

start an adult conversation about the real structural issues that plague our Nation's fiscal health.

HONORING THE LIFE OF LIEUTENANT GENERAL SELMON WILLARD "JIM" WELLS

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

Mrs. BIGGERT. Mr. Speaker, I rise today to honor the life of one of America's great military heroes, Lieutenant General Selmon Willard Wells, or Jim as he was known to his family.

General Wells passed away in December at the age of 94 after a lifetime of distinguished service to his country. Today, his friends, family, and loved ones will gather to celebrate his amazing life in a special service near his home in California. Among those will be his children, three grandchildren, and six great-grandchildren.

Mr. Speaker, there's no way I could do justice to all the achievements of this amazing man in the time I have here.

Jim first earned his wings in 1941 and went on to log over 12,000 hours of flying time as a command pilot, with over 700 hours of combat time. He flew hundreds of missions during three wars—World War II, Korea, and Vietnam—and has been honored with almost every medal imaginable.

After commanding forces all over the world, he culminated his military career as an inspector general of the Air Force here in Washington.

Today, I would like to join with my colleagues here in the U.S. House of Representatives to express to Jim's family and loved ones our heartfelt sympathy on his loss and our sincere gratitude for his service to the Nation he loved.

Mr. Speaker, during his service today, it was the hope of many that General Wells would be honored by a military flyover. I am disappointed to say that the Air Force was unable to accommodate this wish, but I know there's no military airman in America who does not join us in honoring the memory of this hero. And if anyone would understand the logistical challenges of command, it would be Jim.

A PENDING GOVERNMENT SHUTDOWN

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

Mr. TONKO. Mr. Speaker, well, here we go again. We're 1 week away from a government shutdown. I, for one, wish we could focus on creating jobs and growing the economy. But, instead, the majority can't even agree on how to keep the doors open.

In fact, unwilling to compromise and unable to break free of the clutches of the tea party, they have tried a stunt

that is beyond belief. It's altogether fitting that we are debating this absurd measure today on April Fool's Day. Why? Because after reading the Constitution on the floor of this body just weeks ago, they are ignoring our founding document, mocking its principles, and attempting to circumvent 222 years of history.

What do they want to do? Say that any bill, any bill that passes this House is good enough. No need for the Senate or President. It should just become law, like magic.

This country was founded on checks and balances and limited government. Instead of desperate attempts to ram through job-destroying legislation to appease the extreme wing of their party, perhaps the majority in this House could try negotiating in good faith with the Senate and our President to keep the lights on. After all, that's the least the American public expects of their elected officials.

PROVIDING FOR CONSIDERATION OF H.R. 1255, GOVERNMENT SHUTDOWN PREVENTION ACT OF 2011

Mr. WOODALL. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 194 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 194

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and Minority Leader or their respective designees; and (2) one motion to recommit.

POINT OF ORDER

Mr. ELLISON. Madam Speaker, I raise a point of order against H. Res. 194 because the resolution violates section 426(a) of the Congressional Budget Act.

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

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

The gentleman has met the threshold burden and the gentleman from Minnesota and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Madam Speaker, I raise this point of order, not necessarily out of concern for unmet, unfunded mandates, although there are likely many in this bill; I raise the point of order because it's the only vehicle we've got to actually talk about this rule and this bill and how we're being denied the ability to actually offer the amendments that we would like to to illuminate what's actually in this bill.

Republicans are playing partisan political games with America's future, America's seniors, and Americans veterans with the following: with America's government.

Since taking control of Congress over 13 weeks ago, Republicans have failed to introduce a single bill, not one single bill to create one single job. Instead, the Republican majority has hatched an unconstitutional scheme to fire nearly 1 million Americans and foreclose on the middle class.

Madam Speaker, I think it's ironic that today is April Fool's Day, because the Republican majority is playing an April Fool's joke on the American people. This unconstitutional Washington "tricknology" and "trickeration" reflected in the underlying bill would destroy at least 700,000 jobs according to the Economic Policy Institute, Mark Zandi, chief economist at Moody's Economics, and even Goldman Sachs.

Let's be clear. The underlying bill of which Mr. WOODALL is a cosponsor implies that the Senate has passed a bill which has already failed there. It assumes or deems that the President has signed a bill which he threatened to veto.

□ 0920

April Fool's, America. There is no Senate or Office of the Presidency today under the Republican majority bill. The Republican spending bill badly damages our fragile economic recovery, according to 300 economists of all political stripes, and threatens to send us spiraling into another Republican recession. And as we have heard earlier this week, the Republican answer to 14 million Americans who lost their jobs and can't find new ones is: Stop talking about jobs.

At this time, I would like to ask the gentleman from Georgia (Mr. WOODALL) a simple question: How many jobs does this bill create?

Mr. WOODALL. Will the gentleman yield?

Mr. ELLISON. I yield to the gentleman from Georgia.

Mr. WOODALL. I thank the gentleman for yielding. I would be happy to answer that question.

By eliminating the crushing Federal deficit that we have today? By taking the first steps we have seen in a generation to take the government out of the capital market and put the private sector back in?

Mr. ELLISON. Reclaiming my time, I do appreciate the gentleman's decision not to answer my question.

Mr. WOODALL. I would be happy to try again, Mr. ELLISON.

Mr. ELLISON. I have the time and I have reclaimed it. I do appreciate the gentleman's decision not to answer how many jobs this bill is going to create because it certainly creates none. In fact, it destroys jobs. And it is really a shame. And I think that if the gentleman wanted to give us a number, even an estimate, just some sort of an estimate as to how many jobs this bill is going to create, we certainly could have a good dialogue about how America goes forward.

But unfortunately, Madam Speaker, the gentleman cannot answer that question because the Republican majority has been exposed. They have a no-jobs agenda. And this bill they propose to deem and pass today would cut upwards of 1 million jobs and as low as 700,000. This is a no-jobs agenda.

At this time, I yield 2 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the gentleman.

This Republican April Fool's resolution on the House floor today seems to look for a waiver of all points of order against consideration of the bill, which includes the waiver of section 425 of the Congressional Budget Act, which causes a violation, we believe, of section 426(a).

I am not sure if the rules of the House are declared null and void on any April Fool's Day, but I have a feeling that we are about to see that happen today on the floor. Apparently, the new Republican leadership and their majority believe that they can take control of the parliamentary system. Unfortunately for them, we still have a bicameral legislature, including a United States Senate and a Constitution that requires the President of the United States to sign legislation.

So the rules seem to be changing every day around here. I thought we were going to see bills 72 hours in advance. The bills would have to be paid for under the Republican cut-go measure, and all bills—again, all bills would have to meet a constitutional test before the floor considers it. In the last 2 weeks, we have violated every one of these principles.

There are likely some unfunded mandates in this measure. I raise a point of order because this is the only way that we have to debate this bill and we are being denied the ability to actually offer the amendments that we would like to, to illuminate what is actually in this legislation and how this is a break again from the hallmark and tradition of this great House, which is to allow open debate on appropriations bills.

So, in conclusion, we simply cannot trash the rules of the House like we are doing here today and, ironically, on April Fool's Day.

Mr. ELLISON. I reserve the balance of my time.

Mr. WOODALL. Madam Speaker, I rise to claim time in opposition to the point of order and in favor of consideration of the resolution.

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

Mr. WOODALL. Madam Speaker, it appears that this is going to be an April Fool's theme day, and I suppose I should have known that when I woke up this morning.

I am a little surprised that it begins with folks claiming a point of order against unfunded mandates that they are not sure at all exist in the bill; that they claim a point of order against unfunded mandates in a rule that waives those points of order if they did exist.

I want to say, Madam Speaker, I'm a big proponent of regular order. A big proponent of regular order. And the prophylactic waiver that is in the rule is designed just in case there was something that we missed.

But what is important is that we had the largest and most open debate we have had in this House in a decade on H.R. 1, the only provision that could possibly have an unfunded mandate in it and does not.

This bill does two things, the underlying legislation does two things: It both gives the Senate an opportunity to come out from under its paralyzing inaction and pass H.R. 1; and, it says that if the Senate does not, if the Senate fails to act—we are not asking the Senate to do exactly what we want them to do. We are asking them to act. If they fail to act, that Congress will not get paid. Congress will not get paid. My colleagues on the left won't get paid, my colleagues on the right won't get paid, and my colleagues in the Senate won't get paid.

I would ask my good friend Mr. ELLISON, do you believe that this provision that will prevent us from getting paid for not doing our job is the unfunded mandate in that provision?

Mr. ELLISON. Will the gentleman yield?

Mr. WOODALL. I yield to the gentleman from Minnesota.

Mr. ELLISON. I believe that the Republican no-jobs agenda is a serious affront to the American people.

Mr. WOODALL. Well, let me reclaim my time, Madam Speaker, to say that I appreciate the gentleman's support for making sure we don't get paid if we are not doing our work.

There is a divide in this town, Madam Speaker. There is a crowd that believes that government creates jobs, and the more government activity that takes place the more jobs there are. There is another crowd in this town that believes that only the private sector can create jobs.

As this bill will put more capital into the private markets, it will create jobs. As this bill will provide much-needed certainty that we cannot have under these continuing resolutions, this bill will create jobs. As this bill goes to complete the work that should have happened last Congress but did not, this bill will create jobs.

It is a cruel April Fool's Day joke on the American people, Madam Speaker,

that instead of debating the underlying resolution—and I have a rule that I am prepared to bring to the floor that will allow time to debate the underlying resolution—we are instead focused on points of order that even my colleagues on the left don't believe exist.

They accuse us of perverting the process, Madam Speaker, and we have had the most open process in the first 90 days of this Congress than this Congress has seen in a decade. And, in doing so, they pervert the process, raising points of order that they do not believe exist and they know in their hearts do not exist.

With that, I reserve the balance of my time.

Mr. ELLISON. I yield 2 minutes to the gentlewoman from Maryland, Ms. DONNA EDWARDS.

Ms. EDWARDS. Madam Speaker, I would like to thank the gentleman from Minnesota for raising this point of order. I join in support of the point of order.

First of all, it is time for us to create jobs, and we haven't created jobs and we are 13 weeks into this Congress and we are not debating jobs today.

Second, as to the underlying resolution, I will speak to that later, Madam Speaker, but today we are sitting here with a bill that violates the rules of this House. The Congress said when they took on this new leadership that they were going to come into the Congress open and transparent and without hypocrisy, and not following the kind of rules that they railed against during the previous Congress, and yet here we are today with a rule that doesn't allow us to really consider appropriations in the way that this Congress—not the last Congress, but this Republican Congress—established. We are neither open, we are not transparent. And this point of order raises a question as to whether the Republican majority is going to operate according to the rules that it set. Not the rules that Democrats set, but the rules that Republicans set.

And so, Madam Speaker, I am really troubled today both by the underlying resolution and by the fact that we have here perhaps a bill that has unknown, unfunded mandates that we aren't able to look at and for which there won't be any amendments. So I thank the gentleman from Minnesota for raising the point of order, and I would urge strong consideration by my colleagues to make this process, as the leadership has committed, to make it open, to make it transparent, and to make it without hypocrisy.

Mr. ELLISON. Madam Speaker, I would ask the gentleman, would he be amenable to stripping out all but the Member pay issue that's contained within the bill? Would he be willing to do that?

Mr. WOODALL. Will the gentleman yield?

Mr. ELLISON. I yield to the gentleman from Georgia.

Mr. WOODALL. You want to remove the most debated provision we have

had in this entire Congress? You feel that hasn't been debated enough?

□ 0930

Mr. ELLISON. We will deal with the Member pay issue. Are you willing to do that?

Mr. WOODALL. The Member pay issue is critically tied to the inaction of the folks on the funding bill. The answer is no, Mr. ELLISON, I cannot agree to that.

Mr. ELLISON. Reclaiming my time, thank you for finally getting around to that "no."

Well, I think that makes the point here, Madam Speaker. The fact is that this particular Republican action is yet another opportunity to degrade and take away the basic social safety net of America while doing nothing to get Americans back to work.

Americans deserve to work. Americans thought that they were going to get a majority that would help them get back to work back last November, but they were sorely surprised when the Republican majority got in and decided to do nothing to help Americans get back to work. All the majority has done is strip away programs and things that will help Americans do better, to take programs and money away from police officers, to fire public employees. This has been their agenda, and this is too bad. I think that this is a shame, and it certainly is an abandonment of what people thought they were getting in November.

So, Madam Speaker, this particular point of order raised today does address the critical issues that must be addressed. But, at the bottom, we are still looking at 13 weeks with no jobs and Republicans offering legislation that literally would put nearly 1 million people out of work.

So I ask my colleagues to stand with the American people. Let's move America forward. Let's reject the rule and the underlying bill by voting "no" on this motion to consider this unconstitutional Washington trickery.

I yield back the balance of my time.

Mr. WOODALL. Madam Speaker, at this time I am pleased to yield 2 minutes to a gentleman who is making sure we do keep our promises on Capitol Hill, the gentleman from California, Chairman LUNGREN.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise to speak to the question that has been raised during this discussion, and that is the provision dealing with the pay of Members of Congress and the President of the United States.

The Senate has sent over to us a bill which purported to deny pay to the President of the United States and to the Congress on a permanent basis for any time that lapsed during which there was not authorization for appropriations for the conduct of government activities. It is on its face blatantly unconstitutional, violating the section of the Constitution that deals with the Presidential pay and, specifi-

cally, the 27th Amendment to the Constitution, which does not allow us to do that.

The intent, as expressed by the author of the bill before us in the statement of the constitutional authority, makes it clear that we recognize the limits of the action that we can take, and instead we would in this way command those payments not to be made during the period of time in which there is inaction by the President and the Congress of the United States, thereby making a very serious and good faith attempt to put that pressure on Members of Congress and the President of the United States, but in a constitutional way.

So Members should be aware of the difference between the language contained in this provision before us and that which was sent over here by the Senate, which on its face constitutional scholars have looked at it here on the House side and the Senate side and the White House and have suggested that bill that came over from the Senate would not stand up to constitutional examination. This is an attempt on our side to try to provide that action, if demanded by Members of Congress, in a way that would be rendered constitutional.

So at least I wanted to make sure that as we debate this point of order, the rule and the bill, that it is clear what the intention of the author is in this case and why we are attempting to follow constitutional procedures.

Mr. WOODALL. Madam Speaker, I yield myself such time as I may consume to thank the chairman for that explanation, because constitutional principles are paramount, are absolutely paramount on this side of the aisle, and so is accountability, so is accountability for our actions here in this body and our actions across the way. And I could not be more pleased to be a cosponsor of the underlying resolution because it does hold us accountable and says no work, no pay. No work, no pay.

This is April Fool's Day here in the House of Representatives and across the country. We are talking about jobs every day. Every day in this body we are talking about jobs, and yet the debate this morning is focused on are we doing enough debating about a bill that already has been the most aggressively debated bill this Congress has seen in over a decade.

I want to invite my colleagues on both sides of the aisle and in the United States Senate to join me as a cosponsor of H.R. 25. H.R. 25 is the Fair Tax Act. It is the only bill in Congress that eliminates every single corporate loophole, exception, lobbyist-inserted provision. Not a one survives the Fair Tax. It is the only bill in Congress that eliminates the payroll tax, that largest tax that 80 percent of Americans pay.

Do you want to talk about American families and their pain? Let's talk about the largest tax that American families pay. It is the payroll tax, and

H.R. 25 is the only bill in the United States House of Representatives that eliminates the payroll tax in favor of a flat rate personal consumption tax that ceases to punish productivity and begins to reward those activities that build jobs in this country. It is the only bill in Congress that puts American manufacturing on a level playing field with the rest of the world.

Do you want to talk about jobs or do you not? Do you want to get America back on track or do you not? Because this is a point of order that we know doesn't exist. It is a point of order just designed to fill the airwaves first thing in the morning. If you want to fill the airwaves, fill it with promises of jobs. Fill it with promises of ending the Tax Code that drives jobs out this country and bringing in that capital that we so desperately need.

Again, Madam Speaker, there are no unfunded mandates in this bill. This has been the most aggressively debated bill that this Congress has seen in a generation, I would argue. The only two things the underlying legislation does, it forces the government to stay open with funding levels, those funding levels provided in H.R. 1 if the Senate passes this bill, and it insists that no work in Congress receives no pay.

Forty days we have waited on the Senate to act. They have defeated two bills, but they have passed nothing, Madam Speaker. They have passed nothing. If you want to talk about jobs, if you want to talk about certainty, you have to bring a proposal to the table. This is a freshmen proposal that reaches out to try to do something to make things happen.

I don't know how you guys break logjams in this city. Clearly, it is not easy. Last year there was a Democratic House, a Democratic Senate, and a Democratic White House, and you still couldn't get a budget passed. You still couldn't get appropriations bills passed. So, clearly, logjams are complicated things. I am not here to assign blame for those logjams. I am here to offer solutions. Over and over and over again you see folks rising here to offer solutions.

Madam Speaker, with that, I ask that you overrule that point of order and allow us to get to the underlying bill.

The SPEAKER pro tempore (Mrs. CAPITO). All time for debate has expired.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 219, nays 172, not voting 41, as follows:

[Roll No. 213]

YEAS—219

Adams Gowdy Nugent
 Aderholt Granger Nunes
 Akin Graves (GA) Nunnelee
 Alexander Graves (MO) Olson
 Amash Griffin (AR) Palazzo
 Austria Griffith (VA) Paulsen
 Bachmann Grimm Pearce
 Bachus Guinta Pence
 Barletta Guthrie Petri
 Bartlett Hall Pitts
 Bass (NH) Harper Poe (TX)
 Benishek Harris Pompeo
 Berg Hartzler Posey
 Biggert Hastings (WA) Price (GA)
 Bilirakis Hayworth Quayle
 Bishop (UT) Heck Reed
 Black Heller Rehberg
 Blackburn Hensarling Reichert
 Bonner Herger Renacci
 Bono Mack Herrera Beutler Ribble
 Brady (TX) Huelskamp Rigell
 Brooks Huizenga (MI) Rivera
 Broun (GA) Hultgren Roby
 Buchanan Hurt Roe (TN)
 Bucshon Issa Rogers (KY)
 Buerkle Jenkins Rogers (MI)
 Burgess Johnson (IL) Rohrabacher
 Calvert Johnson (OH) Rokita
 Camp Jones Rooney
 Canseco Jordan Ros-Lehtinen
 Capito Kelly Ross (AR)
 Carter King (IA) Rothman (NJ)
 Cassidy King (NY) Roybal-Allard
 Chabot Kingston Runyan
 Chaffetz Kinzinger (IL) Ryan (WI)
 Coble Kline Scalise
 Coffman (CO) Labrador Schilling
 Cole Lamborn Schmidt
 Conaway Lance Schock
 Cravaack Landry Schweikert
 Crawford Lankford Scott (SC)
 Crenshaw Latham Scott, Austin
 Davis (KY) LaTourette Sensenbrenner
 Denham Latta Sessions
 Dent Lewis (CA) Shimkus
 DesJarlais LoBiondo Shuster
 Diaz-Balart Long Simpson
 Dold Lucas Smith (NE)
 Dreier Luetkemeyer Smith (NJ)
 Duffy Lummis Smith (TX)
 Duncan (SC) Lungren, Daniel Southernland
 Ellmers E. Stearns
 Emerson Mack Stivers
 Farenthold Marchant Terry
 Fincher Marino Thompson (PA)
 Fitzpatrick McCarthy (CA) Thornberry
 Flake McCaul Tiberi
 Fleischmann McClintock Tipton
 Fleming McCotter Turner
 Flores McHenry Upton
 Forbes McKeon Walberg
 Fortenberry McKinley Walden
 Foxx McMorris Walsh (IL)
 Franks (AZ) Rodgers Webster
 Gallegly Meehan West
 Gardner Mica Westmoreland
 Garrett Miller (FL) Whitfield
 Gerlach Miller (MI) Wilson (SC)
 Gibbs Miller, Gary Wittman
 Gibson Mulvaney Wolf
 Gingrey (GA) Murphy (PA) Womack
 Gohmert Myrick Woodall
 Goodlatte Neugebauer Yoder
 Gosar Noem Young (IN)

NAYS—172

Ackerman Carnahan Davis (CA)
 Altmire Carney Davis (IL)
 Andrews Carson (IN) DeFazio
 Baca Castor (FL) DeGette
 Baldwin Chandler DeLauro
 Barrow Chu Deutch
 Bass (CA) Cicilline Dicks
 Becerra Clarke (MI) Dingell
 Berkley Clay Doggett
 Berman Cleaver Donnelly (IN)
 Bishop (GA) Doyle
 Bishop (NY) Cohen Edwards
 Blumenauer Connolly (VA) Ellison
 Boren Cooper Engel
 Boswell Costello Eshoo
 Brady (PA) Courtney Farr
 Braley (IA) Critz Fattah
 Brown (FL) Crowley Frank (MA)
 Capps Cuellar Fudge
 Capuano Cummings Garamendi

Gonzalez Matheson Sánchez, Linda
 Green, Al Matsui T.
 Green, Gene McCarthy (NY) Sanchez, Loretta
 Grijalva McCollum Schakowsky
 Gutierrez McDermott Schiff
 Hastings (FL) McGovern Schrader
 Heinrich McIntyre Schwartz
 Higgins McNeerney Scott (VA)
 Himes Meeks Scott, David
 Hinchey Michaud Serrano
 Hinojosa Miller (NC) Sewell
 Hirono Miller, George Sherman
 Holden Moore Shuler
 Holt Murphy (CT) Sires
 Honda Nadler Slaughter
 Hoyer Napolitano Smith (WA)
 Inslee Neal Speier
 Israel Oliver Sutton
 Jackson (IL) Pallone Thompson (CA)
 Jackson Lee Pascrell Thompson (MS)
 (TX) Pastor (AZ)
 Johnson (GA) Pelosi Tonko
 Johnson, E. B. Perlmutter Towns
 Keating Peters Tsongas
 Kildee Pingree (ME) Van Hollen
 Kind Polis Velázquez
 Kissell Price (NC) Visclosky
 Kucinich Quigley Walz (MN)
 Larsen (WA) Rahall Wasserman
 Larson (CT) Rangel Schultz
 Lee (CA) Reyes Watt
 Levin Lewis (GA) Richmond Waxman
 Ross (AR) Lipinski Ross (AR) Weiner
 Loeb sack Loeb sack Rothman (NJ) Welch
 Roybal-Allard Roybal-Allard Wilson (FL)
 Ruppersberger Ruppberger Woolsey
 Rush Wu
 Ryan (OH) Paul Yarmuth

NOT VOTING—41

Barton (TX) Frelinghuysen Payne
 Bilbray Giffords Peterson
 Boustany Hanabusa Platts
 Burton (IN) Hanna Richardson
 Butterfield Hunter Rogers (AL)
 Campbell Johnson, Sam Royce
 Cantor Kaptur Stark
 Cardoza Langevin Sarbanes
 Clarke (NY) Lynch Stark
 Conyers Maloney Stutzman
 Costa Manzanillo Sullivan
 Culberson Moran Waters
 Duncan (TN) Owens Young (AK)
 Filner Paul Young (FL)

□ 1003

Mr. SHULER changed his vote from “yea” to “nay.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MANZULLO. Mr. Speaker, I missed a vote earlier today because I was inadvertently detained. If I had been here, I would have voted “yea” on rollcall No. 213.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 213, I was unable to vote. Had I been present, I would have voted “nay.”

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

Mr. WOODALL. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. WOODALL. Madam Speaker, this rule that we have today provides for an hour of consideration on a bill that would do two very simple things.

First, it would provide that, if the House and the Senate fail to do their business, they fail to get paid. It's a pretty basic principle in America: no work, no pay. If the House and the Senate fail to get together and solve this budget crisis, no pay. All the underlying resolution asks is that the Senate act—Senate act. They don't have to agree with the House. They just have to act, act, and send something to the House for negotiation and consideration.

The second thing this bill does—and it's every bit as important as no work, no pay—is that this bill says, for whatever reason, if the Senate cannot act, if the Senate cannot pass something—they've defeated two things but they have passed nothing—then the text of H.R. 1 will control the appropriations of the United States of America and the government will not shut down, will not shut down because we will continue to operate under H.R. 1 funding levels until such time as the Senate can affirmatively pass yet a different bill.

I rise in strong support of that underlying legislation, Madam Speaker.

For the opening of this debate, I yield 5 minutes to my good friend from Arkansas (Mr. WOMACK).

Mr. WOMACK. I thank the gentleman for yielding, and as a fellow freshman and colleague of his in this remarkable new class, I value his friendship and his sense of purpose.

Madam Speaker, that is precisely why I rise today in support of my bill to prevent a government shutdown. I have a unique background, having helped a family start a broadcasting company that now spans in excess of 30 years, served my country in uniform for more than 30 years, spent a little time in the financial services sector, and finally, for the last 12 years, having served as mayor of one of Arkansas's most dynamic cities and one of America's most livable cities, Rogers, Arkansas, and clearly, one of our Nation's most dynamic and fastest growing regions.

Madam Speaker, it was there I had the privilege of working side by side with executives from some of our leading corporations: Walmart, Tyson Foods, J.B. Hunt Trucking, all startup companies once upon a time and now leaders in their trade and with a global reach. These industry giants did not get where they are by ignoring their challenges. They confronted them. It's part of their genius.

It is in this context that I share with my colleagues my greatest frustration: having been elected by the citizens of Arkansas's Third District to come to Washington, D.C., and help deliver our

country to a better future, only to find myself and my colleagues mired in the muck of Beltway politics.

We have a crisis on our hands: unsustainable deficits as far as the eye can see, a national debt nearing statutory limitation, and overreaching government bureaucracy intruding into the lives and businesses of every sector of society, people struggling to find work so they can pursue the American Dream. And, Madam Speaker, they've elected this Congress to face our Nation's toughest issues head-on, and that's what House Republicans have been doing.

We were 3 months into this fiscal year when we took our oaths of office, and, without a budget, we went straight to work on the most pressing issue upon arrival: funding government for the rest of this year. And it is sad that, as I make these remarks, all we have been able to show for our work now into the month of April are temporary measures that continue to distract us away from the real work ahead: the 2012 budget.

Madam Speaker, this has to stop. The political gamesmanship going on in the upper Chamber might make for good headlines in the capital press, but it is hurting our Nation. That's why I've offered this bill to self-impose a deadline on Congress, and I'm asking my colleagues to join me in supporting H.R. 1255 to start the clock on the Senate to pass something we can agree to in funding government for the remainder of this year by April 6, or assuming a government shutdown, expect to have our pay withheld until we can reach agreement.

□ 1010

Every time we fail to address these issues, Madam Speaker, we add to the uncertainty now plaguing America, we contribute to the decline of our economy, we add to the burden of future generations, and we dash the hopes and dreams of millions of people who count on us every day.

Madam Speaker, the time is now to act.

Ms. SLAUGHTER. I thank my friend from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, over 200 years, the House of Representatives has seen almost everything. From the days as a young nation, to modern day America, the exchange of ideas and the debate of legislation is a rich and proud tradition that moves our country forward. Unfortunately, today's legislation abandons this proud history and marks a new low in the United States House of Representatives. As you know, the new majority started off the session with reading every section and every piece of the Constitution of the United States to show our reverence for it, but this morning that Constitution has been kicked under the couch out of sight, lest its presence in the room restrict what is attempting to be done

here today. Indeed, this legislation proposes that we throw away 200 years of legislative history and upend the fundamental process of how a bill becomes law.

Despite the urgent and dire issues facing our constituents, here we are, the U.S. House of Representatives, considering legislation that has no chance of becoming law. Today's legislation would "deem" a bill that the Senate has already voted down as passed by that very Senate. It would take a remarkable mind to even come up with such an idea. This notion, while clever, will never pass through the U.S. Senate. And let me remind you that what we're doing this morning, saying that we're going to bypass the Senate, would not do anything at all unless the Senate passed it of themselves saying, forget about us. It's simply not going to happen.

The Republican majority claims this bill is a solution to a government shutdown. I hope that discussions regarding the solution to a government shutdown are taking place in offices between Senate and House Members and representatives of the administration as we speak. They are the people who can avoid that. The majority claims this bill is a solution, as I said. If this is their only solution, America is in big trouble. The solution to a government shutdown is to meet the Democratic Party at the negotiating table, not to propose scrapping the entire legislative process simply because the majority party refuses to tell the right wing of their party "no."

I am sad to say that today's legislation is more befitting an entry to Grimm's Fairy Tales than to this august body. I think it demeans the House to pretend to do the impossible, to pretend to do what we can't. Does the majority believe that majority confers supernatural powers upon them to bypass the United States Senate?

In the House of Representatives, there are written rules for how the legislative process proceeds, rules that were crafted by Thomas Jefferson, rules that have been tried and true since the founding of this legislative body. These rules have helped lead our country through debates much more fractured than this. From civil war to civil rights, the rules of the House have seen us through struggle and strife and kept our country strong. Today's bill would throw away these rules and very much upset Thomas Jefferson.

Every one of us knows as schoolchildren that there is no way for a bill to become law without both chambers acting on it, a conference committee to meet if necessary, and the signature of the President of the United States. I wish that I were not standing here having to explain to my colleagues how a bill becomes law. I said yesterday, and I must say it again, that I hope we have warped no children's minds. Anyone who may be watching the perversion of the process today and any teachers who are guiding children

through this process, take courage, because you can see the video that will explain once again, "I am a bill." Never before has anyone seriously considered the idea that one House can pass a bill and decide it will be the law of the land. Hopefully no party will ever try such a far-fetched tactic again.

Just last year, the procedure to "deem and pass" legislation through the House was derided by Republicans as the "Slaughter Solution," a procedure we ultimately chose not to use. At the time, Speaker BOEHNER called the deem and pass process "an affront to every American." Now he brings his own "dream and pass" legislation to the floor.

Finally, I want to speak to the process that leads us to the floor today. The proposed bill has seen no committee consideration of any kind, there has been no opportunity whatever for public input, it required an emergency meeting of the Rules Committee last night to rush it to the floor today, and no chair or ranking member of the four committees responsible for this legislation even came to the Rules Committee; with the Democrat ranking members saying they had never heard of the bill. They certainly did not want to come up and debate it.

We are now considering another closed rule. A process such as this is far from "the most open and transparent Congress in history" that we were promised. If we are moving forward with emergency legislation under a closed rule, it should be for one reason: to create jobs. We've gone 13 weeks without a single jobs bill brought to the House floor by the majority. In fact, all of us know that that is the overriding fear in the United States today. Instead, we debate legislation so far-fetched that it will never proceed beyond this House floor.

We should not waste another minute ignoring the needs of millions of Americans, those who have no job and are losing their homes, while debating fantastical legislation that will never become law. This is a bad joke on the American people and not a serious solution to our problems.

I urge my colleagues to think again about the proud tradition of the House of Representatives and how proud each of us are to be able to represent constituents here and to try to do it in a sensible way that can really move the country forward and not, as we are doing today, simply again wasting time.

I urge my colleagues to vote "no" on today's rule and "no" on the underlying bill.

I reserve the balance of my time.

Mr. WOODALL. Madam Speaker, I yield myself 60 seconds to apologize to the gentlelady from New York. I am told by my team here that normal order would have been to yield to you before I yielded to my colleague. I'm new, and I apologize for going out of order in that way.

Ms. SLAUGHTER. There is no need to apologize. That is perfectly all right.

Mr. WOODALL. I would just say, as I beg the gentlelady's forgiveness, that as a freshman, I'm just trying to get things done. I'm trying to make things happen. This bill is one of those steps along the way.

Ms. SLAUGHTER. We all were freshmen once. We understand.

Mr. WOODALL. I thank the gentlelady.

Madam Speaker, I yield as much time as he may consume to my good friend and leader, the chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Madam Speaker, I want to begin by expressing my appreciation to my friend from Lawrenceville for not only managing this rule but as one of the lead cosponsors of this legislation.

I hate the fact that we are doing this bill. I don't like it at all, Madam Speaker. But I like even less the prospect of a government shutdown. We are determined to do everything we possibly can to ensure that we don't shut down the government and potentially create a scenario whereby our men and women in uniform are not compensated and all the other things that we have talked about that would be serious problems that we would face if a government shutdown would take place. We want to prevent that. That's the reason that we are here dealing with this very, very unpleasant situation.

Now why is it, Madam Speaker, that we are here today? We are here today because for the first time since passage of the 1974 Budget and Impoundment Act, we saw a United States Congress fail to pass a budget. That's what happened last year. We also for the first time saw the failure to pass appropriations bills. There was an attempt to do it under a closed process, and we know we're in the process of changing that, but the bills weren't passed. And so the last Congress dumped in our laps, in December, a continuing resolution which extended the operations of the Federal Government to March 4 of this year.

□ 1020

Well, Madam Speaker, we know that there was a new Congress elected on November 2 of last year. I am very happy about that. Mr. WOODALL, Mr. CANSECO, other new Members are here. There are 87 new Republicans, nine new Democrats who have joined the 112th Congress. For my party, it's the largest gain that we have had in nearly three-quarters of a century, since 1938. And it's not simply a gain for my party, Madam Speaker. It was a message that was sent by the American people. All across this country, the American people said, We've had it. We're up to here. We need to create jobs, get our economy growing, and we need to reduce

the size and scope and reach of the Federal Government.

We constantly hear this argument from our friends on the other side of the aisle that we are not creating jobs, that we are not taking action to create jobs. Well, Madam Speaker, as we know, the Joint Economic Committee has just come out with a study looking at nations around the world. And it's very clear: everything we do to reduce government spending has, based on empirical evidence that we have, worked to grow economies and create jobs; and that's exactly what we are going to be able to do here.

Now the other thing that's very sad is that 41 days ago, we passed the measure that we are debating here. Forty-one days ago, we had, as my friend from Lawrenceville said, a virtually unprecedented debate of 90 hours. Democrats and Republicans, for the first time in decades, had an opportunity on a continuing resolution to debate and pass their amendments. Members on both sides of the aisle had amendments that succeeded during those 90 hours of debate, which was a challenge for all of us, but we went through it. That's the work product that we have before us. This House worked its will, and that's what we were able to achieve. Forty-one days ago, we did that, Madam Speaker. And the other body, our colleagues in the Senate, have done absolutely nothing, other than defeat two measures—this one, H.R. 1, and they defeated their Democratic proposal. So no action has been taken.

Speaker BOEHNER has consistently been saying not only where are the jobs—and we're all gratified that the positive signs of our getting our fiscal house in order has played a big role in creating 216,000 nonfarm payroll jobs last month and brought the unemployment rate from 8.9 down to 8.8 percent, positive indications that have come about because we're starting to get our fiscal house in order.

But, Madam Speaker, our friends in the other body have failed to act on dealing with this issue. So that's why we are here today as we look, April Fool's Day, everyone has been talking about that. But 1 week from today, it's not going to be a joke at all if we face the prospect of a government shutdown, and we do, 1 week from today. And that's why we feel that it's very important for us to pass this measure again, remind our colleagues—some of whom may have become a little forgetful. They may not know that it was 41 days ago that we sent this measure over to them. So, Madam Speaker, we want to do that again. And I hope very much that we'll be able to do it. Again, I don't like a lot of what's in here. I don't like the fact that we're here. But it's because of this crisis that we're here.

Now we're dealing with very serious international challenges around the world. Madam Speaker, I am particularly proud that the House Democracy

Partnership, which my colleague from North Carolina (Mr. PRICE) and I have the privilege of leading, has had a group of newly elected parliamentarians from Indonesia, Pakistan, Lebanon, and Iraq visiting us this week, observing this institution. And I heard an interview this morning with one of our colleagues in the other body who said, What kind of signal does it send to people who are working to develop democratic institutions, political pluralism, the rural rule of law, self-determination in their countries? What kind of signal does that send when the United States of America can't even come together and keep the Federal Government going? Now many of those people happen to be here right now with us, Madam Speaker, and they are observing what is taking place. We need to show them that we can get our work done. And we need to show the American people that the message that was sent to us last November 2 is one that has been heard.

So, Madam Speaker, I encourage my colleagues to vote in favor of this rule and in favor of the underlying legislation so that we will be able to take an unpleasant situation, ensure that the government doesn't shut down a week from today, and ensure that we can get back to the work that we're supposed to be doing this year, not cleaning up last year's work. And we should do that as expeditiously as possible. I thank my friend, again, for his thoughtful leadership on this very important issue and his management of the rule.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. Madam Speaker, I rise in strong opposition to this closed rule and to the ridiculous, meaningless, and unconstitutional underlying legislation.

Today the Republican leadership has brought forward a bill that they call, without any apparent trace of irony, the Government Shutdown Prevention Act of 2011. This bill was introduced on Wednesday and rushed to the floor without the 72 hours of notice that the Republicans promised. Even though the bill was referred to four different committees, not a single hearing has been held, not a single markup has taken place. Where is the openness? Where is the fairness? This process is lousy.

This bill would not only have no practical effect, it's not even remotely constitutional. If my friends on the other side of the aisle want to put out a press release or issue a series of talking points, hey, it's a free country. But to waste the time of the House on something this ridiculous is an insult to the American people. We should be talking about jobs and the economy, not debating silliness that is supposed to appeal to the GOP's right-wing base. If my friends want to avert a government shutdown—and make no mistake, because of your intransigence, because of your insistence on cutting everything from Pell Grants to the National

Institutes of Health, this is in your hands. This is in your hands. But if you want to avert a government shutdown, I have an idea. Pick up the phone. Send a note. Or, better yet, engage in meaningful negotiations with the Senate and the White House. Enough pontificating, enough polarization. Do your job.

My Republican colleagues like to talk a lot about the sanctity of the Constitution. They made a big display of reading the entire document on the floor of the House at the beginning of this Congress. Apparently they weren't paying very much attention. For the benefit of my Republican colleagues, let me read from article I, section 7:

"Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States. If he approve he shall sign it; but if not, he shall return it"

Instead, what this bill says is that if the Senate hasn't passed a continuing resolution by April 6, then H.R. 1 would be deemed as passed by the Senate, signed by the President, and enacted into law.

You have got to be kidding me, Madam Speaker. If this is the new standard that the Republicans are going to use, I have a few ideas of my own. I would like to introduce a bill that says that the House deems the Red Sox to have won the 2011 World Series. It wouldn't mean anything. It wouldn't be constitutional. But it sure would be popular in Massachusetts.

Madam Speaker, this would be laughable if it weren't so outrageous. I urge my colleagues to reject this closed rule and the underlying legislation, and I urge my Republican friends to go back to the negotiating table and negotiate in good faith with the other body.

Mr. WOODALL. Madam Speaker, I would like to yield 2 minutes to a freshman from Texas (Mr. CANSECO), my very good friend.

Mr. CANSECO. I thank my colleague from Georgia.

Madam Speaker, the House of Representatives is attempting to prevent the government from shutting down. We have to do so because the Senate, under the leadership of Senator HARRY REID, hasn't passed a bill to fund the government for the remainder of the year. It has now been 41 days since the House passed our bill, H.R. 1. The lack of Senate action certainly isn't because they haven't had the time. Since the passage of H.R. 1, the Senate has had time to pass legislation like the bill designating March 11 as World Plumbing Day.

Senator REID's excuse for not passing the bill: House Republicans passed "extreme" spending cuts. Despite the \$61 billion in spending cuts in H.R. 1 being the largest spending cut since World War II, it amounts to approximately a 2 percent cut of what the CBO projects the Federal Government will spend in 2011.

□ 1030

That's cutting spending by approximately 2 cents for every dollar we are projected to spend. Given that the Federal Government is borrowing approximately 40 cents out of every dollar we spend and sending the bill to our children and grandchildren, cutting 2 cents out of every dollar hardly seems extreme or excessive.

The only thing that is extreme and excessive is the desire of Washington liberals to spend the hard-earned money of the American people on the Federal Government's priority, leaving the American people unable to spend on their priorities.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS), a member of the Rules Committee.

Mr. POLIS. Madam Speaker, you know, we do face a real issue here before us today, a government shutdown in a week that could hurt our security and safety as a nation, and hurt our recovery and job growth. And this real issue deserves a real discussion, a discussion and agreement between the House and the Senate and the President.

We have 6 days left to negotiate, and yet here today, instead of contributing to a solution, the House Republicans are bringing about a constitutional crisis on top of the funding crisis. That's the last thing that our fragile economy needs.

Madam Speaker, yesterday in the Rules Committee, and I think this might very well be the first time that this has occurred on the Rules Committee in my just over 2 years, every witness that came to visit our committee was opposed to what we're doing here today. The witnesses were unanimous that this approach is unconstitutional and that this approach is ill-advised. Now, in my time on the Rules Committee I don't think we've ever had such unanimity among the witnesses that have come before us.

Madam Speaker, Article I, section 7 of the Constitution, which I will include in the RECORD, clearly states that "Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States."

Now, what's being done with this bill is entirely different. I'd like to show our friends a very basic lesson in how a bill becomes a law.

This is our friend, a bill. For a bill to become a law, it needs to pass the House and the Senate before it goes to the President. Now, we all know if there are differences between the House and the Senate version, they can be resolved through a conference committee, or it can be sent, with an amendment, back to the other body to accept that, as we routinely do.

What is being done in this case is this little guy, this little guy is deeming from the House that it has passed the Senate. Now, this is particularly un-

usual because, not only has this bill not passed the Senate, it's actually specifically been rejected by the Senate. And now, a bill is going to the Senate asking them to deem that they have passed something that they have actually rejected. It's some sort of Orwellian doublespeak of conforming some sort of alternate version of reality with regard to this deem and pass measure.

Now, there are some things we could be doing in this House and I hope we do. In addition to the good faith negotiations which this constitutional crisis undermines, we could be taking up Senate Bill 388. Senate Bill 388 would make sure that Members of Congress don't get paid during the government shutdown. Now, this is news to most of the American people because, you know what? Most Federal workers, they're not going to get paid if the government shuts down.

But you know who does get paid? Those of us who are speaking here before you today. That's the current law. We can change that law today.

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

Ms. SLAUGHTER. I yield the gentleman an additional 30 seconds.

Mr. POLIS. The Senate sent over a bill that passed unanimously that would make sure that Members of Congress didn't get paid if the government shut down. We can take up that bill today. It's been sitting here at the House desk because Republican leadership has not taken up that bill. We can send it on to the President of the United States who could sign that bill, make sure that the incentive of Members of Congress is to come to the table, and we are in the same boat as the other Federal workers with regard to a government shutdown.

It's time to get serious about solving how we're going to fund the operations of government and not put a constitutional crisis on top of the funding crisis.

ARTICLE. I.

SECTION. 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be

made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own

Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6.

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7.

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads; To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Ports, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

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.

SECTION. 9.

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or

enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

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

I would like to ask my good friend Mr. POLIS if he would be kind enough to lend me his chart for a moment.

Mr. POLIS. I would be happy to.

Mr. WOODALL. I want to say—and I thank my friend for sharing with me—that's the kind of thing that goes on. I mean, folks often see the frustration on the House floor. You often see the tempers at their height. But the kind of thing that goes on behind the scenes that you don't usually see is exactly the kind of thing I grew up with on TV. And I thank the gentleman for bringing this chart this morning.

Our colleague, Mr. HASTINGS, actually sang this song for us yesterday. And it was a wonderful treat in the Rules Committee, I think we would all agree. But as you know, when you listen to this song, Madam Speaker, once the bill passes the House, it goes to the Senate and the Senate acts. The Senate acts.

There's all these pleas for negotiation, the suggestion as if we're not doing enough on the House side. Longest debate this House has had, most amendments, more amendments, in fact, on H.R. 1, the bill that's con-

tained in this underlying resolution, than we had on all appropriation bills combined over the past 4 years. This is the proud work product of the House, H.R. 1.

Here's the work product of the Senate, Madam Speaker. It's right here. As my colleague asks, pleads, in fact, that we negotiate with the Senate, here's what the Senate has offered.

How do you negotiate with that, Madam Speaker? How do you negotiate with that?

This is what we learned about. This is what our students are studying across the Nation. This is what the Senate has given us to work with.

Now, you tell me, as a freshman, what is it that I'm supposed to do? What it is that I'm supposed to do when the Senate fails to act?

And what we have done is to say, if the Senate fails to act: You can't pass anything; I don't know why. So just go ahead and fund the government, prevent the government shutdown, fund the government at H.R. 1 levels, and let's continue that negotiation.

I look forward to the day when we don't have a blank sheet here.

Mr. POLIS. Will the gentleman yield?

Mr. WOODALL. I am happy to yield to the gentleman from Colorado.

Mr. POLIS. Yes, you are correct that the House has passed a continuing resolution; however, that specific resolution has actually failed in the United States Senate. It's actually a rejection. On top of that, the third body, the executive, has threatened a veto of that.

What this calls for is some sort of deal that everybody can do to ensure the government continues to operate.

Mr. WOODALL. Reclaiming my time, I thank my friend. Because he's absolutely right, and that's critically important. There are those who would have you believe that the House is insisting that it's its way or no way at all, but that's not the case at all. We just did our job here, and we're waiting for the counteroffer.

How do you negotiate with this? You can't, Madam Speaker.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I know it's April Fool's Day, but I still am amazed by the jokes or the myths that are being relayed by my colleagues on the other side of the aisle. And I like my colleague from Georgia, but I just want to say three things.

First of all, I heard the gentleman from California (Mr. DREIER) get up and say that the Republican policies with this CR were creating jobs. And he cited the fact that the unemployment numbers went down from 8.9 to 8.8 in March. If anyone thinks that by passing 2- or 3-week CRs that you're going to create jobs and somehow improve the economy and lower the unemployment rate, you know, I've got a bridge to sell you.

The fact of the matter is that every economist is telling us that this Republican CR kills jobs. Economic Policy Institute shows that the Republican CR would destroy more than 800,000 jobs. And I could go through the list.

□ 1040

So the myth that they are creating jobs and helping the economy with this is simply not true.

The second thing is, the gentleman keeps talking about Congress not getting paid if there is a shutdown. Well, S. 388, to stop Member pay during a shutdown, passed the Senate unanimously over 1 month ago with Republican leader MITCH MCCONNELL's support. It has been sitting right here at the House desk because the Republican leadership refuses to take it up. That bill could become law today if they wanted to bring it up. Simply bring it up. Don't mask what you are doing with the CR by talking about Members getting paid. You can bring that bill up at any time.

Now, the third myth is this idea that the Republicans are not preventing a government shutdown. They are the ones that are preventing the government shutdown because they refuse to compromise. There are negotiations going on with the Senate, but it is the tea party and the right wing of the Republican Party that keeps insisting that "it is my way or the highway." Pass H.R. 1, pass their CR, or do nothing. Yesterday was a rally on the Mall. What did the tea party cry out? They said cut it or shut it. Either go along with my bill, or shut the government down.

So don't say you are trying to prevent a government shutdown. You are doing just the opposite. Let's not continue with all these myths today, April Fool's Day.

Mr. WOODALL. Madam Speaker, I am proud to yield 2 minutes to my good friend from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. I rise in support of the rule that I think for two reasons that are very important. The first is so that we can continue to discuss what happens when you bury prosperity beneath Big Government. But second is because we also need to be reminded that the road to hell is paved with good intentions.

It seems to me that when you have an impasse on the budget, it is borne of the difference very fundamentally that one side wants less spending and one side would like more spending, and there are a bunch of Members who wind up in the middle.

Now, I think we can all concede, whatever our positions, that reducing Federal spending is hard. Certainly past precedent proves that. Past precedent also proves something else: that, historically, the way you break a log jam in Congress is to logroll. That is the process whereby Members who have differences split that difference and

spend more money to make each other happy and to serve their constituents as they think best.

What we have done in this bill is to incentivize spending, because I want you to think of the situation we are in. You are now telling a politician that you will get no money in your pocket until you spend money from someone else's pocket. You are telling them that the fastest way to end an impasse is to settle. And you are making it harder for those who would seek more spending reductions to stand their ground and fight for it.

So that is why I support the rule and why I oppose the underlying bill, because I will not pave the fiscal road to hell with good intentions or your money.

Ms. SLAUGHTER. I am pleased to yield 2 minutes to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS. Madam Speaker, I am really dumbfounded as to why we are here today.

I sat back and I closed my eyes, and I remembered that my favorite grade was fifth grade, and now I remember why my favorite grade was fifth grade: because, as my colleague from Colorado has pointed out, I remember in fifth grade playing how a bill becomes a law, and I was the House and somebody else was the Senate and another set of our fifth graders were the Constitution. And what we learned is you have to pass a bill out of the House, it goes on to the Senate, it goes on to the President, he signs it, it becomes a law. Pretty simple. Well, here we are in fifth grade yet again.

What I want to say here, Madam Speaker, is that I oppose the rule, I oppose the underlying bill. And I am recollecting that just over 1 year ago, we had this exact discussion about deem and pass. And so while an elephant never forgets, it seems that the party of elephants is just forgetting every day. And if this were only about mascots, forgetting would be okay. But it is not okay because it is not just about mascots; it is about the American people.

So I want to remind the American people about the words of some of our leaders here in this House when deem and pass was put on the table just 1 year ago.

Our now Speaker, JOHN BOEHNER, called it a "scheme and plot" that set a precedent that was "one of the most outrageous things that he had seen since he had been in Congress." That was on March 19, 2010.

MIKE PENCE said it is a "trampling on the traditional rules of the House and Senate, even on the Constitution of the United States." That was on March 16, 2010.

ERIC CANTOR termed it a "malfeasance manner," and those who might support it as having "discharged the duties of their offices." That was on March 18, 2010.

And here we are, the elephants never forgetting, but the elephants repeating.

Mr. WOODALL. Madam Speaker, I yield myself such time as I may consume to associate myself with the gentlewoman's remarks. Those comments on the bottom of the board are as true today as they were a year ago.

There is no deeming in this bill. And I give my colleagues on the other side of the aisle the benefit of the doubt that they know that and that is just the spin for today.

There is no deeming in this bill. This bill says one thing and one thing only about H.R. 1, and that is, that if the Senate cannot act, we are going to give the Senate some cover. If the Senate doesn't want to commit to H.R. 1 for the remainder of the year, we give them the opportunity to incorporate the language of H.R. 1 into this bill, send it to the President's desk for his signature, make it the law of the land, while we continue to work to sort out our budget differences.

Now, that is critically important; one thing and one thing only this bill does: gives the Senate the opportunity to say, you know, for whatever reasons—and the reasons are still a mystery to me—we can't pass legislation in the Senate. We can defeat things all day long, but we can't pass anything. I'm not sure why that is. This bill says: but none of us want a shutdown.

Now, I have got to be honest, Madam Speaker. I am beginning to wonder if "none of us want a shutdown" is actually a true statement, because there are some folks who seem to be driving us right down that road.

This is a bill that just gives us another option, another arrow in our quiver to say, if you cannot act, Senate, if you are paralyzed by inaction, pass this bill, and we will continue those negotiations while H.R. 1 is the law of the land.

And I would like to say to my friend from Michigan, I thank him for his support of the rule. I hope I can persuade him to support the underlying resolution. He suggested that by penalizing Members of Congress for failure to act and curbing our salaries, that would somehow encourage a compromise that would spend more out of other people's pockets. I certainly share that fear if that is what this bill does, but it does not.

What it says is the very best deal we have been able to negotiate among ourselves here in the House was H.R. 1. The most conservative and the most liberal, the work product of all 435 of us, is what came out of this House in H.R. 1. And it says, let's fund at those levels that we are already agreed on, that has already been the work product of the people's House, the most responsive body in politics. Let's incorporate that as our baseline while we continue to discuss.

So it is not going to spend an additional nickel out of anyone's pockets, Madam Speaker. It is only going to say to the Congress and the Senate, if you do not work, you do not get paid. And I cannot think of a constituent back home who would disagree with that.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today in opposition to H.R. 1255. And I say to my friend from Georgia that no matter how he slices it, if you are saying in this bill that if the Senate fails to act, then H.R. 1 becomes law, check Webster's. That's deeming.

This is blatantly unconstitutional deem-and-pass legislation offered by Representative WOMACK, and it makes me wonder what sort of April Fool's Day joke is being played on the American public.

To be sure, Congressman WOMACK cited constitutional authority for his bill. First, he cites clause 7 of section 9 of article I of the Constitution for the concept that Congress has the authority to spend money by passing laws. He then cites clause 1 of section 8, article I for the idea that Congress shall have power to lay taxes and pay the debts.

But what my Republican colleague fails to cite is clause 1, section 1, article I for the fundamental concept that Congress shall consist of a Senate and a House of Representatives. As much as we don't like that much of the time, that is what the Constitution says.

I also refer him to clause 2, section 7 of article I that lays out the basic constitutional construct that a bill becomes a law if, and only if, it is passed by the House and the Senate and signed by the President.

The House has no magic wand to do this all on its own. Glinda, the good witch of the north, is not coming to save you. H.R. 1 is more like a product of the wicked witch of the west. Perhaps at the start of the next Congress we should show the "Schoolhouse Rock" video "I Am Just a Bill," as a refresher on how a bill really becomes a law. It appears reading the Constitution on the floor hasn't stuck so well.

Now, while today is April Fool's Day, it also feels a bit like Ground Hog Day because here we are again deeming to pass the majority's job-killing spending bill, H.R. 1.

□ 1050

In case anyone has forgotten, that job-killing spending bill would destroy 700,000 jobs and threaten the economic recovery now underway.

The Democratic minority remains committed to our goals for the 112th Congress to create jobs, strengthen the middle class, and responsibly reduce the deficit. I say defeat this misguided legislation and make sure that Members of Congress aren't paid when government employees aren't.

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

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, as the week ends, there is the welcomed news that American employers added 216,000 jobs. But this is still a night for 15 million people where they didn't get one of those jobs, and it is going to be another sleepless night, another Friday without a paycheck. And what did the majority in the House of Representatives do about that this week?

Well, early in the week they took a bill to cancel out a program that helps people that are trying to keep their homes and pay their bills out of foreclosure. Then we spent a day pretending we were the District of Columbia board of education debating about how the D.C. schools should be organized. Today is going to be capped off by debating a bill that any fifth grader would understand is unconstitutional because it does not require the House and the Senate to act.

There are serious discussions going on about what we ought to do in this country, but the most serious thing we ought to do is work together to create an environment so that entrepreneurs, large and small, could create jobs. Instead, what we are doing is wasting yet another week, this is week 14, yet another day, yet another session, having a fairly superficial political discussion about a bill that simply isn't constitutional and doesn't make any sense.

Why don't we put on the floor a bill that reduces the deficit, cuts the subsidies to the oil companies, and puts some of the money into putting Americans back to work building clean water systems and roads and schools? Why don't we do that?

At a minimum, what we are going to do today is vote for something I do support. If there is a government shutdown, and I sure hope there isn't, we shouldn't get paid either. We can agree on that. Let's put that on the floor. But, for goodness' sake, can't there come a day in this House when we actually work together on a jobs bill, instead of another week of failure?

Mr. WOODALL. Madam Speaker, I yield myself such time as I may consume to say that one of the great joys of serving in this body is when you get to take a stand on something you really believe in. And while I have great respect for my friend from New Jersey and I know he represents his constituency well, my constituency does not believe that the government has the power to create a single job. Not one.

In fact, my constituency believes that every single person that the United States Government hires is a job that would have been done in the private sector. It would have been done better in the private sector. It would have spurred the private sector economy, but, instead, we suck that into the Federal Government.

We understand that entrepreneurs create jobs. Entrepreneurs create jobs. And I will say as we continue to count the days since the House has passed H.R. 1 and the Senate hasn't acted, it is the same number of days, Madam

Speaker, since I came to this floor, probably shortly after my friend from New Jersey spoke on the H.R. 1 rule, to say if you want to do away with those tax subsidies, if you want to go after the oil companies, if you want to go after the lobbyists, if you want to go after the special exceptions, join me on H.R. 25, the Fair Tax. Not one new friend of mine from the other side of the aisle has joined me since that speech, the only bill in Congress.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I would love to yield to the gentleman from New Jersey.

Mr. ANDREWS. I thank my friend, and I thank him for his passion.

I thought I heard the gentleman say a minute ago that every job created in the public sector sucks away money that could create a private sector job. Did the gentleman say that?

Mr. WOODALL. To be clear, Mr. ANDREWS, I absolutely said that the government cannot create jobs. It can hire people that would otherwise have been hired in the private sector.

Mr. ANDREWS. Well, if the gentleman will yield, I would ask him if he would apply that definition to our people in the military.

Mr. WOODALL. Reclaiming my time, I am so thankful to you for bringing that up, because I actually intended to speak to that.

That is critically important, Madam Speaker, and it has been ignored throughout this whole debate.

Do you know what happens in a government shutdown? Those heroes of this country do not get paid. Now, understand that. In a government shutdown, this is a bill to provide a special rule so that we don't get paid, but by the ordinary function of law, our men and women who serve this country at home and abroad in uniform do not get paid. Do not get paid.

Now, it is alarming to me, because I know you share my passion for that, that this is the only solution that has been brought to the floor. I am one of the cosponsors who brought it to the floor, and we have had nothing but contempt for this effort. I am not saying this is the end-all, be-all of good government. In fact, I would associate myself with Chairman DREIER's remarks. I hate that we have to do this.

I have been in Congress for 90 days, Madam Speaker. I haven't gotten to work on the new agenda yet. My time has been wholly consumed with trying to sort out the problems from last year, and it is frustrating to me as someone who wants to look to the future and not look to the past.

But I thank the gentleman for bringing up our men and women in uniform, because they are outrageously disadvantaged by a government shutdown. Say what you want to, because I know my friend would agree with me; when we have a tea party rally on The Mall, they are 100 percent supportive of our men and women in uniform and want to see those folks get paid. This is the only bill to do that.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Would the gentleman say that people who are FBI or DEA agents are sucking money out of the Treasury that could be used for private sector jobs?

Mr. WOODALL. Again, I want to point out, Madam Speaker, one of the great joys of the job is being able to work with colleagues across the aisle. I think Mr. ANDREWS is 100 percent right, 100 percent right, because what he struck on is one of those narrow opportunities where the Constitution actually gives the government the responsibility to act. And that is one of the wonderful things, Madam Speaker.

I may be new here on Capitol Hill, but the job came with an instruction book. It is kind of neat. It came with an instruction book. It is the United States Constitution, and it tells us what it is we should and shouldn't be doing, what it is we should and shouldn't be funding.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. While I would love to yield to the gentleman, I suspect what I would hear, if I can presume, is a discussion of the constitutionality of this provision that's here before us today. The good news is I read the instruction book before I came to the floor today and I'm very comfortable with where we are headed.

I would encourage my friends to support us on this resolution. Again, it is not the end-all, be-all of government. It's a step in the right direction. And if you are going to have an all-or-nothing attitude, I'm not sure that we are going to get things done. I wish you would work with me incrementally to make this happen.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. To respond, I would like to yield 15 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the gentlelady for yielding.

I appreciate my friend. I would just, with all due respect, say it is not an instruction book; it's an owner's manual. And the owner's manual, the Constitution, says for a bill to become law, the House has to pass it and the Senate has to pass it. That is why this bill is unconstitutional.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO), who has helped create a few jobs while he has been here.

Mr. DEFAZIO. That was pretty astounding. Apparently the gentleman is unfamiliar with the portions of the Constitution referring to what were then post roads.

The government can't create a job? We create incredible wealth, millions of jobs, by facilitating the infrastructure of this country, which is paid for

by the taxpayers. And those are all private sector jobs. They are contracted out to the best bid. So the gentleman has a little bit to learn.

I realize he is new here and he has been sent here on a fool's errand: Let's keep the Republican freshmen busy while behind closed doors your Speaker is cutting a deal.

Things haven't changed around here all that much. And you are down here pretending that somehow we have become the omnipotent, unicameral legislature and the rulers of America, the President and the Senate be damned.

Now, I am pretty fed up with the Senate, too, and I share your low opinion of them. They are a problem.

Let's kind of think this through. We can pass a bill here that becomes a law. Now, in the last Congress, the House passed 300 bills that never came up in the Senate. Are those all laws today? Boy, we have got some catching up to do here. There were a lot of good bills that died in the Senate, 300 laws. Great.

But what if the Senate passes a bill and the House doesn't? Does that become a law? Well, I guess, you know, they could deem themselves the unicameral, omnipotent legislative branch, which I think they feel like they are all the time anyway. So then anything they pass we don't take up becomes law.

What if the President takes a bill that someone has introduced here but hasn't been debated and voted on by either House and he signs it? Does that become a law?

□ 1100

What a brave and wonderful new, efficient world we have. We can have two branches and three competing places passing what they deem to be laws. Now, come on. Let's get real here. We read the Constitution on the second day of this Congress, and, in fact, JOE WILSON—we all remember JOE WILSON, "you lie"—he read article I, section 7, clause 2 on the floor. But apparently he and many others on that side didn't take it to heart. It's pretty darn specific. It's got to pass the House and the Senate in identical form and be agreed to by the President of the United States. We cannot deem anything. In your fantasy world, we can deem everything.

If the Constitution is a little too technical, I would recommend what I give out to schools kids: "How our Laws are Made." It would be a good primer for the Republican freshmen who are being duped.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to refrain from engaging in improper references to the Senate.

Mr. WOODALL. Madam Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from Georgia has 3½ minutes remaining. The gentlewoman from New York has 6¼ minutes remaining.

Mr. WOODALL. I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1 minute to one of our freshmen, the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank the gentlewoman from New York.

I have been listening to this debate about the Constitution. I am proud to serve in a body that has such respect for the Constitution. Yet I couldn't find this provision that was applicable today until just a moment ago. Apparently, my friends on the other side of the aisle are using a special April Fool's edition of the Constitution that has the following provision in it. It says: When a majority party in the House of Representatives is immovably committed to shutting down the government unless the President of the United States and the United States Senate get on board with their plan to destroy 700,000 jobs and cripple the Nation's economic growth, that House majority can simply deem their plan the law without a vote by the Senate or the signature of the President, as they are null and void.

There you have it, Madam Speaker. What we've clearly seen here is that my colleagues are so bent on adding 700,000 Americans to our unemployment lines that they can simply declare the Senate of the United States and the President of the United States null and void. This bill tramples on our Constitution. It is bad political theater. I urge my colleagues to oppose it.

Mr. WOODALL. Madam Speaker, I yield myself 15 seconds to say what I fear will fall on deaf ears, and that is that H.R. 1255 will not become the law of the land until the Senate passes it and the President signs it. The Senate passes it and the President signs it. That is the only thing we're talking about doing here today.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Madam Speaker, I quarrel with the understanding of the gentleman on the other side of the aisle about the Constitution. There are three branches—the judiciary, the legislature, and the President. Thank God there are because that means that we have the ability to be reasonable and practical, recognizing we have a responsibility to reduce the debt but not killing off seniors and those in classrooms.

I just came from speaking to Spelman College, a group of women in a Historically Black College. Women who are ready to go out and serve America, and they realize that their education is a gift. But they want to give back to America. This ridiculous \$61 billion in cuts wants to make sure that we don't have the American Dream.

As a member of the Homeland Security Committee, I sit and listen to

those voting the war of drug cartels on the border, but \$400 million is going to be cut out of the Homeland Security funding so that it impacts ICE agents, it impacts Border Patrol agents, it impacts intelligence gathering. These kinds of nonpractical ways are undermining America and America's dream; 700,000 jobs is just the beginning. It's the floor, not the limit.

For those of you who seek a single tunnel view of how we run this country, have mercy on those who are in need. This is the wrong direction. Sit down at the bargaining table. Let's reassess what we need to do and stop putting your ideas on the back of Americans who need to be able to have the American Dream.

Mr. WOODALL. Madam Speaker, I yield myself 16 seconds to point out the irony of being lectured on job creation by the crowd that left us \$14 trillion in debt and mortgaged our children's future.

This bill is about responding to our children's needs. This bill is about providing a better day tomorrow than we have today. I stand proudly in support of it.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 2½ minutes to a former member of the Rules Committee, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentlelady.

The House passed H.R. 1 with the Republican majority. It can't get it through the Senate. They're frustrated. Their responsibility is to be direct with the people who supported their passage of H.R. 1, and being direct with those folks is telling them they have a problem in the Senate. The reason they have a problem in the Senate is because the Senate has a problem with the bill.

Coming into this House of Representatives as a political gambit to pass a "let's pretend" bill: let's pretend if the House passes it, it becomes law, without Senate action; let's pretend that if the House passes it, it becomes law without the Senate or the President signing it. That is misleading and not being straight with the folks who supported H.R. 1. Tell them the truth. They have a problem with the Senate.

Now, there's a reason they have a problem with the Senate. H.R. 1 is a bill designed to fail. It will not address the deficit. It will reduce spending in some areas. If you're low income and getting heating assistance, you will lose some money. If you're an oil company that's making \$55 billion in tax breaks from people, you will continue to receive it. If you have the practice of putting our two wars, Afghanistan and Iraq, on the credit card, that will continue. What H.R. 1 did was target low-income folks, middle class folks, and it left all the other aspects of the budget off the table that have to be on the table if we're going to get the fiscal balance.

Number two, H.R. 1 was loaded with political hand grenades that were designed to make this thing blow up. And

that's what's happening in the Senate: things like ending National Public Radio or Planned Parenthood; getting into a debate about choice and abortion. All of those are issues that are vitally important and legitimate to be debated. But why put them on a bill where the objective of the bill is to help bring us into fiscal balance? That's a self-conscious decision, it's a willful decision, and a decision that has implications. And you're seeing it played out in the United States Senate.

H.R. 1 will not succeed in the challenge we face getting us the fiscal balance. And that is the problem that the majority in the House is having with that bill. Coming in here with a bill that's flatly, explicitly unconstitutional by its own language, not what the sponsors say the bill does, but what the bill says it does. Allowing the House by its unilateral action to pass legislation is unconstitutional, it has no merit, and it is simply a way of trying to avoid responsibility.

Mr. WOODALL. Madam Speaker, I yield myself 15 seconds, and I wish I had more time to refute that misdirection.

What we're asking here is that we pass the only bill that has been passed in either house of Congress. I don't care if the Senate passes H.R. 1 or not. Pass something. Do I need to bring the chart back up of what the Senate has done already? They have done nothing. They need to do something. This bill prods them to do it.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 30 seconds to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Madam Speaker, I'm just totally confused. I was in New York a couple of weeks ago and I saw a play called "The Bengal Tiger at the Baghdad Zoo." Robin Williams was the star. I wrote him a letter and said, "Reality, what a concept. It even exists in Congress."

Robin, I'm sorry. I was wrong. It doesn't exist today.

Mr. WOODALL. I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide immediately after the House adopts this rule and brings up S. 388, a bill to prohibit Members of Congress and the President from receiving pay during government shutdowns.

As we face the possibility of a shutdown and to discuss how to prevent and deal with it, there's one point on which we all agree—that Members of Congress should not be paid during a government shutdown. The Republican bill we're about to bring up ties this bipartisan pay proposal to a partisan bill that isn't going anywhere. We could pass the Member Pay bill today and clear it for the President and simply take the Senate bill from the desk.

Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with

extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Ms. SLAUGHTER. I urge my colleagues to vote "no" and defeat the previous question so we can debate and pass a bill that actually does something useful, and that is deal with the pay of the President and the Congress and actually has a chance, because it has already passed the Senate, of being enacted into law.

I urge a "no" vote on the rule.

I yield back the balance of my time.

□ 1110

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

Madam Speaker, this has been an interesting experience for me as a freshman Member of Congress and as a cosponsor of the underlying legislation. I haven't had my motives impugned quite as much in the previous days as I've had them impugned today.

We're trying to make a difference. We're trying to move the ball forward. I wish our "I'm just a bill" song went on to talk about what you do when you have an intransigent Senate that can't act, a Senate that's paralyzed with inaction. I wish that were part of a song, but it's not.

In 7 days, Madam Speaker, the United States Government shuts down. I just want to make that clear. In 7 days, the United States Government shuts down if the Senate can't pass a bill and if we can't get together and define a solution. That means our men and women in uniform don't get paid. That means our USDA inspectors, who inspect all the meat and the chicken that we eat, won't go to work, and those products won't go to the grocery stores. It's not a little deal. It's a big deal. It's a big deal, and this is a step in the direction towards finding a solution. Now, this rule provides for debate on that underlying resolution. We'll get to that this afternoon, and I look forward to that.

I would ask all my colleagues on the left and the right, the conservatives and the liberals of all stripes, to support this rule so that we can move forward and debate in an open fashion the underlying resolution.

The material previously referred to by Ms. SLAUGHTER is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY REP. SLAUGHTER OF NEW YORK

Strike all after the resolved clause and insert the following:

"That immediately upon adoption of this resolution it shall be in order to consider in the House the bill (S. 388) to prohibit Members of Congress and the President from receiving pay during Government shutdowns, if called up by the Minority Leader or her designee. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without in-

tervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration; and (2) one motion to recommit.

SEC. 2. Clause 1(c) of rule XIX shall not apply to the consideration of S. 388."

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment

or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FAA REAUTHORIZATION AND REFORM ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 658.

□ 1114

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, with Mr. YODER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, March 31, 2011, amendment No. 31 printed in House Report 112-46 offered by the gentleman from California (Mr. SCHIFF) had been disposed of.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-46 on which further proceedings were postponed, in the following order: Amendment No. 27 by Mr. PEARCE of New Mexico.

Amendment No. 29 by Mr. SCHIFF of California.

Amendment No. 20 by Mr. SESSIONS of Texas.

Amendment No. 21 by Mr. LATOURETTE of Ohio.

Amendment No. 24 by Mr. SHUSTER of Pennsylvania.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 27 OFFERED BY MR. PEARCE

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 215, not voting 10, as follows:

[Roll No. 214]

AYES—207

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boren
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Canseco
Capito
Carter
Cassidy
Chabot
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Eilmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Forbes
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)

Graves (MO)
Green, Al
Green, Gene
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Hinojosa
Huelskamp
Hultgren
Huisenga (MI)
Hultgren
Hunter
Hurt
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Keating
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Latham
Latta
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Manzullo
Marchant
Marino
McCauley
McClintock
McCotter
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller, Gary
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent

Nunes
Nunnelee
Olson
Palazzo
Paul
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MD)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Schilling
Schmidt
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sotherland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tipton
Tsongas
Turner
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Woodall
Wu
Yoder
Young (AK)
Young (IN)

NOES—215

Ackerman
Altmire
Andrews

Baca
Baldwin
Barrow

Berkley
Berman
Biggart
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boswell
Boustany
Brady (PA)
Braley (IA)
Brown (FL)
Camp
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Flores
Fortenberry
Foxo
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Griffin (AR)
Grijalva

Gutierrez
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchee
Hirono
Holden
Holt
Honda
Hoyer
Inslie
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Johnson, E. B.
Kaptur
Kildee
Ryan (OH)
Kind
Kissell
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourrette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsock
Lofgren, Zoe
Lowe
Lynch
Mack
Maloney
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHenry
McIntyre
McNerney
Meeks
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne

Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Richardson
Richmond
Roby
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schradler
Schwartz
Scott (SC)
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NE)
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Upton
Van Hollen
Velázquez
Vislosky
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth

NOT VOTING—10

Barton (TX)
Butterfield
Campbell
Chaffetz

Filner
Frelinghuysen
Giffords
Heller

Johnson (GA)
Young (FL)

□ 1140

Messrs. FATTAH, CAMP, ISSA, Mrs. MILLER of Michigan, and Mr. BOUSTANY changed their vote from "aye" to "no."

Messrs. CRAWFORD, BARTLETT of Maryland, JONES, REYES, ROKITA, SOUTHERLAND, Mrs. SCHMIDT, Messrs. GUTHRIE, BRADY of Texas, WEST, LANDRY, and CALVERT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 214, I was unable to vote. Had I been present, I would have voted "no."

Bass (CA)
Becerra
Berg