

(1) EXTENSION.—The temporary office of the bankruptcy judge authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) for the middle district of North Carolina is extended until the vacancy specified in paragraph (2) occurs.

(2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the middle district of North Carolina—

(A) occurring more than 5 years after the date of the enactment of this Act, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of the bankruptcy judge referred to in paragraph (1).

SEC. 3. BANKRUPTCY FILING FEE INCREASE.

(a) BANKRUPTCY FILING FEES.—Section 1930(a)(3) of title 28, United States Code, is amended by striking “\$1,000” and inserting “\$1,167”.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b)(2) of title 28, United States Code, is amended by striking “55” and inserting “48.89”.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking “25” and inserting “33.33”.

(d) PAYGO OFFSET EXPENDITURE LIMITATION.—§42 of the incremental amounts collected by reason of the enactment of subsection (a) shall be deposited in a special fund in the Treasury to be established after the date of enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the date of enactment of this Act.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 4. SUBSEQUENT REAUTHORIZATION.

Prior to further reauthorization of any judgeship authorized by this Act, the Committee on the Judiciary of the Senate and House of Representatives shall conduct a review of the bankruptcy judgeships authorized by this Act to determine the need, if any, for continued reauthorization of each judgeship, to evaluate any changes in all bankruptcy case filings and their effect, if any, on filing fee revenue, and to require the Administrative Office of the Courts to submit a report to the Committee on the Judiciary of the Senate and House of Representatives on bankruptcy case workload, bankruptcy judgeship costs, and filing fee revenue.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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 further consideration of the bill, H.R. 5326.

Will the gentlewoman from Michigan (Mrs. MILLER) kindly resume the chair.

□ 1442

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 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 Mrs. MILLER of Michigan (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Florida (Mr. SOUTHERLAND) had been disposed of, and the bill had been read through page 101, line 10.

AMENDMENT OFFERED BY MR. CHAFFETZ

Mr. CHAFFETZ. Madam Chair, 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 in contravention of paragraph (1), (2), or (3) of section 1001(a) of title 18, United States Code.

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

Mr. CHAFFETZ. Madam Chair, one of the deep concerns that we have is the investigation of Fast and Furious. We have to remember that unfortunately we lost one of our Border Patrol agents who was out on patrol serving this Nation. He was killed with weapons that were distributed under a program called Fast and Furious.

This is a sad case of government gone amok, making terrible, awful, deadly decisions; the administration knowingly and willingly allowing guns to walk from gun shops—contrary to what U.S. law is—allowing nearly 2,000 weapons to be released out, knowing that these weapons would be given to the drug cartels, knowing that giving these guns to these very nefarious characters with the hope that maybe they would pop up and we would find out who's using these guns. Well, there are tragic, desperate consequences to what happened.

What should be totally unacceptable on both sides of the aisle is the idea and the notion that the Department of Justice would knowingly and willfully lie to Congress. Senator GRASSLEY had presented the Department of Justice a

letter directly to Attorney General Holder. Senator GRASSLEY directly gave to Attorney General Holder a concern expressed in a letter that there were guns walking. It's a term, it's an expression that says we allow people to come in under straw purchasing—which is illegal—to buy guns and weapons for somebody else, and that despite what the ATF and the Department of Justice were doing, they weren't tracking these. They allowed these gun purchases to happen in these gun shops, and then they were let out in the greater Arizona area and allowed these guns to walk.

The consequences have been absolutely tragic. We have a dead Border Patrol agent, and the Mexican Government estimates nearly 300 people have died within Mexico. Very few of these weapons have been recovered. In fact, the Attorney General has testified that there will be crimes committed with these weapons in all likelihood for years to come.

What is totally and wholly unacceptable, I think, to this body and the integrity, despite Republicans and Democrats, is that the Department of Justice would knowingly and willfully present a letter back to Congress on February 4 that was so inaccurate, it was so wrong, and essentially they lied to Congress. It took months and months and months to get to the point where they finally had to rescind that letter, where they had to admit that this was a fundamentally flawed program at its very core.

Now, we've been seeking documents. We've been seeking information. We have issued subpoenas. We've been patient beyond belief, but we've mostly been stonewalled. That information has not been forthcoming. What this amendment simply says is that they will not be allowed to be able to use Federal funds—taxpayer dollars—to knowingly, willfully skirt the law and lie to Congress.

Now, on February 4, 2011, I want to remind Members, the Department of Justice lied to Congress about the taxes used in Fast and Furious by claiming Federal authorities make “every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico.” They denied the allegations that the Department facilitated in the illegal sale of guns to Mexican drug cartels. But on December 2, 2011, the Department of Justice formally withdrew the February letter because it was filled with misleading, fictitious, and false statements. The December letter later went on to admit that Fast and Furious was “a fundamentally flawed operation.”

What we're saying is you should not be able to use taxpayer funds to knowingly and willfully subvert Congress. You can't lie to Congress and use taxpayer dollars to do it. Surely that can be bipartisan in its approach.

All we ask is for the truth. In fact, there were more than a dozen—in fact,

more than two dozen Members of the Democratic Party serving in Congress who sent a letter to the White House expressing the idea and the notion that the administration should be open and forthright in providing this information to Congress, but it has not been forthcoming. It has not been accurate. In fact, it was a lie.

As we look to Brian Terry, who served this country, we owe it to him and to his family to get to the truth of what happened in Fast and Furious. And no taxpayer dollars should ever be used to knowingly and willfully lie to Congress.

We as a body, as an institution, deserve to get to the bottom of this. We have not had all these answers. On March 25, 2011, President Obama stood in an interview and told the world that they would hold somebody responsible, that Eric Holder wasn't responsible for this and that they would hold somebody responsible and make sure that it doesn't happen again. To date, Madam Chair, that has not happened. In fact, the senior management there at the Department of Justice got promotions; some of them got bonuses. Nobody's been fired at the senior levels over there. We're not just looking for somebody to get fired; we've got to make sure that it never, ever happens again.

So I would encourage Members to support this amendment. We should do so in a bipartisan way.

I 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. There is nothing in the gentleman's amendment that I think anyone could disagree with. The amendment doesn't speak about Attorney General Holder. It doesn't speak about any particular matter that's been referenced in the comments on the floor.

□ 1450

It just says that you can't use dollars provided under this act to give misinformation to the Congress. I think every Member should support this.

I think, however, I want to, and I think many Members would separate themselves from these accusations that are baseless. In fact, they've been investigated, and there's no evidence that the Attorney General provided any misinformation to the Congress. In fact, he's testified seven times. He's provided thousands of documents.

And what we do know is that this Congress, under Republican control and a Republican administration, started endeavors to track illegal guns that were very similar to the operation that's been referred to, and some of those guns fell into the wrong hands.

But to attack Federal law enforcement that's trying to catch bad guys, who are operating sting operations, even when they go poorly, I think, is just the wrong place for Federal law-

makers to be. I'm in support of Federal law enforcement. And even if their policies in this particular way were wrong, and they've been corrected, that is, in fact, once the Attorney General knew about it, he stopped it. Everyone in the line of responsibility here, those have been removed. So when the gentleman suggests on the floor of the House that no one's lost their job, no one's been changed, that's entirely inaccurate.

But I do want to make this point. We should be in support of Federal law enforcement. We should support them. And to attack career ATF agents who are risking their lives trying to catch bad guys along the border, I think it's the wrong way for us to proceed just because we want to go at this administration.

Now, if there's an election in which there's a change in Presidency, the other side will get a chance to name an Attorney General. Under our Constitution, the Attorney General serves at the pleasure of the President. And the President has made it clear that Attorney General Holder, and I think in many people's minds, is one of the best that's ever served in this position.

Regardless of what you think about the political appointees in the Department, to attack career ATF agents for doing their job, while they risk their lives on behalf of the American citizens, I think, is the wrong thing to do.

But I support the amendment. There's nothing in this amendment at all connected to these baseless allegations, none of which have been proved. And I think it's wrong to come to the House, defame public servants, say that they've lied to the Congress, when, in fact, there's nothing in the record that suggests that whatsoever.

With that, 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 support of the amendment.

I think truthfulness and accuracy are essential components of any oversight process. And the amendment simply requires the Justice Department and all Federal agencies funded by this bill provide only forthright and truthful statements or representations.

With that, I ask for a "yea" vote, and yield back the balance of my time.

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

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

Mr. GOWDY. Madam Chair, I was not going to talk because I talked yesterday on Fast and Furious, and Representative CHAFFETZ did a wonderful job. But, Madam Chair, I cannot stand here while demonstrably false insinuations are leveled.

I worked for the Department of Justice for 6 years. I worked with ATF for

16 years. I'll put the respect that I have for Federal law enforcement and Federal prosecutor up against anybody in this body.

It may well be that the documents we haven't gotten clear all the senior DOJ officials. How will we possibly know that if he continues to withhold documents?

So, Madam Chair, let me just ask this. To the average citizen who gets a grand jury subpoena or a subpoena for documents or to compel their presence, what would happen if they ignored it? Madam Chair, what would happen if you got a jury summons and you just decided you weren't going to show up? What would happen to the average citizen if they got a subpoena from a congressional committee and they just decided to ignore it, and their defense was, We gave you some documents?

There are 70,000-something documents that the Inspector General has. We have 1/2 of that. There are entire categories of documents that we do not have.

We do not have a single email from the Attorney General of the United States after February 4, 2011. I want you to ask yourself how many emails you have sent and received today. And the number is zero from February 4, 2011, until present?

And Congressman CHAFFETZ is exactly right. There was a demonstrably false letter sent to a Member of Congress. And then the Department of Justice, that I actually value its reputation—we have to have a Department of Justice that people respect. But the Department of Justice took the unprecedented step of having to withdraw a letter sent to a Member of Congress because it was demonstrably false.

On February 4, 2011, the Department of Justice, on Department of Justice letterhead, mails a demonstrably false letter denying a tactic called "gunwalking." On the very same day, the criminal chief of the Department of Justice of the United States of America is in Mexico advocating for the tactic of gunwalking. And somehow, we can't ask the Department of Justice to tell us who knew what when?

And the gentleman on the other side of the aisle, Madam Chair, said everyone has been punished. Madam Chair, no one has been punished. There hasn't been a demotion. There hasn't been a firing. There hasn't been a sanction. There hasn't been a frowny face on a performance evaluation. There's been nothing.

So I'm going to say what I said yesterday, Madam Chair. This is not just another Department in someone's Cabinet. This isn't just some other political appointee. This is the Attorney General for the United States of America. It is the Department of Justice. If they cannot comply with a lawfully-executed subpoena, then there should be sanctions, just like there would be for me or you.

So I urge support for Representative CHAFFETZ's amendment.

I yield back the balance of my time.

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

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

Mr. FARENTHOLD. Madam Chairman, I rise in support of this amendment because I'm seeing what I consider to be an alarming trend in government right now. We have Eric Holder in Fast and Furious, the Justice Department failing to cooperate with multiple committees of this Congress.

Right now, as we speak, there's a hearing going on in the Oversight and Government Reform Committee with the Transportation and Infrastructure Committee, with the TSA potentially having misled Congress over the waste and abuse of dollars warehousing security equipment in Dallas, Texas.

We're standing here today while whistleblowers who are trying to do what's right for this government are being retaliated against. We're standing here today while families like those of Agent Brian Terry, who was a victim of the Fast and Furious scandal, Agent Jaime Zapata, a constituent of mine who was killed in the line of duty in Mexico, and the families of many Mexican citizens who were killed as a result of these gun-running operations with these weapons.

This is an alarming trend in government that we have got to put a stop to. We do not need to be financing government agencies. Our employees, the people's employees, we do not need to be paying them to stall, to lie, to mislead. It is absolutely unacceptable.

In the private sector, when an employee acts this way, we have a real quick solution. We quit paying them and we fire them. Unfortunately, it's a little more complicated here in the government, especially when you get to a Cabinet-level official.

Yes, we have our remedies. We have contempt of Congress. We have criminal prosecution. And in the case of a Cabinet-level official like Mr. Holder, it could eventually get to impeachment, depending what we find out. The Constitution provides the ultimate remedy there.

But the lifeblood of the Federal bureaucracy is money. We have got to cut off the money to the employees, like Eric Holder, who stonewall, at best, and lie, more likely. We need government officials who own up to their mistakes.

My colleague here, Mr. GOWDY, was talking about the fact there's not a single email after a certain date for Mr. Holder. I'd like to remind the Chair and the American people that what gets you in this country, 9 times out of 10, is the coverup. The American people are willing to live with a mistake, but they are not willing to live with a liar, and this amendment cuts off funding to the liars in our Federal Government. So I urge my colleagues to support this bill.

I yield back the balance of my time.

□ 1500

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

The Acting CHAIR (Mrs. CAPITO). The gentleman from Arizona is recognized for 5 minutes.

Mr. GOSAR. I am from Arizona, and I am proud to rise in support of this amendment because no other State has suffered the consequences like we have in Arizona and will continue to.

Let's think of the ramifications of what transpired here. We did not follow proper protocol in allowing guns to walk. We didn't even know where they were—and we still don't know where they are—and yet Arizona will suffer the consequences of those guns on our side of the border. Let's take a look at the other aspect. What about the Mexican people? Where is the outcry? Where is the justice? Here we've had the Hispanic people who have lost over 300 people to this impropriety—and it was overseen by the Federal Government and the Department of Justice? This is outrageous.

I am glad that what we're doing is defunding this aspect in order to make sure that we know what's right and what's wrong and in order to hold people accountable for the cover-up that has occurred. But think about it. Have we ever seen something of this atrocity? We've actually overstepped the oversight and sovereignty of the Mexican Government.

What we need are answers. The American people need the answers, and the folks from Arizona need the answers. We want to make sure that those who are accountable are held perfectly to that standard like everybody else. Yes, we have not seen the documentation. The other side says that we have seen the documentation and that everybody has been held accountable. That's wrong. That's absolutely wrong. Take it from somebody from Arizona who has had to live under this Department of Justice. We want to make sure that we have accountability.

Last but not least, what about the Brian Terry family? When we look at the whole oversight of this egregious operation, did it have to take the life of a brave soldier, Brian Terry? That's what it took to even come to this situation. It cannot be repeated. Absolutely, it cannot be repeated.

I am glad that my colleague has offered this amendment to make sure that we do not give funding for those who are in the Department of Justice and, if they do, that they are held to the letter of the law.

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 Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Madam Chair, I want to quote President Obama in his first remarks as President of the United States:

Transparency and the rule of law will be the touchstones of this Presidency . . . I will also hold myself as President to a new standard of openness . . . But the mere fact that you have the legal power to keep something secret does not mean you should always use it. The Freedom of Information Act is perhaps the most powerful instrument we have for making our government honest and transparent and of holding it accountable; and I expect members of my administration not simply to live up to the letter but also the spirit of this law . . . The government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears.

This country should be embarrassed by what is happening in Fast and Furious. My challenge to Members on both sides of the aisle is to stand up and have the integrity to say that we have a dead U.S. agent and that we have a Department of Justice that lied to Congress. Where are the guts in this body to stand up and say we're not going to put up with that, that we're going to demand that these documents be provided to Congress? We know, because the inspector general within the Department of Justice has said, they have 80,000 documents. They've given Congress about 7,000 of those documents. This is the test of principle. This is the test of integrity. When you can't stand up and take on your own party, that's a lack of guts. This Congress has got to stand up for itself and demand that these documents be released.

I would encourage Members on both sides of the aisle, at the very least, to vote for this amendment. I can't imagine any reason why anybody would deny the passage of this amendment. We're not going to allow taxpayer dollars to be used to lie to Congress. Unfortunately, we have been lied to. That is the reason we have to offer this amendment. It's embarrassing that we have to even get to this point.

Madam Chair, Brian Terry's family expects it, and the integrity of this body demands it. Regardless of whether it's Republican or Democrat, we cannot rest until we get to the bottom of that.

You can make the case that part of this started with President Bush. We don't know what's in these documents; but with the separation of powers, it's imperative that we get to the bottom of this and that we hold people accountable—and not just the lowest level of people down at the ATF. They've been dismissed. They've been harassed. Thank goodness for those whistleblowers who stood up and did the right thing. But at the senior level, the senior people at the Department of Justice, they have not been held accountable. President Obama said in these remarks that he would. On March 25, he went on Univision and promised that they would. It has not happened.

If we get stonewalling on the other side of the aisle—without your support—we will do a disservice to this country; we will do a disservice to this body, and we will not get to the truth. I promise you, when there is a Republican President, I will stand with you

and will demand the openness and transparency that this body deserves. I've done it. I've challenged my own party. Have the guts, have the fortitude, to do the right thing.

I appreciate Chairman ISSA, Representative GOWDY, Mr. GOSAR, Mr. FARENTHOLD—there are so many people in this body—and I appreciate my colleague from South Carolina, who are passionate about this issue. I urge all Members to vote in favor of this amendment.

Mr. DUNCAN of South Carolina. Madam Chairman, I yield back the balance of my time.

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

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

Mr. CHAFFETZ. 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 Utah will be postponed.

AMENDMENT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Madam Chairwoman, 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 new section:

SEC. _____. For "Department of Justice, State and Local Law Enforcement Assistance" for the John R. Justice Prosecutors and Defenders program, as authorized by the first section 3001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc 21) (relating to loan repayment for prosecutors and public defenders), there is hereby appropriated, and the amount otherwise provided by this Act for "National Aeronautics and Space Administration, Science" for Mars Next Decade is hereby reduced by, \$10,000,000.

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

Mr. TIERNEY. Madam Chairwoman, this bipartisan amendment is offered with Mr. GOWDY of South Carolina. It provides very clearly \$10 million for the John R. Justice Student Loan Repayment Program.

It is unfortunate that we know many law school student graduates accept jobs as prosecutors and as public defenders, but they don't stay on the jobs very long because the compensation is at such a low level, and their debt burdens from college and from law school are so high that they end up leaving and going on to more lucrative pastures because the private firms, obviously, have more resources with which to recruit and retain than do public defenders and district attorneys' offices around the country.

Oftentimes, the students tell me they would like to stay in these offices. Obviously, the district attorneys tell us on a regular basis that they have such a difficult time training people and getting them to stay so that they can

do a good job. Both public defenders and district attorneys, people on both sides of any particular case, understand the importance of that judicial system work in that it's fair and in that everybody has the level of representation that makes our system work and be respected around the world on that.

This would allow the tool of loan forgiveness for those district attorneys on that and those public defenders so that they can get people to stay at least 3 years so that the training doesn't just get turned around and go to waste. It allows people to stay on and use their experience and make the system work better.

I believe that it's a good idea. It has worked in the past for the Federal agencies, for the executive branch attorneys. It has demonstrated great success in their recruitment and retention. When this aspect was funded just a couple of years ago, 1,647 prosecutors and 1,226 public defenders across the country received assistance under the program's 2010 allocation. That, in turn, is a claim by all of the people involved as having made a tremendous difference in their abilities to have their offices function at the high level that is necessary.

Now, it's a difficult time. If we're going to take this money and appropriate it in this fashion, we, unfortunately, have to find those resources somewhere else. We have recommended an offset with a modest reduction to the Mars Next Decade program. That Mars Next Decade program will still get over \$100 million more in the bill than it otherwise would have gotten. The House report notes a concern that there is a question about whether or not the Mars Next Decade program has actually accomplished one of the requirements of getting a sample and reporting. There is even language in the bill that puts off any expenditure of these moneys until such a report is made to the National Research Council and they're allowed to move forward.

□ 1510

The \$150 million that is in the Mars Next Decade budget is still sizeable and on board with what was in the President's request, and still allows the program to move forward. I think it is a tradeoff that's fair. And I think Mr. GOWDY agrees with me, that as painful as it may be to take from one area, that programs will still march on, we'll still have \$78 million more than the President requested. But if we don't do anything, the John R. Justice program will have nothing. District attorneys and public defenders, our court systems across the Nation won't have the ability to have well-trained people being recruited and retained and making our system work. So that's the premise here.

Madam Chairwoman, we ask that our colleagues support this amendment.

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

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

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

Mr. GOWDY. Madam Chairwoman, my mother was a victims advocate in a prosecutor's office when I was growing up. She would come home and lament the fact that defendants could pick any lawyer they wanted to defend them, but the victims of crime were stuck with the district attorney. Her message to me, the lesson she was trying to impress on me, is that crime victims have a right to have a good attorney, too.

If you fast forward a couple of years, I went to law school, and I became a district attorney. I tried to hire people to come help me do a good job for crime victims. Madam Chairwoman, I was hiring primarily at that time young female prosecutors—Cindy Crick, Kim Leskanic, Jenny Wells, Susan Porter—many of whom had up to \$70,000 in student loan debt, could have and should have gone into private practice and paid their loans back and made a lot of money. But something within them wanted to stand up for rape victims and criminal domestic violence victims and child sex assault victims. So they sacrificed the lure of private practice to come to public service.

Madam Chairwoman, it is not without irony that the program that my friend from Massachusetts speaks of is named after a man named John R. Justice, who was a solicitor district attorney in South Carolina. He represented the poorest solicitors judicial circuit in the State. They were understaffed and overworked. He used to tell me, Madam Chairwoman, that he was just sticking his fingers in the hole of the dam to try to keep the water from coming through. But the solicitor justice—God rest his soul—had a vision of trying to encourage people to want to do something as noble as be a prosecutor in South Carolina.

So whereas I usually stand off and I talk about cutting this and cutting that, law and order, prosecution, respect for the rule of law are core functions of government. And as much money as we spend on other programs, surely to goodness we can find a little bit of money to help relieve the student loan obligations of women and men who are prosecuting while they're sitting across the table from criminal offense attorneys who make 5 to 7 to 10 times their salary. Surely we can do that, and surely we can give the victims of crime as good a lawyer as the defendants of crime get.

I would urge my colleagues to give very serious consideration to the John R. Justice Scholarship program for public defenders and prosecutors.

With that, 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. Maybe when we go to conference—last year this said \$4 million. So in a tight budget year when the Ryan budget comes and the other budget comes, we're actually increasing this from \$4 million to \$10 million, which I think every other program would just say, I don't quite understand. Secondly, the Senate put in \$4 million. Maybe we can talk as we move on.

I was looking to see if Mr. SCHIFF was here or Mr. CULBERSON was here. This was part of a delicate compromise with regard to the Mars program and the Europa program. The committee took great pains to ensure that NASA science funding reflected the planetary science priorities and goals of the National Academy of Science and included the development of sample return missions to Mars. It's the Decadal Survey. To take this out of that, when it was so difficult, I think would be a mistake.

Such a mission would represent an unprecedented scientific undertaking and enable the next fundamental advance of Mars science and ensure that America's undisputed leadership in Mars exploration remains unchanged. This is the imaginative part of the space program.

Two weeks ago, when the shuttle flew over Washington and this building, literally everyone went outside to look at it. This was one of the most imaginative and creative things for America to continue to be number one in space. I would tell the gentleman I would hope we would vote it down, particularly with \$4 million last year and when the Senate is at \$4 million. The Senate has \$781 million more money in allocation than we had. And for us to jump this up when other programs have been severely hit—I don't know how Mr. FATTAH would feel. We could try to work as we go to conference and all, but I would hope that we could vote this down, particularly since it takes it from Mars. And I will give the gentleman my assurance to move ahead and see what we can do to it, but not take it from Mars.

With that, I 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. I join my colleague, the chairman.

I appreciate the offering of the amendment; however, I'm opposed to the offset. We have a need to have loan forgiveness for public servants, both in terms of law enforcement and prosecutors, but teachers, police officers—you can go through a whole range. In fact, embodied in the reconciliation act that carried the Affordable Health Care Act, we created a loan-forgiveness program for public service that will start to take effect in 2014.

This is needed, but we can't use this offset. And I would hope that we'll

have an opportunity to work together on this because I do think if we had \$4 million last year, we can continue to find additional resources as we go to conference. We are hamstrung by a lower allocation, which means some of the things that Members may be interested in are going to have a lower funding level as this bill leaves the House but a higher funding level when it leaves conference. So it's part of the process, and I appreciate the amendment. I hope that the gentleman would consider working with me and the chairman as we go forward, if your desire is to actually find resources for this important endeavor.

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

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

Mr. SCHIFF. Madam Chair, I rise in strong opposition to the amendment and urge my colleague to withdraw the amendment and work with us on this issue.

As a former U.S. attorney, I have the greatest respect and support for loan-forgiveness programs of this nature. It is absolutely a worthwhile cause. But the Mars program was devastated by the administration's budget.

This is one of the crown jewels of planetary science. In fact, the whole planetary science budget was decimated by the administration in its proposal. Thankfully, through the work of the chairman and the ranking member, the planetary science budget has been restored, and part of what has been taken out of the Mars program has been restored. Nevertheless, the Mars program was cut by hundreds of millions, and we have a long way to go to have a healthy Mars program.

As we speak, one of the most difficult missions ever undertaken, the Mars Science Laboratory, is on its way to the Martian surface. This will be path-breaking in terms of its scientific return. This is an area where we are second to none in the world. No one else has the skills to enter the Martian atmosphere, descend, and land on Mars. That is an incredible talent pool that can make that possible. At a time when we have to go hat in hand to the Russians to get a ride to the space station, but we are still the unquestioned leader in planetary science, with the Mars program leading the way, we do not need to decimate the Mars program further.

Thanks to the work of Chairman WOLF and Ranking Member FATTAH, we are on the path to restoring this great program so that we can continue on the road that we're on where we are tantalizingly close now to finding the building blocks of life on another planet, and this is what is at stake.

□ 1520

So while I sympathize with the desire of the gentleman from Massachusetts to plus-up the program that he supports—and I support it, too—the offset

would be devastating, devastating to the brilliant people that work in this area, devastating to all those around the country that love planetary science and that are going to be watching breathlessly on August 5 as Curiosity lands on the Martian surface and sends back new information about one of our neighbors in the solar system.

I urge a "no" vote on the amendment. I urge us to continue to push the envelope of our understanding of the universe. And we just simply cannot choose this as an offset, such a valuable national treasure as the Mars program.

I yield back the balance of my time.

Mr. HOLT. 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 yield to my friend from Massachusetts.

Mr. TIERNEY. I thank the gentleman.

I think it is reprehensible, actually, that the majority has chosen to go with the Ryan budget numbers over the agreement that was reached last August. I think it has put the chairman and ranking member and the members of that committee in a terrible position. We can see it just by the juxtaposition of two programs here that obviously people think have merit on this aspect.

As much as taking \$10 million from the amount of money that otherwise would have gone to the Mars program would leave them \$10 million less than they would have had, but \$78 million more than otherwise was in there. Doing nothing with respect to this motion would lead to our Justice program with zero dollars in the House budget.

So I am thinking that we'll take a vote here; and if we pass, I hope that the committee is able to work with the Senate to bring the Mars program back to where people want it to be. I am hoping from what I have heard here that people think there is merit to our district attorneys and our public defenders as having some money in their accounts so that they can have good qualified people moving our justice system forward, and they will take care of that in conference.

But one way or the other, we need to know that taking a program and putting it down to zero at a time when our justice system is crying out for fairness and crying out for the tools to operate appropriately for our district attorneys throughout the country as well as public defenders who are saying that this is essential, that maybe at least having a debate on this issue and talking about it will make sure that we can get all the programs that we need funded to the level that we're able to do so that we can move both of those things.

So either way this motion goes, I hope that if we win on this case, that we argue strongly to hold that number in the conference and then work to do something with the Mars program.

People feel strongly about that. Should this motion not prevail, then I hope that our chairman and our ranking member and others will work hard in conference to make sure that the John R. Justice Program is not reduced to zero because I have heard everybody here talk now about how they think it is a good program and that we move forward and we fund it so that the system can work the way it was intended to work.

Mr. HOLT. I yield to the gentleman from South Carolina.

Mr. GOWDY. Madam Chairwoman, I would just say, again, that really in times of prosperity, we should be having conversations about the size and the scope of government. And of course you have to have it in times of austerity.

I just view the criminal justice system, law enforcement, prosecutors as a core function of government, whether it's State government or Federal Government. And we want to incentivize and encourage good people who are not hamstrung by debilitating student loans to go pursue that, as opposed to just going into private practice where they can make money.

I have lived it. I have seen what it can do for our office, and I would hope that my colleagues would give favorable consideration to it. And if not, I take the chairman and the ranking member at their word that they'll give it a look at the appropriate time.

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

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

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

Mr. TIERNEY. Madam Chairwoman, 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 Massachusetts will be postponed.

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

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

Mr. ROHRABACHER. Madam Chairman, I rise today to engage in a colloquy on NASA's Commercial Crew Program. The chairman has shown great leadership on space and science issues. He and I have often worked together on issues of shared interest, and he is a great friend.

The report of this bill contains some very strong language about NASA's Commercial Crew Program; and I, admittedly, have some concerns about that language. I believe it makes a flawed comparison between Commercial Crew Program partners and the energy firm Solyndra. In addition, it requires an immediate down-select to a single-program partner, which I do not believe is the best path to move forward.

That being said, I do understand and agree with many of the chairman's concerns that I know were underlying this language. For example, NASA has not shared a clear, comprehensive management plan for the program despite repeated requests. Instead, they have made inconsistent and confusing statements about the program's purpose, timeline, design, costs, and procurement benefits.

Although the committee has defined one possible management approach in response to these concerns, I hope that we will be able to discuss some alternative approaches that both address the management problems within NASA and allow the achievement of the agreed-upon goals of the program. With that in mind, I am willing to work with NASA to help come up with a new plan that will do just that. And I would be pleased to work with the chairman on these issues in order to go forward.

At this time, I yield to my good friend, the gentleman from Virginia, the chairman of the CJS Subcommittee.

Mr. WOLF. I thank the gentleman from California (Mr. ROHRABACHER) for yielding and for outlining the concerns that a number of people have about this program.

I believe that, despite our differences—and it may not really be that much of a difference—we share a common goal of providing reliable domestic access to the space station in the fastest and most cost-effective manner. We are paying the Russians \$60 million a seat to get there. So we want to get there as fast as we can for the lowest cost that we can so we can utilize that space station, which cost us \$100 billion.

I know the gentleman is a staunch supporter of commercial spaceflight. And if the gentleman believes that he can get NASA to come up with a clearer and more reasonable plan, we want to work with him. We look forward to discussing results as we move forward with the process. And I will tell him that we will work together.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman.

And let me just note that both of us are committed to making sure this country is never dependent on a Chinese rocket system to launch either commercial or government satellites or to reach the space station.

I yield back the balance of my time.

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. ____ . None of the funds made available by this Act may be used to defend against any action challenging—

(1) any provision of Public Law 111 148 or any provision of title I or subtitle B of title II of Public Law 111 152; or

(2) any amendment to a provision of law made by any provision described in paragraph (1).

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

Mrs. BLACKBURN. Madam Chairman, this is a very straightforward amendment. What it says is that you cannot use taxpayer funds to defend ObamaCare, PPACA, the Affordable Care Act. And there is a reason for doing this, for bringing this amendment forward.

If you will look at today's Gallup Poll, the May 9, 2012, Gallup Poll, this is what you would find in that poll: 72 percent of all Americans believe this law is unconstitutional. They want to see this law off the books. And that includes 56 percent of Democrats and 94 percent of Republicans that were polled.

So, Madam Chairwoman, what we find is individuals saying, We don't like this. We don't want it on the books. We hope the Supreme Court finds it unconstitutional.

□ 1530

Indeed, many of us feel it will be found to be unconstitutional. And what we're doing is saying to the Department of Justice, You cannot use taxpayer funds to defend this law. We know that that is the right step to take because it is important that we defend and prevent DOJ activism. Certainly, you have heard Members stand on this floor today and talk about the activism that exists in that Department. So taxpayer funds should not be used to defend this law.

Now, some of you may feel like you've heard this before, and, indeed, you have. The Republican Study Committee has brought this idea previously as we have had continuing resolutions.

We feel that it is appropriate. This is not a bill the American people have wanted. It is a law that is too expensive to afford. Indeed, we have seen that as we've reviewed appropriations, as we're looking at Health and Human Services, as we're looking at CMS. What we're staying to DOJ is, You cannot use taxpayer money to defend this law. We do not want our taxpayer funds to become a legal defense fund for ObamaCare.

So it is a very simple amendment. It is a total of eight lines long. I urge individuals to support the Blackburn amendment and to prohibit DOJ from using taxpayer funds.

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

Mr. SCHIFF. Madam Chair, I rise in opposition to the amendment and move to strike the last word.

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

Mr. SCHIFF. Madam Chair, I'm not sure that I understand the basis of the amendment that we should defund the Justice Department from any effort to defend a law if the polling indicates

that it is unpopular at the moment. The polling on the health care reform law has varied since its enactment. At times it has enjoyed majority support; at times it has enjoyed minority support. Almost entirely throughout the period since its passage, if you ask people whether they support the components of the health care reform law, Americans overwhelmingly say that they do.

But, nonetheless, is this really the basis that we want to make whether we can defend the constitutionality of a law, and that is: What do the polls say? If so, then perhaps we ought to broaden the gentlewoman's amendment to say that, whenever a law is unpopular in the country, we should refuse to allow the Justice Department to support its constitutionality. In fact, many of the laws that we pass here are not always popular. Sometimes they're the right thing to do, and sometimes they're the hard thing to do. I would imagine that some of the decisions that we make on the debt ceiling and other things, if we put them to a poll, would be very unpopular but, nonetheless, necessary. Are we going to say that because they're unpopular at the moment that they're, therefore, for no other reason, unconstitutional? I don't think so.

We have a Justice Department that studies the constitutionality of laws to determine, in their best judgment, whether something is consistent with the Constitution, and I don't think we want to be in the business of telling the Justice Department not to defend a law because of what a particular poll might say.

With that, I urge a "no" vote on the amendment and yield back the balance of my time.

Mr. KING of Iowa. I move to strike the last word.

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

Mr. KING of Iowa. Thank you, Madam Chair.

In listening to the presentation by the gentledady from Tennessee and the rebuttal by the gentleman from California, I'd make the point that it isn't only the Supreme Court that makes a decision on constitutionality. We all take an oath to uphold the Constitution here in this Congress, in the executive branch, and also in the Federal court system. And when you go through the process of a constitutional determination, we do allow the Supreme Court, as a public and a people, to make that decision. We do so under Marbury, which is something over a couple of centuries old.

But in the final analysis of the balance of powers, in the end, it's the people that decide what's constitutional, not the Supreme Court. And I say that because we have the authority here in this Congress to control funding, as the gentledady from Tennessee has in her amendment that comes out. And there's a reason for that.

We have many debates on constitutionality here in this Congress on this

floor. It's our obligation to do that. It's our constitutional obligation to do so. And this discussion about ObamaCare and its unconstitutionality has gone well beyond the Chambers here. Many of us raised these issues 2 years and a month or so ago about the unconstitutionality of ObamaCare. We now see that at least 26 States have brought suit. It is before the Supreme Court to be decided. Tens of billions of dollars of good money has already been thrown after a bad policy and an unconstitutional policy, and now we're on the cusp of getting word from the Supreme Court.

But whether or not the Supreme Court finds the ObamaCare unconstitutional—I believe they will, at least under the individual mandate. I do not think they will sever it. I think they will throw it all out. But in either case, this Congress will continue to weigh in on constitutionality, on viability, on affordability, and on the policy itself. And the things that we do as a majority of this House of Representatives are entirely within the province of the Constitution to cut off all funding, if we choose to do that.

This Congress could cut off all funding to implement or enforce ObamaCare. This amendment just cuts off the funding to enforce ObamaCare. There's much of that unfolding today. This is a strong message to send. And I'm not suggesting we send it to the Court. I want the Court to have an independent decision on the language in ObamaCare itself. But this is a message to the American people that this Congress also has a voice. We have a voice on constitutionality. We have a voice on policy. We have a voice on affordability. And it's unaffordable; it's unconstitutional, and it's bad policy. It's an unconstitutional taking of American liberty. And this amendment at least suspends good money going after bad policy.

I strongly endorse the gentledady from Tennessee's amendment, and 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. I yield to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding, and I'll be very brief.

I just want to say that I concur with my colleague's points, to a point. As my colleague acknowledges, we take an oath to defend the Constitution. The administration, the executive branch, also takes an oath to defend the Constitution.

Effectively, what this amendment would do is say we are going to defund the Justice Department's ability to undertake and fulfill its oath to defend the Constitution. If the Justice Department disagrees with some Members of Congress about what their oath to the Constitution requires, we are going to defund their ability to follow through.

I don't think that's really where we want to be because, plainly, the Justice Department feels the law is constitutional. They believe it's their obligation to uphold the Constitution. And to say that we're going to defund their ability to follow through on that, I don't think that is good policy.

On that basis as well, I would urge a "no" vote

Mr. KING of Iowa. Will the gentleman yield?

Mr. FARR. I yield to the gentleman.

Mr. KING of Iowa. I thank the gentleman for yielding.

I just make a brief point that the executive branch has made a decision not to defend DOMA, which is the law of the land. So that's a discretion that apparently we would concede to the executive branch of government not to defend DOMA, but not accepting the antithesis of it, which I believe is the Blackburn amendment.

Mr. SCHIFF. Will the gentleman yield?

Mr. FARR. I yield to the gentleman.

Mr. SCHIFF. I appreciate that.

And that's absolutely correct. If the Justice Department determines in its view, just as you and I must, that something is constitutional and must be defended or something is unconstitutional and cannot be defended, then we have to follow through with those obligations. But I don't think it's our position to defund the Justice Department when, in the good faith execution of its oath to uphold the Constitution, it is defending a law that this Congress has passed.

Mr. FARR. The worst form of democracy is to take away the ability for it to work. This is a bad amendment, and I hope we oppose it.

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 just walked in in the middle of this amendment, but it's very similar to an amendment we took up last night, and it's equally wrongheaded.

Aside from the fact that it's almost irrelevant, this amendment, as I read it, says that none of the funds may be used to defend challenges to the Affordable Care Act by the Justice Department. Aside from the fact that none of the funds are going to be used because the argument has already been heard by the Supreme Court—it's past tense; the Court is going to decide one way or another—this seems to me a little late. All the arguments in Court have already been heard, and therefore, they're not going to spend anymore money doing that. The Court will decide it's constitutional or it's not constitutional. The argument already occurred. The money has already been spent. So I don't see the point of this.

□ 1540

But putting that aside, what this says in effect is Congress passed a law.

Any law that Congress passes has a presumption of constitutionality. And this says that the Justice Department shall not defend the Constitution or a law duly passed by Congress because a subsequent Congress doesn't agree. Well, if a subsequent Congress doesn't agree with what the previous Congress does, we should repeal the law, and then there would be nothing to defend. But if you don't have the votes to repeal the laws, and on the merits I would oppose repealing the law, obviously, but if you don't have the votes to repeal the law, don't say that the Justice Department shouldn't defend the constitutionality of a law passed by Congress if that law is challenged in court.

Now, in *Marbury v. Madison*, the Court said it is distinctly the job of the judiciary to decide what the law is. It's our job in Congress to decide to pass the law. It's the executive's duty to faithfully execute the law. And it's the judiciary's duty to say what the law is and whether it's constitutional because they have to defend the Constitution, and if we pass a law, they have to decide whether it meets the Constitution or not.

It's the executive's duty to execute the law, and part of executing the law is defending the Constitution as the executive sees it. So it is up to the Justice Department to argue in court to defend the constitutionality of a law if it thinks it is constitutional, and to oppose the constitutionality of a law if it thinks it's unconstitutional.

Now here you're saying that the Justice Department shouldn't argue and we shouldn't give it funds to argue to defend the constitutionality of the law. We are going to have another amendment in a little while by Mr. HUELSKAMP that says the Justice Department may not use any funds to oppose the constitutionality of a different law, the Defense of Marriage Act passed, what, 15 years ago.

It is up to the Justice Department and the executive to decide in their opinion what is their duty in terms of their duty to faithfully execute the law. That's their constitutional mandate. And if it's their duty to argue for the constitutionality of a law, they must. To argue against it, they must do that, too.

We can, and in fact the House has in the DOMA case—I didn't support this, I don't agree with it, but we were within our rights to hire outside counsel to argue against the Justice Department on the constitutionality of that law, and we have the right to do that.

But to attempt to use the power of the purse to deny the executive branch its ability to do its job, which is to defend the Constitution as it sees it by arguing for or against the constitutionality of a bill in court, is simply wrong. It's a violation of the separation of powers, and it's an abrogation of their responsibility.

It also hurts the function of the court to decide unconstitutionality because

the court is owed and needs the opinion of the executive, and for that matter the opinion of Congress, if it differs.

So this amendment, regardless of the merits of the bill, which I supported and voted for, which I think is a good bill, regardless of the merits of DOMA, which I opposed and which I think is unconstitutional, the argument in both cases is the same. We shouldn't be telling and certainly not using the power of the purse to say that the Justice Department may not argue for this position because we don't agree with it or for that position because we don't agree with it. If we don't agree with it, change the law. That's our job. And the Justice Department should argue its opinion of constitutionality, and the court must decide in the end. In the end, that's our system, and we shouldn't tamper with it.

I 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. I just wanted to enlighten the House on one small matter. We've had a number of votes on repealing the Affordable Care Act and the like. There's no possibility that the President is going to sign this bill if this amendment was in there. So, you know, we're spending a lot of time, but the election will come in November. There will be an opportunity for the country to sort some of these issues out.

But as for this appropriations bill, what we're trying to do is fund needed law enforcement activities in relationship to the Justice Department, whose principal duty is to protect our country since post-9/11 in terms of terrorism. I was out at the Terrorist Screening Center. I met with the FBI director and other officials from the Department. It's important that we pass this appropriations bill on time, and I thank the House leadership for scheduling it. This amendment is not going to be a part of this law no matter the result of the vote here today.

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 ayes appeared to have it.

Mrs. BLACKBURN. 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 gentlewoman from Tennessee will be postponed.

AMENDMENT OFFERED BY MS. LEE OF CALIFORNIA

Ms. LEE of California. Madam Chair, 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. _____. The amount made available by this Act for "Department of Justice—Community Oriented Policing Services Programs" (and the amount specified under such heading for grants under section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title) is hereby increased by, and the aggregate total of other amounts made available by this Act that are not required to be made available by a provision of law are hereby reduced by, \$177,087,000.

Mr. WOLF. Madam Chair, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman is recognized for 5 minutes.

Ms. LEE of California. Madam Chair, I intend to withdraw this amendment at the end of my presentation and the discussion.

I want to first thank Ranking Member FATTAH for his tremendous leadership on the subcommittee and talk about what this amendment would have done, which of course would have increased funding for the Community Oriented Policing Services program, better known as COPS, to the funding level in the President's fiscal year 2013 budget, which is \$257 million. But I want to thank Congressman FATTAH for his leadership because we have talked, and hopefully as this bill moves forward, we can look at what we can do in conference to get closer to this level.

Unfortunately, the COPS hiring program was funded at only \$40 million in the fiscal year 2013 bill, which is \$217 million—76 percent actually—below the President's request. So while we were able to restore some of that critically needed funding with the amendment that was passed last night, it is totally insufficient. It is insufficient because of the fact that the highly successful COPS hiring program is vital to increasing the numbers of community police officers on our streets.

Not only will we have fewer officers protecting our citizens now, but these cuts will result in officers with less training who are less prepared to address the violent crimes threatening our community. We simply can't afford to let that happen.

Oakland, my hometown, and so many communities across this country are already struggling to contain violent crime. COPS has been a lifeline for public safety. It has worked.

As a member of the Appropriations Committee, I know that we are facing a challenging fiscal situation with the current allocations under the Republican budget. But slashing the COPS hiring program, even as State and local budgets struggle to make ends meet, is a perfect example of being penny-wise and pound-foolish.

We must support the safety of our communities. The COPS program is active in every one of our districts—Democratic and Republican districts.

So let me end by saying that supporting our law enforcement should not be a partisan issue. Our COPS deserve better. I look forward once again to working with Ranking Member FATTAH and others to increase funding to the COPS program as this bill moves to conference. We need to increase it at least to \$257 million, which is what my amendment would have done. So thank you again to our ranking member and the members of the Appropriations Committee and the staff for their hard work in bringing this bill to the floor.

I yield back the balance of my time.

□ 1550

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. Since President Clinton initiated the COPS program, there has been a tendency for there to be partisan fights around it. The truth of the matter is there is nothing partisan about cops in your community. Every community throughout our country, no matter the voting patterns or predictions of voting patterns, rely on police officers for public safety.

The Congress—this Congress, under a Republican President and Republicans in the House and Senate, has spent billions on policing in Iraq. We have just seen President Obama make commitments in Afghanistan for security services and resources well into the next decade. Here in America, we should be at least as willing to support police on our streets.

I want to assure the gentlelady from Oakland—her city I visited. I know many of the challenges in cities similarly situated, including my own. I know that the chairman of the subcommittee wants to see more cops on the beat, but we have a difficult allocation. We are hopeful, and I think with some degree of certainty that we will be able to increase the resources put into this area.

This is not partisan. This is a program that works. Ever since the COPS program was implemented, every single year the crime rate has gone down; violent crime has gone down in cities where this has been implemented. So I thank the gentlelady for her offering of the amendment and for her willingness to withdraw it. And I thank the chairman for reserving rather than acting on his point of order.

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

The Acting CHAIR. Does the gentlewoman from California seek to withdraw her amendment?

Ms. LEE of California. Yes.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

Ms. BORDALLO. Madam Chairman, I move to strike the last word.

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

Ms. BORDALLO. Madam Chairman, coral reefs are some of the most impor-

tant ecosystems in the United States, providing environmental and economic benefits to our communities.

Coral reefs provide almost \$2 billion in local income and over 70,000 jobs for neighboring communities. Coral reefs provide ecosystem services valued at over \$8 billion. These vital natural resources, however, are facing a multitude of threats, the impacts of which are little understood.

NOAA works in partnership with external partners across the United States to provide the opportunity for scientists from academic institutions to work in collaboration with NOAA and other partners to address a wide variety of threats. Now, these partnerships allow for better understanding of local impacts, leading to local management decisions that account for unique socioeconomic and cultural priorities.

I do appreciate the committee's support for \$24 million in funding for coral reef programs in NOAA, and I ask that you work with the Senate to maintain funding for NOAA's important coral reef programs, including coral research.

I yield to the gentleman from Virginia for the purpose of continuing this colloquy.

Mr. WOLF. I thank the gentlelady from Guam for raising this important matter. We will work with the Senate to ensure that funding for these important programs, including coral research activities, is sufficiently maintained.

Ms. BORDALLO. I thank the gentleman.

Reclaiming my time, again, I thank the gentleman for deciding that he will work with the Senate to ensure that funding for these important programs will be sufficiently maintained.

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

AMENDMENT NO. 38 OFFERED BY MR. DUNCAN OF SOUTH CAROLINA

Mr. DUNCAN of South Carolina. 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:

At the end of the bill (and before the short title) insert the following:

SEC. 542. None of the funds made available by this Act may be used to litigate against any of the several States on behalf of the National Labor Relations Board pertaining to secret ballot union elections.

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

Mr. DUNCAN of South Carolina. Madam Chairman, the right to a secret ballot should be sacred in America, and I stand in unison with my colleagues from South Dakota, Utah, and Arizona in defunding the NLRB's ability to sue States over the right to a secret ballot.

For decades, we have seen a sharp decline in private sector labor unions, while government employee labor unions have used the political process to expand. In an effort to curb the re-

cent labor trends in the private sector, the administration's taxpayer-funded voice for labor—the National Labor Relations Board—has filed numerous suits against right-to-work States and enacted over-the-top, union-friendly policies simply because right-to-work States like South Carolina allow employees to decide for themselves whether or not they wish to join labor unions.

The NLRB's latest attempt to boost labor unions involves suing two States, Arizona and South Dakota, and intimidating several other States because of State laws protecting the secret-ballot process in labor union elections.

Just recently, 80 percent of South Carolinians voted overwhelmingly—80 percent—to enact secret-ballot protections in union certification elections. These are exactly the protections that NLRB bureaucrats are attacking today.

This is not only an attack on our states' rights, but also on the secret-ballot election process that allows workers to vote their conscience without fear of union retaliation.

My amendment does not eliminate the NLRB or strip away all of their funding—even though they probably deserve exactly that after 2 years of abusing businesses, including Boeing in my home State. Rather, my amendment simply protects the States whose citizens have spoken on this issue by stopping the NLRB lawsuits against those States.

I urge my colleagues to stand up for workers' rights, stand up for the rights of voters in our States who have spoken, and stand up for the rights of our States themselves and support this amendment.

I yield back the balance of my time.

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

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

Mr. FATTAH. I'm opposed to the idea that in a country of laws we want to deny the opportunity for our issues to be raised in a court of law. That's how we settle matters in our Nation, and I think it sets the example for the rest of the world.

So this consistent attempt that we see here now, whether on the Affordable Care Act or on other issues, to deny funds for the Department of Justice on behalf of the executive branch to bring issues before a court of law, I think, flies in the face of the American ideal.

I oppose the amendment, and I yield back the balance of my time.

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

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

Mr. GENE GREEN of Texas. 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 South Carolina will be postponed.

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:

At the end of the bill (before the short title) insert the following:

SEC. 542. None of the funds made available by this Act may be used to implement, administer, or enforce the Equal Employment Opportunity Commission (EEOC) Enforcement Guidance Number 915.002 concerning "Consideration of arrest and conviction records in employment decisions".

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

Mr. QUAYLE. Madam Chair, I'm offering this amendment with my good friends and colleagues, Mr. SCALISE, Mr. STEARNS, and Mr. WOODALL. It would block the new EEOC enforcement guidance that limits employers' ability to look at criminal records in their hiring decisions by prohibiting the use of funds for the implementation of this guidance.

Now, Madam Chair, it seems like every day, whether it be an Agency or a Commission, they come out with some new rule or guidance that really puts burdens on our small businesses and companies that are actually trying to expand and hire new workers.

□ 1600

Now, this guidance is particularly troubling because it sets up a lose-lose situation for our small businesses in my home State of Arizona and across the country. You see, these businesses are going to have two choices.

One, they can either not actually go through with a criminal background check, which would open them up for a claim of negligent hiring if a worker actually goes and commits a crime on the premises; or they're going to open themselves up to litigation from the Federal Government, from the EEOC or the DOJ because they believe that their objective use of actual criminal background check is going to actually have a disparate impact.

Now, I don't think that that's the choice that our businesses should be given. They have to have a different choice, a choice that allows them to expand, allows them to hire more workers, and allows them to put forth the proper procedures so they know they're hiring people that are not going to have criminal activity.

The reason this one thing came to my attention was I spoke to a constituent of mine who owns a hotel in my district, and he says, Look, I have to have criminal background checks for my employees because some of them are going into rooms of the guests to clean, to check on things, and they have valuables there. Now, if I don't do a criminal background check and they actually go in and steal something and they did have a burglary rap

against them or a robbery rap, these are the things that they would actually get sued for for negligent hiring.

So this amendment makes sure that no funds will be used to implement this new guidance. And it is especially important to do because the EEOC has recently been very, very litigious, and there have been two recent Federal court cases that actually smack down some of the EEOC's claims for a frivolous lawsuit and gave back millions of dollars to these companies who were charged by the EEOC. So this is why this amendment is important.

This is actually going to get rid of some of the burdens and some of the uncertainties that are placed upon our businesses, and I think this is the time to do it. We don't need to put any more burdens on companies that want to expand and hire because, if you're going to put this into place and enforce it, you're actually going to just lead to people not hiring because you're going to set them up for failure.

So I urge my colleagues to support this 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. As best as I'm able to determine, this is a bipartisan vote of the Equal Opportunity Employment Commission, just saying that there should be reasonableness in the process of looking at this question.

We have a lot of young people who get themselves involved in circumstances young, at early points in their lives, but we do want them to be gainfully employed and productive citizens in our various States. But, nonetheless, this is a matter that has been litigated in various courts and, to some degree, I think it's helped to bring a more commonsense approach to this process.

But here again, to deny funds for the lawyers of the Federal Government to be able to handle these matters in a court of law I don't believe is the appropriate way to go. So I stand in opposition to this amendment.

I stand for the notion that we should be trying to reengage people in productive lives, in employment, reunite them with their families and build stronger communities, and I think that's the purpose of much of the work that we're doing related to reentry.

I yield back the balance of my time.

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

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

Mr. GARDNER. I yield to the gentleman from Arizona.

Mr. QUAYLE. I thank the gentleman for yielding.

I do agree with the gentleman from Pennsylvania that we need to make sure that we are allowing people to get good jobs. And that's the biggest prob-

lem that I have with this guidance is that, when you're setting up other companies where they have a lose-lose proposition of whether they're going to either have the possibility of litigation from the Federal Government or the possibility of litigation because they have a negligent hiring, you're actually setting up a situation where they just won't hire. They won't hire anybody because they're not going to want to put themselves in that situation.

And the other thing that we've been seeing is that this got a lot of concern from the Appropriations Committee in the Senate as well, saying that we have to look and make sure that there are not these unintended consequences where we're going to be putting up businesses to fail, and that we're actually putting on these burdens that are not going to let companies expand, that are not going to let companies hire. And these are the sorts of things that continue to put this uncertainty in the private sector.

It seems day in and day out that the Federal Government does this, whether it's an Agency or Commission, and that's why I think this is a very important amendment.

Mr. GARDNER. 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 amendment was agreed to.

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

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

Mr. OLSON. Madam Chair, I rise today to engage in a colloquy with the chairman of the Commerce, Justice, Science Committee regarding NASA's plans to consolidate its thermal protection systems and atmospheric reentry materials testing facilities, known as arcjet facilities.

In 2011, NASA made the decision to close the arcjet facility at the Johnson Space Center in order to consolidate testing in a single NASA location. However, serious concerns were raised at high levels within NASA and industry about the detrimental effects this consolidation will have on NASA's testing capabilities, its ability to maintain unique institutional assets, and its ability to successfully develop NASA's human and robotic space systems, including the Orion, commercial, and other important space vehicles, which all require arcjet certification of their thermal protection systems.

Madam Chair, NASA claims that the proposed consolidation will reduce costs while maintaining safety and mission assurance. However, I believe that NASA has unduly fast-tracked this decision and overlooked safety and mission concerns, cost issues, and program testing needs.

I've asked NASA to suspend its work on closing the arcjet, pending a thorough and independent review of those concerns, such as investigations by the NASA inspector general and the Aerospace Safety Advisory Panel. I hope

that such review will ensure that NASA does not make a shortsighted and regretful decision.

I thank Chairman WOLF for the opportunity to raise these concerns today and yield to my colleague from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. Madam Chair, I want to thank my colleague for yielding me time, and I want to thank Chairman WOLF for his tireless dedication to maintaining our Nation's manned space flight capabilities. For many years, we worked together.

I represent part of Houston and Pasadena, Texas, and we're proud of the Johnson Space Center. The work that is accomplished there advances our Nation in space through mission control, training, and testing. One such testing facility is arcjet. This facility ensures that the material on the outside of the vehicles reentering our atmosphere can withstand the heat that is created. It's a critical capability if we ever want to send humans in space again.

The Johnson Space Center arcjet facility is being closed by NASA. I believe the decision is premature. We've received documentation indicating the experts within NASA, from their own Office of Safety and Mission Assurance, believe that the closure would negatively impact the safety and diminish NASA's in-house protection capabilities.

Confronted with tough questions on this, NASA has decided to move ahead with their plans. They're unwilling to delay it, and they are even unwilling to further study it.

Chairman WOLF, I'm asking for your help as we're confronted with a NASA that is pushing ahead despite our inquiries and despite their own internal disagreements. This is not just a local issue, and I'm afraid that the closure of arcjet at Johnson Space Center would forever undermine our Nation's space program, and I appreciate any assistance you could provide us.

□ 1610

Mr. OLSON. I'm reclaiming my time, I yield to Mr. WOLF.

Mr. WOLF. I want to thank both of you for your commitment to safety and mission success at NASA. This is an issue that they have been active on for a while now, and they have raised a number of significant questions. We will be happy to work with both of your offices to ensure that those questions are answered and that the decision-making on NASA's facility promotes safe and effective management. So we'll work with both of you to do that.

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

AMENDMENT OFFERED BY MR. GARRETT

Mr. GARRETT. 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 Department of Justice to be a party to a single or multi-state court settlement where funds are removed from any residential mortgage-backed securitization trust.

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

Mr. GARRETT. Earlier this year, the Obama administration and the State attorneys general across the country entered into a so-called multi-State mortgage settlement process, in a final settlement, with some of the Nation's largest servicers. What the administration stated at this time is that the settlement would require the servicers to use—this is important—their own money to help people, to help pay out overextended home buyers, basically. Unfortunately, this settlement went a lot further than that.

In that settlement, people who were purely investors in mortgage-backed securities were also negatively affected by it as well—you might say literally taking money from them, or stealing money from them, through this process. You see, these private investors, they did absolutely nothing wrong whatsoever, but now they also are on the hook for having to pay in upwards of billions of dollars to, again, bail out some people who made some bad decisions and wrong investments.

Now, I do very much sympathize with people, individuals—home buyers—who were hard-hit by the recession, and I understand what the intention of this settlement process was. But there is no reason whatsoever as to why private investors who fund our mortgage market in this country should have their private contracts broken and their money basically taken from them. See, they in this process were deliberately left out entirely of the administration's negotiations on the mortgage settlement. They did not have a proverbial seat at the table when the decision was made as to who would foot the bill. Basically, private contracts in the process were broken. People, investors, didn't have a chance to stop it. They didn't have a say.

Who are these investors I'm talking about here? They're State retirement systems. They're 401(k) plans. They're public pension plans. They're private pension plans. They're insurance company annuities. They're mutual funds. Basically, what I'm talking about is just regular, everyday people who comprise the majority of American retirees across this country. So, in addition to the DOJ's taking this action in this past settlement practice without the investors being present at the table, this is really, if you think about it, another example of private contract rights having been broken and about Fifth Amendment due process rights having been broken as well.

Now, this is all in the past—and what we're doing here in this legislation is going forward—but the past action, if it is able to be continued, would put in

a hesitancy, if you will. It would encourage investors to step back from the mortgage market and say, you know, there is really a new political risk here if I'm going to invest in mortgages anymore, if I'm going to buy a mortgage, a bond, or what have you. And they will step back from doing so, and that will hurt everyone. That will hurt you, and that will hurt your neighbors who want to get a mortgage in the future because there will not be investors who will want to lend them money. Then what that will do, of course, is drive up the cost of borrowing, and that will drive up the cost of buying a new home. That, of course, is something that we do not want to do here.

So having the government basically taking money out of pension funds, taking money from retirees, is not something that we should allow to occur going forward, and that basically is what our amendment tries to do: prohibit the DOJ from keeping these people from being at the table in any further settlement negotiations like this.

With that, 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 think it would be useful for the House to understand that dozens and dozens—in fact, the majority of bipartisan attorneys general across the country—filed litigation against mortgage investors who had, in their view, improperly led to millions of foreclosures throughout the country, which is what we saw with the housing market collapse. This was joined in by the Obama administration. A settlement emerged. That settlement this week led, for instance, to 200,000 homeowners having their principals reduced, but this is action that is taking place all across the country, over multiple steps, and millions of families will benefit.

The gentleman's amendment says that the people who invested in the mortgage-backed securities are the entities that then hire the servicers, the servicers who were found to have violated the law by improperly conducting their affairs. So they settled with Democrat and Republican attorneys general across the country in a \$25 billion-plus settlement that is trying to right a wrong. This amendment says, well, somehow you can't hold the people who are the investors liable for their agent, the servicers, the agents who artificially signed people's names to documents, and on and on and on.

I won't recount the activities because I think they're known well. But more importantly, they've really harmed the entire housing market in our Nation. I think the attempt here to separate out those who are seeking a fortune off of the misfortune of others from those

who acted on their behalf is wrong-headed, and I think that the amendment should be voted down.

This, unlike many others, is not a partisan matter. This is something that was brought by Republican attorneys general across our States and by Democrat attorneys general, and the joining in of it by the Department of Justice and the administration was just icing on the cake. Yet I think that the point here is that this is an activity of our State governments and that there is no reason we should be using the process here on an appropriations bill to interfere with it.

I am not at all certain that this would not have an impact, because there are still other issues that are being proceeded on in terms of banks in this regard. This was just with the largest banks in the country. So I think this amendment could have an impact and could harm the efforts of homeowners in our States to seek redress.

I yield back the balance of my time.

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

The Acting CHAIR (Mrs. MYRICK). The gentleman from Arizona is recognized for 5 minutes.

Mr. SCHWEIKERT. I yield to the chairman, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I appreciate the gentleman for yielding. I will be very brief on this.

I very much appreciate the fact that the settlement was done in a bipartisan manner. I very much appreciate the fact as to what the overall intent of the settlement efforts were by the administration and the State attorneys general. We're not questioning that at all.

It's a very interesting analogy that you make as far as the servicers being the agent of the investors, but remember who you're talking about as to who those investors are. They are the pension funds in your districts; they are the unions in your districts who have their pension funds invested in mortgage-backed securities; they are the retirees in your districts who went and, through a mutual fund or some other sort of fund, bought an investment—a bond or what have you—that was in mortgage-backed securities.

Now, yes, a third party, if you will, another party—the servicers—made some bad decisions in this. But the way this works is that the State attorneys general and the DOJ went after—who? Basically the four or five largest banks, which is about 20 percent of the industry, figuring that they would be the best targets to go after. Fine. That narrows it down who you're going to go after. Now you give them the discretion as to which mortgages they're going to write down—I'm going to write down this one; I'm going to write down this one. Which ones am I going to basically help out through bailing out the home buyers? Yes, a large percentage of those are on their own

books, but some of them are not on their own books. Some of them are the servicers for other investors that are out there.

So which ones do you think the banks are going to look at first as far as taking a haircut from something that's in their own portfolio? From something that is going to be a negative to them, or from something that is out there extraneous—out to maybe one of your own pension funds out there? I would gather that, most likely, they will go outside of their own business financial decisions and say, let's look at some of these other investors instead. So that's who we're trying to protect.

□ 1620

At the end of the day, it is a very simple thing. If this were to go forward, really all you want to make sure is that those people, innocent and otherwise, have a seat at the table and can make sure that their rights and interests are protected as well.

Mr. SCHWEIKERT. With that, Madam Chairman, 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. GARRETT).

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

Mr. FATTAH. 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 Jersey will be postponed.

AMENDMENT OFFERED BY MR. SCHWEIKERT

Mr. SCHWEIKERT. Madam 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 in this Act may be used by the Department of Justice to bring any action against any State for implementation of a State law requiring voter identification.

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

Mr. SCHWEIKERT. Madam Chairman, I think you, and probably all of us in the body are noticing a theme here on many of these limitation amendments. Being someone that comes from Arizona, there's a reason we've been actually applauding many of these amendments.

We feel, as a State—and now I'm realizing many other States have the same issue—we're at battle with our own Justice Department. How many times has Arizona now been sued by this Justice Department? This became one of those occasions where we understand Texas and other States are now being sued by the Justice Department because of voter ID laws.

I'm tired of this, and I think the American people are tired of there being this battle between the Federal Government suing our States and costing the residents, the citizens of these States, these litigation costs.

How do you stand up and create limitation? This became our opportunity to tell the Justice Department, No, go after bad guys and stop suing our State. If there is a bad act requiring an ID to vote in a State, fine. You still have private rights of action.

I had a staffer in the back telling me this story. I hope I don't screw this up too much. But apparently a couple of weeks ago, there was a young man who walked into a polling place and was able to get General Holder's—our Attorney General's—ballot by just saying, Hi, I'm Eric Holder. I'm here to vote.

Does anyone understand how absurdly ironic this is, when considering you can't go in and visit the Attorney General in his office without a photo ID? I can't go visit him in his office, but I can walk in and get his ballot?

If you believe in the sanctity of the voting box, if you want the American people to believe in your election and be willing to accept when there are changes of power, which happens all the time, you've got to also have that faith, the faith that those elections were clean and proper, but also that those who were supposed to vote were the ones who were allowed to vote. Madam Chairman, that's why I stand here and offer this amendment.

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

Mr. KING of Iowa. Madam Chairman, I move to strike the last word.

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

Mr. KING of Iowa. Madam Chair, I rise in support of the Schweikert amendment.

As I listened to his presentation, it rolls me back to the year 2000 when I watched the fiasco take place in Florida and the recount that took place there. At the time, I was the chairman of the Iowa Senate State Government Committee. It was my job to see to it that we made sure that Iowa wasn't a Florida in a recount like that. In that process, I went through 37 days where almost every waking minute I was looking into voter election fraud. It really brought my attention to it, to the point where every day I carried an acorn around in my pocket just to remind me that free and fair and legitimate elections are what we need to have. It's the very bedrock for this constitutional Republic. The Constitution is the foundation, but legitimate elections and the perception of legitimate elections are the very bedrock upon which the foundation of our country sits upon.

So through that period of time, we've watched since that there has been more and more election fraud, promoted by ACORN, that brought this to the public sight, but something that I've been on

now in my 12th year. As I brought legislation in the State forward to legitimize the elections that were in question, I asked that we made sure that our voter registration lists are free of duplicates, deceased, and felons, and that we require a picture ID.

The gentleman from Arizona has put together a list of the things that you need a picture ID for, and it's rather astonishing when you look through that list. Since he yielded back the balance of his time, I'm going to just pick some things off of this sheet, Madam Chair. That is this:

You can't get a package from a post office, a post office general delivery box, without showing a picture ID in cities. I can in my hometown.

You can't purchase a handgun without a picture ID.

You can't purchase tobacco or liquor without a picture ID. I can't get a beer in Chicago without a picture ID, or open a bank account or get on a passenger plane or get a ticket to Amtrak or rent a car or return merchandise or a refund or sell scrap metal in a junk yard or purchase police uniforms in California. I've never tried that one.

You can't be treated in any doctors' offices or admitted to a hospital without being in an emergency without a picture ID, or rent an apartment or get a bank loan or a cell phone or a teaching license or enter a major university, enroll as a student or get a library card at any libraries or enter military ports, check into a major hotel chain, rent a truck from a U-Haul or, as the gentleman from Arizona said, you can't visit Eric Holder without a picture ID. It's pretty astonishing.

This morning, in a hearing before the Judiciary Committee, the Director of the FBI, Director Mueller, I asked him if he had heard of the incident of the early twenties young Caucasian male that walked into the polling place in Virginia and asked for Attorney General Eric Holder's ballot. He just gave the name and identified the address, and they tried to hand him the ballot. He said, I need to go get my ID. They said, You don't need an ID; here is the ballot. It didn't occur to the poll worker that this early twenties Caucasian male was not a 61-year-old black man whom everybody ought to know his face by now, the Attorney General of the United States.

The Attorney General of the United States apparently wasn't alarmed that he easily could have been disenfranchised of his vote if that individual had just gone and picked up the ballot and gone and voted. He was not alarmed. And the Director of the FBI said under oath, this morning, he hadn't heard of this case, this incident that, by the way, twice was brought before the Judiciary Committee and the video was run. It's a matter of record with the Judiciary Committee within the last month, Madam Chair.

There are things that you can't do. As I said, you can't get a beer in Chicago without a picture ID and you

can't vote in Hugo Chavez's Venezuela without a picture ID. It's about time, in the United States of America, we allow the States to clean up our election laws and kept the Department of Justice out of the business of interfering with the justice that is delivered by the States in the United States of America.

I 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. Let me say a couple of things.

One is that our country has managed to limp along for a few hundred years. We are the leading Nation in the world. We are the wealthiest Nation in the world. We are the number one superpower. I don't know how we got here with all of these imperfections in our voting system, but we'll try to go forward.

This notion that voter IDs—for instance, in the State of Texas, if you have a concealed-weapons permit issued by the State, that's good; you can go vote with it. If you have a State ID from the State university, that's not good.

In our State of Pennsylvania, we've got 30 types of different IDs that you can and you can't use. The Republican Governors and legislatures throughout our country this year have all come to the same conclusion. It's like a consensus that all of a sudden what America really needs is picture IDs for people to go vote.

I would suspect that when this is over with, after people go to the polls in November, there is going to be some regret. I think that in many areas of our country where there are people who may even cast votes on behalf of the GOP, that there are going to be senior citizens like—for instance, let me give you an example of my own mother. She is 80 years old. She has never driven a car. She's not traveled outside the country. She has no active passport or anything. She doesn't have a picture ID. She doesn't need one. We'll make sure she has one.

□ 1630

I believe that when we get to the final analysis here that there will be more interference in voting in places that don't have the same level of access to what the States have now required you to do, and I think that will be unfortunate. It's not the way for the leading democracy in the world to operate. Those who have promoted these laws and stand in support of them, I believe this will be a point in their careers that they'll look back on and wonder how it is that they got on such the wrong side of history.

I'm opposed to this amendment, which is another limiting amendment, limiting access to the courts for lawyers on behalf of our government, trying to protect citizens' right to vote in

States where Governors have decided now you need a picture to go present yourself and cast a ballot.

I yield back the balance of my time.

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

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

Mr. GOSAR. I am proud of my colleague from Arizona for bringing up this amendment, and I am tired of the Department of Justice dictating to the States. It's about time that we embellish and supported States to actually help us with this. And I want to remind our colleagues, if it's good enough for us—here's my card in order to vote—it should be good enough for the rest of the United States. What we do in Congress we should do for the rest of the country, and this is where it starts.

There are so many things that we can talk about, but it's about time that we stopped suing States. And I think this is a great amendment—rewarding good behavior instead of rewarding bad behavior—and giving our Department of Justice an outline of what good behavior is, because I think they've lost their way.

I yield back the balance of my time.

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

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

Mr. FATTAH. 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.

AMENDMENT NO. 14 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. 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. ____ None of the funds made available in this Act may be used to enforce section 221(a) of title 13, United States Code, with respect to the American Community Survey.

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

Mr. POE of Texas. Madam Chairman, my colleagues and I—Congressman GOWDY, Congressman KING, Congressman SCALISE, and Congressman LANDRY—have introduced an amendment to prohibit funds from going to the Census Bureau to enforce a criminal penalty that is imposed upon people who choose not to complete the American Community Survey.

The American Community Survey is not the same as the decennial, or every-10-year, census that is required by the U.S. Constitution. The census, of course, is conducted every 10 years to account for the population and includes, basically, 10 questions. The

American Community Survey is a different survey handled by the Census Bureau that has 48 questions and is sent to 250,000 people every month, or 3 million Americans a year. The questions that it asks have nothing to do with national security, but it asks specific—in my opinion, intrusive—questions to determine Federal funding for certain areas. Plus, businesses use these answers to the questions to make business decisions on locating or not locating in certain parts of the United States.

I don't argue the benefit of the overall purpose of the American Community Survey. My concern is that it's intrusive. And does the Federal Government really have the right to ask certain questions? There are 48 questions. I'm not going to go through all of them. However, I would like to put into the RECORD the American Community Survey.

There are three questions I would like to mention, however. One of them is, Does your home have a flush toilet? Or, Do you or any member of your household have a second mortgage or a home equity loan? The third question that I wanted to mention is, Because of a physical, mental, or emotional condition, does this person have serious difficulty concentrating, remembering, or making decisions?

Now, does the Federal Government really need this information? Should the Federal Government really obtain this intrusive information from citizens?

If Americans want to complete the American Community Survey, fill it out, give it to the Census Bureau, fine, but they shouldn't be required to do so with the threat of a fine.

I've heard from many people—not only in Texas but all over the country—that they are concerned when people come from the Census Bureau, or subcontractors, to have them fill out this questionnaire. These people from the Census Bureau, or those who are contracted by them, start with phone calls. First there's one a week, and then many times there's one every day. In one particular case, I had an individual who was a single mother with a young child who said the Census Bureau worker started coming to her house, sitting out in the front of her house waiting for her to come in. And then when she is in the residence, the worker is peeking through the window to see if she's in there, knocking on the door to have her come to the door to answer the American Community Survey.

Now, does that really need to take place in the United States just to get a 48-question survey filled out? I don't think so. The means to get this information does not justify the result. And if people don't want to complete the survey, they shouldn't be required, under our law, by the penalty of a fine, to do so.

I hope that we do, in this country, as the Canadians have done. They have

made this type of information voluntary. They still obtain the information from people who want to voluntarily give the information. As smart as the Census Bureau is about collecting information, they can certainly do this without having to go door to door, 250,000 people every month, to do this. Figure out new innovative ways to obtain this information voluntarily. Maybe talk to some of the polling agencies that have specific information about all kinds of polls in the United States to obtain the information with the result to be for businesses to use and for Federal funding to be going into those areas.

So this amendment simply says, there will be no penalty for people who refuse to fill out the survey.

With that, 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. My colleague, the gentleman from Texas, was here with me in 2005 when, in fact, we had a President from Texas. This survey was done then. It was done in the same identical way. In fact, this would be the first time that we would act in a way contrary to our constitutional responsibility.

It is important to note that this is an authorized activity of the Census Bureau, not just directly related to our constitutional responsibilities but also Title 13 of the U.S. Code, and it has been judged in numerous courts to be appropriate. It is important for Congress and for our government to be able to act in ways, in terms of public policy, in which we have information.

I'm trying to figure out what's different now than in 2005. In fact, the development of this survey and these questions even happened prior to this administration. So I'm trying to figure out exactly why we're here today and what it is that we're trying to accomplish and why we want to create suspicion about the fact that we need to have information about the population, like the question about toilets that flush or things like this.

□ 1640

We do this with the Millennium Challenge grant, which was set up under the Bush administration, looking at developing countries and looking at some of the challenges in terms of population and when we want to know about the state of our own communities.

So I wonder why we're here. I do know one thing: I'm going to vote against this. I'm sure the gentleman has some reason why this was okay before and now it's not okay. The House will work its will on it.

Mr. POE. Will the gentleman yield?

Mr. FATTAH. I would be glad to yield to the gentleman from Texas.

Mr. POE of Texas. To answer your question specifically, I am not arguing

the point that this information is not valuable for businesses and for the Federal Government for funding in certain areas. My issue and the concern that has arisen since I have been in Congress is that people feel that they should not be forced to participate in the American Community Survey.

This is not the census. This is a different complete document. Sure, it's authorized by Congress. But maybe Congress needs to back up and say people should be allowed to opt out and not be required to fill out the survey.

Mr. FATTAH. Reclaiming my time, maybe Congress will, and you've offered us an opportunity to do so. You pointed out Canada. I guess you're recommending their system and the way they do things. For our purposes, the country seems to run pretty well by having the census data, having a capability of understanding of what the water needs may be, what the transportation needs may be, understanding what the conditions are in American families so that we can get appropriate public policy.

But if you think we can do that better being in the dark in terms of this data, fine. The Census Bureau says even though they don't really enforce the fine, they know for a certainty that absent a requirement, they will get less data back.

I know the gentleman is attempting to help our country. I'm just not clear exactly how this does it.

I yield back the balance of my time.

Mr. KING of Iowa. I move to strike the last word.

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

Mr. KING of Iowa. Thank you, Madam Chair.

I rise in support of the Poe amendment, and I thank the gentleman from Texas for bringing it.

Just to clarify some of the history, this is the questionnaire that apparently has replaced the need for what was the census long form. The census, of course, is directed by the Constitution every 10 years. And that's why we're going through redistricting now and all the primaries take place across the country.

But from 1940 until the year 2000, we also had the long form that was part of the census question. Some people got the long form; some got the short form. And this questionnaire came along and replaced the long form. So the perception was that it actually was a census question—the replacement for the long form—but it really is not. Of course, it's the American Community Survey.

I agree with the gentleman from Texas. If a government is going to be so intrusive, they're going to issue a 24-page packet of questions that's got 48 questions in it, some of them very, very intrusive. Just names, age, gender, race, income, physical and emotional health—that must have been the one where you have to answer the question on whether you're having trouble concentrating or making decisions—

your family status, details of your residence—that might be the one about whether you have a flush toilet or not—and intimate personal habits—whether you actually use it or not. I'm having trouble concentrating on whether I actually have one.

But I'm thinking that when one gets one of these in the mail and you're looking at someplace between—I know it's not been enforced, but they don't know that when they get the questionnaire—so someplace between a \$100 fine and up to a \$5,000 fine, by the information I have, that's pretty draconian just to get information from American people that volunteer on a basis by the tens of millions and contribute billions of dollars in charity. We can find enough Americans to fill out this survey and give the government the information that they need.

Mr. FATTAH. Will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. There's some 309 million Americans, and some 200,000 will be getting this form, right?

Mr. KING of Iowa. I believe 250,000 is the number I have.

Mr. FATTAH. So 250,000. First and foremost, it's an opportunity for a sampling. As politicians, we know what sampling is all about. It is to take from a smaller group of people information that you can then extrapolate and make broader judgments about. So if you're only asking less than 1 percent of 1 percent, the notion that this is some intrusive governmental activity, I think—

Mr. KING of Iowa. Reclaiming my time, Madam Chair, I would make the point if it's less than 1 percent of the population, it certainly is. It's far less than 1 percent of the population. We can find that many volunteers that will fill this out voluntarily. Send it to me. I'll fill it out voluntarily. But when you tell me you're going to come in and fine me for it, that's intrusive. And these questions are personal enough that people should be able to say, I don't want to share that information with my Federal Government. I don't want that to go into a database that might possibly get transferred across into other people's information.

I think it's important to have the information, but it's important that people have freedom and liberty and we do not have an intrusive Federal Government that would impose a fine on people if they didn't let the information come out about whether they had a flush toilet and whether they can concentrate on whether they had it and whether they used it. That seems to be part of the center of this. We can at least reduce some of these questions down there.

Mr. FATTAH. Will the gentleman yield?

Mr. KING of Iowa. I yield to the gentlemen from Pennsylvania.

Mr. FATTAH. Obviously, it would be a different population if one were

asked to volunteer versus one selected through a random sample.

Mr. KING of Iowa. Reclaiming my time, I recognize that. I think we get better information from volunteers than we do people that are coerced. They may well not fill out this survey accurately if they think they're doing so under penalty of law.

I yield back the balance of my time.

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

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

Mr. GOWDY. Madam Chairwoman, if the government wants to ask you if you're having trouble keeping your attention or how many flush toilets you have, I suppose they can ask that. But should they really be able to fine you for not answering? And it is of very little comfort to us that the government has seen fit to not enforce that fine. To threaten somebody with the administration of a fine and then never to carry through on it sounds eerily similar, to me, Madam Chairwoman, to blackmail. What's the purpose of putting it on there if you're never going to enforce it? And if you can do it to 250,000 this time, what's to keep you from doing it to 500,000 the next time, and then a million?

The purpose of the census, Madam Chairwoman, is to apportion the several congressional districts. So what do you need to be able to apportion the several congressional districts? You need to know how many people of voting age are in a household. You need to know race so you can comport with constitutional provisions. You may very well need to know the gender of the people in the home so you can comport with constitutional provisions. But you don't need to know anything beyond that.

We had a subcommittee hearing on this, Madam Chairwoman, and what I find to be ironic—and I never got an answer to it—is this: you don't have to vote. The government can't do a single, solitary thing to you if you don't vote. They can't fine you. They can't put you in jail. But somehow or another they can if you fail to fill out the document that apportions the congressional districts so you can vote. That is tortured logic.

And I would say this in conclusion, Madam Chairwoman. If you want to ask about anything other than how many people live here, race, and sex, it's none of the government's business. And that's just the way it is.

I yield back the balance of my time.

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

The amendment was agreed to.

□ 1650

AMENDMENT NO. 46 OFFERED BY MR. WEBSTER

Mr. WEBSTER. Madam Chair, 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 in this Act may be used to conduct the survey, conducted by the Secretary of Commerce, commonly referred to as the "American Community Survey".

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

Mr. WEBSTER. Madam Chair, the amendment offered here by myself and Mr. Langford is simple. It prohibits taxpayer funds from being used to conduct the intrusive, unconstitutional American Community Survey. In addition to the constitutionally mandated census, the Department of Commerce Census Bureau conducts a number of other surveys. One of these is the American Community Survey which costs \$2.4 billion to administer.

Some of the questions which have already been gone over that the American Community Survey contains have been routinely criticized as invasions of privacy. As a citizen who has normal expectations of what is private and what is not private, I share that criticism. For example, the survey requires respondents to detail their emotional condition. The survey wants to know what time respondents left for work and how long it took them to get home. The survey demands to know if respondents have difficulty dressing, or they have need to go shopping. Or have difficulty, as has been said before, concentrating or remembering or making decisions.

Failure to comply with this survey and turn over this personal information is punishable by up to a \$5,000 fine. Given the intrusive nature of some of these questions, which are mandatory for Americans to answer under penalty of law, it would seem that these questions hardly fit the scope of what was intended or required by the Constitution.

What does the Constitution require? Article 1, section 2 calls for enumeration every 10 years. The actual enumeration shall be made within 3 years after the first meeting of Congress of the United States and subsequent terms of 10 years.

As you can see, at no point does the Constitution require me to tell the Census Bureau whether I have difficulty concentrating or whether or not I can climb stairs. Given the Nation's current fiscal situation, it is entirely appropriate to eliminate the survey as a taxpayer-funded activity of the U.S. Government.

The American taxpayers agree. I sponsored the majority leader's YouCut program this past week, and eliminating the American Community Survey was overwhelmingly the winner when the citizens were polled what Federal spending they would cut.

We need to ask ourselves whether this survey is worth \$2.4 billion. Will continuation of this survey bankrupt the Nation itself? No, not hardly. But

as has been said before, the old saying is a billion here and a billion there, all of a sudden we're talking about a lot of money.

Why would we even pass a cybersecurity bill when we are using 5,779 hired government agents to collect sensitive information from our citizens at taxpayer expense? This American Community Survey is an inappropriate use of taxpayer dollars. It is the very picture of what's wrong in D.C.

I have here the questionnaire. At least it would be the questionnaire if DANIEL WEBSTER and Sandra and David and Brent and Jordan and Elizabeth and John and Victoria were all questioned. This is the size of that questionnaire. This is what we would have to fill out. This is what would be punishable by law if we did not fill it out. What would you think about some of these others that you read about in the newspaper, the Duggar family, who have 20 children. What would they do? It would be three to four times this size, and they would be required by law to fill it out.

This survey is inappropriate for taxpayer dollars. It is a definition of a breach of personal privacy. It is a picture of what's wrong in Washington, D.C. It's unconstitutional.

I urge my colleagues to vote "yes" on the Webster-Langford amendment and prohibit funds from being used to conduct this American Community Survey.

I 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. So we first had an amendment that said that we can't require people with a fine that's never enforced. Now we have an amendment that says you can't do the survey at all.

We've been doing surveys in the long form since 1790 as a Nation. It is critically important. Let me give you a for-instance. The gentleman who just spoke, my good friend from Florida, who served as speaker and as leader in both the House and Senate there, respectively, we're spending \$200 billion a year on Alzheimer's alone. There are various forms of dementia as our populations age, Pennsylvania being the second State in the country in terms of aging population. It's important for us to know, unlike what was stated, the survey doesn't ask you whether you are forgetting things; the survey asks whether there are people in your home who might be suffering. It's important from a health perspective because it will guide our efforts. I'm leading an effort on brain research now to try to help us think through how we can develop more appropriate efforts to head off some of these challenges.

But the idea that we don't want to ask a couple hundred thousand citizens a question about something so that we can better plan for a country of 300

million, the idea that filling out a few pieces of paper is too much to be asked for for your country to help create a better Union of a citizen, I think citizens would welcome. In fact, the reason you don't have to fine anyone is because people do fill out the form.

But we know something with certainty. The idea that we are going to lead the greatest country in the world with less information about the conditions of communities and of our families, and that we are going to do that appropriately, defies logic. It is intellectually dishonest.

Now, we have done this survey for a very long time as a country. I suspect we will continue to do it. But for whatever reason, we are here today debating this. I welcome the debate. At least for myself and for my caucus, we stand in opposition.

Mr. DICKS. Will the gentleman yield?

Mr. FATTAH. I am glad to yield to the gentleman.

Mr. DICKS. As I understand it, the American Community Survey is authorized by law and has been upheld by the courts. The ACS is authorized under Title 13, U.S. Code, the Census Act. On numerous occasions, the courts have judged that the Constitution gives Congress the authority to collect data on characteristics of the population in the census. As early as 1870, the Supreme Court characterized as unquestionable the power of Congress to require both an enumeration and the collection of data in the census. Is that your understanding?

Mr. FATTAH. That is my understanding. And reclaiming my time, any of the Members who are going to run in a competitive race without doing any polling, I assume they'll be voting for this. For those who want information in order to make good decisions, the government needs this information.

I yield back the balance of my time.

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

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

Mr. LANKFORD. Here's this wonderful thing that would occur: you would open your mail one day and you would have a packet in there, and you would begin reading through these questions. And your first thought would be: Is this real or is this a scam artist trying to steal my information? Then you would call some office, or it gives you a Web site to contact just so you can see that this is really true, because this is not like the long form that just came to your mailbox; this is the American Community Survey. And what just landed in your mailbox, if you refuse to answer it, someone will call you. And then they'll call you, and then they'll call you, and then they'll show up at your door and check on you and why you haven't done it because this is not like the long form of the census that's gathering basic information; this is incredibly personal information.

And if we can ask these questions as a Federal Government, it begs the issue of what questions can the Federal Government not ask of someone, because the Federal Government does not have the authority to walk into every house in America and ask any question they want to ask about any private activity.

While it has been upheld that we can do the long form, this is distinctly different from the long form, and this is new. This is something that just transitioned in the last couple of years. And I get all kinds of calls in my office saying, what is this, and why are you asking for this.

Three quick things on it. I think this is incredibly inappropriate because it asks way too much personal information.

Second of all, I think it is incredibly inefficient. This form costs the Federal Government \$67 per person that fills it out. Now, I can assure you, I've heard lots of people talking about polling data and about doing surveys. I don't know of anyone in politics, anyone in America, that pays \$67 per survey that is filled out other than the Federal Government.

□ 1700

So this is incredibly inefficient in the way that we're gathering it. There are cheaper ways to be able to gather. Much of this information is already publicly available anyway; it just doesn't connect it to an individual person.

The third thing on this is it's incredibly invasive. Now, let me just run through some of the questions. We've highlighted a few of them, but let me just hit a couple of the high points and then I'll get a chance to talk to you.

It's not just a few things about your age and about your location; it also asks: Do you have hot and cold running water? Do you have a flush toilet? Do you have a bathtub or a shower? Do you have a sink with a faucet? Do you have a stove or a range? Do you have a refrigerator? Do you have telephone service? How many automobiles, vans, or 1-ton vehicles do you have in your home?

Let me keep going. About how much do you think the house or apartment would sell for if you were to sell it right now? What's the annual payment for your fire hazard and flood insurance on this property? How much is the regular monthly payment on your second mortgage for this property, if you have one? Is the person that lives in this home a United States citizen?

How about this one: How well does the person in this home speak English? Where did this person live a year ago? And give the address for that. Because of mental, physical or emotional conditions, does this person have serious difficulty concentrating, remembering or making decisions? Does this person have difficulty dressing or bathing? How many times has this person been married? Does this person have his or

her own grandchildren 18 or younger living in the home?

It gets better.

How many people, including this person, rode together to work last week? How many times did this person actually leave the home, and what time did they leave the home to go to work last week? Last week, was this person laid off from their job? When did this person last work even for a few days? What was your income in the last 12 months?

And not a range, the actual listed income.

Did you have any interest from dividends, rental income, royalties? Any public assistance or welfare payments did you receive?

It goes on and on and on. This is not just a few simple questions. This is a form that, if I walked up to anyone in this Chamber and said, I'm going to ask you a few questions and I'm going to write these down. Tell me first your income, then let's go to, do you have dividends? Do you have royalties? Do you have a bathtub or a shower? You would look at me and say, Go away—which is what thousands of people in America are saying to this survey.

This exceeds what we should ask as Americans.

Mr. FATTAH. Will the gentleman yield?

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

Mr. FATTAH. Any one of millions of Americans—and we have an increase this week of people filing for new mortgages—have answered all of those questions, plus some. So if you think it's strange that people have to answer questions, if they can do it for a bank, they can maybe do it for their country.

But here's my question: You said this was new and it hadn't been done before. This was fully implemented in 2005 under President Bush. So why would you stand on the House—I mean, I don't understand. This is not new.

Mr. LANKFORD. Let me reclaim my time.

Yes, sir, it is. We started it in 2005 and started rolling it out a few at a time, experimenting with it, and now have increased it. In fact, the administration has asked for 50,000 more a month and has actually asked for \$52 million more to increase the usage of this.

I yield back the balance of my time.

Mrs. MALONEY. Madam Chair, I rise in opposition to this negative amendment that would eliminate funding for the American Community Survey.

Some have labeled the Majority the do nothing party. This amendment would make them the "know nothing party."

The ACS is the only source of national, annual socioeconomic, housing, and demographic data. It is used by Congress to help allocate \$450 billion a year in federal grants to state and local governments, including the distribution of funds for veterans' job training programs and for improvements to low-income schools. The business community uses the ACS to help guide investment decisions like location and expansion plans.

Congress has required, directly or indirectly, all of the data gathered in the ACS. The ACS passed with bipartisan support under the previous Administration to ensure greater accuracy and streamline the decennial census.

Wade Henderson, CEO of the Leadership Conference on Civil and Human Rights, recently wrote about the ACS and asked, "Why would some members of Congress want to run the government without the most accurate information available to guide their decisions?"

I urge a "no" vote on the Webster amendment.

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

The amendment was agreed to.

Mr. DICKS. Madam Chair, we have somebody who wanted to speak on this amendment.

Could we ask unanimous consent that we go back and allow the gentleman from Missouri to strike the requisite number of words?

The Acting CHAIR. Does the gentleman wish to strike the last word?

Mr. DICKS. This will not be a process that will continue. This is one time only.

The Acting CHAIR. The amendment has been agreed to.

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

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

Mr. CLAY. Madam Chairman, the American Community Survey is absolutely vital. That's why I'm kind of stunned at what I'm hearing. It not only allowed us to replace the long form census, making it easier for everyone to participate in the decennial census, but it provides all Americans with important information. But one particular area is of great concern to me, and that's the use of ACS data in determining the distribution of a substantial proportion of Federal assistance.

Now, we talk about accountability here. Well, let's start being accountable. Put your actions to words.

In fiscal year 2008, 184 Federal domestic assistance programs used ACS-related data to help guide the distribution of \$416 billion. That's not chump change; it's taxpayer dollars. This represents 29 percent of all Federal assistance.

ACS-guided grants accounted for \$389.2 billion, or 69 percent of all Federal grant funding. Most of ACS-guided Federal assistance goes to State governments through a handful of large formula grant programs to aid low-income households and support highway infrastructure.

Medicaid alone accounts for 63 percent of ACS-guided funding.

ACS-guided funding is highly concentrated in a small number of programs, recipient States, departments, and budget functions. State per capita ACS-guided funding is positively related to income inequality—high annual pay, high poverty—Medicaid income limits, and the percent of the

population that is rural. The higher any of these measures, the higher per capita funding tends to be.

The ACS is absolutely vital. If you want to eliminate that, I'm sure you have certain reasons to do it, but it will take away an essential tool for us to be accountable with taxpayer dollars. So sign your name on the bottom line if you want to, but I suggest you think twice before you eliminate the ACS.

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

Mr. FATTAH. Madam Chair, let me seek unanimous consent that we have a recorded vote on this amendment.

The Acting CHAIR. For what purpose does the gentleman from Virginia rise?

Mr. WOLF. I object.

The Acting CHAIR. Objection is heard.

AMENDMENT NO. 57 OFFERED BY MR. FLORES

Mr. FLORES. 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 101, after line 10, insert the following new section:

SEC. 542. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110 140; 42 U.S.C. 17142).

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

Mr. FLORES. Madam Chairman, I rise to offer an amendment which would address another restrictive and misguided Federal regulation.

Section 526 of the Energy Independence and Security Act prohibits Federal agencies from entering into contracts for the procurement of an alternative fuel unless its lifecycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources. In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the CJS appropriations bill.

The initial purpose of section 526 was to stifle the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuels. This stifling was based on the opinion of environmentalists that coal-based jet fuel produces more greenhouse gas emissions than traditional petroleum.

□ 1710

I recently offered similar amendments to four appropriations bills last year and each passed this House by a voice vote. My friend, Mr. CONAWAY of Texas, also had language added to the Defense authorization bill last year to exempt the Defense Department from this burdensome regulation.

We must ensure that our military has adequate fuel resources and can efficiently rely on domestic and more stable sources of fuel. But section 526's ban on fuel choice now affects all Federal Agencies, not just the Defense Department. This is why I'm offering this

amendment again today for the CJS appropriations bill.

Federal Agencies should not be burdened with wasting their time studying fuel emissions when there is a simple fix, and that's not restricting their fuel choices based on extreme environmental views, policies and misguided regulations like section 5266.

With increasing competition for energy and fuel resources, and the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to further develop and produce our domestic energy resources. Placing limits on Federal Agencies' fuel choices is an unacceptable precedent to set in regard to America's energy policy and independence.

Madam Chair, section 526 makes our Nation more dependent on Middle East oil. Stopping the impact of section 526 will help us promote American energy, improve the American economy, and create American jobs.

Let's remember the following facts about section 526: it increases our reliance on Middle Eastern oil. It hurts our military readiness, national and energy security. It prevents the increased use of safe, clean, and efficient North American oil and gas. It increases the cost of American food and energy. It hurts American jobs and the American economy. And last and certainly not least, it costs our taxpayers more of their hard-earned dollars.

I urge my colleagues to support passage of this commonsense 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. The Congress of the United States, in a bipartisan vote, passed the Energy Independence and Security Act of 2007. It was signed into law by President Bush. It just suggests that, in Federal procurement, when we're seeking energy, that Departments should use energy-efficient sources so that we don't rely on unnecessary Middle East supplies for oil.

This removes this requirement, and so I would hope that we would vote against it.

This has been a part of the law for a number of years now, and it has helped save taxpayers money. So I would ask for a "no" vote on the amendment.

Mr. DICKS. Will the gentleman yield?

Mr. FATTAH. I yield to the gentleman.

Mr. DICKS. I concur with the gentleman. This is an effort to overturn a law that was passed in 2007 that says we're going to try to do the most energy-efficient approach to running the government. I mean, I think it's common sense, and I urge a "no" vote on this amendment.

Mr. FLORES. Will the gentleman yield?

Mr. FATTAH. I will be glad to yield to the gentleman.

Mr. FLORES. Let's walk through this again. For instance, if you can't use fuel that's refined from Canadian oil sands, which is blended in with fuels from all sorts of oil sources, then you're stuck to use conventional sources, which means you're stuck with Middle Eastern oil.

Mr. FATTAH. Reclaiming my time, the section that you attempt to strike from the Energy Independence and Security Act that was passed in a bipartisan way, signed by President Bush, does not specify Canadian sand oil. What it says is that you have to use the most energy-efficient source that's available. That is what our government's been doing over a bipartisan administration. It has saved billions of dollars for the taxpayers.

Your offering today, on an appropriations bill—this effort to prohibit really should be handled in the Energy Committee.

Mr. FLORES. Will the gentleman yield?

Mr. FATTAH. I will be glad to yield to the gentleman.

Mr. FLORES. One of the things the Navy's had to do in order to do this and to develop other alternative fuel sources because it's not sure where it's going to get its fuel is to start using biofuels at the cost of \$20-plus a gallon instead of buying it at \$5 a gallon for jet fuel. That is not easier on the taxpayer.

Mr. FATTAH. Reclaiming my time, we're not trying to decide parochial kinds of decisions about which might be purchased and which not. The law, as passed by a Congress and signed under President Bush, requires the Department to act in terms of energy efficiency and to save taxpayers money. You want to prohibit that on behalf of what you think is a more appropriate way to go.

We should make an amendment to that law, bring it to the floor, bring it through the Energy Committee, and not attach it to a rider on this appropriations bill because we can't have a full debate on the merits thereof.

I yield back the balance of my time.

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

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

Mr. FLORES. 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 Texas will be postponed.

Mr. WOLF. Madam Chair, I ask unanimous consent that I be permitted to request a recorded vote on the amendment of the gentleman from Florida (Mr. WEBSTER).

The Acting CHAIR. Is there objection?

Without objection, a recorded vote is requested on the Webster amendment.

There was no objection.

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

AMENDMENT OFFERED BY MR. FLORES

Mr. FLORES. Madam Chair, 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 implement the National Ocean Policy developed under Executive Order 13547 (75 Fed. Reg. 43023, relating to the stewardship of oceans, coasts, and the Great Lakes).

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

Mr. FLORES. Madam Chair, I rise to offer a simple amendment to address an overreach by the executive branch of the Federal Government. My amendment bans the use of Federal funds for any implementation of Executive Order 13547. Executive Order 13547, signed in 2009, requires that various bureaucracies essentially zone the ocean and the sources thereof. This could mean that a drop of rain that lands on your roof could cause the Federal Government to have jurisdiction over your property since that drop will eventually wind up in the ocean.

Concerns have been raised that the recently created National Ocean Policy may not only restrict ocean and inland activities, but given that it has not received any of its own funding, it will take scarce funds away from Federal Agencies and their currently authorized activities that are critical to the ocean and coastal economies, as well as our overall economy.

I look at a chart that I prepared, a look at Chart 1 reveals just how overreaching, overly burdensome, and ill conceived this plan is. The Natural Resources Committee continues to ask questions about ocean zoning, including its scope and its cost. However, we are not getting answers from the administration.

This chart, which is the watershed for the Mississippi River, our largest river, shows that 26 States would be affected by ocean zoning. This executive order would give unprecedented Federal reach by the Federal regional planning bodies to areas far inland to dictate activities that may affect the ocean or Great Lakes. And this is just one example of the incredible reach of this particular law or this particular executive order.

When you hear the words "national ocean policy" it sounds benign. But that's only a small part of the story. The scope and reach of this regulation is why we have the Chamber of Commerce, the American Farm Bureau, the home builders, the timber, mining and fisheries groups weighing in so heavily against this executive order. It affects our whole Nation and our whole economy. Again, if you think about it, it

means a drop of rain that falls on your property could be subject to this law.

Now, the last thing we need in Washington today is more bureaucracies. And you can see by this chart this executive order creates a huge new bureaucracy at a time when we're trying to grow our economy. This law, this policy, has been debated in the last four Congresses, and each time Congress elected to do nothing. So Congress explicitly does not intend for the oceans to be zoned in the manner that the President proposed to do it. Thus, Executive Order 13547 has no specific statutory authority, and there have been no congressional appropriations to pay for the cost of this new bureaucracy.

□ 1720

There are 63 agencies that are involved with this new policy. The last thing we need is more Federal bureaucracy trying to say that it's enacting a policy which doesn't cost anything. The last thing we need are more regulations from bodies like this in an already uncertain economic environment.

We also have a list of 83 groups that are in support of our proposed amendment. These groups include, as I said before, the American Farm Bureau, the Chamber of Commerce, the National Association of Home Builders, the offshore fishing industry, not only recreational but commercial, and the energy industries, including the renewable energy industries. We have letters of support for this as well.

There are significant concerns that remain related to the implementation of this executive order, its impact, the limit of its authority, and the lack of true stakeholder involvement. I urge Members to support this amendment in order to stop excessive regulation and to protect our ocean and affiliated inland economies.

The particular agency that is affected under CJS, more than any of the others, is the Coastal and Marine Spatial Planning Office, and that was specifically zeroed out in fiscal 2012. Yet this is the group. That red chart shows you that it's still actively involved in the process. Now, where they're getting the money, I don't know, but we have to assume it's from the taxpayer.

In closing, I am just asking that Congress do what Congress intended, which is not to have this activity.

I yield back the balance of my time.

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

The Acting CHAIR (Mr. PRICE of Georgia). The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. Rather than attempt to restrict the President's efforts in this regard, I actually applaud the President's efforts. I was at the Coastal Zone Conference when the ocean policy, I think, was applauded by literally thousands of Americans from across the country when it was held in Chicago last year.

We as a Nation have more responsibility for the world's oceans than any other nation on the face of the Earth. There are documented challenges to the oceans' health that have been, I think, well-documented.

If you have a problem with the executive order, the problem is really not with the President of the United States; it's with the United States Congress. We have passed laws giving various responsibilities and duties to over 63 different agencies having to do with our stewardship of the oceans, and the only thing that exists in the executive order is the President's not taking any new action but to coordinate and supervise the implementation of the existing laws as passed by this Congress under the past four Presidents of the United States so that we can try to come to grips with the circumstances that afford such dire conditions in the oceans of the world.

So I applaud the President. I oppose this amendment that seeks to prohibit, essentially, the executive branch from the implementation of congressional laws that have been passed by the Congress. As to this idea that there is any kind of power grab in the executive order, I would invite Members to read it. It does not do anything other than move to more efficiently implement laws passed by our Congress.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I move to strike the last word.

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

Mr. HASTINGS of Washington. I rise to support the amendment offered by the gentleman from Texas (Mr. FLORES), a member of the Natural Resources Committee.

We have had several hearings on this executive order and on the potential impacts that this executive order would have far, far beyond ocean policy. The Natural Resources Committee also, obviously, has concerns about our environment. That's probably one of the reasons the committee was created many, many Congresses ago. But this step by this administration with this executive order goes far, far beyond what anybody would envision, and it is being done without going through the normal process.

In his remarks, the gentleman from Texas stated several organizations that are opposed to this executive order, and amongst those is the Farm Bureau. Now, when one thinks about the Farm Bureau, they are an organization that represents our diverse agriculture industry across the country, but you don't associate the Farm Bureau policies with the oceans or lakes. You associate them with crops that are grown on dry land or on irrigated land or whatever the case may be. With that being the case, why should the Farm Bureau be concerned about a policy dealing with ocean planning?

The reason is, obviously, in the fine print because, in the fine print of the executive order, it says that this ocean

policy should look at a number of things, including "by promoting and implementing sustainable practices on land." So, implementing practices on land, are those positive or negative?

Mr. DICKS. Will the gentleman yield?

Mr. HASTINGS of Washington. I will be happy to yield to my friend from Washington.

Mr. DICKS. Let me just say that one of the problems we have is with runoff from agricultural lands that goes into the Chesapeake Bay, that goes into Puget Sound, that goes into the ocean, and that has to be dealt with in order to protect the oceans.

Mr. HASTINGS of Washington. In reclaiming my time, I would be more than happy to respond to my good friend in that regard.

Obviously, this is the concern because of that. They say then—and rightfully so—in their letter that was sent out to all Members of Congress:

Thus, instead of being limited to oceans and coasts, the National Ocean Policy could extend to the regulation of every farm and ranch in the United States.

Now, I think they're right on that. But we do have statutes, by the way, that deal precisely with what my good friend from Washington brought up to me just a moment ago, and that is the Clean Water Act. That's what part of that is all about, is to deal with that. This is an executive order that gives potential authority far, far beyond those acts, and it's done by executive order. Now, there is a process to go through. Sometimes we can agree with that process or disagree, but at least let's go through that process with the Congress making the policy. That's what the issue is here with this executive order.

Finally, since my good friend from Washington brought this up, let me make this observation. Our State of Washington has an ocean policy. It was done by statute, and in it, it specifically says in that statute:

The marine management plan, meaning the ocean policy, must be developed and implemented in a manner that recognizes and respects existing uses.

I think that's good policy. In fact, that's probably why so many Northwest fishing organizations are in support of the Flores amendment, but the policy that is driving this executive order is contrary to that. Let me take a direct quote—a direct quote—out of this policy driving this executive order:

The task force is mindful that these recommendations may create a level of uncertainty and anxiety among those who rely on these resources.

"Resources" meaning the land.

Now, Mr. Chairman, I have to ask: Does this not sound suspiciously like, We have to pass the bill to find out what's in it? Does that sound somewhat familiar? So I think the gentleman from Texas is exactly right in that the way that we can exercise our prerogative and our authority is to deny funding.

By the way, speaking about funding, we had the Council on Economic Quality in front of our committee, and we asked particularly, Where is all this funding coming from? We've asked by letter. They have yet to respond. So they're taking parts of it here and there, and it's not showing up on anybody's budget at all.

The Acting CHAIR. The time of the gentleman has expired.

(By unanimous consent, Mr. HASTINGS of Washington was allowed to proceed for 1 additional minute.)

Mr. HASTINGS of Washington. So what this attempts to do, by the gentleman from Texas with his amendment, is simply to say, okay, we're going to exercise our authority, and our authority is not to give any agency that contributes to this policy any funds. It's nothing more than that. So I urge my colleagues to support the amendment offered by the gentleman from Texas.

With that, 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 can't believe what we're hearing here. How quickly we forget.

It was your committee, Mr. Chairman, that passed the bill, the bipartisan bill, that created the Ocean Commission, which was signed into law by President Clinton, and then the appointees to that commission that were made by President Bush. Who was on that commission? The chair of it was Admiral Watkins—the former head of the Navy, the former Secretary of Energy, a great Republican, a great admiral who understood ocean policy.

□ 1730

Who else was on that commission? Oil and gas executives, fish processors, all kinds of people, because we set up a commission to look at these conflicts at sea. Why? Because, as was stated, America has more ocean water than any other country in the world because of the exclusive economic zone, which also applies to all the atolls and islands like Guam, Hawaii, and so on.

What was happening then? We were having all kinds of conflicts, conflicts between seismic boats that were going out to look for oil and gas, fishermen who had crab pots, stationary pots, buoys, everything that you could think of. And everybody came and said the only government that can resolve this is the United States Congress because these are all Federal agencies. They don't talk to each other and they don't have any coordination, but we need to resolve this.

So we appointed a commission, and they did their work and had hearings all over the United States and came back with their policies. Guess what we did like we do when we have commission work? We implemented those poli-

cies in a bill. I worked very hard on it, but I wasn't going to be the lead author on the bill because it was a Republican administration. So your colleague, Jim Saxton, authored that bill; your colleague, Congressman Gilchrest, authored that bill; your colleague, Mr. Jim Greenwood, authored that bill; your colleague, Mr. Curt Weldon, authored that bill.

These were Republican bills before your committee. And guess what? The chair at that time, Mr. Pombo, would not even hear their bills. Wouldn't hear them. Admiral Watkins came here and asked for a hearing on it. That policy has been lingering for over a decade, and all of the recommendations into that went to the administration. Guess what this administration did? They assembled every single agency of government, including DHS, the State Department, the Department of Defense. They were all in it because they all have issues.

We have an ambassador for fish, for example. It's in the State Department. All these things need to be discussed and resolved, and they came up with this ocean policy. This is to avoid conflicts. Everybody is satisfied by it. The Navy needs it. The military needs it for security purposes. You're nuts not to have it. To defund this because you say your committee hasn't heard it—which is just false, because your committee had that bill for not one session, two sessions, three sessions, about four sessions and never took it up and never dealt with the policy. It was all there.

For lack of congressional action, this is now done by executive order. Thank God it's done by executive order and those—those were all the people that were opposed because they said these things may happen. Well, my God, are we worried about maybe because they're in Idaho and think that potato farmers are going to be affected by ocean policy? Come on. That's a stretch.

I tell you, this amendment is not only not good, it goes backwards in being able to deal with the conflicts at sea and being able to do what the United States Government has to do, which is to lead the world on ocean policy, not take a second seat to it.

I urge a strong defeat.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. FARR. Certainly I will yield.

Mr. HASTINGS of Washington. Here is the crux of the issue right here. The gentleman started his remarks by saying that the committee, which I had the privilege to chair, created the Ocean Commission. I was not on the committee at the time, but I acknowledge that. We did create that.

And this is the crux of the matter right here. One of the recommendations that came out of that committee was that the policies—it said: The Ocean Council should work with Congress and so on to develop a flexible and voluntary process for the creation of regional ocean councils. States

working with relevant stakeholders should use this process to establish regional ocean councils. That is exactly the process we should be going through, but the process of the executive process is 180 degrees from that. So the legislation the gentleman is citing is being used is contrary to what he is trying to promote. That's the whole point of this amendment.

Mr. FARR. You're absolutely wrong.

The Acting CHAIR. The time of the gentleman from California has expired. (On request of Mr. HASTINGS of Washington, and by unanimous consent, Mr. FARR was allowed to proceed for 2 additional minutes.)

Mr. FARR. Thank you very much.

As the President cannot create the councils by executive order, the councils have to be created by Congress. I would hope that the leadership of your committee and jurisdiction would create those councils so that they will have some bottoms-up authorities.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. FARR. I yield to the gentleman.

Mr. HASTINGS of Washington. I just want to make this point. The gentleman makes the point of how maybe the process should work and the commission was created.

My objection—and I think the gentleman from Texas' objection—is this is being done by executive order. The way that the process is laid out totally ignores the recommendation that came out of that policy. That is the whole point.

Mr. FARR. Reclaiming my time, the responsible issue here is if you want to do that, let's have a congressional hearing, an oversight hearing on this ocean policy. I would be proud to defend it. But to take a meat-ax approach and whack it and say whatever it is, whatever it accomplishes, we're not going to allow it to be implemented. I think is reckless and irresponsible.

Mr. HASTINGS of Washington. If the gentleman will yield, we have had five hearings on this, just to make a point.

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

Mr. MARKEY. Mr. Chairman, I rise in opposition to this amendment.

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

Mr. MARKEY. Mr. Chairman, it is time for the Republicans to stop being afraid of commonsense initiatives like the National Ocean Policy. Why is that? Well, it's because the National Ocean Policy will reduce bureaucracy and streamline government operations.

Why would anyone be opposed to that? Could it be because Big Oil doesn't want anyone other than themselves to have a voice in how we're using our coastal resources? Is that what this is all about? Is this really just another drill-baby-drill issue where the oil industry has a policy, the oil industry has a voice? What we're trying to say here is that others should have a voice, too. They are America's oceans, not ExxonMobil's oceans.

So following a decade of discussion and shareholder engagement, President Obama established the National Ocean Policy in July of 2010. Creating such a policy was the cornerstone recommendation of President Bush's U.S. Commission on Ocean Policy. Now, following even more public engagement, we await the final National Ocean Policy implementation plan to come out this summer.

Now, the assertions that the policy will create new regulations, usurp State authority, restrict land use or zone the oceans, are patently false and misleading.

The National Ocean Policy will allow Federal agencies to better coordinate amongst themselves and with other levels of government and all stakeholders to eliminate red tape while managing effectively for multiple ocean uses.

Opposing ocean planning is like opposing air traffic control. You can do it, but it will cause a mess or lead to dire consequences. Our coastal counties make up only 18 percent of the country's land area, but are home to 108 million people, or 36 percent of our Nation's population. These numbers are steadily increasing.

There's a saying in Washington that if you're not at the table, you're on the menu. When it comes to our Nation's oceans, more and more guests are coming to dinner. Fishing grounds, shipping lanes, Navy training ranges, offshore energy production, wildlife habitats, and other uses are increasingly in competition, and the National Ocean Policy will help ensure that everyone has a seat at the table.

Instead of supporting a plan for our oceans, the Republican majority continues to pursue scare tactics, claiming that the policy creates additional regulation and kills American jobs. Yet, they have no evidence that that is the case.

Let's go to what this bill proposes to do. It proposes to slash \$93 million from the NOAA budget, threatening the health, the safety, and the prosperity of Americans.

□ 1740

Specifically, the bill calls for a \$5 million reduction to the NOAA Coastal Services Center, which helps the States, the localities, and individuals, as well as protects private property and valuable infrastructure by addressing the challenges associated with flooding, hurricanes, sea level rise and other coastal hazards.

Number two: this bill, the Republican bill, seeks to cut \$32 million to the National Marine Fisheries Service, which has the difficult responsibility of managing fisheries to sustain our coastal communities and ocean ecosystems.

And they also want to cut \$30 million, which would be cut from NOAA's Competitive Climate Research budget at a time when much of our country has been experiencing severe drought and other extreme weather. We need to

study and understand these extreme weather events in order to protect lives and livelihoods. By sticking our heads in the sand and refusing to act, we do a disservice to the people we are elected to represent.

We know that the oceans are warming, and are warming dramatically because of climate change. Should we study that? We know that tornadoes are now ripping through the Midwest in February, not in April or May. Should we be studying that? We know that people now all across the country are becoming more fearful of these ever-intensifying climate conditions that are threatening the lives and the livelihoods of tens of millions of Americans. Should we be studying this? What do the Republicans say in their budget? No.

So I understand that some of them do not believe that this should be studied. I understand that they do not believe that the ordinary American is becoming increasingly concerned about this change in climate. But I tell you this, they are.

I urge a "no" vote against this Republican proposal.

I yield back the balance of my time. Mr. DICKS. I move to strike the last word.

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

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

The implementation of the National Ocean Policy will help to protect, maintain, and restore our ocean, coastal, island, and Great Lakes ecosystems, which provide jobs, food, and recreation, and serves as a foundation for a substantial part of our Nation's economy. Only healthy, functioning, and resilient marine and freshwater ecosystems can support the fisheries which we depend on so heavily.

Across the continental United States, our coastal and ocean ecosystems are suffering from an outdated issue-by-issue approach to stewardship and management. We are already seeing the threats posed by ocean acidification, low dissolved oxygen, harmful algal blooms, and dead zones in the gulf, the Chesapeake, Puget Sound, and throughout our Nation's coastal waterways. The National Ocean Policy would help us better address the cumulative threats to our aquatic ecosystems from overfishing, coastal development, storm water run-off, carbon emissions, and other pollutants entering our waterways; and it will also help us balance the many overlapping ocean uses.

The core approach of the National Ocean Policy is to improve stewardship of our oceans, coasts, islands, and Great Lakes by directing government Agencies with differing mandates to coordinate and work better together. The National Ocean Policy creates new authorities. The result of increased coordination will be better stewardship of our national heritage through improved government effi-

ciency, better development and use of data and information and a process of open and transparent stakeholder engagement that informs decision-making. This increased coordination between Agencies is the sort of effort that needs to be taking place on a Federal level in order to reduce inefficiency, waste, and redundancy among Agencies.

The National Ocean Council brings together State, local, and tribal governments and all of the ocean's users—including recreational and commercial fishermen, boaters, industry, scientists, and the public—to better plan for, manage, harmonize, and sustain uses of ocean and coastal resources.

The virtue of the National Ocean Policy is that it develops and facilitates the planning process, deals with many overlapping ocean uses, and expedites the approval process of new uses being introduced. The National Ocean Policy offers an avenue for thoughtful planning and is the best choice for those stakeholders looking to be involved in the process or at least having some voice in the discussion.

While not required to participate, most States and regions see the benefit of marine planning as a way to leverage their interests and achieve desirable outcomes.

I would say to my friend from Texas, in the Pacific Ocean, there are debris fields the size of the State of Texas. Now, if you think we're taking care of our oceans, if we're taking care of our rivers and streams and lakes, you are, at best, ill-informed. We need a national effort, an international effort—to clean up the oceans and protect them. And what do we get from the Republicans? A non-science, nonfactual approach to this problem. It's disgusting, to say the least.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are admonished to direct their remarks to the Chair.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding.

The gentleman, when he made his remarks about all of the challenges that we face, if you heard, nobody is arguing on our side about that. Nobody is arguing about that. It is the structure of which we are talking about here. And, unfortunately, we have experienced painfully in this body and in this country when we have a structure of a top-down solution, it always seems to come out wrong. And that is what the issue is all about.

We have had five hearings, like I said, in my committee on this issue. But the way this is set up, it was designed to be voluntary, and it was designed to be in collaboration with the States. Our home State of Washington has responded to that. But the way this is written and the way it is interpreted, it is a top-down issue; and if we

let it continue going, we are going to have a problem, and the gentleman knows it.

Mr. DICKS. Reclaiming my time just to briefly say to the gentleman, what we have been doing isn't working.

The oceans are in trouble. We have got acidification that affects our shellfish, and it's because of too much carbon dioxide going into the oceans. The oceans are warming. The world cannot survive without the oceans.

The Acting CHAIR. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DICKS. I will just say to my friend, there is a problem with fertilizer runoff from agricultural lands. We've got it in the Puget Sound. These are serious matters that have to be dealt with, and to look the other way is not a solution.

I yield to the gentleman.

Mr. HASTINGS of Washington. I am aware of that. Clean water takes care of that, and that process is going through. Sometimes we agree. Sometimes we don't.

But just let me make an analogy that I think the gentleman would agree with. We had a long debate last night on catch shares, something entirely different. The gentleman was very much so defending—and I agree with him—the fact that there was regional planning. And catch shares works in our part of the country. That is all that we are saying. We think that is probably a better model.

This executive order is contrary to that. So my arguments here over and over have been the model, and that's why we should defund it and come back and do it correctly.

I thank the gentleman for yielding to me.

Mr. DICKS. No more hearings. Let's have a bill.

I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, I move to strike the last word.

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

Mr. GARDNER. I yield to the gentleman from Texas.

Mr. FLORES. I thank the gentleman for yielding.

Let's make sure we all understand exactly what my amendment does. My amendment doesn't roll back any regulation that currently exists. My amendment doesn't strike any money for any Agency that is currently looking at how the ocean works. My amendment does nothing like that.

My amendment specifically says that if this process is going to be done, that it's going to start where the Constitution says it starts. It starts in the United States Congress.

Now, Mr. FARR talked a few minutes ago about how this was already an authorized activity. And to that extent, he introduced a bill in the 111th Con-

gress, H.R. 21, on January 26, 2009. That has not become law. There has never been an appropriation that has been issued to support that.

On the other hand, here is what the executive order does do: it creates 10 new national policies, nine new national priority objectives, nine new strategic action plans, seven new national goals for coastal marine spatial planning, 12 new guiding principles for coastal marine spatial planning.

□ 1750

In addition, the agencies are advised to evaluate necessary and appropriate legislative solutions or changes to regulations to address the constraints. That, my friends, did not start in the United States Congress pursuant to the Constitution.

Now, it's been said this is not going to cause any additional regulation. It's been said this is not really ocean zoning. Well, let me give you an example of one of the things that is required to happen.

It requires the Department of Transportation to inventory and evaluate best management practices to address storm water runoff from the Federal highway system. In terms of where people say it's not zoning, it says:

CMSP allows for a comprehensive look at multiple sector demands, which would provide a more complete evaluation of cumulative effects. This ultimately is intended to result in protection of areas that are essential for the resiliency and maintenance of a healthy ecosystem, services, and biological diversity.

I've got no problems doing that as long as the Congress authorizes it and the Congress appropriates the money to do so. The Constitution doesn't say that the President is king and under the executive orders he can do whatever he wants to.

This action will identify and assess high-quality ocean and coastal waters and the waters that drain into them and establish or modify existing water quality monitoring protocols and programs.

That sounds like a regulation to me. That's government-speak for "regulation."

This executive order is an overreach. The cost of this executive order is being hidden. The National Ocean Council specifically asks agencies to tell us what this is going to cost, and the agencies have specifically refused to comply. The Natural Resources Committee in these hearings has specifically asked for the cost of this program, and we've specifically been ignored.

If these agencies are spending this money to implement this program, this executive order, where are they taking it from? What legislatively authorized activities are not being done and what appropriated dollars are being used from their appropriated function for something else? What's going on?

There are 83 interest groups in this country that are not the types that

you would not like—it includes folks like the cattlemen and the farmers—that think this is an overreach and think this could damage our way of life. All we want is to have a clear and transparent and constitutional process for this to be carried out.

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

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

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

Mr. MORAN. I rise as well in very strong opposition to this amendment that prohibits funding for the National Ocean Policy. The purpose of this policy is to improve our Nation's ocean management effort, protect and create jobs, and grow our economy by ensuring all the multiple uses of the ocean are coordinated in a more seamless manner.

Far from a heavy-handed directive, as it's being described, the National Ocean Policy will actually streamline government programs and regulations. It will reduce bureaucratic red tape. And perhaps most importantly, it enlists local stakeholders in the decision-making process. And it shouldn't be a partisan issue.

The National Ocean Policy was a cornerstone recommendation of both the independent Pew Oceans Commission, which was chaired by current Secretary of Defense Leon Panetta, and by the U.S. Commission on Ocean Policy, appointed by George W. Bush. Both commissions called for harmonizing the responsibilities of the 27 different Federal agencies with jurisdiction over some aspect of ocean management.

As my colleagues can imagine, the current arrangement has led to ineffective management of resources, inefficient use of taxpayer dollars, and increased conflicts among a growing number of ocean users. Strategic planning maximizes organizational efficiency and use of public resources.

The National Ocean Policy will improve opportunities for community and citizen participation in the planning process and facilitate sustainable economic growth by providing transparency and predictability for economic investments. It represents a science-based strategy to align conservation and restoration goals at the Federal, State, tribal, local, and regional levels, and it will strengthen the integration of Federal and non-Federal ocean observing systems and data management into one national system.

Of particular interest to me, the Chesapeake Bay—I know it is to Chairman WOLF as well—is poised to benefit from the National Ocean Policy action plan. It will help advance the bay's health, from increasing public school education about the Chesapeake Bay region to creating a mapping tool for the Chesapeake Bay watershed that allows stakeholders to share information and ideas for land protection and restoration.

It calls for the establishment of a National Shellfish Initiative, in partnership with commercial and restoration aquaculture communities, which includes pilot projects to explore the ecosystem benefits of shellfish aquaculture while increasing shellfish production in U.S. waters. That's so important for our economy. In fact, all oceans, coasts, and Great Lakes are critical components of our Nation's economy. U.S. coastal communities are home to more than half of all Americans. They generate an estimated \$8 trillion a year and they support 69 million jobs.

Declining ocean health and a lack of effective coordination is putting this great economic engine at risk. Comprehensive planning will ensure the stability of the Nation's seaports as additional users of ocean space evolve, including the responsible development of offshore energy resources.

But we must make no mistake: This attempt to defund and delay the National Ocean Policy is a dangerous political move that puts the health of our oceans, coastal communities, jobs, and our fishing industry at risk. We need to protect, maintain, and to restore the health of our oceans and coasts. Continuing to develop the National Ocean Policy offers our Nation the best path forward.

I urge my colleagues to oppose this misguided amendment and to do something that is very much needed for our economy, for our oceans and particularly for our coastal communities. Let's do the right thing. Let's get all these users organized and working together in pursuit of a streamlined consistent constructive policy. It's the right thing to do. This amendment is not. Let's defeat this amendment.

I yield back the balance of my time.

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

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

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

Mr. FATTAH. Again, this is a little bit different than the optimism in Chicago at the Coastal Zone Conference where the Ocean Policy just had such an enthusiastic response from constituencies all around the country and in other parts of the world.

The development of this is bipartisan: the Pew Foundation, headquartered in my home city of Philadelphia; the Lenfest Foundation, led by Gerry Lenfest, and their investments in studying the oceans. We've seen the work that has been done that's led to this.

I would hope that we would oppose this amendment and we would work to build a further consensus and hopefully have legislation come out of the Natural Resources Committee.

I thank the gentleman for yielding to me, and I hope that we vote this amendment down.

Mr. POLIS. Reclaiming my time, I would like to yield to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you very much for yielding.

I think you can note the passion I've had on this issue because we worked at it a long time. And I want to assure you—I'm ranking member of the Ag Appropriations Committee. I probably represent more productive agriculture than anybody in Congress. I have just one county I represent that has 85 crops in it. We do about \$4.2 billion of agriculture out of that county.

I can assure you that coastal States' agriculture is very much concerned about all of these issues that are coming up and really supports the ideas that we can have a coordinated effort. This is a long effort. We had the military involved in this. We've got FEMA involved in this. We've got the Department of Agriculture involved in this. We've got every other agency. And it's how you resolve conflicts that are there.

Yes, we in Congress have enacted an awful lot of laws. And I want to say there isn't anything the President has done or any of these agencies are doing that isn't authorized in law. We gave them those authorities. We just never required them to all sit down and talk about those conflicts and how to resolve those conflicts.

We have a huge responsibility here. This is a long effort to create a National Ocean Policy. It's the smart thing to do. It's got all the Federal agencies at the table, finally, and it's got all the user groups, both private and public.

□ 1800

So I just think that this is kind of a meat-ax approach. If you do have concerns, let's do it in the regular legislative order, not just say that we're going to eliminate that whole ability for them to resolve conflicts. You're going to end up with more lawsuits and a lot of concerns by people who are going to wonder what the future holds without a good, comprehensive plan.

So I again compassionately ask my colleagues on both sides of the aisle to reject this amendment. It would be a very dangerous thing for this country to do, to adopt this amendment.

Mr. POLIS. I thank the gentleman from Pennsylvania and the gentleman from California for their hard work on this issue, and I yield back the balance of my time.

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

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

Mr. FLORES. 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 Texas will be postponed.

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. HASTINGS of Washington) having assumed the chair, Mr. PRICE of Georgia, 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.

REPORT ON H.R. 4966, SEQUESTER REPLACEMENT ACT OF 2012

Mr. CHAFFETZ, from the Committee on the Budget, submitted a privileged report (Rept. No. 112 469, Part 1) on the bill (H.R. 4966) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to replace the sequester established by the Budget Control Act of 2011, which was referred to the Union Calendar and ordered to be printed.

REPORT ON H.R. 5652, SEQUESTER REPLACEMENT RECONCILIATION ACT OF 2012

Mr. CHAFFETZ, from the Committee on the Budget, submitted a privileged report (Rept. No. 112 470) on the bill (H.R. 5652) to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2013, which was referred to the Union Calendar and ordered to be printed.

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

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 further consideration of the bill, H.R. 5326.

Will the gentleman from Georgia (Mr. PRICE) kindly resume the chair.

□ 1803

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 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. PRICE of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on an amendment offered by the gentleman from Texas (Mr. FLORES) had been postponed and the bill had been read through page 101, line 10.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will