and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2013, and for other purposes; waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules; and for other purposes—I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 200, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 296, nays 108, answered ''present'' 3, not voting 24, as follows:

[Roll No. 201]

YEAS—296

Ackerman	Cooper	Himes
Aderholt	Crenshaw	Hirono
Akin	Critz	Hochul
Alexander	Crowley	Honda
Altmire	Cuellar	Huelskamp
Amodei	Culberson	Huizenga (MI)
Austria	Cummings	Hultgren
Baca	Davis (CA)	Hurt
Bachmann	Davis (KY)	Israel
Bachus	DeGette	Issa
Barletta	DesJarlais	Jackson Lee (TX)
Barrow	Deutch	Jenkins
Bartlett	Diaz-Balart	Johnson (GA)
Barton (TX)	Dicks	Johnson (IL)
Bass (NH)	Dingell	Johnson, E. B.
Becerra	Doggett	Johnson, Sam
Berg	Doyle	Kaptur
Berkley	Dreier	Keating
Berman	Duncan (SC)	Kelly
Biggert	Duncan (TN)	Kildee
Bilbray	Edwards	King (IA)
Bilirakis	Ellison	King (NY)
Bishop (GA)	Emerson	Kingston
Bishop (UT)	Engel	Kinzinger (IL)
Black	Eshoo	Kissell
Blackburn	Farenthold	Kline
Blumenauer	Farr	Labrador
Bonamici	Flake	Lamborn
Bono Mack	Fleischmann	Lance
Boren	Fleming	Landry
Boustany	Flores	Langevin
Brady (TX)	Fortenberry	Larsen (WA)
Braley (IA)	Frank (MA)	Larson (CT)
Brooks	Franks (AZ)	LaTourette
Broun (GA)	Frelinghuysen	Latta
Buchanan	Gallegly	Levin
Bucshon	Garamendi	Lewis (CA)
Buerkle	Gibbs	Lipinski
Burton (IN)	Gingrey (GA)	Loebsack
Calvert	Gonzalez	Lofgren, Zoe
Camp	Goodlatte	Long
Campbell	Gosar	Lowey
Canseco	Gowdy	Lucas
Capito	Granger	Luetkemeyer
Capps	Graves (GA)	Lummis
Carnahan	Green, Al	Lungren, Daniel E.
Carney	Grijalva	Mack
Carter	Grimm	Marchant
Cassidy	Guthrie	Marino
Chabot	Gutierrez	Markey
Chu	Hahn	Matsui
Cicilline	Hall	McCarthy (CA)
Clarke (MI)	Hanabusa	McCarthy (NY)
Clarke (NY)	Harper	McCaul
Clay	Hartzler	McClintock
Cleaver	Hastings (WA)	McCollum
Clyburn	Hayworth	McIntyre
Coble	Heinrich	McKeon
Cohen	Hensarling	McKinley
Cole	Herger	McMorris Rodgers
Connolly (VA)	Higgins	McNerney
Meehan	Reyes	Shuster
Meeks	Richardson	Simpson
Mica	Richmond	Smith (NE)
Michaud	Rigell	Smith (NJ)
Miller (MI)	Rivera	Smith (TX)
Miller (NC)	Roby	Smith (WA)
Miller, Gary	Roe (TN)	Southerland
Moran	Rogers (AL)	Stearns
Murphy (CT)	Rogers (KY)	Stutzman
Murphy (PA)	Rogers (MI)	Sullivan
Myrick	Rohrabacher	Sutton
Nadler	Rokita	Thompson (PA)
Napolitano	Ros-Lehtinen	Thornberry
Neugebauer	Roskam	Tierney
Noem	Ross (AR)	Towns
Nunes	Ross (FL)	Tsongas
Nunnelee	Rothman (NJ)	Turner (NY)
Olson	Roybal-Allard	Turner (OH)
Pascrell	Royce	Upton
Paul	Runyan	Van Hollen
Pearce	Ruppersberger	Velázquez
Pelosi	Ryan (WI)	Walz (MN)
Perlmutter	Scalise	Wasserman Schultz
Petri	Schiff	Watt
Pingree (ME)	Schmidt	Waxman
Pitts	Schock	Webster
Platts	Schrader	Welch
Polis	Schwartz	West
Pompeo	Schweikert	Westmoreland
Posey	Scott (SC)	Whitfield
Price (GA)	Scott (VA)	Wilson (FL)
Price (NC)	Scott, Austin	Wilson (SC)
Quigley	Scott, David	Wittman
Rangel	Sensenbrenner	Wolf
Reed	Serrano	Womack
Rehberg	Sessions	Woolsey
	Sewell	Young (FL)
	Sherman	Young (IN)
	Shimkus	

NAYS—108

Adams	Graves (MO)	Pastor (AZ)
Andrews	Green, Gene	Paulsen
Baldwin	Griffin (AR)	Peters
Bass (CA)	Griffith (VA)	Peterson
Benishek	Guinta	Poe (TX)
Bishop (NY)	Hanna	Quayle
Boswell	Harris	Rahall
Brady (PA)	Hastings (FL)	Renacci
Brown (FL)	Heck	Ribble
Burgess	Herrera Beutler	Rooney
Capuano	Hinchey	Rush
Cardoza	Holden	Ryan (OH)
Castor (FL)	Holt	Sánchez, Linda T.
Chandler	Hoyer	Sanchez, Loretta
Coffman (CO)	Hunter	Sarbanes
Conaway	Jackson (IL)	Schakowsky
Conyers	Johnson (OH)	Schilling
Costa	Jordan	Shuler
Costello	Kind	Sires
Courtney	Latham	Speier
Cravaack	Lee (CA)	Stivers
Crawford	Lewis (GA)	Terry
Davis (IL)	LoBiondo	Thompson (CA)
DeFazio	Lynch	Thompson (MS)
Denham	Maloney	Tiberi
Dent	Manzullo	Tipton
Dold	Matheson	Visclosky
Duffy	McCotter	Walberg
Fattah	McDermott	Walden
Fincher	McGovern	Walsh (IL)
Fitzpatrick	Miller (FL)	Waters
Forbes	Miller, George	Woodall
Foxx	Mulvaney	Yoder
Fudge	Neal	Young (AK)
Gardner	Nugent	
Garrett	Olver	
Gerlach	Pallone	

ANSWERED ''PRESENT''—3

Amash	Gohmert	Owens

NOT VOTING—24

Bonner	Filner	Moore
Butterfield	Gibson	Palazzo
Cantor	Hinojosa	Pence
Carson (IN)	Jones	Reichert
Chaffetz	Kucinich	Slaughter
DeLauro	Lankford	Stark
Donnelly (IN)	Luján	Tonko
Ellmers	McHenry	Yarmuth

□ 1404

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 201, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. CARSON of Indiana. Mr. Speaker, on May 8, 2012, I missed rollcall votes Nos. 199–201 because of my primary election in Indiana. Had I been present, I would have voted "no" on rollcall No. 199, "no" on rollcall No. 200, and "yes" on rollcall No. 201.

PERSONAL EXPLANATION

Mr. TONKO. Mr. Speaker, on rollcall Nos. 199, 200, and 201, I was absent. I had travelled to the 21st Cong. Dist. in New York with the President for his visit. Had I been present, I would have voted "nay" on No. 199, "nay" on No. 200, and "yes" on No. 201.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5326, and that I may include tabular material on the same.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 643 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5326.

The Chair appoints the gentleman from Utah (Mr. BISHOP) to preside over the Committee of the Whole.

□ 1406

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5326) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. BISHOP of Utah in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Virginia (Mr. WOLF) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to begin the consideration of H.R. 5326, making appropriations for fiscal year 2013 for Commerce, Justice, Science, and Related Agencies. The bill provides funding for programs whose impacts range from the safety of people in their homes and communities to the farthest reaches of space.

The bill before the House today reflects a delicate balancing of needs and

requirements. We have drafted what I consider to be a responsible bill for FY 2013 spending levels for the departments and agencies under the subcommittee's jurisdiction. We've had to carefully prioritize the funding in this bill and have had to make hard choices about how to spend scarce revenue.

I want to thank Chairman ROGERS for supporting us with a fair allocation and in helping us to move the bill forward. I also want to thank the ranking member, Mr. FATTAH, who has been an effective and valued partner and colleague, and I am grateful. I appreciate his principled commitment and his understanding of the programs in the bill.

I also would like to thank the members of the subcommittee for their help and assistance, as well as to thank Congressman NORMAN DICKS, the ranking member of the full committee.

I want to recognize the subcommittee staff, including our clerk, Mike Ringler; Leslie Albright; Stephanie Myers; Diana Simpson; Colin Samples and Scott Sammis; as well as Darek Newby and Bob Bonner from the minority staff, for their work in preparing the bill before us today.

I also want to recognize a number of the majority and minority associate staff members—all of their names and the offices that they are connected with.

Dan Scandling and Thomas Culligan in my office; Michelle Anderson-Lee in Mr. Fattah's office; Robert LaBranche and Ryan Stalnaker in Mr. Culberson's office; Mark Dawson and Megan Medley in Mr. Aderholt's office; Mike Sharp in Mr. Bonner's office; Tyler Grassmeyer, Steven Gilleland and Jessica Talbert in Mr. Austria's office; Jason Lawrence in Mr. Grave's office; Patrick Carroll in Mr. Yoder's office; Megan O'Donnell in Chairman Rogers' office; Jeff Lowenstein and Tim Bergreen in Mr. Schiff's office; Ken Takeda, A.J. Bhadelia and Eric Werwa in Mr. Honda's office; Jheanelle Brown and Matt Alpert in Mr. Serrano's office; and Pete Modaff and Colin Sheldon in Ranking Member Dicks' office.

The bill totals $51.1 billion in discretionary spending, which is a reduction of 3.1 percent below the current fiscal year and 1.4 percent below the President's request.

□ 1410

Since the beginning of the 112th Congress, the committee has cut $13.2 billion, reducing the total amount of the CJS bill by over 20 percent over the 3 fiscal years. We have focused limited resources on the most critical areas: fighting crime and terrorism—including a new focus of preventing and investigating cyberattacks—and boosting U.S. competitiveness and job creation by investing in science, exports, and manufacturing.

For the Department of Commerce, the bill includes $7.7 billion, an increase of $96 million above FY12. The bill makes critical investments in manufacturing, export promotion, and job creation, including a task force and an EDA grant program to incentivize U.S. companies to bring their manufacturing and services activities back to the United States, particularly back to the U.S. from China.

For NIST, the bill includes $830 million, including $128 million for the Manufacturing Extension Partnership, MEP, program and $21 million for an advanced manufacturing competitive research program to make the American manufacturing sector a source of job growth.

The bill also makes critical investments in weather forecasting and disaster preparedness to save lives and protect property, including funding above the President's request for the National Weather Service operations and for tsunami preparedness. Also included is an increase of $126 million for the weather satellite acquisitions, including the full amount requested for the new JPSS satellite. This funding is necessary to better protect Americans from natural disasters such as tornados, hurricanes, and tsunamis, just like we've seen in the Midwest this year, Kansas, Alabama, and places like that this year. It is also with regard to snowstorms and drought.

Science. A primary area of focus in the bill this year is scientific research, innovation, and competitiveness.

Investments in scientific research are key to long-term economic growth and job creation. The bill includes $7.3 billion for the National Science Foundation, an increase of $299 million, or 4.3 percent above FY12, for basic research and science education. This funding will go toward the types of research that will keep America's economy strong by setting the groundwork for the development of new technologies.

Developing a well-educated STEM workforce is also critical to America's competitiveness. More than $1 billion is provided throughout the bill for science education, including $876 million for NSF to improve the quality of science education.

NASA. The bill includes $17.6 billion, including funding above the aggregate request, to keep the development schedule for the Orion crew vehicle and heavy-lift rocket. Commercial crew development is funded at $500 million, consistent with the current authorization and the report accompanying the House budget resolution.

To find the fastest, safest, and most cost-effective means of achieving a U.S. capability for access to the international space station, the bill directs NASA to winnow the commercial partners and advance the schedule for moving to traditional government procurement methods. Continuing on the current path runs a high risk of failure by one or more companies receiving government subsidies, similar to what we last saw last year with Solyndra, and leaving the taxpayer with no tangible benefits in exchange for a substantial investment. We do not need a space Solyndra. I say this to Members on both sides of the aisle. We have heard Solyndra thrown around. We do not need a space Solyndra.

We have received letters from Neil Armstrong, Gene Cernan, and James Lovell endorsing the committee's approach to commercial crew as ''reasonable and appropriate.''

According to the GAO, we have invested $100 billion in the station, so we need to develop our own capability to get our astronauts up there to use it quickly rather than relying on the Russians and paying the Russians.

The bill also includes $570 million—which is $18.4 million above the request—for aeronautics research. Aerospace is a pillar of the American manufacturing sector and one of the leading exports. This is an industry that creates thousands of jobs in America. This investment will boost our aviation competitiveness so America continues to be number one.

The bill includes $5.1 billion for NASA science programs, including $1.4 billion for planetary science. This amount restores cuts in the President's request that would have inhibited progress on all planetary science goals, including flagship missions to Mars and Europa.

For the Department of Justice, the bill includes $27.1 billion, $11 million above the current level.

The top mission priority of the Justice Department is defending national security from both internal and external threats. The bill includes $8.3 billion, an increase of $148 million, for the FBI, including an increase of $23 million to prevent and combat cyberintrusions. Director Mueller has predicted that cyber will soon overtake terrorism as the Bureau's number one threat. The increase will be the first step in building a nationwide capability for cyberinvestigations that complements the other cyberinitiatives under consideration in the House.

The bill restores funding for the National Gang Intelligence Center, which the President wanted to terminate. Every district in this country has violent gangs running throughout your districts, such as MS–13 and many other groups. If you've been down along the border, you will see many of the gangs in Mexico have operations up here. To shut that down and terminate it, this is a major threat to the country. It also provides an additional funding for FBI's Safe Streets Task Forces. Now is not the time to retreat in an effort to combat the growing gang problem, not only on the border but throughout the country.

Bureau of Prison operations are funded at the requested level of $6.8 billion, an increase of $269 million above FY12, to activate newly constructed prisons and ensure safe and secure Federal prison facilities in light of, unfortunately, continued population growth.

This bill includes $1.85 billion for justice programs that provide grants for States, localities, and nonprofits. Despite the reduction, the bill prioritizes proven high-priority programs, including justice assistance grants, SCAAP.

The administration was at $70 million on SCAAP. We're at $165 million.

It also includes funding for missing and exploited children programs and DNA grants.

The bill includes funding for prescription drug monitoring grants. And I want to give a lot of credit to Chairman ROGERS for his effort here.

It also includes a significant increase in DEA's Tactical Diversion Squads to address our Nation's fastest growing drug problem: prescription drug abuse.

The funding for violence against women and for victims of trafficking is increased above the current level and above the President's request. There's more money in here for violence against women than this administration put.

We recently marked the fifth anniversary of the shootings at Virginia Tech. Following this terrible tragedy, Congress passed a bill to improve the National Instant Background Check System, NICS, a critical tool for keeping firearms out of the hands of prohibited persons. But the NICS is only as effective as the State databases on which it relies. This bill includes $12 million to improve NICS records, $7 million more than the 2012 request.

Finally, we're asking the Office of Inspector General to do a follow-up review of the justice task force that looked at cases affected by flawed FBI lab practices in 1990. A new OIG review is a necessary next step to ensure that prosecutors follow through on task force findings and that defendants' rights are upheld. No one should get sentenced to jail for life when we know there is information that has not been shared. So we've had the OIG review and take a look at this.

In closing, that is a summary of the bill before us today. It provides increases where needed to maintain and strengthen operations of critical law enforcement. It carries on the fight against terrorism, crime, and drugs and provides important increases to boost scientific research, innovation, and competitiveness. It provides strong support for all the various NASA missions. It represents our best take on matching needs with scarce resources.

We have tried hard to produce the best bill we possibly could within the resources we had, And I would hope that all Members would support the bill.

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

COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES APPROPRIATIONS BILL, 2013 (H.R. 5326)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	465,000	526,439	467,737	+2,737	-58,702
Offsetting fee collections	-9,439	-9,439	-9,439	---	---
Direct appropriation	455,561	517,000	458,298	+2,737	-58,702
Bureau of Industry and Security					
Operations and administration	69,721	68,049	67,333	-2,388	-716
Defense function	31,279	34,279	33,667	+2,388	-612
Total, Bureau of Industry and Security	101,000	102,328	101,000	---	-1,328
Economic Development Administration					
Economic Development Assistance Programs	220,000	182,000	182,000	-38,000	---
Disaster relief category	200,000	---	---	-200,000	---
Subtotal	420,000	182,000	182,000	-238,000	---
Salaries and expenses	37,500	37,719	37,500	---	-219
Total, Economic Development Administration	457,500	219,719	219,500	-238,000	-219
Minority Business Development Agency					
Minority Business Development	30,339	28,689	28,689	-1,650	---
Economic and Statistical Analysis					
Salaries and expenses	96,000	100,269	96,000	---	-4,269
Bureau of the Census					
Salaries and expenses	253,336	259,175	253,336	---	-5,839
Periodic censuses and programs	635,000	711,250	625,357	-9,643	-85,893
Total, Bureau of the Census	888,336	970,425	878,693	-9,643	-91,732
National Telecommunications and Information Administration					
Salaries and expenses	45,568	46,925	45,568	---	-1,357
United States Patent and Trademark Office					
Salaries and expenses, current year fee funding	2,678,000	2,933,241	2,933,241	+255,241	---
Offsetting fee collections	-2,678,000	-2,933,241	-2,933,241	-255,241	---
Total, United States Patent and Trademark Office	---	---	---	---	---
National Institute of Standards and Technology					
Scientific and Technical Research and Services	567,000	648,000	621,173	+54,173	-26,827
(transfer out)	(-9,000)	(-9,000)	(-9,000)	---	---
Industrial Technology Services	128,443	149,000	149,000	+20,557	---
Manufacturing extension partnerships	(128,443)	(128,000)	(128,000)	(-443)	---
Advanced manufacturing technology consortia	---	(21,000)	(21,000)	(+21,000)	---
Construction of research facilities	55,381	60,000	60,000	+4,619	---
Working Capital Fund (by transfer)	(9,000)	(9,000)	(9,000)	---	---
Total, National Institute of Standards and Technology	750,824	857,000	830,173	+79,349	-26,827

COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES APPROPRIATIONS BILL, 2013 (H.R. 5326)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Oceanic and Atmospheric Administration					
Operations, Research, and Facilities	3,022,231	3,042,460	2,968,371	-53,860	-74,089
(by transfer)	(109,098)	(119,064)	(119,064)	(+9,966)	---
Promote and Develop Fund (transfer out)	(-109,098)	(-119,064)	(-119,064)	(-9,966)	---
Subtotal	3,022,231	3,042,460	2,968,371	-53,860	-74,089
Procurement, Acquisition and Construction	1,817,094	1,965,736	1,931,948	+114,854	-33,788
Pacific Coastal Salmon Recovery	65,000	50,000	65,000	---	+15,000
Fishermen's Contingency Fund	350	350	350	---	---
Fisheries Finance Program Account	-11,000	-4,000	-4,000	+7,000	---
Fisheries Enforcement Asset Forfeiture Fund	8,000	---	---	-8,000	---
Offsetting receipts	-8,000	---	---	+8,000	---
Sanctuaries Enforcement Asset Forfeiture Fund	1,000	---	---	-1,000	---
Offsetting receipts	-1,000	---	---	+1,000	---
Total, National Oceanic and Atmospheric Administration	4,893,675	5,054,546	4,961,669	+67,994	-92,877
Departmental Management					
Salaries and expenses	57,000	56,000	55,000	-2,000	-1,000
Renovation and Modernization	5,000	2,040	---	-5,000	-2,040
Office of Inspector General	26,946	28,753	28,753	+1,807	---
Total, Departmental Management	88,946	86,793	83,753	-5,193	-3,040
Total, title I, Department of Commerce	7,807,749	7,983,694	7,703,343	-104,406	-280,351
Appropriations	(7,607,749)	(7,983,694)	(7,703,343)	(+95,594)	(-280,351)
Disaster relief category	(200,000)	---	---	(-200,000)	---
(by transfer)	118,098	128,064	128,064	+9,966	---
(transfer out)	-118,098	-128,064	-128,064	-9,966	---
TITLE II - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	110,822	127,667	110,322	-500	-17,345
National Drug Intelligence Center	20,000	---	---	-20,000	---
Justice Information Sharing Technology	44,307	33,426	33,426	-10,881	---
Tactical Law Enforcement Wireless Communications	87,000	---	---	-87,000	---
Total, General Administration	262,129	161,093	143,748	-118,381	-17,345
Administrative review and appeals	305,000	313,438	313,438	+8,438	---
Transfer from immigration examinations fee account	-4,000	-4,000	-4,000	---	---
Direct appropriation	301,000	309,438	309,438	+8,438	---
Detention Trustee	1,580,595	---	---	-1,580,595	---
Office of Inspector General	84,199	85,985	84,199	---	-1,786
United States Parole Commission					
Salaries and expenses	12,833	12,772	12,772	-61	---
Legal Activities					
Salaries and expenses, general legal activities	863,367	903,603	863,367	---	-40,236
Vaccine Injury Compensation Trust Fund	7,833	7,833	7,833	---	---
Salaries and expenses, Antitrust Division	159,587	164,753	159,587	---	-5,166
Offsetting fee collections - current year	-108,000	-115,000	-115,000	-7,000	---
Direct appropriation	51,587	49,753	44,587	-7,000	-5,166
Salaries and expenses, United States Attorneys	1,960,000	1,974,378	1,965,000	+5,000	-9,378

COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES APPROPRIATIONS BILL, 2013 (H.R. 5326)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Trustee System Fund	223,258	227,407	223,258	---	-4,149
Offsetting fee collections	-223,258	-227,407	-223,258	---	+4,149
Direct appropriation	---	---	---	---	---
Salaries and expenses, Foreign Claims Settlement Commission	2,000	2,139	2,000	---	-139
Fees and expenses of witnesses	270,000	270,000	270,000	---	---
Salaries and expenses, Community Relations Service	11,456	12,036	11,456	---	-580
Assets Forfeiture Fund	20,948	20,948	20,948	---	---
Total, Legal Activities	3,187,191	3,240,690	3,185,191	-2,000	-55,499
United States Marshals Service					
Salaries and expenses	1,174,000	1,203,488	1,188,488	+14,488	-15,000
Construction	15,000	10,000	10,000	-5,000	---
Federal Prisoner Detention	---	1,668,235	1,647,383	+1,647,383	-20,852
Total, United States Marshals Service	1,189,000	2,881,723	2,845,871	+1,656,871	-35,852
National Security Division					
Salaries and expenses	87,000	90,039	90,039	+3,039	---
Interagency Law Enforcement					
Interagency Crime and Drug Enforcement	527,512	524,793	521,793	-5,719	-3,000
Federal Bureau of Investigation					
Salaries and expenses	3,376,000	3,403,030	3,320,657	-55,343	-82,373
Counterintelligence and national security	4,660,991	4,747,991	4,864,350	+203,359	+116,359
Subtotal	8,036,991	8,151,021	8,185,007	+148,016	+33,986
Construction	80,982	80,982	80,982	---	---
Total, Federal Bureau of Investigation	8,117,973	8,232,003	8,265,989	+148,016	+33,986
Drug Enforcement Administration					
Salaries and expenses	2,347,000	2,403,504	2,396,504	+49,504	-7,000
Diversion control fund	-322,000	-352,600	-352,600	-30,600	---
Subtotal	2,025,000	2,050,904	2,043,904	+18,904	-7,000
Construction	10,000	---	---	-10,000	---
Total, Drug Enforcement Administration	2,035,000	2,050,904	2,043,904	+8,904	-7,000
Bureau of Alcohol, Tobacco, Firearms and Explosives					
Salaries and expenses	1,152,000	1,153,345	1,153,345	+1,345	---
Federal Prison System					
Salaries and expenses	6,551,281	6,820,217	6,820,217	+268,936	---
Buildings and facilities	90,000	99,189	90,000	---	-9,189
Limitation on administrative expenses, Federal Prison Industries, Incorporated	2,700	2,700	2,700	---	---
Total, Federal Prison System	6,643,981	6,922,106	6,912,917	+268,936	-9,189
State and Local Law Enforcement Activities					
Office on Violence Against Women:					
Prevention and prosecution programs	412,500	268,000	415,000	+2,500	+147,000
(by transfer)	---	(145,000)	---	---	(-145,000)

COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES APPROPRIATIONS BILL, 2013 (H.R. 5326)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Justice Programs:					
Research, evaluation and statistics	113,000	136,000	112,000	-1,000	-24,000
State and local law enforcement assistance	1,162,500	781,500	962,500	-200,000	+181,000
(by transfer)	---	(221,000)	---	---	(-221,000)
Juvenile justice programs	262,500	245,000	209,500	-53,000	-35,500
Public safety officer benefits:					
Death benefits	62,000	62,000	62,000	---	---
Disability and education benefits	16,300	16,300	16,300	---	---
Subtotal	78,300	78,300	78,300	---	---
Total, Office of Justice Programs	1,616,300	1,240,800	1,362,300	-254,000	+121,500
Community Oriented Policing Services:					
COPS programs	198,500	289,587	72,500	-126,000	-217,087
Total, State and Local Law Enforcement Activities	2,227,300	1,798,387	1,849,800	-377,500	+51,413
Total, title II, Department of Justice	27,407,713	27,463,278	27,419,006	+11,293	-44,272
TITLE III - SCIENCE					
Office of Science and Technology Policy	4,500	5,850	5,850	+1,350	---
National Aeronautics and Space Administration					
Science	5,090,000	4,911,200	5,095,000	+5,000	+183,800
Aeronautics	569,900	551,500	569,900	---	+18,400
Space Technology	575,000	699,000	632,500	+57,500	-66,500
Exploration	3,770,800	3,932,800	3,711,900	-58,900	-220,900
Space Operations	4,233,600	4,013,200	3,985,000	-248,600	-28,200
Education	138,400	100,000	100,000	-38,400	---
Cross-agency Support	2,995,000	2,847,500	2,843,500	-151,500	-4,000
Construction and environmental compliance and restoration	390,000	619,200	598,000	+208,000	-21,200
Office of Inspector General	37,300	37,000	38,000	+700	+1,000
Total, National Aeronautics and Space Administration	17,800,000	17,711,400	17,573,800	-226,200	-137,600
National Science Foundation					
Research and related activities	5,651,000	5,915,280	5,874,693	+223,693	-40,587
Defense function	68,000	68,000	68,000	---	---
Subtotal	5,719,000	5,983,280	5,942,693	+223,693	-40,587
Major Research Equipment and Facilities Construction	167,055	196,170	196,170	+29,115	---
Education and Human Resources	829,000	875,610	875,610	+46,610	---
Agency Operations and Award Management	299,400	299,400	299,400	---	---
Office of the National Science Board	4,440	4,440	4,440	---	---
Office of Inspector General	14,200	14,200	14,200	---	---
Total, National Science Foundation	7,033,095	7,373,100	7,332,513	+299,418	-40,587
Total, title III, Science	24,837,595	25,090,350	24,912,163	+74,568	-178,187

COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES APPROPRIATIONS BILL, 2013 (H.R. 5326)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV - RELATED AGENCIES					
Commission on Civil Rights					
Salaries and expenses	9,193	9,400	9,193	---	-207
Equal Employment Opportunity Commission					
Salaries and expenses	360,000	373,711	366,568	+6,568	-7,143
International Trade Commission					
Salaries and expenses	80,000	82,800	83,000	+3,000	+200
Payment to the Legal Services Corporation					
Salaries and expenses	348,000	402,000	328,000	-20,000	-74,000
Marine Mammal Commission					
Salaries and expenses	3,025	3,081	3,025	---	-56
Office of the U.S. Trade Representative					
Salaries and expenses	51,251	53,041	51,251	---	-1,790
State Justice Institute					
Salaries and expenses	5,121	5,121	5,121	---	---
Total, title IV, Related Agencies	856,590	929,154	846,158	-10,432	-82,996
TITLE V - RESCISSIONS					
Emergency steel, oil gas guarantees prgm (rescission)	-700	---	---	+700	---
NTIA, Information Infrastructure grants (rescission)	-2,000	---	---	+2,000	---
NTIA, Public Telecommunications Facilities, Planning and Construction	-2,750	---	---	+2,750	---
Foreign Fishing Observer Fund (rescission)	-350	---	---	+350	---
Digital TV Transition Public Safety Fund (rescission)	-4,300	---	---	+4,300	---
DOJ, Working Capital Fund (rescission)	-40,000	-26,000	-26,000	+14,000	---
DOJ, Assets Forfeiture Fund (rescission)	-675,000	-675,000	-675,000	---	---
FBI, Salaries and expenses (rescission)	---	-162,226	---	---	+162,226
US Marshals Service,salaries and expenses (rescission)	-2,200	-14,400	---	+2,200	+14,400
ATF (rescission)	---	-12,400	---	---	+12,400
ATF Violent Crime Reduction Program (rescission)	---	-1,028	-1,028	-1,028	---
DEA, Salaries and expenses (rescission)	-10,000	-15,600	---	+10,000	+15,600
FPS, Buildings and facilities (rescission)	-45,000	-75,000	-64,700	-19,700	+10,300
Violence against women prevention and prosecution programs (rescission)	-15,000	-6,000	-12,000	+3,000	-6,000
Office of Justice programs (rescission)	-55,000	-43,000	-43,000	+12,000	---
Community oriented policing services (rescission)	-23,605	-12,200	-12,200	+11,405	---
NASA (rescission)	-30,000	---	---	+30,000	---
Total, title V, Rescissions	-905,905	-1,042,854	-833,928	+71,977	+208,926
Grand total	60,003,742	60,423,622	60,046,742	+43,000	-376,880
Appropriations	(60,709,647)	(61,466,476)	(60,880,670)	(+171,023)	(-585,806)
Rescissions	(-905,905)	(-1,042,854)	(-833,928)	(+71,977)	(+208,926)
Disaster relief category	(200,000)	---	---	(-200,000)	---
(by transfer)	118,098	494,064	128,064	+9,966	-366,000
(transfer out)	-118,098	-128,064	-128,064	-9,966	---

Mr. FATTAH. Mr. Chair, I yield myself such time as I may consume.

I want to start out first and foremost by thanking my colleague and the chairman of the subcommittee, FRANK WOLF, for continuing to be a model chairman for the Appropriations Subcommittee. He is a professional; he's principled, and he has involved us, the minority, in every level of the distributions as we've developed this bill.

I would also like to thank my staff and the committee staff on both the majority and minority side for their work on this bill, along with all those who have had input in it.

□ 1420

Now I start out in this process with a number of priorities. First and foremost in the science arena, neuroscience. And I want to thank the chairman—I will speak about it in some detail in a minute—but for his collaboration and this effort around brain research.

Manufacturing. We will talk about the support in this bill, the hundreds of millions of dollars to continue to position our country in terms of manufacturing. We now lead the world in manufacturing, and we want to continue that, but we have real competition that we have to contend with.

And then also in the area of steering our young people away from antisocial activity, youth mentoring. And the chairman, in the chairman's mark, as passed in the subcommittee and the full committee, and as we bring this bill to the floor, again makes significant improvements in our investment around youth mentoring.

So let me start with the Department of Commerce. There are healthy funding levels for research at NIST, the National Institute of Standards and Technology, and for the NOAA satellite programs, which are so important to our weather forecasting challenges as a Nation.

In the chairman's mark, he very wisely rejected the proposed cuts that were going to be made in both the technical capabilities and the personnel at the National Weather Service, including air quality and the tsunami warning system and wind profile measurements, in which we've already invested tens of millions of dollars as a Nation.

The bill provides funding at or near the requested level for the Department of Justice law enforcement agencies, including an increase above the request for the FBI and to augment its capabilities in terms of cyberinvestigation and surveillance. I know that all of the members of the committee and all of the Members of the House understand the very significant challenges that the country faces in terms of cybersecurity. And the chairman has appropriately focused resources in that regard.

The bill provides an increase for the Office on Violence Against Women grant programs. Of course these are programs that we are dealing with the authorization of in a different part of our processes, but they are very important in terms of support for women who face abuse. And also, there's a small increase for Crime Victims Fund programs.

The chairman's mark in the bill, as passed from the full committee, provides a healthy increase for the National Science Foundation, the world's premiere national entity focused on basic scientific research.

The bill makes a strong commitment, as the chairman has noted, to NASA science and also fully funds the James Webb Space Telescope and makes a significant investment in commercial crew and in space technology. And even though I don't go as far as the chairman, I do support the idea that we need to move as rapidly as possible to this new focus on having American enterprise compete for opportunities to participate fully and at a much more cost-effective level in terms of our space exploration. The bill makes a significant increase in terms of future robotic missions to Mars, and we make a requirement in the language that this be part of a sample return mission, as the National Academy of Sciences' report indicates.

Due in some part to the limits on the allocation, there are a number of areas in the bill which we should try to improve as we move through this process. And we'll hear some of that in the amendment process, and we will do as much as we can in the conference process that will follow. But because this bill is based on the Ryan budget, it is less than the Senate counterpart, which was moved out of committee $731 million higher in its allocation. This will have to be reconciled in this process.

I hope that as we go about that, we can look at the EDA, the Economic Development Administration, and look at the Census Bureau. And most importantly, to me, the Legal Services Corporation and the COPS program are areas where I hope that we are able to raise to additional levels of funding. The State and local grant programs also take a significant decrease off of what we would hope that they could be.

But I want to focus a little bit of my comments on the fact that in full committee, there were a number of nonfinancial items added to the bill. One related to firearms, another related to swimming pool regulations for the disabled. There are always going to be disagreements around regulatory issues, but I'm not sure that this bill is the appropriate place. In fact, I would suggest that this bill is not the appropriate place to try to reconcile those issues. And I'm sure that as we move through, there will be additional input as to how we might deal with this question.

But let me talk in some detail for a minute about some of the great initiatives that I think we were able to come to agreement on. And again, I want to thank the chairman and the staff. For our country and for my caucus, there's nothing more important than manufacturing. And we see that the Manufacturing Extension Partnership receives $128 million, with a special carve-out for the National Innovative Marketplace, a Web-like portal that will help our manufacturers compete for manufacturing initiatives at the Federal level. I think it's very important. The $21 million requested by the President was met in this bill for a new Advanced Manufacturing Technology Consortia program at NIST. And also, we provide $149 million to the National Science Foundation for their advanced manufacturing initiative.

We continue a program authorized under the America COMPETES Act that we funded last year to help small manufacturers bring technology onto the plant floor. And I would note that the chairman held, as his last hearing, a hearing on manufacturing. And I think it really brought light to the subject of what the country can and needs to do in terms of helping our manufacturers compete with competitors abroad and much larger countries that are trying to overtake us in terms of manufacturing.

I would like to personally thank the chairman for fully funding the Office of Science and Technology Policy in the White House, which has taken the lead in this neuroscience initiative that has been a bipartisan agreement to really try to build a collaboration of Federal agencies focused on some of the challenges that we have in terms of brain research, Alzheimer's, Parkinson's, autism, and addiction, which is a big issue for the chairman of our full committee, Chairman ROGERS, and for many of the people that we represent. There are issues related to traumatic brain injury affecting our veterans. So this collaboration is critically important, and I want to thank the chairman for fully funding that office, which is leading this effort, and the other important work that it does.

There is a lot more that I could say. Let me conclude, however, because we're going to spend a long time on the floor, and I will have plenty of chances to speak about the Youth Mentoring Initiative, which funds a variety of national groups that do work. But I think the shining light at the very top of the pyramid is the Boys & Girls Clubs, with some 4,000 clubs all across our country, on all of our military bases, and also in sovereign Native American reservations and lands, working with over 4 million young people, along with Big Brothers and Big Sisters and a number of other organizations which work to help American youth move in positive directions in their lives.

So I think that the bill that we bring to the House, even though it is not the bill in every respect that I would bring—and obviously there is room for improvement, and that's the part of the process that we'll go through on the floor and in conference—this is a bill that had complete unanimous, bipartisan support out of subcommittee

and was voice-voted out of the full committee. And I am happy to join my colleague, the chairman, as we present it now for House action.

I reserve the balance of my time.

Mr. WOLF. I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS), the chairman of the full committee.

Mr. ROGERS of Kentucky. I thank the chairman for yielding the time.

I rise in strong support of this bill. This bill, the first for fiscal '13, marks one of the earliest starts to the appropriations process in recent memory, which is a good sign for moving all 12 bills before the September 30 end of the fiscal year.

□ 1430

I look forward to an open and transparent process as we consider each of the bills, staying faithful to our commitment to smart, reduced levels of spending to help do our part in controlling the Federal deficit.

I want to especially commend Chairman WOLF, Ranking Member FATTAH, members of the subcommittee, and my colleague and ranking member, NORM DICKS, and all of the staff who have hard work invested in this bill.

The Appropriations Committee has held more than 100 hearings and briefings since January, which helps us determine the best use of limited tax dollars that we must spread out over a great number of vital Federal programs, services, and Agencies. The Commerce, Justice, and Science Appropriations bill is in line with the House-passed budget resolution. It totals $51.1 billion, which is $1.6 billion below current level and below the pre-stimulus, pre-bailout level of 2008.

Within this total, the committee prioritized programs and services that:

One, protect our people from threats at home, abroad, and in cyberspace;

Two, that maintain the competitiveness of American industry and businesses; and,

Three, that encourage the scientific research that has kept America at the forefront of the world in innovation.

Some of these critical investments include $8.3 billion for the FBI; $468 million for the International Trade Administration; $830 million for the National Institute of Standards and Technology; and $2.4 billion for the Drug Enforcement Agency. In addition, this bill includes various provisions to promote freedom and liberty, while also fulfilling our moral obligation to the most vulnerable among us. The bill helps to uphold our Second Amendment rights; prevent violence against women; help victims of trafficking, and missing and exploited children; and bring under control our country's fastest-growing drug threat—the abuse of prescription drugs—which the CDC has now labeled a national epidemic.

We were able to fund these programs at adequate, responsible levels while cutting spending—including terminating 37 duplicative, unnecessary, or lower-priority programs.

Not all of these decisions were easy to make, and I know many of my colleagues will have amendments to offer as we debate the bill. But I am proud of the work that this committee and this subcommittee has done to ensure responsibility and sustainability in these Federal budgets. While making important reductions that curtail unnecessary overhead and wasteful inefficiencies, this bill makes judicious and sensible investments in programs that make America the great Nation that it is, an America that's safe and secure, an America that leads the way in scientific development and innovation, and an America that helps get its people back to work.

I urge my colleagues to support the bill, and I thank the chairman for yielding.

Mr. FATTAH. I yield such time as he may consume to the ranking member of the full committee, the gentleman from Washington State (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I thank Ranking Member FATTAH for yielding to me and for his hard work on this important bill.

As we begin the floor consideration of the first of the 2013 appropriations bills, I would like to state as a preface that I regret the majority's decision to not abide by the bipartisan Budget Control Act. Reducing the overall allocation for fiscal year 2013 by an additional $19 billion I think is both unnecessary and economically unwise. I believe the reduced discretionary allocation in the Ryan budget threatens to stall economic growth and job creation, and in the near term it introduces uncertainty in our appropriations process that might imperil our ability to produce these bills in a timely manner.

That said, I remain committed to working collaboratively with the majority as we continue through the appropriations process this year because I remain cautiously optimistic that this reduced allocation is merely temporary. At the end of the process, I believe the House and Senate will come to an agreement that reflects the Budget Control Act level of $1.047 trillion rather than the level of $1.028 trillion that is based on the Ryan budget.

With regard to the bill before us, I want to thank Chairman WOLF, Ranking Member FATTAH, Chairman ROGERS, and their staffs for their hard work on this bill. The majority worked closely with our side to put this bill together, and there were many issues on which we were able to reach agreement.

While the level of funding in this bill may not be as low as a strict proportional reduction based on the Ryan budget, it is nevertheless not adequate to meet the needs in some areas. In comparison, the CJS bill in the other body has passed through committee with only one dissenting vote, and it is $731 million higher than the House allocation. Clearly, there is significant bipartisan support for this higher allocation.

The House bill contains several funding levels that will be difficult for Democrats to support. The COPS hiring program is cut by 76 percent, even as State and local budgets continue to recover from historic losses in revenue. The Legal Services Corporation is also cut when it should be getting an increase, as has been proposed by the President and supported in the other body.

I'm also concerned that some important NOAA programs have been cut, in part to pay for necessary new satellites. While I support the development and deployment of new satellites, it is important that we find a way to pay for them without making such drastic reductions in other important NOAA programs.

Let me state that there were some very positive aspects of this bill. In particular, I want to thank the chairman and ranking member for funding the Pacific Coast Salmon Recovery Fund at this year's enacted level and for once again funding an increase to the Mitchell Act program. These are vitally important programs in the Pacific Northwest.

I'm also pleased that the subcommittee mark contains $6.4 million for research in ocean acidification. The measurable increase in acidity in the world's oceans is already having an economic effect on the shellfish industry in the Pacific Northwest, interfering with the formation of the shells of oysters, mussels, clams, and other organisms, such as phytoplankton.

I also appreciate that this bill provides significant increases for our Federal law enforcement agencies, especially an additional $23 million for the FBI to investigate cyberintrusions. The bill also includes an important increase in funding for youth mentoring programs, which provide crucial support to at-risk youth in underserved communities and also to military kids, many of whom are struggling to adapt to the multiple deployments of one or both parents.

I want to echo the words of Ranking Member FATTAH about the Boys and Girls Club of America. I find that the Boys and Girls Club have been one of the outstanding organizations and have done so much to help youth with their after-school programs.

I thank the gentleman, again, for yielding to me.

Mr. WOLF. I yield such time as he may consume to the chairman of the full Committee on Science, the gentleman from Texas (Mr. HALL).

Mr. HALL. I, of course, rise in support of H.R. 5326, the Commerce, Justice, Science, and Related Agencies Appropriations Act 2013. This bill includes over $30 billion for four key agencies under the Science, Space, and Technology Committee's jurisdiction: the National Aeronautics and Space Administration, the National Science Foundation, the National Institute of Standards and Technology, and the National Oceanic and Atmospheric Administration.

It's a very strong bill, and I want to commend the gentleman from Virginia, Chairman WOLF, for his continued passionate support for science and space issues in a challenging fiscal environment. Mr. WOLF is a true champion of science, and this bill is reflective of that. I also appreciate Chairman WOLF's work to address my concerns and priorities as chairman of the Science, Space, and Technology Committee, and want to highlight a few specific areas of importance to us in this bill.

□ 1440

With regards to NASA, this legislation recognizes the budget realities that we must confront by responsibly imposing measured reductions across the Agency's portfolio. Importantly, this bill maintains development of a new heavy-lift launch system and crew capsule. It maintains a healthy space science enterprise, continues to support innovative aeronautics research, and funds the administration's commercial crew program at the authorized level of $500 million. Our committee will continue to provide oversight on the commercial crew program and work with the appropriators to support a program that has the best chance to succeed on schedule, with appropriate safeguards for the crew, and with the best use of taxpayer dollars.

With regards to the National Science Foundation, the modest increase for the Foundation is appropriate, as basic research and development play a critical role in our economic success. I strongly encourage NSF to broadly use this funding for fundamental research which keeps the United States at the very leading edge of discovery and not to blur this essential role with other initiatives that are best left to the private sector.

Chairman WOLF has also worked to sustain the programs of the National Institute of Standards and Technology, NIST, that directly benefit our Nation's competitiveness. The critical link between fundamental measurement science and our economic success allows NIST to innovate new ways to help U.S. companies excel within a global marketplace and create high-paying jobs.

With respect to NOAA, I thank Chairman WOLF for his continued strong support and oversight of NOAA's satellite programs and for his efforts to restore balance to NOAA's research portfolio. The bill does this, in part, by redirecting the administration's proposed significant increases for climate science to higher priority weather research that will help to protect lives and property through improved severe-weather forecasting. This topic is important to all regions of our Nation and, most recently, to northeast Texas, where an outbreak of tornadoes and severe weather in April caused significant damage to homes and property, including in my home county in Royse City. Regarding these weather research priorities, I hope to work with you as the bill moves to conference to preserve and enhance this particular NOAA priority.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, April 17, 2012.

Hon. FRANK WOLF,

Chairman, Commerce, Justice, Science and Related Agencies Appropriations Subcommittee, House Appropriations Committee, U.S. Capitol, Washington, DC.

DEAR CHAIRMAN WOLF: On April 2, President Obama delivered a speech highly critical of the recently passed House Republican budget. The speech included the direct and serious charge that approval of the Republican budget will result in degraded storm warnings. Specifically, the President stated:

''Over time, our weather forecasts would become less accurate because we wouldn't be able to afford to launch new satellites. And that means governors and mayors would have to wait longer to order evacuations in the event of a hurricane.''

I object to the President's characterization of this issue, and believe it is important that we set the record straight with respect to the origin, outlook, and mitigating options associated with the potential weather satellite data gap referenced by the President. More importantly, I would like to work with you in our respective leadership roles on the relevant authorizing and appropriating Committees to redirect questionable priorities in the President's budget and place a greater emphasis on saving lives and property through improved weather forecasting. Recent tornado outbreaks across the country—including in and around my Congressional district and Northeast Texas—serve as a reminder of the importance of accurate and timely severe storm forecasts.

As you know, the Science, Space, and Technology Committee's fiscal year 2013 (FY13) Views and Estimates (V&E) communicated general concerns with and recommendations regarding the President's budget request for the National Oceanic and Atmospheric Administration (NOAA). These views were delivered to the Budget Committee on March 9, 2012. However, in light of the President's remarks, as well as NOAA's failure to send Congress its budget until March 19—ten days after the Budget Committee V&E deadline—I believe it is important to reiterate and expand upon key concerns with the President's budget.

Regarding the President's suggestion that the Republican budget will result in a satellite data gap, the Committee views explicitly addressed this issue, noting:

[T]he Committee remains extremely concerned about the potential for a data gap between the time that NPP expires and the first JPSS satellite is launched in 2018. Furthermore, the Committee does not agree with NOAA's characterization of the gap as a result of insufficient funding in prior fiscal years. For years, this program and its predecessor have been plagued with cost overruns, poor management, agency infighting, technical problems and contractor mistakes. The program restructuring in 2010 increased costs and delayed the program schedule. Furthermore, in the two years since the Administration announced the separation of the original program, NOAA has not re-baselined the JPSS budget as required under P.L. 110–161 and P.L. 109–155. This inaction and delay is troubling, and significantly hinders the Committee's ability to conduct proper oversight and undertake a complete assessment of the program's future. Additionally, the Committee is extremely concerned that NOAA has not developed a viable plan for acquiring necessary data if the gap materializes as expected. The Committee recommends an immediate focus on such an effort and believes that any such plan should be developed in a scientific manner, utilizing the resources and expertise of other NOAA line offices.

These concerns remain and provide important context to the President's misleading charges. Additionally, it is important to note that while the Joint Polar Satellite System the President refers to is a key component of two- to five-day forecasts, significant increases in warning times for tornadoes must come from better models, advanced radar technology, and more measurements from ground-based and aerial sensors that directly measure wind speed, direction, temperature and moisture. These relatively inexpensive Earth-bound observing and computing systems provide the most vital information for severe storm forecasting, and are unfortunately the types of systems President Obama is actually proposing to cut.

Finally, I believe the President's request misses critical opportunities to advance much higher priority weather-related research and technology development that will increase the accuracy and timeliness of severe storm forecasting, ultimately improving protection of American lives and property. Instead, the Administration has chosen to direct virtually all of its $29 million (7.6 percent) increase for Oceanic and Atmospheric Research to climate research. In fact, proposed FY 2013 climate spending of $213 million is over $60 million more than the level approved by your Subcommittee in last year's House-passed appropriations bill.

Simply diverting some of this increase for climate research to research on Earth-based observing systems and development of weather forecasting innovations would greatly improve allocation of taxpayer resources and pay important dividends to the country. In particular, I recommend a shift of funding of $13 million to the President's anemic weather research request of less than $70 million for the following four areas:

1. Unmanned Aircraft Systems ($6 million), which will allow for testing and use of instruments to significantly enhance atmospheric observations, particularly in severe weather such as hurricanes and tornadoes.

2. Graphic Processing Unit (GPU) supercomputing R&D ($5 million) to enable weather forecast models to run much faster and more accurately with significantly greater detail.

3. Weather radar advanced algorithm and software development ($2 million) to maximize the utility and use of new dual-polarization radar hardware capabilities.

4. Observing System Simulation Experiments (OSSEs $3 million) to objectively and quantitatively assess the potential benefit of alternative weather data systems to improve global weather prediction, hurricane track intensity and forecasting, tornado warning times, and the prediction of local severe storm outbreaks. At a recent SST Committee hearing, a broad cross-section of stakeholders recommended NOAA fund OSSEs to better guide weather data system decision-making and also inform options associated with minimizing the loss of forecast accuracy in the event of continued satellite launch delays and resulting gaps.

Although I support maintaining resources for important climate research activities such as the National Integrated Drought Information System, I would also recommend an additional shifting of funding of $10 million from climate research to the National Weather Service to fund observing systems such as the NOAA Profiler Network and the National Mesonet. These on-the-ground systems have already proven vital for providing

data increasing the accuracy of short-term weather forecasts and severe storm warnings.

Taken together, these initiatives, with a small relative cost paid for by simply diverting a portion of the President's requested increase for climate research, could provide tremendous returns in terms of lives saved, out-year budget savings and the avoidance of billions of dollars in property loss and damage.

Thank you for considering this important request. I look forward to working closely with you as you develop and advance the FY13 Commerce, Justice, Science, and Related Agencies appropriations legislation.

Sincerely,

REP. RALPH M. HALL,
Chairman.

Mr. FATTAH. Mr. Chairman, I yield 2 minutes to the gentlelady from the great State of Ohio (Ms. KAPTUR) who is a senior member of the House Appropriations Committee.

Ms. KAPTUR. I thank Ranking Member FATTAH for yielding me this time.

Mr. Chairman, I reluctantly rise today to oppose the fiscal year 2013 Commerce, Justice, Science and Related Agencies appropriations bill, but I want to commend Chairman WOLF and Ranking Member FATTAH for their truly diligent work on this bill.

The bipartisanship shown during the markup of the bill was remarkable in today's political climate and a tribute to both Members' willingness to compromise in order to move legislation forward, doing the work we were sent here to do.

I would also like to thank the Appropriations staff for their hard work on the first fiscal year 2013 bill the House will consider. From my perspective, the Appropriations staff is the hardest working committee staff in Congress and deserves recognition for all their efforts.

Mr. Chairman, the legislation we are considering today fails to make the necessary investments to promote economic growth in jobs across this country. It also fails to provide significant resources for law enforcement officials, particularly local law enforcement, as they face difficulties from austerity cutbacks by State and local governments.

The total funding for this bill is the result of the Republican leadership breaking the agreement made in the Budget Control Act. The agreed-upon funding levels were an attempt to get our fiscal house in order in a fair and balanced way. It is unfortunate that the Republicans are going back on their word and slashing funding for programs that create jobs and support law enforcement.

Importantly, funding cutbacks for the Economic Development Administration fail to meet President Obama's request for that important initiative to strengthen America's manufacturing base.

In addition, the underlying bill fails to provide State and local law enforcement with the Federal support they deserve. Cutting nearly $400 million from State and local programs at the Department of Justice is not only unacceptable but dangerous, in my view.

A particular concern for me is the lack of resources provided to meet the President's request for additional funding to combat financial and mortgage fraud. The President requested additional resources for the FBI, the Criminal Division, Civil Division, Civil Rights Division, and U.S. Attorneys. Less than half of the funding requested for the FBI is provided in this bill. No other funding is provided to investigate and prosecute financial and mortgage fraud.

The CHAIR. The time of the gentlewoman has expired.

Mr. FATTAH. I yield the gentlelady an additional 30 seconds.

Ms. KAPTUR. I thank the gentleman.

Let me just state for the record that the average return on investment for one corporate fraud agent was approximately $54 million over the last 3 years in fines and restitution that they get back for our taxpayers because of their work. What a tremendous return on investment that is for every taxpayer dollar, recovering those funds from combating financial and mortgage fraud makes total common sense.

Finally, I oppose the provision in the bill that repeals existing prohibitions on reductions in force at NASA. There was an agreement we reached as a Congress on how to do that. This bill does not conform to that restructuring proposal.

For these reasons, I oppose the bill in its current form and, again, commend Chairman WOLF and Ranking Member FATTAH for bringing us to this point.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. Mr. Chairman, I rise today for the purpose of a colloquy with the chairman to discuss the importance of assessing our global competitiveness in manufacturing through an online tool that will calculate the costs of manufacturing in the United States versus overseas. I would like to recognize and thank the chairman for including the online manufacturing tool in last year's Commerce, Justice, and Science Appropriations Act.

On the Energy and Commerce Committee, we've been working to find ways to highlight the shift in U.S. manufacturing competitiveness. According to a recent analysis by the Boston Consulting Group, China's overwhelming manufacturing cost advantage is shrinking, and by 2015, the cost gap between the United States and China will virtually close.

Companies need to reassess their manufacturing strategy with a rigorous analysis of the costs for manufacturing overseas compared to the cost in the United States. I'm excited by the online tool that will be developed by the Department of Commerce to assist U.S. companies in determining the costs of manufacturing overseas, and I commend the chairman for his work in promoting U.S. competitiveness.

Mr. WOLF. Will the gentleman yield?

Mr. KINZINGER of Illinois. I yield to the gentleman.

Mr. WOLF. I want to thank you, Mr. KINZINGER, for your work and for bringing up this important topic.

The Department of Commerce can play a pivotal role in educating companies on the benefits of manufacturing in the U.S. We need to ensure that the Department is using innovative tools such as online calculators to assist companies. This online tool has the potential to not only educate companies but also provide clarity in advantages and disadvantages of manufacturing in the U.S.

Also, I think people ought to know this is not only a tool; this is almost a moral issue. We just went through and had hearings with Congressman CHRIS SMITH when Congress was away. The country of China had Chen and beat up his wife and did a lot of other things. So not only is it this issue, it is a moral issue. And Apple, if you have an iPad, it is made in China; iPhone, made in China; iPod, made in China, and those jobs ought to be coming home. So we also have language in there to provide for grants to repatriate, to bring these jobs back.

China is a trouble. They have a one-child policy. Fifty million men cannot find wives. They have corruption in the military, and they are unraveling. And this is a great opportunity, using this tool, but just for the American manufacturers to come home, to come back to the United States. So I thank the gentleman for raising the issue.

Mr. KINZINGER of Illinois. Reclaiming my time, I thank you and I look forward to it, and I appreciate your leadership on this issue.

Mr. FATTAH. Mr. Chairman, I am glad there is a recognition of the importance of manufacturing, and the chairman has done a yeoman's job in making sure we, in a number of ways, attack this.

I would like to yield 3 minutes to my colleague on the committee, the gentleman from New York (Mr. SERRANO).

□ 1450

Mr. SERRANO. I thank the gentleman for the time.

First of all, I'd like to congratulate Chairman WOLF and Ranking Member FATTAH for their work, but especially for their continued desire to work together, to work in a bipartisan fashion to bring about this bill that's on the floor today.

Now, for those of us on our side, we know that there are folks on the other side that speak only about budget cuts, but when it comes to Chairman WOLF, there is a desire to balance the desire of having those budget cuts along with making sure that these bills in fact accomplish servicing the American people.

So I stand ready with the ranking member to be supportive of this bill,

with the understanding that there are two things that have to happen that are very serious to that final vote. One of them is a continued commitment that as this process goes along we will work to make the bill better than it is now, and that we will work to remedy those situations that exist within the bill now that need to be taken care of.

Secondly, that in the large and, perhaps, vast amendment process that we will have—which is a good sign of being able to have this kind of an open rule—the bill doesn't get brought back to a situation where some of us cannot be supportive of it. I single out, for instance, just two agencies that need betterment, and not necessarily to be destroyed. That's the Census Bureau and the Legal Services Corporation. Both of those agencies serve a vital purpose in our society. They come under heavy attack on so many occasions. I think it's important to know that many of us will be looking to make sure that we don't step back even further than the bill speaks to now on these two agencies, and as I said before, that we work jointly to make the bill even better than it is today, but understanding fully the work that Chairman WOLF and Ranking Member FATTAH have done during this period of time is important to me and important to many members of this committee, and of the whole House.

Mr. WOLF. I yield to the gentleman from Kansas (Mr. YODER) for such time as he may consume.

Mr. YODER. Mr. Chairman, I rise today in support of the Commerce-Justice-Science 2013 appropriations bill, our first appropriations bill of the upcoming fiscal year. I'd like to commend the chairman and Members of both parties in their efforts to put together some bipartisan reforms in this legislation, and also to find ways to reduce spending to get our national debt back in line.

Like many Americans, I am concerned about the national debt crisis facing this country—almost $16 trillion now in national debt that we've racked up; that is a factor now—and the economic decisions we have to make every day in this country. It will be a burden that we'll pass on to our kids and grandkids for generations to come. So any opportunities that we have to reduce spending and find ways to get our budget back in line should be supported by this Congress as we attempt to become fiscally responsible.

We've had a spending epidemic in this city for far too long, many times not finding any cure on this House floor and no support for reducing spending. So I want to commend the committee for actually reducing spending in this legislation below the 2008 levels, below the pre-stimulus levels, to try to put us back on a track towards fiscal responsibility.

It used to be in Washington the idea that a spending cut was not getting the amount of increase that you requested. You requested a 3 percent increase, you only got a 2 percent increase, and an agency felt they were cut. So we're turning that on its head. We're changing the course of business in this town and actually reducing spending from one year to the next, and it's a good first start. Certainly, there are many miles to go and additional reductions to make in all areas, but this legislation heads us in the right direction, and it does so in a responsible way. Not only does the legislation reduce spending, but it re-prioritizes spending to those things that have the greatest value to the American people and make the greatest impact on the economic challenges our country is facing.

Not only does it increase support for the FBI and different law enforcement agencies, but it also supports the National Science Foundation with an increase in spending, the Commerce Department, and our Trade and Patent Offices, those types of bottleneck agencies that make a difference on whether small business owners, entrepreneurs can create jobs and grow and expand the economy.

So we need to get Washington out of the way and create these efficiencies, and this legislation goes in the right direction towards cleaning up some of those problems and supporting the programs that have the greatest impact by re-prioritizing spending.

So if you're focused like I am on reducing spending, like many Americans are on this national debt crisis, but you also want to see Washington spend less resources on endless bureaucracy in Washington, D.C., and more on the types of programs that help Americans back home, this is the right type of legislation; it strikes the right balance.

My hope is that the two political parties can work together to support this legislation. Let's get it moving. And let's start producing the types of priorities and the types of bills that the American people want to see us continue to work on, continue to see us be productive on, working together to reduce the national debt, reduce spending, but finding ways to re-prioritize spending on those things that matter most.

I'd like to commend the chairman and the committee for working together.

Mr. FATTAH. I would note that the chairman and I are both in a significant minority on this floor in voting for the Bowles-Simpson proposal, so we're for a balanced fiscal approach, but we also know that we have to make important investments.

I yield such time as he may consume to the gentleman from the Commonwealth of Massachusetts (Mr. KEATING) to enter into a colloquy on an important matter related to marine science.

Mr. KEATING. I thank the gentleman from Virginia for his leadership and his willingness to preserve resources for marine mammal stranding response in the fiscal year 2013 Commerce-Justice-Science appropriations bill.

I understand that the House Report 112–463 includes language encouraging NOAA to maintain funding for essential marine mammal stranding grants. The competitive Prescott Marine Mammal Rescue Assistance grant program is a cost-effective, community-oriented program that works with stranded mammals, enables the collection of data to prevent future strandings, and deals with the practical dilemma communities face with beached dolphins weighing 200 to 500 pounds, as well as with right whales.

Based on conversations with the chairman and ranking member, I will not be offering my amendment specifying this grant at this time. I look forward, rather, to working with the gentleman from Virginia towards inserting this language in conference.

Mr. WOLF. Will the gentleman yield?

Mr. KEATING. I yield to the gentleman.

Mr. WOLF. I thank the gentleman from Massachusetts for raising the issue, and I promise we will work with him and our colleagues in the Senate during the conference to ensure an adequate level of funding for this program.

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

Mr. FATTAH. I yield 2 minutes to my fraternity brother, the gentleman representing the great State of Michigan (Mr. CLARKE) to talk about the importance of science and STEM-related education.

Mr. CLARKE of Michigan. Thank you, Chairman WOLF and Ranking Member FATTAH, members of the greatest fraternity there is.

As a member of the Science, Space, and Technology Committee that authorizes the National Science Foundation, I wanted to thank the leaders of this budget for fully funding the National Science Foundation's education budget according to the President's recommendation. This is going to help us provide more education to our young people, especially youth from the inner city, who very rarely get a chance to be educated in the areas of science, technology, engineering, and mathematics, because this is the only way—one of the most powerful ways—that our young people can get the education and training that they need to get good-paying jobs.

This funding in this budget will help centers such as the Detroit Science Center better reach out to these young people. And we're looking forward to the soon reopening of the Detroit Science Center. Again, we thank this budget for the support of the National Science Foundation, which will be able to help provide resources on a competitive basis to centers around the country such as the Detroit Science Center.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. FATTAH. On behalf of the Democrats, I yield back the balance of our time. We have no further speakers.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Chair, I am in strong support for funding the National Sea Grant College Program in H.R. 5326, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2013, and for other purposes.

First, I want to commend the Administration and my colleagues in the Congress for not making any significant budgetary changes for our National Sea Grant College Program, or Sea Grant, given our budget limitations and push for fiscal responsibility.

The National Sea Grant College Program, through the National Oceanic and Atmospheric Administration, continues to play a significant role in the stewardship of our lakes and oceans. Our coastal communities have continued to work closely with Sea Grant's national network of more than 30 universities in all parts of the U.S, including our Territories. Like our land-grant universities, Sea Grant conducts research, training, and extended science-based projects that are beneficial for the conservation and use of our aquatic and coastal resources. I strongly believe that we as a nation are not investing enough in Sea Grant as we have done so with land-grant universities.

In the last decade, the U.S. has imported an astonishing almost 20 million tons of seafood from around the world. I feel that this is an opportunity, through the many training and research programs by Sea Grant, we can continue to diversify and support a more sustainable seafood supply. Sea Grant also prepares and supports our local communities by providing the necessary data and scientific information so that they may be able to make sound decisions that would provide for better water quality, more sustainable and healthy ecosystems, or adaptation to climate change.

I want to recognize the positive strides Sea Grant has made not only in our Territories but also our coastal and Great Lake states. I urge my colleagues to support funding for our National College Sea Grant Program.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, funding for research, innovation, and STEM education is an investment in our future, perhaps one of the most important investments we make as a nation. China, the European Union, and many other countries understand this and are poised to surpass the United States in innovation capacity and in the creation of a highly skilled 21st century workforce, if they have not already. According to an analysis carried out by the Information Technology and Innovation Foundation, the United States ranks second to last of the 44 countries and regions analyzed in terms of progress in innovation-based competitiveness over the last decade. It used to be that the world's best and brightest flocked to our shores. Now many of our own best and brightest are finding better opportunities in other countries, and we are losing our edge in the competition for top talent from around the world.

In 2007, and again in 2010, the U.S. Congress enacted legislation—the America COMPETES Act—that recognized the importance of increased investment in research, innovation, and STEM education. The funding trajectories we put forth in those bills were developed while our budget situation was healthier than it is today. While falling short of the authorized levels, we nevertheless have still managed to come together on a bipartisan basis with the Administration to ensure that funding for scientific research remains relatively unscathed as many other important programs and initiatives suffer deep cuts. This is particularly the case with the CJS bill before us today. I want to thank Chairman WOLF, Ranking Member FATTAH, Chairman ROGERS, and Ranking Member DICKS and for their to funding science and STEM education even as they made very difficult cuts in other worthy programs.

In particular, I want to commend the Appropriators for their enduring support for the National Science Foundation. The NSF is the only agency to fund basic research across all of science and engineering, and its support for education research has transformed the way we think about teaching and learning. The returns on our 65-year investment in the National Science Foundation include such critical discoveries as the hole in the ozone layer and the warming of the Arctic and such inspiring discoveries as new planets in the cosmos above and breathtaking creatures in the deep seas below. Our relatively modest investments have also led to such economically important technologies as fiber optics, the bar code, computer-aided design, cloud computing, and to a large extent the internet. But perhaps NSF's most important investment is the investment it makes in human capital—both in the great scientists and innovators of tomorrow and in the workforce at all level that will fill the jobs that would not be possible without those scientists and innovators.

While I am very pleased with the overall funding levels proposed for NSF, I do want to make a couple of specific comments. First, in their report on NSF, the Appropriators raise a few important oversight issues, especially with respect to management of research facilities. The Science, Space, and Technology Committee is undertaking a series of oversight hearings in preparation for a reauthorization of NSF next year. We've already held two hearings this year focused solely on facilities. I look forward to working with the Appropriators as we refine our own guidance to the agency through a careful and deliberative process. Second, I remain concerned that the agency continues to flat-fund its broadening participation programs and is now proposing a significant cut to its informal STEM education program even though the National Academies found that out-of-school learning provides a special opportunity to provide science learning experiences for millions of students who don't have access to such experiences in their under-resourced schools. We can't afford to continue leaving behind such a large and growing percentage of our brainpower. Given the overall growth in the Education Directorate proposed in this bill, I hope we can work together to ensure that NSF does not let up in its commitment to broadening participation in STEM.

Turning to NASA, it is clear that NASA is a critical part of the nation's research and development enterprise, as well as being a source of inspiration for our young people and a worldwide symbol of American technological prowess and good will. We need NASA to succeed. While fiscal challenges require difficult decisions, those decisions should not come at the expense of losing critical capabilities.

I'm pleased to see that the House bill restores a portion of the 21% cut to our planetary exploration program—a program that has been a highly successful scientific undertaking that has captured the imaginations of people around the world. Planetary science has also been an increasingly international effort, especially in plans for future Mars exploration. The rationale to back out of our plans for Mars collaborations with Europe was never clear, and this restoration of planetary funding provides the opportunity to resume our engagement in that effort and sustain critical U.S. capabilities.

Regarding the Commercial Crew development program, I have witnessed the enthusiasm from aspiring commercial crew companies testifying before the House Science, Space and Technology Committee and I wish them well. But as a steward of the taxpayers' dollars, I cannot let enthusiasm override the need for hardheaded oversight. NASA has yet to provide Congress with a convincing explanation of why it reversed course and scrapped its plan to use FAR-based contracts—contracts that allow NASA to ensure that its safety and performance requirements are met for whatever systems it funds—in favor of a agreements that cannot mandate that safety requirements be met. We don't have the luxury of paying for a ''hope for the best'' strategy that risks having us pay more down the road the problems that inevitably arise when that hope-based approach collides with reality. That is why I support a commercial crew development approach that returns to FAR-based contracts as soon as actionable.

I am pleased that the House bill provides increases for the Space Launch System and Multi-Purpose Crew Vehicle—also known as Orion—over the amounts in the budget request, although even these levels are significantly below authorized amounts. It is essential that both the SLS and Orion remain on track for planned flight tests in 2014 and 2017. With respect to Orion, I hope that by the time the House and Senate have completed their negotiations on this appropriations bill, funding for that important capability will be at least at the level in the Senate's Committee-passed. We need to ensure that the development of Orion includes sufficient funding to enable preparations for its use as a back-up or alternative to commercially provided crew and cargo transportation in a timely manner in the event those commercial vehicle programs are delayed.

With respect to NOAA, I am pleased to see the CJS appropriations includes the full requested level of funding for the Joint Polar Satellite System, JPSS. It is vitally important that during a time where every region of this country is experiencing various extreme weather phenomena, we ensure that we make the needed investments in our premier weather and climate observational and forecasting tools. This year alone, this country has witnessed in every region and on every coastline some of the most extreme, record-breaking weather events. We must ensure that Americans are provided accurate short—and long—term weather forecasts—forecasts that are critical to saving lives and properties and to making informed plans.

Finally, I am very pleased that the bill before us today recognizes the important role that the National Institute of Standards and Technology plays in fostering innovation and industrial competitiveness. In this bill, NIST's research budget receives a level of funding that

will allow it to continue its important work with industry to advance the nation's technology infrastructure. I am also pleased that the research budget, along with a decision to continue robust funding for the Manufacturing Extension Partnership program and to initiate funding for the promising Advanced Manufacturing Technology Consortia program, will help U.S. manufacturers compete and flourish in the global marketplace.

One of the keys to our ability to grow the economy for the future lies in our ability to spur innovation-based economic development in regions throughout this country. The America COMPETES Reauthorization Act of 2010 recognized how critical regional innovation is to our competitiveness and authorized a regional innovation program at the Economic Development Administration. This program built on initiatives already underway at EDA, but provided the agency with the tools and flexibility that it needed to ensure the biggest bang for its buck by funding the projects with the greatest innovative potential. I am disappointed that this bill does not follow the Senate's lead by providing a separate line item of funding for this regional innovation program. If our shared goal is to promote innovation and economic growth, we should fund these activities under the program that was developed specifically with this goal in mind and not continue to require these activities to be funded through programs that were developed for other economic development purposes.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $467,737,000, to remain available until September 30, 2014, of which $9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code: *Provided*, That, of amounts provided under this heading, not less than $11,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

□ 1500

AMENDMENT OFFERED BY MR. PETERS

Mr. PETERS. I rise to offer an amendment on this paragraph.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 10, after the dollar amount, insert ''(increased by $9,000,000)''.

Page 65, line 1, after the dollar amount, insert ''(reduced by $17,000,000)''.

Page 76, line 16, after the first dollar amount, insert ''(increased by $1,790,000)''.

The CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. PETERS. Mr. Chairman, there's a lot of talk here in Washington about the need to cut our budget deficits; and while that is certainly true, we also need to be talking about another deficit, and that's our country's trade deficit.

Last year, the United States ran a trade deficit of $558 billion. If you look just at the trade in goods, this number jumps to an astounding $737 billion.

According to a recent report by the Economic Policy Institute, the growth in the U.S. trade deficit with China alone has led to the loss of almost 3 million American jobs in the last 10 years.

Too often, the U.S. opens its markets to foreign competition without reciprocal access. And while we play by the rules here in the United States, other countries impose unfair tariffs, duties, and technical barriers, and even use techniques like currency manipulation to game international trade rules.

China aggressively uses trade policies, including currency manipulation, to protect and subsidize their domestic industries, while undermining American companies. In response to the World Trade Organization case that the United States brought against China, the Chinese Government recently imposed new retaliatory duties on American-made vehicles which are clearly in violation of WTO requirements.

Additionally, China consistently advances policies to force technology transfers from non-Chinese companies and obtain the intellectual property that drives these advanced technologies. China has also used these policies to help gain an advantage in a number of different industries, including wind turbines and water purification.

Given the aggressive actions taken by China and other countries, we simply cannot afford not to use every tool at our disposal to combat unfair trade practices. This is why Representative MICHAUD and I have joined with our colleagues from across the aisle, Representatives MCCOTTER and LATOURETTE, to put forward a bipartisan amendment to fully fund the new Interagency Trade Enforcement Center, or ITEC.

President Obama created ITEC to enhance the administration's capabilities to proactively challenge unfair trade practices around the world, including in China. ITEC represents a new, aggressive ''whole-of-government'' approach to addressing unfair trade practices and will serve as the primary forum within the Federal Government for executive Departments and Agencies to coordinate enforcement of international and domestic trade rules.

It is now up to us here in Congress to fund ITEC and give it the teeth it needs to aggressively attack unfair and illegal foreign practices. It is certainly a step in the right direction that the Appropriations Committee provided $15 million of the requested $26 million in funding for ITEC to get it off the ground. But with our Nation running a half-a-trillion-dollar trade deficit, now is not the time for half measures.

We must do everything possible to level the playing field for American workers and American companies. Our budget-neutral, bipartisan amendment will fully fund ITEC by making a small reduction in the Cross Agency Support in NASA, an item funded at $2.84 billion. This amounts to a reduction of less than sixth-tenths of 1 percent for this item. And while I certainly support NASA, this reduction does not come from their core budget items of education, exploration, or aeronautics.

American workers are the best in the world, and they can out-compete anybody, but Congress must pass legislation to ensure that they compete on a level playing field.

Whether you believe in aggressively moving forward with additional trade agreements, or you believe that we need to rethink American trade policy, we should all agree that we cannot and must not let foreign governments cheat because when they do, American workers and American firms lose.

A vote against this commonsense amendment is a vote to allow China and other nations to continue gaming international trade laws. Stand up for American workers. Fully fund ITEC,

and vote ''yes'' on the Peters-McCotter-Michaud-LaTourette amendment.

I yield back the balance of my time.

Mr. MCCOTTER. I move to strike the last word.

The Acting CHAIR (Mrs. MILLER of Michigan). The gentleman from Michigan is recognized for 5 minutes.

Mr. MCCOTTER. I rise in support of the bipartisan Peters-McCotter-Michaud-LaTourette amendment to fully fund the Interagency Trade Enforcement Center.

Common sense is afoot. I know the novelty is frightening to many in this Chamber. However, let us start by examining some of the premises behind this necessary amendment.

First, despite what many claim, we do not live in a period of time where we have free trade. We live in a period of time of negotiated trade; and, as such, trade must be reciprocal, not suicidal.

The United States, throughout our lifetimes, has been the economic engine of the world. It has remained so because we are a free people, free to engage in contracts, free to engage in research and development, free to innovate, free to manufacture, free to show the world what we can achieve economically as well as politically.

What this amendment will do is something that is a long time coming. It is to treat other nations' unfair trade practices as a comprehensive problem. No more Whack a Mole, no more pretending the problem doesn't exist. What we need to do is, quite simply, take a ''root and branch'' approach to those mercantilist countries whose own oppression leads to the lack of necessary freedom for their people to be able to achieve and compete with the United States.

A refusal to support this amendment simply shows that we will continue to go on the same old tired path of watching the best workers and the best entrepreneurs in the world be cheated out of their pursuit of prosperity, and us all be cheated out of a healthier, more vibrant economy.

I urge my colleagues to embrace this bipartisanship, this common sense, so that, together, we can strike a blow for free and fair trade and protect American jobs by allowing for free and fair competition amongst nations.

I yield back the balance of my time.

Mr. WOLF. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. The bill already includes important increases for trade enforcement, including $15 million for the Interagency Trade Enforcement Center, an increase of nearly $11 million.

We pushed Kirk to add Chinese speakers. He wouldn't even do it. He wouldn't even do it. We have pushed him to do it.

This is a bad amendment. The offset is a problem. Sometimes you can come here and be for one thing but also want to protect the other.

The Cross Agency Support Account is not free money that can be cut without consequences. The committee has already extracted more than $150 million of savings from this account relative to fiscal year 2012, and NASA will not be able to absorb the additional reductions through efficiencies.

NASA has already been cut. Now we want to cut it more. These cuts will include critical programmatic functions. These are the functions that they want to kind of cut in there. Cybersecurity, cybersecurity to fend off relentless attacks by China. Their computers have been hit. While NASA is a civil Agency, much of its technology also has military applications, and protecting this information is a national and economic—that area they will be taking money from that.

Human space flight safety oversight. We learned the hard way on the *Challenger* and *Columbia* tragedies that relentless attention to safety is necessary. Cuts to this account could hamstring NASA's efforts to minimize the risk of loss of life or property.

Verification and validation of mission-critical software that operates the satellites and the space station. We spend billions of dollars on these space projects, and those investments could easily be wasted by fundamental software errors if such software isn't rigorously tested.

□ 1510

This account also deals with medical support services to keep the astronauts and ground workers healthy. Many NASA employees work regularly in hazardous environments, and I don't want to be responsible for endangering them. The procurement account, which is the operation of agency-wide testing, is a big source for jobs. It funds nearly 10,000 contractor workers, and nearly 8,000 are government employees, FTEs, who carry out these activities.

This cuts vital, important things for NASA. If you want to cut NASA, then you ought to cut this. If you support sticking it to NASA and cutting NASA—if you're against the Orion, if you're against the commercial crew, if you're against all the things they do for space safety—support this amendment. If you want to protect NASA, then I urge you to oppose this amendment.

Lastly, I take a backseat to no one in this body in criticizing the Chinese Government. Frankly, this administration has been weak in aggressively pushing with regard to trade and things like that. We forced and urged and told Kirk to put Chinese speakers on. We put the money in for Chinese speakers when they didn't ask for it.

If you want to protect NASA, I urge a ''no'' vote on the amendment, and I yield back the balance of my time.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. In part, I rise out of a desire to have my cake and eat it, too.

I agree with the gentleman, Mr. PETERS, that trade enforcement is critically important. This administration has put a premium on it in that regard, bringing case after case—the tire case—against the Chinese. We could go through the laundry list. There is an $11 million increase embedded in the bill, as it has come to the floor, over last year's appropriation. I am not sure you can find a part of this budget in which there has been a more significant increase. However, it is not at the level of what the administration had requested.

I could support moving additional dollars in this direction, but this target of the Cross-Agency account at NASA, which we're going to see repeated dozens of times on the floor, I think is not the appropriate way to go. We don't want to rob our space agency of the important resources it needs to protect our astronauts, to protect its cybersystems. We have to be careful here.

So I would say to the gentleman that, no matter what the result on the amendment, I will be glad to work with him as we go forward in the conference to try to find additional resources for trade enforcement. I think this administration has done a great job in fighting the good fight, but they do need the resources. The chairman has provided $11 million in additional resources, but if we can find a few more dollars in that direction, I think it's a worthy investment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WOLF. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 10, after the dollar amount, insert ''(reduced by $13,748,940)''.

Page 4, line 21, after the dollar amount, insert ''(reduced by $2,019,990)''.

Page 6, line 7, after the dollar amount, insert ''(reduced by $1,125,000)''.

Page 6, line 18, after the dollar amount, insert ''(reduced by $860,670)''.

Page 6, line 23, after the dollar amount, insert ''(reduced by $2,880,000)''.

Page 7, line 5, after the dollar amount, insert ''(reduced by $7,600,080)''.

Page 7, line 20, after the dollar amount, insert ''(reduced by $1,367,040)''.

Page 11, line 11, after the dollar amount, insert ''(reduced by $18,635,190)''.

Page 13, line 2, after the dollar amount, insert ''(reduced by $89,051,130)''.

Page 13, line 14, after the dollar amount, insert ''(reduced by $89,051,130)''.
Page 13, line 15, after the dollar amount, insert ''(reduced by $89,051,130)''.
Page 17, line 6, after the dollar amount, insert ''(reduced by $1,650,000)''.
Page 21, line 23, after the dollar amount, insert ''(reduced by $3,309,660)''.
Page 22, line 23, after the dollar amount, insert ''(reduced by $383,160)''.
Page 23, line 9, after the dollar amount, insert ''(reduced by $25,901,010)''.
Page 26, line 14, after the dollar amount, insert ''(reduced by $60,000)''.
Page 27, line 7, after the dollar amount, insert ''(reduced by $343,680)''.
Page 28, line 4, after the dollar amount, insert ''(reduced by $35,654,640)''.
Page 29, line 7, after the dollar amount, insert ''(reduced by $2,701,170)''.
Page 30, line 15, after the dollar amount, insert ''(reduced by $245,550,210)''.
Page 31, line 15, after the first dollar amount, insert ''(reduced by $71,895,120)''.
Page 32, line 4, after the dollar amount, insert ''(reduced by $34,600,350)''.
Page 34, line 3, after the dollar amount, insert ''(reduced by $204,606,510)''.
Page 59, line 4, after the dollar amount, insert ''(reduced by $175,500)''.
Page 65, line 1, after the dollar amount, insert ''(reduced by $85,305,000)''.
Page 70, line 6, after the first dollar amount, insert ''(reduced by $8,982,000)''.
Page 70, line 20, after the dollar amount, insert ''(reduced by $133,200)''.
Page 71, line 20, after the dollar amount, insert ''(reduced by $275,790)''.
Page 73, line 17, after the dollar amount, insert ''(reduced by $10,997,040)''.
Page 74, line 7, after the dollar amount, insert ''(reduced by $2,490,000)''.
Page 74, line 13, after the first dollar amount, insert ''(reduced by $510,000)''.
Page 74, line 17, after the dollar amount, insert ''(reduced by $510,000)''.
Page 76, line 8, after the dollar amount, insert ''(reduced by $90,750)''.
Page 76, line 16, after the first dollar amount, insert ''(reduced by $1,537,530)''.
Page 76, line 24, after the dollar amount, insert ''(reduced by $153,630)''.
Page 101, line 10, after the dollar amount, insert ''(increased by $874,593,990)''.

Mr. BROUN of Georgia (during the reading). Madam Chair, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. BROUN of Georgia. This amendment would reduce the administrative spending salaries and expense accounts in the underlying bill by just 3 percent.

During this time of fiscal crisis, it is imperative that Congress works to get both entitlement as well as discretionary spending under control. As we all know, over the last 2 years, House Members have voted to reduce their own administrative accounts, their Member Representational Allowances, by just over 11 percent. Yet, over that same period, many agencies have seen much lower cuts in their spending and have even seen increases in their spending.

For example, under this bill, the National Telecommunications and Information Administration would see a 12 percent increase in its salaries and expenses accounts between FY11 and FY13. The Federal Prison System would receive an additional 9 percent increase in salaries and expenses. The Office of the U.S. Trade Representative would receive a 7 percent increase. The U.S. Marshals, FBI, and Drug Enforcement Administration would all receive a 6 percent increase.

Now, some may argue that these agencies perform important tasks. Certainly, we can all agree that those employed by law enforcement agencies, which are funded by this bill, are deserving of the pay that they receive; but, Madam Chairman, the fiscal writing is on the wall: The U.S. Government is broke. We here in Congress must face the facts and stop the denial of our economic position and crisis that we're in. If we are serious about reducing spending, if we are serious about reducing our deficit, we have to ask every agency to follow Congress' lead to take small reductions in their administrative funding.

To be clear, a 3 percent reduction in these accounts would, in many cases, still result in less than a 10 percent reduction in funding from the FY11 funding levels. While this amount is small, it would pay dividends, rich dividends, resulting in nearly $875 million in savings in this bill alone.

It is long past time to get serious about spending. Madam Chairman, this amendment represents a balanced way to achieve significant savings. I urge my colleagues to support my amendment, and I yield back the balance of my time.

Mr. FATTAH. I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. Let me give just one example, and then I will just stand in opposition to the amendment.

On page 30, line 15, this amendment would cut the FBI by $245 million. Now, we know of the important work being done on behalf of the safety of Americans throughout the world by the FBI and, most particularly, here in our own country. Our job under the Constitution is to figure out what appropriations are needed. Under our Constitution, the Ways and Means Committee is responsible for figuring out how to pay for it. We can't say that somehow the safety of our citizens is too expensive for the wealthiest, greatest country on the face of the Earth. I stand in opposition to this amendment.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. FATTAH. I yield to the gentleman.

Mr. BROUN of Georgia. I want to remind my good friends on the other side, those who oppose this, that if my amendment is passed, the FBI still gets a 6 percent increase in what their funding is over today. So they still not only continue their funding but have an increase over current funding levels. This would just reduce the administrative costs, not the funding for the FBI agents out in the field. It's not going to interfere with the security of American citizens.

Mr. FATTAH. In reclaiming my time, you are, indeed, a person who provides a lot of leadership here in the House, and you lead our Thursday prayer efforts. I want to thank you for all the work that you do, but in this instance, I disagree with you.

I have met with Director Mueller right in my office. The FBI needs additional resources. The chairman has provided $128 million in this committee bill. This cuts $245 million when we're trying to deal with the principal responsibility for the world these days in providing protection against terrorist attacks. We just saw in the news today a new device that was attempted to be used to bring down an American commercial airliner. If such a device were to go off, it would cost our economy more, not just in lives, but in real economic costs if we had to reshape our airline industry. It would be, I think, foolish of us as a Nation to retreat from investments at this time in the FBI.

On that point, on page 30, line 15, I oppose this amendment, and I ask my colleagues to do likewise.

I yield back the balance of my time.

□ 1520

Mr. WOLF. Madam Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I want to thank the gentleman from Georgia (Mr. BROUN). His heart is in the right place, and I think the whole concept of getting control of the budget is very important. But I rise in opposition.

It would cut the FBI, DEA, NIST, U.S. Trade Rep and the National Science Foundation. Some of the increases are in here because the House Intelligence Committee approached us. As Mr. ROGERS said:

> There are two kinds of companies in America: those who have been hit by cyberattacks and know it, and those who have been hit by cyber by the Chinese and do not know it.

Many of those important functions the Intel Committee has asked us to carry in order to help and many others would be severely hurt. So I thank the gentleman for the amendment. I think what he's trying to do is important, but I think this would be the wrong way to do it.

I urge a ''no'' vote and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 10, after the dollar amount, insert ''(reduced by $277,824,000)''.

Page 101, line 10, after the dollar amount, insert ''(increased by $277,824,000)''.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Madam Chairman, this amendment cuts more than a quarter-billion dollars in unauthorized appropriations from the International Trade Administration.

What does the International Trade Administration do? Well, it's got some legitimate functions in forcing trade agreements and treaties, and this amendment leaves those functions untouched. But ITA also—and this is from their own material—''provides counseling to American companies in order to develop the most profitable and sustainable plans for pricing, export, and the full range of public and private trade promotion assistance, as well as market intelligence, and industry and market-specific research.''

That's all well and good, Madam Chairman, but isn't that what businesses and trade associations and the chambers of commerce are supposed to do with their own money? Why should taxpayers be subsidizing the profits of individual businesses? If a specific business or industry is the beneficiary of these services, shouldn't they be the sole financiers of those services, either individually or collectively through trade associations?

It's true this program has been around for generations, but Franklin Roosevelt—who was hardly a champion of smaller government—had the right idea when he slashed its budget back in 1932 and closed 31 of its offices. The problem is that reform didn't take. Today the ITA has some 240 offices.

The ITA's authorization lapsed way back in 1996. That's 16 years ago. It's not been reviewed or authorized by Congress since then, but we still keep shoveling money out the door at them. Although it hasn't been reviewed by Congress in all of these years, it has been thoroughly weighed by the Congressional Budget Office, the Office of Management and Budget, and most recently the President's fiscal commission, and they have all found it sadly wanting.

The Simpson-Bowles report summed it up quite nicely when they said:

Services provided by ITA's U.S. commercial services and other divisions directly providing assistance to U.S. companies should be financed by the beneficiaries of this assistance. While the agency charges fees for those services, its fees do not cover the costs of all of its activities. Additionally, it is argued that the benefits of trade-promotion activities are passed on to foreigners in the form of decreased export costs.

Simpson-Bowles goes on to say:

According to a study by the Office of Management and Budget, businesses can receive similar services from State, local, and private sector entities. The CBO option to eliminate ITA's promotion activities or charge the program's beneficiaries saves $267 million in 2010 and $1.6 billion through 2014.

Madam Chairman, if the CBO, the OMB, and the President's fiscal commission agree this is wasteful, and Congress hasn't bothered to reauthorize it since it expired 16 years ago, why do we continue spending money that we don't have duplicating services that the beneficiaries of those services either don't need or are quite capable of funding on their own? If the companies that we are told directly benefit from all of these essential services are not willing to fund them, maybe that's just nature's way of telling us that we shouldn't be fleecing our constituents' earnings to pay for them either. Why would we tap American taxpayers to subsidize the export activities of foreigners, as Simpson-Bowles notes?

Madam Chairman, the rules of the House were specifically written to prevent this type of unauthorized expenditure. And they provide for a point of order to be raised if it is included in an appropriations bill, which is what we're talking about right now. But alas, that rule is routinely waived when these measures are brought to the floor, making this amendment the only possible way of ferreting out this kind of duplicative program and outright waste.

This is a prime example of corporate welfare. We ought to be done with it.

I yield back the balance of my time.

Mr. FATTAH. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. Less than 1 percent of American businesses export to any other country. We've been engaged in a process to increase the level of exports, in part with the reauthorization of the Export-Import Bank. A number of these other activities are connected. But this is an activity that has borne fruit. I've met with businesses and the people who run these efforts around the country, and they're doing real work, helping real businesses all across our country, and it creates real jobs.

I'm against the amendment. And I guess if you don't think that we should be focused on jobs and exports, you could oppose it. As for myself—and I would ask those who want to support American jobs—partly we have to do that through selling to the 90 percent of consumers who are somewhere else other than in our own country. So I support continued funding for this effort.

I yield back the balance of my time.

Mr. WOLF. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. This would be a draconian cut. I heard that 5,000 of the 6,000 products in Wal-Mart are made in China. We want to export our jobs. We want to export our products. We want to make cars in Michigan and send them around the world. We want to make things and export them. We want to develop applesauce and export it. We want to export. So I have a long list I'm not going to say, and there are so many things in this bill that are not authorized. There are four pages of things that are not authorized, and if we didn't do things that weren't authorized, then we would have to shut this place down and move off to some other place.

I just think it's a bad amendment. I understand what the gentleman is doing to save money. But I think we need to export and create jobs, and I want to see American products sold in China, American products sold in England, American products sold in Berlin, American products sold in Indonesia. So I urge a ''no'' vote for the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCCLINTOCK. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. TURNER OF OHIO

Mr. TURNER of Ohio. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 15, after the dollar amount, insert ''(increased by $5,000,000)''.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. TURNER of Ohio. Madam Chair, my amendment increases by $5 million the minimal level of funding for the International Trade Administration in the amount that they must devote to cracking down on unfair Chinese trade practices.

We must ensure that U.S. manufacturers and workers can compete on a level playing field in the global marketplace. Unfortunately, unfair trade practices from countries like China make this increasingly difficult.

□ 1530

Since the year 2000, there has been a 300 percent increase in the amount of goods imported from China to the United States. Moreover, the Import Administration, tasked with cracking down on unfair trade practices, has for years experienced a growing workload of cases involving trade with China. In

my own Dayton community, paper producers and their employers have been hurt by unfairly subsidized imports of thermal-coated paper from China and Indonesia.

For the last several years, Congress has directed the International Trade Administration to devote the same level of funding, $11.4 million, for China anti-dumping and countervailing duty enforcement and compliance activities.

Given the rise in Chinese imports and the increased complexity of cases the ITA must evaluate, we must ensure that efforts to protect U.S. manufacturers and employees from unfair trade practices receive sufficient dedicated funding. My amendment simply increases the minimal amount that the International Trade Administration must use for these activities by $5 million, from $11.4 million to $16.4 million using existing resources provided for under this bill.

I want to thank Chairman WOLF for working with me on this amendment, and I urge all of my colleagues to support the amendment.

Mr. FATTAH. Will the gentleman yield?

Mr. TURNER of Ohio. I yield to the gentleman.

Mr. FATTAH. We would agree to the amendment.

Mr. WOLF. Will the gentleman yield?

Mr. TURNER of Ohio. I yield to the gentleman.

Mr. WOLF. I accept the amendment. I think it's a good amendment. The committee continues to support the International Trade Administration, particularly with regard to China. And I won't go on. But I thank the gentleman for the amendment, and I completely agree with it. I urge all Members to support it.

Mr. TURNER of Ohio. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $13,500 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $101,000,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, for the cost of loan guarantees authorized by section 26 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3721), and for grants, $182,000,000, to remain available until expended; of which $5,000,000 shall be for projects to facilitate the relocation, to the United States, of a source of employment located outside the United States; and of which up to $5,000,000 shall be for loan guarantees under section 26: *Provided*, That the costs for loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds for loan guarantees under such section 26 are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $70,000,000.

AMENDMENT OFFERED BY MR. MICHAUD

Mr. MICHAUD. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 17, after the dollar amount, insert ''(increased by $38,000,000)''.

Page 7, line 11, after the dollar amount, insert ''(reduced by $38,000,000)''.

The Acting CHAIR. The gentleman from Maine is recognized for 5 minutes.

Mr. MICHAUD. I rise today to offer an amendment to restore funding to the Economic Development Administration. EDA is the only Federal Agency with the single mission of creating high-quality jobs here at home. The investments made by EDA in all of our districts lead to economic development and job creation.

By law, EDA projects require a 50 percent local share and must leverage significant private sector investment. As a result, EDA funding goes to projects that have been developed and vetted by local leaders and businesses. Their investments are competitive, merit-based, and are based on regional comprehensive economic development strategies. As a result, EDA projects reflect local priorities and contribute to broader economic development in the area. But most importantly, all EDA investments must result in the creation and retention of high-quality jobs.

The program has a strong track record of success in my home State of Maine and throughout the country. In fact, between 2005 and 2010, EDA investments have helped to create over 314,000 jobs nationwide. At a time when our economic recovery continues to be slow and millions of Americans are out of a job, it does not make sense to cut the one Federal program singly dedicated to funding projects to put them back to work.

My amendment will maintain level funding for EDA, and it is offset by cuts to the periodic census and programs account, which is currently funded at 3½ times that of EDA. Even though the next census is 8 years away, the overall census program was cut by just under $10 million. EDA was cut by $38 million. Reducing the census account by $38 million is only a 6 percent decrease. By cutting EDA by the same amount is a 17 percent decrease in their funding. Some might come to the floor today to criticize EDA or its investment.

I agree that we should do everything we can to make sure this and other Federal programs work well. But cutting EDA's funding or eliminating it altogether would be shortsighted at a time when we need every job-creating tool at our disposal.

My amendment continues level funding for a program that is uniquely designed to address almost any economic development activity. It continues funding for a program that has specific tools and expertise to address chronically poor and distressed areas, post-disastrous economic recovery, and the consequences of plant closures or downsizing.

I am offering this amendment because I believe it is the wrong time to turn our backs on investments in our communities that will make a real difference and because I believe that it is the right time to get our priorities right and insist on Federal investments that are focused on job creation. I offered this amendment last year, and more than 300 Members of the House joined me in voting to restore EDA funding. I urge my colleagues to join me once again this year and help pass this amendment to restore the funding to EDA and to support a proven job creator.

I yield back the balance of my time.

Mr. POMPEO. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. I rise in opposition to this amendment. Just because you call something ''economic development'' does not make it so. We could name an Agency many things. This administration is one that most folks have never heard of. I had never heard of it before I came to Congress 16 months ago. This is a classic case of the Federal Government taking from one and giving to another, often for the benefit of private companies.

You'll see in a minute that I have got an amendment that takes a very different approach to economic development and how we ought to attack this problem. But I heard the distinguished gentleman from Maine talk about job creation. It's one thing for elected officials to go to a ribbon-cutting and stand in front of a facility and talk about jobs and say those are all the jobs that we created when, in fact, those jobs were created by taking money from taxpayers. Where elected officials often don't want to go is to stand in front of the unemployment line or talk about folks who had to pay too much in taxes or stand there and tell someone why that company got money and the company over on the other side didn't get this particular grant from the Economic Development Administration.

I have seen this Agency up close and personal. It is a very, very political use of capital. This is not the free market that we all know. This is an agency that distributes money all over the country, very, very intentionally into 400-plus districts all across America with the aim of making sure that this Agency continues to exist in perpetuity. This is precisely the kind of stimulus that we have demonstrated time and time again in America. It doesn't work. And for that reason, I oppose increasing the funding for the Economic Development Administration.

I yield back the balance of my time.

Ms. KAPTUR. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I rise in strong support of the Michaud amendment to keep level funding for the Economic Development Administration, and I want to thank Congressman MICHAUD for offering this important amendment. He is a true leader in protecting American manufacturing jobs and businesses from unfair free trade agreements and works tirelessly to promote jobs and economic development here at home.

I want to say to our dear colleague from Kansas, when you look across America—and I realize this may be just your first term—but, you know, the whole State of Kansas is held up by the Federal Government, all those agricultural subsidies, CRP, rural development, wetlands reserve, etc. When one takes a look at the whole Farm Credit Administration, for heaven's sake, not every community in America has those sorts of props under them. And agriculture is a success story. Agriculture is doing very well. We, in Ohio, understand that. But there are parts of Ohio that aren't covered by programs like your State benefits from. And that's where you need Agencies like the Economic Development Administration, in those corners of America that actually manufacture but may not grow things.

□ 1540

Mr. POMPEO. Will the gentlewoman yield?

Ms. KAPTUR. I'll be more than pleased to yield to the gentleman when I finish.

Madam Chairman, the Republican majority claims their priority is to create jobs and promote economic development. However, here we are today with an appropriations bill that drastically cuts resources for the only government agency whose sole mission is economic development.

EDA's diverse portfolio of construction, technical assistance, finance and investment planning programs are designed to help communities build upon their regional assets to foster job creation and business expansion. Particularly at a time when banks are hoarding capital and not lending, EDA's capacity becomes even more important and vital.

The American Society of Civil Engineers gave America's infrastructure a D grade and estimated that over the next 5 years, $2.2 trillion is needed to upgrade our Nation's infrastructure—ports, for example, to ship some of that Kansas grain. That's why I'm a strong supporter of EDA, and particularly of its Public Works program, which funds a variety of infrastructure projects that can help America address our aging infrastructure.

I don't understand why Republicans don't want to help fund investments in America's infrastructure, the greatest job creator we can possibly have in this year of 2012.

EDA's work is generating real returns. So the argument of being concerned with the deficit falls short when you consider EDA. Every dollar in EDA funding is expected to leverage nearly $7 worth of private investment. We've seen it in State after State after State. In fiscal year 2010, EDA created or retained about 48,500 jobs and generated nearly $6 billion in private investment. What a good story that is.

Mr. Chairman, I support Mr. MICHAUD's amendment to restore EDA funding to FY12 levels, and I'd be very pleased to yield to the gentleman from Kansas for any comments he might have.

Mr. POMPEO. Thank you very much for yielding.

You said that, because I'm in my first term, maybe I didn't understand. Perhaps it's because you've been here a couple of years that you don't appreciate how jobs are really created in the real world, not here in Washington, D.C.

You talked about Kansas. You may have forgotten that the air capital of the world, where 60, 70 percent of all aircraft are manufactured—indeed, the business I was in for a decade—was good manufacturing jobs. What we didn't need was more taxes and more government spending. What we needed was the government out of the way.

Ms. KAPTUR. I'm really glad the gentleman stated that because, as a member of the Defense Subcommittee, I know exactly where the R&D comes from for fighter aircraft, for all of our support craft, for all of our Air Guard, and I know how the commercial sector benefits and why we lead the world in terms of airline exports and so forth. But that doesn't abrogate the argument, that doesn't nullify the argument I offered that the whole State of Kansas is doing very well and has a very close relationship to the Federal Government.

Agriculture achieves a special place in this economy, but that's not true in many other sectors, and particularly where we're talking about aging infrastructure, which belongs to all of us. EDA is really vitally important. It's an important ingredient in helping us to modernize coast-to-coast.

So I just want to say to the gentleman from Maine, thank you so very much for keeping the program level. We're not talking about egregious spending here. We're talking about trying to help to rebuild this country. And we know the most important investment we can make in order to create jobs in this country—after assuring unemployment benefits for those out of work, which gets spent immediately in the economy—is investment in infrastructure.

It's too bad that the Republicans can't seem to move a highway bill, a transportation bill out of this Congress. That would be the best thing we could do to create more jobs in this country in the year of 2012. But in any case, passing the gentleman's amendment to fully fund EDA makes common sense and it certainly makes job sense.

I yield back the balance of my time.

Mr. SERRANO. I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I don't think the issue here should be looked at as whether or not the EDA needs more help. It's why, again, we are bashing the Census Bureau. I really think that it's surprising that we would do it on this side, since we will note for the next many hours that there's plenty of folks on that side that will want to do that.

When I first got on this subcommittee years ago and I had the privilege of being ranking member to Chairman ROGERS and then ranking member to Chairman WOLF, I could never figure out what the attack was on the Census Bureau. Then it dawned on me—and I may be totally wrong—that some folks would just like the Census Bureau to do just enough, meaning if you count yourself, that's fine; but if you have to go out and do extra dollars to count folks who ordinarily may not count themselves, then that's not good for some folks and the results may be something they don't want to see. That's the only explanation I could come up with for the fact that—as we will see in the next hours—there will be many desires to cut the Census Bureau and, in some cases, get rid of the whole department.

What we need to know and remind ourselves is that there's probably very few vital functions of agencies like the Census Bureau that are more important than this one. Plans, policies, redistricting, other decisions in this country are based on that count that takes place every 10 years. Unlike other things we do in this Congress and in this country, this is a constitutional mandate, to count the people amongst the States, and every 10 years the Census Bureau gears up for it.

We have found in the past that when we make cuts to the Census Bureau, it ended costing us more money later when we tried to get back some of that money. And then States that may be supportive now of cuts later run to us and say, No, we need a better count; we need a fairer count; we need a count that will make my State show the true growth in population.

So I suspect at the end of today when this vote is taken, there will be a mass vote, as has been in the past, for this amendment. But I really think it is totally foolish to continuously bash the Census Bureau and continuously desire not to have a proper count in this country. It is a vital issue and it's one that we should continue to protect. That's why I would be one of the few voting against this amendment.

I yield back the balance of my time.

Mr. FATTAH. I rise in support of the spirit of this amendment, and I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. I also have reservations about the offset. But let me talk first about EDA.

It's critically important—and I'm sorry, I want to apologize to the gentlelady from Ohio—we don't want, in this debate, to substitute insult for insight. I think that what we want to do is focus on the issue at hand. We do need to create jobs.

The EDA is a program that I think almost everyone should be able to support because it's local decisionmaking, investing in communities of interest. It's worked in every State of the country to help communities work through difficult economic circumstances when plants close and the like. It's a return of taxpayers' money to their communities for economic development activities.

What we need to do as we go forward is think about how we pay for this. This is a $38 million increase that the offset of the census will have political attractiveness. But the truth is that we can't substitute that for our constitutional responsibilities to conduct a census and to do it properly. And we have to prepare for it.

So I want to work with the gentleman as the bill goes through the process to try to find additional dollars for EDA, but I hope that at the end of the day we're able to provide more revenues for the census, to do our job as a Congress to fully fund our constitutional responsibilities to have a census and to do it correctly.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maine (Mr. MICHAUD).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MICHAUD. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maine will be postponed.

□ 1550

AMENDMENT NO. 3 OFFERED BY MR. POMPEO

Mr. POMPEO. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, lines 17 through 21, after each dollar amount, insert ''(reduced to $0)''.

Page 6, line 7, after the dollar amount, insert ''(reduced to $0)''.

Page 101, line 10, after the dollar amount, insert ''(increased by $219,500,000)''.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. Madam Chair, I rise today to talk about something that Congress doesn't often get a chance to do. I talk to my constituents, and they often tell me, you know, we never get rid of anything. Programs just continue on and on. They grow. They go away for a little bit, and then they come back.

We have a real opportunity here. My amendment is to eliminate the entire Economic Development Administration. We are $16 trillion in debt. This gives Members on both sides an opportunity to start addressing a serious spending problem in a real way. This is an amendment that has bipartisan support that I will talk about in just a little bit. Having spent over $1.5 billion on grants, the EDA does nothing but simply pick winners and losers by region, by industry, by community, and by particular businesses. It is very similar to earmarks.

This administration uses the EDA to advance local projects and narrowly benefit a particular company or group. At its core, it is nothing more than a wealth-redistribution program, a stimulus bill built up in the nature of an Agency that has been around since 1965.

Let me describe how it works. It begins by taking dollars from all across the country. That money flows to Washington, DC and before it ever goes back out, over 20 percent of it is consumed here in Washington, DC, no value returned. Then it asks companies and communities to apply for free money from the Federal Government to renovate a movie theater or build a road, for a new industrial park. Some of these projects are ridiculous; some of them perhaps not so bad. However, each one is a local project that the Federal Government has no business being involved in, and almost every one of these projects would advance without taxpayer resources.

A frequent flier, the EDA Administrator travels all around the country for groundbreakings and ribbon-cuttings, taking credit for creating jobs when it was really private companies that would have created them anyway. He proudly took credit for a $1.6 billion steel plant in Minnesota with a $1.4 million EDA grant. This is one-tenth of 1 percent of the project. I promise you that the CEO of that steel plant had no idea that that money was in his capital structure.

Now, you might not be familiar with EDA projects, so let me talk about just a couple. In 2008, the EDA provided $2 million to begin construction of the Harry Reid Technology Park. As best I can tell, that facility continues to be empty.

Sometime later, the EDA granted money for a culinary amphitheater, some $2 million of your taxpayer money.

Then, $1.5 million for what I am sure is a beautiful theater, but what business does the Federal Government have in providing money for a theater such as this? We have many in Kansas, too. We didn't happen to get this particular grant. We didn't strike the EDA lottery.

And, finally, half a million dollars as far back as the 1980s to build replicas of Egyptian pyramids. To this day, you can't drive to this facility that is uncompleted. Half a million dollars of taxpayer money spoiled and wasted.

I urge my colleagues to join me in supporting this amendment. Groups like the Business Coalition for Competition, Club for Growth, Heritage Action—folks who believe in the private sector's capacity to create jobs support this.

I will close with this thought. I talked about this bill being bipartisan. The Simpson-Bowles Commission included the elimination of EDA in its projections. It said this Agency ought to go away, on a bipartisan basis. But more, perhaps surprisingly, in 2008, I want to quote from then-Senator now-President Barack Obama who criticized the EDA as ''little more than a fund for corporate welfare.''

Madam Chair, I agree with the President, and I hope my colleagues will join me in supporting the Pompeo amendment to this bill.

With that, I yield back the balance of my time.

Mr. WOLF. Madam Chair, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. It would zero out EDA. Last year the House voted 305–127 to, strangely enough, increase funding for EDA by $80 million. This year, we are

funding the EDA at $219.5 million, which is $38 million less than the base appropriation provided to EDA last year. Last year and this year, we in the subcommittee directed the EDA to designate a portion of its grant funding to work with companies to bring back their outsourced manufacturing activities to economically distressed communities in the United States.

So we have asked them to change their whole thrust of the grants, to not do what the gentleman says—and I think he makes some valid points here—but to now have it whereby a community can work to incentivize to bring a company back from China or back from Mexico. Last year, the House voted 305–127 to increase the funding to EDA by $80 million. This year, we were at $219.5 million, $38 million less, so I urge a ''no'' vote.

I yield back the balance of my time.

Mr. MICHAUD. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Maine is recognize for 5 minutes.

Mr. MICHAUD. Madam Chair, I rise today in strong opposition to this amendment to eliminate funding for EDA. As was mentioned earlier, EDA is the only Federal program whose focus is to create jobs. The program funds merit-based competitive grants for projects that also require local funding. EDA's grant decision process is void of political influence and awards grants based on merit. The economy is improving, but we're not back on our feet yet; 12 million Americans are out there still looking for work. Now is not the time to eliminate this program.

My friend from Kansas calls EDA a wealth-distribution program and argues that it picks winners and losers. The financial crisis picked winners and losers. In contrast, the EDA is bound by law to provide investments only to communities experiencing economic distress; 305 Members of the House from both parties, including the gentleman from Kansas, voted to fully fund this program last year. So I urge my colleagues to once again support the EDA in a vote against this amendment to eliminate the program.

I yield back the balance of my time.

Mr. FATTAH. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. And I think the gentleman might be in opposition. Last year he voted to increase by $80 million to EDA as we went through this process; and today he comes and says he wants to zero it out.

Let me just put this in some context. We have seen gas prices go down for the last 5 weeks in a row; 200,000 homeowners today have their principals being reduced. We have 4.25 million jobs created over 26 months by the private sector. Our economy, unlike those in Europe—Britain has slumped into a double-dip recession; we have 25 percent unemployment in Spain—America is coming back. So this notion that somehow we need to kind of just stop trying to help communities move in the right direction I don't think makes a lot of sense to me. So I join the chairman on the majority side asking that we oppose this amendment.

If there are some people somewhere who don't want economic development assistance from the Federal Government, they don't need to apply. These are merit-based competitive grants, locally decided; and it is helping communities all across our country. We had testimony in the Appropriations Committee from Members on both sides of the aisle about work being done by EDA in Alabama and all across our country. So the notion that we should support this amendment to zero this Agency out, to me, doesn't move us in the right direction. We want to go forward as a country. I move to oppose this amendment.

I yield back the balance of my time.

Mr. MCCLINTOCK. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Madam Chairman, I rise in strong support of the amendment offered by the gentleman from Kansas.

The new House Republican majority was elected last year with the specific charge to bring wasteful spending under control. We can't blame the Senate or the President if there is waste in the budget anymore. Money doesn't get spent by this government unless the House says it gets spent. In a very real constitutional sense, the buck starts here.

Now, here we have an appropriations bill originating in this House that still has outrageously wasteful and indefensible programs in it, and the flagship of that waste is the $182 million in unauthorized—there's that word again—in unauthorized spending for the Economic Development Administration. This is solely and simply a slush fund that gives away money for the most dubious of local projects. Local projects that benefit local communities should be funded locally. We shouldn't be robbing St. Petersburg to pay St. Paul. We have to ask ourselves, if these projects are so important to local communities, why are those local communities unwilling to pay for them?

□ 1600

If the communities that directly benefit from these projects are unwilling to pay for them, why are we spending Federal money that we don't have?

To add insult to insanity, this particular Agency is sitting right now on $845 million. Why on Earth would we provide it with another $180 million? We ought to abolish this Agency and recover the unspent funds, not throw good money after bad.

Tim Carney hit it on the head in The Washington Examiner last October when he wrote this:

> Nearly every Republican voted against President Obama's stimulus in 2009, arguing that the deficit was too high, that government shouldn't be in the game of picking winners and losers, and that Washington doesn't create jobs. But the EDA adds to the deficit, picks winners and losers, and purports to create jobs. If Republicans vote to continue the EDA, they flaunt their hypocrisy to critics.

I have to agree.

I appreciate that the appropriations bills are making incremental improvements in the status quo, but these are times that demand much, much more than that. When Members vote for these appropriations bills, they become responsible for the spending in them and for the waste in them. And I, for one, do not intend to explain to my constituents that a ''culinary amphitheater'' was worthy of $2 million of their hard-earned taxes. This spending is simply indefensible. Doling out grants with little, if any, accountability, this ought to be the poster child for waste in government.

I appreciate the fact that the leadership has agreed to an open amendment process, giving us the opportunity to correct this particular oversight on the floor. But the fact of the matter is that the House is ill-equipped to comprehensively address this kind of waste from the floor, and we must do better in both the authorizing and the Appropriations Committees in combing these bills earlier in the process for these kind of unconscionable and indefensible expenditures.

I commend the gentleman from Kansas for offering the amendment. I wholeheartedly support it.

Madam Chairman, I yield back the balance of my time.

Mr. ROGERS of Kentucky. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Madam Chairwoman, my district has historically lagged behind others in the Commonwealth and in the Nation, which is why I have made the economic development of rural Kentucky my top priority since coming to Congress.

Creating jobs in a mountainous region without sufficient roadways or suitable water infrastructure might seem an insurmountable challenge, but I've always encouraged my constituents and community leaders to ''plan their work and work their plan.'' With the help of EDA, this is what we've done in southern and eastern Kentucky.

The Economic Development Administration is one of the few entities in our Federal Government uniquely qualified to address the needs of communities with chronically high unemployment or facing enormous setbacks due to natural disasters. EDA's grants, awarded in a competitive fashion, leverage over $10 from the private sector for every Federal dollar invested and are targeted at facilities that are essential for private industry to remain or locate in these underachieving areas. As

a result of these targeted investments in water systems, workforce training centers, intermodal facilities or broadband networks, struggling communities around the country have seen the creation of some 314,000 jobs in the last 7 years.

I wholeheartedly concur with the sponsor of the amendment that the role of the Federal Government isn't to create jobs, but instead, to create the conditions favorable for private sector job creation. By partnering with local area development districts, leveraging public and private dollars, and engaging the local workforce, EDA does just that.

This bill provides $220 million for the agency—which is already $38 million below the current level—rejects the administration's request to shift funds away from vital public works programs, and supports a loan guarantee program to development innovative manufacturing technologies that will keep rural areas competitive nationally and globally. With unemployment in rural areas around the country still hovering at well above the national average, this is an investment we cannot afford to lose. I urge a ''no'' vote, and I yield back the balance of my time.

Mr. RAHALL. Madam Chair, I rise in opposition to the amendment offered by the gentleman from Kansas, Mr. POMPEO, to eliminate funding for the Economic Development Administration (EDA).

The importance of EDA cannot be overstated. Established in 1965, EDA empowers economically distressed communities, among them communities that I represent, to develop and revitalize their economies based on their needs and resources. These funds allow rural communities to be active participants in today's economy by helping to create and retain jobs.

The EDA underwrites basic infrastructure needs, such as water and sewer systems and the expansion of broadband services that help to attract jobs and stimulate economic development. While much of the Nation takes for granted the ability to turn on the faucet and have clean drinking water flow out, countless families in rural America do not. For them, answering such a basic human need is a daily struggle. For them, the EDA is a Godsend.

EDA funding has helped to provide the needed infrastructure for development of industrial parks in my State. These up-to-date facilities create modern spaces that enable existing local businesses to grow and entice other businesses to locate to these livable, rural towns that boast ready workforces.

Those who would undo EDA surely cannot understand what a huge difference the seed money it provides is making in our tough economic times. They must not have seen how it expands the reach and effectiveness of educational institutions or leads to better employment for working men and women. They must not get how the relatively small investments the EDA makes are helping struggling communities to transform themselves into economic engines.

There is nothing frivolous about the EDA. This is an agency that is meat-and-potatoes government at its best. The funds it provides are not handouts. To the contrary, these are investments that are enabling our citizens to pull themselves up by their own bootstraps.

In addition to anecdotal stories though, EDA's success has been proven by an independent study that found that EDA investment in rural areas generates between 2.2 and 5 jobs per $10,000 in incremental EDA investment, translating to a cost of between $2,001 and $4,611 to produce a single job. As the Nation's economy emerges from the recession, EDA is one of the most efficient ways that the Federal government can assist in economic recovery and prevent another downturn.

I have seen firsthand the benefit of a coordinated effort of EDA investments. Between 2006 and 2011, EDA made 25 investments in my district totaling approximately $10 million. These projects are expected to help create approximately 1,125 jobs and help attract approximately $98.5 million in private investment.

I urge the House to recognize the value of EDA as a necessary component to revitalizing our economy, ensuring that the United States remains an economic force, and creating new jobs for American workers.

I urge my colleagues to join me in opposing Mr. POMPEO's amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kansas (Mr. POMPEO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POMPEO. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kansas will be postponed.

AMENDMENT OFFERED BY MR. CICILLINE

Mr. CICILLINE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 17, strike ''grants'' and insert ''grants, including grants authorized under section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722)''.

The Acting CHAIR. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. CICILLINE. Madam Chairman, in an effort to drive innovation and regional collaboration, the America COMPETES Reauthorization Act of 2010 mandated the creation of a Regional Innovation Program within the Economic Development Administration. This program is intended to encourage and support the development of regional innovation strategies, including regional innovation clusters and science and research parks.

The President's fiscal year 2013 budget requested $25 million to fund the Regional Innovation Strategies Program. Funding for the Regional Innovation Program would support the Economic Development Agency's interagency effort to build regional innovation clusters, including the Jobs and Innovation Accelerator Challenge.

The Jobs Accelerator is a competitive interagency grant that supports the advancement of high-growth regional industry clusters, very important all across America and particularly important in my home State of Rhode Island.

EDA is currently working in partnership with other Federal agencies, including the Department of Labor's Employment and Training Administration and the Small Business Administration, to promote regional collaboration to spur job growth and economic development.

The Jobs Accelerator aggregates existing investments and technical assistance from multiple Federal agencies to strengthen regional industry clusters—networks of interconnected firms and institutions working to accelerate job growth, business formation and expansion, innovation, workforce training, and small business development. A targeted investment in this program will help Federal, State, and local entities leverage existing resources, spur regional collaboration, and advance economic recovery and job-creation efforts in high-growth industries.

Through the Regional Innovation Program, local leaders are empowered to maximize existing assets and are provided resources to ensure that historically underrepresented communities, including those hardest hit by unemployment and economic decline, are able to participate in and benefit from the regional cluster.

My amendment is simple and straightforward. It does not create any new program or authorization. It does not increase or decrease a single account in the appropriations bill for the Departments of Commerce, Justice, Science, and related agencies. Rather, this amendment serves to specifically cite the Regional Innovation Program to focus attention on this vitally important job-creating initiative as the appropriation process moves forward.

The Regional Innovation Program has been specifically supported and cited in both the fiscal year 2012 and fiscal year 2013 Senate CJS Appropriations Committee report.

We have to recognize that innovation is critically important to America's ability to compete in the global economy. Supporting the development of regional innovation clusters will strengthen our capacity to create and retain new jobs and sustain our economic recovery.

The Regional Innovation Program will help Federal, State, and local entities leverage existing resources, spur regional collaboration, and support economic recovery and job creation in these high-growth industries. I urge my colleagues to support this very straightforward and simple amendment, and I yield back the balance of my time.

Mr. WOLF. Will the gentleman yield?

Mr. CICILLINE. I yield to the gentleman.

Mr. WOLF. Madam Chair, this costs no money. We have no objection to the amendment and accept the amendment.

Mr. FATTAH. Will the gentleman yield?

Mr. CICILLINE. I yield to the gentleman.

Mr. FATTAH. We are prepared to accept the amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE).

The amendment was agreed to.

□ 1610

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $37,500,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

AMENDMENT OFFERED BY MR. SCALISE

Mr. SCALISE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 7, after the dollar amount, insert ''(reduced by $7,500,000)''.

Page 17, line 6, after the dollar amount, insert ''(reduced by $10,706,000)''.

Page 101, line 10, after the dollar amount, insert ''(increased by $18,206,000)''.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. Madam Chair, the amendment that I bring to the desk brings the two Agencies, EDA and Commerce, back to the pre-2008 spending levels. And as we're focusing on bringing overall spending in this bill, the CJS bill, to pre-2008 levels, I wanted to also bring those two Agencies in line on their overhead, and that's specifically what my amendment deals with.

I want to first applaud the chairman, the gentleman from Virginia, for the work that he and his committee have done to start the process of reducing spending. We recognize that Washington has a spending problem, and some of us here are willing to do something about it and start forcing Washington to live within its means, and that means we have to start the process of setting priorities.

One of the things that was done in the original CJS bill that's been filed is to implement a 52 percent cut to the programs that are implemented, for example, in EDA. And, again, I applaud the gentleman for making those improvements and those reforms in the base of the bill to actually bring the spending in those programs in line with pre-2008 levels.

But one thing that was not done was the spending for the salaries and expenses, the overhead of those Agencies. So as the agencies are being trimmed back, their salaries and overheads are not being subsequently trimmed back, and so that's what we do in this amendment. We actually reduce spending to the point where we will save $18.2 million that will reduce the Federal deficit.

Again, this is one small step in a large number of steps that we need to take as a body, but I want to talk a little bit about what these cuts will mean and what the subsequent corresponding cuts will mean to the cuts that have already been made in the programs themselves.

I think there have been some good examples that have been shown of these programs, what EDA does and some of the money that's wasted. And when you go and you look through what these Agencies have spent money on—again, this is money we don't have—they've spent money on things like building a replica of the Great Pyramids, building a replica of the Great Wall of China.

Two million dollars was spent giving money that we don't have to a city to build an amphitheater with a wine tasting room. I'm sure there are a lot of people in that amphitheater would like going to a wine tasting room, but there are a lot of places you can go in the private sector that already do that without borrowing money from China to go and build these things with money we don't have.

And so, again, as the committee did the work of cutting 52 percent of the EDA program, they did make some cuts in the overhead, but not to bring it to the 2008 levels. So, as the bill currently stands, in its base form, these two Agencies will see a 25 percent increase in their overhead from the 2008 budget. So, in that 4-year period, even with the cuts that have already been made, these two Agencies still have a 25 percent increase in their spending.

Now, keep in mind this is coming at a time when States, when local governments, when families in our districts back home have been cutting back, have actually been making due with less to live within their means, as everyone should when times get tough. And yet, in Washington, even though 42 cents of every dollar that's spent here is borrowed money, Washington still hasn't cut back subsequently to live within its means; and we've got to start that process, and that means setting priorities.

These Agencies would still have, combined, $74 million to spend on their overhead. But at least it brings them back to their 2008 levels, just as the programs that they're administering have been brought back to 2008 levels.

So think about it. You know, we're asking people to do more with less. If my amendment doesn't pass, they would be asked to do less with more. The programs that they administer are being cut, and yet the salaries and overhead are not being cut subsequently.

We just had a district work period this last week. I go back home and I talk to small businesses throughout my district in southeast Louisiana, and what they tell me, the things that are holding them back from creating jobs are the regulations, the red tape, and the excessive spending coming out of Washington. Yet, if you look at this, you know, nobody in my district said that they need to see the Great Wall of China being built with taxpayer money. But what they do say is what's holding them back from creating jobs is borrowing money from China to spend on programs that we just can't afford to fund.

So while I applaud the cutting of those programs, because the programs in the base of this bill have been cut, what hasn't been cut subsequently is the overhead to go along with it to bring it to those pre-2008 levels. This is a step we need to take to not only save $18.2 million that will reduce the deficit, but to start sending the signal that we're living within our means.

Madam Chair, I yield back the balance of my time.

Mr. FATTAH. I rise to oppose the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. My colleague mentioned small businesses. It brings to mind that, in today's financial times, it shows that we have the highest enthusiasm for hiring and economic optimism in the small business community that we've had in this country in a very long time.

Over $70 billion was made available through the Obama administration for small business loans, through 2009 and 2010, and we now see the results of it. We see millions of private sector jobs being created. Our economy has seen a decrease over 11 months from an unemployment rate of 9.1 percent to now 8.1 percent, and most economists agree it's going to drop into the 7 percent number over the next few months.

This notion that we can cut programs and, therefore, we should cut administration sounds like a lot of common sense. But when you think about it, whether one Member comes over to the floor today or 100 Members, we still have to have staff on the floor. There's still security; there are still lights. There are still expenses in an agency when you have to run any part of the program. So if you have to run a loan program, if you have to run other programs, you need the expertise and the staff to do it. Whether you cut the program back a little bit—it's like a classroom in a school. Unless you're going to eliminate an entire classroom, you need to hire the teacher; you need to have the lights on.

So I would just suggest that, even though the gentleman may be focused on trying to do something, he says, about the deficit, that, in reality, unless he's actually trying to cripple the Commerce Department as it competes with much larger countries like China and India, economic competitors like

the European Union, trying to work on behalf of the American businesses, our Commerce Department, we cannot afford to be cutting back and cutting in a way that actually does harm to our economy. So I rise in opposition to this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SCALISE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

The Clerk will read.

The Clerk read as follows:

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,689,000.

AMENDMENT OFFERED BY MS. CLARKE OF NEW YORK

Ms. CLARKE of New York. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 18, after the dollar amount, insert ''(increased by $5,311,000)''.

Page 11, line 11, after the dollar amount, insert ''(reduced by $5,311,000)''.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. CLARKE of New York. Madam Chair, I rise today in support of additional funding for the Minority Business Development Agency. An offset for this amendment is by $5.3 million from the $79 million increase to the National Institute for Standards and Technology.

Madam Chair, minority firms currently provide 5.8 million people with employment, and we know that they have the untapped potential to create even more. That's why, Madam Chair, Ms. CHU of California, Mr. COHEN of Tennessee, who are cosponsors of this amendment, and myself, along with 33 of our colleagues, sent a letter to the CJS Subcommittee in March seeking MBDA funding levels at $34 million, in direct response to the then-planned closure of the MBDA regional offices and to expand MBDA's network of business centers.

□ 1620

In 2010, MBDA secured $1.6 billion in contracts and $2.2 billion in financing for minority firms. That same year, they realized a 125 percent return on their investment.

Our Nation's economy will not and cannot fully recover until all small businesses are active participants in a robust recovery. The MBDA's mission of supporting minority businesses is absolutely fundamental to the overall recovery of the economy.

Madam Chair, I yield at this time to my colleague, the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I want to thank my colleague from New York for yielding to me.

This is a particularly important amendment because minority business development agencies give people a hand up, not a hand out.

The fact is the folks on the other side are always talking about opportunities in businesses and in small business, and this is the ideal type of Federal Government program in which small business—minorities—are given opportunities to get knowledge about contracting opportunities with the Federal Government and to get a share and get financing capabilities. Minorities have long been denied the opportunity to get adequate financing from our banking system, and they have been less than properly represented in the number of contracts they get from the Federal Government.

The Minority Business Development Agency just put an office in my district in Memphis, Tennessee, which has the largest metropolitan population, African American population, in this country. Yet it wasn't until this year that a minority business office was placed there—the first one in the history of the State of Tennessee.

There is a lot more that needs to be done to give people an opportunity. In this recession, small business has been hurt and minorities have been hurt, and minorities have been hurt in a disproportionate manner. With this amendment, the Minority Business Development Agency can thrive and give people opportunity—give people jobs, give people contracts—and make economic development go throughout all of America.

I urge my colleagues to support this amendment, the Clarke-Cohen-Chu amendment, and to have a hand up, not a hand out.

Ms. CLARKE of New York. I thank the gentleman for his remarks, and I yield back the balance of my time.

Mr. WOLF. I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I rise in opposition to the gentlelady's increase. The bill already funds the Minority Business Development Agency at the level requested by the administration of nearly $29 million. The administration has not asked for more money.

Also, the offset would not be good. It would cut the scientific research activities at NIST that are vital to increasing our competitiveness, giving the edge to American manufacturing and also doing a lot of work in the area of cyber. Funding the sciences and research programs has been a top priority of both political parties, so I urge my colleagues to reject this increase and to vote down the amendment.

I yield back the balance of my time.

Mr. FATTAH. I rise in support of the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. This amendment, in all likelihood, is not going to pass in the House today.

The chairman is correct that the appropriations request from the administration was fully met in the bill, but I do want to associate myself with the remarks of the gentlelady from New York.

I share a birthday with DICK DURBIN, who is the majority leader in the Senate, and with the gentlelady from New York. We all happened to be born on the same day, but at least between me and DURBIN, she is at least the best among us.

This effort to increase our focus on underserved communities is an important one, and that is why I am happy that she, along with the gentleman from Tennessee, have brought this amendment forward. I think that, in order to increase economic opportunity in our country, we need to be focused on this agency. It's not so much whether we save an office here or there. Rather, it's that we need to put increased focus on loans and technical assistance and contracting opportunities for businesses that have been left out. I know the chairman agrees with me in this regard. We need to continue to look for ways to increase the opportunities for this agency in order to serve these communities.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. CLARKE).

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $96,000,000, to remain available until September 30, 2014.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics, provided for by law, $253,336,000: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics for periodic censuses and programs, provided for by law, $625,357,000, to remain available until September 30, 2014: *Provided*, That from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

AMENDMENT NO. 4 OFFERED BY MR. LYNCH

Mr. LYNCH. Madam Chair, I believe I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, line 11, after the dollar amount, insert ''(reduced by $4,000,000)''.

Page 43, line 15, after the dollar amount, insert ''(increased by $4,000,000)''.

Page 44, line 23, after the dollar amount, insert ''(increased by $4,000,000)''.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. LYNCH. Madam Chair, I rise to offer an amendment to H.R. 5326, making appropriations for the Departments of Commerce, Justice, Science, and Related Agencies bill.

My amendment would increase by $4 million the amount appropriated for fiscal year 2013 for the Office of Justice Drug Courts Program. The $4 million added to the Drug Courts Program will be offset by decreasing the amount by $4 million in the funding for periodic censuses and related programs.

To say that there is a drug addiction problem in the United States is an understatement. We're dealing with an epidemic that is in every city and town in this country and that reaches across every demographic. Addiction does not discriminate as it shatters lives, breaks up families, and costs hundreds of billions of dollars annually. In fact, according to the National Institute on Drug Abuse, estimates of the total overall costs related to substance abuse in the United States, including productivity and health- and crime-related costs, exceed $600 billion annually.

Drug courts are specialized court dockets designed to handle cases involving drug and/or alcohol dependent offenders who are commonly charged with offenses such as the possession of a controlled substance or other nonviolent offenses determined to have been caused or influenced by their addictions. These cases are handled through a comprehensive program of supervision, drug testing, treatment services, and immediate sanctions and incentives that are designed to reduce the recidivism rates of these particular offenders. People who don't comply with the requirements of drug courts go to jail. They go to jail quickly and for various periods of time. It's a ''get tough'' policy. Particular offenders have their recidivism rates reduced by helping them overcome their substance abuse problems, which are the primary and predicate causes of their criminal activities.

Drug courts coordinate the efforts of judiciary, prosecution, defense bar, probation, law enforcement, treatment, mental health, social services, and child protection services to break the cycle of substance abuse, addiction, and crime. If we can break that cycle, we will all benefit.

Drug courts work. Drug courts save money. They reduce crime and they restore families. According to the National Association of Drug Court Professionals, the drug court approach reduces crime by as much as 45 percent more than other sentencing options. In fact, nationally, 75 percent of drug courts graduates remain arrest-free for at least 2 years after leaving the program, and reductions in crime by those offenders is long term.

In addition to reducing crime, drug courts save money, and that is a theme that has become very popular around here lately. As reported by the National Association of Drug Court Professionals, for every dollar nationwide invested in drug courts, taxpayers save as much as $27. This substantial savings comes from avoiding criminal costs, prison costs, reduced victimization, and health care utilization—all areas in which vast sums of money are spent.

Most importantly, drug courts help restore and preserve families. According to statistics, family reunification rates for drug offenders are 50 percent higher for drug court participants. As people struggle through addiction, they lose a sense of themselves and become isolated from everyone they've known. Reuniting with their families can be the first step in returning to normalcy and to becoming again productive members of their communities.

The underlying bill provides $41 million in drug court funding, which is $6 million over the FY 2012 level. For that, I would like to thank Chairman FRANK WOLF and Ranking Member CHAKA FATTAH.

However, drug courts have been historically underfunded since 2001. So this $4 million increase would bring funding for the National Drug Court Program in line with its historical average of $45 million since 2001. I appreciate the good work of the census, and I believe that this modest offset can be accounted for in the coming years, but the work of the drug courts meets an immediate and critical need.

□ 1630

Mr. WOLF. Will the gentleman yield?

Mr. LYNCH. I yield to the gentleman from Virginia.

Mr. WOLF. I have no objection to the amendment. I think it's a good amendment. The committee has also been very supportive. Also based on the recommendation of Mr. MEEHAN, they have broadened it now with regard to veterans, too.

But I thank the gentleman, and we accept the amendment.

Mr. FATTAH. Will the gentleman yield?

Mr. LYNCH. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. I also can support this amendment.

I led the effort in the Pennsylvania legislature to create drug courts in our State. I'm a big supporter, and I think that the chairman—in the bill before us, we've already increased this account, but I think that the amendment as offered by my colleague is something that we would support.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $45,568,000, to remain available until September 30, 2014: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

U.S. PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $2,933,241,000 to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2013, so as to result in a fiscal year 2013 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2013, should the total amount of such offsetting collections be less than $2,933,241,000 this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of $2,933,241,000 in fiscal year 2013 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That from amounts provided herein, not to exceed $900 shall be made available in fiscal year 2013 for official reception and representation expenses: *Provided further*, That

in fiscal year 2013 from the amounts made available for ''Salaries and Expenses'' for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: *Provided further*, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): *Provided further*, That within the amounts appropriated, $2,000,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $621,173,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'' *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, $149,000,000, to remain available until expended, of which $128,000,000 shall be for the Manufacturing Extension Partnership, and of which $21,000,000 shall be for the Advanced Manufacturing Technology Consortia.

AMENDMENT OFFERED BY MR. QUAYLE

Mr. QUAYLE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 18, after the dollar amount insert ''(reduced by $21,000,000)''.

Page 11, line 20, after the dollar amount insert ''(reduced by $21,000,000)''.

Page 101, line 10, after the dollar amount insert ''(increased by $21,000,000)''.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. QUAYLE. Madam Chair, this amendment would strike the new Advanced Manufacturing Technology Consortia, also called AmTech, and apply the $21 million that was provided in the bill to the spending-reduction account. This new program is intended to establish a public-private partnership initiative that would provide Federal grants to identify and support research projects focused on long-term industrial needs.

We all recognize the importance of advanced manufacturing and the value of collaboration and innovation policy. My hometown of Phoenix has a strong high-tech base and great research universities. I also serve as the chairman of the Subcommittee on Technology Innovation, which has jurisdiction over NIST. Our committee has a long bipartisan record of support for NIST and its contributions.

That being said, in the current budget environment, I simply do not believe it is appropriate to be establishing and funding a new program. Even without the new $21 million Advanced Manufacturing Technology Consortia, this budget is still nearly 8 percent higher than was provided last year.

Madam Chair, when you look at the amount of debt that we've accumulated over the course of many years and you look at the budget process that we're going through right now, this AmTech was actually requested for the funding last time around when we were going through the appropriations process, and we rightfully did not fund this new program. There are already programs in place for manufacturing, and there are other places that we can go in the private sector to be able to deal with that in the research and developing new ways to be innovative in advanced manufacturing. It is not the time to be wasting another $21 million in spending that we don't have in order to put forth a new program.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. WOLF. Madam Chair, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. The amendment would cut $21 million we provided for NIST to establish an Advanced Manufacturing Technology Consortia, or AmTech.

Revitalizing the manufacturing sector is important to a strong economy. Is America going to be making anything? Aren't we all tired of going into Wal-Mart and seeing ''made in China''? We have to begin to make things in this country. AmTech would be a competitive-grants program designed to leverage existing or establish new industry-led consortia to develop roadmaps for key long-term industrial research needs and support research at universities and government labs. AmTech will address multiple components of the innovation cycle from discovery to commercialization to accelerate the pace of innovation through the various industrial sectors.

These are precisely the types of programs that we need now to support American manufacturing and innovation, and NIST has a strong track record of proven success in supporting American manufacturing. Manufacturing should be the cornerstone of the economy, and this amendment would help stop it.

I'm going to digress for just a second. When this Congress on two different occasions was asked by the administration to do away with the so-called ''payroll tax,'' that cost this Congress $125 billion. By doing that, both sides of this Congress and the administration gave Jimmy Buffett a break and Warren Buffett a break, and they created no new jobs. We took $250 billion and literally threw it away and jeopardized the Social Security program. They said they were going to pay for it by borrowing from the general fund. The general fund is broke. This is manufacturing, and we need a manufacturer. We need to create jobs in this country.

I know the gentleman has got a great record on the cutting, but this is not the place we want to do it. And I urge a ''no'' vote and yield back the balance of my time.

Mr. FATTAH. Madam Chair, I rise in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. Madam Chair, there is nothing more important in our country than the revival of manufacturing. Over the first decade of this century, we lost so many manufacturing jobs.

At the front edge of this recovery is manufacturing. So that's 370,000 new jobs. To take our Federal laboratories, which we invest billions of dollars that we have—I've visited Sandia and Los Alamos and the Fermi Lab and the Argonne Lab. We have tens of thousands of scientists and researchers there. This consortia program will allow them to work with local manufacturers and communities to help build our manufacturing base so that as we compete across the globe to build it here and sell it everywhere, that we have the manufacturing capabilities to do it.

I think this is an amendment that is unwise. We have a budget that is built not only on the agreement last year, but on the Ryan budget. We're operating within the 302(b) allocation. So for people to rise and say we don't have the money, no, this is money that's been allocated by the majority Republican Congress to spend on behalf of moving our country forward. So we should have a debate on what's important. I think manufacturing is important. I hope that we will reject this amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. QUAYLE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. QUAYLE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), $60,000,000, to remain available until expended: *Provided*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $2,968,371,000, to remain available until September 30, 2014, except that funds provided for cooperative enforcement shall remain available until September 30, 2015: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That in addition, $119,064,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further*, That of the $3,102,435,000 provided for in direct obligations under this heading, $2,968,371,000 is appropriated from the general fund, $119,064,000 is provided by transfer, and $15,000,000 is derived from recoveries of prior year obligations: *Provided further*, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $207,013,000: *Provided further*, That any deviation from the amounts designated for specific activities in the statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

AMENDMENT NO. 10 OFFERED BY MR. HARRIS

Mr. HARRIS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 13, line 2, after the dollar amount, insert ''(reduced by $542,000)''.

Page 13, line 14, after the dollar amount, insert ''(reduced by $542,000)''.

Page 13, line 15, after the dollar amount, insert ''(reduced by $542,000)''.

Page 101, line 10, after the dollar amount, insert ''(increased by $542,000)''.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. HARRIS. Madam Chairman, first I want to congratulate the committee for doing its work to help curb the rise in government spending.

I rise to offer an amendment to provide level funding for NOAA's Climate Portal program, rather than the increase in the funding requested by the President and included in the bill as it currently stands.

The Climate Portal program is actually a Web site run by NOAA; and in committee testimony, Dr. Lubchenko suggested that this was a science Web site. This is where you can share climate science information and make decisions.

□ 1640

Madam Chairman, the request is a 56 percent increase in funding. Now, the only thing that's gotten a 56 percent increase over the last 4 years is the size of the Federal deficit and the debt. So my amendment merely reduces the level of funding to the current level.

But I want to read, as you click on some of these topics, what the science is at this port. I am going to read from an article just published on the Web site on May 2. It talks about farming.

''The rain was as loud as pennies falling on the roof of the truck's cab.'' Later on in the paragraph, ''We had been watching Johnson work in his field until the fat drops of rain sent us racing for cover.'' Next paragraph, ''The machine behind the tractor makes it easier than ever for him to roll the grass into submission, thousands of stalks pointing accusingly at the device that just pancaked them.''

Madam Chairman, that's not a scientific article. That's something I read to my children at bedtime. But this is what NOAA is advancing as a scientific Web site to share scientific information and is asking for a 56 percent increase in their funding.

My amendment is simple. Let's just level-fund the Web site. Let's revert it to a truly scientific nature and come back next year, if and when our finances are better.

Mr. WOLF. If the gentleman will yield, I think it's a good amendment, and I accept the amendment.

Mr. HARRIS. With that, I yield back the balance of my time.

Mr. DICKS. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. It is our understanding that this affects climate change research, and we think that we should not support the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. HARRIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HARRIS. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

AMENDMENT OFFERED BY MS. HANABUSA

Ms. HANABUSA. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 2, after the dollar amount insert ''(increased by $1,600,000)''.

Page 32, line 4, after the dollar amount insert ''(reduced by $1,900,000)''.

The Acting CHAIR. The gentlewoman from Hawaii is recognized for 5 minutes.

Ms. HANABUSA. Madam Chairman, first I would like to say that this is a bipartisan amendment. Congressman YOUNG from Alaska has joined in the amendment, as well as Congresswoman BORDALLO, Congressman SABLAN, and the gentleman from Washington, Congressman DICKS.

So, Madam Chairman, this is a very important issue, and it's not asking for much in terms of funding. It's asking for funding to be restored to the fiscal year '12 level.

And let's look at what we're talking about here. We're talking about the Marine Debris line, which funds NOAA's Marine Debris Program, which was really established and mandated by the Marine Debris Research, Prevention, and Reduction Act of 2006. As you know, the program works to map, identify, assess, remove, and prohibit marine debris.

Marine debris is, of course, the worst pollution that we're dealing with in our oceans, but it has become even more relevant to us after the tsunami, the earthquake, and, of course, Fukushima Daiichi in Japan on March 11, 2011. And we have, I'm sure, all sat there in amazement as reports have been made of a soccer ball being found, I believe, in Alaska and a motorcycle in Canada. Definitely, the debris is hitting North America.

I represent Hawaii, and we are on watch as well. All indications are that the debris is making its way. It will hit the northern Hawaiian Islands maybe in the later part of this year. But definitely we expect that the coast will be hit by 2013 as well as Hawaii and other islands.

And think about what this means. You are not talking about a ship. You are not talking about things being dropped in the ocean. You are talking about whole cities. I'm sure we can all recall seeing, in Japan, that tsunami coming in and wiping out cities. And think about where that went.

I think the problem that we, many of us, have is that we stand there in awe

of what happens, but we don't think about what the consequences are. And the consequences here are major. That is floating in the ocean, and it is making its way to us.

That is why this amendment has been proposed, and that is why I believe this amendment has the sponsors that it does have, because we are simply asking to be restored to the level of fiscal year 2012. What that will give us—remember, at that point, we were merely monitoring. We didn't have any clear evidence as to what was happening. Now we know.

All this does is say restore it to at least that level so that the Marine Debris Program can do its work and map, identify, assess, remove, and prohibit more marine debris from hitting our shores. Think about the consequences for us.

Madam Chairman, that is why I ask that we all support this amendment and, on page 13, line 2, increase the amount by $1.6 million, just to the fiscal year 2012 level.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HANABUSA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GRIMM

Mr. GRIMM. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 42, line 3, after the dollar amount, insert ''(increased by $18,000,000)''.

Page 42, line 12, after the dollar amount, insert ''(increased by $18,000,000)''.

Page 13, line 2, after the dollar amount, insert ''(reduced by $18,000,000)''.

Page 13, line 14, after the dollar amount, insert ''(reduced by $18,000,000)''.

Page 13, line 15, after the dollar amount, insert ''(reduced by $18,000,000)''.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. GRIMM. Madam Chair, I rise today to offer an amendment I introduced along with my colleagues, Mr. KING of New York, Mr. BARLETTA, and Mr. RUNYAN, that would ensure funding is maintained for regional information sharing activities, such as the Regional Information Sharing System, RISS, a program established by Congress over 30 years ago as a nationwide resource for law enforcement to share criminal and intelligence information.

The House FY2013 CJS appropriations bill requests $27 million in funding for this important program, a 40 percent reduction over past years. Our amendment would restore regional information sharing activities to the fiscal year 2011 funding level of $45 million. In the fiscal year 2013 Commerce, Justice, and Science Appropriations Act, it is fully offset by reducing funding for NOAA climate research.

RISS is a valuable tool that helps nearly 9,000 Federal, State, and local law enforcement agencies in all 50 States, the District of Columbia, and U.S. territories. They share information more effectively in order to combat terrorism, dangerous criminals, gangs, and sex offenders.

Since 2000, RISS support has yielded $942.5 million in narcotics, property, and case seizures alone, a 223 percent return on Federal investment, and contributed to more than 57,360 arrests. These numbers don't lie. It's clear that regional information sharing more than pays for itself. These positive results have spurred a greater demand for RISS services. However, with RISS experiencing funding cuts in fiscal year 2012, Agency needs could not always be met.

□ 1650

With these additional cuts in fiscal year 2013, RISS will need to implement widespread layoffs and potentially dismantle critical intelligence centers. So in order to maximize the ability of law enforcement to combat crime and keep our community safe, regional information-sharing activities must remain adequately funded.

I strongly urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. WOLF. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I wish we could have worked something out. I visited the RISS center up in Bucks County. My dad was a Philadelphia policeman. I take a back seat to no one on the issue of crime.

But it doesn't cut the climate. We don't go down to that. What we're cutting, basically, is weather. What we're cutting is a National Oceanic and Atmospheric Administration research and facilities issue. The account the gentleman is proposing would cut funds for the National Weather Service and the satellite office that process all the data with regard to weather—hurricanes, tornados.

As we go on, no matter what the outcome of this amendment, it doesn't cut climate service. Also, this is the same level fiscal year as it was in the 2012 level and the request. Some Members come down and want more cuts; others want an increase. This bill is below the President's numbers. It is below last year. It is a good program, but it's balancing out.

So I would urge people to vote ''no,'' and as we go to conference, I'll tell the gentleman, we'll work on it. As of now, I urge a ''no'' vote. If you vote ''yes,'' then the money is coming out of the weather. If there's a hurricane, a tornado, a snowstorm, a problem, then you make your own judgment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. GRIMM).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GRIMM. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

The Clerk will read.

The Clerk read as follows:

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,931,948,000, to remain available until September 30, 2015, except that funds provided for construction of facilities shall remain available until expended: *Provided*, That of the $1,946,948,000 provided for in direct obligations under this heading, $1,931,948,000 is appropriated from the general fund and $15,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2014: *Provided*, That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 13, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 101, line 10, after the dollar amount, insert ''(increased by $15,000,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Thank you, Madam Chairman.

My amendment would reduce funding for the Pacific Coastal Salmon Recovery program to the President's FY13 request of $50 million.

I love salmon. I love to eat them. I love to fish for them. I'm a conservationist, and conservation issues are what started my political activism. But we also are in an economic crisis as a Nation.

Let's be clear, this program is basically an earmark, and we should be eliminating it altogether. But that's not what my amendment does. I'm simply asking that we revert to funding levels back to those requested by the President. If $50 million in funding is good enough for the administration, that's exactly the amount of taxpayer money that this program should receive—and not a cent more.

Given our current economic emergency, everyone needs to pull their weight when it comes to cutting spending. Congress has had to slash its own budget. Agencies across the Federal Government are tightening their belts left and right, and our Nation's families are reining in spending to deal with our failing and flailing economy. Yet the Pacific Coast Salmon Recovery is requesting $65 million in their funding—a $15 million increase in their budget from what the President himself has recommended for this year.

I urge my colleagues to support my amendment to simply save American taxpayers $15 million by maintaining the status quo for the Pacific Coastal Salmon Recovery funding.

I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. First of all, I take umbrage at the use of the word ''earmark'' by my colleague. This is no earmark. This is a national program. This affects California, Nevada, Oregon, Washington, Alaska, and Idaho. These States, after a whole series of endangered species listings that go coastwide, are trying to save these salmon runs.

As someone who comes from Washington State, I have been in the midst of an effort to try to recover our salmon runs. We have marked our fish. We have gone to selective harvests. We're protecting our wild runs. We're trying to do everything we can to recover these salmon runs.

Today, on the Columbia River in Washington State, we will be very fortunate to get 600,000 salmon back. At a time in the thirties we would have 20 million fish coming back every year: wild chinook salmon, coho salmon, and others.

So I think this is a very good program. We have worked hard to make sure the money is used for strong habitat restoration work and that we have worked to improve our hatcheries. We've done hatchery reform. We've done everything we can to restore the habitat for these fish.

Again, this is a national program that was created during the Clinton administration. It is strongly supported in the Pacific Northwest by both Democrats and Republicans. I see my good friend from Alaska, Mr. YOUNG, has arrived on the floor; and I just want you to know that Alaska, where we still have many wild fish, also participates in this program from time to time.

So I urge that we vote ''no'' on this amendment. This is a national program. It has been in existence for 12 years. It is doing a good job; but we're fighting a very difficult problem, and we still need to keep working on this because of the endangered species listing, and we still have work to be done. And to cut this back, I think, is a mistake. I urge my colleagues to vote ''no'' on the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2013, obligations of direct loans may not exceed $24,000,000 for Individual Fishing Quota loans and not to exceed $59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: *Provided*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed $4,500 for official reception and representation, $55,000,000: *Provided*, That the Secretary of Commerce shall maintain a task force on job repatriation and manufacturing growth and shall produce an annual report on related incentive strategies, implementation plans and program results.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $28,753,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. (a) Section 105(f) of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55) is amended—

(1) by striking ''paragraph (2)'' and inserting ''subsection (e)(2)''; and

(2) by striking ''this subsection'' and inserting ''subsection (e)''.

(b) The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55), as amended by subsection (a) of this section, are hereby adopted by reference.

SEC. 106. Notwithstanding any other provision of law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized,

pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 108. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 109. The Department of Commerce shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate on any official travel to China by any employee of the U.S. Department of Commerce, including the purpose of such travel.

This title may be cited as the ''Department of Commerce Appropriations Act, 2013''.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $110,322,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

□ 1700

AMENDMENT NO. 1 OFFERED BY MR. GOWDY

Mr. GOWDY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 21, line 23, insert ''(reduced by $1,000,000)'' after the dollar amount.

Page 101, line 10, insert ''(increased by $1,000,000)'' after the dollar amount.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. Madam Chairwoman, for well over a year now, committees of Congress have been trying to answer basic, fundamental questions about an ill-conceived, ill-executed firearms operation called Fast and Furious. A Border Patrol agent was killed, hundreds of Mexican citizens have been killed, thousands of weapons are unaccounted for and likely to be used in future crimes. But the Department of Justice and the Attorney General specifically will not provide documents properly, legitimately requested, so I am left with no choice, Madam Chairwoman, but to offer an amendment cutting the Department of Justice appropriation.

Congress has been patient—indeed too patient in my judgment—and I understand that for some everything is a political exercise, but surely the Department of Justice can rise above petty, partisan politics and comply with a subpoena. The Department of Justice expects others to comply with subpoenas, yet they will not do so themselves. For those watching at home, what would happen to them if they ignored a summons for jury duty? What would happen to them if they ignored a grand jury subpoena? What would happen if a committee of Congress demanded documents and they summarily refused to cooperate? Madam Chairwoman, they would be sanctioned, fined, and probably jailed.

The Department of Justice is not just one more agency within the Federal Government. And the Attorney General is not just one more political appointee put in place to advance one agenda or the other. Lady Justice is blindfolded for a reason. She can see who is in front of her, she just chooses not to. The Attorney General is the chief law enforcement officer for the United States, and that is a role that is far and beyond politics. Citizens must have confidence in institutions of justice, and they must have confidence in the top law enforcement official in the country. And how can they possibly have either if the Department of Justice is withholding documents?

Madam Chairwoman, it did not have to come to this. It should not have come to this. But there are basic questions the public and Congress have a right to have answered, such as: Who in the Department of Justice approved the tactic of gun walking? Why was the criminal chief advocating for the tactic of gun walking on February 4, 2011, in Mexico, which is the very same day a demonstrably false letter was written to United States Senator CHUCK GRASSLEY denying the tactic. On the very same day Lanny Brewer is advocating for it, a letter is sent under Department of Justice letterhead denying the tactic. How did such a demonstrably false letter ever get drafted and sent on DOJ letterhead? Was gun walking alluded to in the wiretapping applications? And if so, who missed it? When the President said he did not approve of Fast and Furious and neither did Eric Holder, how did he know that? He said that in March of 2011.

These are but five questions that we do not have the answer to despite one solid year of asking.

So, Madam Chairwoman, this is not about politics to me. It's about respect for the rule of law. It's about answers. It's about accountability. It's about acceptance of responsibility. I will not, I cannot stand idly by while oversight of this body is ignored. It is time we did the jobs we swore allegiance to the Constitution to do, even if others will not.

With that, I yield back the balance of my time.

Mr. WOLF. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I rise in support of the gentleman's amendment. I have had a difficult time getting answers out of the Justice Department. Many times before the Attorney General comes up, we have six or seven letters there, and the night before the hearing we get one letter that says, in answer to your letter of October 1, October 15, and October 28—and so I completely support the amendment, and I urge Members to support this to send a message. I think it is important for the Justice Department to respond. Particularly, they are the Justice Department. So I thank the gentleman for the amendment and urge its support.

I yield back the balance of my time.

Mr. FATTAH. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. Let me try to make a broader point here. We fund the Department of Justice to deal with crime and the protection of our country and our citizens. The crime rate has gone down each and every year of this administration. Violent crime is down. Homicides are down. The Department of Justice is intertwined in inextricable ways with the prevention of terrorist attacks on our homeland and on our citizens, and they have had an extraordinary record.

Now there may be occasions in the House for committees to do whatever it is that they need to do. I know there have been seven hearings in which the Attorney General has testified. I know that thousands of pages of documents have been turned over. But the last thing we should be doing is stripping away resources from a department whose responsibility to all of its agencies is to protect the people who have elected us. They have a responsibility in terms of antiterrorism.

I was out at the opening of the Terrorist Screening Center in Virginia, and to see the various organizations under the mantle of the Department of Justice working hand in hand to make sure that some 300-plus million Americans are safe, I think it has been an extraordinary job done by Attorney General Holder. I think anyone in our country knows this is a political matter. What we need to do is to do our actual work here, and our work here is to deal with appropriations to figure out what the resources are that the Department of Justice needs to do its work.

And yes, there will be a day for politics. That day is on the first Tuesday in November. Today is not the day for

that. Today is the day for this Congress to do its work. I oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR (Mr. SCHOCK). The question is on the amendment offered by the gentleman from South Carolina (Mr. GOWDY).

The amendment was agreed to.

□ 1710

AMENDMENT OFFERED BY MR. RUNYAN

Mr. RUNYAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 23, after the dollar amount, insert ''(reduced by $22,418,000)''.

Page 43, line 15, after the dollar amount, insert ''(increased by $22,418,000)''.

Page 43, line 17, after the dollar amount, insert ''(increased by $22,418,000)''.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. RUNYAN. Mr. Chairman, my amendment transfers $22.418 million from the General Administration Fund to the Edward Byrne Memorial Justice Assistance Grant program, bringing the Byrne/JAG total to $392.48 million, the same as the Senate mark.

The Edward Byrne Memorial Justice Assistance Grant program provides valuable services to local police departments all around the United States. These grants help to enhance law enforcement capabilities by providing funding to local law enforcement agencies through improving officer safety via equipment, technology, and training. Better equipment and trained police officers are a necessity to keep our communities and our constituents safe.

This amendment is deficit neutral, while increasing funding for support of local law enforcement organizations all over the United States. It is also supported by the Fraternal Order of Police.

During tough fiscal times such as these, we must prioritize and ensure we are providing appropriate funding for those programs we need the most. The Byrne/JAG funding should be appropriated as mentioned above in an effort to best serve our constituents.

I urge support of my amendment.

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

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to the distinguished gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. I thank the ranking member.

We rise in opposition because the offsets we think are ill-advised in terms of its cuts, particularly to the Civil Rights Enforcement Office, and a number of others. We request a ''no'' vote on the amendment.

Mr. DICKS. And it's $22 million. This is a big-time cut, and this would affect sensitive civil rights cases. So I urge a ''no'' vote, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. RUNYAN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Clerk will read.

The Clerk read as follows:

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $33,426,000, to remain available until expended.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $313,438,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $84,199,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,772,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $863,367,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed $9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): *Provided further*, That of the amounts provided under this heading for the election monitoring program, $3,390,000 shall remain available until expended.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 9, after the dollar amount, insert ''(increased by $13,500,000)''.

Page 25, line 9, after the dollar amount, insert ''(increased by $21,500,000)''.

Page 30, line 15, after the dollar amount, insert ''(increased by $9,000,000)''.

Page 61, line 13, after the dollar amount, insert ''(reduced by $44,000,000)''.

Page 63, line 20, after the dollar amount, insert ''(reduced by $38,000,000)''.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, my amendment to H.R. 5326 would fully fund the Department of Justice's financial and mortgage fraud enforcement activities as well as the new Residential Mortgage-Backed Securities Working Group.

In announcing this initiative during the State of the Union, President Obama said that the new unit will ''hold accountable those who broke the law, speed assistance to homeowners, and help turn the page on an era of recklessness that hurt so many Americans.'' President Obama recognized that additional resources were needed to prosecute crimes against homeowners and mortgage investors.

Since the start of the financial crisis of 2008, there have been 3.5 million foreclosures. While it's clear that there was extensive fraud in the origination and securitization of mortgage loans, these cases were complicated and time consuming. Without a coordinated task force with significant resources, the greatest crime in the history of our housing market will go unpunished. However, so far, the RMBS Working Group is off to a slow start.

The RMBS Working Group cochair, New York Attorney General Schneidermann, all but affirmed my concerns when he essentially admitted to the Congressional Progressive Caucus during a special public forum that the RMBS Working Group does not yet have the resources it needs to establish a robust infrastructure commensurate with the charge of investigating the 2008 financial crisis.

To fund this effort, the President requested a $55 million increase in the budget for the Financial Fraud Enforcement Task Force to help facilitate an increase in staffing for the RMBS Working Group. However, as noted in the Minority Views, H.R. 5326 only provides a small portion of the increase that's needed. So I have worked to find additional funds from within the NASA appropriations that I don't anticipate

will endanger any program. Considering the retirement of the space shuttle program and a shift in NASA's priorities, I believe we should use the funds in these accounts to help bring justice to defrauded investors, homeowners, and consumers.

My amendment pulls from NASA Aeronautics' budget of $569.9 million in appropriations—a fair target since NASA only requested $551.5 million. I am making up the other portion of the funds needed to neutralize the impact on budgetary outlays by pulling $38 million from NASA's Space Operations' $3.9 billion in appropriations.

In subtracting from these accounts, my amendment would increase the FBI's budgets by $9 million, increase DOJ's legal activities appropriation by $13.5 million, and increase the appropriations for U.S. Attorneys by $21.5 million, all in efforts to fully comply with the Obama administration's $55 million request.

The FBI needs the funding to increase its capacity to investigate financial and mortgage fraud schemes. The requested 40 new agents and four forensic accountants will create two hybrid squads to target the most significant, complex financial crimes, and remaining resources will be allocated to FBI field offices to increase financial and mortgage fraud efforts.

The criminal division within DOJ needs additional resources to prosecute the most significant financial crimes—including mortgage fraud, corporate fraud, and sophisticated investment fraud—coordinate multi-district financial crime cases, and assist U.S. Attorneys offices in financial crime cases with significant money-laundering and asset-forfeiture components.

The civil division within DOJ needs funding to expand civil enforcement efforts to continue to obtain recoveries from individuals and companies who have defrauded the government by violating the terms of Federal contracts, grants, loans, and subsidies.

□ 1720

The Civil Rights Division within DOJ needs funding to expand civil enforcement efforts, including investigations of predatory lending, pricing discrimination, matters involving allegations of potentially fraudulent behavior.

And lastly, the U.S. Attorneys need additional resources to expand criminal investigations and prosecutions of mortgage fraud.

I yield back the balance of my time.

Mr. WOLF. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I rise in opposition to the amendment.

We share the gentlewoman's concern for the importance of investigating and prosecuting financial crime; however, the bill already includes a program increase of $6.6 million to the FBI for this purpose, one of the very few increases included under the Justice Department. The bill also includes the requested resources for the FBI to continue the additional positions provided in fiscal year 2009 to enhance the investigation of white collar and financial crimes.

Further, the amendment's proposed offsets are a problem. The aviation industry is one of the few bright spots in our domestic manufacturing sector. It is a large source of high quality and one of the only American industrial sectors to report consistent trade surpluses. $14.44 million will be taken out of that.

This success has been built on the back of NASA's aeronautics program, which develops new, cutting-edge technology for transfer to the industry. This technology makes American airplanes and airspace safer and more efficient, reliable, and sustainable. Pulling back from our aeronautics program today only ensures that we will fail to produce the innovation needed to fuel our exports in the next decade, which will, in turn, imperil America's leadership in industry, with major economic and national security implications.

I'm also concerned about the amendment's proposed reductions to NASA's Space Operations account, which would affect our ability to effectively manage and utilize the $100 billion international space station. We have spent $100 billion on the space station, and I think to take this cut out of that would be a mistake.

So, for all of those reasons, I urge a ''no'' vote on the amendment.

I yield back the balance of my time.

Mr. MILLER of North Carolina. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Chairman, I did not want to cut the spending for NASA either, but the financial crisis of 2008, from which we are still suffering, cost Americans trillions of dollars. And even more importantly, it has undermined deeply Americans' faith that our Nation really does believe in the rule of law, that the same laws apply to all of us equally. They have not seen anything that justifies a belief that that has happened in this case.

What happened in the financial crisis was not a perfect storm of unforeseeable economic forces. What happened was a visible hand of fraud, or at least a hand that would be visible if anyone would just look.

But despite the fact, the compelling evidence of real misconduct, fraud and probably criminal fraud, there has certainly not been an investigation. There certainly have not been prosecutions to reassure Americans that, yes, there is a rule of law, and those same laws apply to you no matter who you are, what your station in life is.

If we seriously pursued those claims of fraud, those allegations of fraud, criminal fraud charges, every defendant would have a defense team that would make the O.J. defense team look like a public defender 2 years out of law school handling 100 other cases. We would be swamped by the opposition.

But that is certainly no reason not to pursue those charges. In fact, that is all the more reason to go forward and to pursue criminal fraud, to assure Americans that you do not get out of the rule of law; you do not get a ''get out of jail free'' card because you are rich and powerful.

In contrast, the savings and loan crisis, which was nothing compared to the crisis that we are still in, there were 1,000 agents from the FBI who were assigned to investigate. There were ample lawyers to bring the claims; and, in fact, almost 1,000 figures from the savings and loan crisis, in fact, were criminally prosecuted and went to jail, with a 90 percent conviction rate.

The current task force, the one the President announced at the State of the Union, has now, we understand, 50 to 60 lawyers and accountants working on the largest financial crisis in history since the Great Depression. The results of this are going to depend upon the kind of resources that that task force has.

It is important that we compensate the people who were the victims of that fraud, and the task force will have the legal power to do that. Even more importantly, it will satisfy Americans' sense of justice, the sense of justice that has been offended, that the people who have suffered the most from the financial crisis really were blameless. And they do believe that there were people who were not blameless, whose misconduct, including criminal misconduct, caused it. We need to satisfy their sense of justice.

Mr. Chairman, I want to satisfy my sense of justice. I support Ms. WATERS' amendment.

I yield back the balance of my time.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. I totally support the efforts of this amendment to increase the resources we've put into mortgage fraud. And I've written to the Attorney General on this, and we have about $11 million, I think, appropriated in the bill in this regard. We need to find more.

I'm opposed to these offsets, and the idea that they won't do damage to NASA programs, I think, is wrong. It's easy to go after NASA.

I think that there's broad agreement, however, that the mortgage fraud that took place, as evidenced by the settlement that Attorney General Holder and attorney generals from dozens and dozens of States brought together with the largest banks that are helping to redress some of these problems. So we need to do more. We'll work together to try to find that.

I am opposed to this amendment, as written.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. RUNYAN

Mr. RUNYAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 9, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 37, line 23, after the dollar amount, insert ''(increased by $5,000,000)''.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. RUNYAN. Mr. Chairman, my amendment transfers $5 million from the Department of Justice Legal Activities, Salaries and Expenses, General Legal Activities to the Office of Violence Against Women.

The Office of Violence Against Women serves as an invaluable resource for battered and abused women in all of our communities. The office provides grants that have helped to enhance Federal, State, and local responses to sexual assault, domestic violence, stalking and dating violence, as well as providing domestic shelters and services to victims of domestic violence.

Abused women in our communities frequently have nowhere and no one to turn to. The programs provided by the Violence Against Women Act and the Office of Violence Against Women are the only safe haven for many women. These programs must be funded at a level that ensures these vital services can continue.

This amendment is deficit-neutral, while increasing funding for the Office of Violence Against Women.

During this period of budgetary constraints, we must prioritize the programs we need the most. My amendment clearly states that the Office of Violence Against Women is a priority.

I urge all of my colleagues' support on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. RUNYAN).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $159,587,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $115,000,000 in fiscal year 2013), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2013, so as to result in a final fiscal year 2013 appropriation from the general fund estimated at $44,587,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,965,000,000: *Provided*, That of the total amount appropriated, not to exceed $7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $25,000,000 shall remain available until expended: *Provided further*, That each United States Attorney shall establish or participate in a United States Attorney-led task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $223,258,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $223,258,000 of offsetting collections pursuant to section 589a(b) of title 28, United States Code, shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2013, so as to result in a final fiscal year 2013 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,000,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended, of which not to exceed $10,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $11,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $11,456,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, $20,948,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,188,488,000, of which not to exceed $6,000 shall be available for official reception and representation expenses, and not to exceed $15,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $10,000,000, to remain available until expended.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, $1,647,383,000, to remain available until expended: *Provided*, That not to exceed $20,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to section 4013(b) of title 18, United States Code: *Provided further*, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That any unobligated balances available from funds appropriated under the heading ''General Administration, Detention Trustee'' shall be transferred to and merged with the appropriation under this heading.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $90,039,000, of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking, and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $521,793,000, of which $50,000,000 shall remain available until

expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $8,185,007,000, of which not to exceed $216,000,000 shall remain available until expended: *Provided*, That not to exceed $184,500 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally-owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $80,982,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,043,904,000; of which not to exceed $75,000,000 shall remain available until expended and not to exceed $90,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,153,345,000, of which not to exceed $36,000 shall be for official reception and representation expenses, not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed $20,000,000 shall remain available until expended: *Provided*, That, in the current fiscal year and any fiscal year thereafter, no funds appropriated under this or any other Act shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to section 478.118 of title 27, Code of Federal Regulations, or to change the definition of ''Curios or relics'' in section 478.11 of title 27, Code of Federal Regulations, or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments: *Provided further*, That, in the current fiscal year and any fiscal year thereafter, no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That, in the current fiscal year and any fiscal year thereafter, no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $6,820,217,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $5,400 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2014: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a nonprofit entity which has operated such program in the past notwithstanding the fact that such nonprofit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchasing and acquiring facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $90,000,000, to remain available until expended, of which not less than $66,965,000 shall be available only for modernization, maintenance and repair, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); and for related victims services, $415,000,000, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) $189,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) $25,000,000 is for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act;

(3) $3,500,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to ''Research, Evaluation, and Statistics'' for administration by the Office of Justice Programs;

(4) $10,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: *Provided further*, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(5) $50,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(6) $23,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) $36,500,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) $9,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) $41,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) $4,250,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) $11,500,000 is for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(12) $5,750,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) $4,500,000 is for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(14) $500,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(15) $1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act, which may be transferred to ''Research, Evaluation, and Statistics'' for administration by the Office of Justice Programs; and

(16) $500,000 is for the Office on Violence Against Women to establish a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women.

□ 1730

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. PETERS of Michigan.

The first amendment by Mr. BROUN of Georgia.

An Amendment by Mr. MCCLINTOCK of California.

An Amendment by Mr. MICHAUD of Maine.

An Amendment by Mr. SCALISE of Louisiana.

An Amendment No. 3 by Mr. POMPEO of Kansas.

An Amendment by Mr. QUAYLE of Arizona.

An Amendment No. 10 by Mr. HARRIS of Maryland.

An Amendment by Mr. GRIMM of New York.

The second amendment by Mr. BROUN of Georgia0.

An Amendment by Mr. RUNYAN of New Jersey.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. PETERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. PETERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 141, noes 261, not voting 29, as follows:

[Roll No. 202]

AYES—141

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Benishek
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Carnahan
Carney
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Critz
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Dold
Ellison
Engel
Fattah
Fitzpatrick
Fortenberry
Frank (MA)
Garamendi
Griffith (VA)
Grijalva
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hochul
Holt
Israel
Jackson (IL)
Kaptur
Keating
Kildee
Kind
Kissell
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McNerney
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mulvaney
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Perlmutter
Peters
Peterson
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Richardson
Richmond
Ross (AR)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schilling
Schrader
Schwartz
Serrano
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Velázquez
Visclosky
Walz (MN)
Watt
Welch
Woolsey
Yarmuth

NOES—261

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Campbell
Canseco
Capito
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Costello
Crawford
Crenshaw
Cuellar
Culberson
Davis (IL)
Davis (KY)
Denham
DesJarlais
Deutch
Diaz-Balart
Doggett
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Emerson
Eshoo
Farenthold
Farr
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hahn
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Miller (FL)
Miller, Gary
Moran
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paul
Paulsen
Pearce
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Sarbanes
Scalise
Schiff
Schmidt
Schock
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Towns
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Wasserman Schultz
Waters
Waxman
Webster
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—29

Becerra
Bonner
Butterfield
Camp
Cantor
Cardoza

Carson (IN)
Chu
Donnelly (IN)
Ellmers
Filner
Gibson
Hirono
Honda
Jenkins
Johnson (GA)
Jones
Kucinich
Lee (CA)
McHenry
Moore
Pascrell
Pelosi
Pence
Reichert
Rothman (NJ)
Rush
Slaughter
Whitfield

□ 1802

Mr. AL GREEN of Texas, Ms. EDWARDS, Messrs. GRIMM, DAVID SCOTT of Georgia, and CLYBURN, Ms. HAHN, Mr. HINOJOSA, Ms. FUDGE, Messrs. HOYER, CLEAVER, MEEKS, WAXMAN, DAVIS of Illinois, and Mrs. LUMMIS changed their vote from ''aye'' to ''no.''

Mr. JACKSON of Illinois, Ms. BERKLEY, Mr. GEORGE MILLER of California, Mrs. LOWEY, and Messrs. HANNA and CONYERS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 202, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 137, noes 270, not voting 24, as follows:

[Roll No. 203]

AYES—137

Adams
Akin
Amash
Amodei
Bachmann
Benishek
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buerkle
Burgess
Burton (IN)
Campbell
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Davis (KY)
Duffy
Duncan (SC)
Duncan (TN)
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Guthrie
Harper
Harris
Hartzler
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jordan
King (IA)
Kline
Labrador
Lamborn
Landry
LoBiondo
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McClintock
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Olson
Paul
Petri
Poe (TX)
Polis
Pompeo
Posey
Quayle
Ribble
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Runyan
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Shimkus
Smith (NE)
Smith (TX)
Southerland
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tipton
Towns
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Wilson (SC)
Woodall
Yoder
Young (AK)
Young (IN)

NOES—270

Ackerman
Aderholt
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Calvert
Camp
Canseco
Capito
Capps
Capuano
Carnahan
Carney
Cassidy
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Forbes
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Nunes
Nunnelee
Olver
Owens
Palazzo
Pallone
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross (AR)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Stutzman
Sutton
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Westmoreland
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (FL)

NOT VOTING—24

Becerra
Bonner
Butterfield
Cantor
Cardoza
Carson (IN)
Chu
Donnelly (IN)
Ellmers
Filner
Hirono
Honda
Jones
Kucinich
Lee (CA)
McHenry
Moore
Pascrell
Pence
Reichert
Rothman (NJ)
Rush
Slaughter
Whitfield

□ 1808

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 203, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCCLINTOCK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 121, noes 287, not voting 23, as follows:

[Roll No. 204]

AYES—121

Adams
Akin
Amash
Amodei
Barton (TX)
Bishop (UT)
Black
Bono Mack
Boustany
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Campbell
Canseco
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Cravaack
Culberson
Denham
Duffy
Duncan (SC)
Duncan (TN)
Emerson
Farenthold
Fincher
Flake
Fleming
Flores
Foxx
Franks (AZ)
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Griffith (VA)
Guinta
Harper
Hartzler
Hastings (WA)
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Jordan
King (IA)
Labrador
Lamborn
Lance
Landry
Lankford
Long
Lummis
Mack
McClintock
McMorris Rodgers
Miller (FL)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Nugent
Nunnelee
Olson
Palazzo
Paul
Pearce
Petri
Pompeo
Posey
Price (GA)
Quayle
Ribble
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Ryan (WI)

Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thornberry
Tiberi
Tipton
Upton
Walberg
Walsh (IL)
Webster
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (IN)

NOES—287

Ackerman
Aderholt
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Bass (CA)
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Calvert
Camp
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fleischmann
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harris
Hastings (FL)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Nunes
Olver
Owens
Pallone
Pastor (AZ)
Paulsen
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
West
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Becerra
Bonner
Butterfield
Cantor
Cardoza
Carson (IN)
Chu
Donnelly (IN)
Ellmers
Filner
Hirono
Honda
Jones
Kucinich
McHenry
Moore
Pascrell
Pence
Reichert
Rothman (NJ)
Rush
Slaughter
Whitfield

□ 1813

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 204, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. MICHAUD

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maine (Mr. MICHAUD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 218, not voting 23, as follows:

[Roll No. 205]

AYES—190

Ackerman
Alexander
Altmire
Austria
Baca
Bachus
Baldwin
Barrow
Bass (CA)
Bass (NH)
Benishek
Berg
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brown (FL)
Capito
Capuano
Carnahan
Carney
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Crawford
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dicks
Dingell
Dold
Doyle
Duncan (TN)
Ellison
Engel
Eshoo
Fattah
Fitzpatrick
Frank (MA)
Garamendi
Gibson
Goodlatte
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Gutierrez
Hahn
Hanabusa
Hanna
Harris
Hastings (FL)
Heck
Heinrich
Higgins
Himes
Hinchey
Hochul
Holden
Holt
Hoyer
Hurt
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
Kissell
Landry
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
LoBiondo
Loebsack
Luetkemeyer
Luján
Lynch
Manzullo
Marino
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meeks
Mica
Michaud
Miller (NC)
Murphy (CT)
Nadler
Neal
Noem
Olver
Owens
Pallone
Paul
Paulsen
Pelosi
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Richardson
Rogers (KY)
Ross (AR)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schilling
Schock
Schwartz
Scott (VA)
Scott, David
Sewell
Sherman
Shuler
Sires
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (OH)
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Welch
Wilson (FL)
Womack
Woolsey
Yarmuth

NOES—218

Adams
Aderholt
Akin
Amash
Amodei
Andrews
Bachmann
Barletta
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bono Mack
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capps
Carter
Cassidy
Chabot
Chaffetz
Clay
Coble
Coffman (CO)
Cole
Conaway
Conyers
Costa
Cravaack
Crenshaw
Culberson
Davis (KY)
Dent
DesJarlais
Deutch
Diaz-Balart
Doggett
Dreier
Duffy
Duncan (SC)
Edwards
Emerson
Farenthold
Farr
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Grijalva
Guthrie
Hall
Harper
Hartzler
Hastings (WA)
Hayworth
Hensarling
Herger
Herrera Beutler
Hinojosa
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Issa
Jackson (IL)
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Lankford
Latta
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Long
Lowey
Lucas
Lummis
Lungren, Daniel E.
Mack
Maloney
Marchant
Markey
McCarthy (CA)
McCaul
McClintock
McKeon
McKinley
McMorris Rodgers
Meehan
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (PA)
Myrick
Napolitano
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Pearce
Perlmutter
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reyes
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schakowsky
Schmidt
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Serrano
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman

Sullivan
Terry
Thornberry
Tipton
Turner (NY)
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Waxman
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—23

Becerra
Bonner
Butterfield
Cantor
Cardoza
Carson (IN)
Chu
Donnelly (IN)
Ellmers
Filner
Hirono
Honda
Jones
Kucinich
McHenry
Moore
Pascrell
Pence
Reichert
Rothman (NJ)
Rush
Slaughter
Whitfield

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1817

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 205, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. SCALISE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. SCALISE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 233, not voting 24, as follows:

[Roll No. 206]

AYES—174

Adams
Akin
Amash
Amodei
Bachmann
Barton (TX)
Benishek
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Cravaack
Cuellar
Culberson
Duffy
Duncan (SC)
Duncan (TN)
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latta
Lewis (CA)
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunnelee
Olson
Palazzo
Paul
Paulsen
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Ribble
Rigell
Roby
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thornberry
Tiberi
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wittman
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—233

Ackerman
Aderholt
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Bass (CA)
Bass (NH)
Berg
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibbs
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Holden
Holt
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Nunes
Olver
Owens
Pallone
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Reyes
Richardson
Richmond
Rivera
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth

NOT VOTING—24

Becerra
Bonner
Butterfield
Cantor
Cardoza
Carson (IN)
Chu
Donnelly (IN)
Ellmers
Filner
Hirono
Honda
Jones
Kucinich
Maloney
McHenry
Moore
Pascrell
Pence
Reichert
Rothman (NJ)
Rush
Slaughter
Whitfield

□ 1820

Mr. GRIMM changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 206, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT NO. 3 OFFERED BY MR. POMPEO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. POMPEO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 279, not voting 23, as follows:

[Roll No. 207]

AYES—129

Adams
Akin
Amash
Amodei
Bachmann
Bachus
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Dreier
Duffy
Duncan (SC)
Farenthold
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Guthrie
Harper
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline
Labrador
Lamborn
Lance
Landry
Long
Lummis
Mack
Marchant
McCaul
McClintock
McCotter
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Nugent
Nunnelee
Olson
Palazzo
Paul
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Ribble
Rigell
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)

Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Smith (TX)
Stearns
Stutzman
Sullivan
Terry
Thornberry
Tiberi
Tipton
Walberg
Walsh (IL)
Westmoreland
Wilson (SC)
Wittman
Woodall
Yoder
Young (FL)
Young (IN)

NOES—279

Ackerman
Aderholt
Alexander
Altmire
Andrews
Austria
Baca
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Calvert
Capito
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Duncan (TN)
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Fincher
Fitzpatrick
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Nunes
Olver
Owens
Pallone
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Reyes
Richardson
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (WA)
Southerland
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth
Young (AK)

NOT VOTING—23

Becerra
Bonner
Butterfield
Cantor
Cardoza
Carson (IN)
Chu
Donnelly (IN)
Ellmers
Filner
Hirono
Honda
Jones
Kucinich
McHenry
Moore
Pascrell
Pence
Reichert
Rothman (NJ)
Rush
Slaughter
Whitfield

□ 1824

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 207, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. QUAYLE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. QUAYLE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 147, noes 259, not voting 25, as follows:

[Roll No. 208]

AYES—147

Adams
Akin
Alexander
Amash
Amodei
Bachmann
Bachus
Barton (TX)
Benishek
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Conaway
Culberson
Denham
Duncan (SC)
Duncan (TN)
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffith (VA)
Guthrie
Hall
Harper
Harris
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunnelee
Paul
Paulsen
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Ribble
Rigell
Roby
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thornberry
Tiberi
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Wilson (SC)
Wittman
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—259

Ackerman
Aderholt
Altmire
Andrews
Austria
Baca
Baldwin
Barletta
Barrow
Bartlett
Bass (CA)
Bass (NH)
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Calvert
Capito
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Duffy
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Gutierrez
Hahn
Hanabusa
Hanna
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Hoyer
Hultgren
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Reyes
Richardson
Richmond
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Simpson
Sires
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch

Westmoreland
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth

NOT VOTING—25

Becerra
Bonner
Butterfield
Cantor
Cardoza
Carson (IN)
Chu
Donnelly (IN)
Ellmers
Filner
Hirono
Honda
Jones
Kucinich
Langevin
McHenry
Moore
Pascrell
Pence
Reichert
Rothman (NJ)
Roybal-Allard
Rush
Slaughter
Whitfield

□ 1827

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 208, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT NO. 10 OFFERED BY MR. HARRIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. HARRIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 219, noes 189, not voting 23, as follows:

[Roll No. 209]

AYES—219

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
Berg
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herger
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
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
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—189

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Calvert
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chandler
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
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Gallegly
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Hayworth
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Holden
Holt
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
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
Yarmuth
Young (AK)

NOT VOTING—23

Becerra
Bonner
Butterfield
Cantor
Cardoza
Carson (IN)
Chu
Donnelly (IN)
Ellmers
Filner
Hirono
Honda
Jones
Kucinich
McHenry
Moore
Pascrell
Pence
Reichert
Rothman (NJ)
Rush
Slaughter
Whitfield

□ 1832

Messrs. ROONEY and POSEY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 209, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. GRIMM

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. GRIMM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 209, noes 199, not voting 23, as follows:

[Roll No. 210]

AYES—209

Ackerman
Adams
Akin
Alexander
Amodei
Austria
Bachmann
Bachus
Baldwin
Barletta
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bishop (UT)
Black
Bono Mack
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Capito
Chabot
Clarke (MI)
Cleaver
Coble
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Cravaack
Critz
Crowley
Cuellar
Davis (KY)
DeLauro
Denham
Dent
Doyle
Duffy
Duncan (SC)
Duncan (TN)
Emerson
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Grimm
Guinta
Guthrie
Harper
Hartzler
Hayworth
Heck
Hensarling
Herger
Himes
Hochul
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Jordan
Kelly
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Larsen (WA)
Larson (CT)
Latham
Latta
Lewis (CA)
LoBiondo
Loebsack
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marino
McCarthy (CA)
McCaul
McKeon
McMorris Rodgers
Meehan
Meeks
Mica

Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Palazzo
Paulsen
Perlmutter
Peterson
Petri
Platts
Poe (TX)
Price (GA)
Quayle
Rahall
Rangel
Reed
Rehberg
Renacci
Ribble
Richardson
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rooney
Roskam
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Sires
Smith (NE)
Smith (NJ)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (PA)
Tiberi
Tonko
Towns
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walz (MN)
West
Westmoreland
Wilson (SC)
Wittman
Woodall
Yarmuth
Young (AK)

NOES—199

Aderholt
Altmire
Amash
Andrews
Baca
Barrow
Bartlett
Barton (TX)
Bass (CA)
Berman
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bonamici
Boren
Brown (FL)
Campbell
Capps
Capuano
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chaffetz
Chandler
Cicilline
Clarke (NY)
Clay
Clyburn
Coffman (CO)
Cohen
Cole
Conyers
Costello
Crawford
Crenshaw
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Dreier
Edwards
Ellison
Engel
Eshoo
Farenthold
Farr
Fattah
Flores
Foxx
Frank (MA)
Fudge
Garamendi
Gardner
Gingrey (GA)
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harris
Hastings (FL)
Hastings (WA)
Heinrich
Herrera Beutler
Higgins
Hinchey
Hinojosa
Holt
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kildee
Kingston
Labrador
Langevin
Lankford
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Long
Lowey
Lucas
Lummis
Maloney
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKinley
McNerney
Miller (NC)
Miller, George
Moran
Nadler
Napolitano
Neal
Noem
Nunnelee
Olson
Olver
Owens
Pallone
Pastor (AZ)
Paul
Pearce
Pelosi
Peters
Pingree (ME)
Pitts
Polis
Pompeo
Posey
Price (NC)
Quigley
Reyes
Richmond
Rivera
Rogers (KY)
Rohrabacher
Rokita
Ros-Lehtinen
Ross (AR)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Simpson
Smith (TX)
Speier
Stark
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Tipton
Tsongas
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
Wilson (FL)
Wolf
Womack
Woolsey
Yoder
Young (FL)
Young (IN)

NOT VOTING—23

Becerra
Bonner
Butterfield
Cantor
Cardoza
Carson (IN)
Chu
Donnelly (IN)
Ellmers
Filner
Hirono
Honda
Jones
Kucinich
McHenry
Moore
Pascrell
Pence
Reichert
Rothman (NJ)
Rush
Slaughter
Whitfield

□ 1837

Messrs. SCHOCK and CLARKE of Michigan changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 210, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 239, not voting 24, as follows:

[Roll No. 211]

AYES—168

Adams
Akin
Amash
Amodei
Bachmann
Barletta
Barrow
Barton (TX)
Berg
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Carter
Cassidy
Chabot
Conaway
Cravaack
Culberson
Davis (KY)
Dent
Diaz-Balart
Duncan (SC)
Duncan (TN)
Farenthold
Fincher
Flake
Fleischmann
Flores
Forbes
Foxx
Franks (AZ)
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffith (VA)
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Heck
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
Kinzinger (IL)
Labrador
Lamborn
Lance
Landry
Lankford
Latta
Long
Luetkemeyer
Lummis
Mack
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McIntyre
Meehan
Mica
Miller (FL)
Miller (MI)
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Pearce
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Thompson (PA)
Thornberry
Tiberi
Turner (NY)
Turner (OH)
Upton
Walberg
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wittman
Woodall
Yoder
Young (IN)

NOES—239

Ackerman
Aderholt
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Baldwin
Bartlett
Bass (CA)
Bass (NH)
Benishek
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Calvert
Capito
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chaffetz
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Duffy
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fleming
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gonzalez
Griffin (AR)
Grijalva
Grimm
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Hastings (WA)
Hayworth
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kingston
Kissell
Kline
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McKeon
McKinley
McMorris Rodgers
McNerney
Meeks
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor (AZ)
Paulsen
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rivera
Rogers (AL)
Rogers (KY)
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tierney
Tipton
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wolf
Womack
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Becerra	Ellmers	Pascrell
Bonner	Filner	Pence
Butterfield	Hirono	Reichert
Cantor	Honda	Rothman (NJ)
Cardoza	Jones	Rush
Carson (IN)	Kucinich	Slaughter
Chu	McHenry	Whitfield
Donnelly (IN)	Moore	Wilson (FL)

□ 1841

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 211, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. RUNYAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. RUNYAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 325, noes 81, not voting 25, as follows:

[Roll No. 212]

AYES—325

Adams	Capito	Fitzpatrick
Aderholt	Capuano	Flake
Akin	Carnahan	Fleischmann
Alexander	Carter	Fleming
Altmire	Cassidy	Flores
Amodei	Chabot	Forbes
Andrews	Chaffetz	Fortenberry
Austria	Cicilline	Foxx
Bachmann	Clarke (MI)	Frank (MA)
Bachus	Clay	Franks (AZ)
Baldwin	Cleaver	Frelinghuysen
Barletta	Coble	Gallegly
Barrow	Coffman (CO)	Gardner
Bartlett	Cohen	Garrett
Barton (TX)	Cole	Gerlach
Bass (CA)	Conaway	Gibbs
Bass (NH)	Costello	Gibson
Benishek	Courtney	Gingrey (GA)
Berg	Cravaack	Gohmert
Berkley	Crawford	Goodlatte
Berman	Crenshaw	Gosar
Biggert	Critz	Gowdy
Bilbray	Crowley	Granger
Bilirakis	Cuellar	Graves (GA)
Bishop (GA)	Culberson	Graves (MO)
Bishop (NY)	Davis (IL)	Green, Gene
Bishop (UT)	Davis (KY)	Griffin (AR)
Black	DeFazio	Griffith (VA)
Blackburn	DeGette	Grimm
Bonamici	DeLauro	Guinta
Bono Mack	Denham	Guthrie
Boren	Dent	Hahn
Boswell	DesJarlais	Hall
Boustany	Diaz-Balart	Hanabusa
Brady (PA)	Dingell	Hanna
Brady (TX)	Doggett	Harper
Braley (IA)	Dold	Harris
Brooks	Doyle	Hartzler
Broun (GA)	Dreier	Hastings (WA)
Buchanan	Duffy	Hayworth
Bucshon	Duncan (SC)	Heck
Buerkle	Duncan (TN)	Heinrich
Burton (IN)	Emerson	Hensarling
Calvert	Eshoo	Herger
Camp	Farenthold	Herrera Beutler
Canseco	Fincher	Himes
Hinojosa	McKeon	Ryan (OH)
Hochul	McKinley	Ryan (WI)
Holden	McMorris Rodgers	Sanchez, Loretta
Holt	McNerney	Scalise
Huelskamp	Meehan	Schakowsky
Huizenga (MI)	Mica	Schiff
Hultgren	Michaud	Schilling
Hunter	Miller (FL)	Schmidt
Hurt	Miller (MI)	Schock
Israel	Miller, Gary	Schrader
Issa	Miller, George	Schwartz
Jenkins	Mulvaney	Schweikert
Johnson (GA)	Murphy (CT)	Scott (SC)
Johnson (IL)	Murphy (PA)	Scott (VA)
Johnson (OH)	Myrick	Scott, Austin
Johnson, Sam	Neugebauer	Sensenbrenner
Jordan	Noem	Sessions
Kaptur	Nugent	Sewell
Keating	Nunes	Sherman
Kelly	Nunnelee	Shimkus
Kildee	Olson	Shuler
Kind	Olver	Shuster
King (IA)	Palazzo	Simpson
King (NY)	Pallone	Sires
Kingston	Paul	Smith (NE)
Kinzinger (IL)	Paulsen	Smith (NJ)
Kissell	Pearce	Smith (TX)
Kline	Perlmutter	Smith (WA)
Labrador	Peterson	Southerland
Lamborn	Petri	Stearns
Lance	Pingree (ME)	Stivers
Landry	Pitts	Stutzman
Langevin	Platts	Sullivan
Lankford	Poe (TX)	Sutton
Larsen (WA)	Pompeo	Terry
Larson (CT)	Posey	Thompson (CA)
Latham	Price (GA)	Thompson (PA)
LaTourette	Price (NC)	Thornberry
Latta	Quayle	Tiberi
Lewis (CA)	Rahall	Tierney
Lipinski	Reed	Tipton
LoBiondo	Rehberg	Tsongas
Loebsack	Renacci	Turner (NY)
Lofgren, Zoe	Ribble	Turner (OH)
Lucas	Richardson	Upton
Luetkemeyer	Richmond	Van Hollen
Luján	Rigell	Walberg
Lungren, Daniel E.	Rivera	Walden
Lynch	Roby	Walsh (IL)
Mack	Roe (TN)	Walz (MN)
Manzullo	Rogers (AL)	Webster
Marchant	Rogers (KY)	West
Marino	Rogers (MI)	Westmoreland
Markey	Rohrabacher	Wilson (SC)
Matheson	Rokita	Wittman
Matsui	Rooney	Wolf
McCarthy (CA)	Ros-Lehtinen	Womack
McCarthy (NY)	Roskam	Woodall
McCaul	Ross (AR)	Yarmuth
McCotter	Ross (FL)	Yoder
McGovern	Royce	Young (AK)
McIntyre	Runyan	Young (FL)
		Young (IN)

NOES—81

Ackerman	Grijalva	Pelosi
Amash	Gutierrez	Peters
Baca	Hastings (FL)	Polis
Blumenauer	Higgins	Quigley
Brown (FL)	Hinchey	Rangel
Burgess	Hoyer	Reyes
Campbell	Jackson (IL)	Roybal-Allard
Capps	Jackson Lee (TX)	Ruppersberger
Carney	Johnson, E. B.	Sánchez, Linda T.
Castor (FL)	Lee (CA)	Sarbanes
Clarke (NY)	Levin	Scott, David
Clyburn	Lewis (GA)	Serrano
Connolly (VA)	Long	Speier
Conyers	Lowey	Stark
Cooper	Lummis	Thompson (MS)
Cummings	Maloney	Tonko
Davis (CA)	McClintock	Towns
Deutch	McCollum	Velázquez
Dicks	McDermott	Visclosky
Edwards	Meeks	Wasserman Schultz
Ellison	Miller (NC)	Waters
Engel	Moran	Watt
Farr	Nadler	Waxman
Fattah	Napolitano	Welch
Fudge	Neal	Wilson (FL)
Garamendi	Owens	Woolsey
Gonzalez	Pastor (AZ)	
Green, Al		

NOT VOTING—25

Becerra	Cardoza	Costa
Bonner	Carson (IN)	Donnelly (IN)
Butterfield	Chandler	Ellmers
Cantor	Chu	Filner
Hirono	Moore	Rush
Honda	Pascrell	Slaughter
Jones	Pence	Whitfield
Kucinich	Reichert	
McHenry	Rothman (NJ)	

□ 1846

Mr. AL GREEN of Texas changed his vote from "aye" to "no."

Mr. DAVIS of Illinois changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 212, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I would like to engage in a colloquy with Chairman WOLF.

There has been a dramatic increase in financial and mortgage fraud as a result of the recent economic crisis, and additional resources are needed to protect the American people and exact justice for them. The FBI is tasked with upholding and enforcing the criminal laws of the United States, but it has limited resources in the areas of financial and mortgage fraud.

□ 1850

In fiscal year 2011, the FBI had approximately 3,000 pending mortgage fraud investigations compared with roughly just 700 investigations in fiscal year 2005. Also, in fiscal 2011, the FBI had more than 2,500 corporate and security fraud investigations, representing a 50 percent increase since fiscal year 2008. Nearly 70 percent of the pending investigations involve losses exceeding $1 million. And according to the Department of Justice, the average return on investment for one corporate fraud agent was approximately $54 million over the past 3 years. That's an incredible return on investment.

While I support hiring even more agents than the President does, the committee was only able to provide $6.61 million, less than half the request. During the Appropriations Committee markup, the chairman indicated he would be open to finding the necessary funds the President requested to protect the American people from financial and mortgage fraud, but the subcommittee's 302(b) allocation prevented him from doing so. The Senate version of this bill does fully fund the President's request.

I ask the chairman to further elaborate on what was said in committee and inquire if the chairman is open to adding additional support should this bill go to conference.

Mr. WOLF. Will the gentlewoman yield?

Ms. KAPTUR. I would be very honored to yield to the gentleman from Virginia.

Mr. WOLF. The FBI was one of the few agencies in this bill to receive

funding above its requested level, and I've always been a strong proponent of providing the necessary resources for law enforcement personnel to protect the American people.

As you noted, the bill includes a program increase of $6.6 million above the current level for agents and support personnel to combat financial fraud. The Senate has reported their CJS total a higher allocation. I think they were $781 million above us. As we go to conference with the Senate, the gentlelady can rest assured that we will work to ensure that the FBI has the resources that they need.

Ms. KAPTUR. Reclaiming my time, I want to thank the chairman very much for trying so hard and urge my colleagues on both sides of the aisle to look at the return on investment in one agent exacting justice for the American people with a return of $54 million over 3 years per agent. That's an amazing figure. We owe so much to them.

I thank the chairman very much for his openness, and I yield back the balance of my time.

Mr. MEEHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MEEHAN. Mr. Chairman, I rise to express my deep appreciation to the members of this committee who, in their wisdom, saw the ability to support the concept of veterans treatment courts.

Many of our veterans are returning from commitments overseas in which they are having not just one, but two, three, and sometimes four tours of duty. By virtue of the nature of that duty, we're seeing an unusually high number of veterans that are returning with posttraumatic stress syndrome. Oftentimes that stress-related activity leads some of these veterans to act out in ways that sometimes cross the laws of our country. Somebody might get engaged in a fight in a bar. More frequently, we're seeing many of these veterans that are dealing with the issue by alcohol and drug addiction.

There is an opportunity—and I say this as a former prosecutor at both the county and Federal level—to appropriately divert these cases to a place where they can be handled with the treatment that the veterans deserve. Veterans treatment courts are an obligation, in my mind, to these returning veterans to allow us to most effectively deal with the underlying issues that have come as a result of the commitment that they made to our Nation by their service.

I want to express my deep appreciation to Chairman WOLF and to the members of the committee for their forward-thinking support and urge the support of all of the Members of this body for the appropriation in support of veterans treatment courts.

Mr. WOLF. Will the gentleman yield?

Mr. MEEHAN. I am happy to yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I want to thank the gentleman from Pennsylvania for bringing the issue of funding for veterans treatment courts to the attention of the CJS Subcommittee for its assistance.

At the behest of the gentleman from Pennsylvania, we had the honor of welcoming the Pennsylvania Supreme Court Justice Seamus McCaffery to the subcommittee, where he testified about the importance of supporting veterans treatment courts.

I also want to thank Mr. FATTAH for being very supportive. Also, Mr. YODER was very supportive. I'm not sure he is here, but he spoke out very much for it and the entire committee. So I want to thank the gentlemen again. I appreciate it very much.

Mr. MEEHAN. I just want to take one second to express, as well, my appreciation to my good friend, the gentleman from Pennsylvania (Mr. FATTAH), who, from the outset, was one of the original cosponsors that helped to bring this concept to this body. I thank him for his support and encouragement.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); and other programs; $112,000,000, to remain available until expended, of which—

(1) $45,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act;

(2) $40,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act; and

(3) $27,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); and other programs, $962,500,000, to remain available until expended as follows—

(1) $370,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, $5,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR), and $4,000,000 is for use by the National Institute of Justice for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention;

(2) $165,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) $20,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(4) $13,500,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386 and for programs authorized under Public Law 109–164;

(5) $41,000,000 for drug courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(6) $4,000,000 for a veterans treatment courts program;

(7) $9,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(8) $15,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(9) $1,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

(10) $7,000,000 for economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403;

(11) $20,000,000 for implementation of the Adam Walsh Act and related activities;

(12) $20,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act;

(13) $1,000,000 for the National Sex Offender Public Website;

(14) $12,000,000 for grants to assist State and tribal governments and related activities, as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

(15) $6,000,000 for the National Criminal History Improvement Program for grants to upgrade criminal records;

(16) $125,000,000 for DNA-related and forensic programs and activities, of which—

(A) $117,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program);

(B) $4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412); and

(C) $4,000,000 is for Sexual Assault Forensic Exam Program Grants, including as authorized by section 304 of Public Law 108–405;

(17) $4,500,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(18) $38,000,000 for assistance to Indian tribes;

(19) $1,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(20) $7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(21) $12,500,000 for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79); and

(22) $70,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199), of which $6,000,000 is for a program to improve State, local and tribal probation supervision efforts and strategies:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

AMENDMENT NO. 2 OFFERED BY DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 44, line 7, after the dollar amount, insert ''(decreased by $10,000,000)''.

Page 47, line 17, after the dollar amount, insert ''(increased by $10,000,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Chairman, I rise to raise the awareness of a gradual but persistent scaling back of the Second Chance Act funding and urge my colleagues to support my amendment calling for a $10 million increase in 2013 funding.

As all of us know, States are facing historic fiscal challenges and are being forced to make difficult budget choices. These choices are only made more difficult when prisons are packed to capacity and communities lack effective resources for dealing with offenders who return.

The number of individuals in prisons and jails remain unacceptable. As a matter of fact, our country, the United States of America, is the most incarcerated nation on the face of the Earth, not only in actual numbers, but also in proportion of population. If current projections continue, State and Federal prisons will grow another 13 percent in the next year, which will add an additional 192,000 prisoners at a cost of $27.5 billion. In light of these challenges, the need for the Second Chance Act is greater now than ever before.

The Second Chance Act is a commonsense response to reduce recidivism and improve outcomes for people released from prisons, jails, juvenile facilities and returning to their communities. Research confirms that comprehensive coordinated services can help formerly incarcerated individuals find stable employment and housing, thereby reducing recidivism.

Last month, the Equal Employment Opportunity Commission issued updated enforcement guidance on employers' use of arrest and conviction records when making employment decisions. In its guidance, the EEOC cited that hiring policies that include blanket exclusions of people with criminal records have a disparate ratio impact and therefore violate Title VII of the 1964 Civil Rights Act.

The new rules call for employers to assess applicants on an individual basis, rather than excluding everyone with a criminal record through a blanket policy. The new policy also encourages employers to give applicants a chance to explain their criminal record before they are rejected outright and marks a momentous advancement in the employment arena for individuals who have been incarcerated.

In addition, the Second Chance Act grants are working in improving public safety. The Moms and Babies program in Illinois' Decatur Correctional Center, a Second Chance grantee, has served 34 women. To date, no program participants have returned to prison. That's a 0 percent recidivism rate. In San Mateo, California, of the 224 participants in their Second Chance program, 61 have been returned to jail. That's a recidivism rate of 28 percent, well below the statewide average of 58 percent.

At the Federal level, reentry has become a high priority for many of the Cabinet agencies in President Obama's administration.

□ 1900

The Federal Interagency Reentry Council, established by Attorney General Holder in January of 2011, represents a significant executive branch commitment to coordinating reentry efforts and advancing reentry policies.

If we don't know anything else, we do know one thing: We know that when individuals return home from jail and prison, if they don't get any help, chances are that 67 percent, or two-thirds of them, will have done what we call ''re-offend'' within a 3-year period of time. Those who get help oftentimes do not re-offend. And the more help they get, the less they will re-offend, thereby proving that the funds work. I urge passage of this amendment.

I yield back the balance of my time.

Mr. WOLF. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Before I make a statement, I want to congratulate Congressman DAVIS for his work, and I see Congressman BOBBY SCOTT there, too. I think this is very important. I support it completely. And I want to kind of put it in the framework of where we are.

I rise in opposition to the amendment. The bill represents the best efforts to thoughtfully and effectively fund the important programs under its jurisdiction. I am an ardent supporter of efforts to improve outcomes for people returning to communities from prisons and jails.

The Second Chance Act grants help with employment assistance, substance abuse, and does a lot of good work, as Congressman DAVIS said. That is why this bill, our bill here, provides $70 million for Second Chance Act programs, $70 million, which is an increase of $7 million above 2012. And interestingly enough, it's $45 million above the amount provided in the bill reported by the Senate Appropriations Committee. The Senate Appropriations Committee had 780 or $781 million greater allocation than we had, and yet we are $45 million above the amount provided.

In addition to providing the necessary funds for Second Chance, the committee was also committed to recommending significant funding for the SCAAP program. This bill includes $165 million for SCAAP, which is still $75 million below the FY 2012 levels. So SCAAP was below it, and now we're taking more from it.

So I oppose this $10 million reduction in SCAAP funding because SCAAP is an important program that assists State and local governments with the cost of incarcerating undocumented criminal aliens. The cost is a direct result of the Federal failure to control illegal immigration. So for that reason, we have an increase. We are at $70 million. We have an increase of $7 million over 2012. There are not many programs that are higher.

But also, when you compare this with the Senate, which had a very high allocation, we are $45 million above the amount required. And I know the gentleman from Pennsylvania (Mr. FATTAH) is a strong supporter of this program too. So we can go to conference. But to take $10 million out of SCAAP now would not be a good idea.

So for that reason, I urge a ''no'' vote and yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in support of the Davis amendment.

The United States locks up a higher portion of its population than any country on Earth. And one of the contributing factors is the high rate of recidivism—people who get out of prison and then turn around, mess up, and return to prison.

Before the Second Chance Act of 2008, the Department of Justice's statistics reflected that about two-thirds of the offenders released from prison—two-thirds—were re-arrested within 2 years. Now that's down in some States to one-half. In my home State of Virginia, which has taken full advantage of the Second Chance Act and has enacted additional initiatives, the rate is down in the 30 percent range. So additional funding of this amendment will be very useful, and it shows that you can save money and reduce crime.

Now we need a lot more money than even this amendment would provide. Each year, 9 million individuals are released from jails, over 720,000 are released from State and Federal prisons, and they need a lot more assistance than even this amendment would do. But this amendment is a major step in the right direction. At least 95 percent of State prisoners will be released at some point, and they have a myriad of needs which, if unmet, will contribute to the risk of re-incarceration.

There are significant mental health problems that the Second Chance Act can address. Substance abuse is highly correlated with crime. Education—those who do not have adequate education will find themselves back in prison. And employment—those who, basically because they don't have an education, have trouble getting jobs, and having a felony record even exacerbates that problem. The Second Chance Act initiatives go a long way in helping. Basic secondary education, vocational training, and intense supervision all contribute to reductions in recidivism.

So, Madam Chair, if we are to lower crime rates, you can't think of a better investment than this amendment that we're considering today. We can save money and reduce crime and reduce victims. Please support the Davis amendment.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Chairman, I move to strike the requisite number of words.

The Acting CHAIR (Ms. FOXX). The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I rise to support the Second Chance amendment of the gentleman from Illinois and thank him for his long work and the work that he has done with many of us in this Congress on this issue. This has been a long journey. I think, if I recollect, it was 7 years in the making, I will say to Congressman DAVIS, before the bill itself was actually passed.

I want to focus on two points: One, I understand the account of which this money is coming from, and I would make the argument that we have seen a sufficient decrease in the number of undocumented aliens coming across the border, and we've seen a greater handling of the individuals. And frankly, the question is whether these funds should be used in what is a strictly Federal issue, which is the control of immigration in this Nation.

So I would make the argument that this is an appropriate utilization of these funds, these extra funds that would add to Second Chance because, one, it brings it to the President's mark, viewing this through the administration's eyes but really through the Department of Justice's eyes that the Second Chance legislation works. It does work.

And I will tell you why it is enormously important. When I see those individuals who have had an experience in the criminal justice system, one of the things they ask about is, Can we go to work? Second Chance prepares these individuals for work. It helps them be responsible contributors to the workforce. It helps, if you will, shepherd them or give them a roadmap into the workforce. It provides the lifeline to staying out of trouble. Everyone that you come across says to anyone that will hear them, We want to work. Again, Second Chance creates the opportunity for them to work.

And also, I think it assists the enforcement guidance on employers' use of arrest and conviction records when making employment decisions. Again, we understand that people who run afoul of the law must, in essence, pay the price. But when they seek to rehabilitate themselves, the Second Chance legislation has been a lifeline.

I, myself, have had to discuss issues of discrimination against people who have rehabilitated themselves. One case comes to mind. A gentleman who was supporting his family had been out of trouble and had finished with his particular issue for 17 years.

□ 1910

He was still getting the response that they could not hire him because of an arrest and conviction record. The Second Chance steps in in a positive manner, gives these people the opportunity for just that—the second chance. The additional funding, I believe, would be the right direction to take, make us equal with the President's mark, still be fair to the account in which it comes from, allow that account to be preserved, but in fact gives the $10 million to help save and rehabilitate many more lives that really can make America better.

I support Mr. DAVIS' amendment and the funding for the Second Chance program.

I yield back the balance of my time.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. I'll be brief. Earlier on in the career of the gentleman from Chicago, I flew out to Chicago early one morning to meet with a whole host of people he had convened as he was developing the concept for this bill. I think the entire country is appreciative and has benefited from the work of DANNY DAVIS and BOBBY SCOTT on the Second Chance Act. I was one of the original cosponsors. It's a very significant statement.

The chairman is right when he says that he's one of the bigger supporters of this effort. There's a confluence of energy around reentry, from the most conservative sides of the political spectrum to the most liberal. We all realize that some 90-plus percent of the people who are incarcerated are coming home, and the only question becomes: Are they going to come home in a position not to further victimize and end up being re-incarcerated?

This is an important effort. This is a program that's probably one of less than a dozen in this bill that has gotten an increase in this bill, and the Senate is significantly lower, with a higher allocation. I guess preachers preach to the choir when only the choir shows up at church on Sunday. But I think the point has been made.

The use of the program that we want to cut the money from is probably not one that we would support at the end of the day because it's also needed, but I think the spirit of this amendment will be reflected in our conference deliberations.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WOLF. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam

Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); and other juvenile justice programs, $209,500,000, to remain available until expended as follows—

(1) $33,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process;

(2) $90,000,000 for youth mentoring grants;

(3) $18,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(4) $67,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110–401) shall not apply for purposes of this Act); and

(5) $1,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

AMENDMENT OFFERED BY MS. WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 48, line 20, after the dollar amount, insert ''(reduced by $30,000,000)(increased by $30,000,000)''.

Page 49, line 4, after the dollar amount, insert ''(reduced by $30,000,000)(increased by $30,000,000)''.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Thank you, Madam Chair.

I rise to ask for my colleagues' support for an amendment to protect our most vulnerable constituents—our children. This bipartisan amendment is a simple one. It says that child victims of sexual predators should not be forced to fight for funding scraps if deep cuts to the Department of Justice occur.

This amendment fences off $30 million within the Department of Justice's Juvenile Justice Missing and Exploited Children Programs account for Internet Crimes Against Children Task Forces. It ensures that even in this time of painful budget cuts, we will protect the most precious and most vulnerable among us.

Over the last decade, child pornography trafficking has exploded into a multibillion-dollar global industry. The majority of both demand and supply is based in the United States and, sadly, most often involves parents or adults that the victim knows and trusts. Tragically, the demand for images of young children being sexually exploited, raped, and even tortured can only be supplied through the continued sexual abuse of more children. Literally every image of child pornography is a crime scene photo.

Several years ago, law enforcement informed Congress that it could identify hundreds of thousands of individuals perpetrating child exploitation offenses online, but admitted and acknowledged that it was investigating fewer than 2 percent of these known individuals because of a lack of resources that left them outnumbered and overwhelmed. The vast majority of these identifiable sexual predators remained at large and their young victims beyond rescue.

Congress and the President responded by passing and signing into law the PROTECT our Children Act, which provides desperately needed resources for the vital Internet Crimes Against Children Task Forces. These task forces are teams of local, State, and Federal law enforcement agencies and prosecutors that lift the digital fingerprints, rescue the children, and hold perpetrators accountable.

The ICAC task forces rescue child victims in real time—victims like Alicia Kozakiewicz, who was sexually assaulted at age 13 by a man who befriended her online and abducted her from her Pittsburgh home. She was rescued by the FBI and the Virginia ICAC task force.

Congress is already funding this effort at only half of its authorization. Yet the law is making a difference.

So please join Congressman SHULER, Judiciary Chairman LAMAR SMITH, and me in supporting this important amendment that will give State, local, and Federal law enforcement the resources they need to protect our most vulnerable.

I yield back the balance of my time.

Mr. WOLF. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I support the amendment. We accept the amendment. The Internet Crimes Against Children program is one of several programs funded under the Missing and Exploited Children activities account. This program helps State and local law enforcement agencies develop an effective response to cyber-enticement and child pornography cases.

So I commend the gentlelady and accept it and yield back the balance of my time.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. Assuming this role from my caucus, the first visit I made was to the Center for Missing and Exploited Children in Virginia. This work is very, very important that the gentlelady from Florida has pointed out because of the pervasiveness of the Internet and the need for more resources.

The Senate bill has a carve-out of some $21 million. This would be a carve-out of $30 million. I rise to say that I also support this amendment, and I thank the chairman for his agreement.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

The amendment was agreed to.

Mr. ELLISON. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Madam Chair, I had submitted an amendment which I was going to move to withdraw. Instead of adding complication, I'll just discuss the amendment that I would have introduced and try to be right to the point.

My colleague RÁUL GRIJALVA and I and several Members of the Congress are concerned about the impact of the ''stop shoot first laws'' amendment. That's what we call it because we're concerned about the shoot first amendments.

This amendment would have encouraged States to repeal shoot first laws by imposing a 20 percent penalty on Byrne/JAG grants for States with these laws. The shoot first laws make our country less safe, undermine our criminal justice system, and encourage vigilantism. These laws allow armed individuals to confront unarmed people in public and, in some tragic cases, even shoot them in cases where such a confrontation could have been avoided.

□ 1920

Ten years ago, State shoot first laws were basically unknown. Then groups like the National Rifle Association and the American Legislative Exchange Council (ALEC) began promoting shoot first laws in States around the country. ALEC is an organization that ghostwrites bills for State legislators who hold a certain political perspective. And their efforts are paid for by and large by global corporations and are spread in States across the country.

In 2005, ALEC and the NRA convinced Florida to pass the first shoot first law. And since then, they have convinced 23 more States to enact similar laws. The shoot first laws are unnecessary. Americans already have the right to self-defense. Even more, as the Trayvon Martin has tragically highlighted, shoot first laws make it harder for law enforcement to do their job. Despite what was a clear case for trial, George Zimmerman's statement that he had shot in self-defense was enough to prevent prosecution.

Shoot first laws make prosecutions harder because they presume that the use of deadly force is reasonable and put the burden of proof on a prosecutor. With shoot first laws, individuals need only claim that they believed that they were threatened, and the only person who can dispute that is the person who was killed.

These laws also make our States less safe. After Florida enacted its law, the number of justifiable homicide cases in the State per year increased by three times.

While I urge States to repeal these laws, I understand that a point of order could have lied against the amendment, and, therefore, I won't offer it in order to have it withdrawn, but I would like to say, Madam Chair, that these shoot first laws are not good. I wish we could take an approach similar to the .08 law, where the Federal Government would actually withhold financial funds until States complied with .08; .08 actually made our country safer on the roads, and I think repeal of these shoot first laws would do the same.

I wish I could offer this amendment today, but we will do it some other time at a more appropriate place, and with that, I yield back the balance of my time.

Mr. JOHNSON of Georgia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Madam Chair, I rise to strike the last word in support of the Ellison amendment.

I would also like to respond to what my colleague from Minnesota (Congressman ELLISON) spoke about in terms of the amendment that he was going to offer which he decided not to offer, but it would have imposed a 20 percent penalty to Byrne/JAG grants for States with shoot first laws. Shoot first laws are also known as ''stand your ground'' laws.

In 2005, Florida passed the first State law explicitly expanding an armed person's right to use deadly force against an unarmed person in ''any place where he has a right to be,'' even if the confrontation could be safely avoided. Florida's law, like so many similar laws in other States, was the result of collusion by some of the Nation's wealthiest corporations, along with the National Rifle Association, through a secretive organization called the American Legislative Exchange Council, or ALEC.

ALEC promotes model legislation written by its corporate members and disseminated to conservative State lawmakers around the country. In fact, about 60 percent of all State legislators are members of ALEC. The Florida stand your ground law was written by an NRA lobbyist. After the law passed in 2005, the NRA presented the bill to ALEC's Criminal Justice Task Force and boasted that the presentation was well received. The corporations and State legislators on the task force voted unanimously to approve the bill as an ALEC model. And as a result, more guns are being sold.

Now 24 States have similar sweeping laws like Florida. Membership fees are not public, but reports do show that the NRA was a cochair of a recent seminar that ALEC held. This is a group that will do anything to help corporate sponsors accomplish their legislative objectives regardless of the value that it has towards regular citizens. They are just interested in profits. So ALEC, along with NRA, has supported these shoot to kill laws, and they are something that needs to be avoided.

And so with that, I will end my remarks, ask for passage of the pending amendment, and yield back the balance of my time.

Mr. FATTAH. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. Obviously we are dealing with some fairly sensitive matters in terms of the Justice Department appropriations. There is an ongoing case somewhat related to—and I think directly related to—the spirit of the comments of the last two gentlemen. So I don't want to comment on the actual case at hand, but I think that there is a great deal of concern in many sections of the country about what the circumstances are under which a shooting and a killing can take place when you have an unarmed teenager. So this is an issue that is being handled in our court of law. We are a country of laws, and we need to let the judicial process take its appropriate course.

But I thank the two gentlemen for offering their points of view and for withdrawing the amendment.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and $16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to ''Public Safety Officers Benefits'' from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''), $72,500,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: *Provided further*, That of the amount provided—

(1) $12,500,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(2) $20,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities; and

(3) $40,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That, notwithstanding section 1704(c) of such title (42 U.S.C. 3796dd–3(c)), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation.

AMENDMENT OFFERED BY MR. GRIMM

Mr. GRIMM. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 25, after the dollar amount, insert ''(increased by $126,000,000)''.

Page 51, line 12, after the dollar amount, insert ''(increased by $126,000,000)''.

Page 65, line 1, after the dollar amount, insert ''(reduced by $126,000,000)''.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. GRIMM. Madam Chairman, I rise today to offer a truly bipartisan amendment with my good friends, Representatives PIERLUISI, KING, and PASCRELL. This amendment is to fund the highly successful COPS hiring program at the fiscal year 2012 level. This will ensure that we have sufficient police officers on our streets to prevent and to respond to crime and to keep our neighborhoods safe.

Our local police departments count on the COPS hiring program to help them hire additional officers to combat crime in our local communities and to provide true community policing. The money to fund the COPS hiring program comes from reducing in a corresponding amount the appropriation for cross-agency support within NASA, an approach that was adopted by the House in February 2011. Although we do not in any way oppose the work of NASA that is funded through this offsetting account, we are determined to offer a budget-neutral amendment and to give the House an opportunity to work for robust funding for COPS in an eventual conference with the Senate.

In this tough economic time, our officers understand the need for sacrifices and for cutbacks. However, during these trying times we often see increases in crime. Therefore, I feel, and my colleagues agree, that it is essential that law enforcement agencies across the Nation have the necessary resources to protect the American people. I encourage strong support for the Grimm-Pierluisi-King-Pascrell amendment, and I yield back the balance of my time.

□ 1930

Mr. PIERLUISI. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Puerto Rico is recognized for 5 minutes.

Mr. PIERLUISI. Madam Chair, along with my colleagues—Mr. GRIMM, a former FBI agent; Mr. PASCRELL, the cochair of the Law Enforcement Caucus; and Mr. KING, the chairman of the Homeland Security Committee—I'm offering this bipartisan amendment to increase funding for the COPS hiring program in order to bring such funding in line with the fiscal year 2012 enacted level of $166 million.

The base bill provides only $40 million for this program, which is clearly not sufficient. Forty million dollars is $126 million below the fiscal year 2012 enacted level, over $217 million below the President's request, and $175 million below the amount proposed by the Senate companion bill.

The COPS program was created by title I of the Violent Crime Control and Law Enforcement Act of 1994. I was Attorney General of Puerto Rico at the time, and I'm proud to have worked with my fellow AGs to help secure passage of that bill.

As someone whose own family has been deeply touched by violent crime and who has spent countless hours talking with families that have been similarly affected, I am unyielding in my belief that the most solemn duty of government is to safeguard its citizens. Whether you live in Staten Island, South Orange or San Juan, you deserve to feel safe in your home and in your community. The COPS program is rooted in this simple premise and has done much to make it a reality.

The mission of the COPS program is to enhance the security of our citizens. Under the program, the Federal Government awards grants to State and local law enforcement agencies so they can hire and train police officers, purchase and use new crime-fighting technologies, and develop innovative policing strategies.

To date, over 160 million in COPS grants have been awarded to law enforcement agencies in Puerto Rico, which, unfortunately, has the highest homicide rate in the country. These grants have put more than 3,500 new police officers on Puerto Rico's streets. Over $6 million has gone to improve safety for students and teachers in the island's schools. And about $9 million has been awarded for crime-fighting technology. Nearly every one of Puerto Rico's municipalities has benefited from COPS grants.

Each of my colleagues could no doubt cite similar statistics, but even these numbers cannot adequately capture the impact that COPS funding has had in the communities we represent. The number of lives saved, the number of crimes prevented, and the number of families spared the pain of losing a loved one, these numbers are simply beyond calculation.

To increase funding for the COPS hiring program by $126 million, our amendment reduces funding for the NASA cross-agency support account by an equivalent amount. In the fiscal year 2010 cycle, the House, in a strong bipartisan vote of 228–203, adopted an amendment that followed this same approach.

I respectfully urge my colleagues to support this bipartisan amendment, which is supported by the International Brotherhood of Police Officers, and I yield back the balance of my time.

Mr. WOLF. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I rise in opposition to the amendment.

The cross-agency support account is not free money. It's not a place that you can just—I think they ought to change the name, ''cross-agency support.'' That's like Dietrich Bonhoeffer, it's kind of cheap grace; you can just kind of go someplace and get some money there because it's just a cross-agency support account.

Why don't we want to cut this cross-agency support account? Because NASA will not be able to absorb this. They will literally not be able to absorb this. This deals with safety, it deals with security, and the mission's success. Cybersecurity measures defend off relentless attacks by China and others. While NASA is a civil Agency, much of its technology has military applications.

But let's get it from the cross-agency support account. What does it mean? It doesn't mean anything. Yes, it does. It is a very important function with regard to NASA. Human space flight safety oversight, it comes partly out of that. We have learned the hard way from the *Challenger* and the *Columbia* tragedies that relentless attention to safety is necessary.

Cuts to this account will hamstring NASA's efforts to minimize the risk of loss of life and property. But, hey, let's go to the cross-agency support account. It doesn't mean anything because nobody cares. Yet it does; it's validation and mission critical software.

Medical support services keep astronauts and ground-crew workers healthy. Many NASA employees work regularly with regard to hazardous issues. Procurement support. This account is a question of a lot of jobs. I can go on and on and on.

If you wanted to kind of find it, maybe you should have gone some other place; but to take it out of NASA and to put a spear right at NASA's heart, I think, is a mistake.

If you want to be for this—and my father was a Philadelphia policeman, the City of Philadelphia, 21 years—if you want to be for this, fine. I think you should have found another spot. And we would have been trying to work with you once we get to conference because the Senate, what is it, $781 million off? But I'll tell you, if you care about NASA—well, maybe they don't care about NASA. So if you don't care about NASA, I urge strong support for this. If you do care about NASA, I urge you to reject the amendment.

I yield back the balance of my time.

Mr. HOLT. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Madam Chair, I rise in support of this amendment, of which I am a cosponsor.

Over the last several years, we've watched the majority attempt to eliminate—and actually eliminate at least temporarily—the most successful crime-fighting program in the last 20 years, the Community Oriented Policing Services, or COPS, program.

Since this program's creation under President Clinton, it has literally put tens of thousands of police on the beat around the Nation, and it has promoted sensitive, effective policing across America.

The benefits are real. Crime rates in every category decreased as a result of this program. And when this program is gutted, communities feel the effects directly and immediately. The committee should have found the money to keep the COPS program strong, but evidently they gave it lower importance, which is why we are here with this amendment.

Last fall, the city of Trenton was forced to lay off nearly a third of its uniformed officers. It's been reported that our State's capital now has the same number of police on its rolls as it did in 1932. The city had hoped to soften the blow of the budget-driven layoffs through a COPS grant that would have allowed Trenton to hire back at least 18 officers; but unfortunately, because this Congress failed to fund the COPS program, Trenton got no money to hire the laid-off officers, and the people of Trenton are paying the price in a very real way.

Last year, something on the order of 150 people were shot within the city—more than twice, way more than twice the previous year. Street robberies, aggravated assaults, burglaries up alarmingly. And people in the community tell me these trends are continuing to this day.

We need more money to rehire more police. We need it now before more Trentonians and other Americans lose their lives or suffer injury or property loss.

Now, I support NASA. I don't like the offset that we're using for this, but we can't allow the COPS program to wither. I wish the committee had funded this program—as it should be funded—with enough money to meet the legitimate needs of Trenton and other municipalities around America.

Every time I talk with law enforcement officials, I ask: How great is the need? How much can you actually do?

And every time they tell me the need vastly exceeds the resources; and with the resources, they could do a better job.

This past grant cycle, the COPS office received $2 billion in requests for assistance from around the country, but they only had about 200 million on hand. That's unacceptable. Crime doesn't take a holiday. We need to fully fund the COPS program in order to beat back violent crime around America to make cities more livable, to make America the place where we all want to live. My hope is that we'll be able to meet that goal during the appropriations conference process because the subcommittee didn't do it, which is why we're here now.

This amendment is a step in that direction. And I thank my colleagues—Representative PASCRELL, Representative GRIMM, Representative REICHERT, who is not able to be here tonight—and the other sponsors for their strong leadership in this effort.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

□ 1940

Mr. PASCRELL. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PASCRELL. I must say, Chairman WOLF, you've always been a sensitive person—I don't say this to blow smoke; I really mean this—and it's a tough decision when you have to make priorities. We come to the floor to fight for what we believe in, and I think you respect that, and I'm sure the gentleman from Staten Island respects that as well, and we all do here, my good friend from Philadelphia, Congressman FATTAH. We'd like to do all of these things and more. But not only did we run out of applications—think about that. People, we said, stop, don't apply any longer. You've got 11,000, 12,000 cops laid off, police officers in this country. Tell me that doesn't have consequences.

Tell me, what are those consequences? Smaller warrant squads. The last two police officers killed in North Jersey, killed by two guys on the lam. We didn't have enough people to go look for them. That's not acceptable in a society which depends upon law and order. So you can't talk out of both sides of your mouth about law and order.

We need police on the streets. This is about community policing. And I would say to my good friend from Virginia, these are two programs that, tonight, we're speaking about one of the police, the COPS Program, and the Fire Act. Leader Hoyer could tell us about that. But they're two bills that are run—no other bills are run better in the Federal Government. I think we would want to duplicate that. Having provided a huge cut in the past, from $166 million all the way down to $40 million, we can't do that with 11,000 and 12,000 police officers laid off.

Our amendment would restore the program. Of course, this is really just a drop in the bucket because it only really hires close to 1,000 police officers. We've already laid off 12,000. And a lot of positions have not been filled. There was no one in that position to begin with.

So, look, the program, the account that we're talking about in NASA I think is $2.8 billion. This is a small part of it. I would rather do it some other way, Mr. Chairman, through the Chair. I would rather do it another way.

My hometown laid off 125 police officers. Same story in other towns in New Jersey. Fewer cops on the beat means more crime on our streets, plain and simple.

If I can't come up here and fight for the guys and gals who defend us day in and day out, and if there is an attack, be it a natural disaster or some man-made disaster, it's the police and firefighters and EMTs who are going to be there long before the Federal Government. We need to protect them.

Mr. WOLF. Will the gentleman yield?

Mr. PASCRELL. I yield to the gentleman.

Mr. WOLF. My dad was a policeman in the city of Philadelphia. Actually, you know, with my dad, I couldn't say they were cops because it was a derogatory term. My dad was a policeman, and I loved my father.

And when we go to conference, we will attempt to really deal with this. And I think Mr. FATTAH and I agree. NASA's not the place to go.

I'm very sympathetic. We're given a budget that many of these guys, some guys over on our side want to take the budget down even more. The Republican Study Committee wanted to take it down even more. I mean, will some guys who voted for the Republican Study Committee come down here and be for this?

So, listen, I am committed to do everything we can when we go to conference. The allocation was different.

Mr. PASCRELL. Reclaiming my time, Mr. Chairman, I understand what you're saying.

Mr. WOLF. Just let me say, I will do everything we can as we go to conference, depending on how the allocation is, to see what we can really do, because I want to do everything we can.

Mr. PASCRELL. Mr. Chairman, it cannot be depending on the allocation. We've got to fight for the allocation. We've got to fight for what we want.

I want us all to listen on both sides of the aisle. What is dragging down the economy at this section, at this point, when you look at it objectively, if you try to look at it objectively, is that we have lost between 600,000 and 700,000 public sector jobs.

So we are adding private sector jobs, even though we only added 116,000 last year, and we've got to do a little bit better than that so we can catch up for people that are coming into the market, and defend and go after those people who want to drop out and become phantoms and then they don't exist at all on the numbers. That doesn't help us either.

But we've got to stop this trend down to the bottom. We're losing teachers, police officers, and firefighters at an unprecedented rate. And if you think that's going to solve our problems, nationally or locally, I don't think that that's the route to go.

I urge a ''yes'' vote on the amendment.

I yield back the balance of my time.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. I join the chairman in saying that there are two things that are going to happen when this bill becomes the law of the land. There's going to be additional dollars for COPS, and NASA's not going to be cut.

So I understand that the makers of the amendment have to find an offset. It's an offset that's not going to be acceptable when we come to a final resolution on this bill, but you need an offset to come to the floor.

And you came to the floor to make a point that needs to be made, which is that when people call 911, there needs to be a cavalry on the way and not just the hope that there might be some help. So we thank you for bringing the amendment forward.

When we finalize this bill, there will be additional dollars for the COPS program.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. GRIMM).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GRIMM. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any

person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2014, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002 (Public Law 107–296; 28 U.S.C. 599B) without limitation on the number of employees or the positions covered.

Mr. HOYER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. HOYER. Madam Chair, over two decades ago, the first President Bush signed into law the bipartisan and historic Americans with Disabilities Act. I was proud to sponsor that legislation and have worked over the last 20 years to make sure that it was effective and strengthened.

Contained in the bill before us in an unprecedented measure that would significantly erode the Justice Department's authority to protect access for those with disabilities to swimming pools.

Now, one might say, Access to swimming pools? But I want my colleagues to think about, if you have a mobility impairment, if you have some neurological impairment, that swimming is one of the most effective activities in which you can participate to get your motor skills back in an environment that will not allow you to sink. Therefore, you have an environment in which you can exercise your muscles. So many of you have seen that and know that to be the case.

□ 1950

This is an incredibly important accessible facility for those with disabilities. In any event, those with disabilities ought to have access, certainly, to public facilities; and we can make it so.

Now, I'm not going to offer an amendment to strike this language; but I hope, Mr. Chairman and Mr. Ranking Member, that this will be struck. I hope that we will listen to the literally tens of letters that you've gotten and that I've gotten.

For many Americans with disabilities, swimming pools are an important source of physical activity and emotional comfort. The provision in question would roll back the Justice Department's 2010 accessibility regulations, undermining standards for new pool construction and for the upgrading of existing facilities. This would constitute a serious setback to Americans with disabilities, including many of our veterans—and I want you to think about this—many of our veterans wounded while serving our Nation overseas. As all of you know, many of these injuries they've received are to their limbs. Again, their exercise programs are facilitated in swimming pools, supported by water. So this would constitute, as I said, a serious setback.

The 2010 accessibility regulations this provision would eliminate do not place an undue burden on pool operators who cannot afford to make their facilities accessible. Some of you will remember Steve Bartlett, who was a Member of this Congress, a mayor of Dallas, still in town—a wonderful friend of mine—and a conservative Republican from Texas. He and I spent literally hundreds of hours working on this legislation together. One of the things we did was to make sure that businesses would know that what they were asked to do was affordable and that they could do it with relative ease, realizing full well that one can't expect a small business, in particular, to incur a large expense notwithstanding the objective is a worthy one. So we had a practical approach to this, and we had language that said it had to be readily achievable and affordable for the enterprise. Certainly, we can continue to do that for these facilities which are so important to so many people with disabilities.

I want to say that Mr. WOLF is one of the most conscientious Members of this House and one of the most courageous Members of this House. He and I have had the opportunity to work together for over three decades on legislation.

I hope, Mr. Chairman, the House and Senate conferees will look carefully at the damage this provision will cause in the lives of so many Americans with disabilities and will strike it from the final version.

I commend my colleagues who have come here to draw attention to it, and I thank them for continuing to stand up for those with disabilities, including veterans and their right to equal access and opportunity.

When George Bush signed on July 26, 1990, the Americans with Disabilities Act, he said it was the most significant civil rights act in over a quarter of a century, since the sixties. He said it ensured that all individuals would have access to the full enjoyment of facilities in this country of opportunity and of freedom.

This amendment may be well intended, but its effect would be very detrimental. Again, I urge the chairman and the ranking member—and I will certainly be working with my Senate colleagues as well—to make sure this language is not in the final bill because this would be detrimental. As I will remind you once again, so many veterans are coming back in need of this kind of access.

I yield back the balance of my time.

NATIONAL COUNCIL
ON INDEPENDENT LIVING,
Washington, DC, May 8, 2012.

TRENT FRANKS, Chairman,
Subcommitee on the Constitution, Committee on the Judiciary, House of Representatives, Washington, DC.

JERROLD NADLER, Ranking Member,
Subcommittee on the Constitution, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANKS AND RANKING MEMBER NADLER: These comments are submitted by the National Council on Independent Living (NCIL) for the record of the April 24, 2012 hearing on ''The Department of Justice's Guidance on Access to Pools and Spas Under the ADA.''

NCIL is the longest-running national, cross-disability, grassroots organization run by and for people with disabilities. Founded in 1982, NCIL represents thousands of organizations and individuals including: Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), individuals with disabilities, and other organizations that advocate for the human and civil rights of people with disabilities throughout the United States. There are currently over 700 physical locations across America actively providing Independent Living services to people with disabilities.

This hearing was held to address the proposed legislation in the House that is set to address the concerns of the DOJ's decision to extend the rule RIN 1190–NYD Delaying the Compliance Date for Certain Requirements of the Regulations Implementing Titles II and III of the Americans with Disabilities Act. We have serious concerns with Congress preventing an executive branch agency from enforcing its own regulations such as what is written in H.R. 4256 and H.R. 4200. We must let you know that we find both these bills to be intrusive.

We disagree with both bills. They try to accomplish giving the hospitality and hotel industry an opportunity to provide accessibility to the public in the least efficient manner or even at all. H.R. 4256 attempts to address technical requirements that have been negotiated over years in the rulemaking process that has worked well for all other aspects of accessibility. This bill is broader than H.R. 4200 because it prohibits any court enforcement of the new regulations for a year (while DOJ is changing the standards, as required by this bill), including enforcement by private plaintiffs.

To include Title II in the language of the resolution, even though it would appear by the rest of the language that the resolution concerns Public Accommodations only, under 28 CFR Part 36; creates confusion and uncertainty about exactly how far this resolutions impact and jurisdiction could be interpreted to go. The resolution calls for a one year extension to the effective date, which we in the community disagree with its necessity.

The ADA has been in effect for 21 years, and all the ADA pool rules have undergone extensive review for more than 10 years, with multiple comment periods and many opportunities for hotels to learn about their responsibilities. The new requirements already had a generous phase-in period of 18 months. Congress should not restrict enforcement of these, or any, ADA requirements.

In response to comments that referred to the hospitality industry not having adequate time to implement this rule, the burden of providing access to swimming pools and the cost for implementing this rule, we strongly disagree with all of these claims. Providing access to swimming pools is achievable and not burdensome. The ADA's accessibility requirements for barrier removal in existing facilities are very reasonable—they only require what is ''easily accomplishable'' and able to be carried out without much difficulty or expense. The rules are carefully crafted to take the needs of covered entities, such as small businesses including hotels, into account. In other words, hotel owners need not comply with the standards in the new regulations unless doing so would be inexpensive and simple. No extension or enforcement ban is needed.

We also believe that it is not acceptable for the Department of Justice to backtrack on ADA requirements because an industry exerts pressure. To do so is an invitation to other industries to say, ''Roll back our requirements, too.'' Today it's the hotel industry. What weakening changes will come tomorrow? What other human and civil rights laws will be adjusted? In reference to the expense this would cause for the hospitality industry, there are Tax Incentives which have always been available and under-utilized by businesses. IRS Tax code 44 and 190 provide generous credits (dollar for dollar) and deductions (reduction in gross reported to IRS) that let the hotel owner get the money back (1/2 in credit the rest in deductions) so cost should not be an issue.

The Disability and Business Technical Assistance Centers (DBTACs) has done a targeted education project for the ''hospitality'' industry for several years now and have repeatedly reached out to the organizations representing hotels. They can be reached at 800–949–4232 anywhere in the country.

The House bill H.R. 4256 represents an extraordinarily prejudicial precedent. This bill would deny any federal official, which can include judges, U.S. attorneys, and other enforcing authorities, any power to administer or enforce the new DOJ ADA regulations regarding pools. It removes the waiting period and adds a clause that dismisses any suits filed after March 15, 2012. It also tries to clarify their portable vs. fixed lifts concern, something that should be done by DOJ.

The amendment would affect Title II State and Local Governments, which have been covered for access into the water since 1990. This is seen as a targeted process to undermine the strong federal enforcement role urgently needed and sometimes reached under the ADA. Passage of this bill could initiate a trend to render civil rights laws completely powerless and ineffective, even though they remain public law. This amendment would firmly take this part of the ADA backward. It is our belief that congress should craft strong civil rights protections to end discrimination, not remove the government's enforcing authority.

In the notice of proposed rulemaking, the Department of Justice requested comments on extending the compliance date ''in the interest of promoting clear and consistent application of the ADA's requirements to existing facilities.'' The NCIL community has serious concerns with the number of years it has taken to explain ''readily achievable barrier removal''. Extensive technical assistance has been provided to explain to many public accommodation pool owners that the requirements are based on what they can afford to do today on their existing structures, with an obligation to provide better access when it can be afforded. Nothing has changed with that concept since the ADA was passed in 1990. It should not take another 6 months to ''understand''.

To include Title II entities in this extension is a huge step backward! Program access has been a requirement all along, and most state and local government-run pools and swimming facilities should already have addressed access into to the water for their programs. An extension is inappropriate as they have already been responsible for equal access to the water for years.

The part that is confusing is not for new construction and altered facilities having pools and spas, but at existing pools there is some confusion that has been partly created by the DOJ, as the Department responded in a letter February 21st to the American Hotel and Lodging Association (AHLA) when they asked for clarification on the provision of pool lifts. In that letter, the Department addresses several concerns raised in the ''eleventh hour'' of the rulemaking process by AHLA representatives—including some regarding ''fixed'' pool lifts versus ''portable'' pool lifts. The Department has created part of the problem in its convoluted definition of why a pool lift must be ''fixed'' which is not addressed in the rule, the scoping, or in the technical requirements of the 2010 ADA Standards for Accessible Design.

In addressing concerns by AHLA regarding existing hotels, the DOJ stated that where it is not readily achievable for a hotel owner to install a fixed pool lift, that a portable pool lift may be used if it can be attached to the pool deck while in use. That seems like a good idea to reduce liability for the hotel owner, and makes the unit more stable for the user, who also must be able to use the unit independently. However, it is a matter of technical assistance advice that, with additional helpful information could be given without an extension in the effective date for compliance. Many of these discussions should have already taken place multiple times, given the length of time this rulemaking has taken, and to reiterate the principles of readily achievable barrier removal once again to the organizations pleading ignorance should not take an additional 6 months.

The NCIL membership is very disappointed that an exception was made in the rulemaking process by the current Administration, and strongly objects to the proposed rule extending the compliance date for public accommodations and effectively abolishing the program access requirements including pool lifts at swimming pools, parks, and resorts run with State funds through yet another swimming season—to September 2012. We insist the rulemaking proceed and become effective immediately following the 60 day extension.

Submitted by: L. Dara Baldwin, MPA—Policy Analyst, The National Council on Independent Living.

Submitted For: Mark Derry—Chair of the ADA/Civil Rights Committee for The National Council on Independent Living.

SUBMITTED TESTIMONY OF THE NATIONAL DISABILITY RIGHTS NETWORK

HEARING ON ''THE DEPARTMENT OF JUSTICE'S GUIDANCE ON ACCESS TO POOLS AND SPAS UNDER THE ADA''

House Committee on the Judiciary, Subcommittee on the Constitution Tuesday, April 24, 2012

As the nonprofit membership organization for the federally mandated Protection and Advocacy (P&A) Systems and Client Assistance Programs for people with disabilities, the National Disability Rights Network (NDRN) would like to thank Chairman Franks, Ranking Member Nadler and the Subcommittee for the opportunity to submit written testimony for today's hearing on the Department of Justice's Guidance on Access to Pools and Spas under the Americans with Disabilities Act. Over twenty years after the passage of the Americans with Disabilities Act (ADA), the accessibility of swimming pools and other recreational facilities remains a problem for people with disabilities around the country. NDRN encourages the Judiciary Committee to work with the Department of Justice and with swimming pool owners to ensure that people with disabilities are able to enjoy swimming pools and other recreational facilities to the same extent as others in our society.

As a part of the training and technical assistance that NDRN provides to the Protection and Advocacy agencies, NDRN holds many face-to-face meetings in hotels throughout the country. As such, NDRN routinely books hotel rooms and wants our staff, the staff of the P&A agencies, and other participants to have the opportunity to enjoy all the amenities provided by the hotels. As a disability rights organization whose staff and membership include people with disabilities, we are committed to holding our conferences and meetings at locations that provide full accessibility.

The effective date for swimming pool owners to become compliant with ADA standards was originally March 15, 2012, but the Department on its own chose to extend that time until May 21, 2012. Based on the history of these standards discussed below, NDRN believes that this first extension was unnecessary and sees no reason (politically, practically, or in the furtherance of public policy) to extend this compliance date any longer. The 2010 ADA Accessibility Standards did not create the requirement for accessibility for pools and spas; it only provides more detailed specifications of how to provide that accessibility.

Protection and Advocacy programs across the country have represented people with disabilities seeking access to public swimming pools. For example, P&As in Pennsylvania, Ohio, and Colorado have successfully negotiated agreements with owners of pools to provide pool lifts to allow individuals with disabilities to use those pools. Despite these modest successes, most people with disabilities throughout the country continue to be unable to access swimming pools on the same basis as their non-disabled peers.

The Department's process to develop accessibility guidelines for swimming pools began over 7 years ago on September 30, 2004, when the Department published an Advance Notice of Proposed Rulemaking (ANPRM), 69 FR 58768. This ANPRM requested feedback about the Department's proposal to adopt the Access Board's 2004 revisions to the ADA Accessibility Guidelines (ADAAG), which included provisions for swimming pool accessibility. The Department then published a Notice of Proposed Rulemaking almost 4 years ago on June 17, 2008 seeking public comment, 73 FR 34508. The Final Rule was formally published in the Federal Register on September 15, 2010, 75 FR 56254, and gave owners and operators of existing pools 18 months before the specific regulations became enforceable.

Enough time has passed to allow swimming pool owners to make their pools comply with the ADA. Over 18 months has passed from the date the final rule was announced, over 4 years has passed from first proposal of a final rule, and over 7 years has passed from first the first proposal to adopt the ADAAG standards for pools and spas. Moreover, the requirement to remove barriers to accessibility to swimming pools for people with disabilities has been part of the statutory requirement under the Americans with Disabilities Act since it was passed in 1990, almost 22 years ago. The need for pools and spas to be accessible for people with a disability is not some new idea, but one that has been in federal law for more than 2 decades.

Additionally, the Department's regulations provide more than sufficient flexibility since the requirement is removal of physical barriers that is ''readily achievable,'' or easily accomplishable and able to be carried out without much difficulty or expense.

The swimming pool owners have raised concerns about the Department of Justice

requirement that they install fixed rather than portable lifts. The Americans with Disability Act Accessibility Guidelines, or ADAAG, include specific guidelines regarding the installation of pool lifts. See http://www.access-board.gov/ada-aba/final.cfm#a1009. Generally, portable pool lifts cannot meet the ADAAG standards, because they cannot be installed or independently operated by people with disabilities. As the Department of Justice has indicated, however, if an entity chooses to use a lift complying with the ADAAG standards that is removable or otherwise designated as ''portable,'' it may do so, as long as while the lift is provided at the pool, it is affixed in some manner to the pool deck or apron.

NDRN is pleased that some members of the hotel industry have realized that over the course of 22 years the ADA applies to the accessibility of their pools and have taken a proactive approach and installed pool lifts. For example, in recent negotiations with a hotel chain to hold a conference, NDRN raised the issue of whether the swimming pools were accessible for people with disabilities, and were assured that all the hotels were in compliance with all current ADA laws and regulations concerning the pool and had a pool lift. In addition, they were prepared to comply with any and all revisions to Title 3 of the ADA that may occur, and took, ''great pride in ensuring . . . our properties meet and exceed any government regulation.''

As NDRN continues to contract for our business meetings as well as our staff making their own personal summer travel and vacation plans, we believe that people with disabilities should be able to enjoy the same recreational amenities and opportunities as every other American. Delaying the effective date of the regulations any further will mean another season where people with disabilities will be denied the opportunity to use pools when they travel on vacations with their families or on business. This is unacceptable.

Mr. FLAKE. I move to strike the last word.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. To the gentleman's point, the minority whip, I think all of us want to protect the ADA and the goals of the ADA. That's why this amendment was offered in the committee. It was to strike this language.

What will happen—I think we can all see it—is if these new regulations are allowed to go into effect—at the end of this month, I believe, it will come—there isn't the equipment even available to put it into use. The liability issues are so huge to have a stanchion, basically, with a lift at every pool and a power source right by the water, in every body of water. If there is a resort with 10 pools, 10 lifts. If there are three Jacuzzis, three more lifts. If it's an apartment complex with a small, little pool, they'll still have to do it. Municipalities that have public pools will have to do that as well. What will happen is too many of them will say, We can't expose ourselves to the cost or the liability, and so we'll simply close our pools.

Whether they be military or anyone else, what does that do to access for the disabled? What good is it if a pool is closed down because the owner simply can't deal with the cost or the liability? I guarantee you, if this happens, if this goes into effect, then you're just going to be granting waivers based on some kind of spoil system or on whether or not they think they can afford it. It's just not workable. What we need is a workable regulation.

Mr. NADLER. Will the gentleman yield on this point?

Mr. FLAKE. I yield to the gentleman from New York for a very brief time.

Mr. NADLER. Is the gentleman aware that, if the equipment is not ready, then under the law it is not readily achievable and that it doesn't have to be done at that point and that the DOJ has already met with the industry and has told them this?

Mr. FLAKE. In reclaiming my time, it's all well and good to say that; but what these owners will say is their liability comes as soon as the lawyer walks by and the pool doesn't have it. They're not going to risk having the liability. They're not going to risk doing that. So you'll have less access because it's simply not ready. Having this go into effect in less than a month from now, at the end of this month, is simply not reasonable.

What we're about is trying to find a solution that is reasonable and affordable and that will increase accessibility for the disabled. This doesn't do it. That's why the amendment was offered in the committee. It was to take this back and have something reasonable.

All of us have the same goal here; but the regulations, as they're put forward, are not reasonable. Think about that for a minute: a small apartment complex that has a pool open to the public and then imposing that kind of cost and liability on them. Even with the equipment, when it does become available, it's more likely that they will simply shut the pool down because they won't want to deal with that liability. We have resorts in Arizona that have had portable lifts available for years and years. Some of them inform us that they've never been asked once—or one time in 10 years.

There are ways to do this. It's reasonable and prudent to say you ought to have a portable lift available; but a fixed stanchion, or a lift, for every body of water? It just is unreasonable and too costly. So that's why the amendment was offered, and that's why the language is in this bill. I would urge that it be retained.

I yield back the balance of my time.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. We had this discussion in the full committee.

You have on one side the Paralyzed Veterans Association and the National Association of Blind Veterans—every veterans group you can imagine. On the other side, you have hotel owners, who say, Look, we either can't afford it or nobody will ever want to use it or we can't get the equipment. What we have in the middle is a set of facts, which is that this regulation has been developed over a long period of time, starting back in 2004, in that, if you have a financial hardship and if you can't do it, you can waive it. If the equipment is not available, if it's not achievable, there are tax credits for it.

The issue here is really whether there is enough heart among the hotel owners to make sure that Americans who are disabled have the same opportunities. That's the real question here. So we don't have a vote on this. There is no amendment pending. I just want the House to be clear that one of the reasons you don't authorize on an appropriations bill is that this is a matter for the Judiciary Committee. They've held a hearing on it.

There is a set of facts that gets kind of bottled up when we're dealing with this spending of dollars; but there is no reason here for a country as big as ours and as wealthy as ours to have so little heart and compassion for those who are less fortunate, who are disabled, so that they can have access as they travel and deal with public accommodations.

I yield back the balance of my time.

Mr. NUNNELEE. I move to strike the last word.

The Acting CHAIR. The gentleman from Mississippi is recognized for 5 minutes.

□ 2000

Mr. NUNNELEE. Madam Chair, this measure is not about undermining the Americans with Disabilities Act. This measure is not about denying access. If it were, I would be part of leading the charge to defend that access in the Americans with Disabilities Act. The reason for that is because when I was in college, I lost my eyesight. When I graduated from college, I was blind. I'd been denied a job because of my blindness. I would defend every person's right to access, and I would defend the Americans with Disabilities Act. But this proposal is about finding a reasonable solution to a problem rather than imposing a one-size-fits-all dictate from the bureaucracy of Washington.

There seems to be a serious disconnect between the people that are writing the regulations and those that have to comply with them. Portable lifts accomplish the same access, and they are much easier to install and can be installed at a lower cost. These fixed lifts are much more costly to install, and the net effect is that hotels and municipalities will simply close their swimming pool rather than comply with this new regulation. Many hotels have already begun to comply by ordering portable lifts and making those available, but that money and effort will be wasted because the Department of Justice has decided that only fixed lifts will meet the regulation.

The problem here is that the bureaucrats who don't have to live with the consequences of the rules they write

really don't care how much it costs the small business owners. They just want to tell other people what to do, no matter what the real world consequences are.

Our goal is not to deny access. Our goal is to find a reasonable way for businesses to comply with this new regulation in a fair and reasonable manner and in a cost-effective manner that will ensure access to every American.

Madam Chair, I yield back the balance of my time.

Mr. NADLER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Madam Chair, I rise to speak against an amendment added during committee markup of the Commerce-Justice-Science appropriations bill, the one that we've been talking about, that would prevent the Department of Justice from enforcing regulations regarding access to swimming pools under the ADA, the Americans with Disabilities Act.

Since passage of the ADA in 1990, Congress has never acted to weaken the ADA's promise of increased opportunity and access for our neighbors, friends, family, and colleagues with disabilities. Today, however, this House is poised to strip the Justice Department of its ability to enforce certain accessibility rules. We are at this unfortunate and unwarranted juncture because of an aggressive advertising and lobbying campaign that misrepresents what the ADA is and what the Department of Justice rules require.

Congress should not roll back reasonable, balanced, and negotiated civil rights standards that have long enjoyed bipartisan support based on an alarming misunderstanding and misrepresentation of the ADA and Department of Justice regulations, nor should we override a nearly decade-long regulatory process that began under the administration of President George W. Bush and concluded after extensive public notice and comment by adopting the guidelines that the United States Access Board developed in 2004 during the George W. Bush administration.

Certain members of the hotel industry and their lawyers have claimed that Department of Justice rules require all pool owners to install fixed lifts in every pool, that this is costly and burdensome, and that owners who cannot afford to install lifts will have to shut down their pools or face civil penalties. These claims are simply false.

As required by Congress when it passed the ADA in 1990, the Justice Department has now issued rules to increase access to newly constructed and existing swimming pools, rules that have been under development for almost 15 years. New pools must be built with either a sloped entry into the pool or a pool lift, under these new rules. For existing pools, owners will have to do what is ''readily achievable'' based on the size and resources of the owner's business and the prospective cost of the improvement.

If it is readily achievable, which is defined in the ADA as ''easily accomplishable and able to be carried out without much difficulty or expense,'' a business should take the same steps to improve an existing pool that it would take if it were building a new pool. This means that if a fixed lift can be installed easily and inexpensively, it should be. If installing a fixed lift is too expensive and difficult, it is not legally required. The law did not impose a one-size-fits-all requirement. The law is quite flexible.

Fixed lifts are superior to portable lifts because a fixed lift provides a safer and more independent means of getting in and out of a pool for a person with a disability. A fixed lift is available whenever a pool is open without the need for staff to locate the lift, ensure it is in proper operating condition, and provide timely and safe installation while the disabled person waits. This allows a person with a disability to swim whenever a pool is open, just like everybody else.

While those pushing this amendment have raised concerns about lift safety, the United States Access Board has found no evidence of increased safety risks from pool lifts. The same measures already in place at a hotel's pool, such as prohibiting unsupervised children from using a pool, should prevent misuse of a pool lift as for other pool equipment like diving boards, slides, deck chairs, or tables.

This unnecessary amendment will harm countless Americans and veterans who rely upon the ADA. And we have heard from a number of organizations and individuals who oppose legislation prohibiting DOJ from enforcing its regulations. I would like to include some of the letters and testimony sent to the House Judiciary Committee's Constitution Subcommittee, where I serve as ranking member, in the RECORD.

Opposition to the amendment comes from organizations that work with a broad spectrum of persons with disabilities, including the National Center for Independent Living, the Association of University Centers on Disabilities, the American Association of People with Disabilities, and the National Disability Rights Network, to name a few.

A father and swim coach in Georgia wrote that swimming has helped his son—a medalist at the Athens and Beijing Paralympics—make friends, earn respect, achieve goals, and make the best of his disability.

A dozen veteran organizations wrote similarly of the benefit of rehabilitation and recreational opportunities for wounded and disabled veterans and servicemembers. These Americans have paid a high price in service to their country. They should be able to count on the ADA to ensure equality and opportunity here at home.

Before today, our commitment to the ADA was a shared one. It would be unfortunate if that were to change under Republican leadership in the House. I call upon my colleagues to ensure that this ill-advised amendment is not included in any bill sent to the President for his signature. These regulations which have not yet been imposed, which the Justice Department has said may be postponed another few months if necessary, are in the spirit of the ADA—they are proper; they are well considered; and they oughtn't to be set aside by lobbyist-driven amendments.

With that, I yield back the balance of my time.

MAY 4, 2012.

DEAR SENATOR/REPRESENTATIVE: We the undersigned veterans organizations are writing in support of the Department of Justice's (DOJ) final rule detailing requirements for accessible entry and exit for pools and spas under the Americans with Disabilities Act (ADA).

Our organizations strongly support the principles of the ADA, because they ensure independence and reintegration for wounded servicemembers and disabled veterans. After a decade of war, we must ensure that the ADA continues to stand for equal treatment and non-discrimination in access to rehabilitation, employment, educational, and recreational opportunities.

Specifically, Congress must not weaken the principles of the ADA by delaying or otherwise inhibiting DOJ's enforcement of the pool and spa accessibility regulatory requirements. DOJ published the final rule on accessibility in September 2010 after engaging in six years of public outreach, which included multiple opportunities for all stakeholders to provide comments. Although the final rule was to go into effect on March 15, 2012, DOJ delayed compliance until May 21.

We believe that our nation's disabled veterans and wounded warriors have waited long enough for access to pools and spas. The January 2012 guidance issued by DOJ clarifying the intent of the final rule for existing pools and spas did not change the requirements DOJ published in September 2010. The gold standard for new construction is a fixed pool lift. It is logical that fixed pool lifts would be required for existing pools and spas if ''readily achievable.'' Readily achievable means that an existing pool or spa would only need to have a fixed pool lift if it was not costly or burdensome.

Readily achievable is the flexibility that was built into the ADA to ensure that a one-size-fits-all approach would not be required. Thus, if it is not readily achievable for a small, family-owned business to install a fixed lift for a pool or spa, then they are not required to under the ADA. The ADA's inclusion of the readily achievable standard represents the compromise between the needs of people with disabilities and the costs of accommodations.

If Congress intercedes by delaying implementation or hindering enforcement of DOJ's final rule, we fear that a dangerous precedent will have been set for the future of the ADA. The final rule was the result of an extensive regulatory process that provided ample opportunity for participation. It is now time for Congress to step back and let the regulatory process function as was envisioned when the ADA was passed by a bipartisan Congress 22 years ago.

If you have any questions, please contact Heather Ansley, Vice President of Veterans Policy for VetsFirst, a program of United

Spinal Association, at (202) 556–2076, ext. 7702 or by e-mail at hansley@vetsfirst.org.

Sincerely,

Blinded Veterans Association, Disabled American Veterans, Iraq and Afghanistan Veterans of America, Jewish War Veterans, National Association for Black Veterans, Paralyzed Veterans of America, Veterans for Common Sense, Veterans of Foreign Wars, Veterans of Modern Warfare, VetsFirst, a program of United Spinal Association, Vietnam Veterans of America.

MAY 7, 2012.

Hon. TRENT FRANKS,
Chairman, Judiciary Committee Subcommittee on the Constitution, Rayburn House Office Building, House of Representatives, Washington, DC.

Hon. JERROLD NADLER,
Ranking Member, Judiciary Committee Subcommittee on the Constitution, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANKS AND RANKING MEMBER NADLER: I write to you today as a swimming coach with twelve years of experience working with disabled swimmers of whom my son, Lantz, is one. I respectfully request that my son and my athletes and all individuals with disabilities have access to aquatic recreational opportunities just as individuals without disabilities. I have recently been informed that Congress is considering legislation that would prevent the Department of Justice from enforcing its own regulations and keep public pools from being accessible as required by the ADA. I am very concerned about this legislation. I strongly encourage you and your colleagues to act to ensure that individuals with disabilities have the ability to access swimming pools and other facilities.

My son has swum since he was nine years old. Swimming has provided him a way to make friends, earn respect, achieve goals and make the best of his disability (cerebral palsy). He has progressed to the highest level of disability swimming having swum and medaled in the Athens, Greece and Beijing, China Paralympics. Swimming has enabled him to develop a more positive image of himself as well as provide a role model for other children with disabilities.

I have coached swimmers with all kinds of disabilities, from amputees to swimmers with cerebral palsy, as well as my son, to traumatic brain injuries, to swimmers paralyzed from the waist down, to blind swimmers, to gunshot and shrapnel injuries and all sorts of hip and shoulder injuries. The swimmers who need the lifts the most are the ones who have no use of their legs since it is dangerous for the swimmers and their assistants who help them in and out of the pool. Without the lifts most of these swimmers will not try to transfer themselves out of their wheel chair and into the pool because of the risk of further injury.

It is critical that all individuals, including individuals like my son with a disability, have the opportunity to participate in physical activity and sport. Research has shown that physical activity significantly enhances the physical, mental, social, and emotional wellbeing of an individual with a disability. I have seen this numerous times as an individual with a disability realizes that they can participate in physical activity and achieve goals and benefits by their efforts. The pride of self returns when the swimmer sees that he or she can get better, swim faster and most of all achieve! Yet many individuals with disabilities face barriers to accessing physical activity opportunities and the result is that obesity rates for adults and children with disabilities are 57% and 38% higher, respectively, than rates for adults and children without disabilities (Centers for Disease Control and Prevention). Swimming is a beneficial activity for many people with mobility impairments (more than 13 million Americans who use a wheelchair, walker, cane or other aid to assist in mobility), as it enables individuals with disabilities to be active with fewer limitations (U.S. Census).

Our program provides access to adapted swimming for many individuals. Regrettably too many families, do not have the same opportunities. Please, do not limit the ability of the Department of Justice to ensure full access to swimming pools and spas for individuals with disabilities.

Thank you for considering this request.

Sincerely,

FRED LAMBACK.

ASSOCIATION OF UNIVERSITY CENTERS ON DISABILITIES,
May 7, 2012.

DEAR REPRESENTATIVE: On behalf of the Association of University Centers on Disabilities (AUCD), I am writing to urge you to oppose Representative Carter's amendment to the Commerce, Justice, and Science Appropriations Bill that would prevent the Justice Department from using its funds to enforce the ADA regulations to increase access for people with disabilities to swimming pools.

On March 15, the 2010 Standards for Accessible Design went into effect, setting accessibility requirements for built-in facilities including swimming pools. These standards were adopted as part of the revised regulations for Title II and Title III of the Americans with Disabilities Act of 1990 (ADA). Unfortunately, the regulations were met with strong opposition by the hotel industry due to a misunderstanding as to what they require and the ''readily achievable'' standard the ADA applies to ensure reasonable enforcement.

The readily achievable standard has been supported and recognized by the business community since the passage of the ADA in 1990. The standard, since its inception twenty-two years ago, provides the Justice Department with flexibility to determine what is achievable based on a covered entity's particular circumstances, and to prevent the Department from applying a rigid one-size-fits-all standard. In the case of the accessibility regulations for pool lifts, therefore, if it is too costly or burdensome for a small, family-owned business to install a fixed pool lift at their facility, the new regulations do not require that they do so. Furthermore, pool owners that fail to comply with the regulations are not subject to large damage awards largely in part to the fact that individuals cannot obtain money damages against hotels for violations of ADA's accessibility requirements.

The hotel industry has known about this issue for a decade, and has participated in every step of the way. They were given 18 additional months (past the publication of the finalized rules in September 2010) to prepare before the standards went into effect. As a result of the forgoing built in protections in the ADA, this amendment is not needed to protect small hotel owners.

Additionally, it is crucial to understand, that access to swimming pools is important for people with disabilities—it helps them participate in their communities, spend time with their families and, for many, is a critical means of exercise and maintaining good health.

If Congress intercedes by passing this amendment, we fear a dangerous precedent will have been set that could chip away at other provisions of the ADA. The final rule was the result of an extensive regulatory process that provided ample opportunity for participation. Accordingly, AUCD urges you to protect the ADA by opposing amendments that will take away the right of the Department to enforce such critical regulations.

Sincerely,

A. ANTHONY ANTOSH,
President, Association of University Centers on Disabilities.

CONSORTIUM FOR CITIZENS WITH DISABILITIES,
May 8, 2012.

Hon. TRENT FRANKS,
Chairman, Subcommitee on the Constitution Commitee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JERROLD NADLER,
Ranking Member Subcommittee on the Constitution Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANKS AND RANKING MEMBER NADLER: The undersigned members of the Consortium of Citizens with Disabilities (CCD) submit these comments for the record of the April 24, 2012 hearing on ''The Department of Justice's Guidance on Access to Pools and Spas Under the ADA.'' CCD is a coalition of national disability-related organizations working together to advocate for public policy that ensures full equality, self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

1. The Justice Department acted entirely within its authority in conducting its rulemaking process and interpreting its own regulations concerning swimming pool access.

We submit this statement to respond to arguments made at the hearing by the hotel industry that the Justice Department's rulemaking concerning swimming pool access and its interpretation of its own regulations constituted a lawless process that violated the Administrative Procedures Act, that the Department issued ''new and arbitrary rules'' in 2012 that circumvented the regulatory process, and that congressional action is necessary to ''restore order to the regulation-making process.''

These claims are unfounded. That the Justice Department reached different conclusions than those that the industry might have preferred does not render the process illegal or improper. On the contrary, the Justice Department's swimming pool regulations were the product of a years-long, fair, considered, and objective process that included the consideration and conclusions of the U.S. Access Board under President George Bush.

The Justice Department's Rulemaking Process Was Thorough, Extensive and Fair

The Justice Department's rulemaking concerning pool lifts involved a lengthy and considered process that involved all stakeholders, including the hotel industry, throughout. The regulations at issue implement a law that was passed nearly 22 years ago. The U.S. Access Board began looking at the issue of pool access in 1996, adopted standards concerning pool access under President Bush in 2002, and incorporated those standards into its ADA Accessibility Guidelines in 2004. In 2004, the Justice Department issued an Advance Notice of Proposed Rulemaking concerning the extent to which the Access Board's accessibility guidelines should be adopted as part of the Department's own regulations. As Representative Nadler noted at the hearing, the hotel industry's comments submitted in response to that ANPRM contemplated, even then,

the possibility that fixed pool lifts would be required. The Access Board's pool access requirements formed the basis for the Justice Department proposed regulations in 2008, and its final regulations in 2010.

The Access Board's extensive consideration of pool access included a detailed research study undertaken on its behalf by the National Center on Accessibility (NCA) in 1996. The study evaluated different methods and standards for their appropriateness, facilitation of independent use, degree of consistency with existing building standards, level of safety, and impact on pool design. With the assistance of a national advisory panel, the NCA undertook a comprehensive review of literature, a national survey of hundreds of people with disabilities, a national survey of hundreds of swimming pool operators, managers, aquatic directors, and adaptive aquatic instructors, and actual on-site pool testing of identified designs and devices by people with disabilities. This on-site testing examined the appropriateness, independent use, and safety of the identified means of pool access by people with diverse disabilities.

The extensive process of deliberation by the Access Board, and subsequent deliberations by the Justice Department, took into account the interests of all stakeholders, including cost and safety concerns. If there was anything extraordinary about this rulemaking process, it was the thorough and detailed consideration involved. In light of this extensive process, the idea that it was somehow improper for the Justice Department to issue standards without further study is absurd.

The Department's Interpretation of its Own Regulations was Eminently Reasonable and Entitled to Deference

The hotel industry's biggest complaint is that in January 2012, the Justice Department clarified in a technical assistance document that covered entities may have to install a ''fixed'' pool lift in existing pools if doing so is readily achievable. The industry claims that this was a ''new and arbitrary'' standard, since the regulations themselves do not explicitly state that pool lifts must be fixed rather than portable.

The Department's accessibility standards, however, have always applied to fixed or ''built-in'' elements. Any doubt about this is resolved by the Department's own regulations, which explicitly state: ''The 1991 Standards and the 2010 Standards apply to fixed or built-in elements of buildings, structures, site improvements, and pedestrian routes or vehicular ways located on a site.''

Far from being unlawful, the Department's interpretation of its own regulations is perfectly permissible and eminently reasonable. Agencies have the authority to interpret their own regulations and routinely do so. In fact, agencies receive deference in resolving ambiguities in their own regulations. See Auer v. Robbins, 519 U.S. 452, 461–63 (1999). An agency's interpretation of its own regulations is controlling unless ''plainly erroneous or inconsistent with the regulation.'' Id. at 461. Nothing about the Department's interpretation of its regulations to require fixed pool lifts where readily achievable is ''plainly erroneous'' or in any way inconsistent with the regulation itself

2. The Justice Department's regulations do not impose high cost burdens on hotels.

Despite the hotel industry's allegations that compliance with the regulations would be so costly and burdensome that pools will shut down rather than comply, the regulations require the installation of a fixed pool lift in existing pools only where it is ''readily achievable''—that is, where it can be accomplished ''without significant difficulty or expense.'' If installing a fixed lift is not affordable and easy, it is not required. The idea that this requirement is so burdensome that it will shut down pools is entirely unfounded.

The ''readily achievable'' standard was imposed by Congress in the ADA itself, and has been used for nearly 22 years. In fact, this standard was sought by business leaders in order to avoid a ''one size fits all'' standard for existing facilities and have instead a more flexible, individualized standard that would take into account factors such as the size, nature, and resources of a particular business. Business owners benefit from this flexible test, but must of course make the determination about whether it is readily achievable to meet accessibility standards. That is hardly unreasonable, much less unlawful.

3. The Justice Department's regulations do not create particular safety risks.

The U.S. Access Board concluded after extensive investigation that pool lifts pose no greater safety risks than any other pool equipment. In studying this issue, the Access Board consulted with hundreds of swimming pool operators, managers, aquatic directors, adaptive aquatic instructors, and people with disabilities, and conducted on-site testing of all types of pool access methods by people with different disabilities. Based on this extensive evidence, the Board rejected the hotel industry's speculation about safety concerns. If Congress intervened every time a trade association hired its own expert to disagree with the experts whose conclusions formed the basis for a regulation, the entire federal regulatory process—which already provides for ample stakeholder involvement—would be threatened.

Moreover, the hotel industry's suggestion that the Justice Department cannot require fixed lifts until it has studied the safety issues further, and that those safety issues cannot be fully understood as long as fixed lifts are not required, appears intended to prevent the Justice Department from ever acting on this issue. In her testimony on behalf of the American Hotel and Lodging Association, Ms. Vu stated that the Justice Department's finding that there is no evidence of child safety risks reflects the fact that there has never before been a requirement to have permanent pool lifts, and the issue must be studied further before the Justice Department can act. Yet Ms. Vu and her client vigorously oppose the imposition of any requirement to install permanent pool lifts. If Congress were to grant their request, according to Ms. Vu's logic, there would never be a sufficient basis for the Justice Department to act on this issue; absent any requirement to install permanent lifts, further study would always be needed. We urge you to see past this specious reasoning.

4. Access to swimming pools is important for people with disabilities.

The opportunity to swim is important for people with disabilities, as it is for everyone. Ensuring that people with disabilities have access to everyday activities and can participate in all aspects of society has always been a core civil right promoted by the ADA. The April 24th testimony of Ms. Camacho and Ms. Cody confirmed the experiences of so many people with disabilities: swimming is not only a means of recreation and relaxation, but also an important avenue for children and adults with disabilities to interact with their peers and their families, and participate in their communities. In addition, swimming is a critical way for many people with disabilities to exercise and gain strength in order to facilitate greater independence. This point is illustrated well by Ms. Camacho's testimony that swimming helped her to gain the strength she needed to get in and out of a car independently, to transfer in and out of bed on her own, and to go to the bathroom by herself.

5. People with disabilities attended the hearing due to their own interest and well-founded concern, rather than as a consequence of exploitation.

We were troubled by Chairman Franks' remarks that the numerous individuals with disabilities who came to the hearing had been ''exploited'' into taking actions that were against their own interests. People with disabilities deserve more credit than is suggested by the presumption that the individuals who attended the hearing lacked the ability to think for themselves and were simply pawns in the schemes of others. We are quite confident that the individuals with disabilities who chose to attend the hearing did so of their own accord, out of deep and abiding concerns about the legislation's potential consequences for their lives.

Those concerns go far beyond the desire for access to swimming pools. As many of the individuals who attended the hearing made clear, the Justice Department's ADA regulations and its interpretations of those regulations have played an extremely significant role in promoting their rights to live in their homes and communities rather than institutions, and to participate fully in society. Individuals with disabilities are deeply and rightfully concerned about efforts to undermine the Justice Department's authority to interpret and enforce its ADA regulations.

Thank you for your consideration of these comments.

Sincerely yours,

ACCSES, American Association of People with Disabilities, American Foundation for the Blind, The Arc of the United States, Association of University Centers on Disabilities, Autistic Self-Advocacy Network, Bazelon Center for Mental Health Law, Disability Rights Education and Defense Fund, Easter Seals, National Association of Councils on Developmental Disabilities, National Council on Independent Living, Paralyzed Veterans of America, United Cerebral Palsy, United Spinal Association.

NATIONAL COUNCIL
ON INDEPENDENT LIVING,
May 8, 2012.

Hon. TRENT FRANKS,

Chairman, Subcommittee on the Constitution, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JERROLD NADLER,

Ranking Member, Subcommittee on the Constitution, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANKS AND RANKING MEMBER NADLER: These comments are submitted by the National Council on Independent Living (NCIL) for the record of the April 24, 2012 hearing on ''The Department of Justice's Guidance on Access to Pools and Spas Under the ADA.''

NCIL is the longest-running national, cross-disability, grassroots organization run by and for people with disabilities. Founded in 1982, NCIL represents thousands of organizations and individuals including: Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), individuals with disabilities, and other organizations that advocate for the human and civil rights of people with disabilities throughout the United States. There are currently over 700 physical locations across America actively providing Independent Living services to people with disabilities.

This hearing was held to address the proposed legislation in the House that is set to address the concerns of the DOJ's decision to extend the rule RIN 1190–NYD Delaying the Compliance Date for Certain Requirements of the Regulations Implementing Titles II and III of the Americans with Disabilities Act.

We have serious concerns with Congress preventing an executive branch agency from enforcing its own regulations such as what is written in H.R. 4256 and H.R. 4200. We must let you know that we find both these bills to be intrusive.

We disagree with boyh bills. They try to accomplish giving the hospitality and hotel industry an opportunity to provide accessibility to the public in the least efficient manner or even at all. H.R. 4256 attempts to address technical requirements that have been negotiated over years in the rulemaking process that has worked well for all other aspects of accessibility. This bill is broader than H.R. 4200 because it prohibits any court enforcement of the new regulations for a year (while DOJ is changing the standards, as required by this bill), including enforcement by private plaintiffs.

To include Title II in the language of the resolution, even though it would appear by the rest of the language that the resolution concerns Public Accommodations only, under 28 CFR Part 36; creates confusion and uncertainty about exactly how far this resolution's impact and jurisdiction could be interpreted to go. The resolution calls for a one year extension to the effective date, which we in the community disagree with its necessity.

The ADA has been in effect for 21 years, and all the ADA pool rules have undergone extensive review for more than 10 years, with multiple comment periods and many opportunities for hotels to learn about their responsibilities. The new requirements already had a generous phase-in period of 18 months. Congress should not restrict enforcement of these, or any, ADA requirements.

In response to comments that referred to the hospitality industry not having adequate time to implement this rule, the burden of providing access to swimming pools and the cost for implementing this rule, we strongly disagree with all of these claims. Providing access to swimming pools is achievable and not burdensome. The ADA's accessibility requirements for barrier removal in existing facilities are very reasonable—they only require what is ''easily accomplishable'' and able to be carried out without much difficulty or expense. The rules are carefully crafted to take the needs of covered entities, such as small businesses including hotels, into account. In other words, hotel owners need not comply with the standards in the new regulations unless doing so would be inexpensive and simple. No extension or enforcement ban is needed.

We also believe that it is not acceptable for the Department of Justice to backtrack on ADA requirements because an industry exerts pressure. To do so is an invitation to other industries to say, ''Roll back our requirements, too.'' Today it's the hotel industry. What weakening changes will come tomorrow? What other human and civil rights laws will be adjusted?

In reference to the expense this would cause for the hospitality industry, there are Tax Incentives which have always been available and underutilized by businesses. IRS Tax code 44 and 190 provide generous credits (dollar for dollar) and deductions (reduction in gross reported to IRS) that let the hotel owner get the money back (1/2 in credit the rest in deductions) so cost should not be an issue.

The Disability and Business Technical Assistance Centers (DBTACs) have done a targeted education project for the ''hospitality'' industry for several years now and have repeatedly reached out to the organizations representing hotels. They can be reached at 800–949–4232 anywhere in the country.

The House bill H.R. 4256 represents an extraordinarily prejudicial precedent. This bill would deny any federal official, which can include judges, US attorneys, and other enforcing authorities, any power to administer or enforce the new DOJ ADA regulations regarding pools. It removes the waiting period and adds a clause that dismisses any suits filed after March 15, 2012. It also tries to clarify their portable vs. fixed lifts concern, something that should be done by DOJ.

The amendment would affect Title II State and Local Governments, which have been covered for access into the water since 1990. This is seen as a targeted process to undermine the strong federal enforcement role urgently needed and sometimes reached under the ADA. Passage of this bill could initiate a trend to render civil rights laws completely powerless and ineffective, even though they remain public law. This amendment would firmly take this part of the ADA backward. It is our belief that Congress should craft strong civil rights protections to end discrimination, not remove the government's enforcing authority.

In the notice of proposed rulemaking, the Department of Justice requested comments on extending the compliance date ''in the interest of promoting clear and consistent application of the ADA's requirements to existing facilities.'' The NCIL community has serious concerns with the number of years it has taken to explain ''readily achievable barrier removal''. Extensive technical assistance has been provided to explain to many public accommodation pool owners that the requirements are based on what they can afford to do today on their existing structures, with an obligation to provide better access when it can be afforded. Nothing has changed with that concept since the ADA was passed in 1990. It should not take another 6 months to ''understand''.

To include Title II entities in this extension is a huge step backward! Program access has been a requirement all along, and most state and local government-run pools and swimming facilities should already have addressed access into the water for their programs. An extension is inappropriate as they have already been responsible for equal access to the water for years.

The part that is confusing is not for new construction and altered facilities having pools and spas, but at existing pools there is some confusion that has been partly created by the DOJ, as the Department responded in a letter February 21st to the American Hotel and Lodging Association (AHLA) when they asked for clarification on the provision of pool lifts. In that letter, the Department addresses several concerns raised in the ''eleventh hour'' of the rulemaking process by AHLA representatives—including some regarding ''fixed'' pool lifts versus ''portable'' pool lifts. The Department has created part of the problem in its convoluted definition of why a pool lift must be ''fixed'' which is not addressed in the rule, the scoping, or in the technical requirements of the 2010 ADA Standards for Accessible Design.

In addressing concerns by AHLA regarding existing hotels, the DOJ stated that where it is not readily achievable for a hotel owner to install a fixed pool lift, that a portable pool lift may be used if it can be attached to the pool deck while in use. That seems like a good idea to reduce liability for the hotel owner, and makes the unit more stable for the user, who also must be able to use the unit independently. However, it is a matter of technical assistance advice that, with additional helpful information could be given without an extension in the effective date for compliance. Many of these discussions should have already taken place multiple times, given the length of time this rulemaking has taken, and to reiterate the principles of readily achievable barrier removal once again to the organizations pleading ignorance should NOT take an additional 6 months.

The NCIL membership is very disappointed that an exception was made in the rulemaking process by the current Administration, and strongly objects to the proposed rule extending the compliance date for public accommodations and effectively abolishing the program access requirements including pool lifts at swimming pools, parks, and resorts run with State funds through yet another swimming season—to September 2012. We insist the rulemaking proceed and become effective immediately following the 60 day extension.

Submitted by: L. Dara Baldwin, MPA—Policy Analyst, The National Council on Independent Living.

Submitted for: Mark Derry—Chair of the ADA/Civil Rights Committee for The National Council on Independent Living, President/CEO.

Mr. FARR. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Madam Chair, I rise in opposition to this amendment.

I rise in opposition because I know what it's like to live with and to travel with a disabled person—my brother-in-law, a very distinguished retired lawyer who actually was injured in a diving accident and is paralyzed from the waist down.

I never fully had an appreciation for ADA until I started living with him and realized, as he said, that the ADA was not a zoning ordinance about construction; the ADA is a civil right that this Congress enacted 22 years ago. It was remarkable legislation. And to govern that legislation, we have an access board who are not made up of, as someone said, bureaucrats, but they're made up of citizens who are appointed, I guess, all by the President.

And I watched, because my brother-in-law was appointed to that board under President Clinton. I've watched that board as they go through all kinds of issues dealing with people with disabilities very conscientiously, thorough hearings, lots of discussions about how to implement it, and I'm just shocked that Congress would think that we ought to take away an access.

I'm sure these same debates were given when people said, well, we shouldn't do curb cuts; they cost money, and there is nobody standing on that curb that needs it. Ladies and gentlemen, curb cuts make a big difference not just for people that are disabled, but just for elderly people who can't be that lift.

By the way, you and I are all, as my friends like to say, temporarily able-bodied persons, because you never know when you're going to be in the next accident.

□ 2010

So I think that the statements that were made are right on on this side. There is a lot of misinformation going on about these proposed regulations.

I represent the Tourism Caucus. I'm the chair of the bipartisan caucus on tourism. And, yes, a lot of my hoteliers have come in and said, You can't do this. But you know what? There's an exemption in there. For small hotels for whom the pool lift is too expensive to buy it, they're exempted. The regulation also allows hoteliers to do either a permanent or portable lift. There is a lot of discussion here that says, It's all portable. It's mandatory.

By the way, the disability community is a big traveling community. There is a lot of money in that community. And I will just give a kudo, because one of the hotels that is very conscientious about this and has a reputation for being extremely well-suited for disabilities is the Four Seasons Hotel. That is not a cheap hotel.

So there are conscientious hoteliers out there that want to reach this market. There are people that want to get access, and we should never, never take away something that is so essential to quality of life. Indeed, I think our role here is to protect the domestic tranquility of this country. And a lot of that domestic tranquility is people with disabilities, including many of our soldiers.

I want to make sure that we defeat this amendment.

I yield back the balance of my time.

Mr. SCHWEIKERT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. SCHWEIKERT. Madam Chairman, this is one of those moments in Congress where I swear we are almost talking about completely different things and the reality that I live in. I am blessed to represent Scottsdale, Arizona, one of the resort centers of the country. Come visit us. It's a wonderful place.

About a month and a half ago, I went and visited one of the resorts right down the street from where I grew up. They have seven pools, when you count the Jacuzzis. And I am walking through the resort with the manager, who I've known since high school, and he is just looking at me with these huge eyes saying, Have they lost their minds?

The first thing he points out to me is they've had a portable lift for a decade, and no one's ever asked for it. The second point he made—and he was emphatic on this—20 years ago, because of their tort liability, the insurance on their pools, they got rid of all of their diving boards. And now we're going to demand that they build fixed structures up against a Jacuzzi? I can't wait to see who is going to be standing there monitoring the beer drinking and not climbing on top of those and leaping into the Jacuzzi, using it as a swimming pool diving board.

Is anyone familiar with the concept of ''attractive nuisance''? Those who oppose the amendment, are you going to also step up and say, Well, we're going to provide you tort liability when someone jumps off and ends up in horrible shape? Because 20 years ago, we made a point to remove these types of hazards from the sides of pools and Jacuzzis.

But the third thing—and he was just livid on the point, saying, I have seven pools in my resort. We're barely making it today, and you're telling me that I am going to grind through my concrete, grind through my cool decking, grind through my patios to put power extension, build fixed lifts near every pool and Jacuzzi when no one's even asked for the portable one for 10 years?

What's wonderful about the amendment, if you actually read it and move away from some of the rhetoric, is it makes it very clear that this is about building permanent structures next to those pools and Jacuzzis. If they're going to mandate a portable with the other caveats, okay, fine. Live with that. We already have lots of experience with that. And that way you avoid the attractive nuisance near every pool—not the cost, not the tearing up, not the everything else that goes along with this.

At some point, our love and respect and wanting to help our brothers and sisters, particularly those that have mobility issues, we're there for them. We love them. We want to help. But we also have to have some bit of rationality. Let's actually step up and deal with this rationally, because I fear that the law of unintended consequences is going to be that some of my resorts are going to close down those Jacuzzis, close down those pools for access from anyone when there was a pragmatic solution, which is embracing the portable lifts. That was from every call I have made, up and down through Scottsdale. And if you have been there, you know we have resorts everywhere. I have not had a single manager of a resort call me back and say, Yes, we even use our portable one.

Mr. FATTAH. Will the gentleman yield for a moment?

Mr. SCHWEIKERT. Absolutely.

Mr. FATTAH. Have you called the Paralyzed Veterans of America or any of those types of organizations? Did you just call the hoteliers?

Mr. SCHWEIKERT. Reclaiming my time, yes, we actually had a whole meeting in my office with them and actually had the whole discussion about both the attractive hazard of what happens when, you know, because of this, we create the next paralyzed American, and they looked at me with their eyes and said, You know, we hadn't thought about that. And as long as that resort has that portable one, we get our need taken care of. There is that pragmatic reality.

Mr. FATTAH. If the gentleman would continue to yield, so you are saying that the groups that have been identified as being for these regulations, you have convinced them to the contrary?

Mr. SCHWEIKERT. No. No. We sat down and had a wonderful conversation. I believe they left understanding how impractical what was happening here, also how there is a much more pragmatic, much more cost-effective, and a much safer solution for the community.

Mr. FATTAH. I thank the gentleman for yielding.

The last I heard, the Paralyzed Veterans were for these provisions.

Mr. SCHWEIKERT. I met with actual people from Scottsdale with mobility issues. So I actually met with real constituents that are real people, not some organization.

Mr. FATTAH. I thank the gentleman for yielding.

Mr. SCHWEIKERT. Madam Chairwoman, I yield back the balance of my time.

Mr. HOLT. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. I want to join my colleagues in speaking in favor of enforcement of the Americans with Disabilities Act regulations, particularly my colleague STENY HOYER from Maryland, one of the authors of the ADA. And I rise to oppose any efforts to strip the Department of Justice's enforcement of these regulations.

My friend from Arizona is correct. It sounds as if we're in parallel universes talking about different things here, but let me tell you what we are talking about.

We are talking about equality of opportunity in America. Yes, we want to do all we can to give all possible access to swimming. It is important for all sorts of reasons.

We have, in this country, more and more people with disabilities, veterans returning from Afghanistan, people living to older ages. There are many people who can benefit greatly from access to swimming pools. And what we're talking about here is that principle of access, not just what it means for an individual with disabilities but what it means for the American ideal of equality of access.

The regulation and the law, itself, talk about a standard of readily achievable steps. ''Readily achievable,'' that's the key point here. Fixed lifts in a swimming pool, for example, are required only where installation is easy and inexpensive.

The readily achievable standard has been the governing legal principle for increasing access to facilities since the ADA's passage 22 years ago. These particular regulations have gone through extensive review to be consistent with that standard of ''readily achievable.''

□ 2020

For an existing pool, it means removing barriers that, to the extent that it is readily achievable, to do so. Let me continue on that point. A small, family-owned hotel, for example, does not

have to take the same steps as a large commercial hotel. And some businesses complain that, Well, hardly anyone has ever used the access accommodations they have made. That's like saying, well, the public accommodations provisions of the Civil Rights Act needn't apply because an African American or a Muslim hardly ever comes to this restaurant.

We're talking about civil rights here—the American ideal of equal access for all.

I could go over and over again what this regulation actually says, but I will place in the RECORD what the Consortium for Citizens With Disabilities has said. They write in opposition to any congressional effort to roll back, or prevent enforcement of, the Justice Department's regulations about swimming pool access for people with disabilities.

The Consortium for Citizens With Disabilities includes a myriad of organizations, such as the American Association for People With Disabilities, the American Foundation for the Blind, the Brain Injury Association of America, the National Council on Independent Living, the National Disability Rights Network, the National Multiple Sclerosis Society, and the Paralyzed Veterans of America, I tell my colleague. These are just some of the organizations that say this is an important principle of civil rights. And yes, also it will allow lots of individuals to have healthier lives and to be able to cope with their disabilities.

I would also include in the RECORD a letter from the Disability Rights Education and Defense Fund, where they, too, urge Members of Congress to oppose any effort to prevent using the funds to enforce the Americans with Disabilities Act regulations for greater access for people with disabilities to swimming pools.

I yield back the balance of my time.

DISABILITY RIGHTS EDUCATION DEFENSE FUND,
Berkley, CA, May 8, 2012.

DEAR REPRESENTATIVE: The Disability Rights Education and Defense Fund (DREDF) is a leading national law and policy center that advances the civil and human rights of people with disabilities through legal advocacy, training, education and public policy and legislative development.

On behalf of the DREDF, I am writing to urge you to *oppose* Representative Carter's amendment to the Commerce, Justice, and Science Appropriations Bill, H.R. 5326. This bill would *prevent* the Department of Justice from *using its funds to enforce the American's with Disabilities Act (ADA) regulations related to greater access for people with disabilities to swimming pools*. The Department of Justice must have the authority to enforce the ADA, which is crucial to protecting core civil rights principles and ensuring people with disabilities have access to all activities allowing them to participate in all aspects of society. Weakening civil rights enforcement of the DOJ sets a dangerous precedent.

The ADA was enacted over 21 years ago, and all the new ADA rules have undergone extensive review for more than 10 years, with multiple comment periods and many opportunities for hotels and other facilities with swimming pools to learn about their responsibilities. The new requirements set by the 2010 Standards for Accessible Design went into effect on March 15 and already included a generous phase-in period of 18 months, which has been extended already by two months. These standards were adopted as part of the revised regulations for Title II and Title III of the ADA. Unfortunately, the regulations were met with strong opposition by the hotel industry due to a misunderstanding as to what they require and the ''readily achievable'' standard, which is carefully crafted to take the needs of covered entities large and small, such as hotels, into account.

The readily achievable standard has been supported and recognized by the business community since the passage of the ADA in 1990. The standard, since its inception twenty-two years ago, provides the Justice Department with flexibility to determine what is achievable based on a covered entity's particular circumstances, and to prevent the Department from applying a rigid one-size-fits-all standard. In the case of the accessibility regulations for pool lifts, therefore, if it is too costly or burdensome for a small, family-owned business to install a fixed pool lift at their facility, the new regulations do not require that they do so. Furthermore, pool owners that fail to comply with the regulations are not subject to large damage awards largely in part to the fact that individuals cannot obtain money damages against hotels for violations of ADA's accessibility requirements.

The hotel industry has known about this issue for a decade, and has participated in every step of the way. They were given 18 additional months (past the publication of the finalized rules in September 2010) to prepare before the standards went into effect. As a result of the foregoing built-in protections in the ADA, this amendment is not needed to protect small hotel owners.

Additionally, it is crucial to understand that access to swimming pools is important for people with disabilities—it helps them participate in their communities, spend time with their families and, for many, is a critical means of exercise and maintaining good health and physical rehabilitation.

ADA accessibility requirements providing access to swimming pools and spas is doable, not burdensome and are, in fact, reasonable. If Congress intercedes by passing this amendment, we fear a dangerous precedent will have been set that could chip away at other provisions of the ADA and other civil rights legislation. The final rule was the result of an extensive regulatory process that provided ample opportunity for participation. DREDF urges you to protect the ADA by opposing amendments that will take away the right of the Department to enforce such critical regulations.

Sincerely,

SUSAN HENDERSON,
Executive Director.

CONSORTIUM FOR CITIZENS WITH DISABILITIES,
Washington, DC, April 23, 2012.

DEAR REPRESENTATIVE: The undersigned members of the Consortium for Citizens with Disabilities (CCD), representing people with disabilities, family members, and professionals in the disability field, write in opposition to any Congressional effort to roll back, or prevent enforcement of, the Justice Department's September 15, 2010 regulations setting forth requirements to ensure that swimming pools are accessible to people with disabilities. These regulations, the product of an extensive and considered process of deliberation, were originally scheduled to go into effect on March 15, 2012 and are now slated to take effect in May 2012.

H.R. 4200, introduced on March 16, 2012, would deprive the Justice Department of the authority to enforce its own regulations implementing the ADA with respect to the accessibility of swimming pools. H.R. 4256, introduced on March 26, 2012, would prohibit any court enforcement of the Justice Department's new regulations concerning pool accessibility for a period of one year from enactment of the bill and require the Justice Department to issue new regulations with weaker substantive standards (permitting portable pool lifts even where installing a permanent lift would be readily achievable). These bills present a number of serious concerns.

First, the prospect of Congress preventing an executive branch agency from enforcing its own regulations is very troubling. The regulations at issue were promulgated by the Department of Justice—the agency charged by Congress with enforcement of the ADA—and based on standards issued by the United States Access Board, a federal agency devoted to developing and maintaining standards to ensure accessibility for individuals with disabilities. The ADA requires the Justice Department's accessibility regulations to be consistent with Access Board standards. Both the Access Board and the Justice Department have extensive expertise in setting appropriate accessibility standards that take into account the needs of people with disabilities as well as those of business owners. Congress need not and should not step in to deprive the agencies it designated to issue accessibility standards of the authority to enforce those standards.

Moreover, the opportunity to swim is important to individuals with disabilities just as it is to everyone else. People with disabilities should be able to enjoy swimming pools for recreation and exercise. If enacted, H.R. 4200 and H.R. 4256 would deprive many people with disabilities of access to swimming pools, and would create uncertainty among pool owners about the standards with which they must comply in order to meet the ADA's requirements with respect to pool access.

The regulations at issue do not present a significant burden to hotels or other pool owners. For pools already built when the new regulations take effect, the regulations do not require owners to satisfy the new accessibility requirements. If doing so is not ''readily achievable''—that is, ''easily accomplishable and able to be carried out without much difficulty or expense''—they need not do so.

In addition, individuals with disabilities are not entitled to damages in ADA lawsuits challenging the inaccessibility of public accommodations.

The hotel industry has been aware of—and involved with—the development of the new pool accessibility standards for a decade. The Access Board initially issued standards for pool accessibility in 2002 guidelines for recreational facilities. In 2004, the Access Board incorporated those standards into its new Accessibility Guidelines. The new regulatory standards come directly from those 2004 guidelines. The Justice Department first published an Advance Notice of Proposed Rulemaking requesting feedback concerning the Access Board standards in 2004, followed by a second Advance Notice of Proposed Rulemaking in 2008. The final rule was adopted on September 15, 2010, and gave existing pools another eighteen months to comply with the new requirements.

In conclusion, we oppose any effort to roll back regulations providing accessible swimming pools for people with disabilities. These places of public accommodation have had

years of notice and substantial opportunity to prepare for these requirements.

Sincerely,

ACCSES, American Association of People with Disabilities; American Foundation for the Blind; American Network of Community Options and Resources; Association of University Centers on Disabilities; The Arc of the United States; Bazelon Center for Mental Health Law; Brain Injury Association of America; Council of Parent Attorneys and Advocates, Inc.; Daniel Jordan Fiddle Foundation; Disability Rights Education and Defense Fund; Easter Seals; Epilepsy Foundation; Helen Keller National Center; Mental Health America; National Association of Councils on Developmental Disabilities; National Council on Independent Living; National Disability Rights Network; National Down Syndrome Society; National Multiple Sclerosis Society; Paralyzed Veterans of America; United Cerebral Palsy; United Spinal Association.

Mr. CARTER. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. I am the person who introduced this language. At the time that I introduced it, I started my conversation by saying I am not opposed to—in fact, I am in favor of—access to swimming facilities and hot tubs and other bodies of water by the disabled in this country. But the facts are in this case that, yes, this has been looked at for a long time and everybody recognizes the fact that access to swimming pools and possibly hot tubs or therapeutic facilities is important for the people who are disabled. I agree. I agree with everything my colleagues have said on the other side of the aisle. Sometimes, when you're dealing with bureaucrats, you cannot get their attention to have a little bit of common sense. And you have to get their attention. And the purpose behind this is to get the Justice Department to back off until they can listen to some common sense.

My colleague on this side of the aisle has tried to point out that what the Justice Department has said, and has not been willing to clarify otherwise, is, regardless of what the regulation which was passed originally says, their ruling in January of this year was that it would be a fixed facility. That means it has to be placed permanently by the side of the body of water. That means it would be placed permanently beside every hot tub, placed permanently beside every kiddie pool, placed permanently beside every swimming pool that anybody has at any location. That would be a fixed device.

I don't know how big this device is, but I would assume it's taller than I am because it has to lift someone and put them somewhere. And I also happen to know that there are 13-year-old kids around every swimming pool in the country that figure if there's something you can climb up on and dive off of, you're going to do it.

So the swimming pool people, both publicly and privately—and let me tell you that lots of communications from public pool managers in my district, say, We don't want to close our pool this summer, but they've set a deadline we can't meet. They've required something that we cannot physically get because the manufacturers are not prepared to do it. And even though they're willing to push the deadline down the line, they're setting up a situation of danger which could easily be resolved by what we've been using already in many of the pools in our area of Texas, and that is a portable device that does exactly the same thing, but when it is not in use it is moved away from the side of the pool to a safe place where someone cannot harm themselves.

What if a child climbed up on the one fixed next to the hot tub which is 3-feet deep and dove into it? He may be stupid, but kids are stupid sometimes. We would have another disabled person.

And so the consequences of this and the cost are something that we should say, How about a little common sense, Justice Department, and answer the question: Can we use a portable device? And so far they have not answered, because they wrote the last thing in January. They set the deadline of May 15 and extended it. And all we want is an answer to that question.

I want everyone to have access to a swimming pool, and I want the disabled to have a device that's safely able to locate them there and that can safely be put away when there's no one in need of that device so that nobody else can be hurt by false use of that device.

I'm not against the disabled, and nobody on our side of the aisle is, even though our colleagues seem to accuse us of that. But I started this conversation—and my colleague on my committee knows this—and I finished the conversation by saying: All I want is to allow them to have access and let the Justice Department say something besides ''fixed device'' so that we can go forward. If we can get that, we solve this issue. It's not about putting aside the ADA. It's not about being against the disabled. It's about common sense. And the folks that have five pools can have a device to sit around in a safe place to be moved out to accommodate whoever needs this device.

It's common sense, it's good judgment, and it's a safety issue for children. And nobody wants to deprive anybody of going swimming.

So to make this very clear, I think this is something that I agree with, my opponents on the other side of the aisle agree with, and we should be in agreement and bipartisan in trying to get a commonsense resolution.

I yield back the balance of my time.

Madam Chairman, I rise in strong opposition to the proposed amendment. *

Mr. Nunnelee from Mississippi and Mr. Flake from Arizona are cosponsors of this amendment.

OPENING STATEMENT

My amendment prohibits the DOJ from using funds to implement the regulation and guidance that would require every public pool and spa in America to have a permanent pool lift. This would not only affect hotels and resorts, but governmental entities such as public pools as well.

Let me make this clear, I am not against disabled Americans having access to pools and spas. But what I am against is unreasonable regulations that don't pass the common sense test.

Over the past year, hotel owners and city managers asked the Department of Justice to clarify the accessible means of entries for swimming pools and spas. This past January, the Justice Department responded to this request by issuing revised guidance. The guidance that was issued is alarming, to say the least.

The revised guidance only allows a place of accommodation to have a portable pool lift under a very narrow set of circumstances. The guidance also doesn't allow a city or place of accommodation to share a pool lift between multiple pools and hot tubs. Furthermore, the revised guidance requires a pool lift to be pool side and fully operational during all pool hours, but does not address the safety risks posed by children playing on and climbing on the pool lift, which I imagine would make a pretty good climb and dive target for a 13 year old.

It just doesn't make sense that if a hotel owner or city pool has multiple pools and hot tubs in one location that you would have to purchase a permanent lift for each pool and spa. Doesn't it make more sense to allow for one portable lift per location?

A major concern is the cost of purchasing and installing permanent pool lifts. In speaking with hotel owners and pool lift manufacturers in recent weeks, the costs of pool lifts can range from $2,500 to over $9,700. The cost of installation can range from $500 to over $3,000 in States such as California. If a hotel owner with a small pool and hot tub in California needs to install two (2) permanent lifts (one at each body of water), the costs for purchasing and installing the two lifts could range from $11,000 at the low end to $25,400 at the high end.

It is significant to note that for hotels that have had pool lifts in place for years; we have reports that guests with disabilities have not been using the lifts. A hotel owner very close to my district, in Austin, Texas, reported that twelve (12) years ago he constructed a pool at his hotel. At that time, Austin had a requirement that all hotels must have a lift for their guests with disabilities. During the 12 years that he has maintained the pool lift at the hotel, he never had a guest request or use the pool lift. Based on his information and belief, none of the hotels in Austin has ever had a guest use their pool lifts. (See attached Affidavit of Hitesh ''H.P.'' Patel.)

And we haven't even discussed how in six weeks, approximately 309,000 pools or spas would have to purchase and install their own individual permanent lift. According to the Association of Pool and Spa Professionals, while present production capacity by pool lift manufacturers is a transient figure, greatly affected by many factors, it is reported that the manufacturers can produce between 2,500 and 5,000 lifts a month at this time. Can you believe that a bureaucrat in the Justice Department really thinks that 309,000 facilities can become compliant by May 15th, when production can't support that?

Mr. Chairman there is a little something called common sense that is missing here in Washington DC. My amendment will only prohibit the Department of Justice from requiring

a permanent point of entry, not a portable one, and will buy time for the Authorizing committee to pass the Pool Safe Act and bring some common sense back to this city. Let's send a clear message to the Justice Department that this regulation and guidance is not acceptable and that if they won't listen to the American people, then the Congress will act.

ADDITIONAL TALKING POINTS

Hotels with fewer than 100 rooms are most negatively impacted by the pool lift mandate. The high costs of purchase and installation, along with the non-use by guests, makes it economically unrealistic for these small business owners. The end result will be that many simply close their pools, which is not a benefit to anyone.

In its comments submitted to the DOJ, the Association of Pool & Spa Professionals (APSP) cited reports by P.K. Data Inc. that there are approximately 310,000 public pools, 85,000 of which are classified as ''lodging'' and 30,000 classified as ''clubs.'' It is estimated that approximately 33% or 38,000 of these pools are accompanied by a spa, for a total estimate of 153,000 pools or spas likely to fall under Title III, the majority of which are hotel pools and spas. The other public pools such as ''community,'' Parks and Recreation, and Schools likely fall under Title II.

In 2010, the Department of Justice (''DOJ'') adopted updated standards for accessible design to replace the 1991 standards. These updated standards included requirements for hotels to make pools and spas accessible for our guests with disabilities. The deadline for compliance was March 15, 2012.

On January 31, 2012—only six (6) weeks before this deadline—the DOJ issued a new Guidance Document on the 2010 ADA standards for pools. This new Guidance Document contained significant revisions to the 2010 ADA Standards concerning existing swimming pools. This was done without providing advance notice to pool owners. The January 31 changes in the ADA requirements included:

(a) For all existing, altered and newly constructed pools, they must install a ''fixed'' pool lift. If installation of a fixed lift is not readily achievable, the owner may only then consider alternatives such as use of a portable pool lift that complies with the 2010 Standards.

(b) Pool lifts must be at poolside and fully operational during all open pool hours.

(c) Sharing of accessible equipment between pools is not permitted.

As a result of these rules, there was confusion in the hotel industry and among the pool lift manufacturers.

AFFIDAVIT OF HITESH (HP) PATEL, CHA, CHO

1

I am Hitesh (HP) Patel. I am over the age of 21 and suffer no legal disability. I am competent in all respects to testify as to the statements contained herein. My statements set forth below are based upon my personal knowledge, and I authorize the use of this Affidavit for any and all purposes allowed by law.

2

I am a Board member of the Asian American Hotel Owners Association (AAHOA). I am a resident of the City of Austin, Texas. I own and operate a Holiday Inn Express hotel in Austin, Texas.

3

Twelve (12) years ago when we constructed the pool at our Holiday Inn Express hotel, the City of Austin had a requirement that all hotels must have a portable lift for their guests with disabilities.

4

During the 12 years that I have had a portable pool lift at my Holiday Inn Express hotel, we have never had a guest request or use the pool lift.

5

I am a Board Member of the Austin Hotel Lodging Association. Based on my information and belief, none of the hotels in Austin has ever had a guest use their pool lift.

I affirm, under penalty of perjury, under the laws of my State, that the foregoing is true and correct.

Signed Hitesh Patel, 4/24/12.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 207. Notwithstanding any other provision of law, during the current fiscal year and any fiscal year thereafter, section 102(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (Public Law 102–395) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

□ 2030

AMENDMENT OFFERED BY MR. HUIZENGA OF MICHIGAN

Mr. HUIZENGA of Michigan. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Strike section 212.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HUIZENGA of Michigan. Madam Chair, I rise in support of my amendment to strike section 212 of this bill, H.R. 5326.

Madam Chair, Congress should be taking steps to encourage the creation of more private sector jobs, not growing government. Legislative provisions that prohibit, impede, interfere, obstruct, encumber, or delay contracting out opportunities, or even require insourcing, require these things to be done, are counterproductive to reducing the deficit, limiting the size of government, and creating private sector jobs.

Madam Chair, I was one of the founding members of what has been dubbed the Yellow Pages Caucus, a group of people who came to Washington and said, hey, if the private sector can go out and do this, maybe we need to think about whether the government should be doing it and taking those opportunities away from those people who are advertising in the Yellow Pages or in the modern equivalent, on those Google searches that might be on people's iPads.

Well, not only do Federal Agencies duplicate oftentimes private business, but many engage in unfair government competition with the private sector. This amendment would allow A–76 competition within the Bureau of Prisons for the performance of commercial activities within the organization. By allowing the private sector to compete for these services, it forces the Bureau of Prisons to take a hard look at the things that it is currently doing and find savings for us hardworking taxpayers. It is only common sense that these A–76 provisions force government to be more efficient.

Now, what is an A–76? An A–76 is a circular or a letter that is produced by the Office of Management and Budget. And in this it says that whenever possible, and to achieve greater efficiency and productivity, the Federal Government should conduct competition between public Agencies and the private sector to determine who should perform the work.

We are going out and saying, hey, where does it make sense to go do this? Who can go and do this cheaper and deliver a better product?

It requires these executive Agencies to annually prepare lists of activities considered both commercial and inherently governmental. All we're doing with this amendment is to say that the Bureau of Prisons ought to be holding

to the exact same requirements that all of the other Departments and all of the other Bureaus must do in the Federal Government. A–76 forces government Agencies to keep up with the lowest bid the private sector can offer, and it forces government to cut costs and increase efficiencies.

Now the other interesting thing is that with this section 212, we wonder oftentimes what does section 212 do. Section 212 exempts the Bureau of Prisons from doing this activity. This makes no sense to me, Madam Chair. This makes no sense to me that we would take an organization like the Bureau of Prisons and say don't worry about it folks, we trust you. We think you're doing this as efficiently as possible.

Well, Madam Chair, I believe in that old idiom that Ronald Reagan came up with: trust, but verify. I would like to see the Bureau of Prisons do that exact thing. I think they ought to go out and demonstrate that they can in fact and should in fact be doing these activities that they are.

It's estimated, and this is from the Office of Management and Budget from July 2003, page 2 of a report that they have, ''Competitive Sourcing Conducting Public-Private Competition in a Reasonable and Responsible Manner,'' is the title of that, they estimate that this act of competition alone generates cost savings from 10–40 percent on average. So what we are really talking about is we cannot even ask about or study how we can save the hardworking taxpayers of America these moneys in the Bureau of Prisons. If it is good enough for the Department of Defense, if it's good enough for Treasury, if it's good enough for all of these other Departments and all these other areas, why can't it be an option to save those same dollars in the Bureau of Prisons.

I ask you, Madam Chair, does this make sense to you? It sure doesn't to me.

Well, during this continued period of economic uncertainty and unsustainable Federal spending, Americans are looking to Congress for commonsense, taxpayer-first solutions to reduce the cost of services provided by their Federal Government. This amendment allows our Nation's free market system to fairly compete. The role of government should be to govern, not to operate businesses inside of the government.

And with that, Madam Chair, I ask for my colleagues to support my amendment to section 212.

And with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. HUIZENGA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HUIZENGA of Michigan. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 214. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings ''Research, Evaluation, and Statistics'', ''State and Local Law Enforcement Assistance'', and ''Juvenile Justice Programs''—

(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.

SEC. 215. The Attorney General may, upon request by a grantee and based upon a determination of fiscal hardship, waive the requirements of sections 2976(g)(1), 2978(e)(1) and (2), and 2904 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1), 3797w-2(e)(1) and (2), 3797q-3) and section 6(c)(3) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15605(c)(3)) with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2010 through 2013 for Adult and Juvenile Offender State and Local Reentry Demonstration Projects and for State, Tribal, and Local Reentry Courts authorized under part FF of title I of such Act of 1968, and for the Prosecution Drug Treatment Alternatives to Prison Program authorized under part CC of such Act of 1968, and Grants to Protect Inmates and Safeguard Communities under such Act of 2003.

SEC. 216. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)) shall not apply to amounts made available by this or any other Act.

SEC. 217. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 218. None of the funds made available to the Department of Justice in this Act may be used for the purpose of implementing the requirement for public entities, places of public accommodation, and commercial facilities to provide a permanent means of accessible entry to pools and spas under the revised regulations for titles II and III of the Americans with Disabilities Act of 1990 (28 CFR 35.101 et seq.; 36.101 et seq.).

SEC. 219. None of the funds made available by this Act may be used to require a person licensed under section 923 of title 18, United States Code, to report information to the Department of Justice regarding the sale of multiple rifles or shotguns to the same person.

This title may be cited as the ''Department of Justice Appropriations Act, 2013''.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed $2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,850,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,095,000,000, to remain available until September 30, 2014, of which up to $14,500,000 shall be available for a reimbursable agreement with the Department of Energy for the purpose of re-establishing facilities to produce fuel required for radioisotope thermoelectric generators to enable future missions: *Provided*, That not less than $150,000,000 shall be for Mars Next Decade: *Provided further*, That no funds shall be obligated for Mars Next Decade unless and until the National Research Council has certified to the Committees on Appropriations that the chosen mission concept will lead to the accomplishment of Mars sample return as described in the most recent planetary science decadal survey: *Provided further*, That, in the event that the National Research Council determines that the Mars Next Decade mission concept will not lead to the accomplishment of Mars sample return, all funding provided for Mars Next Decade shall be reallocated to the development of a Jupiter Europa orbiter, consistent with the priorities established in the aforementioned decadal survey: *Provided further*, That the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) for the James Webb Space Telescope shall not exceed $8,000,000,000: *Provided further*, That should the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $569,900,000, to remain available until September 30, 2014.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space research and technology development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $632,500,000, to remain available until September 30, 2014.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,711,900,000, to remain available until September 30, 2014: *Provided*, That not less than $1,024,900,000 shall be for the Orion Multi-Purpose Crew Vehicle: *Provided further*, That not less than $1,857,000,000 shall be for the Space Launch System, which shall have a lift capability not less than 130 metric tons and which shall have an upper stage and other core elements developed simultaneously: *Provided further*, That of the funds made available for the Space Launch System, $1,454,200,000 shall be for launch vehicle development and $402,800,000 shall be for exploration ground systems: *Provided further*, That funds made available for the Orion Multi-Purpose Crew Vehicle and Space Launch System are in addition to funds provided for these programs under the ''Construction and Environmental Compliance and Restoration'' heading.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $3,985,000,000, to remain available until September 30, 2014.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $100,000,000, to remain available until September 30, 2014, of which $9,000,000 shall be for the Experimental Program to Stimulate Competitive Research and $24,000,000 shall be for the National Space Grant College program.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $2,843,500,000, to remain available until September 30, 2014.

AMENDMENT OFFERED BY MR. JOHNSON OF GEORGIA

Mr. JOHNSON of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, line 1, insert ''(reduced by $26,000,000)'' after the dollar amount.

Page 73, line 17, insert ''(increased by $7,143,000)'' after the dollar amount.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Madam Chair, our country is emerging from the worst recession in generations. Million of Americans, our neighbors, friends and constituents, are still out of work. Millions of those we represent have been out of work for more than 99 weeks. It's difficult for anyone who has not experienced long-term unemployment to fully understand the economic and emotional hardship caused by long-term unemployment.

We all agree that we must help these Americans who are too often unemployed due to no fault of their own. That's why I have serious concerns regarding the recent news reports about blatant discrimination against the unemployed. According to news reports, employers are posting job advertisements stating ''must be currently employed'' or ''no unemployed candidates will be considered at all.''

□ 2040

This, Madam Speaker, is unacceptable. A policy where employers discriminate against the unemployed is unfair, unreasonable, and callously ignores the effects of the recession on millions of highly qualified workers who are unemployed through no fault of their own. Such a policy also disproportionately hurts minorities, as we suffer from higher unemployment rates.

If this trend of employers discriminating against the unemployed continues, it will only prolong the suffering of people victimized by the unemployment crisis. Discriminating against the unemployed will not help America on its path to economic recovery.

My amendment is simple. It will increase funding for the Equal Employment Opportunity Commission to the President's budget request level so the commission can adequately investigate discrimination against the unemployed and other victims of discriminatory hiring practices. My amendment is supported by the National Employment Law Project, the Leadership Conference on Civil Rights, the American Federation of Government Employees, the Asian American Justice Center, the American Association of University Women, the National Employment Lawyers Association, and the NAACP Legal Defense and Educational Fund.

This amendment is just common sense, and I ask all of my colleagues to support this amendment. With these funds, the commission will be able to more effectively fight discriminatory hiring practices.

We can and will debate the value of different job-creation proposals, but ending discrimination against the unemployed is beyond debate. Being unemployed is a status that should not disqualify anyone from a job.

I urge my colleagues to support this amendment to provide a needed boost to millions of Americans, and I yield back the balance of my time.

Mr. WOLF. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I rise in opposition to the amendment. The bill already includes a $7 million increase for the EEOC, which will allow the agency to continue making progress in addressing its backlog with discrimination complaints. And in a context of a reduced total allocation in which many agencies and accounts in this bill have been level funded or even cut, that $7 million increase is a substantial show of support.

Lastly—and I'm not going to go into detail—this again cuts NASA by $26 million. NASA has gradually been cut down and down, in addition to where it takes it from.

I would ask for a ''no'' vote on the amendment, and I yield back the balance of my time.

Ms. DELAURO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I rise in support of the amendment being offered by my colleague from Georgia (Mr. JOHNSON).

I rise in support of this amendment to restore funding for the Equal Employment Opportunity Commission to the President's budget request level.

We all know that while we have had 26 straight months of private sector growth, we are still facing a very tough economy right now. The unemployment rate is still unacceptably high at over 8 percent, and more than 5 million Americans have been out of work for more than 6 months. But now the deck is stacked even further against them. Companies across the country have begun to require current employment to be considered for available positions, and these discriminatory practices are eliminating employment opportunities.

Very simply stated, what has happened here is if you are unemployed, what you are being told is you need not apply for a job. It is really incredulous to think about, in this economy today, people looking for a job want to work, and they are being told that, since you don't have a job, we're not going to give you an opportunity to apply for a job. No one is saying give the person the job, but at least level the playing field and let someone apply for the job because they are unemployed and if they are unemployed.

A National Unemployment Law Project survey of four of the top search Web sites—Careerbuilder.com, Indeed.com, Monster.com, and Craigslist.com—found over 150 job advertisements that specified applicants must be currently employed, and that no one who is unemployed will be considered. My God, when did we deny opportunity for people to make their way in the United States of America? It is unjust. It's unfair for employers to discriminate against those looking for work like this. And that's why we need to really fully fund an Equal Employment Opportunity Commission.

All Americans, regardless of their employment status, should have the same opportunities for employment. That is why we need to make sure that the Equal Employment Opportunity Commission has the necessary funding to investigate and to fight discrimination against the unemployed.

I urge my colleagues to join us in standing up for the millions of qualified Americans who want to work again, but who are being denied that opportunity, being denied the opportunity to find a good job and the chance to find that good job.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WOLF. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $598,000,000, to remain available until September 30, 2018: *Provided*, That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 (51 U.S.C. 20145), all proceeds from leases entered into under that section shall be deposited into this account: *Provided further*, That such proceeds shall be available for a period of 5 years and in amounts as provided in annual appropriations Acts: *Provided further*, That such proceeds referred to in the two preceding provisos shall be available for obligation for fiscal year 2013 in an amount not to exceed $3,791,000: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 (51 U.S.C. 20145).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $38,000,000, of which $500,000 shall remain available until September 30, 2014.

ADMINISTRATIVE PROVISIONS

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent (or, in the case of ''Construction and Environmental Compliance and Restoration'', 15 percent) by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Section 1105 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18431) is amended by striking ''The Administrator may not'' and all that follows through ''inefficiency.''.

The National Aeronautics and Space Administration shall submit a spending plan, signed by the Administrator, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the enactment of this Act. This spending plan shall be provided at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Section 30102(c) of title 51, United States Code, is amended—

(1) in paragraph (2) by striking ''and'' at the end;

(2) in paragraph (3) by striking the period at the end inserting ''; and''; and

(3) by adding at the end the following:

''(4) refunds or rebates received on an ongoing basis from a credit card services provider under the National Aeronautics and Space Administration's credit card programs.''.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86–209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,942,693,000, to remain available until September 30, 2014, of which not to exceed $500,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 68, line 14, after the dollar amount insert ''(reduced by $1,089,453,000)''.

Page 69, line 8, after the dollar amount insert ''(reduced by $29,320,000)''.

Page 69, line 19, after the dollar amount insert ''(reduced by $109,350,000)''.

Page 70, line 6, after the first dollar amount insert ''(reduced by $17,360,000)''.

Page 70, line 20, after the dollar amount insert ''(reduced by $620,000)''.

Page 71, line 1, after the first dollar amount insert ''(reduced by $2,370,000)''.

Page 101, line 10, after the dollar amount insert ''(increased by $1,248,473,000)''.

Mr. FLAKE (during the reading). I ask unanimous consent to dispose of the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Madam Chair, this amendment would return National Science Foundation funding to its pre-stimulus level, and it would save the taxpayers about $1.2 billion.

Just before voting against the stimulus bill a while ago, I stood in this same Chamber and stated what I thought was pretty obvious at that time: that the only thing that this stimulus bill would stimulate is more spending later, and I think we have found that to be the case.

□ 2050

Leave it to the NSF, an agency that doles out billions of dollars testing theories, to prove me right on this.

In the 4 years leading up to the stimulus bill, funding for the NSF averaged more than $5.7 billion. That's not exactly a drop in the bucket, even by Washington standards. By comparison, in the 4 years since the stimulus bill passed, NSF average spending has climbed 31 percent to a staggering $7.6 billion.

For whatever reason, rather than draw down from this inflated level, Congress appears content to maintain it. The bill before us today funds the NSF at $7.3 billion for fiscal year 2013. That's $300 million more than last year.

While I acknowledge that the NSF does some noble work, it also has drawn its fair share of criticism. Notably, there was a recent investigation by our colleague in the Senate, Senator TOM COBURN. He identified $3 billion in mismanagement by the agency. The report uncovered a lot of highly questionable research projects that would be laughable if the taxpayers weren't paying the tab. Just a few of them here:

$755,000 to find out how rumors start. Again, $755,000 to find out how rumors start;

$315,000 to answer if playing FarmVille on Facebook helps people make friends;

And then there's the infamous $559,000 for a project to have shrimp run on a treadmill.

To me, that hardly sounds like justification to give the NSF more money. Rather, Congress ought to make the necessary commonsense cuts to programs like the NSF that have been far too long bloated from the stimulus legislation.

This amendment would employ a reasonable approach to do that. It would simply reduce NSF funding to the highest pre-stimulus level of $6 billion. This would save the taxpayers, again, more than $1 billion.

I think we have to remember that this discretionary budget that we are dealing with this year, we'll do 12 appropriation bills for somewhere just over $1 trillion. Our deficit is more than that, meaning that everything we consider in our process this year, the appropriations process, is money we are borrowing from our kids and our grandkids. When that is the case, I think that we need to be a little more prudent about the programs that we increase funding for. I don't think there's a justification to increase funding for the National Science Foundation this year.

And when you look back to 2008, which is where this would bring us back to if this amendment passes, as I said before, that wasn't the year where ''Grapes of Wrath'' music was exactly playing in the background. That was a year that we spent a lot of money. But we're spending more now, even given the current deficit that we're running and the current debt that we've piled up.

So I would urge support for the passage of this amendment.

I yield back the balance of my time.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. Even though I agree with my colleague from Arizona about some of the issues related to trade embargoes with neighboring countries, in this matter I absolutely oppose him.

Now, he says that the National Science Foundation, we should cut it; we should cut it to some mathematical certainty to the 2008 number. Let me just take a minute because I don't want the House to act without information.

This is the premiere science research agency in the world. It is not the only one. We are not shadowboxing with ourselves. We have a country of 309 million people. Singapore, which is a country of 4.8, less than 5 million people, probably less people than in the Phoenix area alone, invests some $7 billion in their National Science Foundation. They're stealing talent from us today, hired away some of our top cancer researchers and other scientists, right? We have China, a much larger country. It's built over the last 5 years 100 science-only universities.

The nation that leads in innovation and science will lead the world economically and militarily. The notion that we can unilaterally retreat in terms of investments and the development of future generation of scientists—now, the gentleman and I agreed in committee that when we have nonnative-born students here who are foreigners but who are in school here who get terminal degrees, we should invite them to stay. If we follow through with his cuts at the National Science Foundation, what we're saying to American-born students is, if you're pursuing terminal degrees in the hard sciences, that somehow we're going to cut the legs from up under you.

I think this works at cross purposes. The idea that we would retreat in any respect, in terms of scientific research, should be rejected by this House if what we're trying to do is to ensure America's global leadership.

Now, if this is a math exercise, we should just zero out the National Science Foundation. If we're just trying to save money, then let's zero it out. If we're trying to lead the world, as we have, in science, then we have to make these investments. We should even do more.

I thank the chairman for where he set the bar, and I hope that the House, on a bipartisan basis, rejects this notion that we should cede to our economic competitors scientific superiority for our children and grandchildren and their generations that will follow.

I yield back the balance of my time.

Mr. WOLF. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I rise in opposition.

I want to thank the gentleman from Arizona (Mr. FLAKE). He's a good Member and very consistent in trying to cut, but I rise in opposition to this amendment, which would reduce NSF funding by $1.2 billion from the levels provided in the bill.

This amendment challenges broad, long-standing, bipartisan agreement on the needs to prioritize Federal investments in basic research, math and science and physics and chemistry and biology in order that America can be number one. This agreement is based on a strong and unambiguous link between investments in research and development and growth and employment and productivity and GDP. This link has been documented repeatedly by expert researchers, economists, and analysts working in administrations and congressional majorities in both parties, as well as private and nonprofit entities.

The link is also well-known and understood internationally, where major foreign competitors, including the European Union, China, and South Korea are investing strongly, are investing much higher, at a much higher level than we are, at a much higher level than we are in research, in the hopes of producing or attracting high-value economic activity. We have already lost a good deal of competitive advantage that we previously held over those countries, and if we fail to keep pace with them in research and development, our situation will only worsen.

Unfortunately, this amendment would contribute to precisely that scenario by not only eliminating any potential growth in NSF basic research next year, but actually reducing basic research expenditures by nearly $1 billion.

As a father of five kids, my wife and I, we have 16 grandkids. I want the 21st century to be the American century and not the Chinese century.

I urge strongly, I urge a ''no'' vote for this amendment.

I yield back the balance of my time.

The Acting CHAIR (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

The Clerk will read.

The Clerk read as follows:

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading

of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, $196,170,000, to remain available until expended: *Provided*, That none of the funds may be used to reimburse the Judgment Fund established under section 1304 of title 31, United States Code.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, $875,610,000, to remain available until September 30, 2014.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $299,400,000: *Provided*, That not to exceed $8,280 is for official reception and representation expenses: *Provided further*, That contracts may be entered into under this heading in fiscal year 2013 for maintenance and operation of facilities and for other services to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,440,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $14,200,000, of which $400,000 shall remain available until September 30, 2014.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 15 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,193,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a): *Provided further*, That there shall be an Inspector General at the Commission on Civil Rights who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978: *Provided further*, That an individual appointed to the position of Inspector General of the Government Accountability Office (GAO) shall, by virtue of such appointment, also hold the position of Inspector General of the Commission on Civil Rights: *Provided further*, That the Inspector General of the Commission on Civil Rights shall utilize personnel of the Office of Inspector General of GAO in performing the duties of the Inspector General of the Commission on Civil Rights, and shall not appoint any individuals to positions within the Commission on Civil Rights: *Provided further*, That of the amounts made available in this paragraph, $250,000 shall be transferred directly to the Office of Inspector General of GAO upon enactment of this Act for salaries and expenses necessary to carry out the duties of the Inspector General of the Commission on Civil Rights.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and up to $29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, $366,568,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,250 from available funds: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, and not to exceed $2,250 for official reception and representation expenses, $83,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $328,000,000, of which $302,400,000 is for basic field programs and required independent audits; $4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $17,000,000 is for management and grants oversight; $3,400,000 is for client self-help and information technology; and $1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: *Provided further*, That, for the purposes of sections 505, 533 and 535 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

□ 2100

AMENDMENT NO. 11 OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 74, line 13, insert ''(reduced by $128,000,000)'' after the first dollar amount.

Page 74, line 13, insert ''(reduced by $128,000,000)'' after the second dollar amount.

Page 101, line 10, insert ''(increased by $128,000,000)'' after the dollar amount.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. WESTMORELAND. Mr. Chairman, my amendment is to reduce funding by $128 million for the Legal Services Corporation in the fiscal year 2013 CJS appropriations bill, bringing this funding down to only $200 million for FY13. The $128 million would then be moved to the spending reduction account for deficit reduction.

The main focus of the Legal Services Corporation, at least in the eyes of every farmer, rancher, poultry producer I have met, is to harass those in the agriculture business.

Some examples of this unwarranted harassment include filing surprise lawsuits against farmers for problems found related to housing and transportation, payment issues related to work visas and visa applications, border-crossing fees, et cetera, all without allowing the farmers and the migrant workers to attempt arbitration. Some of those are of Legal Services Corporation's representatives actively soliciting clients by knowingly trespassing on farm property or by waiting for migrant workers outside of Wal-Mart stores and other places and informing such workers that, if they sue their employers for even the most minor of issues, they will receive monetary settlements.

These lawsuits cost our farmers hundreds of thousands of dollars in legal fees each year and, in some cases, cause their financial ruin. In 2008, in one specific case in Georgia, that of a farmer who did not want to mention his name for fear of retribution, his costs alone in legal fees were $525,000.

Furthermore, Federal LSC funding is redundant. According to a 2008 report—and I only use the 2008 report because there has not been a comprehensive report since 2008—for the Center for Justice, Law and Society at George Mason University, the total State, county and local expenditures for indigent defense services that same year were almost $4.5 billion. Federal defender organizations, which also use Federal funds for indigent defense services, received $849 million in Federal funds for the same purpose that year. Combined with the almost $351 million in funds that Congress appropriated to the Legal Services Corporation in 2008, the total amount dedicated to indigent defense services that year was almost $5.7 billion.

The American taxpayers do not want their money wasted on an organization like this. The agriculture community cannot afford to keep fighting the frivolous lawsuits that the Legal Services Corporation has filed, and we cannot afford to keep funding them in the current budgetary climate. Local legal services programs supplement the Legal Services Corporation's grants with funds from a variety of government and private sources.

This is not the only source of funding. Non-LSC funding sources include State and local grants; some interest on lawyers' trust account programs; Federal programs, such as title XX; the Social Services Block Grant; the Older Americans Act; the Violence Against Women Act; the Community Development Block Grants; and private grants from entities such as the United Way, foundations, and national, State and local bar associations. In addition, private attorneys accept referrals to provide legal services to the poor primarily through the Legal Services Corporation's funding of pro bono programs.

The LSC does not provide legal services directly. Rather, it funds local legal services providers referred to by the LSC as grantees. Grantees may include nonprofit organizations that have as a purpose the provision of legal assistance to eligible clients, private attorneys, groups of private attorneys or law firms, State or local governments, and certain sub-State regional planning and coordination agencies.

In its FY 1996 budget resolution, the House assumed a 3-year phase-out of the Legal Services Corporation, recommending the appropriation of $278 million. Here is what the budget report said:

Too often, lawyers funded through Federal Legal Services Corporation grants have focused on political causes and class action lawsuits rather than helping poor Americans solve their legal problems. A phase-out of Federal funding for the LSC will not eliminate free legal aid to the poor. State and local governments, bar associations and other organizations already provide substantial legal aid to the poor.

With that, I think this is a good reduction in order to start to eliminate the funding, and I hope that we can pass this amendment and then, further, the reduction.

I yield back the balance of my time.

Mr. WOLF. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I rise in opposition to the amendment.

The bill that we are considering tonight provides $328 million for legal services, which is a reduction to the fiscal year 2006 level. It is almost $100 million below the FY 2010 level, and we are $74 million below the request by the administration. LSC helps many people. Last year, 2.3 million people were provided assistance in more than 300,000 family law cases, 105,000 domestic violence cases, thousands of veterans benefit cases, 25,000 unemployment cases, and 20,000 foreclosure cases.

Those cuts would result in 400,000 fewer people being served nationwide and in 160,000 fewer cases closed. This includes returning veterans who are seeking benefits, and it includes elderly victims of foreclosure. The elderly have been taken advantage of in so many cases. It also includes women who are seeking safety for themselves and for their children from domestic violence.

I understand that there are some concerns about LSC-funded programs. Our committee has carried numerous restrictions on political activity by the LSC grantees, to include: lobbying, abortion litigation, class action lawsuits. These restrictions cover both LSC funds, as well as private funds.

The administration proposes to eliminate several of these restrictions, but the House bill does not. The committee conducted vigorous oversight over the LSC in March. We heard testimony from a sheep herder who has concerns about the LSC grantee's violating restrictions. We have included language directing LSC to rigorously enforce the restrictions on political activity. Wherever there is any political activity, we are going to shut it down. We are facing an extremely difficult time, and I think many poor people would be hurt. As a result of that, I would ask for a ''no'' vote on the amendment.

I yield back the balance of my time.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. I rise to join the chairman in opposing this amendment.

Mr. Chairman, under our Constitution is the idea that, in a land of laws, we will not deny people an opportunity to have representation as they seek redress. We have thousands of veterans who have returned home after service who have faced foreclosures and have gone to the Legal Services Corporation to seek redress to hold onto their homes. We've had women who have been faced with abuse and who are in need of restraining orders and other types of assistance who use Legal Services. In fact, three out of four of the clients for Legal Services are women who are seeking an opportunity through a court of law to gain their rights.

To deny them this opportunity in a situation where we are already underfunding Legal Services—and to cut it, to zero it out in terms of Federal support—makes no real sense except if you think poor people have too much access to quality legal representation or, as some would suggest, that they need fewer food stamps or less job training or affordable housing. There seems to be some kind of notion here that poor people have it going too well for them in our country and that what they need is some kind of opportunity to pursue liberty without any kind of assistance or a hand up.

□ 2110

I'm opposed to this amendment. Legal services is one of the proudest accomplishments of a Republican administration, but we come to a day where for some reason there seems to be some partisan approach to this matter. In truth, I think all of us should hope that people throughout the country could have access to lawyers when they are in need of them, because our system requires legal representation in a court of law. And not for Democrats and Republicans, but for Americans seeking to have their case heard.

I hope that we reject this amendment. And I think the House will reject it because even in a Republican majority House, I think there's an understanding that in our Constitution that not having access to the courts really in some ways strips away people's opportunity to truly be an American and for America to live up to its ideals.

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

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I would like to echo the comments made by the ranking member, Mr. FATTAH.

I remember the days I worked very closely with Chairman WOLF, and at that time also with the Subcommittee Chairman ROGERS, as their ranking member, and it was always understood that the Legal Services Corporation was a bipartisan effort. In other words, we understood the need for it. And as the chairman has said, we understood the need to protect this program.

There were always discussions as to how much money we should allocate it, but there was never a desire to get rid of it. There was even discussion tonight not only of what a waste of money this program is, but also perhaps doing away with it totally. This really strikes at something much deeper than just this particular amendment. And it is, as Mr. FATTAH has

said, Where are we going when we believe that services as essential as legal services should not be made available to people who cannot afford any other access?

We keep mentioning—and maybe people think that some of us are trying to be funny—that Richard Nixon understood then the need for this program to exist, and President Nixon understood the need for it to grow to a point where it could be that access point for people.

So I just hope that both Mr. FATTAH and I are correct, that this will not get the support that some people think it will get; that, in fact, this amendment will be defeated. And one of the best messages we could send tonight, as we deliberate, is that in the desire to cut the budget, that we cannot just throw away every gain we've made over this last generation. This is one of the most important programs we have, and we should maintain it.

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

Mr. BROUN of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. I yield to my dear friend and colleague from Georgia, and I appreciate what he is doing with this amendment.

Mr. WESTMORELAND. Mr. Chairman, I want to thank my colleague for yielding.

I want to again emphasize that, according to a 2008 report by the Center for Justice, Law, and Society at George Mason University, the total State, county, and local expenditures for indigent defense services that same year was almost $4.5 billion. Federal defender organizations, which also used Federal funds for indigent defense services, received an additional $849 million in Federal funds for the same purpose that year. Combined with the almost $351 million in funds that the Congress appropriated that year, it brings the total to $5.7 billion. Of that $5.7 billion total, only 6.1 percent was appropriated by Congress, assuming total non-Legal Services Corporation funding for indigent defense services has not increased since then.

My amendment to reduce the agency by $128 million down to $200 million would result in a 2.5 percent decrease in overall indigent defense service funding. Reducing the Legal Services Corporation funding to $200 million, as my amendment would do, would reduce overall CJS funding by 0.0039 percent. Mr. Chairman, if we can't cut 0.0039 percent, then we're going to have a lot bigger problems on our hands at the end of the day.

Mr. BROUN of Georgia. Mr. Chairman, reclaiming my time, I appreciate my colleague's amendment on this. It makes sense. It is a very miniscule cut, and Congress needs to face the fact that America is broke. We don't have the money to keep spending. Both parties are guilty of spending money that we don't have, spending money that eventually is going to have to be paid for by our grandchildren's children. We just have to stop the spending addiction that we have here in Washington.

I'm an addictionologist, a medical doctor, and I've done addiction medicine. Addiction medicine has a saying that ''if there is no denial, there is no addiction.'' There is denial here in this Congress. There is denial that we have a fiscal crisis as a Nation. This is just a miniscule cut, not much at all.

I support the gentleman's amendment. I hope my colleagues will support it and we can pass this minimal cut in this program.

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

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, first of all, there is a difference in indigent legal representation in criminal cases and civil cases. The criminal defense, it's required by the Constitution that you have to provide that, and whatever it costs, the defendant is entitled to representation. In civil court, you don't have that technical requirement. But some of the cases where people need but cannot afford attorneys deal with some of the most important parts of our life: housing, family law, divorce, child custody, consumer ripoffs, health care, things where you actually need representation that legal aid provides.

Legal aid programs cannot meet the needs of their demands right now. Most legal aid programs, as the gentleman from Virginia said, turn down a lot more than they can take. And because of the recession, the demand is much higher than it has been in the past.

When you talk about rights, rights without remedies are no rights at all. When rights in our democracy depend on the generosity of a few pro bono attorneys, we're actually violating our democratic values.

As my colleague again mentioned, traditional Federal funding is down and another traditional funding for legal aid services—Interest on Lawyers Trust Account—is also way down because interest rates are at historic lows.

Mr. Chairman, we should support our democratic principles and support legal aid services and oppose this amendment.

I yield back the balance of my time.

Mr. COHEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. Mr. Chair, I was off campus, and I got a notice from my staff that this amendment was here.

I kind of knew it was coming, but I find it shocking. In these economic times, there is more of a need for legal services than there has ever been a need for legal services. There are more people that have been economically hurt because of this economy who haven't been able to get jobs because we haven't passed a transportation bill to put people to work, we haven't passed jobs bills to put people to work. When people are out of work and they're economically deprived, they are more likely to have domestic violence in their homes. It's a direct cause and a direct relationship. They're more likely to be behind in their payments on their house and have problems with their mortgage where they need legal services because they're facing foreclosure. More people are in need of help than ever before, and yet we're taking legal services away from poor people who are the Purple Hearts, the victims of this recession/depression, whichever we're having. This is just hard to fathom. It's unfair, it's unwise, and it violates every Judeo-Christian principle that I can conjure up and imagine.

□ 2120

What you do unto the least of these, you do unto me. And when you take people who are being foreclosed upon, victims of domestic violence, or whatever other purpose and taking away the opportunity to get legal representation, that is un-American.

Now you have a right to legal representation in a criminal case because of the Constitution. In a civil case, it's really up to this Congress to provide funds for Legal Services Corporation to give people that opportunity. And while there is no constitutional amendment, we've got the words of Supreme Court Justice Hugo Black, who said, There can be no equal justice where the kind of trial a man gets depends on the amount of money he has, or the type of representation.

And if you can't get representation, you are not going to have any chance to win in court. And justice should be blind. People should have an opportunity to go to court, particularly for economic distress. And we're seeing more and more of that.

So slashing funds to Legal Services is the wrong thing to do. It hurts the most vulnerable. It hurts the poorest.

There was a group that met out here in Statuary Hall, Come Pray With Me. And Come Pray With Me was saying that we need to have the values that religion has, and they should be a part of this Congress. Well, there should be a separation of church and State, no question about it. But there should be values that are in the Judeo-Christian heritage, which goes to the Muslim heritage, which is that we care about those who are at the bottom and we give them a hand up. And it's not the wealthy we care about, but the poor. We want to give them help.

This is the type of situation, with Legal Services, where we need to help people. And we need to call on the values that we've been taught from generation to generation and put them into effect, not just talk about them in Statuary Hall when the Christian

Broadcasting Network is putting them on television, but put them into effect when we have an opportunity to act. And this Legal Services amendment is one where we have a chance to act because you are helping people who are in distress and need help and need fair, just opportunities that the Legal Services Corporation can provide.

I know these are tough budgetary times, but this is not the place to cut, and it's not the people to cut. So I would ask that we not do this.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MR. AUSTIN SCOTT OF GEORGIA

Mr. AUSTIN SCOTT of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 74, lines 13 through 19, after each dollar amount, insert ''(reduced to $0)''.

Page 101, line 10, after the dollar amount, insert ''(increased by $328,000,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. AUSTIN SCOTT of Georgia. Mr. Chairman, I rise today to strike $328 million in funding for the Legal Services Corporation. Now, at no point in the past 32 years has any party in Congress felt that this agency was important enough to reauthorize it. That's just the fact.

Now let me put it another way. Since 1980, Congress has been appropriating the Legal Services Corporation an average of over $400 million a year while at the same time, again, deeming it unworthy of reauthorization.

Why has Congress not felt compelled to reauthorize the Legal Services Corporation? Perhaps it's because the Legal Services Corporation has become so far removed from its original intended purpose which was, yes, to provide attorneys for the poor.

In 1975, Congress created the Legal Services Corporation to provide free legal assistance to the poor in civil matters. Currently, they provide less than 6 percent of the need-based legal services in this country. Today, the States, bar associations, and private organizations provide the majority of the pro bono legal services to the poor.

The Legal Services Corporation has, in effect, become bounty hunters who attack farmers and other employers. Instead of representing the needy, they have chosen to focus their attention on another activity—actively lobbying, even though it is against the rules, for the advancement of their chosen Big Government priorities.

Fifteen years ago, Senator Phil Gramm explained his opposition to the program by saying, ''They're being advocates for the existing welfare bureaucracy, and while they may have a right to do it, they don't have a right to do it with taxpayers' money.''

Now every phone book in America has plenty of attorneys in it that will be happy to take any good case on a contingency fee. A recent analysis by The Washington Times found that the Legal Services Corporation—instead of spending your taxpayer dollars on what they were appropriated to do—purchased ''a decorative natural stone wall, more than 100 casino hotel rooms that were never occupied, limousines, and first-class airfare,'' rather than providing the need-based legal services that the funds were actually appropriated for.

The Legal Services Corporation has clearly been poor stewards of taxpayer dollars, and the constituency they were originally intended to serve simply does not need them, Mr. Chairman.

Tough decisions need to be made. This is not one of them. Certainly there is an attorney that will take any legitimate case that any citizen of this country has, whether they be poor or not. The Legal Services Corporation is duplicative; it's nonessential; it's unauthorized. I encourage my colleagues to defund it completely.

I yield back the balance of my time.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. I hope that the House would handle this amendment appropriately, relative to what has been said about Legal Services.

I yield back the balance of my time.

Mr. WOLF. I rise in opposition to the amendment, too.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I think the arguments have already been made to the gentleman from Georgia, and the same argument would also hold true here.

And let me say one other thing. If any Member has any information with regard to lobbying or any violation of the law, I hope they'll call, because we have made clear that the committee carries numerous restrictions on political activity from LSC grantees, including lobbying abortion litigation and class action lawsuits. And they cover both the LSC funds as well as the private funds. So if anybody has any information on either side, we will hold a public hearing and deal with the issue. But based on this, this zeros it out. So I rise in opposition to the amendment.

I yield back the balance of my time.

Mr. SCOTT of Virginia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, the suggestion has been made that we depend on volunteer attorneys. We don't ask for physicians to volunteer. We don't depend on volunteer homebuilders or grocers or police officers or teachers. We shouldn't depend on essential services by asking only volunteers to meet the need. There are volunteer attorneys who volunteer a lot of time. But in terms of essential services, we shouldn't have a system where we depend on those volunteers. I would hope we would defeat this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. AUSTIN SCOTT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. AUSTIN SCOTT of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively.

Section 501(a)(2)(A) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–134) is amended by striking ''on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code'' and inserting ''triennially by the Bureau of the Census''.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), $3,025,000.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 76, line 8, insert ''(reduced by $181,500)'' after the dollar amount.

The Acting CHAIR. The gentleman is recognized for 5 minutes on his amendment.

□ 2130

Mr. BROUN of Georgia. Thank you, Mr. Chairman.

My amendment would reduce the budget for the salaries and expenses of the Marine Mammal Commission by just 6 percent. The underlying bill is suggesting that Congress allot the same amount of Federal funding for the Marine Mammal Commission as last year—more than $3 million—when, in fact, every other office on Capitol Hill endured a 6 percent cut just this year. It seems only fair that in the midst of our current economic crisis we should ask Federal Commissions without any extreme need or urgent purposes to bear the same reductions. I believe that the Marine Mammal Commission falls under this criteria and that it should be able to find 6 percent worth of savings if they comb through every corner of their budget.

Mr. Chairman, we reduced our budget in our offices by much more than this. I think the Marine Mammal Commission can trim their budget by just 6 percent, and I urge my colleagues to support this very simple amendment that would save nearly $200,000.

I yield back the balance of my time.

Mr. WOLF. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I support the amendment. I urge adoption, and yield back the balance of my time.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. I support my colleague in his amendment. Hopefully, he'll withdraw some of the other ones, and we're in business.

I yield back the balance of my time.

Mr. COHEN. I move to strike the last word.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. Do you know if the Marine Mammal Commission has anything to do at all with the dolphins that help us in security, that they get these sonars attached to them and they do a lot of security work for us? Isn't this what they do?

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. COHEN. I yield to the gentleman.

Mr. BROUN of Georgia. They study marine mammals. I think probably you're correct on that, but I'm not certain.

Mr. COHEN. So the dolphins that they train and that they study save us in the way of security and they do jobs that humans don't have to do, so they save human lives. And you're talking about $200,000 and the cost of one SEAL. To me, a SEAL in the United States Navy is worth a lot more than $200,000. I would rather those dolphins be understood and trained and be able to do that security work and save us. They are marine drones and they are protecting our country and saving human lives. That's why I say this is penny wise and pound foolish

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. COHEN. I yield to the gentleman.

Mr. BROUN of Georgia. I appreciate the gentleman's comments. Certainly, the Navy SEALs are important, and so are the dolphins. What this is going to do is just cut expenses and salaries of the Commission itself. So it doesn't reduce the funding of the dolphin program. Certainly, there are some things that the Marine Mammal Commission can continue doing. This is not going to hurt those programs.

So I urge the adoption of my amendment.

Mr. COHEN. I thank the gentleman for his response, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was agreed to.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Chairman, I rise to respectfully request to engage in a colloquy with the distinguished gentleman from Virginia, Chairman WOLF.

As you know, I've been a strong supporter of science, education, and innovation programs to spur economic growth and job creation. I greatly appreciate the strong funding levels for these programs in this bill, especially the NSF, and also, Chairman WOLF, your eloquent defense of NSF on the floor here a short time ago.

I specifically would like to thank you for inviting me to testify before the CJS panel this year to share my strong support for the NSF Innovation Corps program, which provides NSF grantees with an opportunity to learn from and collaborate with entrepreneurs in order to increase the likelihood that their research can be turned into new products. This program will turn our investments in science and research into American innovation and American jobs and will produce enormous value for the relatively small cost of $19 million. The early results of I-Corps are promising: out of the first 21 grantees, 19 are pursuing commercialization of their technology in, hopefully, future American jobs.

Chairman WOLF, I understand this bill does not provide line items for most NSF funding, but I hope you agree that the I-Corps programs are a wise investment that will educate America's brightest so they can make the best use of Federal research funding to boost America innovation and job growth.

Mr. WOLF. Will the gentleman yield?

Mr. LIPINSKI. I yield to the chairman.

Mr. WOLF. I thank the gentleman for his support for Federal science Agencies and his advocacy for programs like this one, which ensure that taxpayer investment in research and development provides returns to the economy in the forms of jobs, revenue, and export opportunities. I'll be happy to work with the gentleman as the bill continues through the appropriations process to ensure that I-Corps and related efforts receive the appropriate amount of support.

Mr. LIPINSKI. Reclaiming my time, I want to thank the gentleman for his response and, again, for his commitment to this program. I look forward to working with you on ensuring success of the I-Corps program and more generally for the continued increases in NSF and science funding as we lead the way to American innovation and American jobs.

I yield back the balance of my time.

The Acting Chair. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, $51,251,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $111,600 shall be available for official reception and representation expenses.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) $5,121,000, of which $500,000 shall remain available until September 30, 2014: *Provided*, That not to exceed $2,250 shall be available for official reception and representation expenses: *Provided further*, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this

Act that remain available for obligation or expenditure in fiscal year 2013, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

AMENDMENT NO. 5 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 78, beginning on line 17, strike ''(6)'' and all that follows through ''(7)'', and insert (6).

Page 78, line 23, strike ''(8)'' and insert ''(7)''.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. SESSIONS. Mr. Chairman, tonight I offer an amendment which would strike provision 6 of section 505 of the legislation, which would impose a moratorium on contracting out activities currently performed by Federal employees.

These challenging economic times require Congress to not only reassess the size and scope of the Federal Government, but I think it's important to make better stewardship of taxpayer dollars and to give the government an opportunity to get the best dollar for and on behalf of the American taxpayer. Legislative provisions that prohibit or otherwise interfere with contracting out or in-sourcing are counterproductive to reducing spending, limiting the size of government, and creating private sector jobs. My amendment to strike this provision, which I am proud to offer with Congressman JUSTIN AMASH of Michigan, does not affect inherently governmental activities. It allows only for increased private contracting.

Mr. Chairman, the Heritage Foundation has reported that subjecting Federal employee positions which are commercial in nature to a private-public cost comparison would generate, on average, a 30 percent cost savings, regardless of who wins that competition. Rather than preventing market competition that would improve service and lower costs, we should be encouraging Agencies to find the best way to deliver services to citizens of this great Nation. This is exactly what this amendment does.

Our Nation's unemployment rate stands at 8.1 percent. We must allow the private sector the ability to create jobs without an unfair disadvantage, and I think we get more results for our money. I urge all my colleagues to support this commonsense amendment that would ensure cost-savings competition in the Federal Government. Congress should be looking to use all the tools it can to help save taxpayer dollars.

□ 2140

Mr. FATTAH. Will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman.

Mr. FATTAH. I'm trying to clarify, your amendment is amending page 78, line 17, of the bill?

Mr. SESSIONS. I believe that is correct, sir.

Mr. FATTAH. Okay. It would seem to me that you are limiting the committee's oversight of their ability to receive information about what is taking place; is that accurate? Is that your intent?

Mr. SESSIONS. No, sir, it is not.

Mr. FATTAH. Is it your intent to deprive the Appropriations Committee of this important information?

Mr. SESSIONS. I do not believe in any way that we would limit this committee at all; no, sir. It is simply to allow this to take place except where there are inherently governmental policies in place, inherently governmental activities.

Mr. FATTAH. I thank the gentleman for yielding.

Mr. SESSIONS. Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Maybe I don't completely understand the amendment, and it pains me to oppose the amendment from my good friend, but this is basically, from the way that we read it, a notification requirement exists so that the Congress can track significant changes in an Agency's activities over the course of the entire fiscal year.

There isn't any reason to believe, unless I misunderstand this—and if I do, I apologize—removing the requirement would result in the administration choosing to contract out government function with any greater frequency or scope. It does, though, guarantee that they will execute any existing plan without any congressional oversight. So, really, regardless of how you feel about the merits of contracting out, we should be able to agree that it's in the best institutional interest for the Congress to know.

Basically, it would be like, and I may be wrong, we are giving this authority. We are saying, Eric Holder, you take this and you can do whatever you want to do and do not tell us. And believe me, he would take this and he would not tell us. I write Eric Holder seven letters, and I get back one letter thanking me and he quotes each and every date and never answers the question.

Basically, I think you have to have the requirement of a 15-day notification to allow the committee to sort of look at it and see what they were doing. But basically, I think it could be viewed, and perhaps I misunderstand the amendment, turning over much more congressional authority to the executive branch; and since we are on the bill dealing with the Justice Department and I've had some really difficult times with Eric Holder—you think Fast and Furious, we try to get information on so many things—if they didn't have to come up before the committee, I think they would have unfettered rights to do whatever. So based on my understanding of it, I urge a ''no'' vote on the amendment.

Mr. SESSIONS. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Texas.

Mr. SESSIONS. I appreciate the subcommittee chairman yielding, my very dear friend, and the gentleman from Pennsylvania.

The way I read this, section 505 begins with ''none of the funds provided under this act'' and continues to say, ''contracts out or privatizes any function or activities presently performed by Federal employees,'' which is under section 505(6), and it is this (6) that contracts out or privatizes any function: ''No funds can be for contracts or privatization of any function or activities performed by Federal employees.''

Now, to me that's pretty straightforward. I'm simply saying that we would amend that and say we're going to strike that to where there is nothing in there that says none of these funds provided in this section shall be provided where you can contract out or privatize any function. That's all I'm simply trying to say. It would be equally a part of any funds in section 505 to say it could be contracted out.

Mr. FATTAH. If the gentleman would yield for a second, or if you run out of time, I will take time and I will yield to you, either way.

Mr. WOLF. I yield to the gentleman.

Mr. FATTAH. Just so we can clarify, so section 505 begins on line 4 on page 78, ''none of the funds.'' It ends on page 79 on line 3, but lines 1 through 3 say, ''approved by the Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance.'' So everything that precedes this says you can't use any of these funds unless you notify us ahead of time and we don't disapprove.

This whole section, 505, if the gentleman would follow, is a requirement to prenotify, for instance in this instance, the Republican majority here

in the House, that an administration official is planning to do something. Right? And what you do by taking this out would say if they planned on doing a private contract, they wouldn't have to tell you. They wouldn't have to notify Chairman WOLF or the committee or the staff and they could go ahead and act, and there is no way that you would know about it.

So all I'm saying is that this language actually is a notice to our committee of administrative action as delineated on page 78. And so I just think that the purpose of your intent and what you are actually accomplishing are two different things.

Mr. SESSIONS. I appreciate that, and if I could engage the gentleman, what is that line that you were suggesting?

Mr. FATTAH. I'm saying if you go over to page 79, the top three lines, ''as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance.''

The Acting CHAIR. The time of the gentleman from Virginia has expired.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. I yield to my good friend from Texas.

Mr. SESSIONS. Mr. Chairman, I withdraw my amendment at this time.

Mr. FATTAH. I thank the gentleman, and I yield back the balance of my time.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories, or its possessions.

(2) The term ''promotional items'' has the meaning given the term in OMB Circular A–87, Attachment B, Item (1)(f)(3).

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of the first quarter of fiscal year 2013, and subsequent reports shall be submitted within 30 days of the end of each quarter thereafter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 510. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than $720,000,000 during fiscal year 2013 from the fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601).

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 514. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) For fiscal year 2013 and thereafter, the Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 515. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 516. (a) None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire an information technology system unless the head of the entity involved, in consultation with the

Federal Bureau of Investigation or other appropriate Federal entity, has made an assessment of any associated risk of cyber-espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured or assembled by one or more entities that are owned, directed or subsidized by the People's Republic of China.

(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire an information technology system described in an assessment required by subsection (a) and produced, manufactured or assembled by one or more entities that are owned, directed or subsidized by the People's Republic of China unless the head of the assessing entity described in subsection (a) determines, and reports that determination to the Committees on Appropriations of the House of Representatives and the Senate, that the acquisition of such system is in the national interest of the United States.

SEC. 517. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 518. (a) Notwithstanding any other provision of law or treaty, in the current fiscal year and any fiscal year thereafter, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 519. Notwithstanding any other provision of law, in the current fiscal year and any fiscal year thereafter, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 520. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 521. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 522. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 523. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2013 until the enactment of the Intelligence Authorization Act for fiscal year 2013.

SEC. 524. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 525. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

SEC. 526. (a) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2013, from the following accounts in the specified amounts—

(1) ''Working Capital Fund'', $26,000,000;

(2) ''Legal Activities, Assets Forfeiture Fund'', $675,000,000, of which $314,000,000 shall be permanently rescinded;

(3) ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Violent Crime Reduction Program'', $1,028,000;

(4) ''Federal Prison System, Buildings and Facilities'', $64,700,000;

(5) ''State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs'', $12,000,000;

(6) ''State and Local Law Enforcement Activities, Office of Justice Programs'', $43,000,000; and

(7) ''State and Local Law Enforcement Activities, Community Oriented Policing Services'', $12,200,000.

(b) The Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2013 specifying the amount of each rescission made pursuant to subsection (a).

SEC. 527. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 528. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States, unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 529. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 530. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 531. None of the funds made available in this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 532. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. 533. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated in this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 534. (a) None of the funds made available by this Act may be used for the National Aeronautics and Space Administration (NASA) or the Office of Science and Technology Policy (OSTP) to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this Act.

(b) The limitation in subsection (a) shall also apply to any funds used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by NASA.

(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA or OSTP has certified—

(1) pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company; and

(2) will not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate no later than 30 days prior to the activity in question and shall include a description of the purpose of the activity, its agenda, its major participants, and its location and timing.

SEC. 535. (a) The head of any department, agency, board or commission funded by this Act shall submit quarterly reports to the Inspector General, or the senior ethics official for any entity without an inspector general, of the appropriate department, agency, board or commission regarding the costs and contracting procedures relating to each conference held by the department, agency, board or commission during fiscal year 2013 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the department, agency, board or commission in evaluating potential contractors for that conference.

SEC. 536. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

SEC. 537. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 538. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless an agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 539. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless an agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 540. None of the funds made available by this Act may be used to implement, administer, or enforce the final regulations on ''Disparate Impact and Reasonable Factors Other Than Age Under the Age Discrimination in Employment Act'' published by the Equal Employment Opportunity Commission in the Federal Register on March 30, 2012 (77 Fed. Reg. 19080 et seq.).

□ 2150

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 101, line 4, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SPENDING REDUCTION ACCOUNT

SEC. 541. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0.

AMENDMENT OFFERED BY MRS. BLACK

Mrs. BLACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Attorney General to originate or join in any lawsuit that seeks to overturn, enjoin, or invalidate—

(1) Oklahoma Taxpayer and Citizen Protection Act of 2007 (HB 1804), which became effective on November 1, 2007;

(2) Missouri House Bill 390, First Regular Session 2009, 9th General Assembly, which became effective on August 28, 2009;

(3) the Support Our Law Enforcement and Safe Neighborhoods Act (SB 1070), which was signed into law in Arizona on April 23, 2010;

(4) The Illegal Immigration Enforcement Act (HB 497), which was signed into law in Utah on March 15, 2011;

(5) Indiana Senate Enrolled Act No. 590, First Regular Session, 117th General Assembly (2011), which was signed into law on May 10, 2011;

(6) the Beason-Hammon Alabama Taxpayer and Citizen Protection Act (HB 56), which was passed by the Alabama State legislature on June 9, 2011;

(7) South Carolina Act No. 69 (SB 20), which was signed into law on June 27, 2011;

(8) the Illegal Immigration Reform and Enforcement Act of 2011 (HB 87), which became effective in the State of Georgia on July 1, 2011; or

(9) an Act to amend the Indiana Code concerning education (HB 1402), which became effective in the State of Indiana on July 1, 2011.

The Acting CHAIR. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACK. Mr. Chairman, I'm here tonight to talk about my amendment that would prohibit the Obama administration from filing lawsuits against Arizona, South Carolina, Alabama, and other States over their immigration enforcement laws.

In the last 3 years, eight States have adopted immigration enforcement measures to address the illegal alien population in their States. In response, the Department of Justice and Eric Holder have pursued unprecedented lawsuits against these States.

Mr. Chairman, there are over 10 million unauthorized aliens in this country, and States must be able to enforce the law if the Federal Government refuses to. And the States should not have to live in fear of Federal retribution for trying to keep their citizens safe. This amendment would deny the Obama administration and Eric Holder funding for these ridiculous lawsuits. And until the Supreme Court decides the case against Arizona's S.B. 1070, Congress must use our power of the purse to stop these political lawsuits and allow states to uphold the law.

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

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. Let me speak briefly on this matter.

I thank the gentlelady for bringing this amendment.

The Constitution of our United States, which was written in Philadelphia, suggests three branches of government—the executive branch, the legislative branch, and the judicial branch.

I would oppose an amendment like this in a Democratic-majority Congress trying to impede a Republican administration's Justice Department from acting to, in their belief, represent the legitimate, authentic view of the Constitution in a Federal matter.

To fight in court is one thing. To take away someone's right to have a lawyer—that is to say, the Justice Department can't go into court on behalf of the executive branch when they feel the Constitution is being violated—I think is a bad precedent. I think that for those who are interested in protecting and upholding our Constitution, to support it, this is a vote that you will regret having on your record as you look back on your service in the Congress.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. As a member of the House Judiciary Committee, I can appreciate the frustration that many times we feel as Members of Congress on actions by the Federal Government, but there are two points that I'd like to make:

One, immigration has been defined as an issue under the jurisdiction of the Federal Government. No matter what Attorney General is in place and what position they take, they take it as a representative of the executive, but also of the people of the United States of America.

To highlight Attorney General Eric Holder for fulfilling the responsibilities of an AG, which is to defend against laws that are discriminatory under Federal law, to maintain the integrity of the Federal responsibility of certain laws—which happens to be immigration—would be, I believe, a highlighting or a targeting of a member of the President's Cabinet—and I agree with my ranking member, Mr. FATTAH—of any administration for doing their duty.

So I would just say that I am empathetic to all of our frustrations when we deal with attempting to represent our constituencies. Attorney General Holder, in his pursuit of lawsuits, is representing the American people, but also representing the administration and pursuing justice accordingly under the law. I would hope that we would be able to recognize the frustration, but to reject the underlying amendment.

I yield back the balance of my time.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. I, too, rise in opposition to this amendment.

We have had amendments and even bills on the floor in the past that were just as misguided, and they all take the same form or a similar form: either an amendment to say that no fund shall be expended for the Justice Department to argue for this in court or against that in court. That's one form of the amendment, and this is one of those. Or, we've had court-stripping bills: No court shall have jurisdiction to consider an appeal in the case of X versus Y, or no court shall have jurisdiction to consider a case on a subject matter of—whatever.

All of these are wrong and misguided, whatever the merits of the specific claim may be, because they are violations of the separation of powers and of the proper functioning of the different branches of government.

The Justice Department must argue for the executive branch's interpretation of the law and for its opinion as to constitutionality. That's its job. Our job is to enact laws. The judiciary's job is to state what the law is. The executive branch is to enforce the law, and for the Justice Department, on a nonpolitical basis—not dictated, certainly, by Congress; we don't want to politicize the Justice Department—to argue in defense of the Constitution as it sees it. Therefore, this amendment is wrongheaded. An amendment or a bill to strip the court of the ability to make a decision as to constitutionality on a given subject would be just as wrongheaded.

□ 2200

So, regardless of one's feelings on immigration, regardless of whether you think that the Federal Government has the sole power of enforcement and that State enforcement of immigration laws is preempted by Federal law, which is one point of view, which the Justice Department is arguing, or that it is not, which is the other point of view, which is what some States are arguing in court, that's for the Court to decide.

Now, Congress might decide to be very clear and say that this immigration law, whatever it is, does not—we do not wish to preempt State law. We could say that. But interpreting what we have said, if we haven't been clear on it, that's the job of the courts, and, in arguing that, the administration's point of view of the Justice Department.

We should not be politicizing the Justice Department. We should not be using the power of the purse to say that the Justice Department cannot argue in a certain case or argue a certain point of view. And certainly, that's even worse; to say they can intervene in a case but on side A but not side B is a perversion of the separation of powers, and we should not be considering—we should not pass this amendment. It would pervert the separation of powers and the safeguards of our liberty.

I yield back the balance of my time.

Mr. BARLETTA. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. BARLETTA. I wish I didn't have to stand here tonight in strong support of this amendment, but the simple fact is that the Federal Government's lack of action made us do this. The Federal Government, through its deliberate inaction for at least the last 15 years, has created this problem, the problem of unchecked illegal immigration.

From the border States to the heartland, from our largest cities to our smallest boroughs, every American has seen the impact of illegal immigration. An underground workforce that takes away jobs from American citizens and our legal immigrants, overcrowded classrooms that make it harder for children to learn, health care systems forced to the brink of bankruptcy because of unreimbursed costs, victims of crimes committed by people who should not even be in the United States.

Local municipal leaders called out to the Federal Government and asked for help. I know because I was one of them. I saw serious problems in my hometown back in 2005. I came here to Washington to ask for help, and Washington turned its back on me and my citizens.

Higher up, State officials across America called out to the Federal Government. They cried out for enforcement of existing immigration laws. They asked for tougher border security. Elected officials at all levels—sheriffs, mayors, Governors, county commissioners, city councilmen, State representatives—all asked for Federal help.

What have they received? More words, more empty promises, more inflated statistics.

So States acted on their own. They acted to protect their citizens. They acted to protect their budgets. They acted to uphold their constitutional duty to the people that they serve. Most importantly, they enacted laws that work in harmony within the existing Federal framework to slow the effects of illegal immigration. Let me repeat that. They enacted laws that work in harmony within the existing Federal framework.

In fact, just about a year ago, across the street from this building, the United States Supreme Court said that the State of Arizona has the right to impose penalties on businesses that knowingly hire illegal aliens. In upholding that Legal Arizona Workers Act, the Supreme Court ruled there is a high threshold for striking down a State law on the grounds that it conflicts with a Federal law.

As they take effect, these laws are working exactly as intended, within the federally allowed framework. Illegal immigration is slowing. Illegal aliens are self-deporting.

And what has been the Federal Government's response? To file more lawsuits, more taxpayer-funded lawsuits that attempt to punish States for upholding and working within Federal laws.

So the Federal Government creates the illegal immigration problem through decades of inaction, lax enforcement, and looking the other way. States step in to protect the jobs of their residents, the balance of their budgets, and the safety of their residents. Then the Federal Government turns around and sues the States, sues the States, and they use taxpayer dollars to do it. It's ridiculous. It's unfair.

Instead of using tax dollars to sue States, the Department of Justice and other branches in this government should start focusing on enforcing existing immigration laws. And until they do, the Department of Justice should not receive one Federal tax dollar to sue States.

That's what this amendment does, and I encourage my colleagues to vote ''yes.''

I yield back the balance of my time.

Mr. SCHWEIKERT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. SCHWEIKERT. Mr. Chairman, I will try to speak somewhat quickly.

Being from the State of Arizona and having been a legislator in Arizona, having been a County Treasurer from Arizona, and now often find myself in forums having to explain, or trying to at least in some way figure out how to explain, why my Federal Government, why my Justice Department is suing my State.

And if you think about what we saw last year when we had the employer sanctions lawsuits, the Supreme Court ruled in our favor. We were at the Supreme Court standing out there a couple of weeks ago, suing our State again.

But one of the explanations of why does a State like Arizona stand up and have to do these types of laws, understand what you've done to my county, what you've done to my State in education, incarceration, and health care.

If we were having the debate right now of how the Federal Government was going to step up and do its job and reimburse the citizens of Arizona for what was a Federal cost but their failure, maybe we wouldn't be standing here supporting the gentlewoman's amendment. But I don't see that happening in this body.

So, in that case, let Arizona, let States stand up and defend themselves by, in our case, enforcing the actual Federal law.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. FARR. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I find this argument very interesting that people like to cast both blame and aspersions that we are sort of different from all our States, that the Federal Government is one thing and the States are different.

I have an amendment in a moment, and I hope all these people will support it, which would prohibit the Federal Government from enforcing laws on legal use of marijuana in those States for medical purposes. It's the exact same argument.

So if you're going to make this argument that, you know, we're only going to be selective, we're going to tell the Justice Department that in immigration laws we're going to prohibit you from enforcing Federal provisions, and turn around and yet allow you to enforce Federal provisions that give States that have legally enacted in their own rights, and law enforcement is supportive of them, to have medical marijuana, it seems very inconsistent.

It also seems very inconsistent to say, well, what about those States that have taken a different approach and allow undocumented folks to have a driver's license? Many States have allowed that. The Federal Government doesn't go in and say you can't do that.

What about those States that allow undocumented children graduating from high school with great grades and getting accepted to colleges to have access to scholarships, called the DREAM Act? States have DREAM Acts. The Federal Government does not.

It seems to me that this argument is just choose your blame and go after the Justice Department. I hope that the people who vote for this amendment, if that's what they want to do, will also vote for the amendment that restricts the Federal Government from enforcing State-enacted medical marijuana laws.

I yield back the balance of my time.

Mr. CULBERSON. I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chairman, the first coin ever minted in the Republic of Mexico contained the motto, ''Liberty in Law,'' something we understand so well in this country, that there can be no liberty without law. And fundamental to that is law enforcement, and this is a law enforcement issue.

This is a no-brainer. It really illustrates how utterly out of touch the Democrat minority is with the Nation's concern with the lack of law enforcement at our border.

My good friend from Arizona, who was the County Treasurer in Maricopa County, the largest county in Arizona, just pointed out to me that you experienced cost to your local taxpayers of $1.3 billion a year because of the cost of undocumented illegal aliens in Maricopa County.

□ 2210

In my work on the Homeland Security Appropriations Subcommittee, I've discovered that the Federal Government is only prosecuting about 15 percent of the illegal aliens entering the country in the Tucson sector. So 85 percent of those that they even catch are released, and they return voluntarily across the border so that they come right back.

There are wildly different levels of enforcement up and down the border. The people of the United States, all of us, understand particularly in the State of Texas, which I am so proud to represent, the importance of a healthy relationship with Mexico and the importance of a guest worker program that allows people to come and go freely with our number two trading partner in the world. Canada is our number one trading partner, and Mexico is our number two trading partner. We need a healthy back-and-forth relationship with our friends in Mexico, and the only way to do that is to have the laws enforced equally and fairly as to everyone.

There is no liberty without law enforcement. It is the first responsibility of our State officials to enforce the

law. We know under the Constitution that the police powers are reserved to the States under the 10th Amendment because the Founders understood that the local sheriff, the Governor, and the State police were primarily responsible for protecting the lives and property of the people of their States and their communities.

How many times does it happen every day that a bank robber is arrested or a money launderer is arrested by the State police or a county sheriff, and then because there are Federal charges involved the local prosecutor will hand the individual over to Federal prosecutors for prosecution? Entering the country illegally, crossing the border, is a Federal violation. Those individuals are often picked up by State or local police, who work every day arm in arm with Federal law enforcement authorities to protect the lives and property of the people of America. This is a no-brainer. Local and State law enforcement authorities do it every day.

Enforcing the law is fundamental to who we are as a Nation, because as the Republic of Mexico said on the first coin they ever minted: liberty in law. It's fundamental to who we are as Americans. If we are going to restore the healthy relationship that we've always enjoyed with the people of Mexico, it begins with secure borders, with the uniform—equal—enforcement of the law and by ensuring that the people who come here do so legally and properly so that we know who you are, how long you're going to stay, when you're going home, and that you're not accessing government benefits and costing the people of Maricopa County or the people of the United States money that we simply cannot afford.

As generous as we are, we are out of money. This Nation is living on borrowed income that our kids and grandchildren will have to pay off. It's unacceptable. This new constitutional conservative majority in the House is determined to see the budget balanced, our laws enforced, our borders secured, and this Nation of laws—the greatest democracy ever created in the history of the world—returned to the constitutional set of principles on which it was founded. That begins with liberty in law, which this amendment so wisely attempts to restore. So I strongly support the amendment, and I urge its adoption.

I yield back the balance of my time.

Mr. BILBRAY. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. BILBRAY. Mr. Chairman, I hope both sides consider the fact of what has happened over the last year or two.

The fact is that this amendment is here before us because we have an extraordinary situation that has happened in certain local communities and States where the Federal Government has actually intervened and filed lawsuits based on the fact that the administration felt that local communities being involved in the enforcement of Federal immigration law was somehow encroaching on the ability of the Federal Government to enforce the law when, in fact, if you read their statement against a State like Arizona, the encroachment was not because they were enforcing some new law or some off-the-wall approach, but the fact that they were enforcing the law. In fact, in the case of Arizona, it said that Arizona's enforcing of immigration law infringed on the ability or prerogative of the executive branch not to enforce the law at any time the executive branch chooses.

Now, I think, as legislators—Democrats and Republicans—but most importantly as Americans, we need to stand up for the fact that the executive branch is here to enforce the law, not to pick which laws to enforce and which ones to ignore. We make the laws, Mr. Chairman, not the White House. We make the laws that the White House is supposed to be enforcing. Sadly, we have seen in the last few years the executive branch claiming the right to choose which laws to enforce and which laws not to enforce. In the Arizona case, they specifically stated that they chose not to enforce the law, thus, that Arizona's enforcing of the Federal law is some kind of encroachment on the executive prerogative.

You and I—Democrats and Republicans—and Americans across the country who believe in the separation of powers should stand up and say, Executive, you do not have the power to legislate from the White House. That's our job. You do not have the authority to pick and choose what laws you enforce.

We all remember the police officer who says, Sir, I do not make the laws. I just enforce them.

All we're asking here is that the executive branch understand that they are not here to choose which laws are honorable and appropriate to be enforced. It is our prerogative to pass those laws and to tell the executive branch, Your job is to enforce it.

Definitely, it is not the executive's right to use taxpayer money to sue States for the cooperation and implementation of laws that this body and bodies before us have passed to make the Federal law. The enforcement of those Federal laws is an essential point, not just on immigration control, but as to the entire concept that this Republic was founded on.

With that, I yield back the balance of my time.

Mr. GARAMENDI. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. I yield to my colleague from Pennsylvania.

Mr. FATTAH. I thank the gentleman.

Let me sum this up because there is a lot of passion. The Constitution might be an inconvenient thing, yet it is the basis for all of our law, but let's move beyond that.

This is an appropriations bill. This amendment, no matter what its result, is not going to be in this bill and this bill have the President's signature. So this is the beginning of a whole set of amendments having nothing to do with how much money we're going to spend but, rather, having to do with various political passions. Most, if not all of the amendments, are going to be stripped from this bill. So we're going to spend hours here, and we're going to debate these things, but they're not going to be part of the bill as it finally becomes the law of the land. We're not going to resolve immigration policy in this bill.

So I am going to recede from using all of this time, and I want to thank my colleagues for their comments. The truth of the matter is that this is actually an appropriations bill, and these matters are going to get settled in some other way.

I thank the gentlelady for offering the amendment. It does violate, within the Constitution, the notion of the separation of powers. I believe that, even in a Democrat-controlled Congress and with a Republican President, I would vote against denying the executive branch the right to have its lawyers go to court and argue whatever point of view they wanted to argue.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACK).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

Mr. FATTAH. Mr. Chairman, I ask for a recorded vote on the last amendment.

The Acting CHAIR. The gentleman's request is not timely.

Will the gentlewoman from Texas clarify which amendment she is offering?

Ms. JACKSON LEE of Texas. I am offering amendment 381.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise provided by this Act for the Department of Justice are revised by reducing the amount made available for ''Bureau of Alcohol, Tobacco, Firearms and Explosives—Salaries and Expenses'', and increasing the amount made available for ''Office of Justice Programs—State and Local Law Enforcement Assistance'' (and the amount specified under such heading for DNA-related and forensic program activities and, within such specified amount, the amount further specified for section 2 of the DNA Analysis Backlog Elimination Act of 2000), by $34,000,000.

The Acting CHAIR. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I really do thank the chairman and ranking member of this committee. This is a difficult hurdle and a difficult task, but I do believe that this is an amendment that can draw bipartisan concern.

□ 2220

And I say that because all of us have daughters, wives, and sisters. This amendment deals with the Debbie Smith DNA Backlog Grant program that my colleague from New York sponsored and many of us cosponsored and saw authorized through the Judiciary Committee. The amendment seeks to restore $34 million to the backlog of rape kit tests that are plaguing the justice system across America.

If we go back more than a decade, New York City reported having 17,000 untested rape kits. In 2004, the Department of Justice indicated there was a backlog of hundreds of thousands of untested DNA kits. This is the only way that law enforcement can ensure that the cases are prosecuted and the right person is prosecuted. This is the only way women who have been violated and sexually abused can have their day in court.

As someone having dealt with a victim of rape, having sat on the board of one of our community women's centers, I know the stories that they've told. We have seen rape increase among our younger women, teenagers, even though during the Bush administration—and we supported it—there was an influx of dollars to the Advancing Justice account. We have still seen thousands of backlog cases. For example, in my own city of Houston—it has been acknowledged in San Antonio, Dallas, and Houston, and other cities across the State of Texas have acknowledged a significant backlog of untested rape kits in their police storage facility, at least 4,000 kits in Houston and 16,000 in Dallas and San Antonio. These are only cities in one State.

Mr. Chairman, I believe in the ability to make the added $34 million just for the simple action of justice to millions of women that are yet unaccounted for or to be able to move the backlog, which, Mr. Chairman and my colleagues, has not even been assessed. The reason why the numbers are as low as people might assume they are—and I do not believe 17,000 or 22,000 is low—is because the records of the individual jurisdictions are not kept. So these dollars would help to access additional resources directly pointed toward the backlog.

I know that a lot of work was done, but the grant program under this bill, under the DOJ, as I indicated, is down 378 million, or 17 percent. This simply tries to close the gap on the hurt and the harm that have been done to those who have suffered a rape. Remember, justice delayed is justice denied. A rape kit that is now in storage containers around the Nation, because law enforcement doesn't have the resources at the local level to pierce the backlog, means that prosecutors are not able to prosecute the cases and women remain without justice, women who have been brutalized, women who have suffered the devastation of rape, many of whom suffer with, if you will, the devastation of that act for many years. Many of us know that many women ask the question, was it their fault. We've moved beyond that. But I believe this amendment would at least provide the necessary resources in order to provide the overcoming of this terrible backlog.

My colleagues, please help us. Please help us render justice and provide for the solving or the piercing of the backlog of rape kits that have not been tested throughout the Nation.

I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, we have $125 million. We are at the administration's request of $125 million for DNA, $117 million for the DNA backlog. The gentlelady is accurate, it is a very important program. The Debbie Smith DNA Backlog Grant program provides grants to States and units of local law enforcement and local governments to conduct DNA analysis and backlog. But we're at the administration's request. And what this will do is cut from ATF $34 million. It would require the RIFing of a number of ATF employees; it would impact on the Violent Crime Impact Teams in dozens of cities. The foundation of the Violent Crime Impact Team program is the identification and targeting, disruption, arrests, and prosecution of the worst of the worst criminals possible. We have met the administration's request. We are at $125 million. It is an important program. There will be $117 million for the DNA backlog. So we've met the request. It would devastate the ATF is what it would do.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Chairman WOLF, I appreciate the work of this committee, and it's a committee that attracts the Judiciary Committee. And I have been a supporter of the work of the ATF for many years.

As I looked at the numbers, the ATF has $1,153,345,000. Their work is important. But we're only asking for $34 million because the backlog, as I indicated, has really not been assessed. I appreciate the $125 million. It is my understanding that we're below the mark. I appreciate that. But the point I want to make is that there are backlogs that have not been documented across America. It is far exceeding the $125 million. I just simply ask to be allowed to take $34 million out of the $1 billion of ATF. I certainly support work that they do, but the backlog has been going on and on and on since the Bush administration. We've never been able to solve the backlog on these rape kits.

Mr. WOLF. Reclaiming my time, we have fully funded this. This would require a reduction of ATF salaries and expense accounts. A cut of this magnitude would result in the loss of 268 ATF personnel, including 111 agents. That's more than 4 percent of ATF's onboard agent staffing. It would require that each ATF remaining staff be furloughed for 5 days.

We're at the amount. It's very important. You have my commitment. We'll fight to make sure that we save the amount. I don't know where the Senate is on this. It's very important. But to go above what the administration asked and to devastate the ATF, I think, would not be a good idea. So I'm committed to the program, but we're at the level; and I don't think we should go higher and devastate the ATF and bring about the number of RIFs and furloughs and reductions, particularly in so many important roles the ATF does.

Ms. JACKSON LEE of Texas. May I inquire of the chairman one more question, please.

Mr. WOLF, what can we do? We're at what the mark is. Again, I'm looking at different numbers. You're obviously the chairman. I see a shortchange. But the point is this is attempting to respond to the rape kits in jurisdictions that have not been accounted for.

Mr. WOLF. I think we should. I completely agree with you. And If there is any additional allocation and we can go, we will. But we're at the request, and I don't think that we can now devastate the ATF. But, yes, I completely agree with you.

ADAM SCHIFF is on the committee. I don't see Mr. SCHIFF here. He's been a strong advocate of this, as has the chairman. This is not a good amendment; but the program is good, and we'll continue. If we get a better allocation and things happen, we'll be very sympathetic to it . But I ask, based on the fact that we have met the administration level, $117 million for the DNA backlog, that we don't devastate the ATF.

Mr. FATTAH. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. I think that maybe if the gentlewoman would withdraw the amendment, we would work with her to make sure that we think we've met what is needed to make sure that every one of these kits is analyzed. And if that's not the case, then we can revisit it between now and conference. But the chairman and I would be glad to work with you to make sure this is done because, as he said, we agree that this is vitally needed. We think we've met the requirements as needed.

□ 2230

Ms. JACKSON LEE of Texas. Well, if the gentleman would just yield for a moment so I could respond.

The Acting CHAIR. The time of the gentleman from Virginia has expired.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. I yield to the gentlelady from Texas.

Ms. JACKSON LEE of Texas. In the spirit of how important this is and to reinforce the fact that there are rape kits that are unaccounted for because there is not any data kept—so I don't think we have met the numbers. But I am willing to work with the chairman and the ranking member to determine how we can move in our next steps.

I will tell you and I do acknowledge that we're doing the work, but we don't have enough money to do all the work that we need to bring justice to women across this Nation.

I ask unanimous consent to withdraw the amendment and will work with the chairman and ranking member.

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

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 1 percent.

The Acting CHAIR. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Chairman, I bring this amendment forward tonight, just as I do every single year for these appropriations bills, because it is so important that we get the out-of-control spending here in Washington, D.C., under control. We all know that at this point in time, we are borrowing 40 cents of every single dollar that we spend. And as we look at this appropriations bill that is before us, we're talking about another $51.1 billion. So the amendment tonight makes a 1 percent across-the-board haircut. It would be $511 million.

Now I know all of the arguments. Since I have been doing these since I came to Congress, I know all of the arguments that I am going to have: Well, this is a carefully crafted bill. We have worked diligently on this bill. We have sought to get the costs down in these appropriations.

And I truly appreciate the diligence that goes into this. But I have to tell you, on behalf of the men and women that I represent, the mom and pop stores in my district—which are primarily run by mom at this point in time—on behalf of so many of our small farms, our realtors who are all cutting back more than 1 percent, more than 10 percent. Many have revenues that are off 25 or 30 percent. We need to require the bureaucracy to get in behind here and cut another penny.

It should be done for our children and our grandchildren. Indeed, if you want to look at what is happening to them, the share of the national debt for my two grandsons is $50,000 each. That is the burden that we are placing on them because we will not cut a little further. We will not reduce what the bureaucracy has to spend. We are not making the requirements of them that our companies and businesses and stores are having to make of the work that they do every single day.

Now we all know that across-the-board spending cuts work. We've seen them work in our States. We saw it work in Tennessee when a Democrat Governor went in and cut not 1 percent but 9 percent across the board. This is what you do when you want to get your spending under control. It's what we, as a body, should do to prevent DOJ activism because reining that in and preserving our Constitution is priceless. It is a step that we need to take and do that heavy lift. It is our job to be good stewards of the taxpayers' money. It is our job to make certain that we stop borrowing money and spending money that we don't have for programs that many of our constituents do not want and certainly our children and grandchildren do not want. It is time for us to make additional cuts into this budget. So I offer, again, the 1 percent across-the-board cut. It will make a $511 million reduction to the spending in this appropriation.

With that, I yield back the balance of my time.

Mr. WOLF. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I appreciate what the gentlelady said. Frankly, what we should do here is—I'll take the amendment tonight and support it, and we can reform Social Security. I mean, we gave Jimmy Buffett and Warren Buffett a big break on Social Security with the payroll tax. We literally bankrupt the Social Security system.

So if there is an amendment, I will take an amendment. If you want to take an amendment tonight, I will take it to close the loophole.

In 2010, everyone here who paid their taxes paid more taxes than GE. They fought 57,000 pages of tax reform. And they were one of the highest taxpayers in China. If you've got a GE taxpaying amendment, I'll take it tonight.

But every dollar is not the same. Let's cut Eric Holder more than we cut Director Mueller. Let's cut some climate issue over at NOAA, where nobody knows, more than we cut cyberterrorism. Let's cut something else rather than cutting the DA's backlog. To take it across the board is just not a good idea.

Across-the-board cuts—and I think the gentlelady had it right—really does kind of impact on the work that's gone on in the bill. It says $1 in one agency is just as dispensable and the same as any other agency. I agree with her that we've got to do everything we can.

I was one of the people here who supported Simpson-Bowles. I never signed a Grover Norquist tax pledge. I want to do whatever we can to deal with this issue. I want to put everything on the table. But now we're going through the appropriations process. And to go across the board, FBI and Eric Holder—if I had to make it, I would take $2 of Eric Holder and give $2 to Director Mueller, but not across the board. I urge a ''no'' vote on the amendment.

I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I want to commend Mr. WOLF for what he just said. I agree with him, and I think it's a violation of our oath of office to do as she has suggested. So I hope we can vote this down.

I yield back the balance of my time.

Mr. SERRANO. I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I rise to oppose the amendment and, in many ways, agree with Chairman WOLF.

When you present an across-the-board cut, it always sounds good. And, yes, I will say we've worked diligently on this bill, and it's been many months in putting it together.

But what's interesting in it is that every time you speak about an across-the-board cut, people get excited, and they say, Boy, that sounds good. But these days, those cuts don't hold the same strength that they used to hold in the past because in the past, there were times—and I was part of it, and so were many people on that side—when we felt that we had to grow some accounts.

So one could argue that a 1 percent or a 2 percent or a whatever percent cut taking place made sense. But it's interesting to note now—and I wonder how many people who would present these amendments know that these budgets, these bills that come before you, have been cut dramatically already. Last year and this year, they've been cut dramatically. The allocations given to the subcommittees to put together these bills are not the allocations of the past. There isn't a single bill on the floor—perhaps Defense, the only exception—that is really growing the budget. On the contrary, it's a cut and a cut and a cut.

So the bigger question is, at what point does it end? At what point do we feel that we don't need a government, that we don't need a budget? Will zero be satisfactory to people who want to cut? Zero, not spend a single penny in the Federal Government? This bill, as presented by Mr. FATTAH, by Chairman

WOLF, by the leaders of this subcommittee and this committee, is not a bloated bill. It is a streamlined bill. So it's easy to stand up and say, another 1 percent, another 3 percent, another 5 percent. But where does it end?

□ 2240

At what point do we say that we have a responsibility to fund a government, understanding what people are living through and understanding what we must do for the American people?

But we can't destroy every agency, and that's what these cuts do.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. I just want the House to be aware that this would be a cut in the FBI budget of close to a hundred million dollars. There will be a cut to the DEA. We just had a major incident in which the Federal Government and our law agencies are working right now involving a mother and three children from Tennessee, where there's been a murder and kidnapping and trying to track these people down.

The idea that cutting a dozen agents doesn't affect our ability to apprehend criminals or to protect the public, I think, really would be malfeasance on the House to just pass an across-the-board cut. If you want to cut an amount of money, let's examine where you want to cut it at. But it's very easy to come and just say, Well, let's slash across the board.

It is true that we've held lots of hearings. It is true that we visited with our law enforcement agencies. I've been out to the counterterrorism training center. I've met with Director Mueller. This will be a cut that has an impact.

So this is not frivolous, and the House Appropriations Committee has the responsibility of figuring out what needs the Nation has that need to be funded. It is the Ways and Means Committee, under our Constitution, that is supposed to figure out how to pay for it.

I don't hear anyone running to the floor asking for an across-the-board tax increase because they see that as being onerous, but to cut FBI agents who are in hot pursuit of criminals, we think that's fine.

I think it's wrong. I ask that we oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that I be permitted to request a recorded vote on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACK).

The Acting CHAIR. Is there objection?

Without objection, a recorded vote is requested on the amendment offered by Mrs. BLACK of Tennessee.

There was no objection.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount appropriated or otherwise made available by this Act, other than an amount required to be appropriated or otherwise made available by a provision of law, an amount made available under the heading ''United States Marshals Service'', an amount made available under the heading ''Federal Bureau of Investigation'', or an amount made available under the heading ''National Aeronautics and Space Administration'', is hereby reduced by 12.2 percent.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Thank you, Mr. Chairman.

I listened very intently to the debate on the last amendment, and we have an amendment that actually cuts more than just Mrs. BLACKBURN's 1 percent. I listened very carefully to what my dear friend from Virginia, whom I have the utmost respect for and what he was saying, and I do have a tremendous respect for him and hope with my amendment his blood pressure won't go up.

This is a very straightforward amendment. It would simply reduce the overall sending for much of the underlying bill by 12.2 percent.

It's no secret that we as a Nation are facing an economic emergency. Entitlement spending remains out of control; discretionary spending continues to grow; and should the President's health care plan, God forbid, be upheld by the Supreme Court, we could be facing the largest expansion of Federal Government spending in recent history and the greatest attack upon our freedom.

While the budget passed by the House last month would rein in government spending, it would take decades for it to be balanced. Mr. Chairman, we don't have decades to wait around for this budget—which is far better than the President's request—to right our fiscal ship.

During the budget debate, 135 House Members joined me in supporting the Republican Study Committee's budget substitute, which prioritized spending in such a way that it would have balanced in just 5 years. I'm not sure we have 5 years, Mr. Chairman, but the Republican Study Committee's budget would balance in 5 years.

The RSC budget represents a realistic view of the dire situation we're facing and the tough choices which must be made to get our Nation back on the right track fiscally. However, this view isn't for the faint of heart. The RSC budget would have reduced the 302(a) allocations relative to those seen in the underlying bill by 24.4 percent.

My amendment is meant to be a compromise. I'm here to be a compromiser tonight, a halfway point between the level approved in the House-passed budget, which is used in the underlying bill, and the level recommended by the RSC and supported by over 100 Members of this body.

My amendment would also exempt the U.S. Marshals Service. It would exempt the FBI and NASA. It would allow these agencies to continue to further our national security objectives.

It is long past time to get serious about our fiscal situation, and my amendment would be a profound step toward getting Federal spending under control.

I urge support of my amendment, and I yield back the balance of my time.

Mr. WOLF. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. This would be great news for the prisoners in prison because it would cut the prison system by $600 million and we'd have to let a lot of people out of prisons or we couldn't operate them. But I commend the gentleman. He's been very consistent throughout the night. I think this would be an impact on DEA probably in the rage of $200 million, when we think of the drugs coming into the country.

So, while I appreciate the gentleman's compromise spirit of taking it down from 25 percent to half that, I urge a ''no'' vote on the amendment, and yield back the balance of my time.

Mr. FATTAH. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. I was trying to figure out if we cut 12 percent of the weather satellites budget, how would the satellite actually function with 12 percent less of its capacity?

We have, in Georgia, which the gentleman is from, and from many of our others States the most severe weather that the country has ever seen over the last 20 months. We've had more billion-dollar-plus incidents than we've ever had. And when we have forecasting through our satellite systems that we're launching through the Weather Service, we actually save lives and money by being able to delineate exactly where the storms or tornadoes or

hurricanes are going to hit. And it takes time to be able to evacuate people and the like.

So his cuts to the National Weather Service under this 12 percent approach, especially with exempting certain agencies, would have a disproportionate effect. And I think that for farmers and for others, the lack of weather information would be very problematic in our economy and would actually threaten lives.

So I would reject this amendment. I thank the gentleman for offering it. I hope the House has the wisdom to also reject it, and I yield back the balance of my time.

□ 2250

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Chairman, I had intended to offer an amendment regarding the civil rights division, and recognizing the structure of the amendment, I chose to raise a point of concern, as I did with the date rape, and I look forward to working with the chairman and the ranking member, particularly on the date rape backlog that I believe is epidemic across America.

But in looking at the appropriations bill, I noticed $40 million, 4 percent less than requested, for certain areas in the Justice Department which would include the solicitor general, the tax division, the criminal division, civil division, but more importantly, the civil rights division. And it is well important to recognize how valuable civil rights are to Americans. No matter what your political perspective, there is always someone raising the point, I don't want my civil rights violated.

And so obviously, as I have interacted with the civil rights division, particularly as they are engaging in the results of the discrimination in lending and foreclosures, a large responsibility, particularly looking at the impact of subprime mortgages, and as they look at the enormity of voting rights, and we have had a siege of attacks with voting ID laws passed across America. And one would argue there is nothing wrong with voting ID laws, and you are absolutely right. But when they have been determined to impact minorities in a discriminatory fashion, then it is sad when the civil rights division may be limited in funding.

In the State of Texas, for example, our State law has been ruled invalid under section 5 of the Voting Rights Act because it discriminates against Hispanics, African Americans, and even the elderly, based upon the requirement of getting a photo ID from the Department of Public Safety. It is not the fault of the Department of Public Safety, but those officers are not located in many places where communities of color live, and, therefore, they are disproportionately impacted in being prevented from having the right to vote.

We have gone through many States' redistricting, and in some instances those cases have gone before the Department of Justice and the Federal court.

So civil rights, I am well reminded that it was the civil rights department of both the Kennedy administration and the Johnson administration that came to the aid of civil rights leaders and activists, particularly in the 1960s under the Johnson administration. On occasion, they had to be rescued by the Department of Justice.

And so I raise great concern when we find ourselves in a place where we would cut those funds such that they might impact the rendering of justice. It is well known that we have tough times, but I hope that as we make our way through the Congress, that we will find that it is important that we ensure that the funding that is rendered to the particular group of lawyers that come to the defense of civil rights of all Americans, that we ensure the full funding of that particular subset of the division under the Department of Justice.

And so my intent would be to add this comment to the RECORD, and with that I yield back the balance of my time.

AMENDMENT OFFERED BY MR. SOUTHERLAND

Mr. SOUTHERLAND. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to develop, approve, or implement a new limited access privilege program (as that term is used in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a)) that are not already developed, approved, or implemented for any fishery under the jurisdiction of the South Atlantic, Mid-Atlantic, New England, or Gulf of Mexico Fishery Management Council.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. SOUTHERLAND. Mr. Chairman, the Southerland-Grimm amendment prohibits funds in the CJS Appropriations Act from being spent on limited access programs otherwise known as catch shares. Ladies and gentlemen, what I'm referring to here is nothing less than a battle to prevent freedom in our oceans. I want to make sure that I am very clear that our amendment only addresses the New England coast, the South Atlantic, the Mid-Atlantic and the Gulf of Mexico. I also want to make sure that it is clear that this amendment only deals with new annual catch limits, not any old programs that are currently in place.

Catch shares are no different than any other inside-the-Beltway style tactic determined to destroy American freedom. By capping the amount of fish that may be caught annually——

Mr. DICKS. Will the gentleman yield?

Mr. SOUTHERLAND. I yield to the gentleman from Washington.

Mr. DICKS. I have been here since the Magnuson-Stevens Act was enacted. Catch shares are done by local councils of fishermen. It doesn't come out of Washington, D.C. Every region of the country has a regional group, and they determine what these catch shares should be. This is not an implemented program from Washington, D.C.

I mean, the gentleman at least owes it, at 5 minutes to 11, to give an accurate description of this amendment and this program, which is a program that many people, especially on the West Coast, by the way, think is a good program that's helping us protect the fishery.

Mr. SOUTHERLAND. Reclaiming my time, in an attempt to answer your question, while you were here since Magnuson-Stevens, my family was continuing 200 years of living on the coast in the Gulf of Mexico. So though I respect your time here, we were there experiencing the crushing impacts of what catch shares do.

Mr. DICKS. Isn't the local group down there in your area making the decision?

Mr. SOUTHERLAND. Reclaiming my time, I want to make it very clear that this amendment does not affect the West Coast.

Mr. DICKS. Oh, I know that. First the East Coast and then the West Coast.

Mr. FRANK of Massachusetts. Will the gentleman yield to me to help support his amendment? I am in support of the gentleman's amendment. Will the gentleman yield to me?

Mr. SOUTHERLAND. They are welcome to get their own time, Mr. Chair, so I would like to finish my statement.

The Acting CHAIR. The gentleman from Florida controls the time.

Mr. SOUTHERLAND. It is very clear that these catch shares in the bodies of water that I made reference to are an effort by a select group to take away the individual fishing rights of individual citizens and to implement a cap-and-trade system where fish are traded like a commodity. The only problem, the American people own this natural resource. This is not like a crop where a farmer has planted this in a field. And so I want to be very clear that this does not affect any existing programs. It just says that no dollars may be used for new—new—programs.

I would like to submit for the RECORD this extensive list of organizations and associations that represent tens of thousands of fishermen, commercial, boats for hire as well as individuals.

I yield back the balance of my time.

THE LIST BELOW REPRESENTS THE VAST MAJORITY OF THE WORKING AND RECREATIONAL FISHERMEN OF THE GULF OF MEXICO

National associations

National Association of Charterboat Operators, Recreational Fishing Alliance, Food and Water Watch.

Regional associations

Southeastern Fisheries Association, Southern Offshore Fishing Association, Fishing Rights Alliance, America Alliance of Fishermen and Communities.

State associations

Florida: Florida Keys Commercial Fishermen's Association, Florida Guides Association, Organized Fishermen of Florida.

Alabama: Alabama Seafood Association.

Louisiana: Louisiana Shrimp Association.

Texas: Recreational Fishing Alliance, Texas Chapter; Texas Shrimp Association.

Local associations

Florida: Panama City Boatmen Association, Marco Island Charter Captains Association, Pensacola Charter Boat Association, Pensacola Recreational Fisherman's Association, Islamorada Charter Boat Association, Destin Charter Boat Association, Key West Charter Boat Association, Organized Fishermen of Florida, Marathon Chapter, SFA East Coast Fisheries Section, Directed Sustainable Fisheries, Inc.

Mississippi: Mississippi Charter Boat Captains Association.

Texas: Port Aransas Boatmen, Inc., Coastal Bend Guides Association.

Seafood dealers

Florida: Greg Abrams Seafood, Water Street Seafood, Key Largo Fisheries, Raffield Fisheries, A.P. Bell Fish Company, Inc., Star Fish Company of Cortez, Inc., Madeira Group, Inc., Pelican Seafood, David Barber Seafood, Seafood Atlantic, Kings Seafood, Madeira Beach Seafood Co., Saveon Seafood Co., Stokes Fish Company, Sunnyland Seafood, RS Enterprise, #1 Discount Corner, Blendedin, Inc., Capt. Alex Seafood, Capt. Eddie's Seafood, Inc., Gary's Seafood Specialties, Inc., Hull's Seafood, Mermaid Foods, Inc., A.M Fishing Products, Starboard, Inc., Dixon Seafood, John Mantia & Sons, DFI Seafood, Fortune Fish Co., Nachman's Native Seafood, Seacore Seafood Inc., Sea Farms Inc., Billy's Stone Crab, MB Seafood Company, Inc., Cape Canaveral Shrimp Co., Wild Ocean Seafood Market, Top Tuna, Inc.

Alabama: Bryant Seafood, ABC Sport Fishing, Anna's Seafood, Bryant Products, Fish Bones, Get Seafood, JD Seafood, PJ Seafood, Ranch Seafood, Safe Harbour Seafood, Wallace Seafood Trader, Z-Packed Seafood,

Mississippi: Clark Seafood.

Louisiana: Dean Blanchard Seafood, Sharko Seafood Intl, Inc., Griffin Seafood.

Bait and tackle shops

Florida: Fishermens Ice and Bait.

Restaurants

Florida: Rusty Belly Restaurant, Dixie Crossroads Seafood Restaurant, Captain's Table.

Marinas

Florida: Hubbards Marina, Captain Anderson's Marina, Smith's Yacht Basin, Madeira Marine Services, Mexico Beach Marina.

Texas: Woody's Sport Center, Fishermen's Wharf.

Marine support businesses

Duys Marine Electronics, Watkins Oil Company, Inc., Addictive Bottom Cleaning, The Grove of Mexico Beach, Sun Dance Realty, The Shell Shack, Emerald Coast Jewelry, Frost Pottery Garden, Shoreline Styles, Iveys Nail Spa, Catheys Ace Hardware, Parker Realty of Mexico Beach, The Driftwood Inn, El Governor Hotel, Toucans Restaurant, Metcalf Electric, Forgotten Coast Property Management and Rentals, Gulf Foods of Mexico Beach, The Trading Post Cape San Blas, Beach Barber Shop, Harmon Real Estate and Rentals.

Fishing vessels

Florida: Sea Leveler Charters, FN Sea Leveler, F/V Out Of Hand, F/V Zora, Sea Aye Charters, Bottom Dollar Charter Fishing, F/V Bottom Dollar, Jodie Lynn Charters, F/V Capped Off, Cool Beans Fishing Charters, F/V Leo B, F/V Daytona, FN Crosswinds, F/V Raw Dog, Floridaze Adventures, F/V Michelle Marie, F/V Honey Bee, F/V Miss Rita F/V Villager F/V Sea Cat F/V Guardian F/V Bluewater I F/V Taurus F/V God's Grace F/V Gulf Search, F/V Bandit II, F/V Cando, F/V Kingfisher, F/V Crabco, F/V Trevco, F/V Careless, F/V Miss Vicki, F/V BNB, F/V Johnny O, F/V Mary L, F/V Redman, F/V Overkill, F/V Miss Kim, F/V Daniel 1, F/V Galilee, F/V Hard Times, F/V Capt AL, F/V Bird Dog 1, F/V Miss Irene, F/V Benjamin K, F/V Round Tuit, F/V Barbara J, F/V Petes Dream, F/V Cynthia J, F/V Life Force, F/V Miss Beth II, F/V Gale Force, F/V Rachel J. Belle, Inc., F/V Lisa M. Belle, Inc., F/V Kalije Belle, Inc., F/V Karen J. Belle, Inc., F/V Savannah Belle, Inc., F/V Liberty Belle, Inc., F/V Sea Hawk, Inc., F/V Blendedin, Inc., F/VJessie B. Bell, Inc., F/V Rebel, Inc., F/V She's A Belle, Inc., F/V Thunder Belle, Inc., F/V Joanne, Inc., F/V Mystic 1., Party Boat Capt Anderson, F/V Leo Too, F/V Aegeus II, F/V Scat II, F/V Flash, F/V Tar Baby, F/V Full Circle, F/V Charisma, F/V Bottom Line, F/V Arrowhead, F/V Wild Catch, F/V Top Tuna, F/V Phat Kat, F/V Four O's, F/V Pirates Pride, F/V Fish Trap, F/V Prescription, F/V Onna Bender, F/V Miss Tracy, F/V Miss Sierra, F/V Captain's Table, F/V Captain's Table II, F/V Big Catch, F/V Second Wind, F/V Patriot, F/N Prowler, F/N Big Chief, F/V Down Easter, F/V Neil L, F/V Out Of Hand, F/V The Obsession, FN Sea Leveler, F/V Relentless II, F/V Point Blank, F/V Tight Work, F/V Tiburon, F/N Night Quest, F/V Sea Wrangler, F/V Crusader, F/N No Limit, Mexico Beach Charters, F/N Miss Mary, F/V Nauti-Dogg, F/V Calamari Express, F/N Big Time, ACME Ventures Fishing, F/V Wile E Coyete.

Alabama: F/V Alexandra Pearl, F/V Angela C, F/V Appalachian Girl, F/V Datt Parker, F/V David's Pride, F/V Debra Lee, F/V Dirty White Boys, F/V Diversifide, F/V Emily Ariel, F/V Erica Lynn, F/V Escape, F/V Eunice Lemay, F/V Fairplay, F/V Free-N-Deed, F/V Kala Michelle, F/V Kimberly Ann, F/V Mama Sharon, F/V Miss Ann, F/V Miss Loraine, F/V Nixie, F/V Open Sea, F/V Qwest, F/V Sea Weed 2, F/V Seaman Pride, F/V Southbound, F/V WBS, F/V Wild Dream Two, F/V Gladiator, F/V Liberty, F/V Day Break, F/V Posidon, F/V Lucky Nam, F/V Thuy Trang, F/V Gladiator IV, F/V Fellowship, F/V May Flower, F/V Miss Amy, F/V Miss Jennifer, S/F/V LA8283FJ, S/F/V LA8373FP, F/V Lucky Star, S/F/V LA3032CA, F/V Blue Fin, F/V Blue Fin II, S/F/V LA7411FD, S/F/V LA4611CA.

Mississippi: Party Boat Silver Dawn III, Party Boat Happy Hooker, Party Boat Kessler Dolphin II, Party Boat Skipper, Party Boat Miss Hospitality.

Texas: Party Boat La Pesca, Party Boat Dolphin Express, Party Boat Osprey II, Party Boat Osprey, Party Boat New Buccaneer, Party Boat Texas Cavilier, Party Boat Big Thunder, Party Boat New Pelican, Party Boat Gulf Eagle, Party Boat Kingfisher, Party Boat Adventurer, Party Boat Scat Cat, Party Boat Wharf Cat, Party Boat Dolphin.

Fishermen

Florida: Alan Coe, Jason Whitaker, Donna McRoberts, Louis Michael Primicero, Andrea Fitzwater, Steven E. Brand, Emily Klizek, Roberto Ramirez, Damian Martinez, Carl Barquist, Samantha Cobb, Libia Paulino, Alex Burr, Jennifer Jette, Rian Busse, Stan Mickle, Antonio Giambanco, Herb Sullivan, Capt. Albert Quatraro, Ron Rincones, Brock Anderson, Robert Johnson, Charter boat teaser, Inc, mark brown, sc, Capt. David Grubbs, Capt Tim Fletcher, Bill Houghton, Sam Chavers, Rusty Hudson, George Armexy, Robert Roberts, Mitch Rice, Gary Reed, Daryl Reed, Alex Mallieis, Matt Mallieis, Danny Fiddler, Mike Cardin, Mark Raffield, Tim Chaiffin, Capt. Thomas M. Coleman, Billy Moore, Noah Gibson, Scott Woods, Scott Tubb, Homer Jones, Joseph Mims, Matt Mayfield, Joshua Sprinkle, Shane Schoon, Jim Bonnell, Darrell Knepp, David Johnson, Shawn Watson, Mark Dube, Tim McGrath, Jeff Ursery, Capt. Brian Holland, Capt. Dave Malouf, Capt. Brian Spaeth, Capt. Steve Thoristeem, Capt. Jason Kossert, Capt. Bob Spaeth, Capt. Sam Nastari, Capt. Butch Hewlett, John Stalides, Kirk Stewart, Russell Boats, Mike Nichols, Ed Duller, Rich Castellano, Martha Lee Beneduci, Al Dopirak, John Cox, Capt. Mitch Gale, Joe Pillsbury, Capt. Gary Nichols, Capt. Kelly Nichols, George Gieger, former SAFMC member from FL, Jerry Andrews, Capt. Robbie Fuller, Capt. Bobby Fuller, Mark Hubbard, owner 3 party boats in John's Pass, FL, Greg Abrams, Walter Bell, Karen Bell, former GMFMC member, Karl Lessard, former GMFMC Member and Chairman from FL, Jerry Sansom, Executive Director OFF, Capt. Tim Daniels, Capt. Ernie Piton, Capt. Bobby Pillar, Capt. Billy Niles, Capt. George Niles, Capt. Jason Yarbrough, Capt. Josh Nicklaus, Capt. Vicki Gale, Capt. Jeff Cramer, Steve Reis, Capt. Johnny Brown, Capt. Bob Zales, II, Keith Bowan, Mason Bowan, Tom Adams, Larry Jones, Chip Blackburn, Jimmy Hull, Dewey Hemilright, Jim Busse, Capt. James Turner, Andrea Vautier, Capt. Chuck Guilford, Mike E. Schnurbusch, Thomas Moors, Joshua McCoy, Duane Grove, Sherri McCoy, John Tobeyyansen, Fred Collins, Alvin Sanders, Mel Miller, Stewart Miller, Waylon Mills, William Mills, II, Hubert Potter, Marty Scott, Johnny Brown, Patrick Putslow, William Wamble, Chris King, Richard Turner, Mark Raffield, Danny Fidler, Mike Carden, Milton Alexander, Gary Key, Tim Chaffin, Anthony Chiodo, Kristy Chiodo, Doug Wiggin, Don Harper, Laura Harper, John Amick, Freddie Knowles, Donnie Harper, Danny Harper, Russell Stewart, III, Mike Moore, Trey Helms, Sherrie Hook, Kristy Miller, Stephenie Oberst, Maria Adams, William Hanson, Allen Byrd, Angelo Petrandis, Mitch Holman, Carolyn Holman, Pat Floyd, Jarvis Olson, Jeffrey Long, Zak McCool, G.P. Floyd, Chris Bucalo, Holly Stricker, Robert Wemple, Paul Cavanaugh, Raymond Zakaluzny, Kenny Evans, Ralph Neil Logan, James A. Reeves, Erica L. Anson, Barrett Colby, Tony Goiillo, Jimmy Reeves, James Capiti, Brent Hancock, Stan Mitchelle, Scott Bussen, Andy Fish, Johnny Fish, Greg Rapp, Dustin Rapp, Robbie Knapp, Billy Knight, Joe Palermo, Frank Booth, John Miller, Mike Egner, Leonard Gero, Nichole McCoy, Jimmy Shick, Chip Blackburn, Nate Odum, Henry Hauch, Matt Wegner, John Tendler, Carol Tendler, Sally Childs, Bill Fauth, Teresa Hunter, George Hunter, Marie Stephens,

Dena Frost, Jay Frost, Tracy Wilson, Lionne Fulk, Ivey Chapman, Helen Laplante, Duane Wrona, Al Cathey, Lee Cathey, Cathey Parker Hobbs, Ralph Hobbs, Maurice Bosstick, Curtis Cain, Gary Carlton, Fred Buskins, Capt. Dick Swikert, Diane Wallace, Nancy Compton, Jim Compton, John Rand, Shawna Wood, Amy Haag, Peggy Wood, B. J. Shaw, Teresa Lineberger, Wiley Petty, Scott Gordon, Jay Metcalf, Teresa Carlton, Candi Daniel, Capt. Luke Daniel, Capt. John Wilson, Lisa Guilford, Andrew Wyrosidick, Nike Wyrosidick, Ike Godwin, Todd Godwin, Michelle Catrett, Chris Hubbard, Ryan Harmon, Michelle Corbel, Randall Cowan, James Stanley, Jerry Metz.

Alabama: Cindy Adams, Lea Adams, Steven Adams, Tim Adams, Bruce Alexander, Phillip A. Alexander, Tracy Allen, Mark Averitt, Darlene Baird, Jason Baird, Shane Baird, Mellisa Bartholomew, Scott Black, Josh Blackwell, Terry Boyd, Kevin A. Brannon, Phillip Brannon, Beth Bryant, Glen Bryant, Robert L. Bryant, Brent Buchanan, David Buchanan, Jimmy Lewis Buckley, Jerry Burleson, Teddy Jerome Bussie, Gilbert Calloway, Jennifer Calloway, M. C. Calloway, Shelby Calloway, Mike Cassey, Joe Carver, Doug Coleman, Barry Collier, Mark Collier, Richard M. Collier, Sean Collier, Troy Cornelius, Billy Cunningham, Larry S. Davis, Douge Duvall, William Eddins, Mitch Fore, Jack Gaines, David Grazzier, Joseph Anthony Nelson, II, Justin Nelson, Lloyd Nielson, Mathew Noel, Paul Noel, Tommy Phillips, Trung Phan, Urban Poole, Charles Pope, Timothy E. Rice, Ron Rifley, David Roberts, David Rogers, David Rogers, Jr., Robert Rutledge, Noah Gibson, Ted Clark Gillespie, Bernnie Ray Goldman, Ann Marie Guidroz, Beth Guidroz, Clay Guidroz, Clayton Guidroz, Jr., Renay Guidroz, Mathew Haidt, Willie Harris, Deral Holeman, Robert Neal Horton, Wendall A. Howerin, Jan Isham, Connie Johnson, Daryl Ray Johnson, Zeb Jones, Farrell Ryan, Shawn Ryan, Eathan Saunders, Harry Saunders, Kevin Saunders, Jr., Kevin Saunders, Sr., Sebastian Saunders, Polly Saunders, Alan Savell, Jeremy Schoon, Thurman Seaman, Randy Shutt, David Simms, Jr., David Simms, Sr., Robert Sprinkle, Vernon Steele, James Stewart, Homer O. Ladnier, Kieth Ladnier, Chris Laforce, Joseph Laskey, Mark Lewis, Julia Lochrico, King Marchand, Lane Moralis, Terry Moralis, Clayton Morgan, Harry Mund, Bradley Murph, Alvin Nelson, Allen Still, M.L. Strange, Glenn G. Swift, Brian Swindle, Claude Teed, Chuck Turner, Richard Turner, Tyler Vantt Hoff, Cecil Wainwright, Angela Wallace, Blake Wallace, Brent Wallace, Brittan Wallace, Bruce Wallace, Eddie Wallace, Erin Wallace, Heather Wallace, Violet Wallace, Bobby Wescovich, Stacy Wester, Roy White, Bryan Wilkerson, Deloyd Williams, Greg Williams, Martin Young, Brent Zirlott, Jeremy Zirlott, Simon Zirlott, Kim Vo, Amy Vo, Khai Nguyen, Khanh Nguyen, Chuc Nguyen, Dung Nguyen, Nam Nguyen, Chau Kha, Ai Tran, Mang Sov, Minh Chau, Anh Tran, Van Tran, Tuan Tran, Jay Trotter, James Braddock, Frank Kruth, Thi Lo, Lien Nguyen, Nam Truong, Hong Truong, Smay Son, Tiet Thach, Glenn Bryant, Pete Barber.

Mississippi: Jay Trochesset, James McClellon, James Young, Tom Becker, Kenny Barhanovich, Phil Horn.

Louisiana: Clint Guidry, President LA Shrimp Assn.

Rhode Island: Tina Jackson, President AAFC.

Texas: Michael Hall, Phil Calo, Ed Schroeder, Kelly F. Owens, Mary Ann Heinmann, Bobby Grumbles, Paul Dirk, Capt. Mike Nugent, Mike Holmes, Ed Schroeder, Tom Hilton, Glenn Martin, Former Mayor Port, TX, Bobby Grumbles, Hefner Appling.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I've got a letter and let me read you this letter because I think it really picks up what this program is about so that Members understand that this is a program that is going to help the fishermen, not hurt them:

We are writing to ask your continued support for the groundfish trawl program in the FY12 and FY13 National Marine Fisheries Service budget.

Today, a year after the implementation of catch shares in our fishery, things are beginning to improve. We are seeing higher prices for several key groundfish species. We have greater flexibility in when and how we fish. Discards are down dramatically. Gear innovation is on the rise. Fishermen, processors, fishery managers, and others are coming together to make this new program work. While the new management system will require ongoing improvement to maximize economic and biological performance, the early trends are positive.

As we continue into the second year of the catch share program, a fundamental challenge confronts us—observer and program management costs.

The high cost of observers—a key element of the catch share program—is a subject of deep concern to many of us. While over time we will assume more of these costs, we continue to require Federal assistance during the transitional phase to help support the cost of observers.

□ 2300

So here we have a group of people who think that this is the program of the future. It is decided upon by a regional council under the Magnuson-Stevens Act. Every region can make decisions that affect the fishery in their area. In our area of the world, this is highly regarded.

The gentleman from Alaska isn't on the floor, but he'll tell you the people up in Alaska on halibut, this has been a great salvation. We're protecting the lives of these people so they don't have to rush out, catch all their fish in 1 or 2 days. They have a share, and they can do it over a reasonable period of time. It adds safety to this program.

But the last thing it is is coming out of D.C. This isn't NOAA or NMFS. This is the regional council in the gentleman's part of the world, in the Northeast, on the Atlantic coast off of Florida. These regional councils, they're the ones that make the decisions.

I thought that our good friends on the other side were for authority being used at the local level. So I urge you all, do not buy into this amendment. We should defeat this.

By the way, the gentleman from Washington is the chairman of the Natural Resources Committee. The gentleman from Florida (Mr. SOUTHERLAND) is a member of that committee. If he's got a complaint, why don't you go to your own committee and work on it rather than coming here and screwing up an appropriations bill where we don't need riders, frankly. We appreciate your concern, but go talk to the chairman, and you guys sit down and write some laws if you can get them passed.

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

Mr. GRIMM. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. GRIMM. Mr. Chairman, I rise in support of my friend and colleague from Florida.

I represent an island. And I respect the letter that was just read, but I have to be honest, those that I'm speaking to in my district that have made their living for generations on the water disagree. I have been contacted by many of my constituents that have great concerns that this will hamper their ability to earn a living.

I want to add, when we talk about the economy and growing the economy and creating jobs, think about those that have a charter boat and they bring out people from all over that come and vacation and go fishing. Think of all the ancillary business that that brings—all of the hotels, all of the restaurants, all of the shopping that they do. I think that is also relative.

At this time, I'd like to yield to the gentleman from Massachusetts, who has been waiting.

Mr. FRANK of Massachusetts. I thank the gentleman.

I strongly support the amendment. The gentleman from Washington has the regional councils confused with the people who fish. There's a regional split here. If the people on the west coast are happy with this, good luck to them.

Here's what happened.

In the Magnuson-Stevens Act passed in the lame duck of 2006, we said that provisions that would provide for these kinds of limitations were to be voted on by the people in the fishery. There would have to be a vote of the people in the fishery. What happened was, in Washington, they decided that there were areas where they wouldn't get the fishermen to vote for it—maybe on the west coast, they would; on the east coast, they wouldn't. So they invented—Washington did—catch shares, which is a way to have exactly the same impact as what we have in the bill, but without a referendum. We went to court. The judge said, Well, you've got a good argument, but I've got to go with the administrator.

If this amendment passes, if the people in the fishery—the fishermen—want to vote for something that will, in effect, be catch shares, they can put it into effect. And if they vote ''no,'' it will be no.

The regional councils, they are not only fishermen, they are appointees. NMFS has had a major impact.

So let's be very clear: If you think the fishermen ought to be able to decide, that's what the law says. This catch shares is an invention to get around the law. If this amendment

passes, catch shares will not be around, but the law that we passed in 2006 that allows for the fishermen to vote if they want to implement it will still be there. If people on the west coast want it, fine.

Mr. DICKS. Will the gentleman yield? That's not what the amendment says.

Mr. FRANK of Massachusetts. No, excuse me. That is what the amendment says. The amendment says you can't have what they call catch shares. If it passes, you will go back to the underlying Magnuson-Stevens Act, which did come out of committee.

Do you know who amended the bill? Not here in the appropriations process, NMFS. If there are no catch shares, that means you can't do this without a vote of the fishermen. You will go back to the underlying statute, Magnuson-Stevens, which will say that if the people in the fishery want to vote for it, they can; otherwise, it doesn't happen.

I thank my friend for yielding.

Mr. GRIMM. In closing, I just want to say that I urge all of my colleagues to join me in supporting our fishermen and support this amendment.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. PINGREE of Maine. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. GRIMM said that he represents an island. I live on an island. I live in the heart of the fisheries in the State of Maine, and I join my colleagues in Maine in supporting this. I'm sorry to see my good friend from Massachusetts is in opposition, but it shows that there are differences in the fisheries. I guarantee you that the fishermen in my State would say this is not to circumvent the law; this is a law that is now working in our State and highly successful. This amendment would block the use of catch shares from managing our Nation's fisheries by superseding the Regional Fishery Management Council process set up by Congress.

I live in the heart of a district where people have lost a tremendous amount of fish and are looking for ways to make sure that they have a fisheries industry to pass along to their children and grandchildren. The sectors management system in Maine has done that; it has allowed innovative fishermen, like members of the Maine Coast Fishermen's Association, to manage their small business in a way that works best for them in their own way of managing it.

By having an allocation and the flexibility to fish on their own schedule—which I can tell you is far safer and far more profitable—fishermen can enter into contracts with processors and avoid the ''race to fish,'' improving their bottom line and their safety. And it's been proven over and over again.

Some Maine fishermen have even developed community-supported fisheries co-ops, which bring local fish to the tables of local consumers, strengthening our communities while getting fishermen a better price for their catch.

It is critical for coastal communities and working waterfronts that fishermen are allowed to utilize the best management tools for their particular fishery. Catch shares may not be the best option for every fishery, but that decision should be left to the industry, the management experts, and the scientists in their region where the fishery occurs.

In order to help our fishermen, we should be focused on improving the stock assessments, implementing cooperative research programs, addressing monitoring challenges, and ensuring fair enforcement. This amendment would do none of these things. Instead, it would take a critical management tool out of the toolbox to keep our fishermen on the water.

I urge my colleagues to join me in supporting fishermen by keeping all options available for wise fisheries management by opposing this amendment and sticking with the fishermen in the State of Maine who have found this highly successful—far more safe for the industry and much more profitable for them. Any other argument is just plain wrong.

Mr. DICKS. Will the gentlelady yield?

Ms. PINGREE of Maine. I yield to the gentleman from Washington.

Mr. DICKS. I have a letter here from the Atlantic Trawlers Fishing, Inc, the Associated Fisheries of Maine, and a whole bunch of other groups, and they say:

Dear Member of Congress:

Please don't micromanage our fisheries from Washington, D.C.

We represent thousands of hardworking fishing men and women from all over the country who want local fishermen to write the rules governing their fisheries instead of having Congress dictate them through an appropriations rider.

Through the Nation's primary fishing law, the Magnuson-Stevens Act, Congress has given regional fishery management councils made up of fishing industry representatives and others the power to write the rules governing fishing in their area.

But in a move that would tie the hands of local fishermen, Representative Steve Southerland recently sent a letter to the appropriators seeking a rider to the Commerce-Justice-Science appropriation bill that would prohibit the ''future development and implementation of new 'catch share' programs for any fishery under the jurisdiction of the Fishery Management Councils'' in certain regions.

Such a rider would prevent councils from eliminating command-and-control regulations that burden our small businesses, imperil our jobs, drive up our fuel costs, even put our lives at greater risk—

Shame on you. That was an edit, by the way.

—and often don't successfully conserve fish populations.

Although catch shares have proven successful in commercial fisheries around the world and in the United States (today, fully half the fish caught in U.S. Federal waters are under catch share management), they may not be right for every fishery. But that is a determination best made by the councils, which have local representation, not legislators in Washington, D.C. Congress micromanaging Federal fisheries through appropriations riders is big government at its worst.

□ 2310

Ms. PINGREE of Maine. Reclaiming my time, how much time do I have left?

The Acting CHAIR. The gentlewoman has 30 seconds remaining.

Ms. PINGREE of Maine. So just to be clear, the Catch Shares Program, as you've heard over and over again, suits the fishermen of my district. It serves them well. It brings about a tremendous amount more safety. When they had allocations, they had to go out whenever the day was, whatever the weather was. With catch shares they can make that determination on their own. They can get a better price for their fish.

If the Port Clyde fishermen were up this late, which I feel confident they're not, and they saw Congress debating the opportunity to take away this right that has been very successful for them, they would be shocked and angry and frustrated and down here tomorrow with their boats and their boots.

I yield back the balance of my time.

Mr. DUNCAN of South Carolina. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DUNCAN of South Carolina. I yield to the gentleman from Florida.

Mr. SOUTHERLAND. You know, what's amazing is I always hear stuff that's not true. I was very clear. The letter that my colleague, Mr. Chairman, read, clearly stated that it would eliminate programs, catch share programs currently in bodies of water all around America; and that's just not true. That's not what it says.

My amendment is crystal clear. New catch shares in New England, Mid-Atlantic, South Atlantic and Gulf of Mexico—that's four bodies of water.

Now, I also want to make it very clear that every time that opponents or proponents of catch share stand up they want to talk about commercial fishermen. And I have commercial fishermen in my district, and I'm concerned about our commercial fishing industry.

But I'm also concerned about the individual freedoms and liberties of the American people, and the proponents of the catch share program never want to talk about the individual rights and freedoms of the American people.

This is a public resource, a natural resource. This is not just for a small select group of commercial fishermen that are backed by very, very wealthy environmentalists to decide alone.

This is an issue that is worthy for the American people to speak on. And this is the people's House. And so I stand here, yes, as a Member of the people's House, but I also stand here as someone who's lived on the Gulf of Mexico,

as a family, for over 200 years. I know what I'm talking about.

And you just quoted something that was untrue, Mr. Chairman, and I have a problem with that. Geez.

Mr. DICKS. Will the gentleman yield?

Mr. SOUTHERLAND. I yield to the gentleman.

Mr. DICKS. This was from an east coast group of Atlantic fishermen. This wasn't west coast people. I quoted and I gave the title of the people who were——

Mr. SOUTHERLAND. I reclaim my time, sir. When the gentleman stood up he mentioned——

The Acting CHAIR. The gentleman from South Carolina controls the time.

Mr. DUNCAN of South Carolina. I reclaim my time, and I yield to the gentleman from Massachusetts.

MR. FRANK of Massachusetts. The gentleman from Washington is turning this on its head; and standing on your head is dangerous in any circumstances; but in the water, it's bad for your breathing.

What we have in the law are individual transferrable quotas. It was written into Magnuson-Stevens, and it does exactly what catch shares are supposed to do, with one difference.

The gentleman says Washington is micromanaging. No, it was the National Marine Fisheries Service that twisted the law. The law says they can do this for new ones. The gentleman's right, it doesn't disrupt anything. It allows them to do it subject to a vote of the people in the fishery.

I would say to my friend from Maine that may be what they think in Maine. I represent the fishing port in the United States that brings in the most money, and the people there want to be able to vote for themselves. They do not, as does the gentleman from Washington, identify the regional councils as the voice of the fishermen. They have a lot of complaints about that, including the NMFS intervention.

So this is the question. It is not whether or not we should have the system that the gentlewoman from Maine mentioned, whether or not you should be able to allocate and come together.

There is one point at issue here: should the fishermen themselves have to vote for it. In the Magnuson-Stevens Act, it said you can do any of that new if the fishermen voted it. The NMFS didn't like the notion of a fishermen vote, so they came up with catch shares and said the fishermen don't have to vote.

So all of the benefits the gentlewoman from Maine claims, everything else can be done. The difference is the gentleman from Washington apparently thinks the councils are fishermen. The councils do not, in my experience of 20 years of representing a large fishing port, represent the fishermen. The fishermen represent the fishermen.

And so the question is not whether or not we allow this kind of allocation in shares, but should it be subject to a vote of the fishermen, as the Magnuson-Stevens Act said, or should this wiggle room that NMFS came up with allow it to go to the council with NMFS people and others sitting on it, State officials sitting on it, as opposed to the fishermen.

So the gentleman's amendment is very clear. It will allow those kinds of allocations. It would allow any of those things. It allows everything that you get in catch shares, except it calls them individual transferrable quotas, as it did in the law, not catch shares; and it's subject to a vote of the people in the fisheries.

That's the sole issue here in this amendment: should the people who are the fishermen themselves be able to vote on this, or should NMFS be able to tell the council and the council should be able to do it.

Mr. DUNCAN of South Carolina. Reclaiming my time, I appreciate the gentleman from Massachusetts lending his voice to this debate in favor of it.

I yield to the gentleman from Florida.

Mr. SOUTHERLAND. I'd like to thank the gentleman from Massachusetts. I agree with his comments.

Again, I want to be just very clear. I think that the amendment is crystal clear. I think that all Americans who believe——

The Acting CHAIR. The time of the gentleman from South Carolina has expired.

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. I rise in opposition to this amendment. This amendment affects fisheries under the jurisdiction of NOAA, as written in the actual amendment in the South Atlantic, Mid-Atlantic, New England, Gulf of Mexico fishery management council areas; and it prohibits these catch shares from any funds being used.

Now, I believe that the 15 Federal catch shares programs have worked well. I think that they have had a great deal of social, economic, and biological benefit. They deal with the essential challenge here, which is overfishing. And it also deals with some of the dangerous conditions related to kind of this race to fish, or derby kind of atmosphere because it creates some order. And order is useful, and is done at a local level.

Now, our committee is an appropriations committee. It is not the place for this to be worked out. This is not the hour for it to be worked out. But if the House has to take a vote on this, I think that we should understand our responsibilities in terms of stewardship here.

There's a difference between saying, well, it shouldn't be the regional council, it should be the fishermen and saying that there should be no funds of NOAA used to organize these catch shares. They're two different things. They are not the same.

So I join the gentlelady from Maine, I join my ranking member from Washington State, and I ask the House and I'll be asking members of my caucus to vote ''no'' on this amendment.

I yield back the balance of my time.

Mr. FARR. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I rise as a Representative from a great fishing community, Monterey, California. Many of you may have heard about Monterey because it was the sardine port of the world, the largest sardine port in the world; and it certainly was written about in Steinbeck's famous ''Cannery Row.''

We don't catch sardines anymore. They're all gone. We fished them all out, destroyed an entire industry. No programs there to help people in the 1950s when that whole Cannery Row closed down.

It took about 50 years to rebuild it as a tourist industry, but the sensitivities of all the Italian and Portuguese fishermen that were in that community are still there today.

We have a catch share program on the west coast, and people endorse it wholeheartedly.

□ 2320

I've been listening to this debate. Unfortunately, the debate hasn't really gone to the amendment. Let me read what the amendment is:

> None of the funds made available by this Act may be used to develop, approve or implement a new limited access privilege program.

It doesn't say anything about fishermen's votes or catch shares or anything like that. This is just taking a tool out of the toolbox and saying you can't even use it, that you cannot use it. There hasn't been a program developed, approved or implemented yet. So why are we trying to say you can't use any of these funds to go and do that? It's because the process is from the bottom up. That's the way it was worked out in all of these fisheries. So we're taking a meat ax to, really, a weak fish, a delicate fish. We're taking a meat ax to a delicate fish.

I think the process here of Congress is overreaching, and it is prohibiting a tool to be used to work out with local fishermen, which are all the things the gentlelady from Maine said. Fishermen want to be able to have certainty in that they can go out and fish within the quota. They don't want to have to go out, because the season is so short, when the storms are high—because that's the window—and risk their lives. They want to be able to have more. If all the fish are caught at the same time, the price for fish goes down. This way, you can spread it out. Then, as you've heard, revenue goes up for fishermen. They have a sustainability, and the fishery doesn't get pounded so hard. It can replenish itself.

There are all the good things in here that any farmer would tell you were absolutely logical in farming practices. So why wouldn't we want to apply that to farming the sea? You are using this amendment to say, before you even think about it, before you even discuss it, we're not going to allow you to even consider it. We're going to take the money away from the administration and prohibit it from doing it.

Don't leap before you look. It is not broken. It does not need to be fixed yet.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. SOUTHERLAND).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

Mr. LANGEVIN. I move to strike the last word.

The Acting CHAIR. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Chairman, I rise in opposition to language included in the FY13 Commerce-Justice-Science appropriations bill that strips the Justice Department's authority to implement accessibility standards for swimming pools under the Americans with Disabilities Act, which was an amendment offered and discussed earlier this evening.

As cochair of the bipartisan Disabilities Caucus and as a person who has lived with a disability for over 30 years, I am very troubled by any attempt to weaken the ADA. However, I am even more surprised to see such language included in an appropriations bill used to fund the Federal Government.

In 2010, the Department of Justice issued regulations requiring that public and commercial pools be made accessible by either a ramp or a fixed pool lift. This rule was intended to break down one of many barriers to recreational activities that people with disabilities face. I understand that some businesses, such as hotels and motels, believe that meeting these requirements would impose an undue cost burden, so I would like to take a moment to dispel some of the misunderstandings that have formed around this issue.

The Justice Department's regulation only requires existing pool facilities to satisfy the accessibility standards if it is ''readily achievable,'' which simply means that it is ''easily accomplished and able to be carried out without much difficulty or expense.'' This has been the governing legal principle of the ADA since its passage 22 years ago. It ensures that businesses are given the flexibility to determine whether they have the resources to make accessibility improvements rather than requiring a one-size-fits-all approach; and contrary to some misconceptions, individual parties cannot sue to get money damages as a result of noncompliance.

It is also worth pointing out that this is not a last-minute regulation rushed through by any one administration. The United States Access Board first adopted pool access standards in 2002 and incorporated those standards into its ADA Accessibility Guidelines in 2004. This rule applies those same standards to the 2010 regulation at issue, and businesses have had 18 months to prepare and give feedback on this rule. In fact, they were recently granted another 2-month extension to delay implementation until May 21, 2012.

I recognize the challenges facing many small businesses, so I feel it is important that regulations do not impose an undue burden on them. However, if this language to strip the DOJ's authority is approved, a burden will be borne by people with disabilities everywhere—whether they are trying to access commercial pools or public pools like those run at State and local recreation facilities.

Swimming is a recreational activity that provides numerous social, physical, and medically therapeutic benefits; and it has played a crucial role in the rehabilitation, overall health and increased quality of life for millions of people with disabilities, including our injured military servicemembers and disabled veterans who participate in adaptive sports and recreational swimming as a means of fitness, inclusion, and empowerment. Many veterans service organizations and disability rights groups have expressed as much in letters opposing this language, including Disabled American Veterans, Iraq and Afghanistan Veterans of America, Jewish War Veterans, VetsFirst, in addition to the National Council on Independent Living, American University Centers on Disabilities, and the Consortium for Citizens with Disabilities, which encompasses many additional disability, health and veterans groups.

Mr. Chairman, this language sets a dangerous precedent for civil rights enforcement, and it would mark the first time that Congress has weakened the enforcement of the ADA. So I ask my colleagues to oppose this language in any final bill that is conferred with the Senate. Once you pull that thread, you risk unraveling the protections of the most important civil rights bill for people with disabilities as well as that which binds us all together in a higher calling of equal rights for all.

I yield back the balance of my time.

ASSOCIATION OF UNIVERSITY CENTERS ON DISABILITIES,
Silver Spring, MD, May 7, 2012.

DEAR REPRESENTATIVE: On behalf of the Association of University Centers on Disabilities (AUCD), I am writing to urge you to oppose Representative Carter's amendment to the Commerce, Justice, and Science Appropriations Bill that would prevent the Justice Department from using its funds to enforce the ADA regulations to increase access for people with disabilities to swimming pools.

On March 15, the 2010 Standards for Accessible Design went into effect, setting accessibility requirements for built-in facilities including swimming pools. These standards were adopted as part of the revised regulations for Title II and Title III of the Americans with Disabilities Act of 1990 (ADA). Unfortunately, the regulations were met with strong opposition by the hotel industry due to a misunderstanding as to what they require and the ''readily achievable'' standard the ADA applies to ensure reasonable enforcement.

The readily achievable standard has been supported and recognized by the business community since the passage of the ADA in 1990. The standard, since its inception twenty-two years ago, provides the Justice Department with flexibility to determine what is achievable based on a covered entity's particular circumstances, and to prevent the Department from applying a rigid one-size-fits-all standard. In the case of the accessibility regulations for pool lifts, therefore, if it is too costly or burdensome for a small, family-owned business to install a fixed pool lift at their facility, the new regulations do not require that they do so. Furthermore, pool owners that fail to comply with the regulations are not subject to large damage awards largely in part to the fact that individuals cannot obtain money damages against hotels for violations of ADA's accessibility requirements.

The hotel industry has known about this issue for a decade, and has participated in every step of the way. They were given 18 additional months (past the publication of the finalized rules in September 2010) to prepare before the standards went into effect. As a result of the forgoing built in protections in the ADA, this amendment is not needed to protect small hotel owners.

Additionally, it is crucial to understand, that access to swimming pools is important for people with disabilities—it helps them participate in their communities, spend time with their families and, for many, is a critical means of exercise and maintaining good health.

If Congress intercedes by passing this amendment, we fear a dangerous precedent will have been set that could chip away at other provisions of the ADA. The final rule was the result of an extensive regulatory process that provided ample opportunity for participation. Accordingly, AUCD urges you to protect the ADA by opposing amendments that will take away the right of the Department to enforce such critical regulations.

Sincerely,

A. ANTHONY ANTOSH,
President.

MAY 4, 2012.

DEAR SENATOR/REPRESENTATIVE: We the undersigned veterans organizations are writing in support of the Department of Justice's (DOJ) final rule detailing requirements for accessible entry and exit for pools and spas under the Americans with Disabilities Act (ADA).

Our organizations strongly support the principles of the ADA, because they ensure independence and reintegration for wounded servicemembers and disabled veterans. After a decade of war, we must ensure that the ADA continues to stand for equal treatment and non-discrimination in access to rehabilitation, employment, educational, and recreational opportunities.

Specifically, Congress must not weaken the principles of the ADA by delaying or otherwise inhibiting DOJ's enforcement of the

pool and spa accessibility regulatory requirements. DOJ published the final rule on accessibility in September 2010 after engaging in six years of public outreach, which included multiple opportunities for all stakeholders to provide comments. Although the final rule was to go into effect on March 15, 2012, DOJ delayed compliance until May 21.

We believe that our nation's disabled veterans and wounded warriors have waited long enough for access to pools and spas. The January 2012 guidance issued by DOJ clarifying the intent of the final rule for existing pools and spas did not change the requirements DOJ published in September 2010. The gold standard for new construction is a fixed pool lift. It is logical that fixed pool lifts would be required for existing pools and spas if ''readily achievable.'' Readily achievable means that an existing pool or spa would only need to have a fixed pool lift if it was not costly or burdensome.

Readily achievable is the flexibility that was built into the ADA to ensure that a one-size-fits-all approach would not be required. Thus, if it is not readily achievable for a small, family-owned business to install a fixed lift for a pool or spa, then they are not required to under the ADA. The ADA's inclusion of the readily achievable standard represents the compromise between the needs of people with disabilities and the costs of accommodations.

If Congress intercedes by delaying implementation or hindering enforcement of DOJ's final rule, we fear that a dangerous precedent will have been set for the future of the ADA. The final rule was the result of an extensive regulatory process that provided ample opportunity for participation. It is now time for Congress to step back and let the regulatory process function as was envisioned when the ADA was passed by a bipartisan Congress 22 years ago.

If you have any questions, please contact Heather Ansley, Vice President of Veterans Policy for VetsFirst, a program of United Spinal Association, at (202) 556–2076, ext. 7702 or by e-mail at hansley(a)vetsfirstorg.

Sincerely,

Blinded Veterans Association; Disabled American Veterans; Iraq and Afghanistan Veterans of America; Jewish War Veterans; National Association for Black Veterans; Paralyzed Veterans of America; Veterans for Common Sense; Veterans of Foreign Wars; Veterans of Modern Warfare; VetsFirst, a program of United Spinal Association; Vietnam Veterans of America.

CONSORTIUM FOR CITIZENS WITH DISABILITIES,
Washington, DC, April 23, 2012.

DEAR REPRESENTATIVE: The undersigned members of the Consortium for Citizens with Disabilities (CCD), representing people with disabilities, family members, and professionals in the disability field, write in opposition to any Congressional effort to roll back, or prevent enforcement of, the Justice Department's September 15, 2010 regulations setting forth requirements to ensure that swimming pools are accessible to people with disabilities. These regulations, the product of an extensive and considered process of deliberation, were originally scheduled to go into effect on March 15, 2012 and are now slated to take effect in May 2012.

H.R. 4200, introduced on March 16, 2012, would deprive the Justice Department of the authority to enforce its own regulations implementing the ADA with respect to the accessibility of swimming pools. H.R. 4256, introduced on March 26, 2012, would prohibit any court enforcement of the Justice Department's new regulations concerning pool accessibility for a period of one year from enactment of the bill and require the Justice Department to issue new regulations with weaker substantive standards (permitting portable pool lifts even where installing a permanent lift would be readily achievable). These bills present a number of serious concerns.

First, the prospect of Congress preventing an executive branch agency from enforcing its own regulations is very troubling. The regulations at issue were promulgated by the Department of Justice—the agency charged by Congress with enforcement of the ADA—and based on standards issued by the United States Access Board, a federal agency devoted to developing and maintaining standards to ensure accessibility for individuals with disabilities. The ADA requires the Justice Department's accessibility regulations to be consistent with Access Board standards. Both the Access Board and the Justice Department have extensive expertise in setting appropriate accessibility standards that take into account the needs of people with disabilities as well as those of business owners. Congress need not and should not step in to deprive the agencies it designated to issue accessibility standards of the authority to enforce those standards.

Moreover, the opportunity to swim is important to individuals with disabilities just as it is to everyone else. People with disabilities should be able to enjoy swimming pools for recreation and exercise. If enacted, H.R. 4200 and H.R. 4256 would deprive many people with disabilities of access to swimming pools, and would create uncertainty among pool owners about the standards with which they must comply in order to meet the ADA's requirements with respect to pool access.

The regulations at issue do not present a significant burden to hotels or other pool owners. For pools already built when the new regulations take effect, the regulations do not require owners to satisfy the new accessibility requirements. If doing so is not ''readily achievable''—that is, ''easily accomplishable and able to be carried out without much difficulty or expense''—they need not do so.

In addition, individuals with disabilities are not entitled to damages in ADA lawsuits challenging the inaccessibility of public accommodations.

The hotel industry has been aware of—and involved with—the development of the new pool accessibility standards for a decade. The Access Board initially issued standards for pool accessibility in 2002 guidelines for recreational facilities. In 2004, the Access Board incorporated those standards into its new Accessibility Guidelines. The new regulatory standards come directly from those 2004 guidelines. The Justice Department first published an Advance Notice of Proposed Rulemaking requesting feedback concerning the Access Board standards in 2004, followed by a second Advance Notice of Proposed Rulemaking in 2008. The final rule was adopted on September 15, 2010, and gave existing pools another eighteen months to comply with the new requirements.

In conclusion, we oppose any effort to roll back regulations providing accessible swimming pools for people with disabilities. These places of public accommodation have had years of notice and substantial opportunity to prepare for these requirements.

Sincerely,

ACCSES; American Association of People with Disabilities; American Foundation for the Blind; American Network of Community Options and Resources; Association of University Centers on Disabilities; The Arc of the United States; Bazelon Center for Mental Health Law; Brain Injury Association of America; Council of Parent Attorneys and Advocates, Inc.; Daniel Jordan Fiddle Foundation; Disability Rights Education and Defense Fund; Easter Seals; Epilepsy Foundation; Helen Keller National Center; Mental Health America; National Association of Councils on Developmental Disabilities; National Council on Independent Living; National Disability Rights Network; National Down Syndrome Society; National Multiple Sclerosis Society; Paralyzed Veterans of America; United Cerebral Palsy; United Spinal Association.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. DAVIS of Illinois.

An amendment by Mr. GRIMM of New York.

An amendment by Mr. HUIZENGA of Michigan.

An amendment by Mr. JOHNSON of Georgia.

An amendment by Mr. FLAKE of Arizona.

Amendment No. 11 by Mr. WESTMORELAND of Georgia.

An amendment by Mr. AUSTIN SCOTT of Georgia.

An amendment by Mrs. BLACK of Tennessee.

An amendment by Mrs. BLACKBURN of Tennessee.

An amendment by Mr. BROUN of Georgia.

An amendment by Mr. SOUTHERLAND of Florida.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. DAVIS OF ILLINOIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 99, noes 311, not voting 21, as follows:

[Roll No. 213]

AYES—99

Andrews	Clarke (MI)	DeGette
Baldwin	Clarke (NY)	Deutch
Bishop (GA)	Clay	Dingell
Blumenauer	Cleaver	Doyle
Bonamici	Clyburn	Edwards
Brady (PA)	Cohen	Ellison
Brown (FL)	Conyers	Fattah
Capuano	Cooper	Fitzpatrick
Carnahan	Costa	Frank (MA)
Castor (FL)	Crowley	Fudge
Chu	Cummings	Green, Al
Cicilline	Davis (IL)	Green, Gene

Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hirono
Holt
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Landry
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lynch
Maloney
Markey
McCollum
McDermott
McGovern
Meeks
Michaud
Miller (NC)
Moran
Nadler
Neal
Pallone
Pascrell
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Richmond
Sánchez, Linda T.
Schakowsky
Schrader
Scott (VA)
Scott, David
Serrano
Sewell
Smith (WA)
Thompson (MS)
Tierney
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—311

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Capps
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeFazio
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Doggett
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Emerson
Engel
Eshoo
Farenthold
Farr
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Lankford
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCotter
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tsongas
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—21

Bachmann
Butterfield
Cantor
Cardoza
Carson (IN)
Donnelly (IN)
Ellmers
Filner
Honda
Jones
Kucinich
McCaul
McHenry
Moore
Paul
Pence
Reichert
Rothman (NJ)
Rush
Sarbanes
Slaughter

□ 2350

Messrs. WALZ of Minnesota, CONAWAY, BROOKS, WHITFIELD, LUJÁN and BECERRA, Ms. ROYBAL-ALLARD, Mr. HOYER, and Ms. LORETTA SANCHEZ of California changed their vote from ''aye'' to ''no.''

Messrs. CROWLEY, WELCH, COSTA, Ms. HANABUSA, Messrs. MARKEY, VAN HOLLEN, and Ms. WATERS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 213, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MR. GRIMM

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentleman from New York (Mr. GRIMM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 204, not voting 21, as follows:

[Roll No. 214]

AYES—206

Ackerman
Altmire
Andrews
Austria
Baca
Baldwin
Barletta
Barrow
Bass (NH)
Becerra
Berg
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chabot
Chandler
Cicilline
Clarke (MI)
Clay
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Duncan (TN)
Ellison
Emerson
Engel
Eshoo
Farr
Fitzpatrick
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gibson
Griffith (VA)
Grijalva
Grimm
Guinta
Gutierrez
Hahn
Hanabusa
Hartzler
Hayworth
Heck
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Keating
Kelly
Kildee
Kind
King (NY)
Kissell
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCotter
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moran
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Peters
Peterson
Pingree (ME)
Platts
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Richardson
Richmond
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schilling
Schrader
Schwartz
Scott, Austin
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Velázquez
Walz (MN)
Waters
Welch
West
Wilson (FL)
Woolsey
Yarmuth
Young (IN)

NOES—204

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Bachus
Bartlett
Barton (TX)
Bass (CA)
Benishek
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Carter
Cassidy
Chaffetz
Chu
Clarke (NY)
Cleaver
Clyburn
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Diaz-Balart
Duffy
Duncan (SC)
Edwards
Farenthold
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Guthrie
Hall
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter

Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson, E. B.
Johnson, Sam
Jordan
Kaptur
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
Latta
Lee (CA)
Lewis (CA)
Lofgren, Zoe
Long
Lucas
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCollum
McKeon
McKinley
Mica
Miller (FL)
Miller, Gary
Mulvaney
Murphy (CT)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Palazzo
Pearce
Perlmutter
Petri
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schiff
Schmidt
Schock
Schweikert
Scott (SC)
Scott (VA)
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Thornberry
Tipton
Van Hollen
Visclosky
Walberg
Walden
Walsh (IL)
Wasserman Schultz
Watt
Webster
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)

NOT VOTING—21

Bachmann
Butterfield
Cantor
Cardoza
Carson (IN)
Donnelly (IN)
Dreier
Ellmers
Filner
Honda
Jones
Kucinich
McHenry
Moore
Paul
Pence
Reichert
Rothman (NJ)
Rush
Slaughter
Waxman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2354

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 214, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

AMENDMENT OFFERED BY MR. HUIZENGA OF MICHIGAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. HUIZENGA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 211, not voting 21, as follows:

[Roll No. 215]

AYES—199

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Barletta
Barton (TX)
Benishek
Berg
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cravaack
Crawford
Crenshaw
Davis (KY)
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Guinta
Guthrie
Hall
Hanna
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Herger
Herrera Beutler
Hinchey
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Petri
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Simpson
Smith (NE)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—211

Ackerman
Altmire
Andrews
Austria
Baca
Bachus
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Canseco
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Goodlatte
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Grimm
Gutierrez
Hahn
Hanabusa
Harper
Hastings (FL)
Heinrich
Hensarling
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Sires
Smith (NJ)
Smith (TX)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Woolsey
Yarmuth

NOT VOTING—21

Bachmann
Bartlett
Butterfield
Cantor
Cardoza
Carson (IN)
Denham
Donnelly (IN)
Ellmers
Filner
Honda
Jones
Kucinich
McHenry
Moore
Paul
Pence
Reichert
Rothman (NJ)
Rush
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2357

Mr. FRANKS of Arizona changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall No. 215, I was away from the capitol due to prior commitments to my constituents. Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. JOHNSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 96, noes 314, not voting 21, as follows:

[Roll No. 216]

AYES—96

Ackerman
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Biggert
Bishop (GA)
Boswell
Brady (PA)
Braley (IA)
Capuano
Carnahan
Castor (FL)
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cohen
Conyers
Cooper
Critz
Crowley
Davis (IL)
DeGette
DeLauro
Doggett
Doyle
Ellison
Farr
Fattah
Fitzpatrick
Flake
Frank (MA)
Hahn
Hanabusa
Higgins
Himes
Hirono
Holden
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Keating
Kind
Langevin
Larson (CT)
Lee (CA)
Levin
Loebsack
Lowey
Lynch
McCarthy (NY)
McCollum
McDermott
Meeks
Michaud
Miller (NC)
Murphy (CT)
Nadler
Pascrell
Pastor (AZ)
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Richardson
Richmond
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Scott, David
Serrano
Sires
Smith (WA)
Speier
Stark
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Velázquez
Visclosky
Wasserman Schultz
Watt
Welch
Woolsey
Yarmuth

NOES—314

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berman
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Capps
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Chu
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Emerson
Engel
Eshoo
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Hinchey
Hinojosa
Hochul
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kaptur
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCotter
McGovern
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (PA)
Myrick
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Paulsen
Pearce
Pelosi
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—21

Bachmann
Butterfield
Cantor
Cardoza
Carson (IN)
Donnelly (IN)
Ellmers
Filner
Gutierrez
Honda
Jones
Kucinich
Markey
McHenry
Moore
Paul
Pence
Reichert
Rothman (NJ)
Rush
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 0000

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 216, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 121, noes 291, not voting 19, as follows:

[Roll No. 217]

AYES—121

Adams
Akin
Amash
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burton (IN)
Campbell
Canseco
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Denham
DesJarlais
Duncan (SC)
Duncan (TN)
Farenthold
Fincher
Fitzpatrick
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Harris
Hartzler
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Jordan
Kelly
King (IA)
Kingston
Kline
Labrador
Lamborn
Lance
Landry
Latta
Long
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
Mica
Miller (FL)
Miller, Gary
Mulvaney
Neugebauer
Nugent
Olson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Quayle
Rehberg
Ribble
Rigell
Roby
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NE)
Southerland
Stearns
Stutzman
Sullivan
Thornberry
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (FL)
Young (IN)

NOES—291

Ackerman
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Burgess
Calvert
Camp
Capito
Capps
Capuano
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Duffy
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Fleischmann
Flores
Forbes
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Hultgren
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)

Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Noem
Nunes
Nunnelee
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Renacci
Reyes
Richardson
Richmond
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (AK)

NOT VOTING—19

Bachmann
Butterfield
Cantor
Cardoza
Carson (IN)
Donnelly (IN)
Ellmers
Filner
Honda
Jones
Kucinich
McHenry
Moore
Paul
Pence
Reichert
Rothman (NJ)
Rush
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 0004

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 217, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT NO. 11 OFFERED BY MR. WESTMORELAND

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 246, not voting 20, as follows:

[Roll No. 218]

AYES—165

Adams
Akin
Amash
Amodei
Barrow
Barton (TX)
Benishek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Denham
DesJarlais
Duffy
Duncan (SC)
Fincher
Flake
Fleming
Flores
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffith (VA)
Guinta
Hall
Harris
Hartzler
Hastings (WA)
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latta
LoBiondo
Long
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Petri
Pitts
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Ribble
Roby
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Smith (NE)
Smith (NJ)
Southerland
Stearns
Stivers
Stutzman
Thornberry
Tiberi
Tipton
Turner (NY)
Upton
Walberg
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—246

Ackerman
Aderholt
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capito
Capps
Capuano
Carnahan
Carney
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Duncan (TN)
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fitzpatrick
Fleischmann
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guthrie
Gutierrez
Hahn
Hanabusa
Hanna
Harper
Hastings (FL)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kinzinger (IL)
Kissell
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Maloney
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Simpson
Sires
Smith (TX)
Smith (WA)
Speier
Stark
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth

NOT VOTING—20

Bachmann
Butterfield
Cantor
Cardoza
Carson (IN)
Donnelly (IN)
Ellmers
Filner
Gohmert
Honda
Jones
Kucinich
McHenry
Moore
Paul
Pence
Reichert
Rothman (NJ)
Rush
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 0007

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 218, I was away from the Capitol due to prior commitment to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. AUSTIN SCOTT OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. AUSTIN SCOTT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 122, noes 289, not voting 20, as follows:

[Roll No. 219]

AYES—122

Adams
Akin
Amash
Barton (TX)
Benishek
Berg
Bilbray
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Campbell
Canseco
Carter
Chabot
Chaffetz
Coffman (CO)
Conaway
Culberson
Denham
DesJarlais
Duffy
Duncan (SC)
Fincher
Flake
Fleming
Flores
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Guinta
Harris
Hastings (WA)
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
Kline
Labrador
Lamborn
Landry
Long
Mack
Manzullo
Marino
McCarthy (CA)
McClintock
McKeon
Mica
Miller (FL)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Paulsen
Pearce
Petri
Pitts
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Ribble
Rogers (MI)
Rohrabacher
Rooney
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Shimkus
Smith (NE)
Southerland
Stearns
Stutzman
Thornberry
Tipton
Walberg
Walsh (IL)
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (IN)

NOES—289

Ackerman
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Calvert
Camp
Capito
Capps
Capuano
Carnahan
Carney
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Duncan (TN)
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fitzpatrick
Fleischmann
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibson
Gohmert
Gonzalez
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Hultgren
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Bachmann
Butterfield
Cantor
Cardoza
Carson (IN)
Donnelly (IN)
Ellmers
Filner
Honda
Jones
Kucinich
McHenry
Moore
Paul
Pence
Reichert
Rokita
Rothman (NJ)
Rush
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 0010

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 219, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MRS. BLACK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 173, not voting 20, as follows:

[Roll No. 220]

AYES—238

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
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
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Dent
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
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
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
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McIntyre
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—173

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Carnahan
Carney
Castor (FL)
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
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rivera
Ros-Lehtinen
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
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
Yarmuth

NOT VOTING—20

Bachmann
Butterfield
Cantor
Cardoza
Carson (IN)
Denham
Donnelly (IN)
Ellmers
Filner
Honda
Jones
Kucinich
McHenry
Moore
Paul
Pence
Reichert
Rothman (NJ)
Rush
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 0014

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 220, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MRS. BLACKBURN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 251, not voting 20, as follows:

[Roll No. 221]

AYES—160

Adams
Akin
Amash
Amodei
Austria
Bachus
Bartlett
Barton (TX)
Benishek
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Culberson
Davis (KY)
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Guthrie
Harper
Harris
Hartzler
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jordan
Kelly
King (IA)
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latta
Long
Luetkemeyer
Lummis
Lynch
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Petri
Pitts
Poe (TX)
Polis
Pompeo
Price (GA)
Quayle
Ribble
Rigell
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NE)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thornberry
Tipton
Upton
Walberg
Walden
Walsh (IL)
Westmoreland
Whitfield
Wilson (SC)
Wittman
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—251

Ackerman
Aderholt
Alexander
Altmire
Andrews
Baca
Baldwin
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Calvert
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Forbes
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kildee
Kind
King (NY)
Kingston
Kissell
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Maloney
Marino
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Nugent
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Posey
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Reyes
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Ross (FL)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Simpson
Sires
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (PA)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Wilson (FL)
Wolf
Womack
Woolsey
Yarmuth

NOT VOTING—20

Bachmann
Butterfield
Cantor
Cardoza
Carson (IN)
Donnelly (IN)
Ellmers
Filner
Honda
Jones
Kucinich
McHenry
Moore
Paul
Pence
Reichert
Rothman (NJ)
Rush
Slaughter
Thompson (MS)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 0016

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on roll call 221, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 307, not voting 19, as follows:

[Roll No. 222]

AYES—105

Adams
Akin
Amash
Benishek
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Campbell
Canseco
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
DesJarlais
Dreier
Duncan (SC)
Duncan (TN)
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Foxx
Franks (AZ)
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Harris
Hartzler
Hensarling
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Johnson (IL)
Jordan
King (IA)
Labrador
Lamborn
Lance
Landry
Latta
Long
Lummis
Mack
Manzullo
Marchant
McClintock
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Nunes
Nunnelee
Olson
Petri
Poe (TX)
Pompeo
Price (GA)
Quayle
Ribble
Rohrabacher
Rokita
Rooney
Royce
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Sensenbrenner
Sessions
Shimkus
Southerland
Stearns
Stutzman
Sullivan
Thornberry
Walberg
Walsh (IL)
Westmoreland
Wilson (SC)
Woodall
Young (AK)
Young (IN)

NOES—307

Ackerman
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Calvert
Camp
Capito
Capps
Capuano
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Duffy
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Hultgren
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Nugent
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis
Posey
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (FL)

NOT VOTING—19

Bachmann
Butterfield
Cantor
Cardoza
Carson (IN)
Donnelly (IN)
Ellmers
Filner
Honda
Jones
Kucinich
McHenry
Moore
Paul
Pence
Reichert
Rothman (NJ)
Rush
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 0019

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SOUTHERLAND

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. SOUTHERLAND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 191, not voting 20, as follows:

[Roll No. 223]

AYES—220

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capuano
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Courtney
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Fincher
Flake
Fleischmann
Fleming
Flores
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibson
Gingrey (GA)
Gohmert
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Harris
Hartzler
Heck
Hensarling
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jordan
Keating
Kelly
King (IA)
King (NY)
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McGovern
McIntyre
McKeon
McKinley
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pallone
Paulsen
Pearce
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Reyes
Ribble
Rivera
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
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tierney
Tipton
Tsongas
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOES—191

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bilbray
Bishop (GA)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Buerkle
Capito
Capps
Carnahan
Carney
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fitzpatrick
Forbes
Fortenberry
Foxx
Fudge
Garamendi
Gibbs
Gonzalez
Goodlatte
Granger
Griffith (VA)
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth

Heinrich	Matsui	Sanchez, Loretta
Higgins	McCollum	Sarbanes
Himes	McDermott	Schakowsky
Hinchey	McMorris Rodgers	Schiff
Hinojosa	McNerney	Schrader
Hirono	Meeks	Schwartz
Hochul	Michaud	Scott (VA)
Holden	Miller (NC)	Scott, David
Holt	Miller, George	Serrano
Hoyer	Moran	Sewell
Hurt	Murphy (CT)	Sherman
Israel	Nadler	Shimkus
Jackson (IL)	Napolitano	Shuler
Jackson Lee (TX)	Olver	Shuster
Johnson (GA)	Owens	Smith (WA)
Johnson, E. B.	Pascrell	Speier
Johnson, Sam	Pastor (AZ)	Stark
Kaptur	Pelosi	Sutton
Kildee	Perlmutter	Terry
Kind	Peters	Thompson (CA)
Kingston	Peterson	Thompson (MS)
Kissell	Pingree (ME)	Tiberi
Lance	Polis	Tonko
Langevin	Price (NC)	Towns
Larsen (WA)	Quigley	Van Hollen
Larson (CT)	Rahall	Velázquez
LaTourette	Rangel	Visclosky
Lee (CA)	Richardson	Walz (MN)
Levin	Richmond	Wasserman Schultz
Lewis (GA)	Rigell	Waters
Lipinski	Roby	Watt
Loebsack	Ross (AR)	Waxman
Lofgren, Zoe	Roybal-Allard	Wilson (FL)
Lowey	Ruppersberger	Wittman
Luján	Ryan (OH)	Woolsey
Maloney	Sánchez, Linda T.	Yarmuth
Markey		Young (FL)

NOT VOTING—20

Bachmann	Filner	Paul
Butterfield	Herger	Pence
Cantor	Honda	Reichert
Cardoza	Jones	Rothman (NJ)
Carson (IN)	Kucinich	Rush
Donnelly (IN)	McHenry	Slaughter
Ellmers	Moore	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 0025

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SMITH of Nebraska) having assumed the chair, Mr. HASTINGS of Washington, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5326) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

ADJOURNMENT

Mr. HUIZENGA of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 27 minutes a.m.), under its previous order, the House adjourned until today, Wednesday, May 9, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

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

5886. A letter from the Executive Director, Comptroller of the Currency, transmitting the Office of Minority and Women Inclusion's annual report for FY 2011; to the Committee on Financial Services.

5887. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations: Randolph County, Arkansas; [Docket ID: FEMA-2012-0003] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5888. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations: City of Mandevile, Louisiana; [Docket ID: FEMA-2012-0003] received May 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5889. A letter from the Director, Public and Congressional Affairs, National Credit Union Administration, transmitting the Office of Minority and Women Inclusion's annual report for 2011; to the Committee on Financial Services.

5890. A letter from the Director, Office of Standards, Regulations and Variances, Department of Labor, transmitting the Department's final rule — Examinations of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards (RIN: 1219-AB75) received April 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5891. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notice that the Deputy Secretary has issued the required determination to waive certain restrictions on the maintenance of a Palestine Liberation Organization (PLO) Office and on expenditure of PLO funds for a period of six months; to the Committee on Foreign Affairs.

5892. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-137, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5893. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

5894. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting the Corporation's annual report for FY 2011 prepared in accordance with the and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

5895. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-350, ''Wrongful Death Temporary Act of 2012''; to the Committee on Oversight and Government Reform.

5896. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-349, ''Medical Marijuana Cultivation Center Temporary Amendment At of 2012''; to the Committee on Oversight and Government Reform.

5897. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-348, ''Advisory Neighborhood Commissions Boundaries Temporary Act of 2012''; to the Committee on Oversight and Government Reform.

5898. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-347, ''Fresh Healthy Mobile Cart Vending Pilot in Underserved Areas Temporary Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

5899. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-346, ''DISB Fingerprint-Based Background Check Authorization Act of 2012''; to the Committee on Oversight and Government Reform.

5900. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's report for fiscal year 2011 on the amount of acquisitions from entities that manufacture articles, materials, or supplies outside of the United States; to the Committee on Oversight and Government Reform.

5901. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Biobased Procurements [FAC 2005-58; FAR Case 2010-004; Item I; Docket 2010-0004, Sequence 2] (RIN: 9000-AM03) received April 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5902. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Representation Regarding Export of Sensitive Technology to Iran [FAC 2005-58; FAR Case 2010-018; Item II; Docket 2010-0018, Sequence 1] (RIN: 9000-AL91) received April 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5903. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Justification and Approval of Sole-Source 8(a) Contracts [FAC 2005-58; FAR Case 2009-038; Item III; Docket 2010-0095, Sequence 1] (RIN: 9000-AL55) received April 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5904. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-58; Small Entity Compliance Guide [Docket FAR 2012-0081, Sequence 3] received April 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5905. A letter from the Chairman, National Labor Relations Board, transmitting the Board's FY 2011 Buy American Act report; to the Committee on Oversight and Government Reform.

5906. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2012 through March 31, 2012 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 112-106); to the Committee on House Administration and ordered to be printed.