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No. 28

## House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LATTA).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
February 28, 2011.

I hereby appoint the Honorable ROBERT E. LATTA, to act as Speaker pro tempore on this day.

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

### PRAYER

Reverend Gene Hemrick, Washington Theological Union, Washington, D.C., offered the following prayer:

Lord, in turbulent times throughout our country and the world, may we bring to those who seek peace the loving, uplifting heart that rings through the prayer of St. Francis:

Lord, make me an instrument of Your peace.

Where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life.

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 Missouri (Ms. MCCOLLUM) come forward and lead the House in the Pledge of Allegiance.

Ms. MCCOLLUM led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### CODEL TO THE CENTRAL FRONTS

(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, last week, I participated in a congressional delegation to visit troops and fact-find in Kuwait, Iraq, Bahrain, and Afghanistan. Immediately upon arrival, we were given an optimistic assessment of the region by Ambassador Deborah Jones in Kuwait.

America's team in Baghdad, ably led by General Lloyd Austin and Ambassador James Jeffrey, confirmed the transition to an Iraqi lead is working with the professionalism of the Iraqi Army and police. A highlight for me was to meet with the 151st Expeditionary Signal Battalion led by Lieutenant Colonel Richard Wholey of the South Carolina Army National Guard to thank them and their families for their service.

In Bahrain, we met top officials who assured us the reformist Crown Prince is leading negotiations to reduce conflict in this dynamic Persian Gulf ally where we visited the U.S.S. Lake Champlain's capable sailors.

In Afghanistan, we saw firsthand in Kandahar the success of President Obama's surge where a surge of 30,000

U.S. troops last year motivated a surge of an additional 70,000 Afghans to fight terrorism. The Kabul team of General David Petraeus and Ambassador Karl Eikenberry are successfully denying terrorists a safe haven to attack American families.

Godspeed to Danielle Simonetti Mauer, a Washington and Lee graduate, as she departs from House service for a new career.

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

### IN SOLIDARITY WITH AMERICAN WORKERS

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

Ms. MCCOLLUM. Mr. Speaker, I stand today in solidarity with the working men and women of America. There should be no doubt that there is a war going on right now against workers, unions, and middle class Americans who want more jobs.

In Wisconsin, Ohio and here in Congress, workers' rights are under attack by union-busting politicians. It is time for Americans to stand up and fight for the rights of workers to organize and negotiate for safe working conditions, living wages, and basic benefits.

It is time to stand up and fight against the attacks launched by union-busting Republican Governors and their corporate sponsors. The citizens and legislators of Wisconsin and Ohio who are standing up to the union-busters have the respect and appreciation of millions of Americans.

Thank you for fighting for dignity, respect, freedom and the rights of American workers for today and tomorrow. And in Minnesota and across America, there are freedom-loving citizens who stand in solidarity with our brothers and sisters in Wisconsin and Ohio.

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H1365

IN HONOR OF FRANK BUCKLES,  
WORLD WAR I VETERAN

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

Mr. FITZPATRICK. Mr. Speaker, today I rise to honor the life of Frank Buckles, who was the last surviving veteran of World War I. Frank Buckles passed away this weekend. He was 110 years old.

I am particularly proud to pay tribute to Mr. Buckles today because of his deep roots and connection to Bucks County, Pennsylvania, which is located in my congressional district, Pennsylvania's Eighth.

Frank Buckles' ancestors first arrived in what was to become the United States in 1702. They settled in Philadelphia; and in 1732, the same year that George Washington was born, Frank's ancestors married into a Quaker family and moved to Bucks County.

Mr. Speaker, with the passing of Frank Buckles, we mourn not just the man who served his country honorably, but we also mourn the passing of an era. His death reminds us of those who have served and those who continue to serve their country in the Armed Forces, and we honor their sacrifices in the name of Frank Buckles.

WISE DEFICIT REDUCTION

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

Mr. GARAMENDI. Mr. Speaker and Members of the House, 9 days ago there was a frenzy of budget cutting here on the floor, and we are going to resume that process probably tomorrow. I would urge caution for all of us. The unintended consequences of those budget cuts will come back in many, many ways to harm this Nation.

It was estimated that the CR that was voted out of this House 9 days ago would reduce employment by over 800,000 in the next 6 months—not a good result. We have to think long term here. We need to be wise. Definitely we have to deal with the deficit, and we shall. But we must not do so at the expense of jobs and employment today or at the future opportunities. And specifically, I speak to the issue of research, development and demonstration. There are enormous cuts in that budget in the area of energy research and other necessary research that this country has to have if we are going to stay ahead in the race for the economy and for the future.

THE HUMAN GENOME PROJECT

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

Mr. BURGESS. Mr. Speaker, just before we left on break, Francis Collins came and talked to a small group of us at the Health Caucus one morning.

Francis Collins, of course Dr. Collins, is the director of the National Institutes of Health and the lead of the human genome project in the National Institutes of Health when the human genome was finally solved a little less than a decade ago. Advances in genomics have really been startling, and the project continues to provide much excitement. Over 1,800 genes that cause disease have been discovered. Whole genomes for cancer cells have been mapped. That is remarkable.

The promise this research holds to help those suffering or likely to suffer from diseases or medical conditions is very real. I cannot overstate the significance of these advances. I have no doubt that the field of medicine will be revolutionized.

The technology has certainly evolved since I was a medical student some 40 years ago. Things that I would have never thought imaginable are now clearly within the reach and grasp of today's practitioner. In fact, the young men and women who are medical students and residents today, what a world they will live in. The science is going to be absolutely fantastic. And, indeed, their ability to relieve human suffering is going to be unlike anything that has been known by any generation of physicians that has preceded them.

OBAMACARE'S LOST JOBS

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

Mr. PITTS. Mr. Speaker, last year we were told that ObamaCare would create 400,000 jobs "almost immediately." We were further told that in the coming years, ObamaCare would create 10 times that amount, 4 million jobs. A year later, we see that those promises are truly hollow.

In his testimony before the House Budget Committee, CBO Director Elmendorf confirmed that the new health care law will reduce unemployment by 800,000 jobs by the end of the decade. ObamaCare will take away the current insurance plan for millions of Americans, especially those who buy in the individual market or who are in a Medicare Advantage plan. All of these people were promised, "if you like it, you can keep it."

On the campaign trail, the President said he would save every American family \$2,500 a year. Now we know that some American families will be paying an additional \$2,100 a year. How can the Congress stand for this? The only sensible option is to fully repeal ObamaCare and put forward better solutions that don't destroy jobs and health care—real reform for health insurance.

□ 1410

DEFENSE OF MARRIAGE ACT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, while we were gone last week, the United States Department of Justice made an unfortunate decision announcement. They announced that they would no longer defend an act of Congress that was signed into law by President Clinton, that is, the Defense of Marriage Act.

The statement that came out of the Justice Department said that they could find no constitutional basis for defending that law. I recall we had the same thing happen in my home State where then-Attorney General Jerry Brown said he could not defend Proposition 8 which dealt with the definition of marriage.

Having served in that office in California, I can tell you, I defended laws that I disagreed with. I defended laws that I had voted against, and I felt it was my solemn obligation to uphold the Constitution and the laws duly enacted in my State, just as I believe the Attorney General of the United States has that obligation on the Federal level.

It is beyond disappointment. I believe it is a dereliction of duty. To somehow now find that there is no constitutional basis for defending that law is incredible and I think regrettable, and I think we ought to look into it.

COMMUNICATION FROM THE CHIEF  
ADMINISTRATIVE OFFICER OF  
THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, February 22, 2011.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I, in my capacity as Custodian of Records for the Office of the Chief Administrative Officer, have been served with a subpoena for documents issued by a grand jury in the County of New York.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DANIEL J. STRODEL,  
Chief Administrative Officer.

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 after 6:30 p.m. today.

FEDERAL COURTS JURISDICTION  
AND VENUE CLARIFICATION ACT  
OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 394

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Courts Jurisdiction and Venue Clarification Act of 2011”.

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

Sec. 1. Short title; table of contents.

**TITLE I—JURISDICTIONAL  
IMPROVEMENTS**

Sec. 101. Treatment of resident aliens.

Sec. 102. Citizenship of corporations and insurance companies with foreign contacts.

Sec. 103. Removal and remand procedures.

Sec. 104. Effective date.

**TITLE II—VENUE AND TRANSFER  
IMPROVEMENTS**

Sec. 201. Scope and definitions.

Sec. 202. Venue generally.

Sec. 203. Repeal of section 1392.

Sec. 204. Change of venue.

Sec. 205. Effective date.

**TITLE I—JURISDICTIONAL  
IMPROVEMENTS**

**SEC. 101. TREATMENT OF RESIDENT ALIENS.**

Section 1332(a) of title 28, United States Code, is amended—

(1) by striking the last sentence; and

(2) in paragraph (2), by inserting after “foreign state” the following: “, except that the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State”.

**SEC. 102. CITIZENSHIP OF CORPORATIONS AND  
INSURANCE COMPANIES WITH FOREIGN  
CONTACTS.**

Section 1332(c)(1) of title 28, United States Code, is amended—

(1) by striking “any State” and inserting “every State and foreign state”;

(2) by striking “the State” and inserting “the State or foreign state”;

(3) by striking all that follows “party-defendant,” and inserting “such insurer shall be deemed a citizen of—

“(A) every State and foreign state of which the insured is a citizen;

“(B) every State and foreign state by which the insurer has been incorporated; and

“(C) the State or foreign state where the insurer has its principal place of business; and”.

**SEC. 103. REMOVAL AND REMAND PROCEDURES.**

(a) **ACTIONS REMOVABLE GENERALLY.**—Section 1441 of title 28, United States Code, is amended as follows:

(1) The section heading is amended by striking “Actions removable generally” and inserting “Removal of civil actions”.

(2) Subsection (a) is amended—

(A) by striking “(a) Except” and inserting “(a) GENERALLY.—Except”; and

(B) by striking the last sentence;

(3) Subsection (b) is amended to read as follows:

“(b) **REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.**—(1) In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded.

“(2) A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”.

(4) Subsection (c) is amended to read as follows:

“(c) **JOINDER OF FEDERAL LAW CLAIMS AND STATE LAW CLAIMS.**—(1) If a civil action includes—

“(A) a claim arising under the Constitution, laws, or treaties of the United States (within the meaning of section 1331 of this title), and

“(B) a claim not within the original or supplemental jurisdiction of the district court or a claim that has been made nonremovable by statute,

the entire action may be removed if the action would be removable without the inclusion of the claim described in subparagraph (B).

“(2) Upon removal of an action described in paragraph (1), the district court shall sever from the action all claims described in paragraph (1)(B) and shall remand the severed claims to the State court from which the action was removed. Only defendants against whom a claim described in paragraph (1)(A) has been asserted are required to join in or consent to the removal under paragraph (1).”.

(5) Subsection (d) is amended by striking “(d) Any” and inserting “(d) ACTIONS AGAINST FOREIGN STATES.—Any”.

(6) Subsection (e) is amended by striking “(e)(1) Notwithstanding” and inserting “(e) MULTIPARTY, MULTIFORUM JURISDICTION.—(1) Notwithstanding”.

(7) Subsection (f) is amended by striking “(f) The court” and inserting “(f) DERIVATIVE REMOVAL JURISDICTION.—The court”.

(b) **PROCEDURE FOR REMOVAL OF CIVIL ACTIONS.**—Section 1446 of title 28, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

“§ 1446. Procedure for removal of civil actions”.

(2) Subsection (a) is amended—

(A) by striking “(a) A defendant” and inserting “(a) GENERALLY.—A defendant”; and

(B) by striking “or criminal prosecution”.

(3) Subsection (b) is amended—

(A) by striking “(b) The notice” and inserting “(b) REQUIREMENTS; GENERALLY.—(1) The notice”; and

(B) by striking the second paragraph and inserting the following:

“(2)(A) When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.

“(B) Each defendant shall have 30 days after receipt by or service on that defendant of the initial pleading or summons described in paragraph (1) to file the notice of removal.

“(C) If defendants are served at different times, and a later-served defendant files a notice of removal, any earlier-served defendant may consent to the removal even though that earlier-served defendant did not previously initiate or consent to removal.

“(3) Except as provided in subsection (c), if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a

copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.”;

(C) by striking subsection (c) and inserting the following:

“(c) **REQUIREMENTS; REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.**—(1) A case may not be removed under subsection (b)(3) on the basis of jurisdiction conferred by section 1332 more than 1 year after commencement of the action, unless the district court finds that the plaintiff has acted in bad faith in order to prevent a defendant from removing the action.

“(2) If removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy, except that—

“(A) the notice of removal may assert the amount in controversy if the initial pleading seeks—

“(i) nonmonetary relief; or

“(ii) a money judgment, but the State practice either does not permit demand for a specific sum or permits recovery of damages in excess of the amount demanded; and

“(B) removal of the action is proper on the basis of an amount in controversy asserted under subparagraph (A) if the district court finds, by the preponderance of the evidence, that the amount in controversy exceeds the amount specified in section 1332(a).

“(3)(A) If the case stated by the initial pleading is not removable solely because the amount in controversy does not exceed the amount specified in section 1332(a), information relating to the amount in controversy in the record of the State proceeding, or in responses to discovery, shall be treated as an ‘other paper’ under subsection (b)(3).

“(B) If the notice of removal is filed more than 1 year after commencement of the action and the district court finds that the plaintiff deliberately failed to disclose the actual amount in controversy to prevent removal, that finding shall be deemed bad faith under paragraph (1).”.

(4) Section 1446 is further amended—

(A) in subsection (d), by striking “(d) Promptly” and inserting “(d) NOTICE TO ADVERSE PARTIES AND STATE COURT.—Promptly”;

(B) by striking “thirty days” each place it appears and inserting “30 days”;

(C) by striking subsection (e); and

(D) in subsection (f), by striking “(f) With respect” and inserting “(e) COUNTERCLAIM IN 337 PROCEEDING.—With respect”.

(c) **PROCEDURE FOR REMOVAL OF CRIMINAL ACTIONS.**—Chapter 89 of title 28, United States Code, is amended by adding at the end the following new section:

“§ 1454. Procedure for removal of criminal prosecutions

“(a) **NOTICE OF REMOVAL.**—A defendant or defendants desiring to remove any criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such prosecution is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

“(b) **REQUIREMENTS.**—(1) A notice of removal of a criminal prosecution shall be filed not later than 30 days after the arraignment in the State court, or at any time before trial, whichever is earlier, except that for good cause shown the United States district court may enter an order granting the defendant or defendants leave to file the notice at a later time.

“(2) A notice of removal of a criminal prosecution shall include all grounds for such removal. A failure to state grounds that exist at the time of the filing of the notice shall constitute a waiver of such grounds, and a second notice may be filed only on grounds not existing at the time of the original notice. For good cause shown, the United States district court may grant relief from the limitations of this paragraph.

“(3) The filing of a notice of removal of a criminal prosecution shall not prevent the State court in which such prosecution is pending from proceeding further, except that a judgment of conviction shall not be entered unless the prosecution is first remanded.

“(4) The United States district court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.

“(5) If the United States district court does not order the summary remand of such prosecution, it shall order an evidentiary hearing to be held promptly and, after such hearing, shall make such disposition of the prosecution as justice shall require. If the United States district court determines that removal shall be permitted, it shall so notify the State court in which prosecution is pending, which shall proceed no further.

“(c) WRIT OF HABEAS CORPUS.—If the defendant or defendants are in actual custody on process issued by the State court, the district court shall issue its writ of habeas corpus, and the marshal shall thereupon take such defendant or defendants into the marshal’s custody and deliver a copy of the writ to the clerk of such State court.”.

(d) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 89 of title 28, United States Code, is amended—

(A) in the item relating to section 1441, by striking “Actions removable generally” and inserting “Removal of civil actions”;

(B) in the item relating to section 1446, by inserting “of civil actions” after “removal”; and

(C) by adding at the end the following new item:

“1454. Procedure for removal of criminal prosecutions.”.

(2) Section 1453(b) of title 28, United States Code, is amended by striking “1446(b)” and inserting “1446(c)(1)”.

#### SEC. 104. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this title shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act, and shall apply to any action or prosecution commenced on or after such effective date.

(b) TREATMENT OF CASES REMOVED TO FEDERAL COURT.—For purposes of subsection (a), an action or prosecution commenced in State court and removed to Federal court shall be deemed to commence on the date the action or prosecution was commenced, within the meaning of State law, in State court.

### TITLE II—VENUE AND TRANSFER IMPROVEMENTS

#### SEC. 201. SCOPE AND DEFINITIONS.

(a) IN GENERAL.—Chapter 87 of title 28, United States Code, is amended by inserting before section 1391 the following new section: “§ 1390. Scope

“(a) VENUE DEFINED.—As used in this chapter, the term ‘venue’ refers to the geographic specification of the proper court or courts for the litigation of a civil action that is within the subject-matter jurisdiction of the district courts in general, and does not refer

to any grant or restriction of subject-matter jurisdiction providing for a civil action to be adjudicated only by the district court for a particular district or districts.

“(b) EXCLUSION OF CERTAIN CASES.—Except as otherwise provided by law, this chapter shall not govern the venue of a civil action in which the district court exercises the jurisdiction conferred by section 1333, except that such civil actions may be transferred between district courts as provided in this chapter.

“(c) CLARIFICATION REGARDING CASES REMOVED FROM STATE COURTS.—This chapter shall not determine the district court to which a civil action pending in a State court may be removed, but shall govern the transfer of an action so removed as between districts and divisions of the United States district courts.”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 87 of title 28, United States Code, is amended by inserting before the item relating to section 1391 the following new item:

“1390. Scope.”.

#### SEC. 202. VENUE GENERALLY.

Section 1391 of title 28, United States Code, is amended as follows:

(1) By striking subsections (a) through (d) and inserting the following:

“(a) APPLICABILITY OF SECTION.—Except as otherwise provided by law—

“(1) this section shall govern the venue of all civil actions brought in district courts of the United States; and

“(2) the proper venue for a civil action shall be determined without regard to whether the action is local or transitory in nature.

“(b) VENUE IN GENERAL.—A civil action may be brought in—

“(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

“(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

“(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.

“(c) RESIDENCY.—For all venue purposes—

“(1) a natural person, including an alien lawfully admitted for permanent residence in the United States, shall be deemed to reside in the judicial district in which that person is domiciled;

“(2) an entity with the capacity to sue and be sued in its common name under applicable law, whether or not incorporated, shall be deemed to reside, if a defendant, in any judicial district in which such defendant is subject to the court’s personal jurisdiction with respect to the civil action in question and, if a plaintiff, only in the judicial district in which it maintains its principal place of business; and

“(3) a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.

“(d) RESIDENCY OF CORPORATIONS IN STATES WITH MULTIPLE DISTRICTS.—For purposes of venue under this chapter, in a State which has more than one judicial district and in which a defendant that is a corporation is subject to personal jurisdiction at the time an action is commenced, such corporation shall be deemed to reside in any district in that State within which its contacts would

be sufficient to subject it to personal jurisdiction if that district were a separate State, and, if there is no such district, the corporation shall be deemed to reside in the district within which it has the most significant contacts.”.

(2) In subsection (e)—

(A) in the first paragraph—

(i) by striking “(1)”, “(2)”, and “(3)” and inserting “(A)”, “(B)”, and “(C)”, respectively; and

(ii) by striking “(e) A civil action” and inserting the following:

“(e) ACTIONS WHERE DEFENDANT IS OFFICER OR EMPLOYEE OF THE UNITED STATES.—

“(1) IN GENERAL.—A civil action”; and

(B) in the second undesignated paragraph by striking “The summons and complaint” and inserting the following:

“(2) SERVICE.—The summons and complaint”.

(3) In subsection (f), by striking “(f) A civil action” and inserting “(f) CIVIL ACTIONS AGAINST A FOREIGN STATE.—A civil action”.

(4) In subsection (g), by striking “(g) A civil action” and inserting “(g) MULTIPARTY, MULTIFORUM LITIGATION.—A civil action”.

#### SEC. 203. REPEAL OF SECTION 1392.

Section 1392 of title 28, United States Code, and the item relating to that section in the table of sections at the beginning of chapter 87 of such title, are repealed.

#### SEC. 204. CHANGE OF VENUE.

Section 1404 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: “or to any district or division to which all parties have consented”; and

(2) in subsection (d), by striking “As used in this section,” and inserting “Transfers from a district court of the United States to the District Court of Guam, the District Court for the Northern Mariana Islands, or the District Court of the Virgin Islands shall not be permitted under this section. As otherwise used in this section.”.

#### SEC. 205. EFFECTIVE DATE.

The amendments made by this title—

(1) shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act; and

(2) shall apply to—

(A) any action that is commenced in a United States district court on or after such effective date; and

(B) any action that is removed from a State court to a United States district court and that had been commenced, within the meaning of State law, on or after such effective date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 394, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, first, I would like to thank Ranking Member CONYERS,

Courts Subcommittee Chairman HOWARD COBLE, Courts Ranking Member COHEN, and former Courts Subcommittee Chairman HANK JOHNSON for cosponsoring the bill.

The Federal Courts Jurisdiction and Venue Clarification Act brings more clarity to the operation of jurisdictional statutes and facilitates the identification of the appropriate State or Federal court where actions should be brought.

Judges believe the current rules force them to waste time determining jurisdictional issues at the expense of adjudicating underlying litigation. The contents of this bill are based on recommendations developed and approved by the United States Judicial Conference to address the judiciary's concerns.

This legislation contains a number of revisions to Federal jurisdictional and venue law. Among the changes, the bill clarifies the definition of citizenship for foreign corporations and domestic corporations doing business abroad; separates the removal provisions governing civil cases and those governing criminal cases into two statutes; and creates a general venue statute that unifies the approach to venue in diversity and Federal question cases, while maintaining current venue standards.

Mr. Speaker, I urge Members to support H.R. 394.

I reserve the balance of my time.

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

Mr. Speaker, H.R. 394 is intended to clarify a number of uncertainties and technical flaws in statutory provisions governing Federal court jurisdiction and venue that have come to light in recent years.

The legislation addresses the inefficient rules which judges have identified. These rules have required judges to spend considerable time deliberating jurisdictional issues instead of analyzing the case's facts and applicable laws. In the 111th Congress, we passed similar legislation in the House on a bipartisan basis. Unfortunately, the Senate was unable to pass it before the end of the 111th Congress.

This legislation is based on studies within the judiciary and consultation from academics and legal organizations, including the American Bar Association, Lawyers for Civil Justice, the American Bar Association, the American Association for Justice, and the Chamber of Commerce. Additionally, the Judicial Conference of the United States has endorsed this legislation.

I want to thank my friend and sponsor of this bill, Chairman LAMAR SMITH for his continued efforts to strengthen the operations and efficiencies of our Federal judiciary. I urge my colleagues to support this bipartisan legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of the H.R. 394, "Federal Courts and Venue Clarification Act of 2011." As a Senior Member of the Judiciary Committee, I am pleased to say that H.R. 394

enjoys strong bipartisan support and completes important work that was commenced during the 111th Congress when we considered and passed this bill in its previous form under H.R. 4113. This legislation has been a priority for Judiciary Chairman LAMAR SMITH, Ranking Member JOHN CONYERS and the many members of this chamber who passed this H.R. 4113 in the 111th Congress. Though, we were able to pass H.R. 4113 in the 111th Congress, the Senate was unable to pass it before the end of the 111th Congress. So today, I am pleased that we have the opportunity to consider and pass H.R. 394 at an early stage in the 112th Congress and provide our Senate colleagues with ample time to pass it as well.

As an Attorney and former Judge, I cannot overemphasize the importance of providing our federal judges and members of the legal profession with clear guidelines regarding issues of jurisdiction and venue. Providing our federal courts with clear guidelines on what cases they can hear under their jurisdiction and the proper venue for hearing such cases is central to the fair and efficient administration of justice in our democratic nation which is squarely based upon the rule of law. To that end, H.R. 394, the "Federal Courts Jurisdiction and Venue Clarification Act of 2010", is intended to clarify a number of uncertainties and technical flaws in statutory provisions governing federal court jurisdiction and venue that have come to light in recent years. The legislation addresses inefficient rules which judges themselves have identified. These rules have required judges to spend considerable time deliberating jurisdictional issues instead of focusing on analyzing the important facts and laws applicable to the cases before them. H.R. 394 provides guidance and a solution to this problem.

The legislation is based on studies undertaken within the judiciary, and with consultation from academicians and legal organizations, including the American Bar Association, Lawyers for Civil Justice, the Federal Bar Association, the American Association for Justice, and the Chamber of Commerce. Additionally, the Judicial Conference of the United States has endorsed this legislation.

In the 1990s, the Judicial Conference Committee on Federal-State Jurisdiction began to identify recurring problems encountered by litigants and judges in applying certain jurisdictional and venue statutes. Following years of study, and consideration of the American Law Institute's Federal Judicial Code Revision Project (2004), the Committee carefully crafted solutions to these particular areas of confusion, in consultation with law professors. The Conference endorsed those solutions, which this legislation embodies. This Act is necessary to clarify important issues of jurisdiction and venue. The bill is intended to facilitate the administration of justice by bringing more clarity to the operation of jurisdictional and venue statutes, thereby helping to reduce wasteful litigation over certain issues.

Under its Jurisdictional provisions, this bill:

Eliminates the "resident alien proviso" and clarifies that district courts do not have diversity jurisdiction over a claim between a citizen of a state and a permanent resident alien domiciled in the same state;

More clearly defines "citizenship" for foreign corporations and domestic corporations doing business abroad, as well as for direct actions against insurance companies;

Ensures that when a federal question claim is removed along with state law claims that are not within the supplemental jurisdiction of the district court or are otherwise non-removable by statute, the federal question claim will proceed in federal court and such state law claims will be remanded to state court;

Separates the removal provisions governing civil cases and those governing criminal cases into two separate statutes, as well as grouped together removal provisions relating solely to actions based on diversity jurisdiction for ease of reference by litigants;

Codifies current practice that all defendants must join in or consent to removal in order for the action to be removed to federal court;

Clarifies the provisions governing timeliness of removal by giving each defendant 30 days after service to file a notice of removal, while allowing any earlier-served defendants to consent to the removal by the later-served defendant;

Permits removal of a case after one year if a plaintiff has acted in bad faith in order to prevent a defendant from removing the action; and

Allows information learned through discovery indicating that a claim is worth more than the minimum amount in controversy for diversity to trigger a new 30-day period in which to remove.

Under its Venue & Transfer provisions, this bill:

Sets forth a definition of venue and codifies the scope of venue provisions;

Creates a unified approach to venue in both diversity and federal question cases, while maintaining current venue standards;

Eliminates the outdated "local action" rule, which restricts where certain actions involving real property can be brought;

Clarifies that a person is deemed to reside in the judicial district in which that person is domiciled;

Provides that unincorporated associations will be treated the same as incorporated associations for determining venue, so that they will also be regarded as residents of any district in which they are subject to personal jurisdiction;

Eliminates a venue defense for persons residing outside the United States and grants a venue defense to permanent resident aliens with a domicile in the United States;

Allows cases to be transferred, for the convenience of the parties and witnesses and in the interest of justice, to any district or division to which all parties have consented; and

Clarifies that transfers of cases from United States district courts (Article III courts) to territorial district courts (Article IV courts) are not permissible.

This bill will finally address and resolve jurisdiction and venue issues that have wasted the time of our federal judiciary for years and will help bring about more efficient administration of justice. So, I ask my colleagues to stand with me today and vote in favor of the H.R. 394, "Federal Courts and Venue Clarification Act of 2011."

Mr. JOHNSON of Georgia. I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH)

that the House suspend the rules and pass the bill, H.R. 394, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. SMITH of Texas. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SECURING AIRCRAFT COCKPITS AGAINST LASERS ACT OF 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 386) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 386

*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 "Securing Aircraft Cockpits Against Lasers Act of 2011".

#### SEC. 2. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by inserting after section 39 the following:

##### "§ 39A. Aiming a laser pointer at an aircraft

"(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) As used in this section, the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

"(c) This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

"(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

"(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

"(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

"(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the House and Senate,

the Committee on Transportation and Infrastructure in the House, and the Committee on Commerce, Science and Transportation in the Senate not less than 90 days before such regulations become final."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 39 the following new item:

"39A. Aiming a laser pointer at an aircraft."

#### SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 386, the bill currently under consideration.

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

There was no objection.

□ 1420

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, the danger of shining a laser beam into someone's eyes is not news. What is news is the ever-increasing number of incidents of laser pointers being directed at the pilots of commercial and law enforcement aircraft.

In 2005, when a similar measure was passed by this body, this emerging threat was estimated at 400 reported incidents over the previous 15 years. By contrast, in 2009, there were almost 1,600 episodes reported. In 2010, there were over 2,800 incidents reported.

As the Airline Pilots Association has stated in its letter of support for this legislation, "The inappropriate use of widely available laser pointers against airborne flight crews represents a genuine and growing safety and security concern. At a minimum, the laser illumination of a cockpit creates a flight crew distraction, and in more serious cases, can result in eye damage and temporary incapacitation."

Mr. Speaker, the danger from shining a laser into the cockpit of any aircraft is truly a tragedy waiting to happen. The ominous prospect of a catastrophe is particularly high during the takeoff and landing stages. Emergency maneuvers to prevent the misperception of midair collisions have also occurred. In one instance, the pilot thought he was

about to strike the warning light on a tower. In another case, the laser beam was thought to be the lights of an approaching aircraft.

Law enforcement pilots, unfortunately, are frequently targeted and have to consider the possibility that they are being illuminated by a laser scope attached to a rifle. Law enforcement pilots have, on occasion, been required to discontinue a response to a crime in progress due to being hit by a laser.

At the same time, it is an unfortunate fact that some Federal prosecutors have declined to pursue cases, believing that the current Destruction of Aircraft statute does not fit the facts of their particular laser cases. Some States have statutes that have been successfully used to address this problem, but many more do not. H.R. 386 specifically addresses shining a laser pointer into an aircraft cockpit and will make aircraft travel safer for pilots and the public.

It is not only the number of laser pointers being aimed at aircraft cockpits that has dramatically increased during the past several years. The power of the current generation of laser-pointer devices has also significantly increased. Their cost, on the other hand, has gone down, making them much more widely available.

The problem of lasers being shown into cockpits is so prevalent that in my area, the Sacramento area, the FBI, the FAA, and the Federal Air Marshal Service have joined with State and local law enforcement in establishing a Laser Strike Working Group. These working groups have also expanded into other areas of the country.

H.R. 386 provides an important tool in our efforts to enhance the safety of air travel. This body passed identical language by a voice vote at the close of the 111th Congress. It is my hope that all Members will join me in supporting this important legislation.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 386.

This bill establishes criminal penalties for knowingly aiming a laser pointer at an aircraft or in its flight path. Incidents involving lasers aimed at aircraft have raised concerns over the potential threat to aviation safety and national security.

Some are concerned that terrorists might use high-powered lasers to, among other things, incapacitate pilots. There is also concern that laser devices can distract or temporarily incapacitate pilots during critical phases of flight.

Lasers pose a safety hazard to flight operations. Even a brief exposure to a relatively low-powered laser beam can cause discomfort and temporary visual impairment. The visual distractions of a laser can cause a pilot to become disoriented or to lose situational awareness while flying. Higher powered laser

devices can incapacitate pilots and inflict eye injuries when viewed at closer ranges.

In fact, the National Transportation Safety Board documented two cases in which pilots sustained eye injuries and were incapacitated during critical phases of flight. In one of these cases, after a laser was pointed at the pilot's plane, he experienced a burning sensation and tearing in his eyes. A subsequent eye examination revealed multiple flash burns in the pilot's cornea.

These types of incidents happen more and more each year. There were over 2,800 reported incidents of this happening last year, more than double the number of reported incidents from the previous year. Because this is a documented and growing problem and because of the Federal interest in maintaining the safety of our airspace, this bill, unfortunately, is necessary.

I commend the gentleman from California, Representative DAN LUNGREN, for his work on this bill, and I urge my colleagues to support the legislation.

I yield back the balance of my time. Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, this is a timely matter. There was a press report just this week that police are trying to find the person who, on Friday morning, pointed a green laser beam both at an airplane and at a news helicopter in the Phoenix area. There have been incidents all around the country. This is not just something that is peculiar to my area; it is something that is increasing in terms of severity and in the number of incidents, so we need to pass this legislation as soon as possible.

I urge my fellow Members to support this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, H.R. 386, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### REMOVAL CLARIFICATION ACT OF 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 368) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 368

*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 "Removal Clarification Act of 2011".

#### SEC. 2. REMOVAL OF CERTAIN LITIGATION TO FEDERAL COURTS.

(a) CLARIFICATION OF INCLUSION OF CERTAIN TYPES OF PROCEEDINGS.—Section 1442 of title 28, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting "that is" after "or criminal prosecution";

(B) by inserting "and that is" after "in a State court"; and

(C) by inserting "or directed to" after "against"; and

(2) by adding at the end the following:

"(c) As used in subsection (a), the terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court."

(b) CONFORMING AMENDMENTS.—Section 1442(a) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "capacity for" and inserting "capacity, for or relating to"; and

(B) by striking "sued"; and

(2) in each of paragraphs (3) and (4), by inserting "or relating to" after "for".

(c) APPLICATION OF TIMING REQUIREMENT.—Section 1446 of title 28, United States Code, is amended by adding at the end the following:

"(g) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued or sought to be enforced, the 30-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than 30 days after receiving, through service, notice of any such proceeding."

(d) REVIEWABILITY ON APPEAL.—Section 1447(d) of title 28, United States Code, is amended by inserting "1442 or" before "1443".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 368, currently under consideration.

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

There was no objection.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, the Removal Clarification Act of 2011, sponsored by the gentleman from Georgia (Mr. JOHNSON), primarily amends section 1442 of title 28 of the U.S. Code. This is a statute that allows Federal officers, under lim-

ited conditions, to remove cases filed against them in State court to U.S. District Court for disposition.

The purpose of section 1442 is to deny State courts the power to hold Federal officers criminally or civilly liable for acts allegedly performed in the execution of their Federal duties. This does not mean Federal officers can break the law; rather, it just means that these cases are transferred to U.S. District Court for consideration.

Congress wrote the statute because it deems the right to remove under these conditions essential to the preeminence of the Federal Government on those matters entrusted to it under the Constitution. Federal officers or agents, even Members of Congress, should not be forced to answer in a State forum for conduct asserted in the performance of Federal duties.

The Supreme Court weighed in on this matter long ago. As the Court explained in the case of *Willingham v. Morgan*, the Federal Government can only act through its officers and agents, and they must act within the States. If, when acting and within the scope of their authority, those officers can be arrested and brought to trial in a State court for an alleged offense against the law of the State, yet warranted by the Federal authority they possess; and if the general government is powerless to interfere at once for their protection, the operations of the general government may at any time be arrested at the will of one of its members.

□ 1430

District courts have inconsistently interpreted the statute. Most recently, in March, 2010, the Court of Appeals for the Fifth Circuit upheld a district court ruling in Texas that the Federal removal statute does not apply to a Texas law involving pre-suit discovery.

Because 46 other States have similar laws, the House General Counsel's Office is concerned that more Federal courts will adopt this logic. The problem occurs when a plaintiff who contemplates suit against a Federal officer petitions for discovery without actually filing suit in State court. Many Federal courts now assert that this conduct only anticipates a suit; it is, therefore, not a "cause of action" as contemplated by the Federal removal statute.

The problem is compounded because of a separate Federal statute, section 1447 of title 28. Therein it requires U.S. district courts to remand any case back to State court if "at any time before final judgment it appears that the district court lacks subject matter jurisdiction."

Judicial review of remand orders under section 1447 is limited and has no application to suits involving Federal officers and section 1442. So this means remanded cases brought against Federal officers under these conditions cannot find their way back to Federal court, a result that conflicts with the

history of the Federal removal and remand statutes.

While we passed a predecessor bill last July, the other body developed minor amendments to clarify the text. These changes were vetted with House Judiciary and we endorse them. The revisions improve the bill in two ways. First, the new language stipulates that only Federal issues are removable to Federal court. And second, the text provides that a 30-day removal "clock" is triggered either by a request for testimony or documents, or an order enforcing such a request.

In addition, the floor version strikes section 3 of H.R. 368. This is superfluous language that references a favorable CBO score inserted in the CONGRESSIONAL RECORD last year in advance of our consideration of the predecessor bill. Section 3 isn't needed because we have an updated CBO score—also favorable—that applies to this year's bill.

In closing, I would like to thank Congressman JOHNSON for his hard work on this project, and I would urge my colleagues to support H.R. 368.

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

Mr. JOHNSON of Georgia. I thank the gentleman from California, and I yield myself such time as I may consume.

Mr. Speaker, H.R. 368, the Removal Clarification Act of 2011, will enable Federal officials to remove cases to Federal court in accordance with the spirit and intent of the Federal officer removal statute, 28 U.S.C. 1442(a). This is a noncontroversial, bipartisan bill. In the 111th Congress, a nearly identical version passed the House under a suspension of the rules and passed the Senate with an amendment by unanimous consent.

Under the Federal officer removal statute, a Federal officer should be able to remove a case from State court to Federal court when it involves the Federal officer's exercise of his or her official responsibilities. The purpose underlying the Federal officer removal statute is to prevent State litigants from interfering with the Federal Government's operations. There is, however, some ambiguity as to whether the Federal officer removal statute applies to State pre-suit discovery procedures. More than 40 States have such procedures, which require individuals to be deposed or respond to discovery requests even when a civil action has not yet been filed. This means that Federal officials can be forced to litigate in State court, undermining the purpose and intent of the Federal officer removal statute.

Courts are split on whether the removal statute applies to pre-suit discovery. Some courts have found that Federal officers cannot remove a proceeding to Federal court when these pre-suit discovery motions are at issue while others have found that such proceedings could be removed. This bill will clarify that Federal officers should

be able to remove a proceeding to Federal court any time a legal demand is made for a Federal official's testimony or documents if the officer's exercise of his or her official responsibilities was at issue.

The legislation will also allow a Federal officer to appeal a district court's decision to remand the matter back to the State court, pursuant to 28 U.S.C. 1447. This bill will not result in the removal of the entire State case when a Federal officer is served with a discovery request when the only hook is that a Federal officer has been served with such a discovery request. Rather, the bill we consider today makes clear that "if there is no other basis for removal, only that discovery proceeding may be removed to the district court."

Finally, the bill makes clear that the timing requirement under 28 U.S.C. 1446 will not be changed, restating the 30-day requirement for removing the case when the judicial order is sought as well as when the judicial order is enforced.

In closing, I would like to thank Chairman SMITH and Ranking Member CONYERS for working with me on this bill, and I urge my colleagues to support this important bipartisan piece of legislation.

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, once again I would like to thank the gentleman from Georgia for bringing this bill to the committee and to the floor. I urge my colleagues to support this bill.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of the amendment to H.R. 368, "The Removal Clarification Act of 2011."

"The Removal Clarification Act of 2011" clarifies when a case involving a federal official can be removed from a state court into a federal court. It states that a federal official can remove cases to federal court in accordance with the spirit and intent of the federal officer removal statute. It is also makes clear that the federal officer removal statute applies to all federal officials, including officials of the legislative and executive branch of the Federal government.

The purpose of the law is to take from state courts the infeasible power to hold a federal officer or agent criminally or civilly liable for an act allegedly performed in the execution of their federal duties. This does not mean federal officers can break the law; it just means that these cases are transferred to U.S. district court for consideration. Federal officers or agents, including congressmen, should not be forced to answer for conduct asserted within their federal duties in a state forum that invites local interests or prejudice to color outcomes. In the absence of this constitutional protection, federal officers, including congressmen and women, would be subject to political harassment and federal operations generally would be needlessly hampered.

H.R. 368, introduced by my colleague Rep. HANK JOHNSON of Georgia, is a non-controversial, bipartisan bill that was passed by the House and passed in the Senate with an amendment at the end if the 111th Congress.

Just about a month ago, we considered this bill in the House Judiciary Committee, and it received support from my colleagues on both sides of the aisle.

Currently under 28 U.S.C. 1442(a), federal officials are able to remove a case out of state court and into federal court. However under state pre-suit discovery laws, federal officials may be unable to remove the case because a "civil action" has not yet been filed.

H.R. 368 does not make any changes to the underlying removal law. It simply clarifies 28 U.S.C. 1442(a) by including any proceeding to the extent that in such a proceeding, a judicial order, including a subpoena for testimony or documents, is sought or issued.

In my home state of Texas, there was a recent high profile case, *Price v. Johnson*, involving a Texas state legal action taken against Rep. JOHNSON, where the removal to federal court was denied by the U.S. District Court. The Fifth Circuit illustrated the importance of better clarity needed in 28 U.S.C. 1442(a). In the 111th Congress, the Judiciary Committee's Subcommittee on Courts and Competition Policy found that case law interpreting the removal statute is not just split among the circuits, but within them as well. Therefore, H.R. 368 is a much needed measure to once and for all settle the confusion amongst rulings in the Federal District Courts.

Currently, there are 47 states that have enacted pre-civil suit discovery statutes; H.R. 368 would take into account the operation of these state pre-civil suit discovery statutes and provide clarification to prevent more cases like *Price v. Johnson* from occurring.

H.R. 368 is essential to the integrity and preeminence of the federal government within its realm of authority. This bill will also allow for appeal to the federal court if the district court remands the matter back to the state court and that the federal defense is also still needed for removal.

I ask my colleagues to please join me in supporting H.R. 368, "the Removal Clarification Act of 2011."

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, H.R. 368, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DANIEL E. LUNGREN of California. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 347) to correct and simplify the drafting of



section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 347

*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 "Federal Restricted Buildings and Grounds Improvement Act of 2011".

**SEC. 2. RESTRICTED BUILDING OR GROUNDS.**

Section 1752 of title 18, United States Code, is amended to read as follows:

**"§ 1752. Restricted building or grounds**

"(a) Whoever—

"(1) knowingly enters or remains in any restricted building or grounds without lawful authority to do so;

"(2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

"(3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstructs or impedes ingress or egress to or from any restricted building or grounds; or

"(4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so, shall be punished as provided in subsection (b).

"(b) The punishment for a violation of subsection (a) is—

"(1) a fine under this title or imprisonment for not more than 10 years, or both, if—

"(A) any person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or

"(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and

"(2) a fine under this title or imprisonment for not more than one year, or both, in any other case.

"(c) In this section—

"(1) the term 'restricted buildings or grounds' means any posted, cordoned off, or otherwise restricted area—

"(A) of the White House or its grounds, or the Vice President's official residence or its grounds;

"(B) of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting; or

"(C) of a building or grounds so restricted in conjunction with an event designated as a special event of national significance; and

"(2) the term 'other person protected by the Secret Service' means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5

legislative days to revise and extend their remarks and include extraneous materials on H.R. 347 currently under consideration.

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

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Florida (Mr. ROONEY), the author of this bill, a distinguished former member of our Judiciary Committee and one who has just gotten over the mourning period because of his beloved Pittsburgh Steelers.

Mr. ROONEY. I thank the gentleman from California.

Mr. Speaker, the United States Secret Service began providing protective services following the assassination of President McKinley in 1901. The Service's protection responsibilities have since expanded to include the First Family, the Vice President, former Presidents, heads of state, and others. The Service also provides protection at special events of national significance. To address this vital responsibility, the Secret Service must anticipate, recognize, and assess threat situations and initiate strategies to eliminate and reduce threats or security vulnerabilities.

A key component of the Service's protection mission is securing the buildings and grounds where those protected work or visit. From the White House to a hotel ballroom, the Secret Service must provide a secure environment for the President and other protectees.

H.R. 347 ensures that the Secret Service has the ability to secure all necessary areas surrounding restricted buildings and grounds that house our leaders, their families, and foreign heads of state. This bill clarifies section 1752 of title 18, which sets penalties for knowingly entering or remaining in any restricted building or grounds without the lawful authority to do so.

□ 1440

Currently written, the code does not distinguish between those who are there lawfully, such as Secret Service agents and other authorized staff, and those who are there without permission. This bill does not create any new authorities for the Secret Service and does not restrict the liberties of American citizens. H.R. 347 simply clarifies and improves existing criminal statutes that are necessary for the Secret Service to resolve security issues and implement prevention strategies before tragedy strikes.

This bill will enable the United States Secret Service to continue to deliver the highest level of protective services consistent with their proud tradition. I urge my colleagues to join me in supporting this important legislation.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 347, which will assist the Secret Service in performing their protective duties, and it does include the Pittsburgh Steelers organization in the confines of this legislation.

The role of the Secret Service has expanded greatly since it was created in 1865 to fight the counterfeiting of U.S. currency. The Secret Service became part of the Treasury Department in 1883 and took on many additional investigative responsibilities with respect to safeguarding the payment and financial systems of the United States.

It wasn't until 1894 that the Secret Service first started protecting our Presidents, and that protective role with respect to the President, Vice President, and other dignitaries has grown substantially since that time. The bill before us today will help the Secret Service carry out this protective function.

Current Federal law prohibits individuals from entering or remaining in areas cordoned off as restricted because of protection being provided by the Secret Service. This bill would simply clarify that the prohibition under the existing statute only applies to those who do not have lawful authority to be in those areas.

The bill also would add the White House and the Vice President's residence to the definition of restricted areas protected under current law.

The men and women of the Secret Service conduct themselves with valor and professionalism while carrying out the protective function of their agency. They provide protection for a variety of people and events, including the President and national special security events.

The Secret Service has other important functions which also deserve recognition. For example, the investigative role of the Secret Service has expanded greatly from protecting the currency against counterfeiting to investigating a wide variety of crimes related to this country's financial institutions and credit systems.

I commend the gentleman from Florida, Representative TOM ROONEY, for his work on this bill. I do sympathize with him in his loss. And I urge my colleagues to support H.R. 347.

I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would ask all Members to support this reasonable legislation.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, H.R. 347, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DANIEL E. LUNGREN of California. 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 and the Chair's prior announcement, 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 2 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Latta) at 6 o'clock and 30 minutes p.m.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

FEBRUARY 28, 2011.

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

DEAR MR. SPEAKER: I write to inform you that I have notified California Governor Jerry Brown of my resignation from the House, effective today, to assume the responsibilities of President, Director and Chief Executive Officer of the Wilson Woodrow Center for International Scholars.

The privilege of representing the people of California's 36th Congressional District for 17 years has been an honor without equal. I look forward to working with you to ensure an orderly transition for my successor.

Sincerely,

JANE HARMAN.

FEBRUARY 28, 2011.

Hon. EDMUND G. BROWN, Governor of California, State Capitol, Suite 1173, Sacramento, CA.

DEAR GOVERNOR BROWN: I write to inform you that I will resign my House seat, effective today, to assume the responsibilities of President, Director and Chief Executive Officer of the Wilson Woodrow Center for International Scholars.

The privilege of representing the people of California's 36th Congressional District for 17 years has been an honor without equal. I look forward to working with you to ensure an orderly transition for my successor.

Sincerely,

JANE HARMAN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentlewoman from California (Ms. HARMAN), the whole number of the House is 433.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 44, FURTHER CONTINUING APPROPRIATIONS AMENDMENTS, 2011

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-19) on the resolution (H. Res. 115) providing for consideration of the joint resolution (H.J. Res. 44) making further continuing appropriations for fiscal year 2011, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 394, H.R. 347, and H.R. 368, in each case by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, 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 Texas (Mr. SMITH) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 30, as follows:

[Roll No. 148]

YEAS—402

Ackerman	Bishop (UT)	Capuano
Adams	Black	Cardoza
Aderholt	Blackburn	Carney
Akin	Blumenauer	Carson (IN)
Altmire	Bonner	Carter
Amash	Bono Mack	Cassidy
Andrews	Boren	Chabot
Austria	Boswell	Chaffetz
Baca	Boustany	Chandler
Bachmann	Brady (PA)	Chu
Bachus	Brady (TX)	Cicilline
Baldwin	Braley (IA)	Clarke (MI)
Barletta	Brooks	Clarke (NY)
Barrow	Brown (GA)	Clay
Bartlett	Brown (FL)	Cleaver
Barton (TX)	Buchanan	Clyburn
Bass (CA)	Bucshon	Coble
Bass (NH)	Buerkle	Coffman (CO)
Becerra	Burgess	Cohen
Benishek	Burton (IN)	Cole
Berg	Butterfield	Conaway
Berkley	Calvert	Connolly (VA)
Berman	Camp	Conyers
Biggart	Campbell	Cooper
Bilbray	Cantaco	Costa
Bilirakis	Cantor	Costello
Bishop (GA)	Capito	Courtney
Bishop (NY)	Capps	Cravaack

Crawford	Jackson (IL)	Pearce
Crenshaw	Jackson Lee	Pelosi
Critz	(TX)	Pence
Crowley	Jenkins	Perlmutter
Cuellar	Johnson (GA)	Peters
Culberson	Johnson (IL)	Peterson
Cummings	Johnson (OH)	Petri
Davis (CA)	Johnson, E. B.	Pingree (ME)
Davis (IL)	Johnson, Sam	Pitts
Davis (KY)	Kaptur	Platts
DeFazio	Keating	Poe (TX)
DeLauro	Kelly	Polis
Denham	Kildee	Pompeo
Dent	Kind	Posey
DesJarlais	King (IA)	Price (GA)
Deutch	King (NY)	Price (NC)
Diaz-Balart	Kinzinger (IL)	Quayle
Dicks	Kissell	Quigley
Dingell	Kline	Rahall
Doggett	Kucinich	Rangel
Dold	Labrador	Reed
Donnelly (IN)	Lance	Rehberg
Doyle	Landry	Reichert
Dreier	Langevin	Renacci
Duffy	Lankford	Reyes
Duncan (SC)	Larsen (WA)	Ribble
Duncan (TN)	Larson (CT)	Richardson
Edwards	Latham	Richmond
Ellison	Latta	Rigell
Ellmers	Lee (CA)	Rivera
Emerson	Levin	Roby
Engel	Lewis (CA)	Roe (TN)
Eshoo	Lewis (GA)	Rogers (AL)
Farr	Lipinski	Rogers (KY)
Fattah	LoBiondo	Rogers (MI)
Filner	Loeback	Rokita
Fincher	Lofgren, Zoe	Rooney
Fitzpatrick	Long	Ros-Lehtinen
Flake	Lowey	Roskam
Fleischmann	Lucas	Ross (AR)
Fleming	Luetkemeyer	Ross (FL)
Flores	Lujan	Rothman (NJ)
Fortenberry	Lummis	Roybal-Allard
Foxx	Lungren, Daniel E.	Royce
Frank (MA)		Runyan
Franks (AZ)	Lynch	Ruppersberger
Frelinghuysen	Mack	Ryan (OH)
Fudge	Maloney	Ryan (WI)
Gallely	Manzullo	Sánchez, Linda T.
Garamendi	Marino	Sanchez, Loretta
Gardner	Markey	Sarbanes
Garrett	Matheson	Scalise
Gerlach	Matsui	Schakowsky
Gibbs	McCarthy (CA)	Schiff
Gibson	McCarthy (NY)	Schilling
Gingrey (GA)	McCaul	Schmidt
Gohmert	McClintock	Schock
Gonzalez	McCollum	Schrader
Goodlatte	McCotter	Schwartz
Gosar	McDermott	Schweikert
Gowdy	McGovern	Scott (SC)
Granger	McHenry	Scott (VA)
Graves (GA)	McIntyre	Scott, Austin
Graves (MO)	McKeon	Scott, David
Green, Al	McKinley	Sensenbrenner
Green, Gene	McMorris	Serrano
Griffin (AR)	Rodgers	Sessions
Griffith (VA)	McNerney	Sewell
Grimm	Meehan	Sherman
Guinta	Mica	Shimkus
Guthrie	Michaud	Shuster
Hall	Miller (FL)	Simpson
Hanabusa	Miller (MI)	Sires
Harper	Miller (NC)	Slaughter
Harris	Miller, Gary	Smith (NE)
Hartzler	Miller, George	Smith (NJ)
Hastings (FL)	Moore	Smith (TX)
Hastings (WA)	Moran	Southerland
Hayworth	Mulvaney	Speier
Heck	Murphy (CT)	Stark
Heinrich	Murphy (PA)	Stearns
Heller	Myrick	Stivers
Hensarling	Nadler	Stutzman
Herger	Napolitano	Sullivan
Herrera Beutler	Neal	Sutton
Higgins	Neugebauer	Terry
Himes	Noem	Thompson (CA)
Hirono	Nugent	Thompson (MS)
Holt	Nunes	Thompson (PA)
Honda	Nunnelee	Thornberry
Hoyer	Olson	Tierney
Huelskamp	Olver	Tipton
Huizenga (MI)	Owens	Tonko
Hultgren	Palazzo	Tsongas
Hunter	Pallone	Turner
Hurt	Pascrell	Upton
Inslée	Pastor (AZ)	Van Hollen
Israel	Paul	Velázquez
Issa	Paulsen	

Visclosky  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman

Webster  
Weiner  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman

Wolf  
Womack  
Woodall  
Woolsey  
Yarmuth  
Yoder  
Young (AK)  
Young (IN)

Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Kissell  
Kline  
Kucinich  
Labrador  
Lance  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farr  
Fattah  
Finler  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Fortenberry  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Hall  
Hanabusa  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Heller  
Hensarling  
Hergert  
Herrera Beutler  
Higgins  
Himes  
Hirono  
Holt  
Honda  
Hoyer  
Huelskamp  
Huiuzenga (MI)  
Hultgren  
Hunter  
Hurt  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Kaptur  
Keating  
Kelly  
Kildee

Kind  
King (IA)  
King (NY)  
Kinzinger (IL)  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney  
Manzullo  
Marino  
Markley  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Olver  
Owens  
Palazzo  
Pallone  
Pascarella  
Pastor (AZ)  
Paulsen  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey

Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schradler  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Speier  
Stark  
Stearns  
Stivers  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tierney  
Tipton  
Tonko  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Weiner  
Welch  
West  
Westmoreland  
Bonner

Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf

Womack  
Woodall  
Woolsey  
Yarmuth

Yoder  
Young (AK)  
Young (IN)

NOT VOTING—30

Alexander  
Carnahan  
Castor (FL)  
DeGette  
Farenthold  
Forbes  
Giffords  
Grijalva  
Gutierrez  
Hanna

Hinchev  
Hinojosa  
Holden  
Jones  
Jordan  
Kingston  
Lamborn  
LaTourette  
Marchant  
Meeks  
Payne  
Rohrabacher  
Rush  
Shuler  
Smith (WA)  
Tiberi  
Towns  
Walberg  
Wu  
Young (FL)

□ 1855

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.

FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 347) to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, 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. DANIEL E. LUNGREN) 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 399, nays 3, not voting 30, as follows:

[Roll No. 149]

YEAS—399

Ackerman  
Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Andrews  
Austria  
Baca  
Bachmann  
Bachus  
Baldwin  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (CA)  
Bass (NH)  
Becerra  
Benishek  
Berg  
Berkley  
Berman  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer

Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Conaway  
Connelly (VA)  
Conyers  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Cardoza  
Carney  
Carson (IN)  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler

Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connelly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
Davis (KY)  
DeFazio  
DeLauro  
Denham

Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farr  
Fattah  
Finler  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Fortenberry  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Hall  
Hanabusa  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Heller  
Hensarling  
Hergert  
Herrera Beutler  
Higgins  
Himes  
Hirono  
Holt  
Honda  
Hoyer  
Huelskamp  
Huiuzenga (MI)  
Hultgren  
Hunter  
Hurt  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Kaptur  
Keating  
Kelly  
Kildee

King (IA)  
King (NY)  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lance  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farr  
Fattah  
Finler  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Fortenberry  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Hall  
Hanabusa  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Heller  
Hensarling  
Hergert  
Herrera Beutler  
Higgins  
Himes  
Hirono  
Holt  
Honda  
Hoyer  
Huelskamp  
Huiuzenga (MI)  
Hultgren  
Hunter  
Hurt  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Kaptur  
Keating  
Kelly  
Kildee

Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schradler  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Speier  
Stark  
Stearns  
Stivers  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tierney  
Tipton  
Tonko  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Weiner  
Welch  
West  
Westmoreland  
Whitfield

Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf

Womack  
Woodall  
Woolsey  
Yarmuth

Yoder  
Young (AK)  
Young (IN)

NAYS—3

Amash  
Broun (GA)

Paul

NOT VOTING—30

Carnahan  
Castor (FL)  
DeGette  
Edwards  
Farenthold  
Forbes  
Giffords  
Gutierrez  
Hanna  
Hinchev  
Hinojosa  
Holden  
Jones  
Jordan  
Kingston  
Lamborn  
LaTourette  
Marchant  
Meeks  
Payne  
Price (GA)  
Rohrabacher  
Rush  
Shuler  
Smith (WA)  
Tiberi  
Towns  
Walberg  
Wu  
Young (FL)

□ 1903

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.

REMOVAL CLARIFICATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 368) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, 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. DANIEL E. LUNGREN) 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 396, nays 4, not voting 32, as follows:

[Roll No. 150]

YEAS—396

Ackerman  
Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Andrews  
Austria  
Baca  
Bachmann  
Bachus  
Baldwin  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (CA)  
Bass (NH)  
Becerra  
Benishek  
Berg  
Berkley  
Berman  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Cardoza  
Carney  
Carson (IN)  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
Davis (KY)  
DeFazio  
DeLauro  
Denham  
Dent  
DesJarlais  
Deutch

Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Fortenberry  
Foxx  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Hall  
Hanabusa  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hirono  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Insole  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Kaptur  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kissell

Kline  
Kucinich  
Labrador  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney  
Manzullo  
Marino  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorriss  
Rodgers  
McNerney  
Meehan  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Olver  
Owens  
Palazzo  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed

Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (CA)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Speier  
Stark  
Stearns  
Stivers  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tierney  
Tipton  
Tonko  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Weiner  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack

Woodall  
Woolsey  
Amash  
Broun (GA)  
Carnahan  
Castor (FL)  
DeGette  
Farenthold  
Forbes  
Giffords  
Gohmert  
Gutierrez  
Hanna  
Heller  
Hinchev

Yarmuth  
Yoder  
NAYS—4  
McClintock  
Paul  
Hinojosa  
Holden  
Jones  
Jordan  
Keating  
Kingston  
Lamborn  
LaTourette  
Marchant  
Meeks  
Payne

Young (AK)  
Young (IN)  
Poe (TX)  
Rohrabacher  
Rush  
Shuler  
Smith (WA)  
Tiberi  
Townes  
Walberg  
Wu  
Young (FL)

## NOT VOTING—32

## □ 1909

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.

**AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MARCH 9, 2011, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING THE HONORABLE JULIA GILLARD, PRIME MINISTER OF AUSTRALIA**

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, March 9, 2011, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting the Honorable Julia Gillard, Prime Minister of Australia.

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

There was no objection.

## □ 1910

**RECOGNIZING RONALD BROWN ON HIS 48 YEARS OF SERVICE TO THE BOY SCOUTS OF AMERICA**

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise to recognize a man who has served the youth of America in the professional service of the Boy Scouts of America. Ronald Brown currently serves as the Area 6 Director of the Northeast Region Boy Scouts of America. Ron retires on April 1 after an astounding 48 years of service.

Ron's BSA career started in 1963 as a District Executive in Birmingham, Alabama. He has served as a Field Director, Camping Director, Director of Support Services, Director of Field Services, Scout Executive, and Area Director. Ron's service has led him from Alabama to posts in Texas, Illinois, New Jersey, Pennsylvania, and even Germany.

Ron received his bachelor of arts degree in mathematics from Miles College in Birmingham, Alabama. He has

been a frequent staff member or instructor at jamborees, camp schools and numerous other BSA training events. Ron Brown has served the youth of this Nation through the Boy Scouts of America with great distinction. I wish Ron and his wife Ann all the best in retirement.

Well done, Scouter.

**FLORIDA HIGH SPEED RAIL FUNDING**

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

Ms. BROWN of Florida. Mr. Speaker and Members of the House, I rise today very disappointed with the Governor of the State of Florida, Rick Scott. Last week, the Governor told Transportation Secretary LaHood that the State of Florida could do without \$2.5 billion in Federal highway funds for rail. This money poses no risk to the people of Florida and would create over 60,000 jobs for Floridians.

Unfortunately, Florida's Governor seems to be much more interested in politics than in creating jobs or improving the transportation system for the great people of Florida. Turning down high speed rail funds would do nothing to bring down Florida's 12 percent unemployment and, in some areas, 15 percent. Indeed, the high speed rail plan for Florida serves as a true example of a successful public-private partnership and, as DOT statistics show, for every \$1 billion we spend in rail, it generates 42,000 permanent jobs.

I urge Governor Scott, who has until this Friday, to change his mind and fulfill his campaign promise of "Let's Get to Work."

**CONGRATULATING MINNETONKA GIRLS' HOCKEY TEAM**

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

Mr. PAULSEN. Mr. Speaker, I rise to congratulate Minnesota's 2011 AA State girls' hockey champions, the Minnetonka Skippers. In their first ever tournament appearance, the Skippers skated to victory with an impressive 3-2 win over the Edina Hornets.

After nearly three periods of nail-biting action, with 39.6 seconds left on the clock, Amy Peterson scored her second goal of the game solidifying their place in Minnesota hockey history.

Under the direction of Head Coach Eric Johnson, the Skippers ended their season with a remarkable 29 wins, 1 loss and 1 tie.

The message on the team's T-shirt says it best: "All Out. All Game. All Season. All It Takes Is All You've Got." The Minnetonka girls' hockey team gave it their all, all season. Their talent, dedication and passion truly makes the Minnetonka girls' hockey team champions.

### REMEMBERING THURGOOD MARSHALL

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

Mr. COHEN. Mr. Speaker, today is the last day of Black History Month, a month when we reflect back on African Americans who have contributed so much to our country and our world. One man whose life encapsulates the African American struggle was Thurgood Marshall. George Stevens produced a play called "Thurgood" at the Kennedy Center. The play has been put to film on HBO. I think it's still available on HBO; at least on demand.

It is the story of a man who was committed to justice. Through the NAACP, he argued *Brown v. Board of Education*, the most significant civil rights case, maybe the most significant Supreme Court case of all time. He became the first African American solicitor general in this country and the first African American Supreme Court justice and served honorably on that court.

He was a man that never forgot where he came from. His responsibility and duty to see that he carried on justice and the fights that he carried with him as an attorney and on the court to see that social justice and America became the country that was promised in the Constitution and in the Declaration of Independence but had not become except through Supreme Court rulings.

Thank God for Thurgood Marshall. I urge everybody to watch George Stevens' production on HBO and learn about this great man's life.

### THE BOOK CLOSES FOR THE LAST DOUGHBOY

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

Mr. POE of Texas. Mr. Speaker, we have come to the end of a long chapter in American history. The lone U.S. survivor of World War I, Frank Buckles, has died at the incredible age of 110.

At 16, Frank Buckles lied about his age so he could join the Army in 1917 and go "over there" to fight for the cause of America. He drove an ambulance in World War I in Europe. During World War II, Buckles was captured by the Japanese in the Philippines and held as a prisoner of war for 3 years. Until recently, Buckles continued to drive his tractor on his farm in West Virginia.

It was Buckles' passion to have a memorial built on the Capital Mall to honor all those doughboys that served in the great World War I. We have memorials for the other three major wars of the last century, but not one for World War I.

I met Corporal Buckles when we introduced this legislation that is named in his honor. It is time we build such a memorial, and it is time we also allow

Frank Buckles to lie in state in the Capitol Rotunda. History must remember this last patriot of World War I and the 4 million other Americans that served.

And that's just the way it is.

### HOUSTON DAY CARE TRAGEDY

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, just last week in Houston, Texas, in a private home called Jackie's Day Care, seven babies under 3 years old were subjected to an horrific inferno; a fire. As the caretaker or the owner of this child care facility and as the facts unfold that we believe Federal funding was involved, first there was a representation that she was in the home and had fainted. But over the last 72 hours it was determined that she had gone to the grocery store. Four babies are dead. Two are in a burn unit. And one is fighting for his life in another facility.

I am standing here today—my voice can be heard—to first of all say how many people need day care and have to subject themselves to these kinds of homes. She was 22. Maybe she cared for the children. But right now she has fled the country.

I am asking Ms. Tata to return. I am asking her family members to return so that she can receive justice and so these families can heal. This is not the way to address your responsibility. Four families are burying babies who would have had wonderful futures, who simply attempted to work and have a place safe and secure for them to be. Now they are dead.

Ms. Tata, you're 22 years old. Come back to this country and get in line for the justice you deserve. We are coming after you.

□ 1920

### REPUBLICANS' JOBLESS AGENDA

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

Mr. ELLISON. Mr. Speaker, we're now going into the 10th week, having been in Congress in session for many days now—we've actually had 7 weeks where we've actually been in Washington working and another several weeks where we've been at home in our districts working—and we haven't seen one single, solitary Republican jobs bill yet.

My question is, when are they going to get to the business the people elected them for? The Republicans ran on a "where are the jobs?" agenda. I remember it ringing in my ears so many weeks ago. And now, here we are 10 weeks in, and they haven't done anything.

Mr. Speaker, I was in my district last week talking to people about jobs and talking about unemployment. I was in

the WorkForce Center. I was at job sites talking to people. And I'm telling you, people with jobs are nervous and afraid that they might lose them. And people without them are losing hope. They are losing houses. They are losing their lives, really.

I implore the majority caucus, Mr. Speaker, to get on the question of jobs and stop this Republican "no jobs" agenda. It's time to bring some jobs bills to the floor and to heed the call of the American people: Jobs now.

### HONORING MAYOR RAE CAROLE ARMSTRONG

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to recognize the retirement of Mayor Rae Carole Armstrong of the city of Plantation, Florida. Mayor Armstrong has nearly 30 years of distinguished public service working on behalf of the residents of Plantation and the south Florida community, and we will miss her strong leadership.

Since 1999, Ms. Armstrong has served as mayor of Plantation, promoting and fostering small businesses, revitalizing parks and neighborhoods, and generally enriching the local community. As the first female council member in Plantation—a position she held for 16 years—Rae Carole Armstrong was known for supporting athletic groups and engaging in educational partnerships.

Her special ability to work with a broad array of local interests allowed Mayor Armstrong to shepherd the city into the new millennium while maintaining Plantation's close-knit community appeal. Her coalition-building leadership benefited not only the residents of Plantation, but the entire south Florida community.

In that spirit, all of south Florida thanks her for her many years of service, and we wish her great success in her future endeavors. Thank you, Rae Carol.

### BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. DUFFY). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Mr. Speaker, it is really an honor for me to join my colleagues in the Congressional Black Caucus here this evening to recognize Black History Month and some of the people who have written that history through their life contribution, but also to talk about how the cuts the Republicans are proposing to everything except taxes for the wealthy threaten to take us back decades, if not centuries, to a place where America was

not in her finest hour, a time when the poor, the rural, and people of color were denied equal opportunities to education, health care, jobs with decent wages and protections, and the possibility of homeownership. We cannot and must not go back there.

I'd like to invite to start this hour with us a leader in his district in South Carolina, a leader of his faith, of this Congress, and of this country, the assistant minority leader, Congressman JAMES CLYBURN.

Mr. CLYBURN. I thank the gentle lady for yielding me this time, and I want to thank her for organizing this Special Order in honor of Black History Month. But I want to take a few minutes to talk about the future.

Last December, when faced with the prospect that tax rates for the richest 2 percent of Americans would rise to where they were in the 1990s, when we balanced the budget and enjoyed unprecedented prosperity, Republicans decided that extending these unnecessary and unaffordable tax cuts was their number one priority.

As we all remember, they held much-needed relief to the middle class hostage, and they got their tax cut for millionaires and billionaires. According to the Joint Committee on Taxation, this tax is adding \$39 billion to the deficit this year and will add even more next year.

Speaker BOEHNER has said that our national debt is a moral issue, and I agree with him. We need to act to curb our exploding deficits and mounting debt. But Republicans and Democrats have different approaches to the problem. The Republicans' approach is the irresponsible continuing resolution that was passed by this House 10 days ago. Republicans would cut \$600 million from the COPS program and \$256 million from the State and Local Law Enforcement Assistance Program, which would make our streets less safe. Republicans would cut \$75 million from the Legal Services Corporation, which would deny legal services to the victims of domestic violence. Republicans would cut \$53 million from the Food Safety and Inspection Service, which would threaten public health.

Republicans would completely eliminate family planning funding, which would result in more unplanned pregnancies and more abortions. Adding insult to injury, Republicans would cut \$758 million from Women, Infants and Children, which would deny these mothers and children the nutrition they need to begin life on the right track.

Republicans would cut Pell Grants by 15 percent, which would deny young people the opportunity to get a college education. I could go on, but I think you get my point: The cuts in the Republican continuing resolution are shortsighted, counterproductive, and the wrong way to cut the deficit. And the one community, or the communities, that will suffer the most are minority communities in this country,

and that includes the black communities, black students, black mothers, and black infants, as well.

Mark Zandi, the former economic adviser to the McCain campaign, said that these cuts will destroy 700,000 jobs and stall our economic recovery, which would lessen future revenues and further exacerbate the debt problem. And a Goldman Sachs' economist warned that the Republican plan could reduce our Nation's economic growth by 1.5 to 2 percent in the second and third quarters of this year.

□ 1930

Maybe I should amend my previous statement: the cuts in the Republican CR are shortsighted, counterproductive, and may not even cut the deficit.

We need a smarter approach. We need an approach of shared sacrifice, not sacrifice by the most vulnerable. We do need to cut the deficit. But there are different ways to cut the deficit, and I believe the Republicans have chosen the wrong way.

Democrats offer a better approach. We can cut the deficit by at least \$61 billion in such a manner that helps, doesn't hurt, struggling Americans, our economy, and our shared future. First, as I mentioned before, we need to get rid of, once and for all, the tax cuts for the richest 2 percent of Americans. It is too late to save the \$39 billion that we wasted this year, but we could save more than that next year.

Next, I think we need to get rid of special tax preferences for oil and gas companies, many of which were instituted by Republicans the last time they were in the majority. This would save \$44 billion over the next 10 years.

There is no good reason to keep these subsidies in place. The oil companies have said themselves that they don't need them. John Hofmeister, the former CEO of Shell Oil, said on February 11, "In the face of sustained high oil prices it was not an issue—for large companies—of needing the subsidies to entice us into looking for and producing more oil."

Next, Defense Secretary Gates has called for \$78 billion in defense cuts over the next 5 years, saying that these funds can be cut without putting national security at risk. We should listen to him.

I want to thank my friend from the Virgin Islands for allowing me to speak here this evening. I do believe that if we focus on these continuing resolutions that we have been debating, we can have a much better future than the history has been for African Americans in this country.

Mrs. CHRISTENSEN. Thank you, Mr. CLYBURN, and thank you for raising what Zandi reported today. I just want to quote Mark Zandi, the chief economist at Moody's Analytics, who said today, "Significant government spending restraint is vital, but given the still halting economic recovery, it would be counterproductive for that re-

straint to begin until the economy is creating enough jobs to bring down the still very high unemployment rate."

Mr. Speaker, it is my privilege to yield to the immediate past president of the Congressional Black Caucus who led us with great distinction, Congresswoman BARBARA LEE of California.

Ms. LEE. Let me thank the gentle lady for yielding. I also thank you and your staff for coordinating not only this Special Order but each Special Order each and every Monday night, or the first night when we are in session, but especially tonight as we close out Black History Month. This is such an important time for this discussion. I also thank you, Congresswoman CHRISTENSEN, for your visionary and bold leadership as you continue to make history. Truly, you have done remarkable work here in this body.

It is really especially poignant that this year during Black History Month, the Republican leadership has proposed a budget for fiscal year 2011 that will fall most heavily on the backs of the most vulnerable in our society: African Americans, Latinos, and the poor, those who have been shut out of the American Dream.

At a time when we should be remembering and uplifting the accomplishments and contributions of African Americans to the history, culture, civil rights and economy of America, we are literally during this month debating steps that will severely undercut and undermine that legacy.

Can we, Mr. Speaker, cut nearly \$750 million from the special supplemental nutrition program for women, infants and children, the WIC program, while we have a record high unemployment rate throughout our country, but especially among African Americans? We can't do that. The unemployment rate among African Americans is over 15 percent. Many African American women rely on WIC while they seek jobs which we are trying to hopefully create.

How can we cut \$317 million in funding for vital family planning health services provided through a network of clinics throughout the country that serves nearly one in five women? These programs are vital, not just in saving lives through cancer screening, HIV and STD testing and contraceptive services, but for providing a link for the many poor and low-income women in terms of their link to the public health system. Many of these women are African American women.

And how can we cut nearly \$1.1 billion from the Head Start program, which will effectively knock out 200,000 children from participating in this critical early education program which helps provide health, nutritional and support services to prepare children for school? Many African Americans who were part of the Head Start program are now making history in our country because of this great early childhood education program.

The other side has made it clear that no matter who is impacted by these

cuts—women, infants, children, the working poor, people of color, African Americans—their response consists of only three words: So be it.

So be it if 800,000 jobs are lost. So be it if people are put out on the street with no access to homeless assistance grants or temporary housing. So be it if people don't get enough nutritional support or if kids have to go hungry. So be it.

That is not what the civil rights movement was about. We should be working together to build up a nation, instead of tear down the very programs and institutions that have contributed to our Nation's growth and success.

We should be working together to reduce inequality, help the unemployed, and get our economy moving again. Above all, we should be working to create jobs. That's what so many prominent African American leaders have fought for over the years—from those who are well known the world over, like Dr. Martin Luther King, Jr., to people who are sometimes well known just in their own neighborhood.

Tonight there is one person I want to mention who influenced my life and the direction I took, our late beloved former Congresswoman Shirley Anita Chisholm.

In 1968, Congresswoman Shirley Chisholm was the first African American woman elected to Congress, and she was a founding member of the Congressional Black Caucus. We celebrate, this year, 40 years of this great institution in our Congress, the conscience of the Congress.

It is the 42nd anniversary of the election of Congresswoman Chisholm who represented her Brooklyn-based congressional district with grace and distinction for 14 years, earning a reputation as one of the House's most eloquent orators and greatest champions of human rights, social and economic justice.

In 1972, Congresswoman Chisholm again made history when she became the first African American to run for the Presidential nomination of a major party. That campaign captured the imagination of millions and inspired countless individuals to engage in the political process for the first time. And I know for a fact that Congresswoman Shirley Chisholm paved the way for our great President Obama to be able to win the Presidency 2 years ago.

Congresswoman Chisholm was a catalyst for change, giving voice to the overlooked and underrepresented members of our society: people of color, women, children, and the African American community. And she fought for the unemployed. She fought for those who wanted to work; for those who were seeking the American Dream. I can't help but wonder what she would say right now if she knew this was taking place. I'm sure she does know this is taking place, and I can feel her telling us that we have to fight the good fight because her legacy is so important within the context of creating

jobs that we are trying to do for our country.

Later this week, I will be introducing two pieces of legislation to honor the work of Congresswoman Shirley Chisholm. The first would recognize and celebrate the 42nd anniversary of her election to Congress, and the second would call on the Postal Service to issue a commemorative stamp honoring the life and accomplishments of Congresswoman Chisholm. I urge my colleagues on both sides of the aisle to support these bills.

As we work to finalize funding for the 2011 fiscal year, let us remember that budgets are moral documents. And as Congresswoman Chisholm said: "When morality comes up against profit, it is seldom that profit loses." So we have to stand up for morality.

Reverend Jim Wallis and Sojourners challenged us. They asked us: What would Jesus cut? Programs to help the poor or wasteful weapons systems at the Pentagon? Ending the war in Afghanistan or programs to feed and shelter the poor?

This weekend, once again, I will be participating in the Faith and Politics Civil Rights Pilgrimage. We are going to Selma, Montgomery, and Birmingham, Alabama, the epicenter of the civil rights movement. We will be led by our hero, a warrior, a great civil rights leader, our colleague, Congressman JOHN LEWIS, who sacrificed so much for civil and human rights and economic justice.

I have participated in this pilgrimage many times, and I always feel a sense of gratitude to Congressman LEWIS and to Rosa Parks and to Dr. King, to Shirley Chisholm, to all of those who fought so hard for equality and jobs and freedom.

□ 1940

This year, however, I feel that many of these gains, mind you, that all of our great civil rights leaders fought for are about to be eroded due to the increasing income inequality and the reckless budget cuts, which will gut so much in the way of our country's response to the civil rights movement. So, as Republicans fight us so hard to enact budget cuts that will destroy nearly 800,000 jobs, be assured that, in honoring the legacy of our great black leaders, we will fight back.

Thank you.

Mrs. CHRISTENSEN. Thank you very much, Congresswoman LEE, for your leadership and for joining us this evening.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, before I recognize the next Member, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to add extraneous material to the subject under discussion this evening.

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

There was no objection.

Mrs. CHRISTENSEN. Now it is my honor to yield to the gentleman from Texas, a person who has long been a fighter for equality, fairness and justice, not only in his own State but for this country, the Honorable AL GREEN of Texas.

Mr. AL GREEN of Texas. Thank you very much, the Honorable DONNA CHRISTENSEN. I appreciate greatly your organizing this opportunity for us to speak this evening on something that is exceedingly important to this country, and that is the history of African Americans in America.

African Americans are no different than any other Americans. We are all the same. There is only one race—the human race.

To a certain extent, I always have some degree of consternation whenever we have a black history celebration or occasion such as this. I have this degree of consternation because I really think we should just have one history, and it really should be American history; but we have these occasions because some of the accomplishments of some Americans have not been properly acknowledged, and as a result, we want to make sure that American history includes the history of all Americans.

So we talk about the history of African Americans, the history of Africans in the Americas—in the United States of America, if you will. Many names come to mind. We always mention Thurgood Marshall. We always mention Rosa Parks. We always mention the great heroes and heroines who have been on the forefront of making America great.

Today, I would just like to mention nameless faces, persons who have never made headlines, who work full time, who take care of the family, who pay taxes, who have never complained by way of a protest, a march. They have done their duty as citizens in this country, and I want them to know that there are those of us who pay attention to the fact that they, too, have made America great. They are nameless faces in the crowd, but they have made a great statement by being honorable, hardworking, law-abiding citizens.

To those who continue to do their duty as citizens, we thank you for what you have done. We want you to know that we who have been honored to serve in the Congress of the United States of America will not allow the rollback of the clock on many of the programs that are of benefit to all Americans. This will include, of course, those of benefit to African Americans.

We will fight to protect the Department of Education. It means something to have a Department of Education in this country, especially to persons who at one time were lawfully denied the right to get an education. We will fight to protect laws that fight discrimination. Lilly Ledbetter v. Goodyear involved an Anglo lady, but that case had implications far beyond any given ethnic group. We will fight to make sure

all persons are treated equally on jobs, and this includes African Americans.

So, to those of you who work in the trenches, who never or who rarely, if ever, complain, I want you to know that there are people in this Congress who are working every day to make sure that your status as an American is always protected and will always be honored. You, too, deserve the rich and noble history associated with you that we associate with Rosa Parks, that we associate with Dr. King, that we associate with Thurgood Marshall. You are as much a part of this history as they are. We honor you and we love you.

God bless you and God bless all Americans. God bless the United States of America.

Mrs. CHRISTENSEN. Thank you, Congressman GREEN.

At this time, I would like to yield to one of our newer Members. We are so pleased that he has joined not only the Congressional Black Caucus but the Congress. He represents New Orleans and brings welcomed insights and energy to the CBC and to the Congress.

Congressman CEDRIC RICHMOND of New Orleans.

Mr. RICHMOND. Mr. Speaker, I would like to thank the distinguished gentlelady from the Virgin Islands, who I have the pleasure of serving with and who has done a remarkable job in planning our hour today, which not only celebrates and reflects but which also charts a path for this future that includes everyone.

As we come to the close of Black History Month, it is appropriate that I remind our leadership and the American people of the sacrifice and determination of great American heroes to make this country a better place and the land of opportunity for all Americans. I would also like to remind our leadership that we don't honor Dr. King because of his dream. We honor him because of his hard work and his dedication in pursuing his dream. His last call was for economic justice.

Here we are in 2011 with a 9.6 percent unemployment rate in this country. However, in the African American community, that unemployment rate is 15.8 percent. We must ask why such a huge gap and what we are going to do to close that gap and bring unemployment down for everyone. At this time and at this moment, we need King-like determination; we need King-like courage; and we need a King-like vision to create jobs in this country, not more campaign rhetoric.

My colleagues on the other side of the aisle, show me the jobs. Show the American people the jobs.

The continuing resolution that the Republicans offer will not lower the unemployment rate in this country. It will do quite the opposite. The continuing resolution will eliminate 700,000 jobs. If their plan passes, then 700,000 more Americans will face financial uncertainty. That's 700,000 more families who will depend on unemployment benefits to make ends meet.

That's 700,000 more families who will turn to safety-net programs to make it through the tough times. That's 700,000 more families who might now face bankruptcy.

Those 700,000 Americans are demanding that we show them the jobs. I am here and willing to do that. I now invite my Republican colleagues to join my colleagues on my side of the aisle to do just what the American people are asking.

The House Speaker recently stated that the deficit is a moral threat to the Nation, and I agree. I would also add that abandoning the 24 million Americans who are unemployed or underemployed is a moral crime. Cutting 700,000 jobs in one fatal swoop is a moral crime. Balancing the budget on the backs of working folks is a moral crime.

Mr. Speaker, this Republican continuing resolution is not only a path to family bankruptcies; it is, in itself, an irresponsible plan that is morally bankrupt.

□ 1950

Mrs. CHRISTENSEN. Thank you, Congressman RICHMOND, for your contribution to this Black History Month Special Order and for pointing out the injustice in H.R. 1 and the proposed stopgap measure for the next 2 weeks.

At this time, I would like to yield to the gentlewoman from Texas, a person much admired by everyone across this country, who represents her district, this Congress, and this country with outstanding distinction, Congresswoman SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentlelady from the Virgin Islands. And I will join the accolades of my fellow colleagues to express my appreciation for her leadership, and as well to thank her for leading this 1-hour on the celebration of African American History Month.

I stand to acknowledge that all of us who have this wonderful heritage—and those who do not, who count African Americans as an integral part of the fabric of American culture and society—should really commemorate the history of all people—and certainly, in this instance, of African Americans—the entire year because we are a very relevant and elaborate, if you will, part of American history.

I stand in the United States Capitol, which was built by slaves. Today, Congresswoman, I was in Austin, Texas, this morning, at the Texas Black Legislative Caucus where some 2,000 people gathered under the leadership of the Texas Black Legislature chaired by Representative Sylvester Turner and some members, total members of the Texas Black Legislative Caucus, combined of the House and the Senate. They were there to express their commitment to the values of this country and to lobby the State legislators to do the right thing as it relates to education. And I heard a Member stand up and say that the Texas Capitol was

built by slaves. Representative Thompson said that. And so, clearly, our history goes everywhere.

And as I spoke, I mentioned Texans like Jack Johnson, the first African American heavyweight champion; Dorie Miller, who won the Naval Cross in World War II, a Texan; Bessie Coleman, the first African American to receive a pilot's license; Heman Sweatt, who was the reason for the establishment of Texas Southern University when African Americans—Negroes—could not go to the University of Texas.

So we have a place in this country, a place in this society. And what we do, as we work in the United States Congress, we have become part of the fabric of this Nation and we fight for all people. And so as we begin this budget fight, it is part of our history that causes us to be part of the challenge to make the right decisions on the continuing resolution and to ask our Republicans to read what Mark Zandi has said, the economic advisor to JOHN MCCAIN—not to President Obama, but to JOHN MCCAIN first—who said clearly that we would lose 700,000 jobs if we move in the direction that they want to move in.

Why do you have to have your way or the highway? Why can't you read the data that says—the fiscal bipartisan commission said there is no value to cutting funding in 2011, that we must work together to cut the funding and work together on how it should be cut in 2012 and 2013; that you actually will lose jobs; and that you will stop the moving of the economy, the rebirth of the economy in its tracks. It doesn't make sense to simply be driven and shackled to campaign promises. It doesn't make sense to be able to speak campaign speeches and yet not understand the distinction of governing.

When you come into this body—yes, we have districts, the Senators have States, but we must realize that we come to govern for all of the people. And so if you stop us in our tracks, you deny the richness of diversity of people who are in need in this country. You deny the descendants of slaves. You deny the families of soldiers who are on food stamps and are in Iraq and Afghanistan the opportunity to be able to survive. You take some \$758 million from WIC, women and infant children. You deny dollars going to economic development for minority businesses. You cut COPS by 600 or so million dollars. You take away some \$2 billion from programs that would generate economic opportunity. You cut the legal services. And you are obviously not concerned about how we balance this. This is in the middle of the budget year of 2011.

And so this is not befitting of the final day of African American history, a generation of people who came through the Civil War, Reconstruction, Jim Crow, the second reconstruction—which is the civil rights movement. And now they have traveled a journey,



being Americans, fighting in wars, and not yet 150 years away from slavery, and here we are fighting to equalize opportunities for all Americans. Because if you cut education, if you cut women and infant children, if you cut small business opportunities, minority and women-owned businesses, you are cutting into the future of this country.

We know this is a lopsided process; 16 to 18 percent of the budget and you're trying to get a way to bring down a \$1 trillion-plus deficit, if you will—trillions-plus deficit. And so my plea in this process as we go forward is to remember some of our heroes. Barbara Jordan was a Member of this body. Her birthday was celebrated on February 25. Her 75th year we are celebrating in Houston. And she reminded us that the people drive the Constitution, but that those of us of African American heritage were not in fact citizens as this Constitution was written, nor did women have an opportunity to vote during that time, but now we come asking that we do work together and that we be reminded of her words, "we the people." And "we the people" includes all people. It is not the Democratic Party, the Republican Party, the tea party. It's all the people doing what is best for all of the people. That's the message of African American history, striving to make America better as we cite these great icons who went against the odds.

I pay tribute, in closing, to Ruth Carroll, who passed just a few days ago, a friend of my dear friends, Dr. Natalie Carroll Dailey and Warren Dailey. As I read her obituary—she'll be funeralized tomorrow—close to 93 years old; born in 1918; born to two parents who died 1 year and 2 years after her birth; raised by grandparents; blinded at a very early age by an ophthalmologist who I guess accidentally put acid in her eyes. And then she had to go to the deaf, dumb, and blind school. She graduated magna cum laude—it might have been summa if I'm recalling correctly—but she went on to become a premier educator. She went to the University of Denver in Colorado, worked at the University of Texas, places that were segregated, got her graduate degree and became involved in library science, cataloged large libraries; someone who overcame obstacles.

Congresswoman, my tribute tonight is for African Americans who every day overcome obstacles. That is because they believe in the values of this country. And that is because they believe that, through any mountain or any valley, as Martin Luther King told us about the Promised Land, that we could overcome.

I'm asking my colleagues, as we begin to debate this CR, don't look at us as outsiders, people who are always talking of something that you might not understand or comprehend. Look at us as Americans who have a stake in this country, whose history is embedded in this country. Let us work together. Don't lopsided a cut that hurts

one population versus the other. Remember, 150 years—minimally—out of slavery, African Americans, new immigrants who are working every day, who are in the United States military.

So let me just thank the gentle lady for yielding, and thank you for allowing me to speak to the warriors who overcame adversity and contributed to this society. My commitment to them is that we will fight for fairness and justice in this House and a way to reduce the deficit, but fight for those who cannot speak for themselves.

I salute African American History Month, and I yield back.

□ 2000

Mrs. CHRISTENSEN. Thank you. And I'm sure they are inspired by the eloquence of your tribute to them.

And before I speak briefly on the proposed 2-week CR, I want to tell my colleagues and my fellow Americans about the first black millionaire. It's my contribution to the Black History Month Special Order this evening. His name was William Alexander Leidesdorff, and he was born in my home island of St. Croix, which was then part of the Danish West Indies. The bicentennial of his birth was celebrated last year.

His family started out poor. He ended up having to go to Denmark to get an education, and he was an immigrant to this country which had not yet bought the Virgin Islands. Yet through education, enterprise, and the opportunity to use that enterprise, he is credited with not only having become the first black millionaire but, more importantly, was named the African Founding Father of California. He also specifically played a major role in the development of the city of San Francisco.

Today, if one is an immigrant, there is no welcome in this country of immigrants, and they are denied access to programs that would help them to transition into this country.

Today, if one is poor, the cuts in the Republican-passed H.R. 1, the cuts to community programs, health centers, access to higher education, job training, and the support for the health of mothers and babies would ensure that the uneducated, the unhealthy, the jobless, and the poor stay that way. There will be few, if any, Leidesdorffs. Not even a black "thousandaire" if the tea party-led Republican majority has their way.

What has happened to the inalienable right to life, liberty, and the pursuit of happiness? Does the Republican majority plan to cut that, too, out of the Declaration of Independence?

So here we are just 5 days away—4, really—from a government shutdown if we can't agree on how to pay to keep the government open for the next 7 months. The best, the simplest, and the fairest way to do that, in my opinion, in the middle of a fiscal year when departments are carrying out plans and programs to improve and protect the lives of those who live and work in this country is to continue the spending at

last year's levels—no increases, just last year's levels. That essentially adds nothing to the deficit, and most importantly, it does not destroy the small gains we have been making in bringing this country out of a deep and painful recession.

Countless reputable economists, like Zandi, who's been quoted frequently here this evening, have told us over and over again now is not the time to cut the spending that's required to stabilize and begin to grow our economy again. If the Republican majority is successful with the cuts they want to make, they will destroy hundreds of thousands of jobs and make the already bad situation that they and President Bush created even worse for the American people who are depending on us to bring them relief.

What's happening is that the majority is pretty much demanding that the rest of us accept \$4 billion in cuts over the next 2 weeks in order to keep the government from shutting down. And they do have the votes, especially in this body.

In that \$4 billion, education takes an over \$500 million cut in funding in just 2 weeks. Some of these programs the President plans to end next year. And while I'm withholding judgment on that decision, ending them now means the people working in those programs may be out of work if these cuts are continued. These programs include school improvement, safe schools, and higher education programs. Other cuts are proposed for reading and literacy programs and some that work to improve academic achievement.

I suspect that these programs really need a "mend but don't end" approach, because we need to improve literacy and achievement if we are to produce the number of scientists, engineers, and other workers and entrepreneurs this country will need to win the future.

Given the instability in the Middle East and the terrible turn that pirating has taken, can we afford to cut \$245 million in the Homeland Security programs even for just 2 weeks? I don't think so. And I am sure the American people we have sworn to protect don't think so either. Coast Guard operations? Customs and Border Patrol salaries and construction projects? All of that sounds like less security and the possibility of more people out of work to me.

FEMA disaster mitigation grants? Emergency operations money? We were to have 70-mile-per-hour winds here in Washington this evening. Storms and tornadoes will not necessarily stop for 2 weeks because the Republicans have to kowtow to the tea party.

In just 2 weeks, there would be an almost \$200 million cut in HUD neighborhood and economic development grants. Just in the 2 weeks. And almost \$50 million in job training and unemployment services will be cut. With over 9 percent unemployment in many places, some in the double digits, and

in the middle of a recession that has shown no mercy to the poor and the middle class, I guess there will be no mercy from this body's leadership either.

I left health for last on this stopgap measure where I count over \$460 million in cuts in these 2 weeks. Close to \$400 million of that comes from the agency that provides services, treatment, and trains health professionals. And if the cuts to WIC and Maternal and Child Health were not enough in H.R. 1, children's programs have again been the targets of cuts, including programs in special education. And there would be a \$6 million cut from the Administration on Aging.

I don't understand it. If we're not placing a priority on taking care of our children and elderly, what kind of country are we?

So I say to my colleagues on the other side of the aisle: This country's in trouble. It's time to end the politics and do not only what the economists tell us we ought to do, but, more importantly, we need to come together and do what is right. These cuts are not right—not for 2 weeks and not for the rest of this year.

We really need to put the welfare of the American people in our country ahead of party politics. The times require it, and our people expect it.

You know, I think we ought to change the word "spending" and call it "investment," because that's what it really is. Investment is something that's understood and supported, and it's what is on the chopping block.

Investing, not just spending for spending's sake, is what Democrats began to do in the last two Congresses—to invest in health for all Americans, in equal opportunity to a quality education; investing in restoring jobs and building a healthier economy; investing in cleaning up a polluted and unhealthy environment; investing in a better future for us and our children and in a better, stronger, more competitive United States in this world.

We want to win the future.

The Republican agenda looks to the past, not the future. It looks to the past to continue the economic policies that ran our economy into the ground in the first place. It looks to the past to focus on the programs they have long hated: EPA regulations, health care reform that is finally making it possible for many to become insured and secure in that insurance, community programs that help poor areas of our country have a fair shot of just surviving, programs that lift our spirits and call forth our better selves—the arts, the humanities, public broadcasting.

And believe it or not, they're cutting programs like WIC, Head Start, and Maternal and Child Health. We had to fight for these programs every year during the administration of George W. Bush, and so it's no accident that we're fighting for them again.

This whole agenda is not about cutting spending at all. It's a facade for what they are really trying to do; that is, gutting the programs they and their supporters love to hate. And in pursuing this agenda, they are putting the slow recovery that still has to reach urban and rural Main Street in jeopardy, putting us in jeopardy of reverting back to where we started earlier this year, to where their policies took us in 2009, a place that no one wants to go back to.

And my friends, not one thing has this Republican majority done about the biggest crisis facing our country and its families: the economy and jobs.

Talk about the job-killing act of 2011. Well, that was not health care reform, which is actually the biggest job creator we have passed in recent years. The winners in that category clearly are the CR that was forced through this Congress 2 weeks ago and this 2-week stopgap that would cut the Federal budget by \$4 billion.

What we need is a clean CR at 2010 levels to the end of this fiscal year so that we can begin to focus on the 2012 budget, which is the more appropriate place to look at deficit reduction and which is due in less than 2 months.

Let me say a word about what their Governors are doing. It doesn't take 20/20 vision to see that this is a coordinated effort. Unions, which created our middle class in the first place, have always been one of the Republicans' targets. The war against the poor and middle class is not just being fought in Washington, my friends, but also in the States by Republican Governors.

□ 2010

Lastly, please don't let our Republican colleagues fool anyone into thinking that Social Security or Medicare needs to be addressed as part of our need to reduce the deficit. They do not. But they too have always been in their bull's-eye. We need to do what is necessary to protect them for the future generations.

But colleagues on the other side of the aisle, we have seen some of your plans to weaken these vital programs. But seniors, the disabled, and we Democrats want to make sure that the tea party and the Republicans keep their hands off Social Security and Medicare.

Black history is not just the commemoration of how far African Americans have come, but also how far this country has come. Most importantly, it is a reminder that we both still have more to do and further to go. Today's Republican agenda for this country threatens to erase all of the gains we celebrate this month, to put up roadblocks in our road to progress, roadblocks to a better future for all Americans, and to ensuring that this country we love regains and retains its number one position in the world. It's time to stop the madness and time to work together to continue to build a stronger America, one child, one family, one community at a time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker I rise today to honor Black History Month.

In February of each year, we recognize the many contributions of African Americans throughout this Nation. It brings to life a rich and vibrant history that was all too often left untold.

Although African Americans were an integral part of the founding of this Nation, it was not until the 20th century that they gained any respectable recognition in our history books. Prior to Carter G. Woodson's passionate efforts to write African Americans into the history of the United States, books largely ignored the African American population except in the context of slavery. That is why it is so important that the full history of African Americans continues to be taught and preserved in order that future generations from all reaches of America will understand our rich heritage.

African Americans have made significant contributions throughout history, and it is clear that we continue to build that rich legacy today. As our nation moves forward, we must never forget the great pioneers of scientific innovation, writing, music, philosophy, and politics. Honoring these contributions through Black History Month has allowed us to expand educational opportunities, enhance economic stability, workforce advancement and training, and community involvement.

Today, we find ourselves facing economic uncertainty. However, we must not lose sight of our current accomplishments and continued progress. The current budget proposal led by Republicans seeks to cut spending without any regard to our economy or the needs of the American people. The proposed budget diminishes our investments in education, job creation, and future innovation. I believe that we can and must do better to serve all Americans. We must fight against immoral and unwise cuts to our budget in order to preserve the heritage of African Americans as well as the United States as a whole.

Black History Month has not only set a precedent by honoring the achievements of African Americans, but it has also paved the way for other nationwide celebrations honoring the contributions of other important races and cultures. Now, we must look to our youth to carry on our history and to create their own legacy.

Long before the election of more than a hundred African Americans to the U.S. Congress, African Americans made a large contribution to our Nation's Capitol by building the Capitol itself as slaves.

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

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HANNA (at the request of Mr. CANTOR) for today and the balance of the week on account of medical reasons.

Mr. JONES (at the request of Mr. CANTOR) for today on account of illness.

Mr. YOUNG of Florida (at the request of Mr. CANTOR) for today and March 1 on account of attending the wake and funeral of a fallen police officer.

PUBLICATION OF COMMITTEE  
RULES

RULES OF THE COMMITTEE ON FINANCIAL  
SERVICES FOR THE 112TH CONGRESS  
U. S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, February 25, 2011.

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

DEAR MR. SPEAKER: Herewith, I am submitting the rules of the Committee on Financial Services, as favorably adopted, on January 25, 2011.

Please do not hesitate to contact me or Natalie McGarry of my staff should you need anything further.

Sincerely,

SPENCER BACHUS,  
Chairman.

RULE 1. GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee on Financial Services (hereinafter in these rules referred to as the "Committee") and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and shall be considered without debate. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2. MEETINGS

*Callings of Meetings*

(a)(1) The Committee shall regularly meet on the first Tuesday of each month when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereinafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair, in accordance with clause 2(g)(3) of rule XI of the rules of the House.

(4) Special meetings shall be called and convened by the Chair as provided in clause 2(c)(2) of rule XI of the Rules of the House.

*Notice for Meetings*

(b)(1) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least three calendar days before the time of the meeting.

(2) The Chair shall provide to each member of the Committee, at least three calendar days before the time of each regular meeting for each measure or matter on the agenda a copy of—

(A) the measure or materials relating to the matter in question; and

(B) an explanation of the measure or matter to be considered, which, in the case of an explanation of a bill, resolution, or similar measure, shall include a summary of the major provisions of the legislation, an explanation of the relationship of the measure to present law, and a summary of the need for the legislation.

(3) At least 24 hours prior to the commencement of a meeting for the markup of

legislation, the Chair shall cause the text of such legislation to be made publicly available in electronic form.

(4) The provisions of this subsection may be waived by a two-thirds vote of the Committee or by the Chair with the concurrence of the ranking minority member.

RULE 3. MEETING AND HEARING PROCEDURES

*In General*

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television broadcast, radio broadcast, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules). Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

(4) Opening statements by members at the beginning of any hearing or meeting of the Committee shall be limited to 5 minutes each for the Chair or ranking minority member, or their respective designee, and 3 minutes each for all other members.

(5) To the extent feasible, members and witnesses may use the Committee equipment for the purpose of presenting information electronically during a meeting or hearing provided the information is transmitted to the appropriate Committee staff in an appropriate electronic format at least one business day before the meeting or hearing so as to ensure display capacity and quality. The content of all materials must relate to the pending business of the Committee and conform to the rules of the House. The confidentiality of the material will be maintained by the technical staff until its official presentation to the Committee members. For the purposes of maintaining the official records of the committee, printed copies of all materials presented, to the extent practicable, must accompany the presentations.

(6) No person, other than a Member of Congress, Committee staff, or an employee of a Member when that Member has an amendment under consideration, may stand in or be seated at the rostrum area of the Committee rooms unless the Chair determines otherwise.

*Quorum*

(b)(1) For the purpose of taking testimony and receiving evidence, two members of the Committee shall constitute a quorum.

(2) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the rules of the House (except as provided in clause 2(g)(2)(A) and (B)) or of releasing executive session material pursuant to clause 2(k)(7) of rule XI of the rules of the House.

(3) For the purpose of taking any action other than those specified in paragraph (2) one-third of the members of the Committee shall constitute a quorum.

*Voting*

(c)(1) No vote may be conducted on any measure or matter pending before the Committee unless the requisite number of mem-

bers of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of one-fifth of the members present.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) In addition to any other requirement of these rules or the Rules of the House, including clause 2(e)(1)(B) of rule XI, the Chair shall make the record of the votes on any question on which a record vote is demanded publicly available for inspection at the offices of the Committee and in electronic form on the Committee's Web site not later than one business day after such vote is taken. Such record shall include in electronic form the text of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting. With respect to any record vote on any motion to report or record vote on any amendment, a record of such votes shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members of the committee present but not voting.

(5) **POSTPONED RECORD VOTES.**—(A) Subject to subparagraph (B), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time, but no later than the next meeting day.

(B) In exercising postponement authority under subparagraph (A), the Chairman shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed record vote;

(C) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

*Hearing Procedures*

(d)(1)(A) The Chair shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing, unless the Chair, with the concurrence of the ranking minority member, or the Committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the Chair shall make the announcement at the earliest possible date.

(B) Not less than three days before the commencement of a hearing announced under this paragraph, the Chair shall provide to the members of the Committee a concise summary of the subject of the hearing, or, in the case of a hearing on a measure or matter, a copy of the measure or materials relating to the matter in question and a concise explanation of the measure or matter to be considered. At the same time the Chair provides the information required by the preceding sentence, the Chair shall also provide to the members of the Committee a final list consisting of the names of each witness who is to appear before the Committee at that hearing. The witness list may not be modified within 24 hours of a hearing, unless the Chair, with the concurrence of the ranking minority member, determines there is good cause for such modification.

(2) To the greatest extent practicable—

(A) each witness who is to appear before the Committee shall file with the Committee

two business days in advance of the appearance sufficient copies (including a copy in electronic form), as determined by the Chair, of a written statement of proposed testimony and shall limit the oral presentation to the Committee to brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant hereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years. Such disclosure statements, with appropriate redactions to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(3) The requirements of paragraph (2)(A) may be modified or waived by the Chair when the Chair determines it to be in the best interest of the Committee.

(4) The five-minute rule shall be observed in the interrogation of witnesses before the Committee until each member of the Committee has had an opportunity to question the witnesses. No member shall be recognized for a second period of five minutes to interrogate witnesses until each member of the Committee present has been recognized once for that purpose.

(5) Whenever any hearing is conducted by the Committee on any measure or matter, the minority party members of the Committee shall be entitled, upon the request of a majority of them before the completion of the hearing, to call witnesses with respect to that measure or matter during at least one day of hearing thereon.

#### *Subpoenas and Oaths*

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, or pursuant to paragraph (2).

(2) The Chair, with the concurrence of the ranking minority member, may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of three days when, in the opinion of the Chair, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chair shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable, but in no event later than one week after service of such subpoena.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

#### *Special Procedures*

(f)(1)(A) **COMMEMORATIVE MEDALS AND COINS.**—It shall not be in order for the Subcommittee on Domestic Monetary Policy and Technology to hold a hearing on any commemorative medal or commemorative coin legislation unless the legislation is cosponsored by at least two-thirds of the members of the House.

(B) It shall not be in order for the subcommittee to approve a bill or measure authorizing commemorative coins for consideration by the full Committee which does not

conform with the mintage restrictions established by section 5112 of title 31, United States Code.

(C) In considering legislation authorizing Congressional gold medals, the subcommittee shall apply the following standards—

(i) the recipient shall be a natural person;

(ii) the recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement;

(iii) the recipient shall not have received a medal previously for the same or substantially the same achievement;

(iv) the recipient shall be living or, if deceased, shall have been deceased for not less than five years and not more than twenty five years;

(v) the achievements were performed in the recipient's field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed by others in the same field, as evidenced by the recipient having received the highest honors in the field.

#### (2) **TESTIMONY OF CERTAIN OFFICIALS.**—

(A) Notwithstanding subsection (a)(4), when the Chair announces a hearing of the Committee for the purpose of receiving—

(i) testimony from the Chairman of the Federal Reserve Board pursuant to section 2B of the Federal Reserve Act (12 U.S.C. 221 et seq.), or

(ii) testimony from the Chairman of the Federal Reserve Board or a member of the President's cabinet at the invitation of the Chair, the Chair may, in consultation with the ranking minority member, limit the number and duration of opening statements to be delivered at such hearing. The limitation shall be included in the announcement made pursuant to subsection (d)(1)(A), and shall provide that the opening statements of all members of the Committee shall be made a part of the hearing record.

(B) Notwithstanding subsection (a)(4), at any hearing of the Committee for the purpose of receiving testimony (other than testimony described in clause (i) or (ii) of subparagraph (A)), the Chair may, after consultation with the ranking minority member, limit the duration of opening statements to ten minutes, to be divided between the Chair and Chair of the pertinent subcommittee, or the Chair's designees, and ten minutes, to be controlled by the ranking minority member, or the ranking minority member's designees. Following such time, the duration for opening statements may be extended by agreement between the Chairman and ranking minority member, to be divided at the discretion of the Chair or ranking minority member. The Chair shall provide that the opening statements for all members of the Committee shall be made a part of the hearing record.

(C) At any hearing of a subcommittee, the Chair of the subcommittee may, in consultation with the ranking minority member of the subcommittee, limit the duration of opening statements to ten minutes, to be divided between the Subcommittee Chair or Chair's designees and ten minutes, to be controlled by the ranking minority member of the Subcommittee or the ranking minority member's designees. Following such time, the duration for opening statements may be extended by agreement between the Chair of the subcommittee and ranking minority member of the subcommittee, to be divided at the discretion of the Chair of the subcommittee or ranking minority member of the subcommittee. The Chair of the subcommittee shall ensure that opening state-

ments for all members shall be made a part of the hearing record.

(D) If the Chair and ranking minority member acting jointly determine that extraordinary circumstances exist necessitating allowing members to make opening statements, subparagraphs (B) or (C), as the case may be, shall not apply to such hearing.

#### **RULE 4. PROCEDURES FOR REPORTING MEASURES OR MATTERS**

(a) No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present.

(b) The Chair of the Committee shall report or cause to be reported promptly to the House any measure approved by the Committee and take necessary steps to bring a matter to a vote.

(c) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure pursuant to the provisions of clause 2(b)(2) of rule XIII of the Rules of the House.

(d) All reports printed by the Committee pursuant to a legislative study or investigation and not approved by a majority vote of the Committee shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on Financial Services and may not necessarily reflect the views of its Members."

(e) The Chair is directed to offer a motion under clause 1 of rule XXII of the Rules of the House whenever the Chair considers it appropriate.

#### **RULE 5. SUBCOMMITTEES**

##### *Establishment and Responsibilities of Subcommittees*

(a)(1) There shall be six subcommittees of the Committee as follows:

(A) **SUBCOMMITTEE ON CAPITAL MARKETS AND GOVERNMENT SPONSORED ENTERPRISES.**—The jurisdiction of the Subcommittee on Capital Markets and Government Sponsored Enterprises includes—

(i) securities, exchanges, and finance;

(ii) capital markets activities, including business capital formation and venture capital;

(iii) activities involving futures, forwards, options, and other types of derivative instruments;

(iv) the Securities and Exchange Commission;

(v) secondary market organizations for home mortgages, including the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Agricultural Mortgage Corporation;

(vi) the Federal Housing Finance Agency; and

(vii) the Federal Home Loan Banks.

(B) **SUBCOMMITTEE ON DOMESTIC MONETARY POLICY AND TECHNOLOGY.**—The jurisdiction of the Subcommittee on Domestic Monetary Policy and Technology includes—

(i) financial aid to all sectors and elements within the economy;

(ii) economic growth and stabilization;

(iii) defense production matters as contained in the Defense Production Act of 1950, as amended;

(iv) domestic monetary policy, and agencies which directly or indirectly affect domestic monetary policy, including the effect of such policy and other financial actions on interest rates, the allocation of credit, and the structure and functioning of domestic financial institutions;

(v) coins, coinage, currency, and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including the coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations of the Bureau of the Mint and the Bureau of Engraving and Printing; and,

(vi) development of new or alternative forms of currency.

(C) SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER CREDIT.—The jurisdiction of the Subcommittee on Financial Institutions and Consumer Credit includes—

(i) all agencies, including the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Federal Reserve System, the Office of Thrift Supervision, and the National Credit Union Administration, which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit insurance for, financial institutions, and the establishment of interest rate ceilings on deposits;

(ii) all matters related to the Bureau of Consumer Financial Protection;

(iii) the chartering, branching, merger, acquisition, consolidation, or conversion of financial institutions;

(iv) consumer credit, including the provision of consumer credit by insurance companies, and further including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting and the use of credit information by credit bureaus and credit providers, equal credit opportunity, debt collection practices, and electronic funds transfers;

(v) creditor remedies and debtor defenses, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards, and the preemption of State usury laws;

(vi) consumer access to financial services, including the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(vii) the terms and rules of disclosure of financial services, including the advertisement, promotion and pricing of financial services, and availability of government check cashing services;

(viii) deposit insurance; and

(ix) consumer access to savings accounts and checking accounts in financial institutions, including lifeline banking and other consumer accounts.

(D) SUBCOMMITTEE ON INSURANCE, HOUSING AND COMMUNITY OPPORTUNITY.—The jurisdiction of the Subcommittee on Insurance, Housing and Community Opportunity includes—

(i) insurance generally; terrorism risk insurance; private mortgage insurance; government sponsored insurance programs, including those offering protection against crime, fire, flood (and related land use controls), earthquake and other natural hazards; the Federal Insurance Office;

(ii) housing (except programs administered by the Department of Veterans Affairs), including mortgage and loan insurance pursuant to the National Housing Act; rural housing; housing and homeless assistance programs; all activities of the Government National Mortgage Association; housing construction and design and safety standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for non-profit housing sponsors; housing counseling and technical assistance; regulation of the housing industry (including landlord/tenant

relations); and real estate lending including regulation of settlement procedures;

(iii) community development and community and neighborhood planning, training and research; national urban growth policies; urban/rural research and technologies; and regulation of interstate land sales; and,

(iv) the qualifications for and designation of Empowerment Zones and Enterprise Communities (other than matters relating to tax benefits).

(E) SUBCOMMITTEE ON INTERNATIONAL MONETARY POLICY AND TRADE.—The jurisdiction of the Subcommittee on International Monetary Policy and Trade includes—

(i) multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto, and monetary and financial developments as they relate to the activities and objectives of such institutions;

(ii) international trade, including but not limited to the activities of the Export-Import Bank;

(iii) the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto; and

(iv) international investment policies, both as they relate to United States investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States.

(F) SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS.—The jurisdiction of the Subcommittee on Oversight and Investigations includes—

(i) the oversight of all agencies, departments, programs, and matters within the jurisdiction of the Committee, including the development of recommendations with regard to the necessity or desirability of enacting, changing, or repealing any legislation within the jurisdiction of the Committee, and for conducting investigations within such jurisdiction; and

(ii) research and analysis regarding matters within the jurisdiction of the Committee, including the impact or probable impact of tax policies affecting matters within the jurisdiction of the Committee.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

*Referral of Measures and Matters to Subcommittees*

(b)(1) The Chair shall regularly refer to one or more subcommittees such measures and matters as the Chair deems appropriate given its jurisdiction and responsibilities. In making such a referral, the Chair may designate a subcommittee of primary jurisdiction and subcommittees of additional or sequential jurisdiction.

(2) All other measures or matters shall be subject to consideration by the full Committee.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

*Composition of Subcommittees*

(c)(1) Members shall be elected to each subcommittee and to the positions of chair and ranking minority member thereof, in accord-

ance with the rules of the respective party caucuses. The Chair of the Committee shall designate a member of the majority party on each subcommittee as its vice chair.

(2) The Chair and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

(3) The subcommittees shall be comprised as follows:

(A) The Subcommittee on Capital Markets and Government Sponsored Enterprises shall be comprised of 35 members, 20 elected by the majority caucus and 15 elected by the minority caucus.

(B) The Subcommittee on Domestic Monetary Policy and Technology shall be comprised of 14 members, 8 elected by the majority caucus and 6 elected by the minority caucus.

(C) The Subcommittee on Financial Institutions and Consumer Credit shall be comprised of 30 members, 17 elected by the majority caucus and 13 elected by the minority caucus.

(D) The Subcommittee on Insurance, Housing and Community Opportunity shall be comprised of 18 members, 10 elected by the majority caucus and 8 elected by the minority caucus.

(E) The Subcommittee on International Monetary Policy and Trade shall be comprised of 14 members, 8 elected by the majority caucus and 6 elected by the minority caucus.

(F) The Subcommittee on Oversight and Investigations shall be comprised of 18 members, 10 elected by the majority caucus and 8 elected by the minority caucus.

*Subcommittee Meetings and Hearings*

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it, consistent with subsection (a).

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(3) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the Chair with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

*Effect of a Vacancy*

(e) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee as long as the required quorum is present.

*Records*

(f) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 6. STAFF

*In General*

(a)(1) Except as provided in paragraph (2), the professional and other staff of the Committee shall be appointed, and may be removed by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional and other staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the ranking minority member of

the Committee, and shall work under the general supervision and direction of such member.

(3) It is intended that the skills and experience of all members of the Committee shall be available to all members of the Committee.

#### *Subcommittee Staff*

(b) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available so that each subcommittee can carry out its responsibilities under the rules of the Committee and that the minority party is treated fairly in the appointment of such staff.

#### *Compensation of Staff*

(c)(1) Except as provided in paragraph (2), the Chair shall fix the compensation of all professional and other staff of the Committee.

(2) The ranking minority member shall fix the compensation of all professional and other staff provided to the minority party members of the Committee.

### RULE 7. BUDGET AND TRAVEL

#### *Budget*

(a)(1) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

(2) From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives, the Chair, after consultation with the ranking minority member, shall designate an amount to be under the direction of the ranking minority member for the compensation of the minority staff, travel expenses of minority members and staff, and minority office expenses. All expenses of minority members and staff shall be paid for out of the amount so set aside.

#### *Travel*

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

### RULE 8. COMMITTEE ADMINISTRATION

#### *Records*

(a)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the pro-

ceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House and shall be available in electronic form and for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

#### *Committee Publications on the Internet*

(b) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

#### *Audio and Video Coverage of Committee Hearings and Meetings*

(c)(1) To the maximum extent feasible, the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings; and,

(2) maintain the recordings of such coverage in a manner that is easily accessible to the public.

### RULES OF THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM FOR THE 112TH CONGRESS

#### RULE 1—APPLICATION OF RULES

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Oversight and Government Reform and its subcommittees as well as to the respective chairs and ranking minority members.

#### RULE 2—MEETINGS

The regular meetings of the full committee shall be held on the second Thursday of each month at 10 a.m., when the House is in session. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee pursuant to the provisions of House Rule XI, clause 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairs. Every member of the committee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining: (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request.

#### RULE 3—QUORUMS

(a) A majority of the members of the committee shall form a quorum, except that two

members shall constitute a quorum for taking testimony and receiving evidence, and one third of the members shall form a quorum for taking any action other than for which the presence of a majority of the committee is otherwise required. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

(b) The chairman of the full committee may, at the request of a subcommittee chair, make a temporary assignment of any member of the full committee to such subcommittee for the purpose of constituting a quorum at and participating in any public hearing by such subcommittee to be held outside of Washington, DC. Members appointed to such temporary positions shall not be voting members. The chairman shall give reasonable notice of such temporary assignment to the ranking minority members of the committee.

#### RULE 4—COMMITTEE REPORTS

(a) Bills and resolutions approved by the full committee shall be reported by the chairman pursuant to House Rule XIII, clauses 2-4.

(b) A proposed investigative or oversight report shall not be considered in the committee unless the proposed report has been available to the members of the committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in the committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings printed and available to the members of the committee before the consideration of the proposed report in the committee.

(c) Every investigative or oversight report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. If at the time of approval of such a report a member of the committee gives notice of intent to file supplemental, minority, or additional views that member shall be entitled to file such views following House Rule XI, clause 2(1) and Rule XIII, clause 3(a)(1).

(d) Only those investigative or oversight reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

#### RULE 5—RECORD VOTES

(a) A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote of the members present.

(b) Pursuant to House Rule XI, clause 2(h)(4), the chairman is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment and to resume proceedings on a postponed question at any time after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed. After consultation with the ranking minority member, the chairman shall take reasonable steps to notify members on the resumption of proceedings on any postponed record vote.

#### RULE 6—SUBCOMMITTEES; REFERRALS

(a) There shall be seven standing subcommittees with appropriate party ratios. The chairman shall assign members to the subcommittees. Minority party assignments shall be made only with the concurrence of

the ranking minority member. The subcommittees shall have the following fixed jurisdictions:

(1) The Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy—Legislative jurisdiction over the federal civil service and the U.S. Postal Service. The Subcommittee also has oversight jurisdiction over labor policy;

(2) The Subcommittee on Government Organization, Efficiency and Financial Management—Legislative jurisdiction over government management and accounting measures, the economy, efficiency, and management of government operations and activities (other than procurement and data standards), federal property, and reorganizations of the executive branch;

(3) The Subcommittee on Health Care, District of Columbia, Census and the National Archives—Legislative jurisdiction over drug policy, the District of Columbia, the Census Bureau, and federal records (including the National Archives and Records Administration and the Presidential Records Act). The subcommittee also has oversight jurisdiction over federal health care policy, food and drug safety, public support for the arts, libraries and museums, criminal justice, and transportation;

(4) The Subcommittee on National Security, Homeland Defense and Foreign Operations—Oversight jurisdiction over national security, homeland security, foreign operations, immigration, and emergency management;

(5) The Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending—Legislative jurisdiction over federal paperwork reduction, data quality, and the Office of Information and Regulatory Affairs. The Subcommittee also has oversight jurisdiction over regulatory affairs, stimulus policy, federal spending, education, agriculture, and communications policy;

(6) The Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs—Oversight jurisdiction over financial and monetary policy, banking, housing, and insurance regulation, financial crisis and rescues, and tax policy; and

(7) The Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform—Legislative jurisdiction over public information, including the Freedom of Information Act and Federal Advisory Committee Act, federal information technology and data standards, procurement and grant reform, the relationship between the federal government and states and municipalities, including unfunded mandates. The subcommittee also has oversight jurisdiction over public broadcasting.

(b) Bills, resolutions, and other matters shall be expeditiously referred by the chairman to subcommittees for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be re-referred or discharged by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement therein.

(c) The chairman and the ranking minority member of the full committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

#### RULE 7—SUBCOMMITTEE SCHEDULING

(a) Each subcommittee is authorized to meet, hold hearings, receive testimony,

mark up legislation, and report to the full committee on any measure or matter referred to it.

(b) No subcommittee may meet or hold a hearing at the same time as a meeting or hearing of the full committee.

(c) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the full committee chairman with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of committee meetings or hearings.

(d) Each subcommittee chair shall notify the chairman of any hearing plans at least two weeks before the date of commencement of the hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent the chair is advised thereof, witnesses whom the minority members may request.

#### RULE 8—STAFF

(a) Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the committee.

(b) Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he or she may assign.

#### RULE 9—HEARINGS

(a) A committee member may question witnesses only when recognized by the chairman for that purpose. In accordance with House Rule XI, clause 20(2), the five-minute rule shall apply during the questioning of witnesses in a hearing. The chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(b) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(c) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(d) Nothing in paragraph (b) or (c) affects the rights of a member (other than a member designated under paragraph (b)) to question a witness for 5 minutes in accordance with paragraph (a) after the questioning permitted under paragraph (b) or (c). In any extended questioning permitted under paragraph (b) or (c), the chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff, and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or minority committee staff. The chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (c) to members.

(e) Hearings shall be conducted according to the procedures in House Rule XI, clause 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the Committee for consideration, and the chairman shall rule on the

relevance of any questions put to the witnesses.

(f) Witnesses appearing before the committee shall so far as practicable, submit written statements at least 24 hours before their appearance. Witnesses appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years, by the witness or by an entity represented by the witness.

(g) The chairman or any member designated by the chairman may administer oaths to any witness before the committee. All witnesses appearing in hearings may be administered the following oath by the Chairman or his designee prior to receiving the testimony: "Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

#### RULE—10 COMMITTEE RECORDS, OPEN MEETINGS, TRANSPARENCY

(a) The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the roll call votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

(b) A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

(c) Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with the Rules of the House of Representatives.

(d) The chairman of the full committee shall maintain an official website on behalf of the committee for the purpose of furthering the committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to committee members and other members of the House. To the greatest extent practicable, the chairman shall ensure that committee records are made available on the committee's official website in appropriate formats.

(e) The ranking minority member of the full committee is authorized to maintain a similar official website on behalf of the committee minority for the same purpose, including communicating information about the activities of the minority to committee members and other members of the House.

#### RULE 11—AUDIO AND VISUAL COVERAGE OF COMMITTEE PROCEEDINGS

(a) An open meeting or hearing of the committee may be covered, in whole or in part, by television broadcast, radio broadcast, internet broadcast, and still photography, unless closed subject to the provisions of House Rules. Any such coverage shall conform to the provisions of House Rule XI, clause 4.

(b) Use of the Committee Broadcast System shall be fair and nonpartisan, and in accordance with House Rule XI, clause 4(b), and all other applicable rules of the House of Representatives and the Committee on Oversight and Government Reform. Members of the committee shall have prompt access to a copy of coverage by the Committee Broadcast System, to the extent that such coverage is maintained.

(c) Personnel providing coverage of an open meeting or hearing of the committee by

internet broadcast, other than through the Committee Broadcast System shall be currently accredited to the Radio and Television Correspondents' Galleries. If the Committee Broadcast System is not available, the chairman may, with the concurrence of the ranking minority member, direct staff to provide coverage in a manner that is fair and nonpartisan and in accordance with House Rule XI, clause 4.

#### RULE 12—ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, clause 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee;

(e) Prepare, after consultation with the ranking minority member, a budget for the Committee;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) Offer motions under clause 1 of Rule XXII of the Rules of the House (motion to request or agree to a conference) whenever the chairman considers it appropriate.

#### RULE 13—CONSIDERATION OF CERTAIN BILLS AND RESOLUTIONS

(a) The determination of the subject matter of commemorative stamps and new semi-postal issues is properly for consideration by the Postmaster General and the committee will not give consideration to legislative proposals specifying the subject matter of commemorative stamps and new semi-postal issues. It is suggested that recommendations for the subject matter of stamps be submitted to the Postmaster General.

(b) The consideration of bills designating facilities of the United States Postal Service shall be conducted so as to minimize the time spent on such matters by the committee and the House of Representatives.

(c) The Chairman shall not request to have scheduled any resolution for consideration under suspension of the Rules, which expresses appreciation, commends, congratulates, celebrates, recognizes the accomplishments of, or celebrates the anniversary of, an entity, event, group, individual, institution, team or government program; or acknowledges or recognizes a period of time for such purposes.

#### RULE 14—PANELS AND TASK FORCES

(a) The chairman of the full committee is authorized to appoint panels or task forces to carry out the duties and functions of the committee.

(b) The chairman and ranking minority member of the full committee may serve as ex-officio members of each panel or task force.

(c) The chairman of any panel or task force shall be appointed by the chairman of the full committee. The ranking minority member of the full committee shall select a ranking minority member for each panel or task force.

(d) The House and committee rules applicable to subcommittee meetings, hearings, recommendations, and reports shall apply to

the meetings, hearings, recommendations, and reports of panels and task forces.

(e) No panel or task force so appointed shall continue in existence for more than six months. A panel or task force so appointed may, upon the expiration of six months, be reappointed by the chairman.

#### RULE 15—DEPOSITION AUTHORITY

(a) The chairman of the full committee, upon consultation with the ranking minority member of the full committee, may order the taking of depositions, under oath and pursuant to notice or subpoena.

(b) Notices for the taking of depositions shall specify the date, time, and place of examination (if other than within the committee offices). Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths.

(c) Consultation with the ranking minority member shall include three business days notice before any deposition is taken. All members shall also receive three business days notice that a deposition has been scheduled.

(d) Witnesses may be accompanied at a deposition by counsel to advise them of their rights. No one may be present at depositions except members, committee staff designated by the chairman or ranking minority member of the full committee, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons, or for agencies under investigation, may not attend.

(e) At least one member of the committee shall be present at each deposition taken by the committee, unless the witness to be deposed agrees in writing to waive this requirement.

(f) A deposition shall be conducted by any member or staff attorney designated by the chairman or ranking minority member. When depositions are conducted by committee staff attorneys, there shall be no more than two committee staff attorneys permitted to question a witness per round. One of the committee staff attorneys shall be designated by the chairman and the other by the ranking minority member. Other committee staff members designated by the chairman or ranking minority member may attend, but may not pose questions to the witness.

(g) Questions in the deposition shall be propounded in rounds, alternating between the majority and minority. A single round shall not exceed 60 minutes per side, unless the members or staff attorneys conducting the deposition agree to a different length of questioning. In each round, a member or committee staff attorney designated by the chairman shall ask questions first, and the member or committee staff attorney designated by the ranking minority member shall ask questions second.

(h) Any objection made during a deposition must be stated concisely and in a non-argumentative and non-suggestive manner. The witness may refuse to answer a question only to preserve a privilege. When the witness has objected and refused to answer a question to preserve a privilege, the full committee chairman may rule on any such objection after the deposition has adjourned. If the chairman overrules any such objection and thereby orders a witness to answer any question to which a privilege objection was lodged, such ruling shall be filed with the clerk of the committee and shall be provided to the members and the witness no less than three days before the reconvened deposition. If a member of the committee appeals in writing the ruling of the chairman, the appeal shall be preserved for committee consideration. A deponent who refuses to answer a question after being directed to answer by

the chairman in writing may be subject to sanction, except that no sanctions may be imposed if the ruling of the chairman is reversed on appeal.

(i) Committee staff shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days thereafter, the witness may submit suggested changes to the chairman. Committee staff may make any typographical and technical changes requested by the witness. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

(j) The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the Committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the Committee for the Committee's use. The chairman and the ranking minority member of the full committee shall be provided with a copy of the transcripts of the deposition at the same time.

(k) The chairman and ranking minority member of the full committee shall consult regarding the release of depositions. If either objects in writing to a proposed release of a deposition or a portion thereof, the matter shall be promptly referred to the full committee for resolution.

(l) A witness shall not be required to testify unless the witness has been provided with a copy of the committee's rules.

#### A BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on February 23, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 514. To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

#### ADJOURNMENT

Mrs. CHRISTENSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 1, 2011, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:



573. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reporting of Government Property Lost, Stolen, Damaged, or Destroyed (DFARS Case 2008-D049) (RIN: 0750-AG64) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

574. A letter from the Deputy Secretary, Department of Defense, transmitting a letter pursuant to section 1033, paragraph 2, sentence 1 of the Ike Skelton National Defense Act for FY 2011; to the Committee on Armed Services.

575. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 49th report prepared pursuant to Section 3204(f) of the Emergency Supplemental Act, 2000; to the Committee on Armed Services.

576. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

577. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Children's Health Insurance Program (CHIP); Allotment Methodology and States' Fiscal Years 2009 through 2015 CHIP Allotments [CMS-2291-F] (RIN: 0938-AP53) received February 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

578. A letter from the Staff Assistant, Department of Transportation, transmitting the Department's "Major" final rule — Federal Motor Vehicle Safety Standards, Ejection Mitigation; Phase-In Reporting Requirements; Incorporation by Reference [Docket No.: NHTSA-2011-004] (RIN: 2127-AK23) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

579. A letter from the Director, Defense Security Cooperation Agency, transmitting the annual report of Military Assistance and Military Exports; to the Committee on Foreign Affairs.

580. A letter from the Director, Defense Security Cooperation Agency, transmitting the FY 2010 report in accordance with the Foreign Assistance Act of 1961, Section 655; to the Committee on Foreign Affairs.

581. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-577, Quarterly Survey of U.S. Direct Investment Abroad-Direct Transactions of U.S. Reporter With Foreign Affiliate [Docket No.: 100202061-0573-02] (RIN: 0691-AA75) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

582. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Report on Compliance with the Treaty on Conventional Armed Forces in Europe; to the Committee on Foreign Affairs.

583. A letter from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 10-141, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

584. A letter from the Associate Director, Department of Treasury, transmitting the Department's final rule — Cuban Assets Con-

trol Regulations received January 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

585. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Belarus Sanctions Regulations received January 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

586. A letter from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulations; Federal Acquisition Circular 2005-49; Introduction [Docket FAR 2011-0076, Sequence 1] received January 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

587. A letter from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Public Access to the Federal Awardee Performance and Integrity Information System [FAC 2005-49; Far Case 2010-016; Docket 2010-0016, Sequence 1] (RIN: 9000-AL94) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

588. A letter from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-49; Small Entity Compliance Guide [Docket FAR 2011-0077, Sequence 1] received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

589. A letter from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting the Department's final rule — Office of the Attorney General; Applicability of the Sex Offender Registration and Notification Act [Docket No.: OAG 117; Order No. 3239-2010] (RIN: 1105-AB22) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

590. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Potomac River, National Harbor, MD [Docket No.: USCG-2010-0776] (RIN: 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

591. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile Marker 49.0 to 50.0, west of Harvey Locks, Bank to Bank, Bayou Blue Pontoon Bridge, Lafourche Parish, LA [Docket No.: USCG-2010-0999] (RIN: 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

592. A letter from the Director, National Legislative Commission, American Legion, transmitting the financial statement and independent audit of The American Legion, proceedings of the 92nd annual National Convention of the American Legion, held in Milwaukee, Wisconsin from August 20-26, 2010 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 112-9); to the Committee on Veterans' Affairs and ordered to be printed.

593. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Airports of Entry or

Departure for Flights To and From Cuba (RIN: 1651-AA86) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

594. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Zone Academy Bond Allocations for 2011 (Rev. Proc. 2011-19) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

595. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2011-4) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

596. A letter from the Acting Director, Acquisition Policy and Legislation Branch, Department of Homeland Security, transmitting the Department's final rule — Revision of Department of Homeland Security Acquisition Regulation (RIN: 1601-AA16) received January 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[The following action occurred on January 3, 2011]*

Ms. SLAUGHTER: Committee on Rules. Survey of Activities of the House Committee on Rules, 111th Congress (Rept. 111-714). Referred to the Committee of the Whole House on the State of the Union.

*[The following action occurred on February 22, 2011]*

Mr. CAMP: Committee on Ways and Means. H.R. 4. A bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes (Rept. 112-15). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 705. A bill to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes; with an amendment (Rept. 112-16). Referred to the Committee of the Whole House on the State of the Union.

*[Filed on February 28, 2011]*

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 368. A bill to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes (Rept. 112-17, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 115. Resolution providing for consideration of the joint resolution (H.J. Res. 44) making further continuing appropriations for fiscal year 2011, and for other purposes (Rept. 112-19). Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following actions were taken by the Speaker: The Committee on the Budget discharged from further consideration.

H.R. 368 referred to the Committee of the Whole House on the State of the Union.

The Committees on Ways and Means, Natural Resources and the Budget discharged from further consideration. H.R. 662 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

#### REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 662. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, (Rept. 112-18, Pt. 1); Referred to the Committee on The Budget for a period ending not later than February 28, 2011, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(d), rule X.

#### 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. RAHALL (for himself and Mr. PETRI):

H.R. 825. A bill to direct the Secretary of Transportation to carry out programs and activities to improve highway safety; to the Committee on Transportation and Infrastructure.

By Mr. CARTER (for himself and Mr. DOGGETT):

H.R. 826. A bill to direct the Secretary of Defense to establish policies and guidelines to ensure civilian and military law enforcement personnel charged with security functions on military installations will receive Active Shooter Training; to the Committee on Armed Services.

By Mr. SCHWEIKERT (for himself, Mr. PASTOR of Arizona, Mr. ISSA, Mr. FILNER, Mr. FLAKE, Mr. WATT, Mr. DANIEL E. LUNGREN of California, Mr. GOSAR, Ms. BERKLEY, and Mr. QUAYLE):

H.R. 827. A bill to amend title 49, United States Code, to allow for additional flights beyond the perimeter restriction applicable to Ronald Reagan Washington National Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CHAFFETZ:

H.R. 828. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; to the Committee on Oversight and Government Reform.

By Mr. CHAFFETZ:

H.R. 829. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. DOLD (for himself, Mr. BACHUS, and Mrs. BIGGERT):

H.R. 830. A bill to rescind the unobligated funding for the FHA Refinance Program and

to terminate the program; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Ms. CHU, Mr. KILDEE, Mr. KUCINICH, Mr. MCGOVERN, Mr. PAUL, and Mr. TONKO):

H.R. 831. A bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 832. A bill to amend the Public Health Service Act to ensure that the Federal Government has independent, peer-reviewed scientific data and information to assess short-term and long-term direct and indirect impacts on the health of oil spill clean-up workers and vulnerable residents resulting from the Deepwater Horizon oil spill, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONAWAY:

H.R. 833. A bill to remove obstacles to legal sales of United States agricultural commodities to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. WU, Mr. KIND, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. SCHRADER, Mr. FILNER, Mr. CALVERT, and Ms. BALDWIN):

H.R. 834. A bill to amend the Internal Revenue Code of 1986 to allow eligible veterans to use qualified veterans mortgage bonds to refinance home loans, and for other purposes; to the Committee on Ways and Means.

By Mr. GERLACH (for himself, Mr. FARR, Mrs. CAPPS, and Mr. YOUNG of Florida):

H.R. 835. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture.

By Mr. HENSARLING (for himself, Mr. BACHUS, and Mrs. BIGGERT):

H.R. 836. A bill to rescind the unobligated funding for the Emergency Mortgage Relief Program and to terminate the program; to the Committee on Financial Services.

By Mr. HINOJOSA:

H.R. 837. A bill to require the Secretary of Veterans Affairs to ensure that the South Texas Veterans Affairs Health Care Center in Harlingen, Texas, includes a full-service Department of Veterans Affairs inpatient health care facility; to the Committee on Veterans' Affairs.

By Mr. KLINE (for himself, Mrs. BACHMANN, Mr. PETERSON, Mr. CRAVAACK, Mr. PETRI, Mr. SENSENBRENNER, and Mrs. MILLER of Michigan):

H.R. 838. A bill to prohibit treatment of gray wolves in Minnesota, Wisconsin, and Michigan as endangered species, and for other purposes; to the Committee on Natural Resources.

By Mr. MCHENRY (for himself, Mr. BACHUS, Mr. HENSARLING, Mrs. BIGGERT, Mr. NEUGEBAUER, Mr. GARRETT, Mr. GRIMM, and Mrs. CAPITO):

H.R. 839. A bill to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under

the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis; to the Committee on Financial Services.

By Mr. MURPHY of Pennsylvania (for himself, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CHAFFETZ, Mr. DUNCAN of Tennessee, Mr. FLORES, Mr. HARPER, Mr. LATTA, Mr. LONG, Mr. MCCLINTOCK, Mrs. MYRICK, Mr. RIBBLE, Mr. THOMPSON of Pennsylvania, Mr. WESTMORELAND, Mr. MCKINLEY, Mr. WHITFIELD, Mr. STEARNS, Mr. CASSIDY, Mr. BRADY of Texas, Mr. SCALISE, Mr. BOUSTANY, and Mr. DAVIS of Kentucky):

H.R. 840. A bill to allow the conduct of offshore energy exploration, development, and production operations under drilling permits previously issued by the Minerals Management Service, and for other purposes; to the Committee on Natural Resources.

By Mr. OWENS:

H.R. 841. A bill to amend chapter 2 of title I of the United States Code to establish the style for amending laws; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. BERMAN, and Mr. SHERMAN):

H.R. 842. A bill to allow mandatory nighttime curfews at certain airports, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHOCK (for himself, Mr. BOSWELL, and Mr. GRAVES of Missouri):

H.R. 843. A bill to direct the Secretary of Transportation to promulgate a rule to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road; to the Committee on Transportation and Infrastructure.

By Mr. WELCH:

H.R. 844. A bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky:

H.J. Res. 44. A joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself and Mr. FILNER):

H. Con. Res. 20. Concurrent resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the longest surviving United States veteran of the First World War; to the Committee on House Administration.

By Mr. CONAWAY (for himself, Mr. GENE GREEN of Texas, Mr. AKIN, Mr. ALEXANDER, Mr. AUSTRIA, Mr. BACHUS, Mr. BARTLETT, Mr. BONNER, Mr. BURTON of Indiana, Mr. CALVERT, Mrs. CAPITO, Mr. COFFMAN of Colorado, Mr. CRENSHAW, Mr. DIAZ-BALART, Mrs. EMERSON, Mr. GERLACH, Mr. GINGREY of Georgia, Ms. GRANGER, Mr. HUELSKAMP, Ms. JENKINS, Mr. JORDAN, Mr. LATOURETTE, Mr. LAMBORN, Mr. LANCE, Mr. LATTA, Mr. LOBIONDO, Mr. LONG, Mrs. LUMMIS, Mr. MCCAUL, Mrs. MCMORRIS RODGERS, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. OLSON, Mr. PAUL,

Mr. PAULSEN, Mr. PETRI, Mr. POMPEO, Mr. POSEY, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SIMPSON, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. TIBERI, Mr. WALDEN, Mr. WILSON of South Carolina, Mr. YOUNG of Alaska, Mr. BOSWELL, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. CARDOZA, Mr. COURTNEY, Mr. DINGELL, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. HOLDEN, Ms. KAPTUR, Mr. KISSELL, Mr. LOEBSACK, Mr. MCINTYRE, Mr. MEEKS, Mr. RANGEL, Mr. ROSS of Arkansas, Mr. RYAN of Ohio, Mr. SARBANES, Mr. SHULER, Mr. HASTINGS of Washington, Mr. CULBERSON, Mr. CARNAHAN, Mr. RUNYAN, Mr. KLINE, Mr. SESSIONS, Mr. ROGERS of Michigan, Mr. MCHENRY, Mr. LATHAM, Ms. FOXX, and Mr. CANSECO):

H. Con. Res. 21. Concurrent resolution supporting the Local Radio Freedom Act; to the Committee on the Judiciary.

By Mr. POE of Texas:

H. Con. Res. 22. Concurrent resolution authorizing the use of the rotunda of the Capitol to honor the last surviving United States veteran of the First World War upon his death; to the Committee on House Administration.

By Mrs. CAPITO (for herself, Mr. HANNA, Mr. MCKINLEY, Mr. BURTON of Indiana, Mr. GRIMM, Mr. RAHALL, Mr. CLEAVER, Mrs. MCMORRIS RODGERS, Mr. TOWNS, Mr. BENISHEK, Mr. OLSON, Mr. MILLER of Florida, Ms. BROWN of Florida, Mr. MCHENRY, and Mr. POE of Texas):

H. Con. Res. 23. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony to honor the late Frank W. Buckles, the last United States veteran of the First World War, as a tribute to and in recognition of all United States military members who served in the First World War; to the Committee on House Administration.

By Mr. LUCAS:

H. Res. 108. A resolution providing amounts for the expenses of the Committee on Agriculture in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. HALL (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 109. A resolution providing amounts for the expenses of the Committee on Science, Space, and Technology in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. DREIER (for himself and Ms. SLAUGHTER):

H. Res. 110. A resolution providing amounts for the expenses of the Committee on Rules in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. KING of New York:

H. Res. 111. A resolution establishing a Select Committee on POW and MIA Affairs; to the Committee on Rules.

By Ms. ROS-LEHTINEN (for herself and Mr. BERMAN):

H. Res. 112. A resolution providing amounts for the expenses of the Committee on Foreign Affairs in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. MILLER of Florida:

H. Res. 113. A resolution providing amounts for the expenses of the Committee on Veterans' Affairs in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. MICA (for himself and Mr. RAHALL):

H. Res. 114. A resolution providing amounts for the expenses of the Committee

on Transportation and Infrastructure in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. CAMP (for himself and Mr. LEVIN):

H. Res. 116. A resolution providing amounts for the expenses of the Committee on Ways and Means in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Ms. LINDA T. SÁNCHEZ of California (for herself and Mr. BACA):

H. Res. 117. A resolution commending Edwin Donald "Duke" Snider; to the Committee on Oversight and Government Reform.

By Mr. BACHUS:

H. Res. 118. A resolution providing amounts for the expenses of the Committee on Financial Services in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. GRAVES of Missouri:

H. Res. 119. A resolution providing amounts for the expenses of the Committee on Small Business in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. HASTINGS of Washington (for himself and Mr. MARKEY):

H. Res. 120. A resolution providing amounts for the expenses of the Committee on Natural Resources in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. ISSA:

H. Res. 121. A resolution providing amounts for the expenses of the Committee on Oversight and Government Reform in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. KING of New York (for himself and Mr. THOMPSON of Mississippi):

H. Res. 122. A resolution providing amounts for the expenses of the Committee on Homeland Security in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. BRADY of Pennsylvania):

H. Res. 123. A resolution providing amounts for the expenses of the Committee on House Administration in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. MCKEON (for himself and Mr. SMITH of Washington):

H. Res. 124. A resolution providing amounts for the expenses of the Committee on Armed Services in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. ROGERS of Michigan (for himself and Mr. RUPPERSBERGER):

H. Res. 125. A resolution providing amounts for the expenses of the Permanent Select Committee on Intelligence in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. RYAN of Wisconsin:

H. Res. 126. A resolution providing amounts for the expenses of the Committee on the Budget in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. SMITH of Texas (for himself and Mr. CONYERS):

H. Res. 127. A resolution providing amounts for the expenses of the Committee on the Judiciary in the One Hundred Twelfth Congress; to the Committee on House Administration.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representa-

tives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

[Omission from the Record of February 8, 2011]

By Mr. GRAVES:

H.R. 549.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article I, Section 8, Clause 3, of the United States Constitution, Congress shall have the power to regulate Commerce with foreign Nations, and among several States, and with Indian Tribes.

GRAVES 007 seeks to address piston engine aircraft emissions. Piston engine aircraft are involved in intrastate and interstate commerce.

[Submitted February 28, 2011]

By Mr. RAHALL:

H.R. 825.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution.

By Mr. CARTER:

H.R. 826.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: The Congress shall have Power To: make Rules for the Government and Regulation of the land and naval Forces.

By Mr. SCHWEIKERT:

H.R. 827.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 States: [The Congress shall have Power] To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes.

By Mr. CHAFFETZ:

H.R. 828.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article 1, Section 8, Clauses 1 and 2.

By Mr. CHAFFETZ:

H.R. 829.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article 1, Section 8, Clauses 1 and 2.

By Mr. DOLD:

H.R. 830.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and Article I, Section 8, Clause 3 (relating to the power to regulate interstate commerce).

By Ms. SCHAKOWSKY:

H.R. 831.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mrs. CAPPS:

H.R. 832.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 18.

By Mr. CONAWAY:

H.R. 833.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mrs. DAVIS of California:

H.R. 834.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. GERLACH:

H.R. 835.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 18 of Section 8 of Article I of the United States Constitution.

By Mr. HENSARLING:

H.R. 836.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and Article I, Section 8, Clause 3 (relating to the power to regulate interstate commerce).

By Mr. HINOJOSA:

H.R. 837.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. KLINE:

H.R. 838.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, commonly referred to the "Commerce Clause," of the United States Constitution.

By Mr. McHENRY:

H.R. 839.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution, under which Congress has the power to regulate commerce among the states.

By Mr. MURPHY of Pennsylvania:

H.R. 840.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to the Congress under Article I, Section 8, Clause 3 of the United States Constitution, and Article IV, Section 3, Clause 2 of the United States Constitution.

By Mr. OWENS:

H.R. 841.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, Clause 2.

By Mr. SCHIFF:

H.R. 842.

Congress has the power to enact this legislation pursuant to the following:

The Valley-Wide Noise Relief Act is constitutional under Article I, Section 8, Clause 3, the Commerce Clause, and Article I, Section 8, Clause 18, the Necessary and Proper Clause. The Valley-Wide Noise Relief Act is constitutionally authorized under the Commerce Clause because the bill regulates aviation, which has a direct impact on commerce between the states. The bill is also constitutionally authorized under the Necessary and Proper Clause, which supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text.

By Mr. SCHOCK:

H.R. 843.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8, and Amendment X of the United States Constitution.

By Mr. WELCH:

H.R. 844.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have power to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. ROGERS of Kentucky:

H.J. Res. 44.

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, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. WALBERG, Mr. ROHRBACHER, Mr. AUSTRIA, Mr. ALEXANDER, and Mr. BASS of New Hampshire.

H.R. 27: Ms. WATERS, Mr. BISHOP of Utah, and Ms. EDWARDS.

H.R. 81: Mr. MCCOTTER.

H.R. 99: Mr. SESSIONS.

H.R. 104: Mr. BENISHEK.

H.R. 122: Mr. CARTER.

H.R. 136: Mrs. MCCARTHY of New York.

H.R. 177: Mr. CANSECO.

H.R. 178: Mr. FORBES, Mr. HUNTER, Mr. DEUTCH, Mr. COURTNEY, Mr. BOREN, Ms. JENKINS, Mr. ROGERS of Michigan, Mr. REICHERT, Mr. DOYLE, and Mr. PETERSON.

H.R. 181: Ms. JENKINS.

H.R. 218: Mr. FORTENBERRY.

H.R. 219: Mr. DUNCAN of Tennessee and Mr. LATOURETTE.

H.R. 261: Mr. ROTHMAN of New Jersey.

H.R. 333: Mr. HECK and Mr. DEUTCH.

H.R. 343: Mr. GOODLATTE.

H.R. 367: Ms. WILSON of Florida.

H.R. 389: Mr. YODER.

H.R. 409: Mrs. BACHMANN and Mr. CUELLAR.

H.R. 412: Mr. OLSON, Mrs. BLACKBURN, Mr. LATHAM, and Mr. STUTZMAN.

H.R. 423: Mr. FORTENBERRY.

H.R. 432: Ms. HIRONO, Mr. HINCHEY, and Mrs. CAPPS.

H.R. 436: Mrs. BLACKBURN, Mr. CASSIDY, Mr. BURGESS, Mr. TERRY, Mr. SAM JOHNSON of Texas, Mr. LUETKEMEYER, Mr. HUNTER, Mr. SCALISE, Mr. KINZINGER of Illinois, Ms. HAYWORTH, Mr. SHIMKUS, Mr. SULLIVAN, Mr. MEEHAN, Mr. PAUL, and Ms. FOXX.

H.R. 440: Mrs. MYRICK and Mr. MURPHY of Connecticut.

H.R. 459: Mr. WILSON of South Carolina, Ms. BALDWIN, and Mr. JOHNSON of Illinois.

H.R. 462: Mr. MCCOTTER.

H.R. 470: Mrs. CAPPS and Mr. WAXMAN.

H.R. 478: Mr. KLINE.

H.R. 513: Mr. YODER, Mr. KLINE, Ms. JENKINS, and Mr. HUELSKAMP.

H.R. 548: Mr. WALBERG, Mr. GRIFFIN of Arkansas, and Mr. GARRETT.

H.R. 553: Mr. ELLISON and Mrs. CAPPS.

H.R. 567: Mr. RIGELL.

H.R. 572: Mrs. CAPPS.

H.R. 605: Mr. PETRI.

H.R. 609: Mr. BUCSHON.

H.R. 623: Mr. ELLISON.

H.R. 642: Mr. REHBERG, Mr. HUELSKAMP, Mr. OLSON, Mr. GRIFFITH of Virginia, Mr. RYAN of Wisconsin, Mr. ALTMIRE, Mr. LUCAS, Mr. CULBERSON, and Mr. FORBES.

H.R. 654: Mr. ISSA, Mr. POE of Texas, Mr. BOREN, Mr. ALTMIRE, Mr. MATHESON, and Mr. BROUN of Georgia.

H.R. 661: Mr. ENGEL.

H.R. 676: Mr. ENGEL, Ms. WOOLSEY, and Mr. DAVIS of Illinois.

H.R. 692: Mr. NUGENT, Mr. BURTON of Indiana, Mrs. MYRICK, and Mr. KLINE.

H.R. 695: Mr. DUNCAN of Tennessee.

H.R. 700: Mr. HERGER.

H.R. 704: Mr. KLINE and Mr. JONES.

H.R. 706: Mrs. MALONEY.

H.R. 709: Mr. KUCINICH.

H.R. 733: Mr. MORAN, Mr. HOLT, and Mr. ROSS of Arkansas.

H.R. 734: Mrs. CAPITO.

H.R. 735: Mrs. MYRICK.

H.R. 746: Mr. CONAWAY.

H.R. 763: Mr. RIBBLE.

H.R. 782: Mr. ROSS of Florida, Mr. HUELSKAMP, and Mr. GOWDY.

H.R. 792: Mr. GRIMM.

H.R. 816: Mr. BURGESS.

H.J. Res. 2: Mrs. ADAMS.

H.J. Res. 23: Mr. ROSS of Florida.

H.J. Res. 37: Mr. POMPEO, Mrs. MYRICK, Mr. GARDNER, Mr. PITTS, Mr. CASSIDY, Mr. BILBRAY, Mr. HUELSKAMP, Mr. MURPHY of Pennsylvania, Mr. RIBBLE, Mr. SCHILLING, Mr. PENCE, and Mr. SULLIVAN.

H.J. Res. 42: Mr. TERRY and Mrs. BLACKBURN.

H. Con. Res. 13: Mr. KING of Iowa.

H. Res. 23: Mr. YODER.

H. Res. 34: Mr. CICILLINE.

H. Res. 64: Mr. HONDA and Mr. PETRI.

H. Res. 83: Mr. STARK, Ms. NORTON, Mrs. NAPOLITANO, and Mr. FRANK of Massachusetts.

H. Res. 88: Mr. MANZULLO and Mr. SCHOCK.

H. Res. 95: Mr. COFFMAN of Colorado.

#### 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 MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in House Joint Resolution 44 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

##### OFFERED BY MR. ROGERS OF KENTUCKY

H.J. Res. 44, Further Continuing Appropriations Amendments, 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 rule XXI.