

suspend the rules and agree to the resolution, H. Res. 1525.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 2010

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1320) to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1320

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Federal Advisory Committee Act Amendments of 2010”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Ensuring independent advice and expertise.
- Sec. 3. Preventing efforts to circumvent the Federal Advisory Committee Act and public disclosure.
- Sec. 4. Increasing transparency of advisory committees.
- Sec. 5. Comptroller General review and reports.
- Sec. 6. Application of Federal Advisory Committee Act to Trade Advisory Committees.
- Sec. 7. Definitions.
- Sec. 8. Effective date.

SEC. 2. ENSURING INDEPENDENT ADVICE AND EXPERTISE.

(a) BAR ON POLITICAL LITMUS TESTS.—Section 9 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in the section heading by inserting “MEMBERSHIP;” after “ADVISORY COMMITTEES;”;

(2) by redesignating subsections (b) and (c) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (a) the following:

“(b) APPOINTMENTS MADE WITHOUT REGARD TO POLITICAL AFFILIATION OR ACTIVITY.—All appointments to advisory committees shall be made without regard to political affiliation or political activity, unless required by Federal statute.”.

(b) MINIMIZING CONFLICTS OF INTEREST.—Section 9 of the Federal Advisory Committee Act (5 U.S.C. App.) is further amended by inserting after subsection (b) (as added by subsection (a)) the following:

“(c) PUBLIC NOMINATIONS OF COMMITTEE MEMBERS.—Prior to appointing members to an advisory committee, the head of an agency shall give interested persons an opportunity to suggest potential committee members. The agency shall include a request for comments in the Federal Register notice required under subsection (a) and provide a mechanism for interested persons to comment through the official website of the agency. The agency shall consider any comments submitted under this subsection in selecting the members of an advisory committee.

“(d) DESIGNATION OF COMMITTEE MEMBERS.—

“(1) An individual appointed to an advisory committee who is not a full-time or permanent part-time officer or employee of the Federal Government shall be designated as—

“(A) a special government employee, if the individual is providing advice based on the individual’s expertise or experience; or

“(B) a representative, if the individual is representing the views of an entity or entities outside of the Federal Government.

“(2) An agency may not designate committee members as representatives to avoid subjecting them to Federal ethics rules and requirements.

“(3) The designated agency ethics official for each agency shall review the members of each advisory committee that reports to the agency to determine whether each member’s designation is appropriate, and to redesignate members if appropriate. The designated agency ethics official shall certify to the head of the agency that such review has been made—

“(A) following the initial appointment of members; and

“(B) at the time a committee’s charter is renewed, or, in the case of a committee with an indefinite charter, every 2 years.

“(4) The head of each agency shall inform each individual appointed to an advisory committee that reports to the agency whether the individual is appointed as a special government employee or as a representative. The agency head shall provide each committee member with an explanation of the differences between special government employees and representatives and a summary of applicable ethics requirements. The agency head, acting through the designated agency ethics official, shall obtain signed and dated written confirmation from each committee member that the member received and reviewed the information required by this paragraph.

“(5) The Director of the Office of Government Ethics shall provide guidance to agencies on what to include in the summary of ethics requirements required by paragraph (4).

“(6) The head of each agency shall, to the extent practicable, develop and implement strategies to minimize the need for written determinations under section 208(b)(1) of title 18, United States Code. Strategies may include such efforts as improving outreach efforts to potential committee members and seeking public input on potential committee members.”.

(c) REGULATIONS IMPLEMENTING FACA.—Section 7(c) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by inserting after “(c)” the following: “The Administrator shall promulgate regulations as necessary to implement this Act.”.

SEC. 3. PREVENTING EFFORTS TO CIRCUMVENT THE FEDERAL ADVISORY COMMITTEE ACT AND PUBLIC DISCLOSURE.

(a) DE FACTO MEMBERS.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by adding at the end the following:

“(d) TREATMENT OF INDIVIDUAL AS MEMBER.—An individual who is not a full-time or permanent part-time officer or employee of the Federal Government shall be regarded as a member of a committee if the individual regularly attends and fully participates in committee meetings as if the individual were a member, even if the individual does not have the right to vote or veto the advice or recommendations of the advisory committee.”.

(b) SUBCOMMITTEES.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by striking subsection (a) and inserting the following:

“(a) APPLICATION.—The provisions of this Act or of any rule, order, or regulation pro-

mulgated under this Act shall apply to each advisory committee, including any subcommittee or subgroup thereof, except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise. Any subcommittee or subgroup that reports to a parent committee established under section 9(a) is not required to comply with section 9(f). In this subsection, the term ‘subgroup’ includes any working group, task force, or other entity formed for the purpose of assisting the committee or any subcommittee of the committee in its work.”.

(c) COMMITTEES CREATED UNDER CONTRACT.—Section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended in the matter following subparagraph (C) by adding at the end the following: “An advisory committee is considered to be established by an agency, agencies, or the President if it is formed, created, or organized under contract, other transactional authority, cooperative agreement, grant, or otherwise at the request or direction of an agency, agencies, or the President.”.

(d) ADVISORY COMMITTEES CONTAINING SPECIAL GOVERNMENT EMPLOYEES.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.) is further amended by adding at the end the following new subsection:

“(e) SPECIAL GOVERNMENT EMPLOYEES.—Committee members appointed as special government employees shall not be considered full-time or permanent part-time officers or employees of the Federal Government for purposes of determining the applicability of this Act under section 3(2).”.

SEC. 4. INCREASING TRANSPARENCY OF ADVISORY COMMITTEES.

(a) INFORMATION REQUIREMENT.—Section 11 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) by striking the section designation and heading and inserting the following:

“SEC. 11. DISCLOSURE OF INFORMATION;”

(2) by redesignating subsection (a) as subsection (d) and in that subsection—

(A) by inserting the following subsection heading: “AVAILABILITY OF PAPER COPIES OF TRANSCRIPTS.—”; and

(B) by inserting after “duplication,” the following: “paper”;

(3) by striking “(b)” and inserting “(e) AGENCY PROCEEDING DEFINED.—”; and

(4) by inserting before subsection (d), as redesignated by paragraph (2), the following new subsections:

“(a) IN GENERAL.—With respect to each advisory committee, the head of the agency to which the advisory committee reports shall make publicly available in accordance with subsection (b) the following information:

“(1) The charter of the advisory committee.

“(2) A description of the process used to establish and appoint the members of the advisory committee, including the following:

“(A) The process for identifying prospective members.

“(B) The process of selecting members for balance of viewpoints or expertise.

“(C) The reason each member was appointed to the committee.

“(D) A justification of the need for representative members, if any.

“(3) A list of all current members, including, for each member, the following:

“(A) The name of any person or entity that nominated the member.

“(B) Whether the member is designated as a special government employee or a representative.

“(C) In the case of a representative, the individuals or entity whose viewpoint the member represents.

“(4) A list of all members designated as special government employees for whom

written certifications were made under section 208(b) of title 18, United States Code, a copy of each such certification, a summary description of the conflict necessitating the certification, and the reason for granting the certification.

“(5) Any recusal agreement made by a member or any recusal known to the agency that occurs during the course of a meeting or other work of the committee.

“(6) A summary of the process used by the advisory committee for making decisions.

“(7) Transcripts or audio or video recordings of all meetings of the committee.

“(8) Any written determination by the President or the head of the agency to which the advisory committee reports, pursuant to section 10(d), to close a meeting or any portion of a meeting and the reasons for such determination.

“(9) Notices of future meetings of the committee.

“(10) Any additional information considered relevant by the head of the agency to which the advisory committee reports.

“(b) MANNER OF DISCLOSURE.—

“(1) Except as provided in paragraph (2), the head of an agency shall make the information required to be disclosed under this section available electronically on the official public internet site of the agency at least 15 calendar days before each meeting of an advisory committee. If the head of the agency determines that such timing is not practicable for any required information, he shall make the information available as soon as practicable but no later than 48 hours before the next meeting of the committee. An agency may withhold from disclosure any information that would be exempt from disclosure under section 552 of title 5, United States Code.

“(2) The head of an agency shall make available electronically, on the official public internet site of the agency, a transcript or audio or video recording of each advisory committee meeting as required by subsection (a)(6) not later than 30 calendar days after the meeting.

“(c) PROVISION OF INFORMATION BY ADMINISTRATOR OF GENERAL SERVICES.—The Administrator of General Services shall provide, on the official public internet site of the General Services Administration, electronic access to the information made available by each agency under this section.”

(b) CHARTER FILING.—Section 9(f) of the Federal Advisory Committee Act (5 U.S.C. App.), as redesignated by section 2, is amended—

(1) by striking “with (1) the Administrator,” and all that follows through “, or” and inserting “(1) with the Administrator and”;

(2) by striking “and” at the end of subparagraph (I);

(3) by striking the period and inserting a semicolon at the end of subparagraph (J); and

(4) by adding at the end the following new subparagraphs:

“(K) the authority under which the committee is established;

“(L) the estimated number of members and a description of the expertise needed to carry out the objectives of the committee;

“(M) a description of whether the committee will be composed of special government employees, representatives, or members from both categories; and

“(N) whether the committee has the authority to create subcommittees and if so, the agency official authorized to exercise such authority.”

SEC. 5. COMPTROLLER GENERAL REVIEW AND REPORTS.

(a) REVIEW.—The Comptroller General of the United States shall review compliance by

agencies with the Federal Advisory Committee Act, as amended by this Act, including whether agencies are appropriately appointing advisory committee members as either special government employees or representatives.

(b) REPORT.—The Comptroller General shall submit to the committees described in subsection (c) two reports on the results of the review, as follows:

(1) The first report shall be submitted not later than one year after the date of promulgation of regulations under section 2.

(2) The second report shall be submitted not later than five years after such date of promulgation of regulations.

(c) COMMITTEES.—The committees described in this subsection are the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 6. APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT TO TRADE ADVISORY COMMITTEES.

Section 135(f)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2155) is amended by striking “subsection (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act” and inserting “subsections (a) and (b) of section 10 and subsections (a)(7), (a)(8), (a)(9), (d), and (e) of section 11 of the Federal Advisory Committee Act”.

SEC. 7. DEFINITIONS.

Section 3 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by adding at the end the following new paragraph:

“(5) The term ‘special Government employee’ has the same meaning as in section 202(a) of title 18, United States Code.”

SEC. 8. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Alabama (Mr. BONNER) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

H.R. 1320, the Federal Advisory Committee Act Amendments, was introduced by Representative CLAY, chairman of the Oversight Committee’s Information Policy Subcommittee, on March 5, 2009.

Representative CLAY introduced a similar bill last Congress that passed the House by voice vote. This legislation amends the Federal Advisory Committee Act, known as FACA, which is a cornerstone of open government. It was enacted in 1972 in response to concerns that Federal advisory committees were not objective and had little oversight or accountability.

FACA requires that committees be balanced, transparent, and independent from the influence of special interests.

Agencies have not consistently implemented FACA, and the courts have created loopholes that undermine the purposes of the act. H.R. 1320 closes those loopholes and strengthens FACA. H.R. 1320 promotes independent advisory committees by requiring committee members to be appointed with-

out regard to political affiliation. It will also provide that the committee members who are appointed as experts must comply with conflict of interest and other ethics requirements.

H.R. 1320 improves the transparency of advisory committees by requiring agencies to disclose more information about committees. For example, agencies are required to provide information about the process used to identify and appoint committee members, the process of selecting members for balance, and a justification of need for any members that represent stakeholder interests.

Agencies must disclose when a committee member is issued a conflict of interest waiver and provide a copy of the waiver, a summary of the need for the waiver, and a reason for granting it.

Agencies also must disclose when meetings are taking place, and following a committee meeting, the agency must provide a transcript or recording of the meeting. Currently, advisory committees can avoid having public meetings and other requirements of FACA by conducting business through subcommittees.

□ 1650

The bill closes that loophole and makes it clear that FACA applies to subcommittees. The bill also clarifies that committees set up by contractors are subject to FACA. This bill is the epitome of good government. I urge my colleagues to support it.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 21, 2010.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 1320, the “Federal Advisory Committee Act Amendments of 2009.” As you know, the Committee on Ways and Means had concerns regarding this bill because the Federal Trade Advisory Committees are established under the Trade Act of 1974, as amended.

In 2008, our two Committees exchanged letters regarding similar legislation introduced in the 110th Congress, H.R. 5687. Recently, an understanding was reached on modifications to the current bill, H.R. 1320, that would address my Committee’s concerns. I appreciate your willingness, and the willingness of your staff, to work with me and my staff on this important legislation.

To expedite this legislation for Floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or the full exercise of its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1320, and would ask that a copy of our exchange of letters on this matter be included in the Committee report on the bill and in the Congressional Record during House Floor consideration of this bill.

Once again, thank you for your work and cooperation on this legislation.

Sincerely,

SANDER M. LEVIN,
Acting Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, July 21, 2010.

Hon. SANDER M. LEVIN,
Chairman, Committee on Ways and Means,
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN: Thank you for your letter regarding your Committee's interest in H.R. 1320, the Federal Advisory Committee Act Amendments of 2009.

I appreciate your willingness to support early floor consideration of this important legislation. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this legislation as amended or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the committee report on the bill and in the Congressional Record during floor consideration of this bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

EDOLPLUS TOWNS,
Chairman.

I reserve the balance of my time.

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

I rise today in support of H.R. 1320, the Federal Advisory Committee Act Amendments of 2010.

The Federal Advisory Committee Act, first signed into law in 1972, is an important safeguard of the public's right to know. Congress originally passed FACA to formally establish Federal advisory committees and set guidelines for their creation and management in response to beliefs by many citizens and Members of Congress that such committees were duplicative, inefficient, and lacked adequate control or oversight. FACA required formal reporting and oversight procedures, balanced membership, open meetings, and ensured the advice provided by committees be objective and accessible to the public.

Federal advisory committees bring together private and governmental experts to examine issues and recommend statutory, regulatory, or other actions. There are over 900 active committees with nearly 64,000 total members that provide advice and recommendations to 50 Federal agencies. These committees make key decisions affecting every American on vital issues such as health care, civil rights, and national security.

Congress intended FACA to shed some light into how agencies make decisions based upon advice and recommendations from individuals outside of government. It also ensures that the benefits received from such committees are justified to taxpayers.

As originally introduced and reported, H.R. 1320 enhanced the advisory committee selection process and expanded the disclosure of conflicts of interest of committee members. The introduced and reported version of H.R. 1320 was essentially the same bill that

many of my colleagues supported last Congress when it passed by a voice vote. However, Madam Speaker, over the past year the bill that many of our colleagues supported in the last Congress was watered down by the majority; and until recent changes, Madam Speaker, we would have been asked to support a bill that was promoting less transparency. Following talks with the administration, the majority proposed a revised version of H.R. 1320 this spring that reduced transparency, limited disclosure, and weakened the prohibition on conflicts of interest. This came as a shock to many of my Republican colleagues on the Committee on Oversight and Government Reform, as a 2004 GAO investigation found that agencies were using advisory committees to avoid disclosing conflicts of interest.

Thankfully, at the urging of Republican members on the Committee on Oversight and Government Reform, Democrat and Republican members of that committee were able to work together and have given this body today a bill that increases transparency and accountability of both the committees and the agencies that they advise. H.R. 1320 provides strong protections against conflicts of interest and robust transparency into the workings of these committees. The bill also closes a loophole that many agencies were using to get around financial disclosure requirements and ethics requirements for members of those committees.

I commend Mr. CLAY, Chairman TOWNS, Ranking Member ISSA, and other distinguished members of the committee for their hard work and desire to make the Federal Government more transparent and open and accountable to the American people.

I urge all Members to support H.R. 1320.

I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I'm pleased to yield such time as he may consume to the gentleman from Missouri (Mr. CLAY), the chairman of the Oversight and Government Reform Committee's Subcommittee on Information Policy, Census, and National Archives, the author of the bill before us.

Mr. CLAY. I thank my colleague from the District of Columbia for yielding.

Madam Speaker, H.R. 1320, the Federal Advisory Committee Act Amendments, strengthens one of our central open-government laws.

Advisory committees provide the President and agencies with expert advice on complex issues. Current examples include the National Commission on Fiscal Responsibility and Reform that was established to advise the President on policies to achieve fiscal sustainability and the National Commission on the BP Deepwater Horizon Oil Spill.

FACA is intended to ensure that advisory committees like these provide objective advice and operate in a way

that is open and accessible to the public. But over time, FACA has been undermined by inconsistent implementation. This bill closes loopholes that allow agencies to get around the act and makes the advisory committee process more transparent.

This bill is being brought up with an amendment that addresses feedback we received from the Office of Government Ethics. The primary change addresses how agencies appoint members to advisory committees. The GAO has identified improper designation of committee members as one of the primary problems with implementation of FACA.

GAO found that some agencies are avoiding Federal ethics rules by appointing members that should be appointed as special government employees as representative members.

The amendment to H.R. 1320 will require agencies to properly designate committee members and require agency ethics officials to certify the designation. If an agency appoints a member to represent a specific interest, the agency has to put information on its Web site justifying its decision and identify the interest the member represents.

The amendment also makes improvements to the bill proposed by Oversight and Government Reform Committee Ranking Member ISSA. Specifically, these changes include requiring agencies to establish a process that allows the public to nominate potential committee members and requiring agencies to disclose when a committee member is recused because of a conflict of interest.

A section has also been added to the bill to make the bill consistent with the way trade advisory committees are treated under the Trade Act. Trade committees are exempt from FACA's open meetings requirement and H.R. 1320 will preserve that exemption.

H.R. 1320 will shed light on who is advising the government, how they are advising the government, and what they are saying. I urge any colleagues to support this important open-government legislation.

□ 1700

Mr. BONNER. Madam Speaker, I am happy to encourage our Members to support passage of this bill.

I yield back the balance of my time.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1320, as amended.

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

There was no objection.

Ms. NORTON. I have no further speakers, and I ask my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 1320, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 5 p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LANGEVIN) at 6 p.m.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Resolution 1525 and include any extraneous materials.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 1320, by the yeas and nays;

H. Res. 1504, by the yeas and nays;

H.R. 3101, by the yeas and nays.

Proceedings on H. Res. 1543 will resume later in the week.

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

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1320) to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, 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 gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 250, nays 124, not voting 58, as follows:

[Roll No. 467]

YEAS—250

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| Ackerman | Gerlach | Mollohan |
| Adler (NJ) | Giffords | Moore (KS) |
| Altmire | Gohmert | Moore (WI) |
| Andrews | Gonzalez | Moran (VA) |
| Arcuri | Gordon (TN) | Murphy (CT) |
| Baca | Green, Al | Murphy (NY) |
| Baird | Green, Gene | Murphy, Patrick |
| Baldwin | Grijalva | Murphy, Tim |
| Barrow | Guthrie | Nadler (NY) |
| Bean | Hall (NY) | Napolitano |
| Becerra | Hall (TX) | Neal (MA) |
| Berkley | Halvorson | Nye |
| Berman | Hare | Oberstar |
| Berry | Harman | Obey |
| Bilbray | Hastings (FL) | Oliver |
| Bishop (NY) | Heinrich | Ortiz |
| Blumenauer | Herseth Sandlin | Owens |
| Boccheri | Higgins | Pallone |
| Bonner | Hill | Pascarell |
| Boswell | Himes | Pastor (AZ) |
| Boucher | Hinchee | Paulsen |
| Boyd | Hinojosa | Payne |
| Brady (PA) | Hirono | Perlmutter |
| Brown, Corrine | Holden | Perriello |
| Buchanan | Holt | Peters |
| Butterfield | Honda | Peterson |
| Capps | Hoyer | Pingree (ME) |
| Capuano | Inslee | Platts |
| Cardoza | Israel | Polis (CO) |
| Carnahan | Issa | Pomeroy |
| Carney | Jackson (IL) | Price (NC) |
| Carson (IN) | Jackson Lee | Quigley |
| Castor (FL) | (TX) | Rahall |
| Chaffetz | Johnson, E. B. | Rangel |
| Chandler | Jones | Reichert |
| Childers | Kagen | Reyes |
| Clarke | Kanjorski | Richardson |
| Clay | Kaptur | Rodriguez |
| Cleaver | Kildee | Ross |
| Clyburn | Kilroy | Rothman (NJ) |
| Coffman (CO) | Kind | Roybal-Allard |
| Cohen | Kirk | Ruppersberger |
| Connolly (VA) | Kirkpatrick (AZ) | Ryan (OH) |
| Cooper | Kissell | Salazar |
| Costa | Klein (FL) | Sánchez, Linda |
| Costello | Kratovil | T. |
| Courtney | Kucinich | Sanchez, Loretta |
| Critz | Langevin | Sarbanes |
| Crowley | Larsen (WA) | Schakowsky |
| Cuellar | Larson (CT) | Schauer |
| Culberson | LaTourette | Schiff |
| Cummings | Lee (CA) | Schock |
| Dahlkemper | Levin | Schrader |
| Davis (CA) | Lewis (GA) | Schwartz |
| DeFazio | Loeb sack | Scott (GA) |
| DeGette | Lofgren, Zoe | Scott (VA) |
| DeLauro | Lowe | Serrano |
| Dent | Luján | Sestak |
| Deutch | Lynch | Shea-Porter |
| Dicks | Maffei | Sherman |
| Dingell | Maloney | Sires |
| Djou | Markey (CO) | Skelton |
| Doggett | Markey (MA) | Slaughter |
| Donnelly (IN) | Marshall | Snyder |
| Doyle | Matheson | Spratt |
| Driehaus | Matsui | Stark |
| Edwards (MD) | McCarthy (NY) | Sutton |
| Edwards (TX) | McCollum | Tanner |
| Ellison | McDermott | Taylor |
| Emerson | McGovern | Teague |
| Engel | McHenry | Thompson (CA) |
| Eshoo | McIntyre | Tierney |
| Etheridge | McMahon | Titus |
| Farr | McNerney | Tonko |
| Fattah | Meeks (NY) | Tsongas |
| Filner | Melancon | Van Hollen |
| Fortenberry | Michaud | Velázquez |
| Foster | Miller (NC) | Visclosky |
| Frank (MA) | Miller, George | Walz |
| Fudge | Minnick | Wasserman |
| Garamendi | Mitchell | Schultz |

Watt
Waxman
Welch
Wilson (OH)

Wittman
Wolf
Woolsey
Wu

Yarmuth
Young (AK)

NAYS—124

| | | |
|-----------------|-----------------|---------------|
| Aderholt | Gallegly | Miller, Gary |
| Austria | Garrett (NJ) | Myrick |
| Bachmann | Gingrey (GA) | Neugebauer |
| Bachus | Goodlatte | Nunes |
| Bartlett | Granger | Olson |
| Barton (TX) | Graves (GA) | Paul |
| Biggert | Harper | Pence |
| Bilirakis | Hastings (WA) | Petri |
| Blackburn | Hensarling | Pitts |
| Blunt | Herger | Posey |
| Boehner | Hunter | Price (GA) |
| Bono Mack | Inglis | Rehberg |
| Boozman | Jenkins | Roe (TN) |
| Boustany | Johnson, Sam | Rogers (AL) |
| Brady (TX) | Jordan (OH) | Rogers (KY) |
| Broun (GA) | King (IA) | Rogers (MI) |
| Brown (SC) | King (NY) | Rooney |
| Brown-Waite, | Kingston | Ros-Lehtinen |
| Ginny | Kline (MN) | Roskam |
| Burgess | Lamborn | Royce |
| Burton (IN) | Lance | Ryan (WI) |
| Calvert | Latham | Scalise |
| Camp | Latta | Schmidt |
| Campbell | Lee (NY) | Sensenbrenner |
| Cantor | Lewis (CA) | Sessions |
| Capito | LoBiondo | Shuster |
| Carter | Lucas | Luetkemeyer |
| Cassidy | Lummis | Smith (NE) |
| Castle | Lungren, Daniel | Smith (NJ) |
| Coble | E. | Smith (TX) |
| Conaway | Mack | Stearns |
| Crenshaw | Manzullo | Terry |
| Davis (KY) | Marchant | Thompson (PA) |
| Diaz-Balart, L. | McCarthy (CA) | Thornberry |
| Diaz-Balart, M. | McCaul | Tiberi |
| Dreier | McClintock | Turner |
| Duncan | McCotter | Upton |
| Ehlers | McKeon | Walden |
| Flake | McMorris | Westmoreland |
| Fleming | Rodgers | Whitfield |
| Foxx | Mica | Wilson (SC) |
| Franks (AZ) | Miller (MI) | |
| Frelinghuysen | | |

NOT VOTING—58

| | | |
|--------------|-----------------|---------------|
| Akin | Graves (MO) | Rohrabacher |
| Alexander | Grayson | Rush |
| Barrett (SC) | Griffith | Shadegg |
| Bishop (GA) | Gutierrez | Shimkus |
| Bishop (UT) | Heller | Shuler |
| Boren | Hodes | Smith (WA) |
| Braley (IA) | Hoekstra | Space |
| Bright | Johnson (GA) | Speier |
| Buyer | Johnson (IL) | Stupak |
| Cao | Kennedy | Sullivan |
| Chu | Kilpatrick (MI) | Thompson (MS) |
| Cole | Kosmas | Tiahrt |
| Conyers | Linder | Towns |
| Davis (AL) | Lipinski | Wamp |
| Davis (IL) | Meek (FL) | Waters |
| Davis (TN) | Miller (FL) | Watson |
| Delahunt | Moran (KS) | Weiner |
| Ellsworth | Poe (TX) | Young (FL) |
| Fallin | Putnam | |
| Forbes | Radanovich | |

□ 1833

Messrs. DAVIS of Kentucky, GALLEGLY, CRENSHAW, BURTON of Indiana, Ms. ROS-LEHTINEN, Messrs. UPTON, LINCOLN DIAZ-BALART of Florida, CARTER, Ms. JENKINS, Messrs. REHBERG, TURNER, Ms. GRANGER, Messrs. MARIO DIAZ-BALART of Florida and WHITFIELD changed their vote from "yea" to "nay."

Messrs. ISSA, YOUNG of Alaska, KIRK, CHAFFETZ, GUTHRIE, COFFMAN of Colorado, and SCHOCK changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.