in section 2 of the Foreign Service Act of 1980 is amended to read as follows:

‘‘Sec. 610. Separation for cause; suspension.’’;

SEC. 302. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

Subsection (d) of section 305 of the Foreign Service Act of 1980 (22 U.S.C. 3945) is repealed.

SEC. 303. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

Section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949) is amended—

(1) in subsection (a), by striking ‘‘substitution’’ and inserting ‘‘substitution or’’;

(2) in subsection (b),—

(A) in paragraph (1), by inserting before the period at the end the following:

‘‘(A) the Department of State shall establish a list of high risk, high threat posts;’’;

(B) in paragraph (2),—

(i) in subparagraph (A) by striking the word ‘‘or’’; and

(ii) by striking ‘‘and’’ at the end and inserting ‘‘and’’;

(3) in paragraph (3),—

(A) by inserting at the end the following:

‘‘(b) LIMIUTATION.—The authority described in paragraph (a) shall not apply to any Foreign Service member whose official duty station was in the District of Columbia.’’;

SEC. 304. LIMITATION OF COMPENSATORY TIME OFF FOR HARBOR.

Section 5550b of title 5, United States Code, is amended by adding at the end the following new subsection:

‘‘(c)LIMITATION.—Subject to the limitation described in subsection (b), the authority provided under section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1904), shall remain in effect through September 30, 2013.’’;

SEC. 305. DEPARTMENT OF STATE ORGANIZATION.

The Secretary of State may, after consultation with appropriate congressional committees, transfer to such other officials or offices of the Department of State the Secretary may determine from time to time any authority, duty, or function assigned by statute to the Coordinator for Counterterrorism, the Coordinator for Reconstruction and Stability, or the Coordinator for International Energy Affairs.

SEC. 306. OVERSEAS COMPARABILITY PAY LIMITATION.

(a) IN GENERAL.—Subject to the limitation described in subsection (b), the authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1904), shall remain in effect through September 30, 2014.

(b) LIMITATION.—The authority described in subsection (a) may not be used to pay an eligible member of the Foreign Service if the base in paragraph (a) is defined in section 1113(b)(2) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1904), as a locality-based comparability pay payment (stated as a percentage) that would be payable to such member under section 309 of this title.

TITLe IV—EMBASSY SECURITY AND PERSONNEL PROTECTION

Subtitle A—Review and Planning Requirements

SEC. 411. DESIGNATION OF HIGH RISK, HIGH THREAT POSTS AND WORKING GROUPS.

(a) IN GENERAL.—Title I of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4801 et seq.; relating to diplomatic security) is amended by inserting after section 103 the following new sections:

‘‘SEC. 104. DESIGNATION OF HIGH RISK, HIGH THREAT POSTS.

‘‘(a) INITIAL DESIGNATION.—Not later than 30 days after the date of the enactment of this section, the Secretary shall submit to the appropriate congressional committees a report, in classified form, that contains an initial list of diplomatic and consular posts designated as high risk, high threat posts.

(b) DESIGNATIONS BEFORE OPENING OR REOPENING POSTS.—Before designating or reopening a diplomatic or consular post, the Secretary shall determine if such post should be designated as a high risk, high threat post.

(c) Definitions.—In this section and section 105—

‘‘(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committees on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

‘‘(2) HIGH RISK, HIGH THREAT POST.—The term ‘high risk, high threat post’ means a United States diplomatic or consular post as determined by the Secretary, that, among other factors, is—

(A) located in a country—

(i) with high to critical levels of political violence and terrorism; and

(ii) the government of which lacks the ability or willingness to provide adequate security; and

(B) with mission physical security platforms that fail below the Department of State’s established standards.

SEC. 105. WORKING GROUPS FOR HIGH RISK, HIGH THREAT POSTS.

(a) Establishment.—Before opening or reopening a high risk, high threat post, the Secretary shall establish a working group
that is responsible for the geographic area in which such post is to be opened or reopened.

(b) DUTIES.—The duties of the working group established in accordance with subsection (a) shall include—

(1) evaluating the importance and appropriateness of the objectives of the proposed post to the national security of the United States, and the type and level of security threats such post could encounter;

(2) completing working plans to expedite the approval and funding for establishing and operating the proposed post, implementing physical security measures, providing necessary security and management personnel, and the provision of necessary equipment;

(3) establishing security ‘tripwires’ that would determine specific action, including enhanced security measures or evacuation of such post, based on the improvement or deterioration of the local security environment; and

(4) identifying and reporting any costs that may be associated with opening or reopening such post.

(c) COMPOSITION.—The working group should be composed of representatives of—

(1) appropriate regional bureau;

(2) Bureau of Diplomatic Security;

(3) Bureau of Overseas Building Operations;

(4) Bureau of Intelligence and Research; and

(5) other bureaus or offices as determined by the Secretary, in consultation with appropriate congressional committees in classified form of—

(1) the decision to open or reopen such post; and

(2) the results of the working group under subsection (b).

(d) CONGRESSIONAL NOTIFICATION.—Not less than 30 days before opening or reopening a high risk, high threat post, the Secretary shall notify the appropriate congressional committees in classified form of—

(1) the decision to open or reopen such post; and

(2) the results of the working group under subsection (b).

SEC. 412. CONTINGENCY PLANS FOR HIGH RISK, HIGH THREAT POSTS.

Section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a); relating to diplomatic security) is amended—

(1) in paragraph (1)—

(A) by inserting ‘‘and from complex attacks (as such term is defined in section 416 of the Diplomatic Security Act (22 U.S.C. 4834(c)))’’ after ‘‘attacks from vehicles’’; and

(B) by inserting ‘‘or such a complex attack’’ before the period at the end;

(2) by inserting, before the period at the end the following: ‘‘; including at high risk, high threat posts (as such term is defined in section 194 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986), options for the deployment of additional military personnel or equipment to bolster security and rapid deployment of armed or surveillance assets in response to an attack’’;

SEC. 413. STRATEGIC REVIEW OF BUREAU OF DIPLOMATIC SECURITY.

(a) In General.—The Secretary of State shall complete a strategic review of the Bureau of Diplomatic Security of the Department of State to ensure that the mission and activities of the Bureau are fulfilling the current and projected needs of the Department of State.

(b) CONTENTS OF REVIEW.—The strategic review described in subsection (a) shall include assessments of—

(1) staffing needs for both domestic and international operations;

(2) facilities under chief of mission authority adhering to security standards;

(3) personnel with the necessary language skills for assignment to overseas posts;

(4) programs being carried out by personnel with the necessary experience and at commensurate grade levels;

(5) necessary security training provided to personnel under chief of mission authority for expected assignments and objectives;

(6) balancing of an ability to carry out the diplomatic mission of the Department of State;

(7) the budgetary implications of balancing multiple missions; and

(8) how to resolve any identified deficiencies in the mission or activities of the Bureau.

SEC. 414. REVISION OF PROVISIONS RELATING TO PERSONNEL RECOMMENDATIONS OF ACCOUNTABILITY REVIEW BOARD.

(a) In General.—Section 304(c) of the Diplomatic Security Act (22 U.S.C. 4834(c)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ‘‘Whenever’’ and inserting ‘‘If’’; and

(B) by striking ‘‘has breached the duty of that individual and inserting ‘‘has engaged in misconduct or unacceptably performed the duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious injury, loss of life, or significant destruction of property, or the serious breach of security that is the subject of the Board’s examination as described in subsection (a)’’;

(2) in paragraph (2), by striking ‘‘finding’’ each place it appears and inserting ‘‘findings’’;

(3) in the matter following paragraph (3)—

(A) by striking ‘‘has breached a duty of that individual’’ and inserting ‘‘has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual’’;

(B) by striking ‘‘to the performance of the duties of that individual’’;

(3) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any case of an Accountability Review Board that is convened under section 301 of the Diplomatic Security Act (22 U.S.C. 4831) on or after the date of the enactment of this Act.

Subtitle B—Physical Security and Personnel Requirements

SEC. 421. CAPITAL SECURITY COST SHARING PROGRAM.

(a) SENSE OF CONGRESS ON THE CAPITAL SECURITY COST SHARING PROGRAM.—It is the sense of Congress that the Capital Security Cost Sharing Program should prioritize the construction of new facilities and the maintenance of existing facilities at high risk, high threat posts.

(b) RESTRICTION ON CONSTRUCTION OF OFFICE SPACE.—Section 604(e)(2) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4831) is amended by striking at the end the following new sentence: ‘‘A project to construct a diplomatic facility of the United States may not include office space or other accommodation to the extent that such project includes the development of United States Marine Corps.’’

SEC. 422. LOCAL GUARD CONTRACTS ABROAD UNDER DIPLOMATIC SECURITY PROGRAM.

(a) In General.—Section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4884) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ‘‘With respect’’ and inserting ‘‘Except as provided in subsection (d), with respect’’; and

(B) in paragraph (3), by striking ‘‘subsection (d)’’ and inserting ‘‘subsection (e)’’;

(c) REDESIGNATION.—(1) in subsection (d), by striking subsections (e), (f), and (g) as subsections (e), (f), and (h), respectively; and

(3) by inserting after subsection (c) the following new subsection:

‘‘(4) AWARD OF LOCAL GUARD AND PROTECTIVE SERVICE CONTRACTS FOR HIGH RISK, HIGH THREAT POSTS.—With respect to any local guard or protective service contract for a high risk, high threat post (as such term is defined in section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1990 and 1991 (22 U.S.C. 4831) that is entered into after the date of the enactment of this subsection, the Secretary of State—

(1) shall comply with paragraphs (1), (2), (4), and (6) of subsection (c) in the award of such contract;

(2) after evaluating proposals for such contract, may award such contract to the firm representing the best value to the Government in accordance with the best value tradeoff process described in subpart 15.1 of the Federal Acquisition Regulation (48 C.F.R. 15.101–1); and

(3) shall ensure that contractor personnel under such contract providing local guard or protective services are classified—

(A) as employees of the contractor;

(B) if the contractor is a joint venture, as employees of one of the persons or parties constituting the joint venture; or

(C) as employees of a subcontractor to the contractor, and not as independent contractors to the contractor or any other entity performing under such contracts.’’

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that includes—

(1) an explanation of the implementation of subsection (d) of section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, as amended by subsection (a)(3) of this section; and

(2) for each instance in which an award is made pursuant to such subsection (d) of such section 136, a written justification providing the basis for such award and an explanation of the inability to satisfy the needs of the project under any other purpose related to the administration of foreign affairs or on or after October 1, 2013, if the Secretary determines such transfer authority to be necessary to the protection of United States embassies and consular sites and buildings in foreign countries under the jurisdiction and control of the Secretary.
"(2) Any funds transferred pursuant to paragraph (1)—
  "(A) shall not exceed 20 percent of any appropriation made available for fiscal year 2014 for any funds with which merged.
  "(B) shall be merged with funds in the heading to which transferred, and shall be available subject to the same terms and conditions as the funds with which merged.
"(3) Not later than 15 days before any transfer of funds pursuant to paragraph (1), the Secretary shall notify in writing the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives. Any such notification shall include a description of the particular security need necessitating the transfer at issue.

SEC. 424. SECURITY ENHANCEMENTS FOR SOFT TARGETS.

Section 29 of the State Department Basic Authorities Act of 1996 (22 U.S.C. 2761) is amended—

SEC. 425. REEMPLOYMENT OF ANNUITANTS.

Title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1980 (22 U.S.C. 4064(g)) is amended—

SEC. 426. SENSE OF CONGRESS REGARDING MINIMUM SECURITY STANDARDS FOR UNITED STATES DIPLOMATIC AND CONSULAR POSTS.

It is the sense of Congress that—

SEC. 427. ASSIGNMENT OF PERSONNEL AT HIGH RISK, HIGH THREAT POSTS.

(a) In General.—The Secretary of State shall station key personnel for sustained periods of time at high risk, high threat posts (as such term is defined in section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, as added by section 411 of this Act) in order to—

SEC. 428. BUREAU OF DIPLOMATIC SECURITY MOBILE BIOMETRIC ENROLLMENT PROGRAM.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees regarding the mobile biometric enrollment program of the Bureau of Diplomatic Security that includes the following:

"(a) in General.—Pursuant to the responsibility of the Secretary of State for diplomatic security, the Secretary of State shall brief the appropriate congressional committees on the mobile biometric enrollment program of the Bureau of Diplomatic Security described in section 3132(a)(2) of title 5, United States Code;"

"(2) Foreign Service officers appointed under section 302(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3942(a)(1)) holding a position in classes FS-1, FS-2, or FS-3;"
conducted an annual review of the Marine Corps Security Guard Program, including—

(1) an evaluation of whether the size and composition of the Marine Corps Security Guard personnel is adequate to meet global diplomatic security requirements;

(2) an assessment of whether the Marine Corps security guards are appropriately deployed at United States embassies, consulates, and other diplomatic facilities to respond to evolving security developments and potential threats to United States interests abroad; and

(3) an assessment of the mission objectives of the Marine Corps Security Guard Program and the procedural rules of engagement to protect diplomatic personnel under the Program.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for three years, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees an unclassified report, with a classified annex as necessary, that addresses the requirements specified in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that Members may have five legislative days in which to revise and extend their remarks and place any extraneous material into the Record on this measure.

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

There was no objection.

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

Mr. Speaker, the Department of State Operations and Embassy Security Authorization Act is a measure to provide our diplomats with the tools that they need to do the job effectively, as efficiently as possible, as safely as possible, and it has been over 10 years now since the last Department of State authorization bill was passed into law. Now in the interim, our ability to exercise oversight and push for reform within the Department has been eroded. That is why it is so essential that we get this authorization into law—because it is not good for Congress; it is not good for the Department; it is not good for the taxpayer. Authorizing these programs is going to increase our oversight ability. It will improve our ability to oversee the new programs. It will save money. It will reform old programs. And when we do not authorize, as you know, departments are less accountable; they can drift.

As Members know, the Department’s failings on security were laid bare in Benghazi, Libya. The Accountability Review Board, looking into Benghazi, found:

Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a special mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place.

That was the finding: the local guard force in place to protect Benghazi was inadequate.

The closure of 21 U.S. embassies in August and the recent closure of our embassy in Beirut demonstrate the continued threat to our facilities and personnel overseas. Indeed, this week, the Department renewed its global terrorist alert for all citizens. This is why this bill authorizes full funding for embassy security.

One of the principal functions of the Department is to protect our facilities and personnel that are stationed overseas. The other body, our colleagues in the Senate, have also introduced legislation on embassy security, and we have been in consultation with them because we intend to have this signed into law.

This legislation carries much of the same language, including:

One, language requirements for diplomatic security personnel in line with the ARB report recommendations. We need the security personnel to be able to speak the local dialect.

Two, implementation of the expanded marine security program, including a plan to deploy these additional personnel and station them appropriately. We need the marines at the gate. We need to be able to guard the gate. It needs to be reinforced.

Three, authority to protect soft targets overseas.

Four, regulations for the reemployment of personnel to fill staffing gaps at high-risk, high-threat posts. We need that personnel to be able to get that retraining to speak the local dialect in order to help protect that facility.

Importantly, this bill contains a provision, championed by committee Chairwoman Ms. FINKELSTADT, which will award local security guard contracts now on the basis of best value rather than lowest cost. For our highest threat posts, we need only the highest quality security personnel, not personnel that’s going to flee in the face of a threat.

This bill also requires the Department to develop contingency plans for increasing security at high-threat posts. These plans must include options for employing additional military personnel and equipment to bolster security in response to a threat, as well as plans for a rapid deployment of assets in response to an attack. We need a rapid response force to be stood up so that they can be called into action if there’s a threat in this part of the world to our consulates and to our embassies.

The strong emphasis on embassy security in this legislation, H.R. 2848, and the legislation that’s over in the Senate is timely and responsive to urgent needs. Working in a bipartisan manner, this bill was able to authorize full funding for embassy security while still producing a fiscally responsible product.

Overall, this bill is a 9 percent cut from the fiscal year 2012 level, and this includes a cut of nearly 22 percent, that’s $2.4 billion, in Department administration costs. Further savings to our Embassy staff, however, is achieved by placing a cap on pay for those personnel stationed overseas by closing a bureaucratic loophole that allowed personnel to draw both a pension and a salary, except in the most extenuating of circumstances. I may construe the amount of paid time off for employees and authorizing current employees to fill staffing vacancies. By doing it that way, we negate the need to hire more Foreign Service Officers.

This bill also reforms some of the career management functions of the Department by prohibiting those convicted of fraud or embezzlement or theft or other offenses from receiving government contracts in the future. The bill also prohibits the proposed Foreign Affairs Security Training Center unless there’s an independent feasibility study that’s completed and presented to the appropriate congressional committee.

This bill has strong bipartisan support. When I say “strong,” Mr. ENGEL and myself have worked with Members on both sides of the aisle. We took some 11 amendments. We’ve worked out the differences. We got bipartisan support in the committee, and I am very confident that my colleagues in the Senate, have also introduced legislation so it can be promptly sent to the Senate and then on to the President for his signature, thereby ensuring that our embassies and personnel stationed abroad are protected at a time of their greatest need.

I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I rise in strong support of H.R. 2848, the Department of State Operations and Embassy Security Authorization Act, and I yield myself such time as I may consume.

I want to say once again, it has been a pleasure to work with Chairman ROYCE once again in a bipartisan fashion. I am very proud of what we have done on the Foreign Affairs Committee this year in a bipartisan fashion, and this is just another example of it. Everybody had input. All sides had corrections. We incorporated many, many different things together, and I think we have a very, very good product.

This important legislation authorizes the resources necessary to protect our dedicated diplomats and provides basic authorities to the State Department to advance United States interests and values around the world. The funds authorized in this bill support all of the State Department’s global operations for less than 3 percent of the Defense Department’s total budget. To me, that’s a very, very wise investment in U.S. national security.

As all of us know, our diplomats and aid workers face unprecedented threats...
in the Middle East, South Asia, North Africa, and other volatile regions of the world. The attack on our consulate in Herat, Afghanistan, 2 weeks ago, is a stark reminder of these very real dangers.

The bill before us today fully funds the President’s request for diplomatic security. This will allow the State Department to construct six new secure embassies, support 151 new diplomatic security personnel and build facilities for 26 additional Marine Security Guard Posts.

This legislation also includes a number of other provisions to better protect our men and women serving abroad, including many that were included in an embassy security bill that I introduced earlier this year. Among other things, H.R. 2848 would enhance the coordination between the State and Defense Departments in times of emergency, require security and language training for State Department employees before they deploy to dangerous locations, and improve the process by which the State Department makes security-related decisions.

In addition, this legislation includes elements of a bipartisan bill introduced by Representatives RADEL and FRANKEL that gives the State Department flexibility to award local guard contracts at high-threat posts on the basis of best value rather than on who bid the lowest bid. In the past, having to accept the lowest bid sometimes resulted in poorly trained local security forces that endangered the safety of our diplomats and development experts.

Finally, this legislation includes another bipartisan provision, drafted by Representatives PERRY and MENG, that provides additional accountability for State Department officials when their job performance is unsatisfactory.

Mr. Speaker, I’d like to point out that the chairman and I had a State Department authorization bill signed into law since 2002. The chairman and I are both convinced that this is something that needs to be changed. That’s another reason we’re doing this very, very important bill.

In order for Congress to properly oversee the State Department’s operations and activities, we need to resume the practice of passing our authorization bill on a regular basis and encourage our Senate colleagues to do the same.

Again, I want to commend Chairman ROYCE for his hard work on this legislation, and I look forward to working with him to further improve the bill as it moves through the legislative process, and I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), chairman of the Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, and, I would add, Mr. Speaker, the author of important State authorization and embassy security laws in past Congresses.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank, first of all, Chairman ROYCE and Ranking Member ELIOT ENGEL for drafting this extraordinarily timely and important legislation. This is an essential bill, and it must be passed and signed into law.

Mr. Speaker, on Tuesday of this week, my staff director, Greg Simpkins, and I returned from a 4-day trip to Nigeria, including the city of Jos, the scene of recent fire bombings of Christian churches by Boko Haram, a terrorist organization that has killed thousands of Nigerian Christians and some Muslims as well. Boko Haram—like al-Shabaab, the cowards who slaughtered Kenyans in a shopping center in Nairobi last week—poses serious and escalating threats to indigenous Africans and American personnel overseas.

The Embassy Security Act, like the Secure Embassy Construction and Counterterrorism Act of 1999, a law that I authored, is designed to significantly enhance protection at our missions. Rather than the few years after the operation, a dozen years ago that came to the floor on the heels of al Qaeda bombings in Nairobi and Dar es Salaam at our embassies in 1998. I chaired the hearings following that tragic event of life, Admiral Crowe, who led the Accountability Review Boards at that time, testified. But it is clear that the promised action following those earlier attacks has not been fully implemented. There are serious, significant security gaps that must be remedied more than a decade later.

The Royce bill does that. We seem not to have adequately learned the lessons from the terror attacks against our distinguished ambassador and three extraordinary brave individuals in Benghazi.

The Royce-Engel bill before us today contains a number of significant provisions, including necessary security upgrades for our embassies and consulates abroad. Our embassy in Abuja, Nigeria, was constructed with the upgrades recommended by earlier legislation, Greg and I saw that firsthand this week. But so many older facilities do not meet those high standards, including lifesaving backstops from roads and thoroughfares. Chairman Royce’s bill will address those gaps in essential security features at our overseas posts.

I’m especially appreciative that the Foreign Affairs committee accepted my amendment that originally passed as a provision of my International Megan’s Law 3 years ago—it passed the House, never got through the Senate, we all know that drill—which limits to 1 year or such time as the Secretary of State shall determine appropriate the period of validity of a passport issued to a convicted sex offender.

In 2008, the General Accountability Office found that some 4,500 convicted pedophiles got passports. That’s every year. That’s almost 50,000 over a 10-year period—the life of a passport. And the evidence suggests some may travel to places with impunity in Bangkok and all over the world and abuse children. Poverty worldwide has made this problem even more prominent—more kids now are at risk. This provision will empower the Secretary of State and the President to mitigate their travel to abuse children.

This is an excellent bill. Again, I commend Chairman ROYCE and Ranking Member ELIOT ENGEL for working in such a constructive, bipartisan way.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MEEKS), a very senior and important member of the Foreign Affairs Committee.

Mr. MEEKS. Mr. Speaker, first, let me thank Chairman ROYCE and Ranking Member ENGEL for providing leadership and working together to get this bill passed in a bipartisan way.

This is a bill where everybody had their input and everybody gave some input and everybody said what was involved, and we were able to come up with a bill that is a compromise bill that’s in the interest of all of our men and women who serve us in the State Department abroad.

There’s generally two groups of individuals that we have a huge responsibility for: They are our men and women on the battlefield, who are in the military. We need to make sure that they have everything that they need for their protection and their success in their mission. Likewise, the men and women who serve as our diplomats, what huge and important jobs they have. We have an absolute responsibility to make sure that we give them everything that they need to make sure that they’re secure so their missions can be successful.

With that bill does, it looks at the security issue in a manner to make sure that our embassies are safe and secure. For example, it establishes working groups to ensure that new or reopening posts are provided the necessary security measures and funding. We had some before that had to be closed. We want to make sure we look at it and focus so that they get what they need.

It requires a strategic review of the Bureau of Diplomatic Security to ensure that its missions and activities are meeting current and projected needs. That’s tremendously important. And it authorizes the State to utilize best value rather than lowest cost for security guard contracts at high-risk and high-threat posts.

Furthermore—which I think is absolutely key—it gives full authorization for the National Endowment for Democracy, of which I once sat as a board member to support the work of the affiliated core institutes, including the National Democratic Institute and the American Center for International Labor Solidarity, to develop
independent media, human rights protections, and other democratic institutions, values, and processes around the world. This is great work. This is work that will help democracy flourish throughout this place that we call Earth, making it a more peaceful and better place to be.

As we’ve seen recently, we’ve come a long way in the last 4 weeks in moving diplomatically and trying to resolve issues together. If we give our diplomats the kind of protection they need, that’s what we can make sure that this place we call Earth is much safer tomorrow than it is today.

I thank, again, the chairman and the ranking member for the manner in which they have worked to resolve and bring this bill to the floor, and urge my colleagues to vote for it.

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, first of all, I want to thank the chairman and the ranking member for their hard work on this bill and for the arguments that have been presented in favor of the bill today. But it’s because of those arguments that I have to rise today in grave opposition to this bill because of a provision in this bill that could seriously undercut our Nation’s ability to protect its embassies.

It’s been over a year since terrorists attacked our diplomatic mission in Benghazi, leaving four Americans dead. In the wake of the attack, the State Department’s investigation board questioned the “grossly inadequate” security at the mission and recommended that staff at high-threat posts undergo extensive security training at a State Department center.

The independent, nonpartisan Government Accountability Office, however, has called current training facilities “inadequate” and has said that they pose a “critical challenge.” The Department has long recognized this serious deficiency and has been looking for a dedicated training site for over 3 years. In testimony before Congress this year, Assistant Secretary Gregory Starr said:

The capacity of the current facility . . . cannot meet our training needs . . . doesn’t even meet our highest threat-level requirement and . . . at some point may not be available to us.

And yet this bill on the floor of the House today specifically prohibits the Department of State from developing the center it so critically needs for diplomatic security.

Make no mistake about it: it’s not because the Department doesn’t need it but because of inefficiency. It’s because of a protection for those inadequate facilities because of the districts they’re in.

This is an urgent need that must be accomplished in a fiscally responsible manner, but is one that this body cannot do now. It’s a no-brainer. We can make this happen. And that is exactly what this bill will do. America has an obligation that we have adequately trained those responsible for the protection of our diplomats and their families around the world. It’s absolutely unconscionable that we are prohibiting the State Department from moving forward on the facility they need to prevent another Benghazi attack.

I urge my colleagues to vote against this bill. A “no” vote might not stop it, but it’ll send a message to the Senate to fix it in conference.

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

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

I want to assure the gentleman from Virginia, and all Members here, Mr. Speaker, that this committee has been highly attentive to the Benghazi attack. Indeed, that’s one of the reasons we’re here on this bill.

To the gentleman from Virginia who spoke earlier, I would just note that if standing up a new Foreign Affairs Training Center in his district, as has been proposed, is a good use of our limited fiscal resources, then he has nothing to fear from this bill.

While there have been proposals to completely prohibit such an expenditure, they are not included in this legislation. But what our bill does do is it requires an independent feasibility study first, to assess whether current facilities are inadequate, before we spend the better part of a billion dollars on a completely new facility.

If the gentleman from Virginia is suggesting he’s opposed to this legislation, then I would point out that initial estimates by the Department of State are that this new facility could cost up to $950 million—and at least $450 million.

I would also call attention to the Members of this body that Congress has not received a copy of any feasibility studies related to the proposed new Foreign Assistance Training Center—FAST-C, as it’s called.

There are valid concerns that the FAST-C center is not needed and the same functions could be achieved by collaborating with the Department of Homeland Security Federal Law Enforcement Training Facility. Further, I would point out that the Federal Law Enforcement Training Facility has quoted a price nearly 50 percent lower than what it would cost to build the next FAST-C facility.

Now, before we move forward, the Congress needs more information, and the Department of State needs to demonstrate more due diligence on this endeavor, especially in light of the recent facility construction debacles that we’ve seen around the world, including in Afghanistan.

I would further point out that in July, the State Department noted “ongoing serious fiscal challenges” and encouraged the need for “additional due diligence in determining how to move forward with the FAST-C facility at Fort Pickett.”

Lastly, Mr. Speaker, there are serious questions about whether the existing DHS facility in Glynco, Georgia, could be used at a much lower cost to the American taxpayer.

We all understand the responsibility to represent our districts, but it should not come at the cost of blocking legislation that will answer the need, in terms of protecting our personnel overseas. Again, I would point out that this does not prohibit such an expenditure. It merely requires an independent feasibility study to assess whether or not it is appropriate.

I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, at this time I yield 3 minutes to the gentleman from New York (Ms. MENG), a very valuable member of the Foreign Affairs Committee, whose provision will hold the State Department accountable and, her provision was incorporated into this bill.

Ms. MENG. Mr. Speaker, I rise today in strong support of H.R. 2846, the Fiscal Year 2014 Department of State Operations and Embassy Security Act. This bill authorizes funds for the State Department to advance U.S. interests around the world and strengthen our national security.

The bill fully funds the President’s request for diplomatic security, as I have long urged that it should. Importantly, it also makes several important changes to how we protect our diplomats and embassies abroad and how we ensure accountability at the State Department.

Mr. Speaker, this past December, an accountability review board, or ARB, was convened to assess the State Department’s policies and response to the attack in Benghazi. However, under the current authorizing statute, an ARB can only recommend disciplinary action against a State Department employee where there has been a “breach of duty,” a standard which is both very high and very hard to understand. As a result of the Benghazi ARB’s inability to recommend disciplinary action against even a single State Department employee.

On this point, Mr. Speaker, I refer you to section 414 of the bill before us today. It is entitled the “Revision of Provisions Relating to Personnel Recommendation of the ARB.” The section was drafted and inserted by me and my esteemed colleague from Pennsylvania (Mr. PERRY).

By making it easier for future ARBs to recommend disciplinary actions, section 414 will ensure greater accountability and responsibility at the State Department in the years to come and help prevent future Benghis.

This effort on the part of myself and Mr. Perry is representative of the bipartisan nature of this bill—the first such bill that would pass Congress in over a decade.

On a variety of issues, including the crucial maintenance and strengthening of Iran’s sanctions, the committee has worked effectively and constructively as our country needs it to. This is in large part due to the stellar leadership
of Chairman ROYCE and Ranking Member ENGEL, and I thank them so much for their mentorship.

It is ironic that our committee stands on the verge of a significant bipartisan breakthrough at this time. Perhaps the work can inspire the much-needed reasonableness and compromise in these Halls in the hours, days, and weeks to come.

Mr. ROYCE, Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL, Mr. Speaker, I mentioned before Ms. FRANKEL had worked very hard, and we incorporated some of her work into this bill as well. So I yield 2 minutes to the gentlewoman from Florida (Ms. FRANKEL).

Ms. FRANKEL of Florida. Mr. Speaker, this is a very good example of what happens when colleagues work together. I want to thank Mr. ROYCE and Mr. ENGEL very much for including in this legislation language from a bipartisan bill sponsored by myself and my colleague Mr. TREY RADEL, also from Florida.

This particular provision would authorize the State Department to use the “best value” contracting award method in high-risk, high-threat areas around the world, ensuring the safety of American men and women serving our country abroad.

With this bipartisan effort, the State Department will be allowed to consider factors beyond only price in making security contracts, giving the State Department the flexibility and tools they need to keep those who serve us abroad safe from harm and ensure taxpayer money is being used effectively.

Mr. Speaker, the attack on our embassy in Benghazi was a tragic reminder of the security environment in which many of our diplomats serve.

And it is our responsibility here in Congress to do everything in our power to protect Americans and our embassies overseas.

Again, I thank Mr. ROYCE and Mr. ENGEL for their good work.

Mr. ROYCE, Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. It is my pleasure now to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a former member of our committee.

Ms. JACKSON LEE. One of the things that I am most excited about—and I thank the author of the amendment—and that is the issue of best value for security. That is a crucial bipartisan agreement that makes common sense; that on the security of our men and women who leave these shores to be instruments of peace, diplomatic engagement, and be the face of the American people in very difficult posts—whether it's Iraq, Afghanistan, or whether it may be Egypt, whether it may be Pakistan, and other places beyond—that it is our duty to ensure that the posts that we are sending American diplomats to work in, to protect the civilian, but also the military. Our marines are very able, as those who are there at posts; they provide enhanced security for those particular posts.

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

Mr. ENGEL. I yield the gentlelady 1 minute.

Ms. JACKSON LEE. One of the things that I am most excited about—and I thank the author of the amendment—and that is the issue of best value for security. That is a crucial bipartisan agreement that makes common sense; that on the security of our men and women who leave these shores to be instruments of peace, diplomatic engagement, and be the face of the American people in very difficult posts—whether it's Iraq, Afghanistan, or whether it may be Egypt, whether it may be Pakistan, and other places beyond—that it is our duty to ensure that the posts that we are sending American diplomats to work in, to protect the civilian, but also the military. Our marines are very able, as those who are there at posts; they provide enhanced security for those particular posts.

So I rise today because I wanted to first acknowledge service of all of those who have served. I also want to make note of those who we have lost, who have served in the diplomatic corps in places far beyond our borders, and to thank them and thank those who serve in the State Department and who are serving as we speak; and the United States Marines, who across the world secure these very valiant public servants.

I support the legislation.

Mr. ROYCE. Mr. Speaker, I reserve the balance of my time to close.

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

I again would like to thank Chairman ROYCE for his efforts in putting this bill together.

I have a copy of the bill in front of me. It is H.R. 2848. It says:

In the House of Representatives, July 30, 2013, Mr. ROYCE and Mr. ENGEL introduced the following bill: which was referred to the Committee on Foreign Affairs.

I read that because I think, again, it highlights, as so many of our colleagues have said, that this bill is really Congress at its best and the committee at its best. People had concerns; we worked together, and we thrashed through it. We put together a product that those people who were most concerned with this were able to agree. I hope that that will be infectious, and perhaps we can take it out of our committee and move it to the Congress on other things that we’re not having so much agreement with these days. But I again want to thank Chairman ROYCE.

The State authorization, an embassy security bill, is a very, very important part of our overseas operations at the State Department. The bill will bolster the State Department’s security efforts, and who really can oppose that.

So I urge its passage. I thank the chairman again, and I yield back the balance of my time.

Mr. ROYCE, I thank Mr. ENGEL, and I yield myself the balance of my time.

Mr. Speaker, I would point out again that, in the past, State authorization bills that have passed the House—even under suspension—have failed due to inaction in the other body. Now, because of the strong bicausal interest in embassy security, we have an opportunity to break this bad habit and return to our core responsibility.

Congressman ENGEL from New York and I myself have discussed these issues not only with our Members, but with Members of the Senate. If enacted, this bill of course will only be the fourth time in the last 17 years that Congress has passed a State Department authorization.

We need to seize this opportunity to move meaningful legislation at a time when Members of this body and in the Senate understand that this is a chance to direct this issue of embassy security and provide that additional security.

I very much want to express my appreciation for the collaboration I’ve had with Mr. ENGEL, our ranking member; on this piece of legislation. This is a bipartisan bill, and I very much want. And we will. Together, we have worked to incorporate the ideas of the members of our committee. A large number of those committee members have offered amendments that are in this legislation.

So to conclude, I would point out that H.R. 2848 is a strongly bipartisan measure. It is fiscally responsible; it is constructive in its reforms; and it is deliberate in its efforts to keep our personnel stationed overseas as safe as we can keep them.

I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 2848, as amended.

The motion was taken. The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.
Mr. FORBES. 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 motion will be postponed.

RECESS

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

Accordingly (at 3 o’clock and 15 minutes p.m.), the House stood in recess.

□ 1944

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Womack) at 7 o’clock and 44 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.J. RES. 59, CONTINUING APPROPRIATIONS RESOLUTION, 2014, AND PROVIDING FOR CONSIDERATION OF H.R. 3210, PAY OUR MILITARY ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 113-238) on the resolution (H. Res. 366) providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes, and providing for consideration of the bill (H.R. 3210) making continuing appropriations for military pay in the event of a Government shutdown, which was referred to the House Calendar and ordered to be printed.

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The Clerk read the resolution, as follows:

H. Res. 366

Resolved. That upon adoption of this resolution it shall be in order to take from the Speaker's table the joint resolution (H.J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with each of the two amendments printed in the report of the Committee on Rules accompanying this resolution, the Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question except that the question of adoption of the motion shall be divided between the two House amendments.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3210) making continuing appropriations for military pay in the event of a Government shutdown. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) 40 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas?

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Appropriations, the previous question shall be considered as read. The motion to recommit.

Mr. FORBES. Mr. Speaker, on that I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the custom to 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the ranking member of the committee and the previous speaker, to yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which 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. House Resolution 366 provides for consideration of the Senate amendment to H.J. Res. 59, the Continuing Appropriations Act for Fiscal Year 2014, and a closed rule for consideration of H.R. 3210, the Pay Our Military Act of 2013.

Mr. Speaker, at midnight on Monday, just 2 days from now, the Federal Government will shut down if Congress does not act to provide the necessary appropriations. The legislation before us today will ensure that a shutdown does not happen; and, if adopted, the House amendments would make important steps to ensure that ObamCare, the Affordable Care Act that President Obama and every Democrat voted for, does not have the opportunity to hurt American jobs and drag down our economy.

The first of these three amendments would repeal the medical device tax included in ObamCare. This medical device tax is also known as what might be the tax that will harm not only the medical device industry as a whole, but the industry by itself. The second amendment would delay all aspects of ObamCare for 1 year. This proposal is an important step to prevent the costly regulations contained in President Obama’s health care plan from becoming an unfortunate reality. The President has already delayed several pieces of the law; and just as he begins to see how ill-conceived and unworkable his plan is, it’s time for us to stop it dead in its tracks. So much for the hundreds of waivers that he has issued; so much for him delaying the pieces that he wants to, knowing that the harm will be on individuals all across America. It makes sense to delay the entire law for a year in an effort to protect American families from paying higher health care premiums and having fewer options.

This is important, and the Republican Party is on the floor of the House of Representatives today on behalf of taxpayers and what we believe is about 60 percent of Americans who are opposed to this bill starting to work October. So that’s why we are here.

Finally, this rule provides for consideration of H.R. 3210, the Pay Our Military Act. This important piece of legislation is designed to ensure that our men and women in uniform continue to receive their paychecks in the event that the Senate does not adopt a responsible CR and forces our government into a shutdown.

Our Nation’s military puts their lives on the line, and they have throughout the history of our country. They remain engaged in combat operations as we go to sleep tonight. They are protecting the great Nation, and the service that the men and women of the military provide. The United States of America should be aided and helped, and we should make sure that we do not stop the pay to the men and women...
of the United States military. In the event of a government shutdown, this body should take the necessary measures to ensure that our servicemen and -women continue to be compensated for their services.

So, Speaker, we have finished a Rules Committee meeting upstairs. We spoke about this, the impacts, at the committee hearing that allowed Mrs. Lowey, on behalf of the minority, and Mr. Hal Rogers, our Appropriations Committee chairman, to talk about the important part of what we’re trying to do today.

So I urge my colleagues to vote “yes” on the rule and “yes” on the underly ing legislation.

I reserve the balance of my time.

OsteoMed,
June 5, 2012.

Hon. Pete Sessions,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SESSIONS: Thank you for taking time to visit with me last week regarding OsteoMed and my concerns about the so-called “headwinds” that America’s innovators face every day. In addition to the challenges with the FDA and reimbursement, this 2.3% excise tax—which is on gross sales, whether or not a business has any profits—will directly impact our ability to create new jobs, invest in research and development and effectively compete in the global market.

OsteoMed formed a new subsidiary company a couple of years ago to develop an innovative spine product that greatly sim plifies and speeds up spinal surgery. These systems require extensive, orthopedic (upper and lower extremities) surgical implant systems for use in a variety of surgeries. These systems require extensive, specialized instruments that are typically not sold, but are used to implant the devices that OsteoMed has already started to effectively trade U.S. jobs for overseas positions as a direct result of the medical device tax and other governmental involvement.

The medical device industry not only provides numerous highly skilled and attractive jobs across the U.S., but it also pays its workers on average 40% more than the typical job. We are a vibrant sector of the economy and one of the few remaining industries that produces a healthy export of products. Tragically, this industry has now become the focus of misguided and short-term government policy. In fifteen short years, and continued prosperity of this proud American industry now faces great hurdles.

Again, I implore you to do service to our country and specifically for your support of H.R. 436 to repeal this tax and to help America’s innovators continue to improve patient care and drive job creation. I look forward to your ability to visit OsteoMed when you are back in Dallas so you can see firsthand our great employees and the innovative products they produce to help people around the world. Please do not hesitate to contact me to discuss this issue or any other issues impacting the medical device industry.

Sincerely,

Walter J. Humann,
President & CEO, OsteoMed.

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague and gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

What we have before us today is not a solution; it’s another attempt to undermine the Affordable Care Act. As written, this dangerous proposal has no chance of passing and is not only a political nonstarter but a bad Federal policy. According to the nonpartisan Congressional Budget Office, a repeal of the medical device tax alone would add $30 billion to the Federal deficit.

However, finding a solution to the crisis before us may not be the majority’s top priority. Based upon news reports from earlier in the day, it seems as though from the beginning, the majority is concerned with simply keeping their political house of cards from falling down.

According to POLITICO, Majority Leader Eric Cantor said:

“We’ve had enough disunity in our party. The headlines are Republicans fighting Republicans. This will unite us.

By now, the majority’s inability to find consensus within its own ranks is well known. It started reform 18, 2011, as soon as they assumed power, as extremists within their own party refused to provide relief aid to victims of Hurricane Sandy for more than 3 months. Divisions within the majority also led to the first veto of a woman’s right to choose. Violence Against Women Act in over 20 years; most recently, a failure on the House floor to pass a bipartisan farm bill, which had never happened before. The bill had been 5 years in the making and they could not get things done.

Unable to find consensus even on the most noncontroversial bills, the majority has held more than 41 votes on one issue that unites them. If we are to believe the majority leader, the one issue that unites them is to try to kill the health care bill for Americans.

Now, polls have shown that the American people want action on everything from strengthening gun laws to passing immigration reform. Yet, in stead of addressing any of these issues, the majority has tried any way they can to repeal, defund, undermine, delay, whatever, the historic health care law. And remember that President Teddy Roosevelt—have tried to achieve health care.

Frustration has reached a boiling point within the majority’s ranks. Republican Senator John McCain has de clared part of his own party “whacko birds” and said:

Many in this group didn’t come to power to get things done. They came to power to keep things from getting done.

Well said, Senator.

By now, the majority is well aware that a 1-year delay in the Affordable Care Act threatens access to secure and affordable health care for millions of Americans and that my Democratic colleagues and I refuse to take away health care for American families just because the majority is unable and unwilling to find common ground.

And oh, by the way, we’ve done nothing about the business of the House. We’re missing the resolution, in the first place, because the appropriations bills were not dealt with.

In fact, the whole process has changed here. What used to be the committee process and then go to Rules and then go to the floor has changed; you just go directly to Rules. I would sure like to see the old days come back.
The fact of the matter is this bill will be dead on arrival once it’s sent to the Senate. Senator Reid has made that abundantly clear all day long. For the majority to continue to bring it forward shows that today’s proposal is nothing more than an attempt to seek political cover as Republicans shut the government down.

Today, Senator Harry Reid said:

The American people will not be extorted by Tea Party anarchists. To be absolutely clear, the Senate will reject both the 1-year delay of the Affordable Care Act and the repeal of the medical device tax. After weeks of futile political games from Republicans, we are at a stalemate.

As if this weren’t enough, the process that has led us here has trampled upon the majority’s promises of an open and transparent House. Unlike the process that led to the passage of the Affordable Care Act, today’s legislation was written behind closed doors, leaving out at least half of the Members of the House in a democratic process.

This afternoon, the majority met in the basement of the Capitol. After a secretive, closed-door meeting, they emerged with this partisan legislation in hand and told us to take it or leave it.

Mr. Speaker, every single one of us was elected by our fellow citizens and told to do our part in building a more prosperous country. With the closed, secretive, and partisan process that the majority has repeatedly pursued, they are shutting out half the Chamber and half of our country from participating in a democratic process.

In closing, the majority has every right to pursue their legislative priorities, no matter how misguided we may feel they are, but they do not have the right to take the Nation hostage nor threaten the full faith and credit of the United States in order to get their way.

Let me be clear: a vote for this rule and a vote for this bill are affirmative votes for a government shutdown, because everyone here knows there will be no adequate time for any more ping-pong. I strongly urge my colleagues to vote “no” on the rule and the underlying legislation.

I reserve the balance of my time.

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

I am intrigued by the notion today that Republicans were meeting secretly. In fact, we have had several meetings over the past few days, and probably two or three today, and the nature of that is to make sure that our Members, some 233 Republican Members across this country, that Republican leadership like myself is hearing from large corporations that are talked about from time to time on this floor, especially by our friends, are moving people off the health care that they’re on because it makes sense to do it, but also because of the expense.

We saw just in the past few weeks large companies like UPS and Walgreens move their employees and make very, very difficult decisions. Just like Delta Air Lines had to make a decision. They announced that ObamaCare alone would cost Delta Air Lines over $100 million next year alone.

These are destructive and devastating consequences of ObamaCare. The Republican Party is on the floor because this law is going to start very quickly: October 1. People begin signing up October 1.

Of course, what we’ve seen is the President very clearly over the last few years has given waivers to the people that he chose to give waivers to. He turned around and let business off the hook. But he keeps the law on individuals. He keeps this onerous law on individuals—and it’s causing chaos and panic.

It’s causing chaos for people like my family and others who have children that they have to take care of that are sometimes disabled. And we are seeing problems because now we’re not sure in this mix who will be the doctor. Will that be a doctor we’ve gone to in the past? Will that be a doctor that one time we may see and another time we may not see?

There is uncertainty. And this uncertainty has been driven to what I believe has become reality. And the reality is that if you look, there is a CBS and New York Times poll showing that a majority of Americans disapprove of ObamaCare. And when a majority of Americans say this to CBS News and The New York Times, I think even our colleagues, the Democrats, should listen.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Massachusetts (Mr. McGovern), my good friend and colleague on the Rules Committee.

Mr. MCGOVERN. I thank the gentlelady for yielding.

Mr. Speaker, there is supposed to be an orderly, thoughtful process around here. Just in case any of my colleagues were asleep in high school civics the day they taught how a bill becomes law, let me go over it slowly.

The House holds a conference and mark-ups in subcommittees and committees, brings a bill to the floor, debates it, votes on amendments, and then votes on final passage. The Senate does the same thing. Then, the House and the Senate meet in a conference committee, agree to a final package, vote on that, and send it to the President for him to either sign or veto.

Does any of this sound even vaguely familiar to my Republican colleagues? Because they did a “Schoolhouse Rock” cartoon about it and everything.

Instead, here we are, just a matter of days—hours, really—from a Republican-created government shutdown. Here we are with yet another completely unnecessary, deeply harmful, politically motivated crisis.

My Republican friends have made it clear that they will not vote for a continuing resolution unless that bill strips funding to implement the Affordable Health Care Act, or ObamaCare. But here’s the problem, Mr. Speaker. Mitt Romney tried to make that same argument in the 2012 election and he lost badly—by 5 million votes. Republicans tried to argue against ObamaCare in the Senate elections. And they lost. They tried to make those same arguments in the House elections, and they lost by a million votes. Thanks to some ingenious redistricting, though, they were able to keep their majority.

And now they’re trying to use that narrow majority to undo the results of the 2012 election. But guess what, Mr. Speaker? It isn’t going to happen. They don’t have the votes. The numbers do not add up. The Affordable Care Act is the law of the land. It’s been in effect for 2 years, and it’s going to stay that way. Republicans don’t like it, they can make their case to the American people in 2014.

But instead of facing that reality like thoughtful, serious grownups, the Republican majority continues to try to throw temper tantrum after temper tantrum, threatening to shut the government down, default on the Nation’s bills, and throw the economy into a tailspin. It’s absurd. Unfortunately, just because they’re real Republicans shutdown of government would actually cost us more money, Mr. Speaker.

The Senate has already acted. They passed a clean continuing resolution that keeps the government funded through November 15. Now I don’t par-for 2 years, and it’s going to stay that way. Republicans don’t like it, they can make their case to the American people in 2014.

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Instead, they have unveiled a bill that includes two major changes to the Affordable Care Act, including a 1-year delay in the implementation of that law. Senator Reid has made it clear that the Senate will not consider any of these changes, and it’s clear the Republican Party only wants to shut this government down.

So that’s where we are, Mr. Speaker.

In closing, I would just urge my Republican friends, Please don’t do this. I have to believe that there are enough grownups on the other side of the aisle who are willing to stand up and say, Enough is enough. In the meantime, we should reject this rule, reject the underlying bill, and get back to work.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. HASTINGS), my distinguished colleague on the Rules Committee.

Mr. HASTINGS of Florida. Thank you very much, Ms. SLAUGHTER, for yielding the time.

Mr. Speaker, in the face of the President saying that he will veto any measure that seeks to defund ObamaCare and in the face of the Senate Majority Leader saying that he will accept nothing in the Senate other than a clean continuing resolution, I can’t believe that my colleagues on the other side really believe that they are going to prevent adoption of this bill by the Senate, so far as I know, that have his signature legislation, to change his mind or that of the Senate Majority Leader.

The Senate doesn’t come back in until Monday at 2 o’clock, and that means the clock will run out. You say on the other side that you don’t want to shut the government down, and yet exactly what you are doing here this evening will do exactly that. It will shut the government down.

Now, there’s a certain amount of absurdity that carries throughout our history. I would commend to my colleagues on the other side that they read Jon Meacham’s book, “Thomas Jefferson: The Art of Power.” At a point in the course of that book, Jefferson becomes the President. And when he becomes the President, in his inaugural address he commented about the majority needing to protect the minority. He said, If you do not do that — this is in his inaugural address — you become an oppressor.

That’s exactly what’s happening. You have one wing of your party, a rump group, that are strong and united. They’re entitled to that particular undertaking, but all they’re doing, when all is said and done, is hurting America. They’re not helping anyone but themselves.

The simple fact of the matter is that in your majority you let a mob of 40 people — probably many of the enough people who do care about what democracy is going to look like for insurance for the rest of America. I call that mobocracy, not democracy.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS), a most distinguished colleague on the Rules Committee.

Mr. POLIS. Mr. Speaker, what on Earth are we doing here? This is the wealthiest, most free, greatest Nation on the face of the Earth, and we’re seriously discussing a proposal to close down our Federal Government? Why are we doing this to ourselves?

I understand that a majority of the people in this body, the House of Representatives, controlled by Republicans, don’t like the Affordable Care Act. I understand that. It’s been very clear. They’ve voted on repealing it 43 times. That’s very, very clear.

However, we have a system of government established in our Constitution. We have a separation of powers. The Senate has its say on the Affordable Care Act. We have a Senate that does not want to repeal the Affordable Care Act, and we have a President that doesn’t want to repeal the Affordable Care Act. That’s clear. It’s arrogant, but it’s clear. It’s been put out as many times as we want. It still isn’t repealed.

So when this House doesn’t get its way, it wants to shut down the entire Federal Government just because they couldn’t get the President, who was elected by the people of this country, or the Senate that was elected by the people in the 50 States of this country, to go along with what this body wants? That’s arrogant. That’s harmful to the American people. That threatens to destroy wealth and value creation and jobs in our country.

Whether it’s pharmaceutical companies who rely on the FDA moving drugs through the approval process, whether it’s farmers who depend on whether it’s our patent offices, the private sector and the job creation engine of this country relies on the rules that we set in the marketplace. That’s what the capitalist system is founded upon.

The Republican Party, by shutting down the government just because every body won’t go along with what they want, is threatening to destroy wealth and value creation in this country, destroy jobs, and threatening our place as a global leader.

I strongly encourage my colleagues to vote “no” on this Republican proposal to shut down the government and let’s move forward and pass the continuing resolution here in the House, by Monday, send it to President Obama and keep this country moving forward.

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

Mr. Speaker, for every opportunity the Republicans have had to talk about how bad this bill is, there is an equal opportunity for our colleagues to talk about how great it is. But the facts of the case are the American people don’t see it yet. The reason why we don’t see it is because this President and this administration have given out over 1,200 waivers to people, saying, it’s okay for you to not to have to come under this law; what you do is okay. But it’s not okay for the American people, individually, this is a generation, the men and women who get up and go to work every day.

And let’s note, too, that we have a section of this bill that’s about paying the military in case we do shut down. I would think that this is an area on the other side of this building would want to make sure that we pay members of our military. They’re important to this country. This body is going to do it.

Mr. Speaker, at this time I yield 4 minutes to the gentleman from Georgia (Mr. WOODALL), a distinguished young gentleman of the Rules Committee.

Mr. WOODALL. Thank you, Mr. Chairman, for yielding me the time and thanks to my colleagues on the Rules Committee because when I signed up for Rules Committee, I knew I was going to get a lesson in rhetoric up there. I look at some of my colleagues from the Rules Committee on the other side. We have some long days and some long nights up there. But 9 times out of 10, it’s about things that matter. It’s about substance. And that’s what it’s about today.

To talk about a Republican bill to shut down the government is obviously nonsense, Mr. Speaker. I know there’s not a point of order here against nonsense on the House floor. If there was, I would have brought it up. Because that’s nonsense.

This is a bill to keep the government open. It uses the exact same funding level that the Senate just sent back to us. I’ve got a lot of colleagues on my side of the aisle who would like for that funding level to be lower. I promise you, if we could get the group together who wanted to lower that funding level, we could do that here, too. But we didn’t. This is a bill that brings exactly the same funding level that the Senate sent over to us.

What else does this bill do? This bill empowers the government to continue to pay our men and women in uniform if, by some outside chance, our colleagues in the Senate abdicate responsibility and can’t pass a bill. I think we all agree on that. I don’t think there’s a man or woman in this Chamber that thinks military families ought to have to worry to worry because we can’t come together on a bill.

That’s 2015.

We are going to come together. But that worry is in their hearts and their minds today. We have an opportunity to take it away, and we should.

In terms of bringing people together, Mr. Speaker, you know, something else that’s in this bill is the repeal of the medical device tax. We talk about jobs bills here on the floor of the House regularly. If you have a medical device
Simply put: the Republicans want to shut down the Federal Government because they're mad about the results of the 2012 elections. Republicans are mad that the Supreme Court held that the Affordable Care Act was constitutional. Threatening a government shutdown because you don't get your way is not how we should be going about conducting the people's business.

According to a CBS News poll, 80 percent of Americans say threatening a government shutdown during budget debate is not an acceptable way to negotiate.

Our entire country will be affected by what is happening here. Moody's Analytics estimates that a shutdown of 3 to 4 weeks would cut economic growth in half.

Why do this when our economy is recovering? Housing loans won't be made, small business loans; our national parks will be closed; lifesaving research won't be conducted. Why do this? Why put the country through all this?

Previous government shutdowns and manufactured crises have had severe consequences. During the first 1995 shutdown, 800,000 workers were furloughed. And during the 2011 shutdown, the Dow Jones industrial average tumbled 1,700 points, or nearly 14 percent.


Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. PITTENGER), one of these new freshman gentlemen.

Mr. PITTENGER. Let's talk about what made America great in terms of health care.

People come from all over the world to our shores for great health care. Do you know why, Mr. Speaker? Innovation. America has the greatest health care in the world; yet innovation now is going to be curtailed. The great research hospitals of this country now are having to cut back because they don't get approval.

We have changed the whole direction of our health care that's going to cut into innovation. It's not going to make us the country we were.

You know, there was a time when we used to have to pay about $9,000 for laser surgery, and today it's about $3,800. That's because of innovation; it's because of competition. We're going to lose competition in the market today, Mr. Speaker. That doesn't make sense.

I would like to say a bit about this investment tax, 3.8 percent. I wonder how many people in the country right now are just waking up to the fact that when they go sell their home, they're going to pay another 3.8 percent tax. I think what was written on that 2,000-page document has finally come to light, and that's why people are so concerned.

We have got to change this, Mr. Speaker. That's why I want to advocate that we defer this for a whole year. I want to announce what is going to happen tonight: What is the morally right thing to do? And I want to announce what is going to happen tonight.

Ms. JACKSON LEE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), who is going to take this document has finally come to light, and that's why people are so concerned.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. PITTENGER), one of these new freshman gentlemen.

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Ms. JACKSON LEE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), who is going to take this
Medicare benefits will not have anybody to process them, or Social Security, or the disabled, or downpayment for homes for young families?

I came here to stand for the American people. Tonight you will witness the shutdown of the government. That's not what this is all about. Evidently, the gentlewoman has not had time to read the bill. We are not debating shutting down the House. We are debating what is called a continuing resolution, Mr. Speaker. So I would encourage her to please go, and we will help her at the Rules Committee and make sure she understands what the bill is about.

Mr. Speaker, at this time, I yield 2 minutes to the gentleman from North Carolina (Mr. MEADOWS), a distinguished young legislator.

Mr. MEADOWS. Mr. Speaker, I rise today to hopefully address some of the things that were just mentioned.

We talk about a moral obligation. Truly, it is troubling to me to hear so much talk in terms of a moral obligation when my State, the State of North Carolina, is about to see the largest increase in insurance premiums because of the Affordable Care Act in the country. When we talk about 27-year-olds that can purchase insurance today, Mr. Speaker, and it goes to over $180 a month, what is morally right about that, I ask you, Mr. Speaker?

You know, we've talked a whole lot in this Chamber about the fact that there was a vote taken, that a President was elected. Indeed, we did elect a President a mere 9 months ago. But I want to remind you, Mr. Speaker, that I was also elected some 9 months ago. And we did not elect a dictator; we elected a President. We did not have a vote that did not elect Representatives. It is time that the Representatives start representing the people that they were elected to uphold and protect.

You know, we've heard a lot in this Chamber about the fact that there was a vote taken, that the government was elected. Indeed, we did elect a President a mere 9 months ago. But I want to remind you, Mr. Speaker, that I was also elected some 9 months ago. And we did not elect a dictator; we elected a President. We did not have a vote that did not elect Representatives. It is time that the Representatives start representing the people that they were elected to uphold and protect.

Mr. Speaker, we are debating a continuing resolution, a budget. A budget deals with amounts that we appropriate. This budget represents a great compromise—$250 billion less than the President first proposed. But we are told we cannot pass this continuing resolution, we cannot keep the government open. If we repeal or delay the Affordable Care Act, an act which was fought over in the last Presidential election, which was passed by both Houses of Congress, signed by the President. The President campaigned on it. We would not implement it; the Republicans said don't. The President and the Democratic Senate were reelected.

We think the Affordable Care Act will help more Americans get affordable health insurance. Republicans don't agree. So they should campaign on it in the next election. If they can get the votes, elect enough Senators, et cetera, repeal it. But that's not what they're doing. They are blackmailing the country saying they will shut down the government, or worse—they will destroy the full faith and credit of the United States in a few weeks if we don't repeal or delay ObamaCare.

This is antidemocratic. It's like a 1930s gangster film—that's a nice government you got there, that's a nice economy you got there; pity if it should happen to blow up if you don't pay us what we want.

What if the Democratic majority in the Senate said: we won't approve a continuing resolution; we will shut down the government unless both Houses pass a control bill, or an immigration bill with a fast track to citizenship? The Republicans would be greatly outraged, would be outraged at that blackmail. But that's what they are doing here today. The minority is blackmailing the majority using the lives of Americans.

This is a subversive to democratic government. Government by blackmail cannot be allowed to destroy the American form of government, which is what the majority is doing. If we give into this, then the minority can rule against the majority. If you want to repeal the Affordable Care Act, elect a President, elect a majority in both Houses, and go do it. But we must not give us the control we want. The government cannot be allowed to destroy the American form of government and transform it into a different type of government. That's why we must pass the continuing resolution without these subversive amendments.

Mr. SESSIONS. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Bucks County, Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. Mr. Speaker, I thank the chairman for his leadership on this continuing resolution, which, if adopted, will guarantee that the government continues to operate.

I rise this evening in support of the rule and the repeal of the medical device tax, which is one of 20 unnecessary taxes used to fund the President's misguided health care law.

Southeastern Pennsylvania, and in particular the Eighth Congressional District, is home to exceptional medical device manufacturers and innovative health care companies that are truly making a difference. This unique combination of medical device manufacturing is an area in which America excels.

Simply put, the medical device tax is a punitive gross receipts tax. It hurts American businesses by eroding their competitive advantage to innovate in this country. It hurts high-skilled workers whose companies are putting the future of their industry at risk. It discourages innovators from choosing health care as a pursuit. It drives up the cost of health care for Americans. Dave Holcombe of Souleorton, Pennsylvania, wrote to me:

Nationally, our industry directly employs over 400,000 people and supports nearly 2 million related jobs. The recently implemented tax on medical devices will likely result in the loss of as many as 43,000 of these high-paying, high-skilled American jobs, reducing American competitiveness and innovation and preventing patients from receiving the lifesaving medical devices and care that they need.

Tom Molz, the president and CEO of the Stout Medical Group in my district wrote:

Medical technology is one of the only American manufacturing sectors that is a net exporter, exporting $5.4 billion more than it imports. It also accounts for 40 percent of the global technology market. But the tax that's about to be signed into law in the last decade, and this tax serves as a deterrential blow, helping to further shorten the gap.

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

Mr. SESSIONS. Mr. Speaker, I yield an additional minute to the gentleman from Pennsylvania.

Mr. FITZPATRICK. Mr. Speaker, these are real jobs, these are real concerns, and this tax has real consequences.

The repeal of the tax is a strong way to support American businesses, protect American workers, and ensure Americans have affordable access to world-class health care. This is an issue that has wide bipartisan support, as we heard earlier. Seventy-nine United States Senators have already expressed support for repeal of this tax. This should be sent to the United States Senate.

I urge support of the rule and passage of the bill.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALONE).

Mr. PALONE. Mr. Speaker, the Republicans aren't kidding anyone tonight. They have the ability this
evening to take up the continuing resolution that was passed in the Senate. If they passed it here tonight, it would go to the President, we would have a budget, the President would sign it, and the government would not shut down.

The government is going to shut down because they refuse to do that. They are the ones that are shutting the government down because they want to debate again the Affordable Care Act.

Now, this time, I've coiled to the floor almost every time on these votes to try to repeal the Affordable Care Act. It is a farce.

What is the debate? We had an election last November. The President campaigned on the Affordable Care Act. His Republican opponent said he would repeal it. The President won.

Now I hear my colleague from Texas come here and say: oh, I've got a poll that says that people don't like the Affordable Care Act. Well, I can come up with polls that say people do like it. I can bring a poll down here that shows people like it or don't. Then he says: well, I've got all my constituents, they don't like it, and they're suffering this way, that. I can bring all my constituents that are waiting for October 1 so they can sign up because they don't have health insurance.

Why are we debating this tonight? We should not be debating the Affordable Care Act for the 45th time. It is the duty of the Republicans who are in the majority to govern, not to shut the government down. That is what they want to do—shut the government down.

Then he goes on to say: oh, that's okay, we are going to pay the military. Well, I'm glad that we are going to pay the military, but what about all the other functions that are involved with the armed services? What about the support services? What about everything else that goes on with the military? That's all going to shut down. So don't give me this argument about how we are going to pay the military.

The bottom line is he knows, and they all know on the Republican side of the aisle, that by taking this vote tonight they are forcing or they are getting closer and closer to a shutdown that they are responsible for because they refuse to accept the reality that the Affordable Care Act is law.

I am against debate the Affordable Care Act anymore tonight. I know it's a good law; I know my constituents want it. But that's not the issue. The issue is that you are going to risk the full faith and credit of this government. That's what the issue is.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Speaker, when the government shuts down early next week, it will be plain that the Republicans in Congress are responsible. Unfortunately, it will be our neighbors back home and small businesses back home that will have to deal with the consequences.

When the Tea Party Republicans pushed the country towards default previously, they caused real economic damage. America's credit rating was downgraded, and the previous government shutdown cost American taxpayers over $2 billion. Now they're back for more, and they appear quite willing to cause significant economic damage again.

There is more to this story. Over the past few months, while our neighbors back home have been working hard at their jobs, getting their kids back into school, the story here in Congress has been one of dysfunction rooted in the House Republicans' inability and refusal to negotiate an overall budget for the United States with the U.S. Senate. They passed a make-believe budget proposal that was so unrealistic they could not bring themselves to come to a budget negotiation with the Senate.

So, without a budget, House Republicans left the country in limbo, and they embraced the severe and mindless sequester cuts as their spending strategy.

In contrast, Democrats have offered a balanced plan authored by Congressman CHRISS VAN HOLLEN from Maryland, but now we are here in the eleventh hour. The Tea Party Republicans are holding the American economy hostage and they've charged a course for job losses and real pain. The Republicans are very poor fiscal stewards for American families and businesses. They are reckless and irresponsible.

I urge all my colleagues to vote "no" on their government shutdown plan.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank the gentlelady. Mr. Speaker, I have been sitting here listening to the chairman talk about the disastrous effects of Obamacare—destruction, devastation, chaos.

I want to read some Facebook messages that I received from members of the south Florida community this week.

One man wrote:

"Thank you for reminding us that we have great sympathy for individuals with a medical issue that we did not choose to have, it is reckless to exempt us from being insured.

"I want to regale you with a personal story. It takes years and a willingness to walk away from that debt to recover. The very talented surgeon that saved my wife's life got mostly stifled, and the taxpayers picked up the hospital tab. We need Obamacare.

"Or how about this message from a woman in Broward County:

"I was never able to be insured except through a group plan at work. When I stopped working due to my health, it was impossible to obtain a policy. I had tried different companies, but was rejected each time due to my congenital heart disease.

"I went uninsured for about 3 years. Once the Affordable Care Act's preexisting condition plan started, I finally got coverage through the preex plan.

"Unfortunately, I just learned that I need my fifth open-heart surgery again and know ObamaCare will cover me, whereas no other private insurer will. I am willing to explain the dilemma of individuals like myself who were born with pediatric problems, but have grown into aging adults who are not poor enough for Medicaid or old enough for Medicare and are always denied private individual insurance.

"I wish that both sides would take personal stories of ordinary citizens during these debates. When you hear it from the people, you understand that there is more to this story. Over the past few months, while our neighbors back home have been working hard at their jobs, getting their kids back into school, the story here in Congress has been one of dysfunction rooted in the House Republicans' inability and refusal to negotiate an overall budget for the United States with the U.S. Senate. They passed a make-believe budget proposal that was so unrealistic they could not bring themselves to come to a budget negotiation with the Senate.

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"I urge all my colleagues to vote "no" on their government shutdown plan.

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

I will remind my friends that we hear stories after stories about companies dropping their employees from their employee-sponsored health care plans because of the costs and the way the health care bill is written.

"I think it is very interesting how—I have great sympathy for individuals who are having problems. They are in the district that I represent from Dallas also—the vast majority of people who are going to be just like them, huge amounts of people, are now being impacted by ObamaCare.

"It goes back to an argument that we made year's ago and year's ago moving forward: don't impact the people that have health care and insurance; help the people that don't have that. This is a case that is happening all across this country.

"The problem is the President played a Robin Hood plan. He went after everybody that has got insurance, he went after every everybody that had a job, he went after employers. Rather than us taking care of those that did not—and let's say there were going to be 23 million people that were going to be covered, and I believe that that was the number years ago—23 million people times about $5,000 a contribution so that they could get an insurance plan would be far less destructive on our economy than going after 230 million people and destroying their health care plan.

"This comes back to a simple ideology, Mr. Speaker. They want a government-run health care system. That is what they are after—a government-
run health care system, just like they want in other areas of the free economy. That’s why they’ve done so many outward things with not only student loans to the banking industry, health care industry, the energy industry; they have an attack and an assault on employers of the American economy.

I have great respect for these individuals that we’re talking about. I share their concern and I guarantee you I and my office will help these people and have been helping these people, and will help about them.

But that’s not what we fixed. We did a Robin Hood plan to take from everybody else and put everybody in trouble then, including the economy, including jobs, and we are now a part-time American economy.

By the way they wrote the bill, it is not only expensive but it kills jobs. It is just as effective as what their EPA war on coal is. It is an attack and assault on the free enterprise system and free people.

To say that the Republican Party doesn’t care about these individuals is simply not true. We would offer a plan, a different way to look at it, and take the 236 million Americans that had something and worry about the others. That’s not what we’ve been trying to do all 17 years I’ve been in Congress.

The biggest divide in this country is on taxes, and it’s on health care. Republicans want normal, regular people to be able to have health care. That is what’s in the bill. That’s the difference and the real story behind tonight.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. Scott).

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I hope all of America is listening tonight because we are seeing one of the darkest moments in the history of this Congress for what we are about.

The Affordable Care Act is the law of the land. It was passed by a majority in this House and the Senate. It was signed into law by the President, and it has been upheld by the Supreme Court. To try to repeal the Affordable Care Act at a time when we are talking about the American economy is like mixing apples with oranges. I’ve heard so many horror stories about the Affordable Care Act, all of which are irresponsible. Let me say some facts about it.

In my State of New York, people who enroll in the highest tiered plans our health insurance exchange will offer can expect to see a 53 percent reduction compared to this year’s individual rates. The average approved rates for the individual silver plan in New York are 20 percent lower than projected.

It is time for Republicans to accept reality and to allow this law to start helping the American people. The government should not be shut down. This is a very, very dangerous course. Would you rather see small business owners struggle as the SBA will be unable to review loan applications or loan guarantees? Republicans should not shut the government down.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Maryland (Ms. Edwards).

Ms. EDWARDS. Mr. Speaker, I rise in opposition to this rule and to the underlying amendments. I want to be very clear. I don’t even have a voice, but I want to let America know that House Republicans are shutting down the government. They are doing it intentionally. They are doing it purpose.

Mr. Speaker, 1.4 million Active Duty personnel won’t get their paychecks. About half of the Federal civilian employees won’t get paid. Those who do show up at work won’t be paid. House Republicans are shutting down the government.

Even as we mourn the tragedy at the Navy Yard here in Washington, Active Duty military would be guaranteed to receive their pay, but their civilian counterparts, who risk their lives in service to the mission, would not. House Republicans are shutting down the government. We are losing waves of Federal employees in furloughs. We are undermining their benefits and freezing their salaries.

I urge my colleagues to reject this.

Tonight, I want it to be known that the Senate won’t take it up. The President won’t sign it. The American people are seeing House Republicans are shutting down the government.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.
To advise the gentlewoman, I am through with my speakers, and I will then, as she finishes, offer a close.

The SPEAKER pro tempore. The gentleman from Texas has 2 1⁄2 minutes remaining.

Ms. SLAUGHTER. I understand that the gentleman is prepared to close.

With that, Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Vermont (Mr. Welch).

Mr. WELCH. Mr. Speaker, what you are proposing in this legislation—basically shutting down the government and stiffering our creditors—is really stupid, and here is why.

We have got to move on. We have had a debate about health care. Some of us are strongly in favor of this legislation, and some of us are strongly opposed to it. That’s a legitimate policy debate, but the folks for it won in Congress; they won in the Supreme Court; and they won in the last Presidential election. At a certain point—I’ve been on the losing side, by the way—it’s time to say, Sober up. Move on. Get on with the program. Focus on what are the implementation challenges, and work on them together.

But the notion that we would actually suggest that it’s possible for us to consider stifling our creditors in shutting down the government and inflicting pain on innocent people—that’s bizarre. It has no place in this debate. Sometimes we win debates and sometimes we lose, but either side, we’ve got to move on.

Ms. SLAUGHTER. Mr. Speaker, in closing, I want to urge my colleagues to vote “no” on this rule and “no” on this bill because—no question about it—a “yes” vote on either one of them is a vote for the shutdown in the House. The Senate will not take this up—unless certain of one vote and we are on the road to a shutdown. The Republican Party insists on doing that. Do not help them. Vote “no.”

I yield back the balance of my time.

Mr. Speaker, you would think our friends across the aisle is to shut down the Affordable Care Act, or Obamacare, was passed by both houses of Congress and signed into law by the President three years ago. It has been upheld by the Supreme Court. It is here to stay.

Mr. Speaker, you would think our friends across the aisle would have gotten this message by now because they have tried to repeal or undermine the Affordable Care Act more than 40 times without success.

As former President Clinton would say: “Here’s another Obamacare score for you: Obamacare—42, House Republicans—zero.”

Since it is clear that anti-Obamacare amendments made in order by this rule are not going to become law, the only purpose to be served by this latest kamikaze mission by our friends across the aisle is to shut down the government for the economic recovery and disrupt the lives of millions of Americans who provide and depend upon the services provide by the federal government.

Mr. Speaker, it is well and good that House majority has finally realized the importance of ensuring that our troops are paid so they can provide for their families.

However, this piecemeal approach of singling out worthy beneficiaries on an ad hoc basis is inadequate as it denies many other critical services that Americans depend so heavily on.

That is why it is grossly irresponsible for House Republicans to be wasting time on a resolution like the one before us that will lead to a government shutdown.

Mr. Speaker, we need to pass the clean CR approved by the Senate so we can keep our CR approved by the Senate so we can keep our law enforcement and public safety and veterans and our wounded and healthy warriors.

We need to pass the clean CR approved by the Senate so we can fund our IT security folks who protect us from cyber-attacks, and our astronauts who risk their lives to push the technical boundaries of knowledge for all mankind.

These exceptional Americans, and the people who depend on them and benefit from their work, do not deserve to be locked out of their workplaces on Tuesday.

These exceptional Americans deserve a Congress that does its job and keeps America open for business.

Mr. Speaker, make no mistake about it, given the lateness of the hour and the irresponsibility of the House majority in wasting time trying to defund or impede the implementation of the Affordable Care Act, any vote other than one to concur in the clean continuing resolution passed yesterday by the Senate is a vote to shut down the government.

For these reasons and more, I oppose this rule and the underlying amendments it makes in order and urge my colleagues to join me in urging the passage of H.J. Res. 59 as amended by the Senate so that Americans can rest assured that their government will be open for business and to serve them on Tuesday morning.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and the motion to suspend on H.R. 2250.

The vote was taken by electronic device, and there were—yeas 229, nays 192, not voting 10, as follows: [Roll No. 494]
The vote was taken by electronic device, and there were—yeas 231, nays 191, not voting 9, as follows:

NAYS—191

Andrews, G.
Barber, J.
Barrow (GA), J.
Beatty, E.
Becerra, C.
Bera (CA), G.
Brady, P.
Bray (IN), J.
Brown (CA), J.
Brown (GA), R.
Bost, R.
Boustead, T.
Bucshon, R.
Castor (FL), C.
Castor (TX), C.
Chu, M.
Cliff, C.
Clay, C.
Cleaver, V.
Clyburn, E.
Collin, J.
Connolly, B.
Conyers, D.
Corbin, M.
Costa, R.
Crowley, N.
Culier, K.
Cummings, K.
Davis, D.
DeFazio, G.
DeLauro, L.
Delahanty, C.
Delaney, L.
Delaware, S.
Deutch, D.
Deloache, T.
Dewhurst, E.
Edwards, E.
Ellison, G.

NAYS—191

Andrews, G.
Barber, J.
Barrow (GA), J.
Beatty, E.
Becerra, C.
Bera (CA), G.
Brady, P.
Bray (IN), J.
Brown (CA), J.
Brown (GA), R.
Bost, R.
Boustead, T.
Bucshon, R.
Castor (FL), C.
Castor (TX), C.
Chu, M.
Cliff, C.
Clay, C.
Cleaver, V.
Clyburn, E.
Collin, J.
Connolly, B.
Conyers, D.
Corbin, M.
Costa, R.
Crowley, N.
Culier, K.
Cummings, K.
Davis, D.
DeFazio, G.
DeLauro, L.
Delahanty, C.
Delaney, L.
Delaware, S.
Deutch, D.
Deloache, T.
Dewhurst, E.
Edwards, E.
Ellison, G.
On September 28, 2013, the House considered H.R. 2251, the Department of Homeland Security Appropriations Bill, 2014. The Speaker pro tempore announced the motion to suspend the rules and pass the bill as amended. The vote was taken by electronic device, and there were—yeas 416, nays 4.

The Clerk read the title of the bill. The Speaker pro tempore, Mr. Rogers of Kentucky, asked for a suspension of the rules and pass the bill, as amended. The Speaker pro tempore announced the motion to reconsider was laid on the table.

CONTINUING APPROPRIATIONS RESOLUTION, 2014

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution 36, I call up the joint resolution (H.J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill. The Speaker pro tempore, Mr. HASTINGS of Washington, will call the Senate amendment.

The text of the Senate amendment is as follows:

Strike all after the first word and insert the following:

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of any other authority made available in the Treasury, for carrying out the provisions of the Secretary of Homeland Security Appropriations Act, 2013 (division A of Public Law 113–6) and continuing the operations of the Department of Homeland Security for fiscal year 2014, or for any other purpose necessary, as to read: "A bill to designate the United States courthouse and Federal Building located at 118 South Mill Street, in Fergus Falls, Minnesota, as the 'Edward J. Devitt United States Courthouse and Federal Building'."

A motion to reconsider was laid on the table.
Act, 2013 (Public Law 113–6), including section 3004; and
(2) the Presidential sequestration order dated March 1, 2013, except as attributable to budget adjustments.

(a) Sections 140(b) or 141(b) of the Continuing Appropriations Resolution, 2013 (Public Law 112–175).

(b) The Disaster Relief Appropriations Act, 2013 (Public Law 113–2).

SEC. 102. (a) No appropriation or funds made available by or authority granted pursuant to section 101 for the Department of Defense shall be used for: (1) the new production of items not funded for production in fiscal year 2013 or prior years or increase in production levels above those sustained with fiscal year 2013 funds; or (2) the initiation, resumption, or continuation of any project, activity, operation, or organization related to any project, activity, budget activity, program element, and program subelement within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account for which appropriations, or authority, were not available during fiscal year 2013.

(b) No appropriation or funds made available by or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated for.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available by or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2013.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution and the applicable appropriations Act, funds made available under this joint resolution for fiscal year 2014, appropriations and funds made available by or authority granted pursuant to this joint resolution shall be available for the conduct of any project, program, or activity provided for in this joint resolution; (2) the enactment into law of this joint resolution shall be effective at a rate for obligations and authorizations for fiscal year 2014 without any provision for such project or activity; or (3) November 15, 2013.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this joint resolution, except sections 105, 106, and those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2014, the distributions of emergency supplemental funds for homeland security, foreign countries, grants, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was made available by section 140(b) of the Continuing Appropriations Resolution, 2013 (Public Law 112–175), and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under the Federal Food Security Act of 1985 or as being for disaster relief, unless funds are provided in the applicable appropriations Act for fiscal year 2013, to be continued through the date specified in section 106(3).

(b) Notwithstanding amounts made available by section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2013 but not later than 20 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to carry out the provisions of title II of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (90 Stat. 419). Such apportionments shall be made available by this joint resolution for “fiscal year 2014” for “fiscal year 2013” each use of the authority provided in this section 106.

SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2621), and section 500 of the National Security Act of 1947 (50 U.S.C. 1094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this joint resolution that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to sections 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) Of the amounts made available by section 101 for “Social Security Administration, Limitation on Administrative Expenses” for the cost associated with continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, $737,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $469,629,000 for budget authority specified for purposes of section 251(b)(2)(B) of such Act.

(c) Section 5 of Public Law 113–6 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

SEC. 115. Section 3003 of division G of Public Law 113–6 shall be applied to funds appropriated by this joint resolution by substituting “fiscal year 2014” for “fiscal year 2013” each place it appears.

SEC. 116. Section 408 of the Food for Peace Act of 1954 (7 U.S.C. 1736b) shall be applied by substituting the date specified in section 106(3) of this joint resolution for the date specified in section 116(3) of this joint resolution for “October 1, 2012”.

SEC. 117. Amounts made available under section 101 for “Department of Commerce—National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction” may be apportioned up to the rate for operations necessary to maintain the planned schedule for Department of Commerce Satellite System and the Geostationary Operational Environmental Satellite system.

SEC. 118. The amounts provided by sections 1205 and 1206 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–81) shall continue in effect, notwithstanding any other provision of this joint resolution or the date of the enactment of an Act authorizing appropriations for fiscal year 2013 or for the activities of the Department of Defense.

SEC. 119. Section 17404 of title 40, United States Code, shall be applied to amounts made available by this joint resolution by substituting the date specified in section 106(3) of this joint resolution for “October 1, 2013”.

SEC. 120. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds under the heading “District of Columbia Expenditures” for such programs and activities under title IV of H.R. 2796 (113th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set for the District of Columbia in the Consolidated Appropriations Act, 2013 (Public Law 113–6) and as modified as of the date of the enactment of this joint resolution.

SEC. 121. Notwithstanding section 101, amounts are provided for “The Judiciary—Appellate, District Courts, and Other Judicial Services—Defender Services” at a rate for operations of $1,012,000,000.

SEC. 122. For the period covered by this joint resolution, section 130(a) of Public Law 113–6 shall be applied to funds appropriated by section 106 of this joint resolution for “fiscal year 2014” for “fiscal year 2013”.

SEC. 123. (a) Each amount incorporated by reference in this joint resolution that was previously designated by the Congress for Homeland Security—U.S. Customs and Border Protection—Salaries and Expenses”, “Department of Homeland Security—U.S. Customs and Border Protection—Border Infrastructure, and Technology”, and “Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses” shall be obligated at a rate for operations as necessary to—

(1) sustain the staffing levels of U.S. Customs and Border Protection Officers, equivalent to the staffing levels achieved on September 30, 2013, and comply with the last proviso under the heading “Department of Homeland Security—U.S. Customs and Border Protection—Salaries and Expenses” in division D of Public Law 113–6;

(2) sustain border security operations, including sustaining the operation of Tethered Aerostat Radar Systems; and

(3) sustain the staffing levels of U.S. Immigration and Customs Enforcement agents, equivalent to the staffing levels achieved on September 30, 2013, and comply with the last proviso under the heading “Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses” in division D of Public Law 113–6.

(b) The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate of the use of each use of the authority provided in this section.
SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriation Act for fiscal year 2014, appropriations and funds made available and authorized granted pursuant to this joint resolution shall be available until otherwise provided for in the joint resolution.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authorized granted pursuant to this joint resolution shall be available for obligation for fiscal year 2014 under the conditions specified in section 106.

SEC. 109. Notwithstanding any other provision of this joint resolution, except for the programs that would otherwise have high initial rates of operation or complete distribution at the beginning of fiscal year 2014 because of distributions of funds to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding to be enacted.

SEC. 110. This joint resolution shall be implemented so that the only limited fund description of that portion of the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments, whose budget authority was provided in appropriations Acts for fiscal year 2013, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2013.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Acts for fiscal year 2013, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.


SEC. 114. (a) Each amount incorporated by reference in this joint resolution that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) Of the amounts made available by section 101 for ‘‘Social Security Administration, Limitation on Administrative Expenses’’ for the cost associated with continuing dis-
(c) Section 5 of Public Law 113-6 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

SEC. 116. Amounts made available under section 8002 of division G of Public Law 113-6 shall be applied by funds appropriated by this joint resolution by substituting the date specified in section 106(3) of this joint resolution for “December 31, 2012.”

SEC. 117. Amounts made available under section 106 of the Omnibus Appropriations Act, 2014, for the Secretary of Homeland Security—Procurement, Acquisition and Construction, may be apportioned and obligated at a rate for operations as necessary to maintain the planned launch schedules for the Joint Polar Satellite System and the Geostationary Operational Environmental Satellite system.

SEC. 118. The authority provided by sections 1205 and 1206 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) shall continue in effect, notwithstanding the date specified in section 106(3) of this joint resolution or the date of the enactment of an Act authorizing appropriation for fiscal year 2014 for the Joint Staff activities of the Department of Defense.

SEC. 119. Section 14704 of title 40, United States Code, shall be applied to amounts made available by this joint resolution, substituting the date specified in section 106(3) of this joint resolution for “October 1, 2012.”

SEC. 120. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds for the heading “District of Columbia Funds” for such programs and activities under title IV of H.R. 2786 (113th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under “District of Columbia Funds—Summary of Expenses” as included in the Fiscal Year 2014 Budget Request of 2013 (D.C. Act 20-127), as modified as of the date of the enactment of this joint resolution.

SEC. 121. Notwithstanding section 101, amounts made available for the Department of Homeland Security pursuant to section 106(3) of this joint resolution, shall only become available if funds previously provided for wildland fire suppression activities: Provided, That of the funds provided, $15,000,000 is for burned area rehabilitation: Provided further, That such funds shall only become available if such funds have been previously provided for wildland fire suppression, such funds will be exhausted by the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That such funds are also available for transfer to federal accounts to repay amounts transferred for wildfire suppression.

SEC. 122. In addition to the amounts otherwise provided for in section 101 for “Department of the Interior—Department-wide Programs—Wildland Fire Management”, there is appropriated $36,000,000 for an additional amount for fiscal year 2014, to remain available for wildfire fire suppression activities: Provided, That of the funds provided, $15,000,000 is for burned area rehabilitation: Provided further, That such funds shall only become available if funds previously provided for wildland fire suppression shall be exhausted by the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That such funds are also available for transfer to federal accounts to repay amounts transferred for wildfire suppression.

SEC. 123. The authority provided by section 8002 of Public Law 113-6 shall continue in effect, notwithstanding the date specified in section 106(3) of this joint resolution.

SEC. 124. The authority provided by section 811 of the National Defense Authorization Act for Fiscal Year 2013 (126 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this joint resolution.


(1) sustain the staffing levels of U.S. Customs and Border Protection Officers, equivalent to the staffing levels achieved on September 30, 2013, and comply with the last proviso under the heading “Department of Homeland Security—U.S. Customs and Border Protection—Salaries and Expenses” in division D of Public Law 113-6;

(2) sustain border security operations, including sustaining the operation of Tethered Aerostat Radar Systems; and

(3) sustain the staffing of U.S. Immigration and Customs Enforcement agents, equivalent to the staffing levels achieved on September 30, 2013, and comply with the last proviso under the heading “Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses” in division D of Public Law 113-6.

SEC. 126. In addition to the amount otherwise provided for in section 101 for “Department of the Interior—Department-wide Programs—Wildland Fire Management”, there is appropriated $36,000,000 for an additional amount for fiscal year 2014, to remain available for wildfire fire suppression activities: Provided, That of the funds provided, $15,000,000 is for burned area rehabilitation: Provided further, That such funds shall only become available if funds previously provided for wildland fire suppression, such funds will be exhausted by the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That such funds are also available for transfer to federal accounts to repay amounts transferred for wildfire suppression.

SEC. 127. In addition to the amounts otherwise provided for in section 101 for “Department of Agriculture—Forest Service—Wildland Fire Management”, there is appropriated $360,000,000 for an additional amount for fiscal year 2014, to remain available until expended, for urgent wildland fire fire suppression activities: Provided, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted by the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That such funds are also available for transfer to federal accounts to repay amounts transferred for wildfire suppression.

SEC. 128. The authority provided by section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105-277; 16 U.S.C. 2104 note) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 129. (a) The authority provided by subsection (m)(3) of section 612 of the Department of Defense Appropriations Act, 2004 (10 U.S.C. 2303 note; Public Law 108-79) as amended, shall continue in effect until the date specified in section 106(3) of this joint resolution.

(b) For the period covered by this joint resolution, the authority provided by the provisions of chapter 8 of title X of the Eisenhower Memorial Act, shall be available for the purpose of planning, design, and construction of the memorial. Provided further, That such authority shall only include funds made available by this joint resolution.

C. (i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the total number of principal aliens who may be provided special immigrant status under this section in fiscal year 2014 during the period ending on December 15, 2013 shall be the sum of—

(C)(i) the number of aliens described in subsection (b) whose application for special immigrant status under this section is pending on September 30, 2013; and

(ii) Employment Period.—The 1-year period during which the principal alien is required to have been employed by or on behalf of the United States Government in Iraq under subsection (b)(4) shall begin on or after March 20, 2003, and end on or before September 30, 2013.

SEC. 131. (a) Repeal of Medical Device Excise Tax.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) Conforming Amendments.—(1) Subchapter E of chapter 32 of the Internal Revenue Code is amended by striking the last sentence.

(2) Paragraph (2) of section 6161(b) of such Code is amended by striking the last sentence.

(3) The table of subchapters for chapter 32 of such Code is amended by striking the item relating to subchapter E.

C. (i) The amendments made by this section shall apply to sales after the date of the enactment of this joint resolution.

The text of House amendment No. 2 to the Senate amendment to the text is as follows:

In the matter proposed to be inserted by the Senate amendment, strike section 106 and all that follows through section 129 and insert the following (renumbering succeeding sections accordingly):

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriation Act for fiscal year 2014, appropriations and funds made available and authorized pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriation Act for fiscal year 2014 without any provision for such project or activity; or (3) December 15, 2013.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authorized granted pursuant to this joint resolution shall be available without regard to the time limitations for submission and approval of appropriations set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.

In the matter proposed to be inserted by the Senate amendment, strike section 106, for those programs that would otherwise have high initial rates of operation or completion of construction of appropriations after the beginning of fiscal year 2014 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or completion of construction shall not be made, and no grants shall be awarded for such programs funded by this
joint resolution that would impinge on final funding prerogatives.

S. 110. This joint resolution shall be implemented so that only the most limited funding permitted in this joint resolution shall be taken in order to provide for continuation of projects and activities.

S. 111. (a) For entitlements and other mandatory spending accounts, the budget authority was provided in appropriations Acts for fiscal year 2013, and for activities under the Food and Nutrition Act of 2008, shall be discretionary at the rate to maintain planned program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2013, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2013 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

S. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with applicable appropriations Act for fiscal year 2013, except that such authority provided under this section shall not be used until after the date specified in section 106(3).


S. 114. (a) Each amount incorporated by reference in this joint resolution that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 102 of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) Of the amounts made available by section 101 for “Social Security Administration, Limitation on Administrative Expenses” for the cost associated with continuing disability determinations, section 1 of title II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, provided, notwithstanding the terms of section 251(b)(2)(B)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and section 409 of division G of Public Law 113–6, shall be available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.


(1) sustain the staffing levels of U.S. Customs and Border Protection Officers, equivalent to the staffing levels achieved on September 30, 2013, and comply with the sixth proviso under the heading “Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses” in division G of Public Law 113–6;

(2) sustain border security operations, including sustaining the operation of Tethered Aerostat Radar Systems; and

(3) sustain the staffing levels of U.S. Immigration and Customs Enforcement agents, equivalent to the staffing levels achieved on September 30, 2013, and comply with the sixth proviso under the heading “Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses” in division G of Public Law 113–6.

(b) The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

S. 116. In addition to the amount otherwise provided by section 101 for “Department of the Interior—Department-wide Programs—Wildland Fire Management”, there is appropriated $30,000,000 for an additional $30,000,000 for fiscal year 2014, to remain available until expended, for urgent wildfire fire suppression activities: Provided, That such funds shall only become available if funds previously provided for wildfire fire suppression will be exhausted imminently and the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for such additional funds: Provided further, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.

S. 117. In addition to the amount otherwise provided by section 101 for “Department of Agriculture—Forest Service—Wildland Fire Management”, there is appropriated $600,000,000 for an additional amount for fiscal year 2014, to remain available until expended, for urgent wildfire fire suppression activities: Provided, That such funds shall only become available if funds previously provided for wildfire fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for such additional funds: Provided further, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.

S. 118. The authority provided by section 307 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277, 16 U.S.C. 2104 note) shall continue in effect through the date specified in section 106(3) of this joint resolution.

S. 119. (a) Except as provided in subsection (b) whose application for special immigrant status under this section is pending or is exhausted imminently and the Secretary of Homeland Security notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for such additional funds: Provided further, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.

S. 120. Notwithstanding any other provision of this joint resolution, section 106, the District of Columbia may expend funds of the city’s Treasury to pay any accumulated interest on District of Columbia Funds” for such programs and activities under title IV of H.R. 2786 (113th Congress), as reported by the Committee on Appropriations, in an amount not to exceed the amounts authorized by appropriations for fiscal year 2014 for military activities of the Department of Defense.

S. 121. (a) Any amounts made available by this joint resolution by substituting the date specified in section 106(3) of this joint resolution for “October 1, 2012” shall not be in effect.

(b) The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for such additional funds: Provided further, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.

S. 122. For the period covered by this joint resolution, section 550(b) of Public Law 109–256 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for “October 4, 2012”.

S. 123. The authority provided by section 532 of Public Law 109–256 shall continue in effect through the date specified in section 106(3) of this joint resolution.

S. 124. The authority provided by section 811 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this joint resolution.


(1) sustain the staffing levels of U.S. Customs and Border Protection Officers, equivalent to the staffing levels achieved on September 30, 2013, and comply with the sixth proviso under the heading “Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses” in division G of Public Law 113–6;

(2) sustain border security operations, including sustaining the operation of Tethered Aerostat Radar Systems; and

(3) sustain the staffing levels of U.S. Immigration and Customs Enforcement agents, equivalent to the staffing levels achieved on September 30, 2013, and comply with the sixth proviso under the heading “Department of Homeland Security—U.S. Immigration and Customs Enforcement—Salaries and Expenses” in division G of Public Law 113–6.

(b) The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

S. 126. In addition to the amount otherwise provided by section 101 for “Department of Agriculture—Forest Service—Wildland Fire Management”, there is appropriated $600,000,000 for an additional amount for fiscal year 2014, to remain available until expended, for urgent wildfire fire suppression activities: Provided, That such funds shall only become available if funds previously provided for wildfire fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for such additional funds: Provided further, That such funds are also available for transfer to other appropriations accounts to repay amounts previously transferred for wildfire suppression.
of the United States Government in Iraq under subsection (b)(1)(B) shall begin on or after March 20, 2003, and end on or before September 30, 2013.

"(B) Act of Extension Deadline.—The principal alien seeking special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with subsection (b)(4) not later than December 15, 2013.".

SEC. 131. (a) One-Year Delay in Implementation of ACA.—Notwithstanding any other provision of law (including section 186 of this joint resolution), to the extent that a provision of ACA (or a change in law attributable to such provision) is scheduled to and would otherwise take effect on a date during the period beginning on October 1, 2013, and ending on December 31, 2014, such provision (or change) shall not be effective during the 1-year period beginning on such date. During such 1-year period, the previous sentence shall be implemented in a manner as to continue the law as in effect as of the day before such date and shall take into account changes that would otherwise be made without regard to any such provision. Upon the expiration of such 1-year period, except as may otherwise be provided, the provisions of ACA (including the changes in law attributable to such provisions) shall be implemented as if the previous provisions of this subsection had not applied. Section 2731(a)(4) of the Public Health Service Act (42 U.S.C. 9002g-1(a)(4)) shall not be effective for any period during 2013, with respect to the requirement for specific coverage for any sponsor of a group health plan (or, in the case of student health plans, the institution that is the sponsor of a group health plan (or, in the case of student health plans, the institution that is the sponsor of such plans)), health insurance issuer, or individual opposing such requirement for coverage based on religious, moral, or other objections.

(b) Internal Revenue Code of 1986.—In the case of any amendment made by ACA to the Internal Revenue Code of 1986, such amendment shall not apply to—

(1) except as otherwise provided in this paragraph, taxable years or plan years, as the case may be, beginning during 2014,
(2) in the case of sections 36B and 409H of such Code, months beginning during 2014,
(3) in the case of section 4193 of such Code, sales during 2014,
(4) in the case of subsection B of chapter 34 of such Code, policy and plan years beginning during 2014,
(5) in the case of section 5000B of such Code, calendar year 2014,
(6) in the case of any amendment made by ACA to section 6303 of such Code, disclosures during 2014,
(7) in the case of any amendment made by section 9004 of the Patient Protection and Affordable Care Act, distributions made during 2014, and

(2)(A) Annual Fees.—Sections 9008 and 9010 of the Patient Protection and Affordable Care Act and any amendments to any previous provisions of such sections (within the meaning of such sections) during 2014.

(B) Patient-Centered Outcomes Research Trust Fund.—Notwithstanding any other provision of law, during 2014, no amount may be—

(i) appropriated, credited, or otherwise transferred to the Patient-Centered Outcomes Research Trust Fund, or
(ii) transferred from such Fund.

Subsection (a) shall not apply to section 8615 of the Internal Revenue Code of 1986.

(3)(A) Coordination With Provisions Suspended Under This Subsection.—Subsection (a) shall not apply with respect to any provision of ACA to which this subsection applies.

(B) Provisions Not Suspended Under Subsection (a).—Paragraph (1) shall not apply to—

(i) section 8615 of the Internal Revenue Code of 1986,
(ii) the amendments made by section 1322(h) of the Patient Protection and Affordable Care Act, and
(iii) the amendments made by section 1004(d) of the Health Care and Education Reconciliation Act of 2010.

(C) Implementation.—The Secretaries of Health and Human Services and the Treasury shall take such steps as may be required to implement the provisions of this section on a timely basis.

(d) ACA Defined.—In this section, the term "ACA" means—

(1) the Patient Protection and Affordable Care Act (Public Law 111-148), including any amendment made by such Act; and
(2) title I and subtitle B of title II of the Health Care and Education Reconciliation Act of 2010, including any amendment made by such title or subtitle.

The SPEAKER pro tempore. Pursuant to House Resolution 366, the motion for a bill to amend title II of the Patient Protection and Affordable Care Act to which this subsection applies.

The Speaker of the House, pro tempore. Is there objection to the request of the gentleman from Kentucky?

The Chair recognizes the gentleman from Kentucky.

General Leave

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H. Res. 59.

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

There was no objection.

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

Mr. Speaker, I rise to move forward with H.J. Res. 59, the continuing resolution that will keep the doors of the government open after the end of the fiscal year on Monday.

It's unfortunate that yet again we are in this situation facing yet another shutdown showdown with no solution to our many fiscal problems in sight. Funding the government with a continuing resolution should not be plan A, plan B, or even plan Z. But our challenges are many, our timeline is short, so passing this CR today is absolutely essential.

The House passed a version of this bill last Friday. The Senate amended it and sent it back to us to consider once again. The motion before us agrees to the Senate amendments with two further amendments: one delaying Obamacare for a year and one repealing the medical device tax.

Included in each amendment are three changes that I've requested. The first changes the date back to the House-passed end date of the CR of December 15 to give us more time to pass the fiscal year 2014 appropriations bills. I've been flexible on this issue from the very beginning, but this longer time-frame will help us avoid the potential need for another CR before the end of the year.

The second change would make a technical change to an anomaly for the Eisenhower Commission added by the Senate. This change will simply continue the status quo of a hold on that provision.

Finally, the third will add a new anomaly to extend the authority for the United States to issue special immigrant visas for the length of this CR. This authority is necessary to ensure that the visas continue for Iraqis who assisted the U.S. during the war, many of whom put their lives on the line to do so. It's become clear that since this CR was first introduced that this new provision has wide bipartisan support.

Mr. Speaker, one of our primary jobs as Members of Congress is to provide programs and services only the Federal Government can provide and to ensure that these services are available. This bill does that. However, it's also our responsibility to address the Nation's fiscal challenges head-on with a realistic and pragmatic approach that will allow for attainable solutions.

With the debt ceiling looming, a fragile economy in recovery, and the threat of additional, draconian sequestration cuts that will gut our national defense, it's essential that we come together to find common ground. One side cannot do it alone, and inaction or failure on these crucial issues could lead to disastrous results for our people and our Nation for years to come.

Let me take a moment now to remind us all of just a few of the consequences if the government were to shut down: our troops will not be paid and national security will be put at risk; our borders will weaken; our most vulnerable citizens, the elderly and our veterans, may not get the assistance they rely upon; our businesses, facing great uncertainty, will take a hit; our economy will suffer.

We must act responsibly to keep our government open and our country on stable economic footing. Now and in the near future, we must also act as productive partners to keep the Nation safe, provide our people with essential services, rein in unsustainable entitlement programs, and secure a responsible and realistic Federal budget.

And we must remember that we do this not just for ourselves and our districts, but we do it for the Nation as a whole. I hope that today—with the countdown to shutdown clocks ticking away—my colleagues will understand this, and withholding the vote on those essential duties, and I ask you to vote "yes" on this continuing resolution.

I reserve the balance of my time.
Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume to discuss the majority’s intransigence.

The bill the House is considering tonight takes yet another step towards total dysfunction. Instead of working with our colleagues across the aisle, the majority has gotten even more extreme by writing a bill that has no chance of becoming law and will be the 43rd vote on repealing or undermining the Affordable Care Act.

What we are seeing here, if at first you don’t succeed, try and try again, I say to my colleagues across the aisle tonight: stop trying. You will not succeed in giving our medical choices back to the insurance companies and keeping health insurance costs too high for too many families, and it continues the Republican war on women by allowing a woman’s employer to determine what safe and legal health services she can access.

The bill the Senate returned to the House would not increase spending, but one provision within the jurisdiction of Ways and Means would cost $30 billion. The majority is wasting time as we get closer and closer to a shutdown, because we all know this bill will be dead on arrival in the Senate.

Here’s a sample of what the House majority shutdown will do: small business owners will stop receiving Federal loans to hire and expand their businesses; the National Institutes of Health will stop receiving new patients; veterans’ benefits will be disrupted; and housing loans for middle-class families will be put on hold.

These are the painful results of the Republicans’ refusal to act responsibly.

They walked out of negotiations with the President last year. They ignored the President’s deficit reduction plan in his budget. They refused to go to conference on a budget resolution. And they repeatedly voted down Democrat amendments to expand their businesses; the National Institutes of Health will stop receiving new patients; veterans’ benefits will be disrupted; and housing loans for middle-class families will be put on hold.

And now, when it’s time to fulfill our most basic task of funding government operations, Republicans push us further to the brink of a shutdown. Anyone who votes to amend the Senate bill is voting for a shutdown.

Vote “No” on the Republican shutdown proposal, and I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 5 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), vice chairwoman of the Energy and Commerce Committee.

Mrs. BLACKBURN. Mr. Speaker, I rise in support of amendment No. 1 to the continuing resolution, the bill that is bringing us to the floor tonight, and how vital it is that we address the funding needs of this Nation and how vital it is that we do it in a manner that is respectful of the American people and of our constituents. One of the things we have repeatedly said is that they want to make certain that we delay the onset of ObamaCare, and that is what we are going to do.

Included in the amendment would be the delay of the 20 new taxes of ObamaCare. It would delay the individual mandate and the costly surtax for noncompliance. It would delay the employer mandate, the Medicaid expansions, the new exchanges, and all those subsidies to try to get people to enroll. It would delay the dozens of enforcement powers which ObamaCare gives to the IRS. And it would delay the collection of all your personal information and data by the navigators and those seeking to put this program into effect with these exchanges.

So that is what this amendment would do.

Why are we doing this? Number one, this is a program that is too expensive to afford. We have seen that already it has tripled in cost. From its $860 billion estimate, it is up to $2.6 trillion. We know that it is making $800 billion in cuts to Medicare. We know that it is not ready for prime time. There have been 1,200 waivers given to this program. People that are friends of the administration were seeking to be opted out. And it’s not good for the American people.

There have been 19 administrative and Presidential delays of this program. We also have learned that there are missed deadlines. We see the impact that it’s having on our hospitals. They’re laying off people. Hospital doors are closing. Jobs are being lost. Insurance costs are rising. They have missed 47 percent of all their deadlines as they have sought to put this into place. And the list goes on and on.

But most important is what we hear from our constituents, what we hear from the American people, and the rate shock that is out there. And among my constituents I have a small business owner who wrote me this week. Her insurance cost is going up five times over what it was last year. She wrote, ‘It’s too much for us, Ben Bernanke warned us that the automatic across-the-board cuts could cost us as many as 750,000 jobs in 2013. The majority wants to make these cuts permanent, regardless of the job loss, damage to our economy, or harm to working families across the country.

Because of the deep cuts enshrined here, over 57,000 children lose access to learning there’s no Start. These children never get that opportunity back. The biomedical research that saves lives is being curtailed, delayed, or lost. Educational programs are sharply reduced for over a million of our most disadvantaged kids, even though one in five children currently live in poverty.

Hundreds of thousands of unemployed adults are losing access to job training. Low-income seniors lose out on 5 million congregate and home-delivered meals. Mental health programs are being gutted. And with this funding, labor, health, and education programs are slashed 17 percent.

As the Republican majority is, once again, trying to use the budget process to take the government hostage unless we delay the Affordable Care Act. Because of the Affordable Care Act, Americans with pre-existing conditions finally have coverage. Women’s health is finally on an equal footing. Maternity and pediatric care is covered, and preventive care can be obtained with no out-of-pocket costs. The doughnut hole is closing for seniors. Young people stay on their parents’ plans. It empowers patients and doctors. And yes, insurance companies no longer can make the decision about whether or not you will get health insurance or not get it.

Affordable Care Act is, at last, affordable health care for more American families.

We stand on the verge of a government shutdown. Instead of behaving responsibly, of working towards a responsible compromise, the majority continues to put their personal, radical ideology above the fundamental priorities of the American people. This is
American people disagree. They understand that ObamaCare is the proper thing to do.

Mr. Speaker, I want to say that we're here tonight on a continued debate over ObamaCare for a good reason. In fact, there's three reasons.

Number one, health care is one-sixth of the economy. I think that before we turn over one-sixth of the economy to the Federal Government, we need to be very clear on the path that we're going on. Right now, anything but clear. In fact, to quote one of the leading Democrat architects from the Senate, Senator BAUCUS, he said it's a train wreck.

So to me, to continue the debate on ObamaCare is the proper thing to do. One-sixth of the economy, Mr. Speaker. Think about that.

Secondly, in terms of our health care system now, as flawed as it may be, it's still the best health care system in the world. And the potential movement toward a single payer, which is where the American Health Insurance Plan—where the Federal Government is going, right now with the Affordable Care Act.

Number three, ObamaCare has failed. Two of its prime objectives were, number one, to decrease the cost of health care, and number two, to increase the access. And let's examine those. Do you know anybody whose health care premium has decreased this year? I haven't heard from a single person. But at least they haven't increased. My own daughter's premium, a healthy 30-year-old, went from $170 a month to $270 a month.

Mr. ROGERS of Kentucky, I yield 1 minute to the gentleman.

Mr. KINGSTON. I thank the chairman for the time.

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Speaker, I yield 5 minutes to the gentleman from Kentucky has 16 minutes Chair. should address their remarks to the Walk a mile in our shoes. possibility of you getting sick again. fear for an insurance company to boot to do is say you should stay living in other shoe to drop, what you're trying sure that every single day, when each lions of survivors, the 150 million people— What you're trying to do is make sure that every single day, when each of us who survived cancer or another life-threatening illness, waiting for the other shoe to drop, what you're trying to do is say you should stay living in fear for an insurance company to boot you off your insurance because of the possibility of you getting sick again. It’s unconscionable. It’s unacceptable. Walk a mile in our shoes. The SPEAKER pro tempore. The Chair would remind Members they should address their remarks to the Chair. Mr. ROGERS of Kentucky. Mr. Speaker, may I inquire of the time remaining. The SPEAKER pro tempore. The gentleman from Kentucky has 16 minutes remaining, and the gentlewoman from New York has 8 minutes remaining. Mr. ROGERS of Kentucky. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. PAULSEN), a very important member of the Ways and Means Committee of the House. Mr. PAULSEN, Mr. Speaker, we all know that the medical technology industry is one of America’s leading manufacturing industries and has huge potential to continue being a vehicle for creating jobs. This American success story employs more than 400,000 workers, pays salaries 40 percent higher than the average national wage, is one of our country’s few industries that actually exports more than it imports; and it is an industry that is fueled by innovation and is made up of mostly small businesses. Eighty percent of these businesses have less than 50 employees; 98 percent of them have less than 500. Most importantly, however, this is an industry that saves and improves lives for patients. Medical devices helped slash the death rate from heart disease by a stunning 50 percent and cut the death rate from stroke by 30 percent. But, Mr. Speaker, last January, a new $30 billion medical device tax was enacted as a part of ObamaCare. It’s not a tax on profit; it’s a tax on revenue. It’s a tax on saving lives. Nobody can explain why this industry was singled out, other than tens of billions of dollars needed to be brought in to pay for an over-trillion-dollar law. But you know what, the effects have been devastating—10,000 job losses across this country have been announced; companies are moving their operations overseas. And once these jobs move overseas, they don’t just come back. Countless small, privately held companies, they’ve cut jobs and investment in research and development to deal with this onerous policy; and research and development is the very lifeblood of this industry. I have a letter, Mr. Speaker, from 975 organizations in support of repealing the device tax. The signers include the Chamber of Commerce, the National Association of Manufacturers, numerous doctors and physicians and health care groups, and others who are di— medical technology companies that I will include in the RECORD. Mr. Speaker, we know this tax is bad policy. We know there is support in this Chamber and in the Senate to repeal this tax. Last year, the House passed my repeal with overwhelming bipartisan support, but the Senate didn’t act before the end of the year. But this year, we have 263 cosponsors of my legislation to repeal this tax—for far more than last year and more than enough to pass it in the House. Last April, when the Senate was debating their budget resolution, 79 Senators voted their intention to also repeal the device tax, and 33 of those Senators were Democrats. Mr. Speaker, how often does such overwhelming bipartisan support on an issue? This is our opportunity. Winston Churchill is to have said that people “occasionally stumble over the truth, but most of them pick themselves up and hurry off as if nothing ever happened.” The truth that we all know about the medical device tax is that it has destroyed jobs, it’s destroyed innovation, and it has hurt patient care. These are the very things that make our health care reform was actually supposed to support. Repealing this policy sends a very strong and commonsense message to the American people that Congress may not always agree on what is the right path forward, but we can absolutely recognize when a policy has set us on the wrong path; and today we have an opportunity to right this wrong. This amendment repeals a tax that is threatening American global leadership. This is about saving lives. It’s important that we do act now—and today. Let’s stop the job losses. Let’s protect these high-wage jobs; and let’s ensure that America continues to invent, continues to innovate, and continues to develop the very cutting-edge and lifesaving technologies for our patients. Vote for the repeal of the medical device tax. SEPTEMBER 28, 2013. Hon. HARRY REID, Majority Leader, U.S. Senate. Hon. JOHN BOEHNER, Speaker of the House, U.S. House of Represent— Hon. MITCH MCCONNELL, Republican Leader, U.S. Senate. Hon. NANCY PELOSI, Minority Leader, U.S. House of Representatives. DEAR MAJORITY LEADER REID, SPEAKER BOEHNER, MINORITY LEADER MCCONNELL AND MINORITY LEADER PELOSIO: As Congress nears the end of the calendar year, we respectfully request that repeal of the medical device excise tax be addressed as a top priority. Implementation of what was to be a $20 billion excise tax and is now estimated to collect over $30 billion in taxes—is adversely impacting patient care and will substantially increase the costs of health care. The Senate and House have both passed repeal legislation with strong bipartisan majorities. On behalf of the 975 undersigned organizations, associations, companies, patients, providers and venture capital firms representing hundreds of thousands of medical technology companies, we urge you to act to repeal the medical device tax during this session of Congress. As you know, the medical device industry is a vital American success story—both for patients and our economy. The United States is the world leader in manufacturing life-saving and life-enhancing treatments, and the industry is crucial for economic growth. The industry employs more than 400,000 workers nationwide; generates approximately $25 billion in payroll; pays out salaries that are 40 percent more than the national average ($58,000 vs. $42,000); and invests nearly $10 billion in research and development (R&D) annually. The industry is fueled by innovative companies, the majority of which are small businesses with 80 percent of companies having fewer than 50 employees and 96 percent with fewer than 500 employees. Unfortunately, the health care law imposes over $30 billion in new excise taxes on medical technology companies, thereby reducing innovation and U.S. competitiveness. The tax is already having an adverse impact on R&D investment and job creation, jeopardizing the U.S. global leadership position in medical device innovation. If this tax is not repealed, it will continue to force affected companies to cut manufacturing operations, research and development, and employment levels to recoup the lost earnings due to the tax. It will also adversely impact patient access to new and innovative medical technologies. In short, this tax on innovation should be repealed for the following three important reasons: The tax stifles innovation and has already costs thousands of high-paying jobs. It has increased the effective tax rate for medical technology companies, thereby reducing financial resources that should be used for R&D, clinical trials and investments in manufacturing. The impact is especially hard on smaller companies whose innovations are not immediately profitable. The tax will increase health care costs as confirmed by a report issued in April 2010 by the Institute of the Americas for Medicare and Medicaid Services (CMS). In some cases, the 2.3% tax will be passed on to
consumers, leading to higher health care costs. The tax is not being offset by increased demand for medical devices. In fact, it is important to note that there is no evidence suggesting a device industry “windfall” from healthcare reform. Unlike other industries that may benefit from expanded coverage, the medical device industry, which is already facing increased regulatory uncertainty the industry also faces, is leading to further job losses, hindering the development of breakthrough treatments and delaying patient access to medical technology.

We respectfully request timely action on legislation to repeal this over $30 billion excise tax.


We're not in negotiations with the other side. They don't seem to want to come to grips with the fact that the other side there are at least 150 Members who believe that we ought to do this. They need our help. They're crying out for help.

There seems to be a problem on the other side. They don't seem to want to come to grips with the fact that the game has changed. That the teams have left the field, and that this question about the affordable health care bill is settled law; that is to say, that this consistency would be admirable except it's somewhat of a kind of foolish consistency to come 40-plus times, attempting to delay or to repeal the ObamaCare Act, as they refer to it. It doesn't make any sense.

Mr. Speaker, as the Representatives of 316 million Americans, we have a special obligation to see past the politics of the moment and embrace the spirit of cooperation for the sake of the public good, not our good, not our politics. Not a single one of us is here because we were thought to be the best at doing nothing or saying no. Each of us was sent here because our neighbors believe we have something positive to contribute, that we could do what is right for our country.

At this point I would again ask for support of the bill.

Mr. Speaker, the gentleman from Georgia said that this health care law was about one-sixth of the economy; he's right. This continuing resolution is about 100 percent of the economy.

So we have not reached an agreement on a number; that's why we are here. Now we have passed two thirds of the appropriations bills through this House. In fact, one was brought to the floor and pulled off the floor because at the $967 billion Republican budget, you cannot pass those appropriations bills if there were no Democrat in the House. My friend, Mr. Rogers, knows that.

My friend, Mr. Rogers, talked about responsibility. We ought to be responsible. I believe that on the Republican side of the aisle there are at least 150 Members who believe that we ought to be responsible, who believe this constant harping on the Affordable Care Act, which was the central part of the last election, and you want to deny the fact that elections make a difference.

One of the speakers got up and said this mandate is unconstitutional, so he also wants to deny the fact that the Supreme Court of the United States has specifically said it is constitutional. But it doesn't comport with your view; and, therefore, you reject it as you have rejected the results of the election.

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

Mrs. LOWEY. I yield an additional minute to the gentleman from Maryland.

Mr. HOYER. Not for our politics, but for our country and for our people.
We have not a matter of days, but hours left to prevent our government from shutting down. A shutdown is not a tactic; it is not a strategy. It is a failure for this country. Let us not be the country whose representatives cannot work together to fulfill the most basic function of government.

My friends across the aisle voted over 40 times to derail the Affordable Care Act without success. When do you say enough is enough, let us move on responsibly to make government work-at, by the way, your level? The President has said he would sign a bill at your level, not a negotiated level, at your level. You’ve won, but you can’t take yes for an answer. The Senate rejected it, as they will reject this new attempt.

Instead, now is the time to try a different approach.

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

Mrs. LOWEY. I yield an additional 30 seconds to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, it is time to let this issue and not just a small faction of the House, which I tell my responsible friends on the Republican side of the aisle, you ought to reject, you ought to say enough is enough, you ought to say let’s move on, you’ve had your votes, we lose.

Let us live up to the responsibility that our Founders instilled in this great people’s House and continue to be the democracy that is the envy of the world. Let us make sure that when people look at America they look at America as a country that works, at an America that can be united, at an America that believes “e pluribus unum” still is our motto.

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

Mrs. LOWEY. Mr. Speaker, I’m very pleased to yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), the distinguished ranking member of the Ways and Means Committee.

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

Mr. LEVIN. Mr. Speaker, I urge that we need to pause to consider the real meaning of what’s happening tonight. This is more than about a vote or two. I think this is a fateful occasion. It signifies this:

The Republican Party in the House is being thoroughly radicalized. There are Republicans charging as the U.S. ship of state goes over the cliff.

A House Republican colleague of ours said this, as reported today:

I do believe Republicans will be blamed. There are some, I think, who would relish a showdown. I think that’s unfortunate. It’s worse than unfortunate. It’s historically reckless and radical. This is an eventful and, I think, shameful night for the Republican Party in Congress.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS), the distinguished leader of the Steering and Policy Committee of the House of Representatives.

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

Mr. ANDREWS. Mr. Speaker, imagine you lived in a town where the mayor and the council were fighting over a tax increase of the budget, and the mayor of the town said: If I don’t get my way, I’m going to stop paying the police department, close the schools, turn off the street lights and not pick up the trash. That mayor would get recalled by the end of the week.

That is what the Republican majority is doing to the country here tonight. They made it very clear they don’t like the Affordable Care Act. Forty-six times they voted to repeal it. Now they’re moving a little bit different. They’re saying to the country: you can either have a budget that makes the country run without the Affordable Care Act, or you can’t have a country with a budget that runs.

This is not the way to legislate; this is not the way to do the people’s business. We should have the Senate bill on the floor and vote on it. This will surely cause a shutdown of the government.

It is an outrage, it is an abandonment of responsibility, and all Members should oppose these amendments so we can keep this government open.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mrs. BROOKS).

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today in support of this amendment.

When the Affordable Care Act was passed, I am certain that the other side did not intend that so many jobs would be lost. Over 10,000 device jobs have already been lost or announced lost in this country. The tax on medical innovation in place since the beginning of this year has already killed these jobs: jobs like 1,700 at Abbott Labs; 2,400 at Zimmer, 450.

Twenty thousand Hoosiers are employed by the medical device industry in Indiana—many all across the country. The average wage is $60,000. This tax can result in a loss of over 45,000 jobs nationwide.

It is hurting people with diseases. These innovations that these companies produce help save lives. They do help people with their diseases and with things that are happening with their bodies. It is not an exaggeration to say that this tax has deadly results.

For months, I’ve heard there’s bipartisan support. Where is it?

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, this bill shuts down the government. The Senate passed a clean CR. We could take it up right now, we could pass it, and we could keep the government open.

But if we do something to change this Senate bill and we amend it and send it back, the time that would be needed to avoid a shutdown would be gone. No matter what your views are on these amendments, a vote for them is a shutdown, make no mistake about it.

The Republican majority knows this. They are well aware of what is being designed to shuts down the government. They’re shutting it down. The only question before the American people now is will they continue to tolerate this kind of behavior.

We are here to govern; we are here to look after the American people. We are here to make sure that the full faith of this government maintains, and not just in the financial sense but in the mental sense. People have to believe in us.

When they shut this government down, they do something fundamental. They shake the confidence of this Nation. It is wrong. We should oppose it. Vote “no” on all these amendments.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I have been listening to this debate, and we are not coming to grips with what the central issue is.

The bottom line is we understand that on this side we have people who believe the ObamaCare legislation will be very detrimental to the people of the United States. We have people on this side of the aisle who believe it will be very good for the people of the United States.

How do we work this out in a democratic process? We try to find a compromise. This bill is not about whether ObamaCare is going to come in or not. It is whether or not you will accept the compromise which we have reached out to offer to say, look, there’s apprehension in the private sector and the government people tell us they aren’t even ready to enforce ObamaCare; let’s postpone it for a year.

That’s what this vote is all about: Will you accept the compromise? If this government shuts down, it’s because you have not accepted the compromise that Republicans have reached out to you and offered.

We have to understand, in this democratic process it’s not like the President says: There will be no negotiations. No, Mr. Speaker, there will be no negotiation. He will negotiate with foreign dictators before he will negotiate with us.

We have reached out with a compromise. Please accept the compromise and keep the government open.

The SPEAKER pro tempore. The Chair would once again remind Members to address their remarks to the
Chair and not to others in the second person.

Mrs. LOWEY. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from Georgia (Mr. SCOTT).

Mr. DAVID SCOTT of Georgia. Mr. Speaker, let’s say exactly what this is. This is about a shutdown being ordered by the Republican Party. It is your initiative.

The reason for that is because you have been hijacked by a small group of extraneous folks who simply hate this President. That’s all that this is about.

The American people reject it because we had the election and the majority of the American people elected President Obama. You hate that when you see that because—shake your head if you want to—you cannot separate ObamaCare from the President of the United States. It’s one and the same. You’re the ones that are offering the shutdown.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair has on at least three occasions reminded Members to address their remarks to the Chair. The Chair would advise the gentleman to address his remarks to the Chair.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, Alexander Hamilton and Thomas Jefferson hated each other so much. But that hate that they had for each other did not come before the love of their country. Your hate for this President is coming before the love of this country because if you loved this country, you would not be closing it down.

The SPEAKER pro tempore. Once again, the Chair would ask Members to address their remarks to the Chair.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MEADOWS).

Mr. MEADOWS. Mr. Speaker, my remarks will change based on the last remarks that were just given.

I think it’s important that we do not challenge in this Chamber the love that each Member here has for their country. Many of us have made great sacrifices to represent the people. Mr. Speaker, that we represent.

To question that is certainly looking at history with a very myopic view. Because if we were to blame this just on the Tea Party or some extreme group, we would be ignoring history. This government has been shut down 17 times, Mr. Speaker, and 13 of those times it was when a Democrat was in that chair.

I think it’s clear that, under Tip O’Neill, it was shut down more than anybody else, and it’s important that we make sure that it’s clarified tonight.

One other clarification: the motto behind you, Mr. Speaker, is not what was put forth by the whip from the other side. It says, “In God we trust.”

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. WAXMAN). Mr. WAXMAN. Mr. Speaker and my colleagues, the Republicans would not work with us and figure out how ObamaCare should meet the needs of the American people, but it was passed into law. The courts approved it. The electorate voted and approved the President, who supported it. And now the Republicans say they are offering a compromise. Their compromise would deny people for a year health care because of pre-existing conditions, and it would make sure that the people who can’t afford health care can’t get it for a year; but it does worse than that. It takes people on Medicare, and it keeps them from getting the break on their prescription drugs and keeps their doctors from getting the increase in reimbursement for their services. It would stop the expansion of Medicaid for very low-income people.

This isn’t just postponing it. It is undercutting the Affordable Care Act, and the tax provision on medical devices will only widen the deficit. Their provision will cost us money. If they shut down the government, it will hurt a lot of people, not just government employees but people all across the country.

Reject this Republican proposal, and let’s improve funding for the government.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN. Thank you, Mr. Chairman.

Mr. Speaker, Mr. WAXMAN just got up and eloquently spoke about the need to keep these insurance reforms in place, particularly about preexisting conditions. I would encourage him to read the bill—and it does that.

What the bill, in fact, does say is that those insurance reforms that were in place in the provisions of ObamaCare prior to 1 October will remain in place and that the rest of it will, in fact, be delayed.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Massachusetts (Mr. NEAL).

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

Mr. NEAL. The job killer that we are threatening tonight has nothing to do with the medical device tax. It has to do with our giving up our responsibilities. The idea that we would threaten the full faith and credit of the United States is the issue that’s in front of us.

We negotiated that medical device tax. It was originally proposed at 5 percent, and we cut it to 2.3 percent, in addition to which, based upon an industry request, we extended it to foreign competition.

Now, an issue that has been conveniently left out of this discussion is: Who is the biggest purchaser of medical devices? Medicare. By expanding the Affordable Care Act, we are going to have more customers who are going to purchase more medical devices. That’s the reality actuarially of what we are discussing tonight.

This notion that you can separate the revenue portion from the overall legislation is ill-considered, and everybody knows it. This was negotiated in the full light of day—thoroughly discussed.

Return to the argument I made a moment ago. If you’re interested in not killing jobs, stop this ruse that you’re playing on the American people tonight and with the full faith and credit of the United States—with the debt obligations that we have.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Speaker, sometimes I wonder if we are discussing the same bill.

This is a bill that is to keep the government open. I looked at the Affordable Care Act. The President made a promise, a simple guarantee: If you like your health care plan, you can keep it.

When I go to a store and I buy a product and it comes with a guarantee and it doesn’t work, you take it back; you get your money back; and you look for a new product. People are losing their health care plans.

Now is the time to take some time for what would be bipartisan health care reform, not to do what the President did that was rammed through on a party-line vote so that we could pass it to find out what was in it. The American people are finding out what’s in it. It’s time for a new product, and it’s time for bipartisan health care reform.

I ask for the folks across the aisle to come together, and let’s do something that empowers the American people and not the elites at HHS here in Washington, D.C.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the distinguished ranking member.

Mr. Speaker, for people who are tuning in to this debate, I want to make sure there is no confusion. This is not “Saturday Night Live.” This is the Republican majority at work. Only they are not working—it is a game. It is one that they have played since day one. This has been the Congress of chronic chaos since day one, and tonight is just another episode, my colleagues, of that Congress of chronic chaos.

The fact that “Saturday Night Live,” Mr. Speaker. When I grew up on Long Island, I used to watch one of my favorite cartoons, the “Road Runner.” Do you remember the “Road Runner,” Mr. Speaker? In every episode, another cliff. They have turned governing into an old cartoon of the “Road Runner.”

This is not a game. The American people deserve better than this. This is
not about the Affordable Care Act, Mr. Speaker. This is not about ObamaCare. Mr. Speaker. This is about whether we govern. This is about whether they are willing to hold this economy hostage to their ideology. This is about whether they are willing to put people out of work, to put their extremists and they use the Affordable Care Act as a subterfuge.

Mitt Romney said they’re going too far. Karl Rove said they’re going too far. The Chamber of Commerce said they’re going too far. The Wall Street Journal said they’re going too far. And what are they doing tonight? Going farther. They’re doubling down.

The American people have gone from deep disappointment in this dysfunctional majority to absolute outrage with this dysfunctional minority. Mr. Speaker, the American people who are watching this and watching this Congress want reasonable leaders with reasonable solutions and commonsense ideas for this country, not shutdowns, which we get tonight and not cartoons, which we get tonight and not shutdowns, not clifftops, not chaos, not cartoons, which we get tonight and which we have gotten every single night since this majority became the majority. When this government shuts down, because of them, Mr. Speaker. Americans are going to have to continue to pay their taxes.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CULBerson), who is the chairman of the Appropriations Subcommittee on the Military Construction and the VA.

Mr. CULBerson. Thank you, Mr. Chairman.

Mr. Speaker, as we say in Texas, it’s time to get a few things straight around here.

We in the House of Representatives passed a Defense Department appropriations bill back in June. We passed a Military Construction-VA appropriations bill in June. We made sure our veterans were taken care of. We passed legislation to protect our homeland. The Department of Homeland Security is fully funded. Everything the President asked for and everything the agencies asked for. Passed out of the House earlier this summer. We even passed an Energy and Water appropriations bill.

They are sitting in the Senate, and they could have been passed back over here very, very easily because the Senate has been known to move like lightning when they need to. They’ve even deemed the bills before they’ve passed. Yet, in the democratic process, all of us have learned ever since elementary school that the democratic process requires compromise. Two sides that disagree find a way to come closer together.

For the first time today since 1979, the President of the United States reached out to the dictator in Tehran, who has sworn to erase Israel from the map. The President of the United States will talk to the dictator of Tehran, but he won’t even negotiate with the House of Representatives—with the majority that was elected by our constituents to do everything in our power to delay, defund, or stop ObamaCare.

The last time we sent this bill to the Senate, it was a complete and total defunding of ObamaCare. It stopped it cold. We have compromised as the democratic process requires. Tonight, we offer the Democrat minority a compromise. Let’s just delay it for a year. Let’s give the Nation a chance to see what’s in that 2,500-page bill that NANCY PELOSI had no idea what it was. At the time, she said that we have to pass the law before we find out what’s in it. We are discovering every day new horror stories.

The American people deserve to have time to see what this monstrosity will do before it is implemented. We are simply offering a compromise of a year’s delay. We are even fully funding the troops—another compromise. That’s how it works in the democratic process, but it’s hard to do it with people who won’t even talk to you.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. SCHAKOWSKY). Ms. SCHAKOWSKY. Mr. Speaker, we are just 2 days away from a Republican government shutdown. Now, you can try to deny it, but you’re going to have to wear the consequences.

The Fiscal Times says that it’s going to cost $150 million a day to shut down the government.

The Chicago Tribune says that the National Park Service would close all 401 national parks, and approximately half the government’s civilian workforce—about 1.2 million employees—is expected to have furloughs.

The Washington Post said that the Department of Veterans Affairs told congressional officials last Friday that all benefit checks it issues, including disability claims and pension payments, will be disrupted if a government shutdown lasts for a while.

ABC News talks about the suspension of approval of applications for small business loans and about medical research being interrupted.

The Wall Street Journal has a warning, too. It says that some Republicans think they are sure to hold seats in the House in 2014, in case matter what happens—because of gerrymandering, but even those lewes won’t hold if there is a wave of revulsion against the GOP. Marginal seats still matter for controlling Congress. The kamikazes could end up ensuring the return of all-Democratic rule.

Mr. ROGERS of Kentucky. Might I inquire of the time remaining, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Kentucky has 9½ minutes remaining, and the gentlewoman from New York has 5 minutes remaining.

Mr. ROGERS of Kentucky. I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE). Ms. JACKSON LEE. I thank the gentleman from New York.

Mr. Speaker, I would like to announce breaking news. Texas happens to be a very diverse State, and my good friend from Texas just stood up and made an absurd proclamation—absolutely absurd.

In coming from a State where there are 6 million-plus uninsured individuals, he knows full well that tonight, when we vote to shut down the government, he will, in fact, also eliminate the Affordable Care Act, not delay it. What he will do is he will then tell those who have a preexisting disease that the law is delayed. He will tell children who need preventative care that the law is delayed. Further, he will tell our creditors that we are irresponsible as a country, and he will tell the American people, whose jobs depend upon the government operating, that you don’t count.

I don’t want to live in a Nation where someone can say to us, hey, go ahead and the people that you don’t count.

I have said it before, and I am saying it again: When we vote tonight, we will be voting to shut down the government. You will be voting to ignore the hopes and dreams of my constituents in Houston and the American people. It conditions the funding needed to avoid a government shutdown on a repeal of the excise tax on certain medical devices that helps defray the cost of the affordable, quality healthcare made available for the first time to millions of Americans by the Affordable Care Act (ACA).

I oppose this amendment because it puts an anchor on a clean continuing resolution which unnecessarily and permissively weighs down the hopes and dreams of my constituents in Houston and the American people.

The Fiscal Times says that it’s going to cost $150 million a day to shut down the government.

Mr. Speaker, I rise in strong opposition to the amendment, which is another attempt to veer away from the responsibilities of running the country and into the ditch of selfishness and bitterness which is truly the realm of the un-Patriotic!

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manufacturer or importer of the device starting in 2013. Eyeglasses, contact lenses, hearing aids, or any other medical device that the public generally buys at retail for individual use are exempted. Sales for further manufacture or for export are also tax-exempt.

As the end of the fiscal year quickly approaches, the sad truth remains unchanged: the Speaker has surrendered the gavel to the tea party’s desperate attempts to force a Republican government shutdown to put insurance companies back in charge of Americans’ health care.

Democrats have an alternative, introduced by my colleague, Mr. VAN HOLLEN, to fund the government and end the devastating, across-the-board cuts of the sequester with a mix of spending cuts and revenue increases in order to reduce the deficit in a responsible way.

I agree with President Obama that the full faith and credit of the United States is non-negotiable. The United States has been the worldwide standard bearer for many years and many other nations have been comfortable holding our paper, but now our preeminent financial status is in jeopardy.

Mr. Speaker, you may recall that two years ago the Nation’s credit rating was downgraded for the first time ever because of politicized negotiations and the initial failure to reach an agreement—and now we risk that and more because an odd lot of Members in this body wish ill on the American people out of some misguided principle.

Refusing to raise the debt ceiling poses a cataclysmic danger to the stability of our markets and the economic security of our middle class and complete devastation for the poor.

As Federal Reserve Chairman Ben Bernanke stated last week: “A government shutdown, and perhaps even more so a failure to raise the debt limit, could have very serious consequences for the financial markets and for the economy . . .

Here are some of those consequences:
Higher interest rates for mortgages, auto loans, student loans, and credit cards. Higher interest rates and less access to business loans needed to finance payrolls, build inventories, or invest in equipment & construction.

Family net worth in 2014 in 401(k)s dropping as the stock market plummets.

3.4 million veterans not receiving disability benefits.

10 million Americans not receiving their Social Security check on time in just the first week.

Drug reimbursements under Medicare stopping, and doctors and hospitals not getting paid.

Mr. Speaker, let’s get to work on behalf of the American people and pass a clean CR and raise the debt limit—now! The people expect nothing less, and time is of the essence.

Mr. Speaker, I rise in strong opposition to the Blackburn Amendment, which delays for one year any provision of the ACA that takes effect between October 1, 2013 and December 31, 2014.

I oppose this amendment for several reasons. First, the amendment will lead to a government shutdown because it imposes a condition that House Republicans know the Senate and the President will not accept.

Second, I oppose the amendment because it is bad for America and Americans. The proponents of the Blackburn Amendment claim the amendment only delays the imposition of the Affordable Care Act’s individual mandate for one year. They are wrong.

In fact, the amendment weakens the effectiveness of any provision that takes effect between October 1, 2013 and December 31, 2014. Thus, the amendment operates directly on the following benefits of the Affordable Care Act:

1. The ban on pre-existing condition discrimination for adults;
2. The ban on gender rating (charging women more than men for the same policy);
3. The 3.1 age rating, which limits the amount charged to older people for insurance;
4. The severe annual limits on healthcare costs; and
5. The availability of health insurance premium tax credits and other provisions that would save millions of middle class families hundreds of billions of dollars over the 10 years.

Mr. Speaker, this marks the 43rd time House Republicans have tried to repeal, defund, or delay the Affordable Care Act. To date the record is: ObamaCare—42, House Republicans—zero.

Mr. Speaker, the Blackburn Amendment is misguided, ill-considered, and harmful to America, and especially my constituents in the 18th Congressional District of Texas. Specifically, the Blackburn Amendment would allow insurers to continue denying coverage to those with pre-existing conditions. Were this amendment to become law, up to 17 million children nationally, and 46,000 in my congressional district, could again be denied coverage by insurers due to a pre-existing condition and it would allow insurers to continue discriminating against women and those with medical conditions in setting premiums.

Were the Blackburn Amendment to become law, employers would be permitted to refuse to offer insurance that covers preventive services, including contraception for 50,000 women in my district, that they object to on any religious or moral grounds.

Were the Blackburn Amendment to become law, it would take away tax credits and subsidies to help Americans purchase insurance which would adversely affect 446,800 persons in Harris County and more than 2.5 million persons in my home State of Texas.

Were the Blackburn Amendment to become law, it would take away tax credits and subsidies to help Americans purchase insurance. This would adversely affect 153,000 persons in my district and 105 million Americans nationally.

Were the Blackburn Amendment to become law, it would delay an increase in tax credits to help small businesses buy insurance for their employees. This provision has already helped 360,000 small businesses provide insurance to more than 2 million persons.

Mr. Speaker, instead of debating amendments that have no chance of becoming law and will hurt Americans and our economy, let us work together on behalf of the American people and pass a clean CR and keep the government open to do the people’s business. I urge all my colleagues to join me in voting against the Blackburn Amendment.

Mr. ROGERS of Kentucky. I continue to reserve the balance of my time.

Ms. MOORE. Mr. Speaker, I yield 1 minute to the gentle—lady from Wisconsin (Ms. MOORE).

Ms. MOORE. Mr. Speaker, be not deceived. The people are not mocked. In 24 hours, if we don’t send an exact bill back to the Senate, not a colon, not a semicolon, not a paragraph, not a word different, the government will shut down.

This debate is not about medical devices, about birth control, about ObamaCare, the Affordable Care Act; it is about continuing to have our government operate for another few days. We have 24 hours for this Congress to agree on an exact bill. And with my other colleagues, this whole debate is a subterfuge and a proxy for a strong desire to bring this Nation to its knees and to punish the people for electing Barack Obama President of the United States.

Mrs. LOWEY. Mr. Speaker, I’m pleased to yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, soon the government of the world’s greatest country will shut down, and it will reopen only when the public decides that one party is uncompromising and unreasonable.

A CR sets our spending level. This CR sets the spending level right there at the Republican Ryan budget level: $250 billion below the President’s request and $72 billion below Senate Democrats. When it comes to spending levels, we have compromised. It is manifestly unreasonable to say you’re going to shut down the government to achieve a legislative objective.

What if Democrats said, We’re going to shut down the government if we don’t get immigration reform, gay rights, or gun control? We are as passionately dedicated to those issues as our colleagues on the other side of the aisle are to their ceaseless desire to repeal ObamaCare, but we will not shut down the government. We will not destroy the American economy to get our way. We will not take hostages. We will prevail when we persuade Republicans or elect Democrats. We will not hurt this country to get our objectives.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. Perdue).

Mr. PERDUE. Mr. Speaker, this discussion tonight reminds me of a courtroom scene with Jack Nicholson in “A Few Good Men”: The truth? You can’t handle the truth. When I was on the other side of this aisle, as I’m sure you remember, when premium rates were going up on Medicare Part D plans, every Democrat voted against a bill that would have stopped the rate increase. Every Democrat. Why? Because saying the truth to their constituents was considered to be bad politics. And how did it turn out? Premiums continued to go up. It was the right thing to do, but it was bad politics. And I don’t think that’s what this debate is about. I think it’s about good politics and bad politics, not about doing what’s right.

Mr. PITTENGER. Thank you, Mr. Chairman.

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lost full-time jobs; the unions don’t like it; we’ve lost innovation; we have enormous tax increases. They just don’t hear it. Mr. Speaker, the American people are not lemmings, and they don’t want to follow the lemmings going off the cliff.

Mr. Speaker, it’s time that we re-check this and stop this crazy, delusional idea that nationalized, centralized planning will work.

Mrs. LOWEY. Mr. Speaker, my friend, Mr. ROGERS, and I have been trying to pass a bill that would reflect the needs of the people of the United States of America.

My friends know that this bill is delusional. It just reflects the dysfunction of my friends on the other side of the aisle. The extreme wing of the Republican Party to control this debate does not make sense at all.

The truth is we are 2 days away from a shutdown. My friends know that this bill is not going to be accepted by the Senate. They sent over a bill that we could have all passed, sit down and work together, and keep this government from shutting down.

The dysfunction that is occurring because of the Republican wing of the party makes no sense to me at all. You’re bowing to the extremists, the Tea Party, who really don’t want to see this process move forward.

We know that the Affordable Care Act is the law of the land. We know it’s been affirmed by the Supreme Court of the United States. Let’s move on. Let’s not waste time. People are out of work.

Children are not getting what they need in school. The National Institutes of Health are not getting the resources that they need. Let’s stop this game. Let’s stop the dysfunction. Let’s stop playing games.

This is the reality. Let’s work together and pass a bill, a continuing resolution, and then I’m sure Chairman Rogers and I could pass an omnibus bill with the Senate to move forward with the work that we are elected to accomplish.

I yield back the balance of my time.

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

We’ve heard time and again tonight from the other side that this debate and vote is about shutting down the government. Pardon me, I thought we were voting on a continuing resolution. What does one think a continuing resolution is? It’s to continue the government.

Those on the other side also want to say that we’re defunding ObamaCare. We’re not saying that in the first bill we sent over to the Senate. The Speaker rejected that and sent it back. Now this side of the aisle is offering a peaceable offer.
We must defund Obamacare before it can do additional damage to our economy and health care system. Health insurance premiums across the country are skyrocketing, and employers are shifting workers from full time status to part time. Employers have been given a choice in complying with the law, but individuals are still subject to the mandate. This double standard is not fair and must be changed.

This resolution also repeals the medical device tax and the unpopular tax created by Obamacare that is stifling future medical research and development. I encourage my colleagues to join me in defunding Obamacare and support this resolution.

Ms. Speaker, I rise in strong opposition to the bill before us.

The United States has been the world’s shining example in how democracy can work. Our history shows that the nation is stronger when we come together to govern and solve the serious issues that face our country.

Yet, tonight we find ourselves on the precipice of a government shutdown. Make no mistake, if we do not act now, this loud, unnecessary shutdown that will shut down our economy and in the words that the Federal Government provides, which the taxpayers pay for.

According to the Administration:

- Nearly 1.4 million active duty military personnel deployed at home and overseas depend on their pay and allowances to continue their duty.
- The impacts of the government shutdown will be felt in the pockets of individuals who have substantial amounts of their family’s hard-earned savings in the market for retirement.

Our economy is still in the process of recovering from the Great Recession. We should be debating ways to spur economic growth, not debating a shutdown that will slow economic growth.

For the entire country, the Republican shutdown proposal will have real immediate negative consequences.

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- The sudden drops in the stock market have real impacts, particularly for individuals who have substantial amounts of their family’s hard-earned savings in the market for retirement.

- Our economy is still in the process of recovering from the Great Recession. We should be debating ways to spur economic growth, not debating a shutdown that will slow economic growth.

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- The impacts will be felt in our economy and in the words that the Federal Government provides, which the taxpayers pay for.

The government would stop issuing permits to conduct drilling operations on Federal lands, and would stop or delay environmental reviews of planned transportation and energy-related projects, keeping companies from working on these projects.

If this CR were to become law, defunding the Affordable Care Act, not only would it put health insurance companies back in charge of our health care, it would end free preventive services that 105 million Americans including 71 million Americans in private plans and 34 million seniors in Medicare have received.

The list of those who would lose under this bill is too long to enumerate. The Affordable Care Act is law. Elections have consequences.

We all know this bill is dead on arrival in the Senate and the President has said he would veto it should it reach his desk. We are wasting our time. Instead we should pass a clean CR and get on with the business of the American people.

In closing, I urge my colleagues to vote against this measure and urge my Republican colleagues to accept reality and not shut the government down.

Ms. BROWN of Florida. Mr. Speaker, I rise today in complete disgust and opposition to the House Republicans misguided plan to shut down the government. As the current continuing resolution is set to expire at midnight, the sad truth remains that Speaker Boehner has surrendered the gavel to the Tea Party's hopeless attempts to defund or delay the Affordable Care Act. With the Affordable Care Act, passing both chambers of the United States Congress being signed into law by the President of the United States, upheld by the United States Supreme Court, and securing the approval of the American people during the last election, it is now time for House Republicans to accept reality and discontinue their obstructionist tactics of trying to prevent a law that is beneficial for millions of Americans across this country. As House Republicans continue to use the Affordable Care Act as the hostage that will trigger a government shutdown, the fact remains that even if the government shuts down, the Affordable Care Act will continue to be implemented with the health insurance exchanges opening on Tuesday, October 1, 2013. Earlier this week, the Senate passed legislation that will keep the government running and prevent a government shutdown, if the Republican leadership was serious about keeping its commitment to the American people, the House should immediately schedule a vote on the legislation passed in the Senate.

The American people have seen enough. The time has come for Republicans to abandon their reckless and irresponsible agenda and in Democrats to honor America’s commitment, create jobs, and strengthen the middle class.

The SPEAKER pro tempore. All time for debate has expired. Pursuant to House Resolution 366, the previous question is ordered. Pursuant to clause 1(c) of rule XIX, further consideration of the motion offered by the gentleman from Kentucky is postponed.

PAY OUR MILITARY ACT

Mr. KINGSTON. Mr. Speaker, pursuant to House Resolution 366, I call up the bill (H.R. 3210) making continuing appropriations for military pay in the event of a Government shutdown, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. POE of Texas). Pursuant to House Resolution 366, the bill is considered read.

The text of the bill is as follows:

H.R. 3210

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 “Pay Our Military Act”.

SEC. 2. CONTINUING APPROPRIATIONS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—There are hereby appropriated for fiscal year 2014, out of any money in the Treasury not otherwise appropriated, for any period during which interim or full-year appropriations for fiscal year 2014 are not in effect—

(1) such sums as are necessary to provide pay and allowances to members of the Armed Forces (as defined in section 101(a)(4) of title 16, United States Code), including reserve components thereof, who perform active service during such period;

(2) such sums as are necessary to provide pay and allowances to the civilian personnel of the Department of Defense (and the Department of Homeland Security in the case of the Coast Guard) whom the Secretary concerned determines are providing support to members of the Armed Forces described in paragraph (1); and

(3) such sums as are necessary to provide pay and allowances to contractors of the Department of Defense (and the Department of Homeland Security in the case of the Coast Guard) whom the Secretary concerned determines are providing support to members of the Armed Forces described in paragraph (1).

(b) SECRETARY CONCERNED DEFINED.—In this section, the term “Secretary concerned” means—

(1) the Secretary of Defense with respect to matters concerning the Department of Defense; and

(2) the Secretary of Homeland Security with respect to matters concerning the Coast Guard.

SEC. 3. TERMINATION.

Appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:—

(1) the enactment into law of an appropriation (including a continuing appropriation) for any purpose for which amounts are made available in section 2; or

(2) the enactment into law of the applicable regular or continuing appropriations resolution or other Act without any appropriation for such purpose; or

(3) January 1, 2015.

The SPEAKER pro tempore. The gentlemen from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.
Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3210 is called the Pay Our Military Act, and it's been introduced by Representative COBBHART, along with a number of other Members of Congress. The purpose of it is to authorize the Secretary of Defense and the Secretary of Homeland Security to continue to pay and allowances without interruption to the 1.4 million members of the Army, Navy, Air Force, Marine Corps, and Coast Guard, the men and women who perform services during any potential funding gap. Without this action, their pay could be delayed.

Our troops should not suffer for Washington's failure to act. As the representative of more than 35,000 troops who are in and out of war zones, I know that they and their families cannot afford to miss one paycheck. Regardless of what happens in politics, we as Democrats and Republicans should be able to come together and ensure that our sailors, soldiers, and airmen are all paid and provided for.

During the government shutdown in 1995, soldiers were paid because the Department of Defense had already been funded for the year. Their appropriation bill had already been passed by both Houses and signed into law by the President of the United States. That is not the case today; therefore, H.R. 3210 is essential. Not only would it pay our troops, but it would permit the payment of civilian personnel and contractors whom the Secretary determines are providing support to the Members of our armed services.

I reserve the balance of my time.

Mr. MORAN. Mr. Speaker, I yield myself such time as I may consume to address the whole House in general.

This bill is an act of political theater. It attempts to cover up the underlying problem of a government shutdown with what in essence is a rhetorical bill claiming to support our troops, which the majority knows that the minority party wants to do at least as much as they do. There's no disagreement in terms of the desire to make sure that all of our men and women in uniform and the civilians who work for the Defense Department and the contractors that contribute to our national security are all paid. We all want to do that. So why do we have this bill?

We have these attempts to reassure the public, who might be confused, as to what the adverse impacts of a government shutdown might be.

Mr. Speaker, it's important that the public understand that even with this bill, what we will do tonight, what the majority will do tonight will, nevertheless, fail to provide the materials essential in motion a situation where military medical treatment facilities will have to scale back operations. They will try not to impact inpatient care or acute and emergency outpatient care; but routine medical and dental procedures, elective surgery is likely to be maintained in military facilities. If our activities would stop. Military members would continue to receive private sector care under TRICARE, but medical provider bills are going to go unpaid until appropriations are enacted.

New contracts, including contract renewals and extensions and the issuance of task orders, those are not likely to be executed. Any new contract will not be paid until appropriations are enacted. Death benefits to the family of a member killed in the line of duty are not likely to be paid until appropriations are enacted; in other words, they won't be if the government is shut down.

Almost all travel for temporary duty and some personnel change of station moves would be delayed, canceled, or cut short. Many professional training and educational activities would be stopped.

The bill fails to fund the material support needed to conduct training and ensure the readiness of our forces at home. Regular training exercises, including large-scale training rotations that are absolutely essential, depend on equipment that is in proper working order, facilities that have been properly maintained, and the supplies needed to support soldiers, sailors, airmen, and marines.

The bill fails to fund the procurement and research accounts that maintain the technological advantage of U.S. forces. It fails to fund the ships, the aircraft, ground equipment, sensors, and ammunition that our troops rely upon in combat. My friend from Georgia knows that about 40 percent of the DOD appropriations bill goes to acquire and enhance this equipment.

Failure to fund these accounts hurts the readiness of U.S. forces and degrades our defense industrial base.

Now let me mention some of the other activities that would not be executed, notwithstanding the fact that this bill will be passed virtually overwhelmingly. The Department of Veterans Affairs personnel charged with claims processing for veterans, including those returning from the last 12 years of combat, will not be paid. This legislation will nullify the progress that has been made by the VA on reducing the unacceptably high claims backlog.

A show down cuts foreign military financing to Israel, a vital partner and ally that depends upon $3.1 billion being provided at the beginning of the fiscal year; and, thus, it undermines our national security in an ever-changing and unstable region by degrading Israel's ability to maintain a qualitative military advantage.

These cuts will also have a direct impact on the industrial base throughout the United States for jobs that are funded through Israel's purchase of goods and services. Additionally, a shutdown will have a direct impact on our counterterrorism efforts, will halt programs that combat transnational crime, terrorism, and proliferation of weapons of mass destruction. This could severly impact activities supporting our homeland security. It will stop counterdrug, anticrime, and border security efforts in Mexico. It will cut huge numbers of jobs that secure our own borders, as well as programs that advance democracy, including civil society and the rule of law.

When the government shuts down, other locations throughout the country. Cumberland Island National Seashore would be closed. The Martin Luther King National Historic Site would be closed. The Chattahoochee River National Recreation Area would be closed. Fort Frederica National Monument on St. Simons Island would be closed. And that's just to mention a few Federal facilities that I suspect the gentleman who is managing this bill is fully familiar with.

We'll let go of 4,000 weather forecasters. We could go on and on. The Smithsonian will be closed. The Lincoln Memorial will be shut down. The National Zoo, Yellowstone. What are we doing this for? This doesn't make sense. All the wildlife refuges will be closed for hunting. This is hunting season.

You know, this may not seem like a big deal; but I think the American people who see this is done is going to realize the same thing they did back in 1995: wait a minute, we want these Federal activities. We need these Federal facilities. We need these jobs. Open up our government. And any Congress that acts to close it down is diserving the American public.

We are not fulfilling our responsibilities if we allow this government to
shut down, but that's exactly what we are doing with the action that the majority will be taking tonight. I reserve the balance of my time, Mr. Speaker.

Mr. KINGSTON. Mr. Speaker, I can’t imagine Ben Franklin or Rembrandt agreeing that a body he sought would shut down all these things for a health care bill called ObamaCare which is raising the cost of medicine for a health care bill called ObamaCare.

I yield 1 1/2 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I thank the chair. Mr. Speaker, the government should stay open. I support the legislation, but it can be improved.

All employees who work without pay should be paid on time, including, for example, the CIA. I went to the memorial service where the CIA employees were killed in Khost; and they’re side by side with the American military. The FBI, who is on the scene in Kenya now, told me about al-Shabab and the attack; DEA. Customs and Border Patrol agents, prison guards, doctors and nurses at VA hospitals, air traffic controllers, and Federal firefighters, many who gave their lives fighting wildfires around the country. Otherwise, they would be working without pay if the government closes.

I believe that all Federal employees should be paid. We should not forget that several Federal employees were killed at the Navy Yard. I went to the memorial and saw the pain of their families. And the CNO, who spoke, said they were supporting the fleet.

So in closing, I am going to support this amendment; but Federal employees and their families should not be punished because the administration and the Congress cannot agree.

Mr. MORAN. Mr. Speaker, I want to associate myself with the comments of my good friend from Virginia (Mr. WOLF). I completely agree with him that we want both DOD personnel and the personnel of our other Federal agencies to be able to continue to come to work. I appreciate his comments.

Mr. Speaker, at this time, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the very distinguished minority whip of the Congress.

Mr. HOYER. Mr. Speaker, I thank my friend from Virginia (Mr. MORAN) for yielding.

For 33 years, the gentleman from Virginia who just spoke and I have fought for equity and fairness for our Federal employees, whether they be in uniform or in civilian clothes.

I refer to this bill as “selective responsibility.” They know that the shutdown of government is irresponsible; and they know that neither the President nor the Senate is to agree, as they have not over and over again, to the proposal they have made. They know that they don’t want to be so irresponsible as to put the men and women who defend our country at risk.

And I might say, I believe every one of us in this House is going to vote for this bill. But my friend from Virginia (Mr. WOLF), who is my good friend and with whom I have worked, and I don’t think in a bipartisan way effectively for many, many interests—he’s right.

Now let me say that on the 16th of September, 10 people were struck down working for the defense of this country. I hope today, your grace, the Continuing Resolution bill covers them. I have attended two funerals, one on Wednesday and one today. I have spoken at both. With Mr. WOLF, I went to the marine barracks this past Sunday. The Commander in Chief, President Obama, spoke. Secretary Hagel, the Secretary of the Department of Defense, spoke. Secretary Mabus, the Secretary of the Navy, spoke. CNO Admiral Greenert spoke. And NAVSEA commander, which is located, of course, at the Navy Yard, Admiral Hilarides spoke. They spoke about one Navy—uniform, civilian—working as a team. But they spoke more broadly than that in that all Federal employees are one team, joined together to make our government work effectively as it can.

We are the board of directors of that government; and I can’t believe there is one of us, Mr. Speaker, that would serve on a board of directors and treat a large portion of our employees with such disrespect, with such lack of consideration, at times as we treat our civilian employees.

This bill does not cover the FBI. It doesn’t cover CIA. Now you will argue, Oh, well, they’re in the defense, and they’ll get critical employees. But only some. It doesn’t cover the National Institutes of Health to try to make America a healthier Nation. You want to defund ObamaCare; you want to defund NIH. And you will say, Oh, well, they’re in the defense, and they’ll get critical employees. But only some. They speak about one Navy—uniform, civilian—working as a team. But they spoke more broadly than that in that all Federal employees are one team, joined together to make our government work effectively as it can.

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I think that this is such a small token to put before people who risk their lives, it would be almost a shame to debate any other way. I move that we pass this bill, and I hope, as my colleague said, 100 percent of us vote for it.

Mr. MORAN. Does my friend from Georgia have many other speakers?

Mr. KINGSTON. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Georgia has 14 1/2 minutes remaining, and the gentleman from Virginia has 4 1/2 minutes remaining.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Mr. Speaker, I would like to thank the gentleman from Georgia for yielding.

I have come to the floor many times this year to remind my colleagues that our Nation has no greater asset than the hardworking patriots who make up our Department of Defense, both military and civilian alike. And today I am glad to support this bill, and I am pleased to see the House is moving to ensure that our servicemembers and civilian Department of Defense employees will be paid, but we must also not forget all of the other Federal employees who serve our Nation on a daily basis. They do a fantastic job also.

I am proud to represent tens of thousands of Federal employees and retirees who live in the First District of Virginia. These hardworking patriots serve our Nation on a daily basis, whether it be keeping our skies safe for travelers with the FAA, or supporting our troops on the front lines of the war on terror through the FBI and CIA, or the nurses and doctors in our veterans' hospitals.

I firmly believe that the government must continue to operate to ensure our servicemembers and all of our Federal employees continue to be paid and the government operations that folks count on each and every day are not interrupted. The American public and the Nation’s public servants deserve our extraordinary efforts to make sure this happens. They deserve our best.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT), the Representative of the 8th District of Virginia, and a member of the Armed Services Committee.

Mr. SCOTT. Mr. Speaker, I thank my colleague from Georgia for his leadership on this bill.

Mr. Speaker, the House is at work and the Senate is at home. The President is absent again. But none of us would be debating the future of this country without the men and women in the United States military. That's what makes theirs special and different.

Now, I listened as some argued against this bill and then said we would all support this bill. Good. Good.

Then let's put 435 green lights on the board and let's show the country that we're united in this.

Just today, 300 men and women from Moody Air Force Base, which my colleague represents as well as I do, many of the families down there in Georgia said good-bye to their families and friends and got on a plane. Why? Because we asked them to.

Over 90 days ago, this House right here passed an appropriations bill that fulfilled our promise to pay our soldiers in a timely manner and did all of the things that you said needed to be done with research and equipment and the other things. This House did that, and the Senate did not take action. Because of the Senate's inaction on the bill, the House is again working to do the right thing while, again, the Senate is at home, and we are working to pay our men and women who are defending our freedom.

Now, I know many of my colleagues—it sounds like maybe all of my colleagues on both sides of the aisle—are going to support the legislation in this House. All we're asking is for the Senate to support the President to have enough honor to make sure the families of our soldiers are not used as political leverage and guaranteed that they are paid on time. This amendment does just that.

Mr. MORAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. GARAMENDI), who has real-life practical experience in knowing what it's like to administrate an agency—the Interior Department—during a shutdown.

Mr. GARAMENDI. Mr. Speaker, 18 years and 3 days ago, I was Deputy Secretary at the United States Department of the Interior. It was a vibrant place. The interior secretary at the time was Mr. GOMES, who I had the privilege of working closely with during my tenure there. The researchers at the Fish & Wildlife Service were doing their job. The rangers were busy. The research was empty. The rangers shut the doors on the parks. The rangers shut the doors on the national parks. The research work. The accountants were busy. The national parks were open, and the Secretaries were busy. The accounts were busy. The researchers were busy. The researchers were doing their stuff, and then Congress failed to pass an appropriation bill. The next day it was silent. The entire building was empty. The rangers shut the doors to the national parks. The research ceased.

To this day, I don't believe there's a person in this room or in this Capitol that can remember what the fight was about, but America can remember the shutdown of the government. And here today, we're in it once again. And the question that the American people will ask is: What is this all about? And the end result of it is that the status of this House will diminish once more. That's the Senate and the President: Pass it clean. I'm not going to negotiate. Pass it clean.

Mr. PERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PERRY), an Active Duty member of the United States Army who has the rank of colonel.

Mr. PERRY. Mr. Speaker, I thank the gentleman for yielding me time.

We're talking this evening about a continuing resolution, continuing to fund our government. I find it odd that the other side is complaining about our plan, yet their plan is pass it clean. That's the Senate and the President: Pass it clean. I'm not going to negotiate. Pass it clean.

We're $17 trillion in debt, spending an average of $1 trillion more in the last 4 1/2, 5 years than we take in. And so the answer is just continue. That's a plan. So we've offered a plan. And we get it; we get it that you don't like it. We...
don’t like your plan, but we’re here trying to compromise, and this amendment is part of that compromise. Yet you say work with us to make ObamaCare better, Mr. Speaker. Work with us. Yet on this, you want to complain. We’re saying work with us to make the CR better. Make sure our troops and contracts, kinetic activity, are paid. Make sure that we take care of the one thing in the Constitution, the one thing that says “provide”—because words mean things, Mr. Speaker—“provide for the common defense.” “Provide.”

The other phrase is “promote.” So we’re here to make and set priorities. So we’re saying as the House of Representatives, paying our military is a priority, as it should be.

Mr. Speaker, I have embarked with those soldiers, men and women overseas, and watched them leave their families, watched them leave their babies behind, I have watched them. Theirs, as we say, is not to question why; theirs is to do and die.

Please work with us. Please do not argue. Please join us and pass this amendment.

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

Mr. KINGSTON. Mr. Speaker, may I inquire how much time we have left?

The SPEAKER pro tempore. The gentleman from Georgia has 8 minutes remaining, and the gentleman from Virginia has 1 1/2 minutes remaining.

Mr. KINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), a coauthor of this legislation for many years.

Mr. GOHMERT. Mr. Speaker, this is an important bill, and I appreciate so much my friend who knows about serving in the military, MIKE COFFMAN, getting this to floor.

My friend and I, JACK KINGSTON, had pushed this over 2 1/2 years ago, when it became clear that both parties were going to use our military to get people to vote for a CR they might not otherwise have voted for. We had, I think, over 200 cosponsors on our bill. But as far as the discharge petition that would have forced it to the bill, he wanted to sign on but they didn’t want to go against our leadership.

So I’m very grateful this bill is on the floor now. I’m very grateful. And I appreciate the Speaker for letting it come to the floor, because there’s one thing the military doesn’t need, and that is to be in harm’s way and have to worry about whether their loved ones are going to get the check that will allow them to pay their rent or for their care, or is it going to get reposessed.

From my 4 years in the military at Fort Benning, I’ve told it hasn’t changed much from this standpoint: people live from month to month. They don’t know what’s next. And so this is critical to get this done.

I’m glad the bill is coming. I’m glad to hear our colleagues on the other side of the aisle are going to vote with us, it sounds like. And as far as the effort to have civilians that work for the Department of Defense paid, I would hope that my colleagues across the aisle saved a little bit of righteous indignation for Democrats at the other end of the hall.

They have had the Department of Defense appropriations bill for months. They’ve been sitting on it. It would get everybody paid. It would take care of the other side of the military is not going to able to do because we’re not passing the bill. So we need to get the Senate to pass the DOD bill and that’ll take care of that—civilians and everybody.

We passed the Department of Defense bill, we passed the Energy and Water bill, we passed the Department of Homeland Security. They haven’t taken anything up. We passed a veterans’ bill. They haven’t taken up anything. We’re talking about how the Republicans are out of control at the end of the hall.

And yet we have Democrats in this town that say we’ll be flexible with Putin; we’ll stand down and talk with Iran, even though they want to destroy our way of life. But oh, no, the Republicans, won’t talk with them. I know we share a love for America and wanting to do the right thing, but for heaven’s sake, have as much flexibility with the Republicans as you do with the Russians and Iranians. That shouldn’t be too much to ask.

George Washington had a prayer. He prayed we would never forget those who serve in the field. And I’m glad this bill will remember them.

Mr. MORAN. Mr. Speaker, I yield 1 minute to the very distinguished gentlelady from New York (Mrs. LOWEY), the ranking member of the full Appropriations Committee.

Mrs. LOWEY. Mr. Speaker, it is 48 hours, 30 minutes before the Republicans plan to shut down this government.

Of course, there will be bipartisan support for this bill. However, this bill to continue funding the military is a farce. The bill claims to support the troops, but fails to provide the material essential to support forces and maintain the readiness of our deployed forces.

In FY 2014, the administration requested funds for operation and maintenance and procurement accounts that the troops, maintenance, ammunition, and equipment needed for the troops. The bill by the majority to fund the troops would not provide this material to support the troops.

So again, I say to my colleagues on the other side, we’ll be eligible and not much. Aren’t we embarrassed to be part of this dysfunctional Congress, with all the work that must be done in our districts back home?

We should begin to work together, not just say that it’s inevitable that we’re going to close the government down. Let’s do it. We can do it. And do it now.

The SPEAKER pro tempore. The gentleman from Virginia has 1 1/2 minutes remaining. The gentleman from Georgia has 5 minutes remaining.

Mr. KINGSTON. Mr. Speaker, I yield myself 1 1/2 minutes.

Mr. KINGSTON. Mr. Speaker, I want to remind everybody we’re here not because of the House Republican Appropriations Committee but because of the Senate Democrat Appropriations Committee which, to date, has not passed one single bill. We passed the defense bill. We’ve passed Homeland Security. We passed Military Construction.

What have HARRY REID and the Democrats, the Members of your party done? Zero. Not one bill. What did they do last year? We passed seven appropriations bills. What did HARRY REID and the Democrats do in the Senate? They passed one. That’s why we’re here debating the continuing resolution. It is not our desire to be here on this. We would rather have regular order. Instead, we have worked hard for regular order.

But, Mr. Speaker, I have the honor of representing Moody Air Force Base; the Townsend Bombing Range; the 22th Signal Group in Brunswick, Georgia; the 165th Air Wing in Savannah, Georgia; the Combat Readiness Training Center in Savannah, Georgia; Fort Stewart in Hinesville, Georgia; Hunter Army Airfield in Savannah, Georgia; Kings Bay Naval Base in St. Mary’s, Georgia, and members of the 48th Brigade all over my district. I have marines. I have three Coast Guard stations. On their behalf, we cannot let their pay be interrupted.

The things that these fighting men and women in uniform are doing for the United States of America should be off the table. That’s why we’re here in support of this bill.

I reserve the balance of my time.

Mr. MORAN. Mr. Speaker, since I have only 1 1/2 minutes, I think I’ll let the gentleman from Georgia yield to further speakers, but I do want to ask if the gentleman would yield some time, though, if he has time available, to engage in a colloquy. But on his time.

Mr. KINGSTON. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Georgia has 3 minutes remaining, and the gentleman from Virginia has 1 1/2 minutes remaining.

Mr. KINGSTON. Mr. Speaker, I have our last speaker, who’s going to close for us. Mr. COFFMAN is going to consume 3 minutes. So if the gentleman from Virginia wants to talk in 30 seconds, I will accommodate my friend.

I yield 30 seconds to the gentleman from Virginia.

Mr. MORAN. Let me ask my very good friend from Georgia if he knows why over in the Senate the minority insisted upon the cloture rule; in other words, that they have not appointed conferees to the budget conference?
Mr. KINGSTON. Reclaiming my time, I would only say this. It’s hard to figure out what the United States is doing at all under HARRY REID’s leadership.

Mr. MORAN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina. (Mr. PRICE, the ranking member of the Homeland Security Appropriations Subcommittee.)

Mr. PRICE of North Carolina. I thank the gentleman.

Mr. Speaker. A lot of us will vote for this bill, but it’s not going to fix the damage to our country of a shutdown, nor can it mask what’s going on here tonight: another chapter of Republican hostage-taking, threatening to shut down the government, or to refuse to pay the country’s bills, if they don’t get their way politically.

It’s been pretty confusing tonight with all this talk about who’s willing to negotiate. Republicans know very well that it is they who have refused to go to the Senate and fund the budget. They also know that it’s their leaders who cut off discussions of a comprehensive budget deal with the President back in December.

What they’re doing tonight is the opposite—take-it-or-leave-it politics, threatening government collapse and economic ruin in pursuit of a political agenda they could not advance by legitimate means.

We need to get back to the basics: keep the government open, pay the country’s bills, and negotiate a real and comprehensive budget plan.

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

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

Mr. Speaker, the problem with this bill is that it assumes a government shutdown. If it didn’t assume a government shutdown, then it wouldn’t separate Department of Defense personnel from non-Department of Defense personnel. Why would you need it if we were assuming that we’re going to be able to fund the government? That’s the underlying problem with this bill.

We’re going to vote for it because we feel that Department of Defense personnel ought to be paid. Of course, we do. Of course, we’re going to vote for this. But why are you doing it? You’re only doing it because you assume that you’re going to shut the government down. That’s the problem with this bill. There’s no other purpose for this bill.

I yield back the balance of my time.

Mr. KINGSTON. Mr. Speaker, the HARRY REID Democrat Senate would pass the Defense appropriations bill, we would not be here tonight having this debate.

With that, I yield the balance of my time to the gentleman from Colorado (Mr. COFFMAN), the author of the bill, a retired marine—although marines never retire.

Mr. COFFMAN. Mr. Speaker, as we near the final days of the fiscal year and come face-to-face with the possibility of a government shutdown, I have introduced this legislation in order to ensure that our military is not used as a political pawn in negotiations between the United States House and the Senate.

My legislation, H.R. 3210, the Pay Our Military Act, ensures that until such time as the President signs a continuing resolution, our military and the Department of Defense civilians and contractors who support our men and women in uniform will continue to be paid, regardless of a shutdown.

I’ve had five overseas deployments during my military career between the Army and the Marine Corps. I returned from my last assignment with the Marine Corps in Iraq in 2006. I fully understand the stresses that our men and women in uniform face on a day-to-day basis, particularly when we are still a Nation at war.

Today, most of our deployed military personnel, whether sailors aboard a ship in the Persian Gulf or soldiers and marines at forward operating bases in Afghanistan, have some level of access to instant communications with their families. Today, a marine rifleman can literally be in combat with the Taliban and turn to his base camp, and then be on the Internet communicating with his family in real-time.

When things don’t go well at home, the stress that our deployed men and women are already under is multiplied, particularly if their families go without an income and suffer financial hardships due to a government shutdown. In the event of a government shutdown, we must ensure that the men and women of our Nation in the armed services, and their families, will continue to be paid.

Mr. Speaker, regardless of what happens in the days ahead, this is a bill that should receive unanimous support. I urge my colleagues on both sides of the aisle to support this legislation, and hope that the Senate will act on it before it might be too late.

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

Ms. JACKSON LEE. Mr. Speaker, I rise to speak in support of H.R. 3210, the so-called “Pay Our Troops Act,” which is intended to ensure that our troops are paid in the event House Republicans succeed in shutting down the government.

The men and women of the Armed Forces who risk their lives to protect our freedoms surely are deserving of the support and resources needed to perform their duties, and that includes being paid in full and on time so they can provide for their families and loved ones.

Mr. Speaker, it would not be necessary to have to devote the considerable amount of time needed to debate and pass this legislation in the House and Senate and present it to the President if the House would simply pass the clean continuing resolution passed yesterday by the Senate.

The CR approved by the Senate funds the government and avoids a shutdown. President Obama has stated that he will sign it into law.

The clean CR passed by the Senate ensures that all the employees of the Federal Government are paid for the valuable and important service they provide to our Nation.

Mr. Speaker, instead of exempting certain groups and persons from the harm caused by a government shutdown, we should instead be focused on avoiding a shutdown, which helps no one and hurts our economy.

Those of who were serving in this body 17 years ago remember the harm caused when the Republicans shut down the government on two different occasions, which directly cost taxpayers $1.4 billion. That is $2.1 billion in today’s dollars.

The last time Republicans engineered a shutdown of the government: 368 national parks were closed, 200,000 applications for passports went unprocessed; $3.7 billion of $18 billion in local contracts went unpaid.

My state of Texas would be hit very hard and suffer unnecessarily if a government shutdown is not prevented.

With today’s Texas would begin experiencing the impact of cutbacks in the $64.7 billion in Federal spending that it receives annually, including the loss of:

$518 million in Federal highway funds, $411 million for interstate highway maintenance, $130 million for home weatherization, $60 million for the poor, $71 million in Homeland Security grants, $55 million in coordinated border infrastructure, and $97 million in Federal adoption assistance.

As a senior member of the Homeland Security Committee, I am particularly concerned over the impact of a government shutdown on operations and activities that protect and secure the homeland Impacts of shutdown in Texas on homeland security.

For example, a shutdown would adversely affect the following:

Law Enforcement and Other Training: Law enforcement training would cease, including those conducted through the Federal Law Enforcement Training Center and the Secret Service’s J. Rowley Training Center. This would impact CBP, ICE, Secret Service, the Federal Air Marshal Service, and would delay their ability to bring new hires into operational service. TSA would also not be able to conduct training for screeners, Behavior Detection Officers or canine units.

Frontline Personnel Hardships: The majority of the workforces in Custom and Border Protection’s (CBP) Border Patrol, Immigration and Customs Enforcement, (ICE) enforcement efforts, Transportation Security Administration (TSA) aviation passenger screening, and the Coast Guard, who are heavily reliant upon receiving biweekly paychecks, would lose not pay biweekly during a Federal funding hiatus.

Grant Programs for State and Local Preparedness: All DHS and Federal Emergency Management Agency (FEMA) personnel working on grants programs would be furloughed, causing any further ability intended to help build state and local resiliency. Should a Federal funding hiatus be prolonged, state and local communities may have to eliminate jobs.

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that are dependent upon grants funding. Further activity under the Securing the Cities program would be suspended.

In addition, a government shutdown will hurt children, seniors, working families, and the economically vulnerable.

Military Readiness: In Texas, approximately 52,000 civilian Department of Defense employees would be furloughed, reducing gross pay by around $274.8 million in total.

Law Enforcement and Public Safety Funds for Crime Prevention and Prosecution: Funding was withheld to Texas on an annualized portion of the $1.103,000 in Justice Assistance Grants that support law enforcement, prosecution and courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, and crime victim and witness assistance.

Vaccines for Children: In Texas around 9,730 fewer children will not receive vaccines for diseases such as measles, mumps, rubella, tetanus, whooping cough, influenza, and Hepatitis B due to reduced funding for programs that provide funding for vaccinations.

Nutrition Assistance for Seniors: Texas would lose approximately $3,557,000 in funds that make it possible to provide meals for seniors.

For these reasons, we should be working to pass H.J. Res. 59 as amended by the Senate. That is the best way to keep faith with all persons who serve the American people as employees of the Federal Government, and those who depend upon the services they provide.

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

Pursuant to House Resolution 366, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.
The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.
The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KINGSTON, Mr. Speaker, on that portion of the divided question, if opposed to clause 8 of rule XX, further proceedings on this question will be postponed.

CONTINUING APPROPRIATIONS

Resolution 2014

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the motion offered by the gentleman from Kentucky will resume.

The Clerk read the motion.

The SPEAKER pro tempore. The question of adoption of the motion is divided between the two House amendments.

The first portion of the divided question is: Will the House concur in the Senate amendment with House amendment No. 1 printed in House Report 113-23?

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

The Speaker pro tempore announced that the yeas appeared to have it.

The yeas and nays were ordered.

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The yeas and nays were ordered.
Mr. ROGERS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 192, not voting 108. The result of the vote was announced as follows:

[[Roll No. 489]]

<table>
<thead>
<tr>
<th>YEAS—423</th>
<th>YES—231</th>
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So the second portion of the divided question was adopted.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

PAY OUR MILITARY ACT

The SPEAKER pro tempore. The unfinshed business is the vote on passage of the bill (H.R. 3210) making continuing appropriations for military pay in the event of a Government shutdown, on which the yeas and nays were ordered.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 108, as follows:
So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEPARTMENT OF STATE OPERATIONS AND EMBASSY SECURITY AUTHORIZATION ACT, FISCAL YEAR 2014

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2848) to authorize appropriations for the Department of State for fiscal year 2014, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 37, not voting 10, as follows:

YEAS—384

No 0022

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON MONDAY, SEPTEMBER 30, 2013

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Monday, September 30, 2013.

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

There was no objection.
fire alarm, and the President is sending in the firefighters, EPA, the Energy Department, Interior, and the State Department are all working to bring down emissions and protect this planet. But here in Congress, House Republicans are denying the science and ignoring the fact that they are living in a fantasy land and drafting bills to tie the hands of the rescue squad.

This is willful ignorance. It is endangering the world our children and future generations will inherit. This is wrong. We must act. We must become the last bastion of the Flat Earth Society. We need to act and we need to act now.

ADJOURNMENT
Mr. FORTENBERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 33 minutes a.m.), under its previous order, the House adjourned until Monday, September 30, 2013, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

3138. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Quinoxyfen; Pesticide Tolerance. H.R. 3211. A bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents (Rept. 113-237). Referred to the Committee of the Whole House on the state of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 366. Resolution providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes, and providing for consideration of the bill (H.R. 3210) making continuing appropriations for military pay in the event of a Government shutdown (Rept. 113-238). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COFFMAN (for himself, Mr. KINGSTON, Mr. GORMERT, Mr. LATHAM, and Mrs. WALORSKI):

H.R. 3210. A bill making continuing appropriations for fiscal year 2014, and for other purposes, and providing for consideration of the bill (H.R. 3210) making continuing appropriations for military pay in the event of a Government shutdown (Rept. 113-238). Referred to the House Calendar.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. COFFMAN:

H.R. 3210. Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . ." Together with specific constitutional provisions establish the congressional power of the purse, granting Congress .
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the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. HUZENGA of Michigan:
H.R. 3211.

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3.

By Mr. SMITH of New Jersey:
H.R. 3212.

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3.

By Mr. GRAYSON:
H.R. 3213.

Congress has the power to enact this legislation pursuant to the following:

The Constitution.

By Mr. PALAZZO.

The Congress shall have power . . . To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States. . . .

By Mr. BERNIE of Louisiana:
H.R. 3218.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution, Article I, Section 8, Clause 1: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States."

By Mr. PALAZZO.

The Congress shall have power . . . To raise and support Armies . . .'' and ''[t]o provide and maintain a Navy."

By Mr. GALLEGO:
H.R. 3214.

Congress has the power to enact this legislation pursuant to the following:

The Constitution.

By Mr. HUIZENGA of Michigan:
H.R. 3215.

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 1.

By Mr. KINGSTON:
H.R. 3216.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7: "No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law..."

Clause 7 of rule XII, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

H.R. 311: Mr. BERNIE of Louisiana.
H.R. 3118: Mr. GALLEGO.
H.R. 3120: Mr. KINGSTON.
H.R. 3142: Mr. GALLEGO.
H.R. 3209: Mr. GALLEGO.
H.R. 3211: Mr. KINGSTON.
H.R. 3213: Mr. KINGSTON.
H.R. 3214: Mr. KINGSTON.
H.R. 3215: Mr. KINGSTON.
H.R. 3216: Mr. KINGSTON.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 318: Mr. RYAN of Ohio.
H.R. 567: Mr. STOCKMAN.
H.R. 721: Mr. POCAN.
H.R. 724: Mr. LAMBORN, Mr. CRAMER, Mr. Tipton, and Mr. AMODEI.
H.R. 800: Ms. SHEA-PORTER.
H.R. 915: Mr. GIBSON, Mr. SCHNEIDER, and Mr. MEADOWS.
H.R. 1077: Mr. FARENTHOLD and Mr. PALAZZO.
H.R. 1094: Ms. BROWN of Florida and Mr. FATTAH.
H.R. 1146: Mr. LOEB.
H.R. 1148: Mr. FAHR and Mr. BARLETTA.
H.R. 1252: Mr. GRAYSON and Ms. SHEA-PORTER.
H.R. 1231: Mr. JONES, Mr. MCKEON, Mr. PIERLUSI, Mr. SCHIFF, Mr. NEAL, Mr. LANDGREN, Mr. DOYLE, Mr. TONKO, Ms. ESHOO, Mrs. LOWEY, Mr. BARTON, Mr. DANNY K. DAVIS of Illinois, and Mr. GARAMENDI.
H.R. 1658: Mr. KIND.
H.R. 1717: Mr. REZETEK.
H.R. 1779: Mr. BUCHON and Mr. WHITFIELD.
H.R. 1825: Mr. PITTENGER.
H.R. 1971: Mr. ROTHFUS.
H.R. 2016: Mr. COHEN.
H.R. 2415: Mr. HASTINGS of Florida, Ms. KIRKPATRICK, Ms. JENKINS, Mr. BLAKEY of Iowa, Mr. FOSTER, Mr. NEAL, Ms. LOPUHEN, Mrs. DAVIS of California, Mr. Young of Indiana, and Mr. COSTA.
H.R. 2462: Mr. LOEB.
H.R. 2632: Ms. PINGREE of Maine.
H.R. 2717: Mr. RANGEL.
H.R. 2766: Ms. MATSUI.
H.R. 2876: Mr. JOHNSON of Ohio, Mr. GIBBS, and Mr. BROWN of Georgia.
H.R. 2904: Mr. KENNEDY.
H.R. 2906: Mr. KENNEDY.
H.R. 2957: Mrs. KIRKPATRICK, Mr. BARLETTA, and Mr. LOEB.
H.R. 2974: Ms. BROWNLEY of California.
H.R. 3076: Mr. RIDDLE.
H.R. 3111: Mr. O'ROURKE.
H.R. 3152: Mr. BARROW of Georgia.
H.R. 3180: Mr. BESCHER, Mr. RUNYAN, Mr. BIANCHI, and Mr. JOHNSON of Ohio.
H.R. 3175: Mr. GIBBS, Mr. GINGRICH of Georgia, Mr. HULSLAND, Mr. JONES, Mr. MULVANEY, Mr. SANFORD, Mr. WOODALL, and Mr. DODD.
H.R. 3188: Mr. COFFMAN and Mrs. LUMMIS.
H.R. 3207: Ms. SCHAKOWSKY and Mr. FALEOMAVAEGA.
H.J. Res. 68: Mr. RIDDLE.
H. Res. 392: Mr. FALLONE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MS. ROGERS OF KENTUCKY

H.R. 3210, the Pay Our Military Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.
EXTENSIONS OF REMARKS

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 28, 2013

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913. Today, it is $18,738,443,175,473.97. We've added $6,111,566,126,560.89 to our debt in 5 years. This is $6.1 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

EXPRESSIONS OF REMARKS

EXPRESSING THE SENSE THAT THERE SHOULD BE ESTABLISHED A NATIONAL AMERICANS OF AFRICAN IMMIGRANT HERITAGE MONTH

HON. YVETTE D. CLARKE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 28, 2013

Ms. CLARKE. Mr. Speaker, today I rise to recognize September as National Americans of African Immigrant Heritage Month and to celebrate the significant contributions of Americans of African Immigrant Heritage who have enriched the history of the United States:

Whereas, people of recent African immigrant heritage are found in every State of the Union;

Whereas, the history of Americans of African Immigrant Heritage in the United States is inextricably tied to the story of the United States;

Whereas, the community of Americans of African immigrant heritage is an inherently diverse population comprised of more than 45 distinct ethnicities and more than 500 language dialects;

Whereas, Americans of African immigrant heritage in the United States come from all regions in Africa and do not constitute a homogeneous group, including people from different national, linguistic, ethnic, racial, cultural and social backgrounds;

Whereas, Americans of African immigrant heritage came to the United States voluntarily, and are distinct from African Americans, the latter of whom are descendants of mostly West and Central Africans who were involuntarily brought to the United States by means of the historic Atlantic slave trade;

Whereas, the month of September has been celebrated by the Africans of Montgomery County, Maryland since 2008, because, African Union Day is on September 9th;

Whereas, recent African immigrants have made significant contributions to American culture such as having high educational and income levels, as well as contributing to many areas of American life such as the military, health-care, arts, education, community service and public policy; and

Whereas, raising awareness about African immigrant heritage is crucial to effectively fighting disparities within the greater Black population in the American narrative and is essential to building a stronger community and a stronger America; and

Whereas, during the 17th, 18th, and 19th centuries, a significant number of slaves from Africa region were brought to the United States;

Whereas, African immigrants from Cape Verde first came to the United States in the 1790s. The Cape Verdean immigrants arrived aboard New England whaling ships, which would often pick up crewmen off the coast of Cape Verde in Africa and their descendants include the legendary Lena Home and sailors who fought in the Union Navy;

Whereas, In 1922, the US government restricted the immigration of peoples of color, greatly reducing Cape Verdean immigration. The new regulations also prevented Cape Verdean Americans from visiting Africa for fear of being denied reentry into the United States;

Whereas, In the 1960s to 1970s, due to the more racially inclusive regulations of the Immigration and Nationality Act of 1965, more African immigrants from across the continent came to the US primarily as students;

Whereas, In the 1980s and 1990s, Africans in the US were primarily refugees, who were fleeing hardships from countries such as Ethiopia, Liberia, Sierra Leone, Somalia, Sudan;

Whereas, In the 2000s Africans in the US were primarily beneficiaries of the highly popular State Department program known as the Diversity Visa lottery program;

Whereas, much like the United States, the countries in Africa faced obstacles of in country-slavery and colonialism and struggled for independence;

Whereas, the independence movements in many countries in Africa during the 1960s and the consequential establishment of independent democratic countries in Africa strengthened ties between the region and the United States;

Whereas, there have been many influential Americans of recent African immigrant heritage in the history of the United States, including in Academia: Jem Spectar, Elatif A.B. Eltahir, Ahmed Zewail;

Whereas, there have been many achievements of Americans of recent African immigrant descent in sports, which include: Betty Okino, Yoakim Noah, Hakeem Olajuwon, Ndumukong Suh, Luc Mbah a Mboute, Freddy Adu, Alfred Aboya;

Whereas, there have been many achievements of Americans of recent African immigrant descent in the arts, which include: Akon, Charlie Theron, Dave Matthews, Djimon Hounsou, Karine Plantadit, Idris Elba, Wale, and Anika Noni Ross;

Whereas, there have been many achievements of Americans of recent African immigrant descent in media, which include: Sade Baderinwa, Yves Bollanga, Lola Oggunnaife, Pamela Anchang, Celestin Ngoa, Omoylee Sowore;

Whereas, there have been many achievements of Americans of recent African immigrant descent in fashion, which include: Imam Kibonen Ni, Oluchi, Bertini Wanda Heumegni, Liya Kebede, BeBe Zahara Benet, and Beetrax Fole;

Whereas, there have been many achievements of Americans of recent African immigrant descent who are successful entrepreneurs, which include: Jessica Matthews, Kase Lukman Lawal, Christopher Che, Elon Musk, and Noah A. Samara;

Whereas, there have been many achievements of Americans of recent African immigrant descent in government, such as Members of the Montgomery County Executive's African Advisory Group (MD), Washington, DC Mayor's Commission of African Affairs, the Newark Mayor's African Commission (NJ), The Philadelphia Mayor's African and Caribbean Commission (PA), the Bronx Borough President's African Advisory Council (NY), Council Member Edouard Haba, and Judge Nina Ashenafi Richardson;

Whereas, there have been many achievements of Americans of recent African immigrant descent as African immigrant activists, which include: Tshaye Tefera of Ethiopian Community and Development Center and Sylvie Bello of Cameroon American Council;

Whereas, the 44th President of the United States, Barack Hussein Obama, is of Kenyan descent;

Whereas, Americans of recent African immigrant heritage have played an active role in the civil rights movement and other social and political movements in the United States;

Whereas, Americans of recent African immigrant heritage have contributed greatly to education, fine arts, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other areas in the United States;

Whereas, Americans of African immigrant heritage share their culture through art, fashion, festivals, music, dance, film, and literature that enrich the cultural landscape of the United States;

Whereas, the countries in Africa are important economic partners of the United States;

Whereas, the people of Africa share the hopes and aspirations of the people of the United States for peace and prosperity throughout the world;

Whereas, there remains much to be done to ensure that Americans of recent African immigrant heritage have access to resources and a voice in the Government of the United States and continue to advance in the political, social, and economic landscape of the United States;

Whereas, celebrating African Immigrant Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, and history of and to appreciate the challenges faced by Americans of recent African immigrant heritage; and

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Whereas, September is an appropriate month to establish an African American Heritage Month: chosen because African Union Day is September 9.

I am firmly resolved that a National Americans of African Immigrant Heritage Month should be established to recognize the significant contributions of Americans of recent African Immigrant Heritage to the history of the United States, and believe the people of the United States should observe the month with appropriate ceremonies, celebrations, and activities.

Americans of recent African Immigrant Heritage strengthen the United States and enhance its rich diversity; it is time we formally celebrate this fact.

RECOGNIZING THE LIFE OF REV. ENERD CLARENCE BOOKER TALLAFERRO SMITH

HON. EDDIE BERNICE JOHNSON OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 28, 2013

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize the life of Reverend Andrew Crawford Clarkson, Jr., the late pastor of the Golden Gate Missionary Baptist Church in Dallas. The street on which the Golden Gate Missionary Baptist Church is located will be renamed in his honor for his unwavering commitment and dedication to his community.

Rev. Smith was best known for his remarkable energy, unfailing devotion to the faith, and his humility and love toward his neighbors. He grew up in San Antonio where he said the life-changing decision to pursue a life of faith came to him in a dream.

Rev. Smith remained loyal to his followers. In a decisive moment, Rev. Smith refused to relocate the church out of Oak Cliff and into a more prestigious locale. Although Rev. Smith stepped down as pastor in 1997, he remained active in his community. Nationally, Rev. Smith is recognized as an archetypical follower of the faith and a model for his peers.

Mr. Speaker, Rev. Smith was an inspiring and devoted individual. He prided himself on his faith and others frequently turned to Rev. Smith for spiritual guidance. His passing is a great loss to the community; however, his inestimable contributions to his friends and neighbors will be immortalized in renaming this street in his honor.

IN RECOGNITION OF THE 110TH BIRTHDAY OF MARY ANN KNIGHT

HON. MIKE ROGERS OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 28, 2013

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House’s attention today to honor Mrs. Mary Ann Knight on her 110th birthday. Mrs. Knight was born October 3rd, 1903 in Camp Hill, Alabama to Mr. Robert Lee Trimble and Mrs. Emmaline G. Trimble. She was the fourth born of nine children, five girls and four boys. Mrs. Knight has lived in Alabama, Indiana, Tennessee and Florida during her lifetime.

Throughout her life, Mary Ann has taught everyone she has met that hard work never goes to waste and she has continued to work. She has continued to work around her house and church, the St. James A.M.E. Church in Goodwater, Alabama.

On October the 6th, St. James A.M.E. Church Family will be holding a celebration for Mrs. Knight during their church service. They will recognize her dedication to her family, friends, community and church.

Mr. Speaker, please join me in celebrating Mrs. Mary Ann Knight’s 110th birthday. 110 years is quite a milestone, and I am honored today to help pay recognition to it.

A. CRAWFORD CLARKSON, JR., A TRUE SOUTHERN GENTLEMAN

HON. JOE WILSON OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 28, 2013

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to ask for the House’s attention today to honor the late Reverend Andrew Crawford Clarkson, Sr. of Columbia, SC, and the late Reverend Andrew Crawford Clarkson, Jr. of Columbia, BC, who exemplifies a true Southern Gentleman.

Andrew Crawford Clarkson, Jr. of Columbia, SC died on September 27, 2013. He was the son of Andrew Crawford Clarkson, Sr. of Columbia, SC and Jennie Louise Taber of Fort Mott, SC. Born in Columbia December 17, 1919, he was educated in the Columbia city schools graduating in 1937 from Columbia High School. In 1941 he was graduated in absentia from the University of South Carolina having received a commission as Ensign USNR. In 1943 he married Sarah Fairbank's Bull of Georgetown, SC.

Crawford Clarkson’s life was animated by an abiding love for his native state, and his family. He was a lively conversationalist, a tireless encourager of his children, lover of travel, and treasured his Scottish heritage. An outstanding businessman, his steady wisdom and consummate professionalism made him a behind the scenes trusted advisor to politicians, governors, university presidents, church leaders, business colleagues, clients, and his own children.

A passion for sailing, developed as a Sea Scout on Eagle Lake under the watchful eye of Mr. Clarkson’s service as a naval officer during World War II and the Korean conflict. He served aboard the high speed destructor mine sweeper USS St. John (DMS 8) July 1941 to July 1943, and then aboard the USS Howard (DMS 7) as executive officer and navigator. Tasked with keeping supply lanes open despite threats from German U-boats, Mr. Clarkson’s convoy duty ranged the North Atlantic, the Caribbean and later the Pacific. He also saw action during the landings at the Normandy Beaches in France and Morocco in November 1942. During the Howard’s Leyte Gulf operations in the Philippines, Mr. Clarkson saw his first kamikazes.

After World War II, Mr. Clarkson returned to Columbia and joined his father, holder of CPA SC certificate #1, at A.C. Clarkson and Company, CPAs. He was awarded C.P.A. certification in 1948. In 1952 Mr. Clarkson was recalled by the Navy during the Korean Emergency and ordered as Executive Officer of USS Cony (DDE 508). Upon returning to Columbia, Mr. Clarkson entered USC School of Law—attending class by day while studying law at night. He was graduated in 1955 and admitted to the S.C. Bar and the Federal Bar including ultimately the United States Supreme Court. In 1979 Mr. Clarkson retired from the Navy as Captain USNR.

From 1956 to 1960 Mr. Clarkson was a member of the executive secretariat of the Legislative Tax Study Commission—authorizing most of the tax legislation enacted during this period. In 1960 Mr. Clarkson moved A.C. Clarkson and Company to partnership form as Clarkson, Harden, and Gantt, CPAs. This firm grew to nine partners and over seventy employees engaged in all facets of accounting practice. In 1985 Clarkson Harden and Gantt was acquired by Arthur Young and Company. Mr. Clarkson retired from the accounting practices in 1987 and was appointed as a commissioner of the S.C. Tax Commission (now the S.C. Department of Revenue).

He served South Carolina in this position for eight years, the last two years as chairman. For this service Governor Carroll Campbell awarded Mr. Clarkson the Order of the Palmetto. Upon leaving the Tax Commission Mr. Clarkson was associated with the accounting firm Bauknight Pietras and Stormer, P.A.

Mr. Clarkson’s deep family roots to South Carolina led to a sustained interest in the wellbeing of her citizens as seen in his active involvement in many civic, cultural, religious, and political organizations. He was honored to have headed a meeting of the diocesan at First Presbyterian Church and subsequently a member of the vestry at Trinity Episcopal Cathedral; President of the local council of Boy Scouts of America (Eagle and Silver Beaver); Campaign Chairman of the United Way; founding board member of Patriots Point Naval Museum in Charleston; founding member of the Columbia Sailing Club; treasurer and fundraiser for Congressman Floyd Spence; chairman of Governor Carroll Campbell’s committee that successfully negotiated the Cañon Diablo; treasurer of the University of South Carolina, member of the Correctional Development Foundation from which came the atrial intervention procedure in effect today.

Mr. Clarkson was especially concerned in promoting the good of the University of South Carolina. He was instrumental in the formation of the USC Educational Foundation, led the way, at the direction of Coach Paul Dietzel, in acquiring a major bequest resulting in the expansion of the football stadium giving to it its new name Williams-Brice Stadium, and, finally, was pivotal, along with Dean Jasper, Jerry Beasley, and Jerry Beasley, in inspiring the vision for formation of the Master of International Business program at USC.

In September 1996, Mr. Clarkson was a member of the American Bar Association; the South Carolina Bar; the American Institute of CPAs; South Carolina Association of CPAs (Award for Distinguished Public Service); the Federation of Tax Administrators (board of directors); the Columbia Rotary Club (president, 1958-1959); the Columbia Chamber of Commerce (director-Directors, 1956-1958); South Carolina Chamber of Commerce (board of directors) which awarded him the S.C. William Jasper Freedom Award; the United States Chamber of Commerce (trustee, 1963-1965); Columbia City Ballet (trustee); Forest Lake Club; Quadrille Club; Cotillion of the United States should observe the month with appropriate ceremonies, celebrations, and activities. As Campaign Manager six times for Congressman Floyd Spence with Crawford as Campaign Treasurer I appreciated firsthand his profound Scottish spirituality.
IN HONOR OF SOROPTIMIST INTERNATIONAL OF BUCKS COUNTY

HON. MICHAEL G. FITZPATRICK
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 28, 2013

Mr. FITZPATRICK. Mr. Speaker, Soroptimist International of Bucks County is celebrating its 75th anniversary and we gratefully acknowledge this milestone, and the mission of this international service organization working on behalf of women and girls. Soroptimist clubs are noted for addressing the needs of women and girls in the communities they serve in the United States and around the world. In Bucks County, Soroptimist volunteers readily address the local need with thousands of service hours and dollars. Your clubs are carrying on the mission in 19 countries and territories worldwide, as well. Soroptimist organizations are to be congratulated for contributing to the betterment of the community and to the women and girls who benefited by your generosity through educational grants. We know that in 2010-2011 your organization distributed $1.5 million in educational grants to 1,221 women. As we acknowledge your work in Bucks County we also extend our gratitude to the founders and current members who surely will continue this service into the future.

NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. JOHN R. CARTER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 28, 2013

Mr. CARTER. Mr. Speaker, I rise today in support of the upcoming National Day of the Republic of China; an important day which led to the establishment of the Republic of China in 1912. Taiwan and the United States have been good friends and strong trading partners for many years. Both countries share common values and desires. Taiwan has proven to be a valuable trading partner to the United States and it is time to formalize the U.S.-Taiwan trading relationship through a Bilateral Investment Agreement with Taiwan.

As a trading leader in the Asia Pacific region, I encourage my colleagues to support Taiwan in their efforts to join the Trans-Pacific Partnership. Taiwan is a trusted trading partner and an economic leader; their inclusion would bring credibility to the partnership and enhance their reputation.

In closing, I encourage United States and Taiwanese leadership to continue their cultural exchange by diplomatic visits to further strengthen this important relationship.

DEPARTMENT OF VETERANS AFFAIRS EXPIRING AUTHORITIES ACT OF 2013

SPEECH OF
HON. BILL FLORES
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, September 27, 2013

Mr. FLORES. Mr. Speaker, I rise today in strong support of the Senate Amendment to H.R. 1412.

This bill extends many expiring authorities for needed veteran programs, and I am glad to see it on the floor today.

I would like to specifically highlight two provisions that passed out of the Subcommittee on Economic Opportunity, which I have the distinct honor of chairing.

The first provision was originally proposed in Mr. Coffman's bill, H.R. 1402, which would extend the authority for VA to operate an adaptive sport program under an agreement with the U.S. Paralympic Committee.

Mr. Speaker, under this agreement the U.S. Paralympic Committee provides grants to community based programs helping disabled veterans further their rehabilitation through adaptive sports.

This is an important program for our wounded warriors. It not only helps with their rehabilitation, but more importantly, many would say it helps with their self-confidence and spirit. I am pleased to see that we are re-authorizing the program, and remain hopeful we can work with our Senate colleagues to pass a longer extension of this program in the near future.

The second provision is a one year extension of the Homeless Veteran Reintegration Program. This is a successful program that provides grant funding for job training to local veteran homeless providers. I was proud to be an original co-sponsor of Mr. Cook's original bill to reauthorize the program and I am pleased to see it is included in the bill before us today.

I thank Chairman MILLER and Ranking Member MICHAUD for their efforts to move this bill forward and I encourage all members to support the Senate amendment to H.R. 1412.
Daily Digest

Senate

Chamber Action

The Senate was not in session and stands adjourned until 2:00 p.m. on Monday, September 30, 2013.

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 9 public bills, H.R. 3210–3218, were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

H.R. 2122, to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents (H. Rept. 113–237) and

H. Res. 366, providing for consideration of the Senate amendment to the joint resolution (H. J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes, and providing for consideration of the bill (H.R. 3210) making continuing appropriations for military pay in the event of a Government shutdown (H. Rept. 113–238).

Speaker: Read a letter from the Speaker wherein he appointed Representative Stewart to act as Speaker pro tempore for today.

Recess: The House recessed at 11:28 a.m. and reconvened at 12 noon.

Mexico-United States Interparliamentary Group—Appointment: The Chair announced the Speaker's appointment of the following Members on the part of the House to the Mexico-United States Interparliamentary Group: Representatives Pastor, Linda T. Sánchez (CA), Gene Green (TX), Polis, and Gallego.

Waiving a 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 the Senate amendment to 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: The House agreed to H. Res. 361, to waive a 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 the Senate amendment to 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, by a yea-and-nay vote of 226 yeas to 191 nays, Roll No. 493, after the previous question was ordered without objection.

Pursuant to section 2 of the rule, upon adoption of H. Res. 361, the House (1) takes from the Speaker's table 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.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Amending the Federal Food, Drug, and Cosmetic Act with respect to human drug
compounding and drug supply chain security: H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security and
Recess: The House recessed at 3:15 p.m. and reconvened at 7:44 p.m.
Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated yesterday, September 27th:
Edward J. Devitt United States Courthouse Designation Act: H.R. 2251, amended, to designate the United States courthouse located at 118 South Mill Street, in Fergus Falls, Minnesota, as the "Edward J. Devitt United States Courthouse", by a 2/3 yea-and-nay vote of 416 yeas to 4 nays, Roll No. 496.
Agreed to amend the title so as to read: "To designate the United States courthouse and Federal building located at 118 South Mill Street, in Fergus Falls, Minnesota, as the 'Edward J. Devitt United States Courthouse and Federal Building'."
Continuing Appropriations Resolution, 2014: The House concurred in the Senate amendment with amendments, made in order by the rule and printed in H. Rept. 113-238, to H. J. Res. 59, making continuing appropriations for fiscal year 2014. Pursuant to the rule, the question of adoption of the motion to concur was divided between the two House amendments.
Agreed to House amendment No. 1 (printed in H. Rept. 113-238) to the Senate amendment, by a yea-and-nay vote of 248 yeas to 174 nays, Roll No. 497.
Agreed to House amendment No. 2 (printed in H. Rept. 113-238) to the Senate amendment, by a yea-and-nay vote of 231 yeas to 192 nays, Roll No. 498.
H. Res. 366, the rule providing for consideration of the Senate amendment to the joint resolution (H. J. Res. 59) and providing for consideration of the bill (H.R. 3210) was agreed to by a yea-and-nay vote of 231 yeas to 191 nays, Roll No. 495, after the previous question was ordered by a yea-and-nay vote of 229 yeas to 192 nays, Roll No. 494.
Committee Meeting
CONSIDERATION OF THE SENATE AMENDMENT TO CONTINUING APPROPRIATIONS RESOLUTION, 2014; AND PAY OUR MILITARY ACT
Committee on Rules: Full Committee held a hearing on consideration of the Senate amendment to H.J. Res. 59, Continuing Appropriations Resolution, 2014; and H.R. 3210, the "Pay Our Military Act". The Committee granted, by record vote of 8-4, a rule, which provides for consideration of the Senate amendment to H.J. Res. 59. The rule makes in order a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment to H.J. Res. 59 with each of the two amendments printed in the Rules Committee report. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule provides that the Senate amendment and the motion shall be considered as read. The rule waives all points of order against consideration of the motion. The rule provides that the question of adoption of the motion shall be divided between the two House amendments. In Section 2, the rule provides a closed rule for H.R. 3210. The rule provides 40 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order.
against consideration of the bill and provides that it shall be considered as read. The rule waives all points of order against provisions in the bill. The rule provides one motion to recommit. Testimony was heard from Chairman Rogers (KY); and Representatives Lowey; DeLauro; Wasserman Schultz; Jackson Lee; Gohmert; and Moran.

**Joint Meetings**

No joint committee meetings were held.

**COMMITTEE MEETINGS FOR MONDAY, SEPTEMBER 30, 2013**

(Committee meetings are open unless otherwise indicated)

**Senate**

*Committee on Environment and Public Works:* to receive a briefing by the Office of the Inspector General of the Environmental Protection Agency (EPA) on its investigation of career employee John Beale, 4 p.m., SD–406.

*Committee on Homeland Security and Governmental Affairs:* business meeting to consider the nominations of Stevan Eaton Bunnell, of the District of Columbia, to be General Counsel, and Suzanne Eleanor Spaulding, of Virginia, to be Under Secretary for National Protection and Programs, both of the Department of Homeland Security, and Carol Waller Pope, of the District of Columbia, Ernest W. Dubester, of Virginia, and Patrick Pizzella, of Virginia, all to be a Member of the Federal Labor Relations Authority, Time to be announced, S–216, Capitol.

**House**

No hearings are scheduled.
Next Meeting of the SENATE
2 p.m., Monday, September 30

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 5 p.m.), the Majority Leader will be recognized.

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Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Monday, September 30

House Chamber

Program for Monday: To be announced.

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Extensions of Remarks, as inserted in this issue

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