into Syria. By refusing entry, President Assad has forced his own people to not only live under deplorable conditions but he has forced them to live in a constant state of fear. Aid groups must be allowed in to provide the vital care. If the Syrian regime has any compassion, it will do so.

HAPPY 100TH BIRTHDAY TO EDNA YODER

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

Mr. YODER. Today, I rise for a very special tribute to a strong, wonderful, and sweet woman who has played a remarkable role in my life and all those who know her. Edna Yoder, my grandmother, will be celebrating her centennial birthday next week on June 28. Edna reflects the heart and soul of our American rural heritage, and she embodies the prairie spirit that is the bedrock of our Nation's values.

Born in 1911 and raised on a Kansas farm, she and my grandfather, like so many other Americans, carved a way of life out of the Kansas prairie through hard work, determination, and strong heartland values. Each time I step on the floor of the United States House, I strive to honor these principles that my grandmother and her generation have taught us.

Mr. Speaker, join me in wishing my grandmother Edna Yoder a happy 100th birthday.

DEFINITION OF MEDICARE

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

Mr. POLIS. There's been a lot of discussion in the House about how best to characterize the Republican plan to eliminate Medicare. I want to start with the definition. The Oxford English Dictionary definition of Medicare: a Federal system of health insurance for people over 65 years of age and for certain younger people with disabilities. So, again, a Federal system of health insurance.

If you replace a Federal system of health insurance with a Federal system of assistance or a voucher or helping to pay part of the cost, you don't have anything that meets the definition of what we know as Medicare. Maybe they want to call it ''Medi-Assist.'' Maybe they want to call it ''Medi-Voucher.'' Maybe it covers part of the cost of care for some people. Maybe it costs a lot less than it really costs to get health care insurance for others. In fact, according to nonpartisan estimates, the average senior will have to pay $6,000 more for health care by the time the Republican budget is fully implemented. But whatever it is, it ain't Medicare.

Medicare is very simple. The American people truly understand what Medicare is. We all have family that rely on Medicare. Lord knows, we need to improve Medicare to help make sure it's sustainable for the next generation. Ending Medicare is not an improvement.

FOLLOW HOUSE RULES

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

Mr. SENSENBRENNER. Mr. Speaker, shortly, the House will begin its consideration of the so-called ''patent reform'' bill.

At last night's meeting of the Rules Committee, when the debate on the rule within the committee wrapped up, the chairman chastised the Judiciary Committee for voting out a bill in violation of House rules, and specifically the House CutGo rules. However, the Rules Committee also voted a waiver that allows the CutGo rules to be ignored. That waiver is described by its supporters as a technical correction. This technical correction involves $700 million, hardly something that is technical.

It seems to me that the best thing that should have been done was that the Rules Committee ordered the bill re-referred to the Judiciary Committee so the Judiciary Committee could do it right in conformity with the House rules, like the gentleman from Michigan (Mr. CONYERS) did when he was the chair and which I did when I was the chair. We ought to know this when we're debating it.

TIME TO ''CUT AND GROW'' IN ORDER TO CREATE JOBS

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

Mr. WILSON of South Carolina. Mr. Speaker, the unemployment rate for the month of May was 9.1 percent. This marks the 28th consecutive month that unemployment has been at 8 percent or above. The President said unemployment would never reach 8 percent with his economic policies, which have sadly failed. Tragically, almost 14 million Americans are unemployed and looking for a job. The average job seeker in America has been unemployed for almost 40 weeks—almost 10 months.

This administration and its job-killing policies continue to spend and borrow money at a reckless rate without understanding a basic and fundamental principle: when the Federal Government borrows money wildly, it takes it away from the private sector's ability to create jobs. The House Republicans have solutions to promote jobs with the ''cut and grow'' congressional plan. First, you cut spending and then small businesses add jobs. This is the best way for families to get back on the path to prosperity.

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

PROVIDING FOR CONSIDERATION OF H.R. 2021, JOBS AND ENERGY PERMITTING ACT OF 2011, AND PROVIDING FOR CONSIDERATION OF H.R. 1249, AMERICA INVENTS ACT

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 316 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 316

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. An initial period of general debate shall be confined to the question of the constitutionality of the bill and shall not exceed 20 minutes equally divided and controlled by Representative Smith of Texas and Representative Kaptur of Ohio or their respective designees. A subsequent period of general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original

bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. Upon receipt of a message from the Senate transmitting H.R. 1249 with a Senate amendment or amendments thereto, it shall be in order to consider in the House without intervention of any point of order a single motion offered by the chair of the Committee on the Judiciary or his designee that the House disagree to the Senate amendment or amendments and request or agree to a conference with the Senate thereon. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

□ 1200

POINT OF ORDER

Mr. GARAMENDI. Mr. Speaker, I raise a point of order against House Resolution 316 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. The gentleman from California makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule and the gentleman from California 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 California.

Mr. GARAMENDI. Mr. Speaker, I raise this point of order not necessarily out of concern for the unmet, unfunded mandates, although there are many in H.R. 2021, the Jobs and Energy Permitting Act of 2011; I raise the point of order because it is one of the very few vehicles we have, given the House rule, by which we can actually talk about what is in this bill, and there are plenty of problems in this bill. I also note that the resolution includes H.R. 1249, which talks about patents, because that also violates the House's CutGo rule.

Let me speak to H.R. 2021, the Jobs and Energy Permitting Act of 2011, which is actually better noted as the ''bad lung, emphysema and cancer act of 2011.''

This bill gives offshore oil companies a pass to pollute by exempting the offshore drilling companies from applying the pollution controls to vessels, which account for up to 98 percent of the air pollution from offshore drilling. I suppose, if you're in the Gulf of Mexico and the wind is blowing towards the shore, you would care about this; but in California, the wind almost always blows onto the shore, and the offshore drilling and the additional pollution that would be allowed because of this is a serious problem for California.

It poses a health risk. Smoke, fumes, dust, ash, black carbon—all of these things—blow onto the shore in southern California where we already have quite enough air pollution without this additional amount.

Local communities do have a right—and should—even though this bill would tend to limit it, to go to the EPA. It cuts the review time in half, thereby denying local communities the full opportunity to express their concerns about the additional pollution.

It eliminates third-party expert decision-making by the Environmental Appeals Board—finally, 20 years of the Environmental Appeals Board, created under the George W. Bush EPA, and it eliminates that.

There are many, many problems here, and I would like to raise them all by including the patents in this.

I would like to now yield 3 minutes to my colleague from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, the base bill is estimated to have a discretionary cost of $446 million over the next 5 years, $1.1 billion over the next 10 years. The manager's amendment violates the new CutGo rules by undoing the anti-fee diversion language, which eliminates a procedure that would have decreased the budget deficit by $717 million over 5 years. This violates the CutGo rules that the majority put in place.

I would note also that the rule and the manager's amendment have many other problems. I am very disappointed that having worked on the patent reform measure since 1997 that we are yanking defeat from the jaws of victory here today. The rule does not permit the consideration of Mr. CONYERS' amendment, which was focused on this fee matter that corrects the violation of the rule. It also does not permit the consideration of the grace period preservation and prior art clarification that is essential to small inventors. If we are going to go to the first-to-file system, we need to make sure that we protect prior user rights and that we protect the grace period that has been with our system for so long or else we are going to disempower small innovators. That is simply wrong.

This is a bill that had in the past gained nearly unanimous support when Mr. SENSENBRENNER was chair and when Mr. CONYERS was chair. I am distressed to report today that I cannot support this measure after working on it since 1997. Not only does it violate the rules, but it costs the Treasury, and it will disempower small innovative inventors. So this is wrong, and the amendments that could have been put in order to correct them were not permitted. I think this is really quite a shame, and I would urge that the measure not be brought up and, as Mr. SENSENBRENNER has suggested, that it be sent back to the Judiciary Committee for further work.

□ 1210

Mr. GARAMENDI. May I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from California has 5 minutes remaining.

Mr. GARAMENDI. I now yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of the move by the gentleman from California (Mr. GARAMENDI) to delay consideration of this rule, and I want to talk about the patent bill specifically.

The Rules Committee granted a waiver of CutGo rules to this bill so that it would not be subject to a point of order. I believe in the CutGo rules, and I'm told by the supporters of this bill that this waiver is just technical because the committee violated the rules in turning discretionary spending into mandatory spending.

As we have just heard, this technical waiver involves $717 million. It is hardly technical; and in fact, at the end of the Rules Committee's consideration of this resolution last night, the chairman of the Rules Committee admonished the chairman of the Judiciary Committee, the gentleman from Texas (Mr. SMITH), that he should not be reporting out legislation that violates House rules.

Now, rather than giving the Judiciary Committee a get-out-of-jail-free card with a $717 million technical waiver, we should send this bill back to the Judiciary Committee so that they can fix up their own mess rather than having the House or the Rules Committee do it.

Now, making a motion to send the bill back to the Judiciary Committee

is not in order because I looked into that. The only way we can get this legislation fixed up, without a $717 million technical waiver of CutGo rules, is to support the motion that the gentleman from California (Mr. GARAMENDI) is making, and I go across the aisle by agreeing that he is on the right track on this, and I hope that he is supported.

Mr. GARAMENDI. I thank the gentleman.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I rise in opposition to the point of order and in favor of consideration of the resolution.

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

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

Mr. GARAMENDI. Well, I think he tossed it back to me, Mr. Speaker; so let me go ahead and finish this up.

Mr. SENSENBRENNER accurately talked about the way in which this particular resolution and the underlying bill on the patent bill violates the House rule that was written not more than 5½ months ago. Why would we want to violate the rules that we put in place to prevent excessive Federal spending? Doesn't make sense to me. So I agree with Mr. SENSENBRENNER: send this thing back. It's a violation of the rule, and I would ask for a ruling on that from the Chair.

The other point that I'd like to make is a similar point with regard to the offshore oil drilling bill which really does present a very serious problem for California. All of the offshore drilling in California—and it's very extensive. It's the second largest year for offshore drilling in the United States—is immediately off the southern California coast where we have very serious air pollution problems, some of the worst in the Nation.

All of those offshore drilling platforms pollute, air pollution of many different kinds causing potential harm to the citizens of southern California. Those onshore winds bring those pollutants onto the shore and cause additional air pollution problems which then require, under this bill, that the local communities take additional action to reduce the pollutants that are generated onshore, creating a very serious economic problem.

In addition, the bill requires that any legal issue raised has to be taken up in the district court here in Washington, D.C. By my calculation, that's nearly 3,000 miles away from where the problem exists, that is, southern California, placing an incredible burden upon them and an unfunded mandate that they have to then come out of their own budgets to come to Washington, D.C., to take up any legal issue that is raised, an unfunded mandate clearly in violation of the Rules of the House.

And, therefore, a point of order is in order, and I would hope that the Speaker would so rule.

There are many, many problems beyond that with regard to air pollution and the like. I will let those go.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, the question before the House is, Should the House now consider H. Res. 316? While the resolution waives all points of order against consideration of the bill, the committee is not aware of any points of order. The waiver is prophylactic in nature.

The Congressional Budget Office believes that H.R. 1249 would impose both intergovernmental and private sector mandates as defined by the Unfunded Mandates Reform Act on certain patent applications and other entities and would also be preempted from the authority of State courts to hear certain patent cases.

However, based upon information from the Patent and Trademark Office, the Congressional Budget Office estimates that the costs of complying with those mandates to State, local, and tribal governments would fall far below the annual threshold established by the Unfunded Mandates Reform Act. Because the costs of complying with the mandates fall below the annual threshold, the waiver is prophylactic in nature.

In order to allow the House to continue its scheduled business of the day, I urge Members to vote ''yes'' on the question of consideration of the resolution.

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from California has 30 seconds remaining.

Mr. GARAMENDI. I will ask for a vote, but I now yield the balance of my time to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, a $717 million CutGo waiver is not prophylactic in nature. It's whether we are going to abide by our CutGo rules or whether we won't; and the way we enforce the CutGo rules is by delaying consideration of this legislation, sending the patent bill back to committee, and letting the committee spend some time complying with the rules of the House of Representatives. This is a terrible precedent to set. Don't set it now.

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

Mr. NUGENT. Mr. Speaker, what's amazing about this is that we're going to stop the debate on the House floor about very important legislation that needs to move forward, both of those pieces of legislation. And so we need to have open debate on the House floor with opposing viewpoints, with the ability to have amendments added on the floor, which we have allowed in this rule.

With that, Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DREIER), the chairman of the Rules Committee.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me say that we obviously are dealing with an irregular development that took place in the Judiciary Committee, that being the notion of believing somehow that they could appropriate dollars.

We know full well that the Judiciary Committee cannot engage in the appropriations process itself, and so all that this provision that we are pursuing does is allows us to take from mandatory back to discretionary spending without any cost whatsoever. The power will fall with this institution, with the first branch of government, which is exactly where it should be.

And everyone, Mr. Speaker, talks about the concerns that we have over mandatory spending. Both Democrats and Republicans alike have made it clear that if we don't deal with the issue of mandatory spending we're not going to successfully address the economic and budget challenges that we face.

So all this provision does is it allows us to deal with what was an irregular development that took place in the Judiciary Committee, and it is for that reason that I support my friend from Florida's effort.

Mr. SENSENBRENNER: Will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Can the gentleman from California please explain to the House how we're going to cut spending by violating our CutGo rules with a $717 million waiver when the gentleman from California has already chastised the Judiciary Committee for violating the rules?

□ 1220

Mr. DREIER. Let me just say that this has absolutely no effect whatsoever on the actual spending level. By the way, the Congressional Budget Office is not able to take in the mix the details of this extraordinary development that took place in the Judiciary Committee. And so there is not going to be any cost.

This is a provision which clearly will allow us, as my friend from Florida has said, to proceed with a very important debate and to rectify a mistake that was made there.

I thank my friend for yielding.

Mr. NUGENT. I yield back the balance of my time.

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

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 189, answered ''present'' 1, not voting 26, as follows:

[Roll No. 463]

YEAS—215

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

NAYS—189

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
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
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Franks (AZ)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (IA)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peterson
Petri
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rohrabacher
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—26

Alexander
Bachus
Brady (TX)
Burton (IN)
Duffy
Engel
Giffords
Gingrey (GA)
Gohmert
King (NY)
Lummis
Mulvaney
Myrick
Perlmutter
Rangel
Rokita
Schock
Scott, David
Shimkus
Stivers
Tiberi
Towns
Walsh (IL)
Whitfield
Young (AK)
Young (FL)

□ 1249

Messrs. TERRY, WELCH, and CONYERS changed their vote from ''yea'' to ''nay.''

Messrs. LANDRY, RYAN of Wisconsin, MICA, HALL, and CULBERSON changed their vote from ''nay'' to ''yea.''

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:

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Roll-call vote 463, On Question of Consideration of the Resolution—H. Res. 316, Providing for consideration of the bill (H.R. 2021) to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities, and providing for consideration of the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform—I would have voted "aye."

The SPEAKER pro tempore (Mr. WOMACK). The gentleman from Florida is recognized for 1 hour.

Mr. NUGENT. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), 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. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. NUGENT. House Resolution 316 provides a structured rule for consideration of both H.R. 1249 and H.R. 2021. The rule provides for ample debate on both of these bills and gives Members of both the minority and the majority the opportunity to participate in the debate.

Mr. Speaker, I rise today in support of H. Res. 316. As I said before, this rule provides for consideration of two different bills: H.R. 1249, the America Invents Act, and H.R. 2021, the Jobs and Energy Permitting Act of 2011. Although these bills share one rule, the House will have opportunity to consider these pieces of legislation separately, and the rule ensures that we'll have full, transparent debate on both of these bills.

Article I, section 8 of the Constitution delegates Congress the exclusive authority over U.S. patent law. However, Congress has not enacted a comprehensive patent reform for nearly 60 years, since the Patent Act of 1952.

The America Invents Act makes significant substantive, procedural, and technical changes to current U.S. patent law that is designed to put American inventors on a level playing field with their global competitors.

I've heard from my colleagues on both sides of the aisle about concerns they have with the America Invents Act. In fact, I have some of those same concerns myself. As colleagues on the other side of the aisle, and some on this side of the aisle, are going to point out, this rule waives CutGo.

Quite frankly, Mr. Speaker, I hate that we have to waive CutGo to bring this legislation to the House floor. However, I need to stress to Members on both sides of the aisle that even though this rule may waive CutGo, it does not increase the budget or its deficit.

The Judiciary Committee wrote a bill that violated the House rule by appropriating when it moved patent fees from discretionary spending to mandatory spending. The manager's amendment fixes the Judiciary Committee's violation of those House rules. The manager's amendment does this at the insistence of the Rules Committee and the leadership.

This is the right thing to do. The Constitution makes it clear that the power of the purse must stay in Congress, and I believe abdicating agency funding to PTO would have clearly violated the Constitution.

However, by moving money back to discretionary spending, Chairman SMITH's manager's amendment does, through a technicality, violate CutGo. Again, let me remind my colleagues that while the manager's amendment does require a technical waiver of CutGo, this does not increase the deficit. Let me say it again. This does not increase the deficit.

In fact, Budget Committee Chairman RYAN supports this solution because, one, the manager's amendment ensures that the funding for PTO stays on the discretionary side where it is subject to appropriation, budget enforcement, and oversight. Two, this is the only technical waiver of the CutGo rule because the provisions of the manager's amendment were not included in the reported bill.

As I said before, I don't like it that we need to waive CutGo. However, it is the right thing to do so we can ensure, institutionally, that the power of the purse continues to lie with Congress, where our Founding Fathers intended it to be.

Additionally, I'm proud to say this is the first time ever, the first time ever this rule actually specifically designates 20 minutes for debate devoted exclusively to the constitutionality concerning H.R. 1249.

We opened the 112th Congress by reading the U.S. Constitution. As a member of the Constitution Caucus, I believe we can't let the conversation end there. Therefore, I'm proud of this rule, which continues to reflect Congress' commitment to our Nation's foundation, the Constitution.

But this rule isn't just for H.R. 1249; it's also for H.R. 2021, the Jobs and Energy Permitting Act.

Mr. Speaker, I strongly support this legislation. The U.S. Geological Survey estimates that Alaska's Beaufort and Chukchi Seas contain 27.9 billion—that's with a ''b''—barrels of oil and 122 trillion cubic feet of natural gas. These resources, if developed, could produce up to 1 million barrels of oil per day for domestic energy consumption.

However, while companies may have drilling leases to these lands, they continue to be mired in redtape and bureaucratic delays related to the Clean Air Act. This bill helps cut through these delays.

H.R. 2021 eliminates the permitting back-and-forth that occurs between the Environmental Protection Agency and its Environmental Appeals Board. Rather than having exploration air permits repeatedly approved and then rescinded by the EPA and its review board, under H.R. 2021, the EPA will be required to take final action, either granting or denying the permit, within 6 months.

Mr. Speaker, the American people are tired of the EPA keeping us from taking advantage of our own natural resources. We're the only country in the world that does that.

And, Mr. Speaker, the Obama administration has put their green agenda and EPA bureaucracy over American jobs and the ability for our energy security. H.R. 2021 helps bring an end to those irresponsible policies.

I encourage my colleagues to vote ''yes'' on the rule.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank my friend from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, patents are one of the most critical components that drive American innovation, drive our economy, drive invention and innovation. Regrettably, for a variety of reasons, the bill that this rule makes in order fails to ensure that the Patent Office has the resources it needs to process patent applications in a timely manner.

Now, I am grateful that this rule allows discussion of a number of important amendments, including my amendment, but there are a number of underlying flaws in the manager's amendment to this bill.

Inventors, innovators, and job creation should not be on hold due to delays in patent approval. I'm an inventor of several patents, and I can tell you that the quickest one that I received took over 5 years until it was granted. By the time it was granted, I had actually sold the company and was no longer involved in the sector.

The Internet and the information economy move at a speed and a different timeframe than our current patent review process operates under. Yet, this legislation, in its current form, with the manager's amendment, might actually serve to ensure that those delays continue because of a squabble between factions on the majority side.

Rather than resolve these differences to the benefit of American inventors, instead, the baby has been split, a decision that would cause King Solomon great reticence. The bad news for any American innovator pursuing a patent, as well as for the employees that new businesses might support, is that we fail to resolve some of the most pressing issues within the patent and trademark administration through this law.

The issue is that H.R. 1249 changes what I would consider one of the most important aspects of patent reform. And while there are very legitimate and important policy discussions on the aspect of patent reform, an equally, if not more important issue is adequate funding for the U.S. Patent and Trademark Office to ensure the speedy approval of applications so that they're relevant and reviewed and granted in a timeframe consistent with the needs of the private sector.

The PTO needs to be able to charge fees sufficient to recover the cost of its services and use those fees to pay for providing those services.

□ 1300

Now the PTO has a backlog of more than 700,000 patent applications, and it takes on average—well, my wonderful documentation from my staff says 2 to 3 years for a patent to get to be approved or rejected. I have never had one reviewed in anything close to that time. Maybe they just see my name on it and they put it under a pile of notes and they take 5 or 6 years. But if we don't increase the resources of the PTO, there is no way the PTO could expand the number of highly qualified examiners to actually reduce patent review time and put it on a timeframe consistent with the needs of the private sector, protecting innovation.

It's crucial that the fees generated are made available to the PTO so they can run in an efficient manner and protect American innovation here and abroad. The fees should not be held hostage to political squabbling here in this body every year on appropriations bills, every year on the budget debate. The price to American innovation is one that is too steep to pay to make that beholden to our very important political discussions that we have every year, but one that inventors need predictability and companies need predictability when deciding how much to invest in R&D and deciding how to pursue patents with their invention.

I understand that some on the other side might be satisfied with the current manager's amendment language, but the worry is that the Patent and Trademark Office cannot actually use the patent fees to search, examine, and grant patents where warranted. So I would ask: What's the point?

Patent reform is not traditionally—nor is it today, nor should it be—a Democratic or Republican issue. It's a nonpartisan issue. High-quality patents, as mentioned in the United States Constitution, are crucial to our economy getting back on track and moving forward.

President Obama issued a challenge in the State of the Union address to outinnovate, outbuild, and outeducate the world. And having a patent and trademark system that we can be proud of is an important part of American competitiveness and a mark that we fail to reach with this bill and the manager's amendment.

Contrary to the belief of some, America still does invent, build, and sell our goods and services throughout the world. In fact, one of America's main competitive advantages is in the information economy, the intellectual economy, the creative economy, the very types of economic innovations that we rely on patent trademark and copyright to protect. And yet, if we fail to improve the quality of our patent application system, including rapid and high-quality review, we risk losing our leadership in innovation.

I think this Congress needs to rise beyond the petty squabbling over committee jurisdiction, over trying to bind future Congresses, over budget and appropriations debates. We really need to rise beyond that and come up with a patent bill that we can all be proud of that leaves American innovation in good stead.

Now, Mr. Speaker, this rule also calls for the consideration of H.R. 2021, that is called the Jobs and Energy Permitting Act. The proponents of this bill continue to push a false narrative sprinkled with outrage based not on facts but on sound bites. They somehow want to convince the American people that President Obama is single-handedly shutting down oil drilling when, in fact, he has granted more permits than his predecessor. We've heard this broken record from my colleagues over and over again. And as simplistic and dramatic as the story is, the fact is that it's simply not true.

The American people know that prices at the pump—and that has caused difficulty for a lot of American families—have nothing to do with drilling here or now. Not only is there a lag effect in the 5- to 10-year timeframe, but, in fact, the domestic part of that equation in terms of reflecting gas prices is di minimus. The U.S. simply doesn't have enough oil to feed our addiction to oil, and gas prices are controlled by international markets and international supply and demand.

Despite the close relationship between the oil industry and the Bush administration, the Obama administration is allowing more drilling than the Bush administration did—much to the chagrin of some Members of the Democratic Caucus. The Obama administration approved more leases in 2010 than the Bush administration did in 7 out of 8 years of its Presidency.

In addition to more drilling, we are producing more oil, yet gasoline prices continue to go up—again, gasoline prices, international markets, supply and demand, separate from the long-term issues of drilling in this country.

The United States produces 9.7 million barrels of oil per day, and that's the most oil that we've produced in 20 years. We are just behind Saudi Arabia and Russia as the world's top producer. We have been raising production steadily since 2005—and that's a trend that I think we will be able to continue—and yet over this same period, oil hit a record high of $147 a barrel in 2008 during our period of production rise.

We need a real solution, not simply a solution that is focused on a 2012 election, on policy decrying President Obama's policies. We need a real solution to help end our Nation's reliance on fossil fuels and reduce our demand as well as supplement the energy supply with renewable energy sources.

Again and again, Republicans are proving that their energy platform isn't ''all of the above'' that common sense would dictate but, rather, ''oil above all,'' ''drill, baby, drill.''

Mr. Speaker, this rule and the underlying bills are bad policy. I think we need an open discussion of these issues rather than trying to split the baby in half, pleasing no one; and on the energy issue, rather than giving a sound bite approach, to really require a comprehensive national energy strategy, including ''all of the above.''

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

Mr. NUGENT. I appreciate the comments of my good friend from Colorado. We want to make sure that innovators like him don't have to wait 5 years to get something to market.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank the gentleman for the recognition.

I rise in support of this rule to bring more American energy online.

This is a bipartisan bill, H.R. 2021, and it deserves debate on the floor today. Everybody in this Chamber ought to vote for this rule if they care about our gas prices, about our national security, about our energy security, and about job creation.

This bill has the potential to create tens of thousands of jobs annually, over $100 billion in payroll over the next 50 years, and 1 million barrels of oil a day. That's nearly enough oil to replace our imports from Saudi Arabia.

This bill would reduce our dependence on Middle East oil significantly, and that ought to be our goal. Foreign nations—some of which have serious animosity towards the United States—are in control of the vast majority of oil that we use day in and day out. Is dependency on these foreign countries not one of the biggest threats that our country faces today? It's a scary reality that this bill directly addresses.

The energy security bill will streamline the process of offshore permitting. Current impediments have delayed development of the Beaufort and Chukchi Seas for over 5 years. These are areas that have already been approved for drilling. The revenues for the leases have already been collected by the Federal Government, and yet over 5 years drilling is yet to occur.

The bill will make a number of minor changes. First, it will clarify that a drilling vessel is stationary when drilling begins and, therefore, should only be regulated as a stationary source at that point. It clarifies that service ships are not stationary sources by the simple virtue of the fact that they do not stop to drill. They are mobile sources regulated, as such, under title II of the Clean Air Act.

Third, the bill clarifies that emission impacts are measured onshore, where the public resides.

Lastly, the bill eliminates the needless delays, the constant ping-pong between the EPA and the Environmental Appeals Board when it comes to exploration clean air permits. And it requires final agency action to take place in 6 months, to give them an up-or-down approval—denial of proof within 6 months.

Alaska holds tremendous potential, and this bipartisan bill achieves great things by allowing a responsible and efficient process to take place.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the ranking member of the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank JARED POLIS, who is a brilliant former member of the Judiciary Committee, and we miss him very much.

Ladies and gentlemen, the reason these two bills are put together is very easy to fathom, that is that we have started off by, for the first time in the 112th Congress, violating the CutGo rule, formerly known as the pay-as-you-go rule, and we're trying to mask it by talking about how wonderful the second bill, the Jobs and Energy Permitting Act, H.R. 2021, is. But it's not going to work, friends, because we know why we're trying to play down the patent bill that the rule is originally committed to.

□ 1310

It is because there are growing numbers of Members that are not only going to vote ''no'' on the rule, but they are going to vote ''no'' on the bill since for the first time since January that this CutGo rule was instituted, which prohibits consideration of a bill that has the net effect of increasing spending within a 5-year window, it is waived. In other words, you can't pass a bill that will increase spending without providing an offset.

There is no offset. That is understood. But here is what the Congressional Budget Office said, that this bill will increase direct spending by $1.1 billion over the 2012–2021 period. It will increase it by $140 million by establishing a new procedure post-grant review. It will increase it by $750 million, because they establish a procedure that would allow patent holders to request the PTO to review an existing patent. It will increase it by $251 million by allowing inter partes reexamination, that is, to make it tougher and longer for a small inventor to be able to get his patent secured.

So please vote ''no'' on this rule for the reason that it violates the pay-as-you-go, now known as the cut-and-go rule.

Mr. NUGENT. Mr. Speaker, it is amazing when you hear the arguments in regards to CutGo that our friends are raising today; but in the 111th Congress, PAYGO was the flavor of the week, and that was violated eight times. And of those eight times, it actually increased, increased spending, and added to our deficit, each and every one of those.

This waiver of CutGo does neither. It merely is a technical ability for us to hear those two underlying pieces of legislation so we can have open debate on the House floor and have the amendment process be intact.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 45 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman.

I say to the gentleman, Mr. NUGENT, the Congressional Budget Office sent us and you a letter saying it would increase direct spending by a total of $1.1

billion. That is not even a small increase. And, by the way, the fact that somebody else waived the pay-as-you-go rule doesn't give you the right to waive cut-as-you-go. This is outrageous that this would be allowed in the first 6 months of the year, and it has never been waived before in the 112th Congress. And he says it is not going to cost us very much, or nothing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that their remarks should be directed to the Chair and not to others in the second person.

Mr. NUGENT. Mr. Speaker, just as a response, the letter that we have from the Congressional Budget Office of May 26 talks about ''CBO estimates enacting the bill would reduce net direct spending by $725 million.'' So I am not sure if we have the same letter. But this is the letter that I referred to, Mr. Speaker, and I suggest those on the other side of the aisle may look at the same letter.

I reserve the balance of my time.

Mr. POLIS. To be clear, the gentleman from Florida refers to a letter that was regarding the initial bill. The manager's amendment actually changes the equation the gentleman indicated and renders that side letter inaccurate relating to the manager's amendment, which, if adopted under this rule, will then be part of the bill.

I yield 2 minutes to the gentleman from New York (Mr. TONKO), a member of the Budget Committee.

Mr. TONKO. I thank my colleague, the gentleman from Colorado.

Mr. Speaker, I rise in opposition to this rule on this historic day in the 112th Congress.

Six months. That's it. Six months. It took less than 6 months for the Republican majority to come to the floor of this House and break their most treasured promise to the American people, a promise made in writing to the rules of the House of Representatives. Today, by waiving the House CutGo rule, my colleagues across the aisle are giving up on their foundational principle of deficit reduction—no new spending without offsets.

Don't take my word for it. The Congressional Budget Office clearly states that the manager's amendment, as we just heard, to the base bill, H.R. 1249, breaks the rules of the House. So the majority has written a new one-time rule that breaks their most fundamental promise to America, that this Congress will not enact a dime of new spending without cutting spending from another area of our Federal budget.

This bill is going to increase discretionary spending by nearly half a billion dollars with no offset to cover that new spending. From my seat on the Budget Committee, I have watched how fiercely they have clung to this promise; and though I disagree with many of their choices and cuts, this is truly a new low. It is a historic breakdown that only took 6 months to arrive.

Though America is watching and waiting for a solution, a jobs bill, for instance, to our Nation's fiscal and economic crisis, Republicans began the year by saying that half the budget question was off the table. For instance, questions like $800 billion were spent on tax breaks for the wealthy, or like tens of billions in subsidies and deliberate loopholes for some of the wealthiest corporations on Earth.

CutGo doesn't lay down any rules about tax expenditures. We could entirely stop collecting taxes and let the budget and the economy collapse tomorrow, and that would abide by CutGo.

Again, this rule only deals with spending without finding the roughly half a billion dollars' worth of offsets to pay for the bill. Not surprisingly, this rule has lasted us only 6 months. I would ask my Republican colleagues, what will the next 6 months bring and the next 6 months after that?

Mr. NUGENT. Mr. Speaker, the manager's amendment fixes a rules violation. It requires a technical waiver of CutGo to move the patent fees back to the discretionary side. Those fees were going to be put into mandatory spending. Now it is back to discretionary.

Of course the discretionary spending went up, but think about this: the fees that are utilized to pay for this come from those that actually apply for patents. The money is going to be utilized to make sure that folks like Mr. POLIS don't have to wait 5 years. These are dollars collected for specific reasons. The reason is to allow us to become innovators again, to allow us to compete with China.

We need to do things in America to make us stronger; and while people might rail against the CutGo waiver, let's talk about the real issues that face America, and that is energy, in regards to finding more energy, bringing it to market, whether it is oil or natural gas. Those are the issues that are up. And it is about invention. It is about allowing the Patent and Trademark Office to actually get back to work and do the right things and have some ability to look forward in regards to what they can do in regards to moving forward the process.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 1½ minutes to the ranking member of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I do appreciate my friend from Colorado for yielding me time.

Mr. Speaker, with this rule today, the Republicans waive their so-called CutGo rule to protect a Republican manager's amendment to the patent reform bill. Nonpartisan experts at the Congressional Budget Office said, ''We estimate that amendment,'' No. 15, Smith, the manager's amendment, ''would significantly increase direct spending, would not affect revenues.''

I think, if I understand correctly, it adds about $140 million in spending.

□ 1320

By reclassifying the fees and spending by the PTO as discretionary, amendment 15 would eliminate $712 million in savings that are scored in the original bill.

Republicans have repeatedly characterized this waiver as ''technical.'' They may think the waiver is technical, but for $712 million to be tossed around does not sound technical to me or to most Americans, I'd wager. We think it's real money.

It was our Speaker, Mr. BOEHNER, who complained that the previous Democratic majority frequently waived pay-as-you-go to meet its needs. When the Republicans eliminated the PAYGO rule and replaced it with their CutGo rule, BOEHNER complained that, ''We routinely waive the Budget Act's requirements to serve our purposes.'' Today, it is the internal squabbling of the House Republican Conference whose purposes are being served by a waiver of CutGo.

They go on to say the manager's amendment is important enough to waive CutGo because it preserves congressional oversight of the Patent Office.

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

Mr. POLIS. I yield the gentlewoman 45 additional seconds.

Ms. SLAUGHTER. This is simply not accurate. The CutGo violation in the manager's amendment—the provision that increases direct spending by $712 million—would simply remove from the bill a provision that was going to ensure the Patent Office was fully funded.

If I didn't already have enough complaints against this manager's amendment, I want to call attention to the House that after 13 years of work we finally got genetic nondiscrimination passed in this Congress so that people could feel free to have genetic tests. This manager's amendment for the first time talks about the patenting of human genes. That must never, ever happen.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman from Colorado (Mr. POLIS) for yielding, and rise against this rule and the underlying bill.

The bill is unconstitutional. It will stifle American job creation; cripple American innovation; it throws out 220 years of patent protections for individual inventors; and it violates the CutGo rules, increasing our deficit by over $1 billion. This bill should never have been brought to the floor. Not only is it chock full of special interest legislation for large banks and a handful of corporate interests, what we are voting on today makes a mockery of the openness that the Republican leadership promised in legislative procedures. The bill has gone through a lot

of iterations, without sunlight, since it was first reported out of committee. The Congressional Budget Office's score on this latest version of the bill that just came out last night shows that it violates the CutGo rules. That's right. It increases the deficit every year between now and 2021.

Just last week, we couldn't find enough money to provide hungry American children with food. But for some reason, the Republican leadership believes it's appropriate to add hundreds of millions of dollars in costs to the taxpayers and more regulations at the Patent Office. That's the non-partisan CBO's number, by the way. Meanwhile, the bill takes away patent and intellectual property rights of individual inventors.

This is not the bill passed by the Senate. This is not the bill that passed out of the Judiciary Committee. As the details of what we are actually being asked to vote on leaks out, more people, including now those who actually work in the Patent Office, oppose the bill. Importantly, the bill removes the requirement that only first inventors may receive a patent and it creates the monopoly nightmare that the Founders of our Constitution intended to prevent.

The first-to-file patent system will lead the Federal Government to create commercial monopolies and more regulations—exactly what Jefferson, Madison, and other Founders opposed. As opposed to securing to first inventors their property rights, the bill will merely secure unreserved rights to the first to file a patent. The first one to run over to the Patent Office might get the patent. That is not what is enshrined in our Constitution. The authentic, first inventor must not be stripped of their rights.

The very first right in our Constitution, even before the Bill of Rights, is the right to your intellectual property.

Vote ''no'' on the rule and the bill.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER), a champion of individual inventors.

Mr. ROHRABACHER. I rise in opposition to the rule.

The CBO says the manager's amendment to this bill, H.R. 1249, would significantly increase direct spending. According to the CBO, over a 10-year period, H.R. 1249 would incur significant new deficit spending. For example, switching to first-to-file would increase costs by $18 million; the new post-grant review in this bill would cost $140 million; amending the inter partes reexamination would increase direct spending by $250 million. This is all annually. The new supplemental review would increase direct spending by $758 billion. That's a $1.1 billion increase in spending. Yet we as Republicans promised that if there would be this increase in spending, we would cut spending in a proportionate share. We made that the rule of how we're going to do business. This rule supersedes that promise. We should not be going back on our promise to the American people to act responsibly.

This bill will lay the foundation not only for weaker patent protection for American inventors but it will also knock the legs out from us finally being responsible in our spending patterns. This bill is not about making the Patent Office more efficient. That's what we keep hearing. It is about harmonizing American patent laws with those of Europe. And in Europe and Asia they do not have strong patent protection for their people. What that means is weaker patent protection for Americans. That is what they're trying to achieve. And who's going to be strengthened by this? Multinational corporations who don't care about the United States.

The Hoover Institution just did a major study showing that the patent bill demonstrably is a plus for large corporations who have created no jobs and hurts all the little guys and the small guys and the startups who have created all the jobs. This is an anti-jobs bill. It should be defeated.

Mr. NUGENT. Mr. Speaker, I listened to the arguments. The key to this is allowing this bill to go forward. The key to this is allowing amendments to come to the floor and have open debate. Even Mr. ROHRABACHER has some amendments that are going to be coming to this floor to have debate in regards to the merits; debate in regards to what is the will of the House. That's the reason we have the time set aside on each of these bills, so those that are opposed to it can be heard and those that have amendments that want to modify what the underlying legislation is can be heard. And issues about constitutionality. That's why this rule sets aside specific time to talk about the constitutionality of the America Invents Act. That's the beauty of this building that we're in and the organization and the institution that we represent, is the ability to have open debate, both sides of the aisle. It doesn't matter. It's about open debate and about changing and allowing us to hear differing opinions and different views.

So I respect those on the other side of the aisle. I respect those Members within the Republican side of the aisle. I respect the difference of opinion. That's what families are all about, so we can have an open discussion and exchange. That's what this rule does. It allows us to hear on both of these bills an open and frank discussion about the merits of each, the merits of any amendments as to how we want to change or modify.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank my colleague from Colorado.

Mr. Speaker, I rise to oppose the rule. When the Republicans last fall traveled around the country asking the American people to return this House to their control, they promised two things. One, they were going to create jobs. Secondly, they were going to promote fiscal responsibility and try to reduce the deficit and reduce the debt. Well, on the first score, it's been 6 months and we haven't seen the first item of job-creating legislation. On the second item, we should have known better. We should have known better than to trust them to actually try and rein in the deficit.

Today, with the rule under consideration, the Republican majority is proposing to waive the very rules they wrote to supposedly cut spending.

□ 1330

The GOP proposed the CutGo rule last year, saying it was part of their plan to rein in spending; and now, just a few short months later, they're violating their own rules. We heard the gentleman from Florida actually concede that they're violating their own rules. That is award-winning hypocrisy, but it's not surprising because, as has been mentioned, the Speaker of the House said last year, We routinely waive the Budget Act's requirements to serve our purposes.

Maybe we could excuse that if they were, say, proposing legislation to create jobs, but we know that isn't happening. In fact, the underlying bill does exactly the opposite.

It stifles innovation and entrepreneurship. The surplus fees that are collected by the Patent and Trademark Office could be used to protect patents and to process new ones so that there are new inventions, new innovations coming to market, creating jobs; but the Republican majority wants to take those funds and put them into the general kitty where they can spend it on other things like—who knows?—more tax breaks for the rich or maybe Big Oil companies.

Only time will tell that.

But now, for today, it is best advised to reject this rule and to not allow the Republicans to get away with violating their own CutGo rules and then to pass this legislation that would stifle innovation in America.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I rise today as a proud member of the Rules Committee. I appreciate my colleague on the Rules Committee for yielding to me.

It's not lightly that I come down to the floor today, because I've only been on the job here 5 months. Mr. Speaker, you know that I'm one of the new guys here in Congress, and I came down to the House floor because I thought this is where deliberation went on. I thought this is where folks had candid conversations about how to improve a bill. I see my colleague Mr. POLIS there at the table. We've made a lot of amendments available, not just on the patent bill, but on the EPA bill as well.

So when I come to the floor and hear folks talking about CutGo, I wonder what happened to the serious conversations that we were going to have here on the floor. I wonder where the seriousness about improving the bills that are coming to the floor went because, as you know, Mr. Speaker, this CutGo issue is one that was created solely because the way the bill was reported out of committee and the way the manager's amendment impacted it created a technical CutGo violation.

A technical CutGo violation. Ask the freshman Member of Congress, and I'll tell you that there is a technical CutGo violation in the manager's amendment.

Does it spend $1? Does it spend $1 that the Federal Government wasn't going to spend anyway? No. Does it cost the American taxpayer $1? The answer is ''no.''

Mr. CONYERS. Will the gentleman yield?

Mr. WOODALL. I am happy to yield to the gentleman from Michigan (Mr. CONYERS), the ranking member.

Mr. CONYERS. This would spend $1.1 billion. That's not technical, my friend. It would spend $1.1 billion.

Mr. WOODALL. I reclaim my time.

That's what troubles me as a freshman because I know, Mr. Speaker, that the distinguished Member knows that had the committee reported this bill out the way the manager's amendment crafts this bill there would be no CutGo violation whatsoever. Hear that. Had the committee reported this bill out the way we're bringing this bill to the floor, there would have been no CutGo violation whatsoever. Yet we are raising this issue on the floor of the House as if there is some big backroom deal going on.

That's frustrating to me as a freshman Member, Mr. Speaker, because there is no backroom deal. This is the most open House of Representatives that I've seen in my lifetime. This is the most open Rules Committee that I've seen in my lifetime. This is the most open process in the people's House that I have seen in my lifetime. Yet, for reasons that I cannot suppose, folks make this case as if there are nefarious things going on in the background.

I say to my colleagues and I say to you, Mr. Speaker, that the American people have a distrust of Washington, D.C., and I will tell you that that distrust is well earned. That distrust is well earned, and that's why there are 96 new people here this time around. Folks, let's not suggest that there is something going on when there's not. Let's be honest when there are problems, and let's be honest when we're doing it right; and Mr. Speaker, we're doing it right today.

Mr. POLIS. I've been advised by some of our advisers on our side that, in fact, this would have been a CutGo violation even if this had been an amendment in committee.

This is a serious discussion. When we're talking about CutGo, it's a serious issue. I think this Congress on both sides of the aisle have come here to balance the budget, to restore fiscal discipline to our country; and setting the precedent of a CutGo violation so early in the term really calls into question what a ''rule of the House'' even means if it is to be so casually disregarded.

I yield 45 seconds to the ranking member of the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman for yielding.

I just wanted my dear friend—and I recognize he has only been here 5 months—to realize that this is not a technical CutGo violation. This is a $1.1 billion violation. That's real money that we're going to have to get from somewhere else, and we're waiving CutGo for the first time in the 112th Congress.

I am appealing to Republicans and Democrats, Mr. Speaker, to join with us against this outrageous and costly and blatant violation of the House rules that they wrote.

Mr. NUGENT. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.

I realize that we are dealing with a somewhat unprecedented situation here; but I've got to say that, as I listen to the characterization being put forward by my colleagues on the other side of the aisle as to this so-called CutGo waiver, they appear to be way off base.

I have no idea, Mr. Speaker, what this $1.1 billion figure is. I've been asking my staff members since I heard the distinguished former chair of the committee, the ranking member, throw this figure out, and they said, We have no idea where this $1.1 billion figure has come from.

If he wants to explain that to me, I am happy to yield to my friend, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Yes. The letter to the distinguished chair of the Rules Committee came from the Congressional Budget Office, and I would be pleased to quote it to you. The $1.1 billion is an accumulation of several other costs that they reported.

Mr. DREIER. I reclaim my time.

Let me say, I asked my staff where this $1.1 billion figure came from. My staff members are right here on the floor, and they said they don't know where the basis of this $1.1 billion figure comes from. Mr. Speaker, what happened in the Judiciary Committee was unfortunate. It was an unfortunate development that took place because the Judiciary Committee proceeded to do something that they should not do, which is they began appropriating.

All we are doing with this provision that we have in place is simply saying that the power should, in fact, lie with the House Appropriations Committee and that it should not be mandatory spending that does not provide the first branch of government, the legislative branch, with the adequate oversight.

Now, as I walked into the Chamber, my friend from Kentucky was saying that this bill is not focused on job creation and economic growth when, in fact, we know that encouraging creativity and innovation is about our creating good jobs right here in the United States of America. Mr. Speaker, the American people get it. They realize that if we were to take our time and energy and focus on job creation and economic growth we would be able to improve the standard of living and quality of life for the American people. Unfortunately, we've not been vigorously pursuing those.

I think that one of the most important things that we can do is to open up new markets around the world for U.S. goods and services and for our kind of innovation that is developing. We at this moment are waiting for three trade agreements that have been languishing over the past 4 years. Unfortunately, this House in the last 4 years has failed to consider them. They would create good union and nonunion jobs for the American worker.

□ 1340

Good jobs for union and nonunion members would be created if we were to pursue that kind of policy.

Now, those agreements are pending. We've gotten a positive indication that the administration is going to be sending those to us. We need to move on those as quickly as possible. As we look at those market-opening opportunities, having the kind of innovative ideas that will be able to take place, creating new products is going to be wonderful because we'll have new markets for those products around the world.

And so that's why, again, Mr. Speaker, here we are under a process that allowed an amendment by my friend from Michigan, the distinguished ranking member of the Committee on the Judiciary, to be made in order; my friend from Colorado from Boulder, Colorado (Mr. POLIS), I'm very happy that we were able to make his amendment in order. Ms. JACKSON LEE was here just a few minutes ago. She withdrew an amendment that she offered before the Rules Committee, and a similar amendment was offered by my colleague from California (Ms. ESHOO). We chose to make that amendment in order, which is virtually identical to the one that my friend from Houston offered.

And so as my friend from Lawrenceville, Georgia, my Rules Committee colleague, said, Mr. Speaker, here we are. We've made 15 amendments in order for considering allowing virtually every idea to be considered.

My friend from California (Mr. ROHRABACHER) has his amendment made in order. And so the idea of somehow criticizing the Rules Committee and the action that we've taken is just way off base.

There were 15 amendments that are made in order under this bill; 10 amendments have been made in order for the Energy and Commerce legislation that's come before us.

Mr. CONYERS. Will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank you, my friend.

We are not criticizing the Rules Committee. The CutGo violation, which you have not even seen the CBO letter that described the $1.1 billion——

Mr. DREIER. If I can reclaim my time, Mr. Speaker, let me just say that I asked my staff about this, and they were unaware of exactly where this $1.1 billion figure came from. And so in light of that, it seems to me that we are in a position where we need to proceed with this very important work, and we're trying our doggonedest to make it happen.

We're going to allow proposals from Messrs. ROHRABACHER, CONYERS, and POLIS and others to be considered, and that's why it's important that we pass this rule. If we don't pass this rule, we won't have the opportunity for the Rohrabacher, Conyers, and Polis ideas to be considered here on the House floor.

And so let me thank my friend for yielding. I know he has other speakers. And with that, I'm going to urge support of the rule.

Mr. POLIS. I think some of the frustration here, Mr. Speaker, is that the work product of the committee is being disregarded in favor of a rule that provides for a manager's amendment that fundamentally alters the character of the bill in a way that many Members of both parties have quite a few problems with.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas, a member of the Judiciary Committee, Ms. JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the Speaker and thank the gentleman, and I appreciate the generosity of the Rules chairman on the number of occasions that I have sought to both represent my constituents at the Rules Committee and to represent issues that are of concern to America.

Let me just say that I believe in efficiency of time, but I am struck by a rule that has two major legislative initiatives that require the deliberation and the thoughtfulness of Members of Congress. I believe the rule is not necessarily a place to express one's opposition or support, but I do believe it's important procedurally to discuss a number of issues.

The legislation that deals with the EPA, H.R. 2021, in and of itself would warrant an opportunity for full discussion, and I offered a number of amendments that I thought were quite productive, and those amendments would have provided some reasonable thought about the EAB. It would have provided a review period, and one in particular that the gentleman mentioned was the opportunity to file your cases in local courts.

I'm glad that we'll have the general discussion on the floor. Far be it from me to suggest that is not a good thing, but I do want to say that I had a very strong amendment that was not included in the Rule; the Amendment was originally withdrawn but resubmitted so we did have an opportunity to correct a letter that we had sent, but I'm glad for the debate in the form of another amendment just like mine regarding local federal courts being allowed to hear these matters.

Mr. CONYERS. Will the gentlewoman yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman from Michigan.

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

Mr. POLIS. I yield the gentlewoman an additional 30 seconds.

Mr. CONYERS. The reason that both these bills were combined is that they're trying to mask all the defects in the patent bill, and that's why they put this great new jobs, supposedly, creating bill together.

Ms. JACKSON LEE of Texas. Well, reclaiming my time, whatever the reason was, we both agree we needed to have more time for the rules debate.

And I will now move to the patent bill. And as I said, I will not discuss the pros and cons of this legislation, but I will say to you—and I see the gentleman rising over here maybe trying to correct something that was said. There's no reason to correct anything other than the fact that we had a number of amendments that we offered and we would hope that we would have had an open rule.

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

Mr. POLIS. I yield the gentlewoman an additional 15 seconds.

Ms. JACKSON LEE of Texas. Thank you very much.

On the patent bill in particular, two amendments that would have been vital were to announce that this was not an undue taking of property, to indicate to those who are concerned about this issue, because I think the bill does have the ability to create jobs, and lastly is the point of being able to give small businesses an 18-month period for disclosure when many small businesses have to secure funding from other places and the secret of their invention is exposed.

This Amendment would have added protection to small businesses and improved the debate, nevertheless I look forward to the debate, but I hope we will not have this kind of rule in the future.

Mr. Speaker, before I discuss Amendments I offered, I would like to note my support for the first to file system in H.R. 1249. I believe it to be a positive step toward improving the efficiency and effectiveness of our IP system. However, I am not deaf to some of the criticisms that it has received from various interests, and I believe it is imperative that this bill be a real jobs creator for small and large inventors and businesses.

The amendments I am offering today are not controversial. They simply tighten up the language of the existing provisions of the bill, and add checks to ensure that the bill, if it becomes law, is fulfilling its intended purposes.

AMENDMENTS CONCERNING SMALL BUSINESSES, MINORITY-AND WOMAN-OWNED BUSINESSES, AND, HBCU'S

AMENDMENT #26 AND #22—INCLUSION OF MINORITY-AND WOMAN-OWNED BUSINESSES

H.R. 1249, the "American Invents Act," addresses one of the concerns with the current patent system—the high fees associated with filing patent applications and the burden they impose on small businesses and not-for-profit entities wishing to secure patent protection.

It addresses this concern by giving a 50 percent discount on all USPTO fees to "small entities" and "micro entities."

My first amendment (Amendment #26) amends the definition of "small entities" for the purposes of receiving the fee discount to include language that ensures that minority-owned and woman-owned businesses are included.

My second amendment (Amendment #22), much like my first amendment, includes minority-owned and woman-owned businesses in the definition of "micro entity" for purposes of receiving the fee discounts afforded to these types of entities.

While I am sure it was the intent behind this section to extend protection for all small businesses, my amendments simply reassure inclusion of minority-owned and woman-owned businesses.

The U.S. Department of Commerce defines small businesses as a business which employs less than 500 employees. According to the Department of Commerce, in 2006 there were 6 million small employers—representing around 99.7 percent of the nation's employers and 50.2 percent of its private-sector employment. The proposed patent reform will ensure that small businesses are not treated at a disadvantage. It has great potential to create job growth, and in turn spur economic development for our country.

There were 386,422 small employers in Texas in 2006, accounting for 98.7 percent of the state's employers and 46.8 percent of its private-sector employment. Since small businesses make up such a large portion of our employer network, it is important to understand how they will be impacted as a result of patent reform.

Women and minority owned businesses generate billions of dollars and employ millions of people.

There are 5.8 million minority owned businesses in the United States, representing a significant aspect of our economy. In 2007, minority owned businesses employed nearly 6 million Americans and generated $1 trillion dollars in economic output.

Women owned businesses have increased 20 percent since 2002, and currently total close to 8 million. These organizations make up more than half of all businesses in health care and social assistance.

My home city of Houston, Texas is home to more than 60,000 women owned businesses, and more than 60,000 African American owned businesses.

AMENDMENT #29—HBCU'S AND HISPANIC SERVING INSTITUTIONS

One of the positive attributes of this bill is that it extends fee discounts to colleges and universities that engage in research and seek patent protection of their work.

H.R. 1249 does this by giving fee discounts to ''public institutions of higher education.''

For purposes of this section, my amendment includes in the definition of ''small entities'' Historically Black Colleges and Universities, HBCU's.

Generally speaking, HBCU's should be considered ''public institutions of higher education,'' however, in a few instances where schools receive alternative means of funding, there is a risk that minority serving institutions could be overlooked.

My amendment simply ensures that the intended goal of the language in this bill is actually achieved—that ALL colleges and universities, including Historically Black Colleges and Universities and Hispanic Serving Institutions, receive fee discounts to keep the patent system accessible.

Our Nation's colleges and universities are responsible for a vast amount of valuable research.

HBCUs are a source of accomplishment and great pride for the African American community as well as the entire Nation. The Higher Education Act of 1965, as amended, defines an HBCU as: ''. . . any historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary [of Education] to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation.'' HBCUs offer all students, regardless of race, an opportunity to develop their skills and talents.

Secretary of Education Arne Duncan said, ''HBCUs play an essential role in helping our Nation boost college completion rates and achieve the President's goal for America to again have the highest percentage of college graduates in the world by 2020.''

At present, HBCUs award just over 36,000 undergraduate degrees a year. More than 80 percent of those degrees, about 31,500 degrees, are baccalaureate degrees.

HBCUs currently award about 15 percent of all undergraduate degrees nationwide for African-American students.

The completion gap in high-demand fields in science, technology, engineering and math is particularly troubling. Nationwide, nearly 70 percent of white students in STEM fields complete their degrees, compared with just 42 percent of African-American students.

AMENDMENT #27—SENSE OF CONGRESS PROTECTING RIGHTS OF SMALL BUSINESSES AND INVENTORS

We must always be mindful of the importance of ensuring that small companies have the same opportunities to innovate and have their inventions patented and that the laws will continue to protect their valuable intellectual property.

Therefore, I am offering an amendment that expresses the sense of Congress that the patent system should promote industries to continue to develop new technologies that spur growth and create jobs across the country, which includes protecting the rights of small businesses and inventors from predatory behavior that could result in the cutting off of innovation.

The role of venture capital is very important in the patent debate, as is preserving the collaboration that now occurs between small firms and universities. We must ensure that whatever improvements we make to the patent laws are not done at the expense of innovators and to innovation. The legislation before us, while not perfect, does a surprisingly good job at striking the right balance.

Several studies, including those by the National Academy of Sciences and the Federal Trade Commission, recommended reform of the patent system to address what they thought were deficiencies in how patents are currently issued.

The U.S. Department of Commerce defines small businesses as businesses which employ less than 500 employees.

According to the Department of Commerce, in 2006 there were 6 million small employers representing around 99.7 percent of the Nation's employers and 50.2 percent of its private-sector employment.

In 2002 the percentage of women who owned their business was 28 percent while black owned was around 5 percent. Between 2007 and 2008 the percent change for black females who were self employed went down 2.5 percent while the number for men went down 1.5 percent.

Small business is thriving in my home state of Texas as well. There were 386,422 small employers in Texas in 2006, accounting for 98.7 percent of the state's employers and 46.8 percent of its private-sector employment.

In 2009, there were about 468,000 small women-owned small businesses compared to over 1 million owned by men.

88,000 small business owners are black, 77,000 are Asian, 319,000 are Hispanic, 16,000 are Native Americans.

Since small businesses make up such a large portion of our employer network, it is important to understand how they will be impacted as a result of patent reform.

AMENDMENT #23—EXTENSION OF THE DISCLOSURE PERIOD FOR SMALL BUSINESSES

My amendment addresses the section of this bill which deals with the disclosure period, also known as the grace period. In its current state, H.R. 1249 includes a one-year grace period for inventors who make disclosures about their inventions before they apply for an actual patent.

My amendment extends that grace period for small business from one year to eighteen months.

When small businesses are attempting to develop an invention, oftentimes it is necessary for them to make disclosures to outside entities because, due to a lack of resources, they need to outsource the effort needed to bring an invention to market.

For small businesses outsourcing their development, the one-year grace period may not be an adequate amount of time.

Whenever an inventor makes the first public disclosure of an invention, then—as to whatever the inventor disclosed publicly—the disclosing inventor is guaranteed the right to patent the invention if a patent is sought during the 1-year ''grace period'' after the first public disclosure, even if during this ''grace period'' someone else (e.g., another inventor) either publishes its own independent work on the invention or seeks its own patent on the invention based on its independent work.

Prior art is created when a disclosure is made available to the public. However, the ''grace period'' operates so that an inventor's own disclosure (or the disclosure by someone else that represents nothing more than the inventor's own work itself) is excluded as prior art to the extent of any of these inventor-originated disclosures made one year or less before the inventor seeks a patent. In short, inventors have one year from when they make their work public to seek patents.

AMENDMENTS ADDRESSING SECTION 18 (TRANSITIONAL REVIEW PROCESS FOR BUSINESS METHOD PATENTS)

AMENDMENT #25—SUNSET OF BUSINESS METHOD PATENTS REVIEW PROGRAM

Though I am generally supportive of this bill, Section 18, which creates a transitional review program for business method patents, has come under criticism.

There has been a lot of inconsistency in the status of the law surrounding business method patents over the years.

Historically, business methods and systems to implement those methods were not patentable, but in the 1998 State Street v. Signature Financial Group ruling, that all changed.

After that ruling, there was an explosion of applications for business method patents, and many were issued. However, many of these patents are of poor quality.

Many business methods are facially obvious, whereas patentable inventions are supposed to be novel and non-obvious.

They also lack prior art. It is very difficult to determine which business methods are simply common practice in different industries, but simply have been properly documented.

The difficulties associated with issuing business method patents coupled with the lack of resources within the USPTO lead to issuance of many weak business method patents, some of which probably should not have been awards. Thus, a slew of litigation followed.

This section, though controversial because it targets a specific type of patent, is intended to iron out the inconsistency in issuance of these types of patents and the many different rulings that flowed from mountains of litigation.

While I believe it is important to achieve to consistency, I also think the necessity of this process is finite. Currently, the provision sunsets in 10 years, however, that period is too long in my opinion.

Given the concerns associated with this section and the limited relevance of this provision, I have proposed an amendment that would make this provision sunset in 5 years.

AMENDMENT #24—REQUIRING DEPARTMENTAL DETERMINATION THAT THERE IS NO ''UNLAWFUL TAKING OF PROPERTY''

As I mentioned previously, Section 18 of this bill has been subject to criticisms, most notably the fact that the transitional review program is creates may cause some patents to be taken away, which may lead to a potential violation of the ''takings clause'' in the U.S. Constitution.

Patents, though intangible, are considered property and they are valuable—some extremely valuable and a source of great wealth to their owners. A process that could strip a patent owner of their property without just

compensation comes dangerously close to an unlawful taking, in my opinion.

This is of great concern to me, and therefore I am offering an amendment to address the constitutionality issue of this provision.

My amendment requires the Director of the U.S. Patent and Trademark Office, within a year of enactment of this bill, to make a determination of whether the provisions of this section could create a condition that could be considered an unlawful taking of property under the ''takings clause'' found in the Fifth Amendment of the Constitution. The Director would need to report to Congress the underlying reasoning for his determination.

While there may be a valid intent and purpose behind the provisions in section 18 of this bill, no purpose is so great that it warrants a violation of the Constitution.

My amendment will help ensure that the Constitution is upheld and adhered to, a goal that we all, regardless of party affiliation, should wholly support.

AMENDMENT #28—SENSE OF CONGRESS—NO VIOLATION OF THE TAKINGS CLAUSE

The Constitution is the law of land, a body of law that we as lawmakers respect, and that the American people value as the cornerstone of democracy.

Because some of the opponents of this bill have raised Constitutional concerns with specific provisions in the bill, I am offering an amendment that reaffirms our commitment to the Constitution.

My amendment is simple. It states that it is the sense of Congress that none of the provisions of this bill should constitute an unconstitutional taking of property under the fifth Amendment to the Constitution.

Mr. NUGENT. Mr. Speaker, just as a clarification, the Rules Committee has the obligation to make sure that they move this through the House so it can come up, so these bills can come up. It's not about combining two bills; it's about a rule that allows two bills to be heard separately. That's all this does.

With that, Mr. Speaker, I yield 3 minutes to gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I do not commonly talk on rules. Usually I come for the substance of the underlying bill, and I will be speaking later on the underlying bill, on the Judiciary's patent reform bill, but I would like to speak not only to the fairness of the rule and the appropriateness and the reason for passage but also perhaps clarify something related to the underlying bill in the case of Judiciary.

First of all, I'm delighted, delighted to see that we are reducing the amount of time for passage of a rule when they are like.

My colleagues on the other side of the aisle certainly know that at the beginning of every Congress, once every 2 years, we pass a massive rules package that every suspension and every other bill is essentially brought under. A rules package is nothing but a slight addition to the overall set of rules of the House, and if we do not produce one, then we operate under the rules of the House. So I'm delighted to see that we are using floor time more efficiently.

As to the question of the costs related to the upcoming bill on patent reform, I find something really amazing that I think all the Members should be aware of, Mr. Speaker, and that is this is a piece of legislation that has already passed by 95–5 out of the Senate. This is a piece of legislation that the ranking member and I have worked on for my entire 11 years here. This is a piece of legislation that every one of us has had input into and found ways to come together so that we had a 10:1 ratio when we passed it out of committee.

And when it comes to the costs, the American people, Mr. Speaker, have to understand this is simply talking about the exclusive fees that both Republicans and Democrats on the committee have demanded be used only for the patent office work and not be diverted. So, even if at some point we have to admonish the appropriators to stay within a number, we're only talking about how much of the money that the men and women who apply for patents, the men and women who invent, contribute for the purpose of having that passed.

So although people will pass dollars around, let's understand these are not tax dollars. These are dollars contributed with an application for a patent or for the extension, continuation of a patent. These are fees that inventors pay in order to have their inventions considered and retained, and nothing should be more sacred to Republicans and Democrats than making sure that those funds collected by these people are used there.

Mr. CONYERS. Will the gentleman yield?

Mr. ISSA. I yield to the gentleman from Michigan.

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Mr. CONYERS. I thank the distinguished member of the Judiciary Committee and the chair of Oversight and Government Reform.

The Congressional Budget Office sent the letter, Mr. ISSA, about the manager's amendment, which had nothing to do with the bill.

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

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

Mr. ISSA. Reclaiming that 30 seconds, I fully understand my colleague's statement about the CBO scoring question, but understand, Mr. Speaker, that subject to appropriations, no money will be spent except money contributed in fees by those folks.

So whatever we must do in enactment of this law over time, we will do, but let's understand, we're not talking about the normal budget situation, where clearly any dollars that CBO is referring to are the dollars contributed by the men and women who invent things.

So I think we really have to look at that and say, We know they're entitled to 100 cents on the dollar. That's all we're doing regardless of scoring.

Mr. POLIS. I want to point out that the vote my friend from California referenced on the committee by a 10–1 margin is a completely different bill and finance mechanism than is contemplated under the manager's amendment to this bill. This manager's amendment has not been seen or voted on by any of the committees of jurisdiction and is a major break from precedents on this issue.

I would now yield 2 minutes to the gentleman from California (Mr. SCHIFF), a member of the Appropriations Committee.

Mr. SCHIFF. I thank the gentleman for yielding.

Mr. Speaker, I rise to raise my concerns about H.R. 1249 and the rule and in particular the manager's amendment.

America's uniquely innovative culture is the source of our economic strength, and I have long supported fundamental reforms to our patent system that would reduce the patent backlog, increase the quality of patents, and ensure that the patent system is not abused in ways that threaten innovation.

One of the best things in the bill up until now has been a provision to attack the backlog by devoting all of the fees gathered in the patent process to the Patent Office. We are asking the stakeholders of invention to pay higher fees to reduce the backlog. How can we ask them to do that if we are going to divert the fees they pay to paying general government expenses?

The provision in the underlying bill would have ended that practice, would have ended fee diversion, a diversion that has cost the invention community and our economy over a billion dollars in diverted funds. Unfortunately, the manager's amendment would severely undercut and really do away with that principle. I know as an appropriator I'm not supposed to be saying this. As a former member of the Judiciary Committee, however, I am, and that is, we should not be diverting these fees. We should not be diverting fees that need to be used to take down that backlog, to make sure that inventors can quickly patent their products and take them to market. This is part of our competitive economic advantage.

And so I was very enthusiastic about that part of the bill. Concerned about others, concerned about moving to first-to-file, which I will talk about later, but now I am doubly concerned because I think the most constructive part of the bill has been seriously diminished.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I welcome my colleague's comments. However, I think the gentleman has a misunderstanding about the content of that provision. The provision in the manager's bill states that no moneys can be diverted from the fee collections. All of

the fees have to stay with the Patent Office. It has to be reprogrammed.

Mr. SCHIFF. If I can reclaim my time.

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

Mr. SCHIFF. May I have an additional 15 seconds?

Mr. POLIS. I would express my hope to the gentleman from Florida that this discussion might continue on his time. We are down to our last minute and a half on this side.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman for yielding, and I rise in support of the rule but also in support of the manager's amendment.

I think the gentleman from Kentucky, the chairman of one of the two committees that you have referred to here, is absolutely right, that these funds are sequestered and cannot be used for any other purpose. The Appropriations Committee may not appropriate all of the funds at one time, but they can only hold those funds in trust for the Patent Office. And then the Patent Office as they identify needs that need to be worked on will come to the appropriators, will come to you and your committee, and get approval for them. That maintains congressional oversight of the Patent Office. This is supported by the Commissioner of the Patent Office.

Mr. SCHIFF. Will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from California.

Mr. SCHIFF. Thank you, and I will be very brief.

If the funds that are sequestered—first of all, it requires another act of Congress to appropriate those sequestered funds back to the Patent Office. If it was never the intention to divert those, then why change the bill?

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. GOODLATTE. I would be happy to yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. The gentleman may not be aware, but we have long had a practice on the Appropriations Committee of reprogramming funds within an agency's budget. All of the agencies have problems during the year where they need to change moneys from one particular account to another. That's fine. But they have to come to the Appropriations Committee for a reprogramming request. It's routine, it's considered normal, and it does not require an act of Congress. It's simply the signature of the chairman and the ranking Democrat of the Appropriations Committee, and the moneys are transferred.

When the Patent Office collects fees that exceed its appropriated level, that amount of money is placed in a sort of escrow account, just for their purposes, just for their use. If they see the need for more funds, they simply send up another reprogramming request, and the moneys can be transferred from the escrow account to the Patent Office. It's a standard procedure.

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

Mr. POLIS. I yield 30 seconds to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman.

The only concluding point I want to make is the funds that are held in the escrow account, if the Congress subsequently decides because of budgetary problems they have a better use for those funds, they want to be used for something else, to pay down something else, there's nothing that precludes the Congress from reallocating those funds. The patent community, the inventor community, still has to come hat in hand to the Appropriations Committee and say, Please give us the money you put in escrow.

There's no need to set up this account if we simply take this step in the underlying bill which would end diversion once and for all.

Mr. NUGENT. I yield 30 seconds to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. The gentleman is not correct. This provision in the manager's amendment precludes the expenditure of this escrow account for any purpose other than Patent Office. It's in the manager's amendment, and the gentleman will have a chance to vote on it.

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

Mr. Speaker, appropriations are at the discretion of Congress every year. For that reason and others, I urge my colleagues to oppose this rule and the underlying bills. Patent reform is critical, it's important, and it's the right way to go, but this bill and the manager's amendment and the rule are the wrong approach.

If we defeat the previous question, I will offer an amendment to the rule to remove the $712 million plus CutGo waiver for amendments to H.R. 1249.

Mr. 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 Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question, because while it has shortcomings, at least the CutGo rule provides some checks on increasing spending. By waiving CutGo today, this Congress might risk demonstrating how little we care about fiscal discipline.

In order to get patent reform right, I urge a "no" vote on the rule and the bill.

I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, I support this rule and encourage my colleagues to support it as well.

I don't like the idea that we have to waive CutGo any more than anyone else in this Chamber; however, if we want to maintain Congress's constitutional ability to appropriate funds, it is necessary.

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

AN AMENDMENT TO H. RES. 316 OFFERED BY MR. POLIS OF COLORADO

Page 4, line 16, before the period insert the following: "except those arising under clause 10 of rule XXI".

(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. NUGENT. 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.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion for the previous question will be followed by 5-minute votes on adoption of House Resolution 316, if ordered; and the motion to suspend the rules and pass H.R. 672.

The vote was taken by electronic device, and there were—ayes 230, noes 184, not voting 17, as follows:

[Roll No. 464]

AYES—230

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

NOES—184

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Brown (FL)
Butterfield
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 (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—17

Bishop (UT)
Braley (IA)
Broun (GA)
Davis (CA)
Giffords
Gohmert
Hinchey
Hirono
Johnson (GA)
Lucas
Lummis
McHenry
Nunnelee
Paulsen
Stivers
Thornberry
Young (AK)

□ 1423

Mrs. MALONEY, and Messrs. VAN HOLLEN, BERMAN, and CARNEY changed their vote from ''aye'' to ''no.''

Mr. HALL changed his vote from ''no'' to ''aye.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mrs. DAVIS of California. Madam Speaker, on rollcall No. 464, had I been present, I would have voted "no."

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

COMMEMORATING THE 20,000TH VOTE OF THE HONORABLE NORM DICKS

Mr. HOYER. Madam Speaker, ladies and gentlemen of the House, I rise to call the attention of my colleagues to a milestone that one of our Members has now reached, a very significant milestone. One of my best friends in the House, who I served with on the Appropriations Committee for many years, and who greeted me when I first came to the Congress, my friend, Congressman NORM DICKS, has just recently cast his 20,000th vote in the House of Representatives. And I personally think almost every one of them was correct.

Madam Speaker, it is a testament to his distinguished record of service in this Chamber, which began on January 3, 1977, at the start of the 85th Congress. Since that date, our colleague, NORM DICKS has continued to represent the people of the Sixth Congressional District of Washington, the cities of Bremerton and Tacoma, as well as the Olympic Peninsula, as he has worked his way up to the top of the leadership of the House Appropriations Committee. As some of you know, I refer to him as the Chairman in waiting.

The expertise he has developed on defense and natural resource issues throughout those years on the committee is well known.

Madam Speaker, as I indicated, NORM DICKS now serves as our ranking Democratic Member on the Appropriations Committee, and serves with the distinguished chairman, HAL ROGERS from Kentucky.

I believe I can speak for all of us, all of our Members today, in congratulating NORM on reaching this important milestone. And I think I can also say for both sides of the aisle, NORM DICKS is one of those Members who reaches across the aisle and tries to make policy in a positive way.

NORM DICKS, I think, is an example for all of us. He's become one of the few Members of the House who has had the determination and endurance to remain engaged in the people's business for so long here in the House of Representatives.

NORM, we congratulate you, not only on your 20,000th vote, but on the quality of service you have given to this

House, to this country, and to your district and Washington State. Congratulations.

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. NUGENT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 186, not voting 6, as follows:

[Roll No. 465]

AYES—239

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

NOES—186

Ackerman
Andrews
Baca
Baldwin
Barrow
Bartlett
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Renacci
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—6

Giffords
Gingrey (GA)
Gohmert
Lummis
Stivers
Young (AK)

□ 1437

Mr. ROHRABACHER changed his vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION SUPPORT CONSOLIDATION AND EFFICIENCY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 672) to terminate the Election Assistance Commission, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. HARPER) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 187, not voting 9, as follows:

[Roll No. 466]

YEAS—235

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