

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

now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. CHAFFETZ of Utah.

An amendment by Mr. TIERNEY of Massachusetts.

An amendment by Mrs. BLACKBURN of Tennessee.

Amendment No. 38 by Mr. DUNCAN of South Carolina.

An amendment by Mr. GARRETT of New Jersey.

An amendment by Mr. SCHWEIKERT of Arizona.

Amendment No. 46 by Mr. WEBSTER of Florida.

The first amendment by Mr. FLORES of Texas.

The second amendment by Mr. FLORES of Texas.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

#### AMENDMENT OFFERED BY MR. CHAFFETZ

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. CHAFFETZ) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 381, noes 41, not voting 9, as follows:

[Roll No. 226]

#### AYES—381

Ackerman	Broun (GA)	Culberson
Adams	Brown (FL)	Cummings
Aderholt	Buchanan	Davis (CA)
Akin	Bucshon	Davis (KY)
Alexander	Buerkle	DeFazio
Altmire	Burgess	DeLauro
Amash	Burton (IN)	Denham
Amodei	Calvert	Dent
Austria	Camp	DesJarlais
Baca	Campbell	Deutch
Baldwin	Canseco	Diaz-Balart
Barletta	Cantor	Doggett
Barrow	Capito	Dold
Bartlett	Capps	Doyle
Barton (TX)	Capuano	Dreier
Bass (CA)	Cardoza	Duffy
Bass (NH)	Carnahan	Duncan (SC)
Benishek	Carney	Duncan (TN)
Berg	Carter	Ellison
Berkley	Cassidy	Ellmers
Berman	Castor (FL)	Emerson
Biggert	Chabot	Engel
Billray	Chaffetz	Eshoo
Bilirakis	Chandler	Farenthold
Bishop (GA)	Cicilline	Farr
Bishop (NY)	Clarke (MI)	Fattah
Bishop (UT)	Clay	Fincher
Black	Coble	Fitzpatrick
Blackburn	Coffman (CO)	Flake
Blumenauer	Cole	Fleischmann
Bonamici	Conaway	Fleming
Bonner	Connolly (VA)	Flores
Bono Mack	Cooper	Forbes
Boren	Costello	Fortenberry
Boswell	Courtney	Foxx
Boustany	Cravaack	Frank (MA)
Brady (PA)	Crawford	Franks (AZ)
Brady (TX)	Crenshaw	Frelinghuysen
Braley (IA)	Critz	Gallegly
Brooks	Cuellar	Gardner

Garrett	Luetkemeyer	Rooney
Gerlach	Lujan	Ros-Lehtinen
Gibbs	Lummis	Roskam
Gibson	Lungren, Daniel	Ross (AR)
Gingrey (GA)	E.	Ross (FL)
Gohmert	Lynch	Roybal-Allard
Gonzalez	Mack	Royce
Goodlatte	Maloney	Runyan
Gosar	Manzullo	Ruppersberger
Gowdy	Marchant	Rush
Granger	Marino	Ryan (OH)
Graves (GA)	Markey	Ryan (WI)
Graves (MO)	Matheson	Sánchez, Linda
Green, Al	McCarthy (CA)	T.
Green, Gene	McCarthy (NY)	Sanchez, Loretta
Griffin (AR)	McCaul	Sarbanes
Griffith (VA)	McClintock	Scalise
Grijalva	McCotter	Schiff
Grimm	McGovern	Schilling
Guinta	McHenry	Schmidt
Guthrie	McIntyre	Schock
Gutierrez	McKeon	Schrader
Hall	McKinley	Schwartz
Hanabusa	McMorris	Schweikert
Hanna	Rodgers	Scott (SC)
Harper	McNerney	Scott (VA)
Harris	Meehan	Scott, Austin
Hartzler	Mica	Sensenbrenner
Hastings (FL)	Michaud	Serrano
Hastings (WA)	Miller (FL)	Sessions
Hayworth	Miller (MI)	Sewell
Heck	Miller (NC)	Sherman
Heinrich	Miller, Gary	Shimkus
Hensarling	Miller, George	Shuler
Herger	Moore	Shuster
Herrera Beutler	Mulvaney	Simpson
Higgins	Murphy (CT)	Sires
Himes	Murphy (PA)	Smith (NE)
Hirono	Myrick	Smith (NJ)
Hochul	Nadler	Smith (TX)
Holden	Napolitano	Smith (WA)
Holt	Neal	Southerland
Hoyer	Neugebauer	Speier
Huelskamp	Noem	Stearns
Huizenga (MI)	Nugent	Stivers
Hultgren	Nunes	Stutzman
Hunter	Nunnelee	Sullivan
Hurt	Olson	Sutton
Israel	Olver	Terry
Issa	Owens	Thompson (CA)
Jackson Lee	Palazzo	Thompson (MS)
(TX)	Pallone	Thompson (PA)
Jenkins	Pastor (AZ)	Thornberry
Johnson (IL)	Paul	Tiberi
Johnson (OH)	Paulsen	Tierney
Johnson, E. B.	Pearce	Tipton
Johnson, Sam	Pence	Tonko
Jones	Perlmutter	Towns
Jordan	Peters	Tsongas
Keating	Peterson	Turner (NY)
Kelly	Petri	Turner (OH)
Kildee	Pingree (ME)	Upton
Kind	Pitts	Van Hollen
King (IA)	Platts	Velázquez
King (NY)	Poe (TX)	Visclosky
Kingston	Polis	Walberg
Kinzinger (IL)	Pompeo	Walden
Kissell	Posey	Walsh (IL)
Kline	Price (GA)	Walz (MN)
Labrador	Price (NC)	Wasserman
Lamborn	Quayle	Schultz
Lance	Quigley	Waxman
Landry	Rahall	Webster
Langevin	Reed	Welch
Lankford	Rehberg	West
Larsen (WA)	Reichert	Westmoreland
Larson (CT)	Renacci	Whitfield
Latham	Reyes	Wilson (FL)
LaTourette	Ribble	Wilson (SC)
Latta	Richmond	Wittman
Levin	Rigell	Wolf
Lewis (CA)	Rivera	Womack
Lipinski	Roby	Woodall
LoBiondo	Roe (TN)	Yarmuth
Loeb sack	Rogers (AL)	Yoder
Lofgren, Zoe	Rogers (KY)	Young (AK)
Long	Rogers (MI)	Young (FL)
Lowe y	Rohrabacher	Young (IN)
Lucas	Rokita	

#### NOES—41

Andrews	Cohen	Fudge
Becerra	Conyers	Hahn
Butterfield	Crowley	Hinchey
Carson (IN)	Fravis (IL)	Hinojosa
Chu	DeGette	Honda
Clarke (NY)	Dicks	Jackson (IL)
Cleaver	Dingell	Johnson (GA)
Clyburn	Edwards	Kaptur

Lee (CA)	Moran	Scott, David
Lewis (GA)	Pascarell	Stark
Matsui	Rangel	Waters
McCollum	Richardson	Watt
McDermott	Rothman (NJ)	Woolsey
Meeks	Schakowsky	

#### NOT VOTING—9

Bachmann	Donnelly (IN)	Kucinich
Bachus	Filner	Pelosi
Costa	Garamendi	Slaughter

□ 1829

Messrs. DAVIS of Illinois, ROTHMAN of New Jersey, BECERRA, Ms. CLARKE of New York, Ms. WATERS, Mr. HONDA and Ms. KAPTUR changed their vote from “aye” to “no.”

Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. BRADY of Pennsylvania, COFFMAN of Colorado, Mrs. LOWEY, Mr. DEUTCH, Ms. CASTOR of Florida, Messrs. ACKERMAN, RICHMOND, KEATING, ELLISON, Ms. WASSERMAN SCHULTZ, Ms. BASS of California, Mr. GONZALEZ and Ms. JACKSON LEE of Texas changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 226, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are reminded that remaining votes in this series will be 2-minute votes.

#### AMENDMENT OFFERED BY MR. TIERNEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 260, not voting 11, as follows:

[Roll No. 227]

#### AYES—160

Ackerman	Camp	Davis (CA)
Altmire	Capuano	Davis (IL)
Andrews	Cardoza	Davis (KY)
Baca	Carnahan	DeFazio
Baldwin	Carney	DeGette
Barrow	Carson (IN)	Dent
Bartlett	Chandler	Dingell
Bass (CA)	Cicilline	Doggett
Becerra	Clarke (MI)	Dold
Berkley	Clay	Doyle
Berman	Cohen	Duncan (SC)
Biggert	Connolly (VA)	Ellison
Bishop (NY)	Conyers	Farr
Blumenauer	Cooper	Fitzpatrick
Bonamici	Costa	Frank (MA)
Boswell	Crawford	Gerlach
Brady (PA)	Critz	Gibson
Braley (IA)	Crowley	Goodlatte
Brown (FL)	Cummings	Gowdy

Grijalva  
Grimm  
Guinta  
Gutierrez  
Hahn  
Hanabusa  
Harris  
Hayworth  
Heinrich  
Herrera Beutler  
Higgins  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Israel  
Jackson (IL)  
Johnson (GA)  
Jones  
Keating  
Kildee  
Kind  
Kissell  
Labrador  
Langevin  
Larsen (WA)  
Levin  
Lipinski  
LoBiondo  
Loeb sack  
Luján  
Lynch  
Maloney  
Markey

## NOES—260

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Amodei  
Austria  
Barletta  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chu  
Clarke (NY)  
Clyburn  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costello  
Courtney  
Cravaack  
Crenshaw  
Cuellar  
Culberson  
DeLauro  
Denham  
DesJarlais  
Deutch  
Diaz-Balart  
Dicks  
Dreier

Matheson  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McKinley  
Meehan  
Meeks  
Michaud  
Miller, George  
Moran  
Mulvaney  
Myrick  
Nadler  
Neal  
Oliver  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Pence  
Peters  
Pingree (ME)  
Platts  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reichert  
Richardson  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Rush

Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schrader  
Schwartz  
Scott (SC)  
Scott (VA)  
Scott, David  
Serrano  
Sherman  
Shuler  
Sires  
Smith (NJ)  
Smith (WA)  
Speier  
Stark  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Upton  
Visclosky  
Walden  
Waters  
Watt  
Welch  
Wilson (SC)  
Woolsey  
Yarmuth  
Young (FL)

Pitts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Renacci  
Reyes  
Ribble  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Stearns  
Stivers  
Stutzman  
Sutton  
Terry  
Thompson (CA)

Bachmann  
Bachus  
Cleaver  
Donnelly (IN)

Royce  
Runyan  
Ruppersberger  
Ryan (WI)  
Scalise  
Schiff  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Sewell  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sutton  
Terry  
Thompson (CA)

## NOT VOTING—11

Filner  
Garamendi  
Kucinich  
Miller (FL)  
Pelosi  
Slaughter  
Sullivan

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1832

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.  
Stated for:

Mr. FILNER. Mr. Chair, on rollcall 227, I was  
away from the Capitol due to prior commit-  
ments to my constituents. Had I been present,  
I would have voted “aye.”

Stated against:

Mr. MILLER of Florida. Mr. Chair, due to  
being unavoidably detained, I missed the fol-  
lowing rollcall vote: No. 227 on May 9, 2012.  
If present, I would have voted “no.”

## AMENDMENT OFFERED BY MRS. BLACKBURN

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentlewoman from Tennessee (Mrs.  
BLACKBURN) on which further pro-  
ceedings were postponed and on which  
the ayes prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 229, noes 194,  
not voting 8, as follows:

[Roll No. 228]

## AYES—229

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Amodei  
Austria  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishkek

Berg  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)

Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Van Hollen  
Velázquez  
Walberg  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waxman  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (IN)

Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Jenkins

Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)

## NOES—194

Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Dold  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Fortenberry  
Foxy  
Frank (MA)

Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Scalise  
Schilling  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Fudge  
Garamendi  
Gibson  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hartzler  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee

Kind	Nadler	Schrader	Benishkek	Granger	Palazzo	Hanabusa	Markey	Ryan (OH)
Langevin	Napolitano	Schwartz	Berg	Graves (GA)	Paul	Hartzler	Matsui	Sánchez, Linda
Larsen (WA)	Neal	Scott (VA)	Biggett	Graves (MO)	Paulsen	Hastings (FL)	McCarthy (NY)	T.
Larson (CT)	Olver	Scott, David	Bilbray	Griffin (AR)	Pearce	Heinrich	McCollum	Sanchez, Loretta
LaTourette	Owens	Sensenbrenner	Bilirakis	Griffith (VA)	Pence	Higgins	McCotter	Sarbanes
Lee (CA)	Pallone	Serrano	Bishop (UT)	Guinta	Petri	Himes	McDermott	Schakowsky
Levin	Pascarell	Sewell	Black	Guthrie	Pitts	Hinchey	McGovern	Schiff
Lewis (GA)	Pastor (AZ)	Sherman	Blackburn	Hall	Platts	Hinojosa	McKinley	Schilling
Lipinski	Pelosi	Sires	Bonner	Hanna	Poe (TX)	Hirono	McNerney	Schock
Loeback	Perlmutter	Smith (WA)	Bono Mack	Harper	Pompeo	Hochul	Meeks	Schrader
Lofgren, Zoe	Peters	Speier	Boren	Harris	Posey	Holden	Michaud	Schwartz
Lowey	Pingree (ME)	Stark	Boustany	Hastings (WA)	Price (GA)	Holt	Miller (NC)	Scott (VA)
Luján	Polis	Sutton	Brady (TX)	Hayworth	Quayle	Honda	Miller, George	Scott, David
Lungren, Daniel E.	Price (NC)	Thompson (CA)	Brooks	Heck	Reed	Hoyer	Moore	Serrano
Lynch	Quigley	Thompson (MS)	Broun (GA)	Hensarling	Rehberg	Israel	Moran	Sewell
Maloney	Rahall	Tierney	Buchanan	Herger	Reichert	Jackson (IL)	Murphy (CT)	Sherman
Markey	Rangel	Tonko	Buchson	Herrera Beutler	Renacci	Jackson Lee	Nadler	Sires
Matsui	Reyes	Towns	Buerkle	Huelskamp	Ribble	(TX)	Napolitano	Smith (NJ)
McCarthy (NY)	Richardson	Tsongas	Burges	Huizenga (MI)	Rigell	Johnson (GA)	Neal	Smith (WA)
McCollum	Richmond	Van Hollen	Burton (IN)	Hultgren	Rivera	Johnson (IL)	Olver	Speier
McDermott	Rigell	Velázquez	Calvert	Hunter	Roby	Johnson, E. B.	Owens	Stark
McGovern	Rothman (NJ)	Visclosky	Camp	Hurt	Roe (TN)	Kaptur	Pallone	Sutton
McNerney	Roybal-Allard	Walz (MN)	Campbell	Issa	Rogers (AL)	Keating	Pascarell	Thompson (CA)
Meehan	Ruppersberger	Wasserman	Cansaco	Jenkins	Rogers (KY)	Kildee	Pastor (AZ)	Thompson (MS)
Meeks	Rush	Schultz	Cantor	Johnson (OH)	Rogers (MI)	Kind	Pelosi	Tierney
Michaud	Ryan (OH)	Waters	Capito	Johnson, Sam	Rohrabacher	Kissell	Perlmutter	Tonko
Miller (MI)	Ryan (WI)	Watt	Carter	Jones	Rokita	Langevin	Peters	Towns
Miller (NC)	Sánchez, Linda T.	Waxman	Cassidy	Jordan	Rooney	Larsen (WA)	Peterson	Tsongas
Miller, George	Sanchez, Loretta	Welch	Chabot	Kelly	Ros-Lehtinen	Larson (CT)	Pingree (ME)	Van Hollen
Moore	Sarbanes	Wilson (FL)	Chaffetz	King (IA)	Roskam	LaTourette	Polis	Velázquez
Moran	Schakowsky	Woodall	Coble	King (NY)	Ross (AR)	Lee (CA)	Price (NC)	Visclosky
Murphy (CT)	Schiff	Woolsey	Coffman (CO)	Kingston	Ross (FL)	Levin	Quigley	Walz (MN)
		Yarmuth	Cole	Kinzinger (IL)	Royce	Lewis (GA)	Rahall	Wasserman
			Conaway	Kline	Ryan (WI)	Lipinski	Rangel	Schultz
			Cravaack	Labrador	Scalise	LoBiondo	Reyes	Waters
			Crawford	Lamborn	Schweikert	Loeback	Richardson	Watt
			Crenshaw	Lance	Scott (SC)	Lofgren, Zoe	Richmond	Waxman
			Cuellar	Landry	Scott, Austin	Lowey	Rothman (NJ)	Welch
			Culberson	Lankford	Sensenbrenner	Luetkemeyer	Roybal-Allard	Wilson (FL)
			Davis (KY)	Latham	Sessions	Luján	Runyan	Woolsey
			Denham	Latta	Shimkus	Lynch	Ruppersberger	Yarmuth
			Dent	Lewis (CA)	Shuler	Maloney	Rush	Young (AK)
			DesJarlais	Long	Shuster			
			Diaz-Balart	Lucas	Simpson			
			Dold	Lummis	Smith (NE)			
			Dreier	Lungren, Daniel E.	Smith (TX)			
			Duffy	Mack	Southerland			
			Duncan (SC)	Manzullo	Stearns			
			Duncan (TN)	Marchant	Stivers			
			Ellmers	Marino	Stutzman			
			Emerson	Matheson	Sullivan			
			Farenthold	McCarthy (CA)	Terry			
			Fincher	McCaul	Thompson (PA)			
			Fitzpatrick	McClintock	Thornberry			
			Flake	McHenry	Tiberi			
			Fleischmann	McIntyre	Tipton			
			Fleming	McKeon	Turner (NY)			
			Flores	McMorris	Turner (OH)			
			Forbes	Rodgers	Upton			
			Fortenberry	Meehan	Walberg			
			Fox	Mica	Walsh (IL)			
			Franks (AZ)	Miller (FL)	Webster			
			Frelinghuysen	Miller (MI)	West			
			Galleghy	Miller, Gary	Westmoreland			
			Gardner	Mulvaney	Whitfield			
			Garrett	Murphy (PA)	Wilson (SC)			
			Gerlach	Myrick	Wittman			
			Gibbs	Neugebauer	Wolf			
			Gibson	Noem	Womack			
			Gingrey (GA)	Nugent	Woodall			
			Gohmert	Nunes	Yoder			
			Goodlatte	Nunnelee	Young (FL)			
			Gosar	Olson	Young (IN)			
			Gowdy					

## NOT VOTING—8

Bachmann	Filner	Schmidt
Bachus	Kucinich	Slaughter
Donnelly (IN)	McCaul	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1836

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. MILLER of Michigan. Mr. Chair, on rollcall No. 228, I made an error voting. It was my intention to vote “aye” on the Blackburn Amendment. Had I been present, I would have voted “aye.”

Stated against:

Mr. FILNER. Mr. Chair, on rollcall No. 228, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

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

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. DUNCAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 192, not voting 7, as follows:

[Roll No. 229]

AYES—232

Adams	Amash	Barrow
Aderholt	Amodei	Bartlett
Akin	Austria	Barton (TX)
Alexander	Barletta	Bass (NH)

Ackerman	Carson (IN)	DeGette
Altmire	Castor (FL)	DeLauro
Andrews	Chandler	Deutch
Baca	Chu	Dicks
Baldwin	Cicilline	Dingell
Bass (CA)	Clarke (MI)	Doggett
Becerra	Clarke (NY)	Doyle
Berkley	Clay	Edwards
Berman	Cleaver	Ellison
Bishop (GA)	Clyburn	Engel
Bishop (NY)	Cohen	Eshoo
Blumenauer	Connolly (VA)	Farr
Bonamici	Conyers	Fattah
Boswell	Cooper	Frank (MA)
Brady (PA)	Costa	Fudge
Braley (IA)	Costello	Garamendi
Brown (FL)	Courtney	Gonzalez
Butterfield	Critz	Green, Al
Capps	Crowley	Green, Gene
Capuano	Cummings	Grijalva
Cardoza	Davis (CA)	Grimm
Carnahan	Davis (IL)	Gutierrez
Carney	DeFazio	Hahn

## NOES—192

DeGette	Adams	Amash
DeLauro	Aderholt	Amodei
Deutch		
Dicks		
Dingell		
Doggett		
Doyle		
Edwards		
Ellison		
Engel		
Eshoo		
Farr		
Fattah		
Frank (MA)		
Fudge		
Garamendi		
Gonzalez		
Green, Al		
Green, Gene		
Grijalva		
Grimm		
Gutierrez		
Hahn		

## NOT VOTING—7

Bachmann	Filner	Slaughter
Bachus	Kucinich	
Donnelly (IN)	Schmidt	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1840

Mr. SCHILLING changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 229, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

## AMENDMENT OFFERED BY MR. GARRETT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 185, not voting 8, as follows:

[Roll No. 230]

AYES—238

Adams	Akin	Amash
Aderholt	Alexander	Amodei

Austria	Graves (GA)	Palazzo	Ellison	Lipinski	Richmond	Austria	Graves (MO)	Palazzo
Barletta	Graves (MO)	Paul	Engel	Loeb	Rothman (NJ)	Barletta	Griffin (AR)	Paul
Bartlett	Griffin (AR)	Paulsen	Eshoo	Lofgren, Zoe	Roybal-Allard	Bartlett	Griffith (VA)	Paulsen
Barton (TX)	Griffith (VA)	Pearce	Farr	Lowey	Ruppersberger	Barton (TX)	Grimm	Pearce
Bass (NH)	Grimm	Pence	Fattah	Lujan	Rush	Bass (NH)	Guinta	Pence
Benishek	Guinta	Petri	Frank (MA)	Lynch	Ryan (OH)	Benishek	Guthrie	Petri
Berg	Guthrie	Pitts	Fudge	Maloney	Sánchez, Linda T.	Berg	Hall	Pitts
Billbray	Hall	Platts	Garamendi	Markey	Sanchez, Loretta	Billbray	Hanna	Platts
Billirakis	Hanna	Poe (TX)	Gonzalez	Matheson	Sarbanes	Billirakis	Harper	Poe (TX)
Bishop (UT)	Harper	Pompeo	Green, Al	Matsui	Schakowsky	Bishop (UT)	Harris	Pompeo
Black	Harris	Posey	Green, Gene	McCarthy (NY)	Schiff	Black	Hartzler	Posey
Blackburn	Hartzler	Price (GA)	Grijalva	McCollum	Schrader	Blackburn	Hastings (WA)	Price (GA)
Bonner	Hastings (WA)	Quayle	Gutierrez	McDermott	Schwartz	Bonner	Heck	Quayle
Bono Mack	Hayworth	Reed	Hahn	McGovern	Scott (VA)	Bono Mack	Hensarling	Reed
Boren	Heck	Rehberg	Hanabusa	McIntyre	Scott, David	Boren	Herger	Rehberg
Boustany	Hensarling	Reichert	Hastings (FL)	McNerney	Serrano	Boustany	Herrera Beutler	Reichert
Brady (TX)	Herger	Renacci	Heinrich	Meehan	Sewell	Brady (TX)	Huelskamp	Renacci
Brooks	Herrera Beutler	Ribble	Higgins	Meeks	Sherman	Brooks	Huizenga (MI)	Ribble
Broun (GA)	Huelskamp	Rigell	Himes	Michaud	Sires	Broun (GA)	Hultgren	Rivera
Buchanan	Huizenga (MI)	Rivera	Hinchey	Miller (NC)	Smith (WA)	Buchanan	Hunter	Roby
Bucshon	Hultgren	Roby	Hinojosa	Miller, George	Speier	Bucshon	Hurt	Roe (TN)
Buerkle	Hunter	Roe (TN)	Hirono	Moore	Stark	Buerkle	Issa	Rogers (AL)
Burgess	Hurt	Rogers (AL)	Hochul	Moran	Sutton	Burgess	Jenkins	Rogers (KY)
Burton (IN)	Issa	Rogers (KY)	Holden	Murphy (CT)	Thompson (CA)	Burton (IN)	Johnson (IL)	Rogers (MI)
Calvert	Jenkins	Rogers (MI)	Holt	Nadler	Thompson (MS)	Calvert	Johnson (OH)	Rohrabacher
Camp	Johnson (IL)	Rohrabacher	Honda	Napolitano	Tierney	Camp	Johnson, Sam	Rokita
Campbell	Johnson (OH)	Rokita	Hoyer	Neal	Tonko	Campbell	Jones	Rooney
Canseco	Johnson, Sam	Rooney	Israel	Oliver	Towns	Canseco	Jordan	Ros-Lehtinen
Cantor	Jordan	Ros-Lehtinen	Jackson (IL)	Owens	Tsongas	Cantor	Kelly	Roskam
Capito	Kelly	Roskam	Jackson Lee	Pallone	Van Hollen	Capito	King (IA)	Ross (FL)
Carter	King (IA)	Ross (AR)	(TX)	Pascrell	Velázquez	Carter	King (NY)	Royce
Cassidy	King (NY)	Ross (FL)	Johnson (GA)	Pastor (AZ)	Visclosky	Cassidy	Kingston	Runyan
Chabot	Kingston	Royce	Johnson, E. B.	Pelosi	Walz (MN)	Chabot	Kinzie (IL)	Ryan (WI)
Chaffetz	Kinzie (IL)	Runyan	Jones	Perlmutter	Wasserman	Chaffetz	Kline	Scalise
Coble	Kissell	Ryan (WI)	Kaptur	Peters	Schultz	Coble	Labrador	Schilling
Coffman (CO)	Kline	Scalise	Keating	Peterson	Waters	Coffman (CO)	Lamborn	Schock
Cole	Labrador	Schilling	Kildee	Pingree (ME)	Welch	Cole	Lance	Schweikert
Conaway	Lamborn	Schock	Kind	Polis	Wilson (FL)	Conaway	Landry	Scott (SC)
Cravaack	Lance	Schweikert	Langevin	Price (NC)	Woolsey	Cravaack	Lankford	Scott, Austin
Crawford	Landry	Scott (SC)	Larsen (WA)	Quigley	Yarmuth	Crawford	Latham	Sensenbrenner
Crenshaw	Lankford	Scott, Austin	Larson (CT)	Rahall		Crenshaw	LaTourette	Sessions
Cuellar	Latham	Sensenbrenner	Lee (CA)	Rangel		Cuellar	Latta	Shimkus
Culberson	LaTourette	Sessions	Levin	Reyes		Culberson	Lewis (CA)	Shuster
Davis (KY)	Latta	Shimkus	Lewis (GA)	Richardson		Davis (KY)	LoBiondo	Simpson
Denham	Lewis (CA)	Shuler				Denham	Long	Smith (NE)
Dent	LoBiondo	Shuster	Bachmann	Filner	Slaughter	Dent	Lucas	Smith (NJ)
DesJarlais	Long	Simpson	Bachus	Kucinich	Sullivan	DesJarlais	Luetkemeyer	Smith (TX)
Diaz-Balart	Lucas	Smith (NE)	Donnelly (IN)	Schmidt		Diaz-Balart	Lummis	Southerland
Dreier	Luetkemeyer	Smith (NJ)				Dreier	Lungren, Daniel E.	Stearns
Duffy	Lummis	Smith (TX)				Duffy	Mack	Stivers
Duncan (SC)	Lungren, Daniel E.	Southerland				Duncan (SC)	Manzullo	Stutzman
Duncan (TN)	E.	Stearns				Duncan (TN)	Marchant	Sullivan
Ellmers	Mack	Stivers				Ellmers	Marino	Terry
Emerson	Manzullo	Stutzman				Emerson	McCarthy (CA)	Thompson (PA)
Farenthold	Marchant	Terry				Farenthold	McCaul	Thornberry
Fincher	Marino	Thompson (PA)				Fincher	McClintock	Tipton
Fitzpatrick	McCarthy (CA)	Thornberry				Fitzpatrick	McCotter	Turner (NY)
Flake	McCaul	Tiberi				Flake	McHenry	Turner (OH)
Fleischmann	McClintock	Tipton				Fleischmann	McKeon	Upton
Fleming	McCotter	Turner (NY)				Fleming	McKinley	Walberg
Flores	McHenry	Turner (OH)				Flores	McMorris	Walden
Forbes	McKeon	Upton				Forbes	Rodgers	Walsh (IL)
Fortenberry	Mckinley	Walberg				Fortenberry	Mica	Webster
Fox	McMorris	Walden				Fox	Miller (FL)	West
Franks (AZ)	Rodgers	Walsh (IL)				Franks (AZ)	Miller (MI)	Westmoreland
Frelinghuysen	Mica	Webster				Frelinghuysen	Miller, Gary	Whitfield
Gallegly	Miller (FL)	West				Gallegly	Mulvaney	Wilson (SC)
Gardner	Miller (MI)	Westmoreland				Gardner	Murphy (PA)	Wittman
Garrett	Miller, Gary	Whitfield				Garrett	Myrick	Wolf
Gerlach	Mulvaney	Wilson (SC)				Gerlach	Neugebauer	Womack
Gibbs	Murphy (PA)	Wittman				Gibbs	Noem	Woodall
Gibson	Myrick	Wolf				Gibson	Nugent	Yoder
Gingrey (GA)	Neugebauer	Womack				Gingrey (GA)	Nunes	Young (AK)
Gohmert	Noem	Woodall				Gohmert	Nunnelee	Young (FL)
Goodlatte	Nugent	Yoder				Goodlatte	Olson	Young (IN)
Gosar	Nunes	Young (AK)				Gosar		
Gowdy	Nunnelee	Young (FL)				Gowdy		
Granger	Olson	Young (IN)				Granger		

## NOES—185

Ackerman	Butterfield	Cooper
Altmire	Capps	Costa
Andrews	Capuano	Costello
Baca	Cardoza	Courtney
Baldwin	Carnahan	Critz
Barrow	Carney	Crowley
Bass (CA)	Carson (IN)	Cummings
Becerra	Castor (FL)	Davis (CA)
Berkley	Chandler	Davis (IL)
Berman	Chu	DeFazio
Biggert	Cicilline	DeGette
Bishop (GA)	Clarke (MI)	DeLauro
Bishop (NY)	Clarke (NY)	Deutch
Blumenauer	Clay	Dicks
Bonamici	Cleaver	Dingell
Boswell	Clyburn	Doggett
Brady (PA)	Cohen	Dold
Braley (IA)	Connolly (VA)	Doyle
Brown (FL)	Conyers	Edwards

## NOT VOTING—8

Bachmann  
Bachus  
Donnelly (IN)

Filner  
Kucinich  
Schmidt

Slaughter  
Sullivan

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1844

So the amendment was agreed to.  
The result of the vote was announced  
as above recorded.  
Stated against:  
Mr. FILNER. Mr. Chair, on rollcall 230, I was  
away from the Capitol due to prior commit-  
ments to my constituents. Had I been present,  
I would have voted “no.”

## AMENDMENT OFFERED BY MR. SCHWEIKERT

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Arizona (Mr.  
SCHWEIKERT) on which further pro-  
ceedings were postponed and on which  
the ayes prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 232, noes 190,  
not voting 9, as follows:

[Roll No. 231]

AYES—232

Adams	Akin	Altmire
Aderholt	Alexander	Amodei

## NOES—190

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

Adams	Akin	Altmire
Aderholt	Alexander	Amash

Adams	Akin	Altmire
Aderholt	Alexander	Amash

Amodei	Gosar	Nunnelee	Deutch	Larson (CT)	Richardson	Amodei	Green, Al	Palazzo
Austria	Gowdy	Olson	Dicks	Lee (CA)	Richmond	Austria	Green, Gene	Paul
Barletta	Granger	Palazzo	Dingell	Levin	Rothman (NJ)	Barletta	Griffin (AR)	Paulsen
Barrow	Graves (GA)	Paul	Doggett	Lewis (GA)	Roybal-Allard	Barrow	Griffith (VA)	Pearce
Bartlett	Graves (MO)	Paulsen	Edwards	Lipinski	Ruppersberger	Bartlett	Grimm	Pence
Barton (TX)	Green, Gene	Pearce	Ellison	Loeb	Rush	Barton (TX)	Guinta	Peterson
Bass (NH)	Griffin (AR)	Pence	Engel	Lofgren, Zoe	Sánchez, Linda T.	Benishek	Guthrie	Petri
Benishek	Griffith (VA)	Petri	Eshoo	Lowey	Sanchez, Loretta	Berg	Hall	Pitts
Berg	Grimm	Pitts	Farr	Luján	Sarbanes	Bilbray	Hanna	Platts
Biggert	Guinta	Platts	Fattah	Lynch	Schakowsky	Bilirakis	Harper	Poe (TX)
Bilirakis	Hall	Poe (TX)	Frank (MA)	Maloney	Schiff	Bishop (NY)	Harris	Pompeo
Bishop (UT)	Hanna	Pompeo	Fudge	Markey	Schrader	Black	Hartzler	Posey
Black	Harper	Posey	Garamendi	Matsui	Schwartz	Blackburn	Hastings (WA)	Price (GA)
Blackburn	Harris	Price (GA)	Gonzalez	McCarthy (NY)	Scott (VA)	Bonner	Heck	Quayle
Bonner	Hartzler	Quayle	Green, Al	McCollum	Scott (VA)	Bono Mack	Hensarling	Rahall
Bono Mack	Hastings (WA)	Rahall	Grijalva	McDermott	Scott, David	Boren	Herger	Reed
Boren	Hayworth	Reed	Guthrie	McGovern	Serrano	Boustany	Herrera Beutler	Rehberg
Boustany	Heck	Rehberg	Gutierrez	McIntyre	Sewell	Brady (TX)	Hochul	Reichert
Brady (TX)	Hensarling	Reichert	Hahn	McNerney	Sherman	Brooks	Holden	Renacci
Brooks	Herger	Renacci	Hanabusa	Meeks	Shuler	Broun (GA)	Huelskamp	Ribble
Broun (GA)	Herrera Beutler	Ribble	Hastings (FL)	Michaud	Sires	Buchanan	Huizenga (MI)	Rigell
Buchanan	Holden	Rigell	Heinrich	Miller (NC)	Smith (WA)	Buchson	Hultgren	Rivera
Buchson	Huelskamp	Rivera	Higgins	Miller, George	Speier	Buerkle	Hunter	Roby
Buerkle	Huizenga (MI)	Roby	Himes	Moore	Stark	Burgess	Hurt	Roe (TN)
Burgess	Hultgren	Roe (TN)	Hinchee	Moran	Sutton	Burton (IN)	Issa	Rogers (AL)
Burton (IN)	Hunter	Rogers (AL)	Hinojosa	Murphy (CT)	Thompson (CA)	Calvert	Jenkins	Rogers (KY)
Calvert	Hurt	Rogers (KY)	Hirono	Nadler	Thompson (MS)	Camp	Johnson (IL)	Rogers (MI)
Camp	Issa	Rogers (MI)	Hochul	Napolitano	Tierney	Campbell	Johnson (OH)	Rohrabacher
Campbell	Jenkins	Rohrabacher	Holt	Neal	Tonko	Canseco	Johnson, Sam	Rokita
Canseco	Johnson (OH)	Rokita	Honda	Olver	Towns	Cantor	Jordan	Rooney
Cantor	Johnson, Sam	Rooney	Hoyer	Owens	Tsongas	Capito	Kelly	Ros-Lehtinen
Capito	Jones	Ros-Lehtinen	Israel	Pallone	Van Hollen	Carter	King (IA)	Roskam
Carter	Jordan	Roskam	Jackson (IL)	Pascarell	Velázquez	Cassidy	King (NY)	Ross (AR)
Cassidy	Kelly	Ross (AR)	Jackson Lee	Pastor (AZ)	Visclosky	Chabot	Kingston	Ross (FL)
Chabot	King (IA)	Ross (FL)	(TX)	Pelosi	Walz (MN)	Chaffetz	Kinzinger (IL)	Royce
Chaffetz	King (NY)	Royce	Johnson (GA)	Perlmutter	Wasserman	Coble	Kissell	Runyan
Chandler	Kingston	Runyan	Johnson (IL)	Peters	Schultz	Coffman (CO)	Kline	Ryan (WI)
Coble	Kinzinger (IL)	Ryan (OH)	Johnson, E. B.	Peterson	Waters	Cole	Labrador	Scalise
Coffman (CO)	Kissell	Ryan (WI)	Kaptur	Pingree (ME)	Watt	Conaway	Lamborn	Schilling
Cole	Kline	Scalise	Keating	Polis	Waxman	Cravaack	Lance	Schock
Conaway	Labrador	Schilling	Kildee	Price (NC)	Wilson (FL)	Crawford	Landry	Schweikert
Costello	Lamborn	Schock	Kind	Quigley	Woolsey	Crenshaw	Lankford	Scott (SC)
Cravaack	Lance	Schweikert	Langevin	Rangel	Yarmuth	Critz	Latham	Scott, Austin
Crawford	Landry	Scott (SC)	Larsen (WA)	Reyes		Cuellar	Latta	Sensenbrenner
Crenshaw	Lankford	Scott, Austin				Culberson	Lewis (CA)	Sessions
Critz	Latham	Sensenbrenner				Davis (KY)	LoBiondo	Shimkus
Cuellar	LaTourette	Sessions	Bachmann	Filner	Slaughter	Denham	Long	Shuler
Culberson	Latta	Shimkus	Bachus	Kucinich	Welch	Dent	Lucas	Shuster
Davis (KY)	Lewis (CA)	Shuster	Donnelly (IN)	Schmidt		DesJarlais	Luetkemeyer	Simpson
Denham	LoBiondo	Simpson				Diaz-Balart	Lummis	Smith (NE)
Dent	Long	Smith (NE)				Dreier	Lungren, Daniel E.	Smith (NJ)
DesJarlais	Lucas	Smith (NJ)				Duffy	Mack	Smith (TX)
Diaz-Balart	Luetkemeyer	Smith (TX)				Duncan (SC)	Manzullo	Southerland
Dold	Lummis	Southerland				Duncan (TN)	Marchant	Stivers
Doyle	Lungren, Daniel E.	Stivers				Ellmers	Marino	Stutzman
Dreier	E.	Stutzman				Emerson	Matheson	Sullivan
Duffy	Mack	Sullivan				Farenthold	McCarthy (CA)	Terry
Duncan (SC)	Manzullo	Terry				Fincher	McCaul	Thompson (PA)
Duncan (TN)	Marchant	Thompson (PA)				Flake	McClintock	Thornberry
Ellmers	Marino	Thornberry				Fleming	McCotter	Tiberi
Emerson	Matheson	Tiberi				Flores	McHenry	Tipton
Farenthold	McCarthy (CA)	Tipton				Forbes	McKeon	Turner (NY)
Fincher	McCaul	Turner (NY)				Fortenberry	McKinley	Turner (OH)
Fitzpatrick	McClintock	Turner (OH)				Fox	McMorris	Upton
Flake	McCotter	Upton				Franks (AZ)	Rodgers	Walberg
Fleischmann	McHenry	Walberg				Frelinghuysen	Meehan	Walden
Fleming	McKeon	Walden				Gallegly	Mica	Walsh (IL)
Flores	McKinley	Walsh (IL)				Gardner	Miller (FL)	Webster
Forbes	McMorris	Webster				Garrett	Miller (MI)	West
Fortenberry	Rodgers	West				Gerlach	Miller, Gary	Westmoreland
Fox	Meehan	Westmoreland				Gibbs	Mulvaney	Whitfield
Franks (AZ)	Mica	Whitfield				Gibson	Murphy (PA)	Wilson (SC)
Frelinghuysen	Miller (FL)	Wilson (SC)				Gingrey (GA)	Myrick	Wittman
Gallegly	Miller (MI)	Wittman				Gohmert	Neugebauer	Wolf
Gardner	Miller, Gary	Wolf				Goodlatte	Noem	Womack
Garrett	Mulvaney	Womack				Gosar	Nugent	Woodall
Gerlach	Murphy (PA)	Woodall				Gowdy	Nunes	Yoder
Gibbs	Myrick	Yoder				Granger	Nunnelee	Young (AK)
Gibson	Neugebauer	Young (AK)				Graves (GA)	Olson	Young (FL)
Gingrey (GA)	Noem	Young (FL)				Graves (MO)	Owens	Young (IN)
Gohmert	Nugent	Young (IN)						
Goodlatte	Nunes							

## NOES—173

Ackerman	Braley (IA)	Cleaver
Andrews	Brown (FL)	Clyburn
Baca	Butterfield	Cohen
Baldwin	Capps	Connolly (VA)
Bass (CA)	Capuano	Conyers
Becerra	Cardoza	Cooper
Berkley	Carnahan	Costa
Berman	Carney	Courtney
Bilbray	Carson (IN)	Crowley
Bishop (GA)	Castor (FL)	Cummings
Bishop (NY)	Chu	Davis (CA)
Blumenauer	Cicilline	Davis (IL)
Bonamici	Clarke (MI)	DeFazio
Boswell	Clarke (NY)	DeGette
Brady (PA)	Clay	DeLauro

## NOT VOTING—8

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1854

So the amendment was agreed to.  
The result of the vote was announced  
as above recorded.  
Stated against:  
Mr. FILNER. Mr. Chair, on rollcall 233, I was  
away from the Capitol due to prior commit-  
ments to my constituents. Had I been present,  
I would have voted “no.”

AMENDMENT OFFERED BY MR. FLORES  
The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the second amendment offered  
by the gentleman from Texas (Mr. FLO-  
RES) on which further proceedings were  
postponed and on which the noes pre-  
vailed by voice vote.  
The Clerk will redesignate the  
amendment.  
The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.  
A recorded vote was ordered.  
The Acting CHAIR. This is a 2-  
minute vote.  
The vote was taken by electronic de-  
vice, and there were—ayes 246, noes 174,  
not voting 11, as follows:

[Roll No. 234]

## AYES—246

Adams	Akin	Altmire
Aderholt	Alexander	Amash

## NOES—174

Ackerman	Brown (FL)	Clyburn
Andrews	Butterfield	Cohen
Baca	Capps	Connolly (VA)
Baldwin	Capuano	Conyers
Bass (CA)	Cardoza	Cooper
Bass (NH)	Carnahan	Costa
Becerra	Carney	Costello
Berkley	Carson (IN)	Courtney
Berman	Castor (FL)	Crowley
Biggert	Chandler	Cummings
Bishop (GA)	Chu	Davis (CA)
Blumenauer	Cicilline	Davis (IL)
Bonamici	Clarke (MI)	DeFazio
Boswell	Clarke (NY)	DeGette
Brady (PA)	Clay	DeLauro
Braley (IA)	Cleaver	Deutch

Dicks	Larsen (WA)	Richardson
Dingell	Larson (CT)	Richmond
Doggett	LaTourette	Rothman (NJ)
Dold	Lee (CA)	Roybal-Allard
Doyle	Levin	Ruppersberger
Edwards	Lewis (GA)	Rush
Ellison	Lipinski	Ryan (OH)
Engel	Loeb sack	Sánchez, Linda
Eshoo	Lofgren, Zoe	T.
Farr	Lowey	Sanchez, Loretta
Fattah	Lujan	Sarbanes
Fitzpatrick	Lynch	Schakowsky
Frank (MA)	Maloney	Schiff
Fudge	Markey	Schrader
Garamendi	Matsui	Schwartz
Gonzalez	McCarthy (NY)	Scott (VA)
Grijalva	McCollum	Scott, David
Gutierrez	McDermott	Serrano
Hahn	McGovern	Sewell
Hanabusa	McIntyre	Sherman
Hastings (FL)	McNerney	Sires
Hayworth	Meeks	Smith (WA)
Heinrich	Michaud	Speier
Higgins	Miller (NC)	Stark
Himes	Miller, George	Stearns
Hinche y	Moore	Sutton
Hinojosa	Moran	Thompson (CA)
Hirono	Murphy (CT)	Thompson (MS)
Holt	Nadler	Tierney
Honda	Neal	Tonko
Hoyer	Oliver	Towns
Israel	Pallone	Tsongas
Jackson (IL)	Pascarell	Van Hollen
Jackson Lee	Pastor (AZ)	Velázquez
(TX)	Pelosi	Visclosky
Johnson (GA)	Perlmutter	Walz (MN)
Johnson, E. B.	Peters	Wasserman
Jones	Pingree (ME)	Schultz
Kaptur	Polis	Waters
Keating	Price (NC)	Watt
Kildee	Quigley	Waxman
Kind	Rangel	Woolsey
Langevin	Reyes	Yarmuth

## NOT VOTING—11

Bachmann	Filner	Slaughter
Bachus	Kucinich	Welch
Bishop (UT)	Napolitano	Wilson (FL)
Donnelly (IN)	Schmidt	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1857

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 234, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

□ 1900

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

The Acting CHAIR (Mr. BASS of New Hampshire). The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. I rise today for the purpose of engaging in a colloquy about the importance of computer science in a balanced program of science, technology, education, and math. I thank the chairman for including extensive language in the committee report on STEM education, but I would like to highlight today some specific needs in the critical area of computer science.

More than 1.5 million high-wage computing jobs will be created by 2018—the largest growth area across science, technology, engineering, and math. Yet few computer science classes are available to students; and when they're offered, they're typically only electives. Many States don't have proper teacher certification programs for K 12 computer science and don't clearly connect

the certification to content. In recent years, the number of computer science bachelor degrees in the U.S. actually fell from 60,000 to 38,000, even as computer science breakthroughs are transforming our economy.

I have legislation—the Computer Science Education Act—that focuses on this issue, but there are other steps as well. First, I believe it's important that Federal STEM education programs explicitly incorporate the broad definition of science, technology, engineering, and math reported by the President's Council of Advisors on Science and Technology. This definition helps make sure that STEM is sufficiently interpreted and not too narrowly to cover just math. Second, to ensure that there's a comprehensive pipeline for science from K 12 all the way through to the workforce, it's essential that NSF and other Agencies identify our Nation's highest STEM-related workforce needs and use that information to prioritize STEM-related subjects in our schools.

I very much look forward to working with the chairman to address these issues as this bill continues to move forward through the appropriations process. I'm grateful to the chair for this conversation and his perspectives on all these critical issues, and I yield to the gentleman from Virginia.

Mr. WOLF. I thank the gentleman for his comments and for his active support of STEM education in all forms. We'll be happy to work with the gentleman as we move forward to ensure that NSF and other Agencies in this bill are getting the most appropriate direction on STEM education needs and priorities.

Mr. POLIS. I thank the gentleman.

I yield back the balance of my time.

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

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

Mr. MCKINLEY. Mr. Chairman, I rise for the purpose of a colloquy with the chairman.

Mr. Chairman, thank you for this opportunity to discuss one of my top priorities with you today: NOAA's Comprehensive Large-Data Array Stewardship program, otherwise known as CLASS. This program has been funded at the same base level of \$6.5 million for each of the past 10 years, despite an increase in their mission.

This is NOAA's enterprise system for handling all of its environmental data critical for weather predictions. Simply put, CLASS therefore must rely on programs within the satellite program to overcome their \$24 million funding shortfall. We should be creating certainty, Mr. Chairman, for the NOAA CLASS program, instead of expecting them to rely on these other satellite programs to transfer funds for their own budget to CLASS.

Under last year's budget, CLASS fell short of the necessary funding to sustain core mission values. Mission fail-

ure of CLASS will continue if we don't provide CLASS with funding certainty this year and not depend on transfers from other satellite programs.

Mr. Chairman, I ask that the Appropriations Committee consider the importance of the CLASS mission in conference, and encourage the chairman to adequately fund their mission—a mission defined as a level of funding equal to last year and no job losses.

Mr. WOLF. Will the gentleman yield?

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

Mr. WOLF. I want to thank the gentleman for speaking on this issue. Funding the weather satellites is a very high priority in this bill, as well as the data systems used to store and process data from the satellites. We will work with you and also our other colleagues in the body to ensure that the CLASS program is adequately funded.

Mr. MCKINLEY. Thank you, Mr. Chairman. I look forward to working with you on this matter.

I yield back the balance of my time.

## AMENDMENT OFFERED BY MR. LANDRY

Mr. LANDRY. 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 a proposed rule for turtle excluder devices as described in the Southeast Fishery Bulletin published by the National Oceanic and Atmospheric Administration on May 8, 2012.

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

Mr. LANDRY. Thank you, Mr. Chairman.

NOAA and the fishing industry have had a long history of working together. Since the 1990s, NOAA has worked with the fishing industry to develop a regulatory system that provides meaningful protection to turtles, while at the same time not economically harming our fishermen. Under the system, fishermen had agreed that they would periodically remove their nets from the water, allowing any turtles trapped in the net to escape. By offering to do so, they would not have to use the turtle exclusion devices.

Now NOAA intends to regulate these shrimpers and force them to use TEDs. The recent rulemaking negates this partnership and places the whims of environmentalists ahead of the scientific data or economic well-being of the fishermen in the coastal communities. There is no scientific data that's proving that the lack of the use of TEDs by shrimpers is causing any additional deaths in the turtle population.

□ 1910

Over 60 percent of the shrimp landed in Louisiana is by the inshore and near-shore fleet, which is primarily



skimmers and butterflies. This regulation, if implemented, will affect thousands of fishermen in Louisiana. Fishermen will lose money due to the cost of TEDs equipment and also the money lost from loss of catch.

I yield back the balance of my time.

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

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

Mr. SCHIFF. Mr. Chairman, I rise to oppose the gentleman's amendment. Turtle-excluder devices are already required in other shrimp trawl fisheries in the Gulf of Mexico and South Atlantic to reduce sea turtle bycatch.

In many cases, fishermen have reported actually preferring the use of TEDs in their trawl nets because when they are used properly, TEDs allow up to 98 percent of turtles to escape from trawl nets while retaining up to 97 percent of target shrimp catch. TEDs also provide other economic benefits to fishermen. Again, when installed properly, they can prevent other species bycatch and unwanted marine debris from entering the trawl nets, thereby increasing shrimp catch efficiency and the quality of their shrimp catch.

TEDs can also cut down on unwanted debris which can damage and increase the drag in fishing nets, causing fishermen to incur other costs. At this stage, NMFS is merely proposing this rule and will provide ample opportunity for public comment, including public meetings before any final regulation is in place; and, therefore, I urge defeat of the amendment.

I yield back the balance of my time.

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

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

Mr. LANDRY. 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 Louisiana will be postponed.

AMENDMENT NO. 32 OFFERED BY MR. GARDNER

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to pay the salary of any officer or employee of the Department of Commerce who uses amounts in the Fisheries Enforcement Asset Forfeiture Fund of the National Oceanic and Atmospheric Administration that consists of the sums described in section 311(e)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(e)(1)) for any purpose other than a purpose specifically authorized under such section.

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

Mr. GARDNER. Mr. Chairman, I thank the chairman of the subcommittee, as well, for his work and leadership on this bill today and yesterday. We voted long into the morning this morning, and certainly appreciate his time and consideration.

The appropriations bills before us present an opportunity to provide oversight that is one of the most important duties and functions of this Congress, to make sure that we are looking at the ways our Federal Agencies, our administration is spending money and making sure that it is carried out properly.

One of the areas where I believe this Congress needs to further its oversight and step up its oversight concerns the National Oceanic and Atmospheric Administration's asset forfeiture fund. This is money that is comprised of fines paid by individuals who violate the Magnuson-Stevens Fishery Conservation and Management Act. The act, as many Members know, is the primary law governing fish management in our Federal waters, and it is responsible for managing fisheries, promoting conservation, producing bycatch, and ending overfishing.

The money in NOAA's asset forfeiture fund can only be used for express purposes that are laid out in statute, such as paying costs associated with providing any temporary storage of property seized during civil or criminal proceedings, paying off valid liens or mortgages against forfeited property, or reimbursing any Agency that assisted NOAA in enforcing the law.

Unfortunately, what we have seen is a pattern of unaccountability, a pattern of abuse of this money, including a purchase of a \$300,000 yacht that was used for personal use by certain officials within NOAA.

This amendment simply says that the law, the money in the asset forfeiture fund should only be used for those express purposes as defined in statute, making sure that these abuses do not continue and making sure that this Congress steps up its role in oversight when it comes to funds of the United States.

With that, I ask for a "yes" vote on the amendment to make sure that we are accountable for the funds from the taxpayer, and I yield back the balance of my time.

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

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

Mr. GARDNER. 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 Colorado will be postponed.

AMENDMENT NO. 28 OFFERED BY MR. ENGEL

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 542. None of the funds made available by this Act may be used to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

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

Mr. ENGEL. On May 24, 2011, President Obama issued a memorandum on Federal fleet performance which requires all new light-duty vehicles in the Federal fleet to be alternate-fuel vehicles, such as hybrid, electric, natural gas, or biofuel, by December 31, 2015.

My amendment echoes the Presidential memorandum by prohibiting funds in the Commerce-Justice-Science appropriations bill from being used to lease or purchase new light-duty vehicles except in accord with the President's memorandum.

Last year, I introduced similar amendments to four different appropriations bills—Agriculture, Defense, Energy, and Homeland Security. All were accepted and passed by voice vote.

Our transportation sector is by far the biggest reason we send \$60 billion per year to hostile nations to pay for oil at ever-increasing costs. But America doesn't need to be dependent on foreign sources of oil for transportation fuel. Alternative technologies exist today that when implemented broadly will allow any alternative fuel to be used in America's automotive fleet.

The Federal Government operates the largest fleet of light-duty vehicles in America. According to GSA, there are over 660,000 vehicles in the Federal fleet, with over 41,000 being used by the Department of Justice and another 2,400 with the Department of Commerce.

By supporting a diverse array of vehicle technologies in our Federal fleet, we will encourage development of domestic energy resources—including biomass, natural gas, agricultural waste, hydrogen, and renewable electricity.

Expanding the role these energy sources play in our transportation economy will help break the leverage over Americans held by foreign government-controlled oil companies and will increase our Nation's domestic security and protect consumers from price spikes and shortages in the world oil markets. So I ask that you support the Engel amendment.

On a similar note, I have worked with my colleagues JOHN SHIMKUS, ROSCOE BARTLETT, and STEVE ISRAEL to introduce the bipartisan Open Fuel Standard Act, H.R. 1687. I have particularly worked with Congressman SHIMKUS on this bill in this Congress. Our bill would require 50 percent of new automobiles in 2014, 80 percent in 2016, and 95 percent in 2017 to be warranted

to operate on nonpetroleum fuels in addition to or instead of petroleum-based fuels.

Compliance possibilities include the full array of existing technologies—including flex fuel, natural gas, hydrogen, biodiesel, plug-in electric drive, and fuel cell—and a catchall for all new technologies.

In conclusion, I encourage my colleagues to support my amendment and the open fuel standard as we work toward breaking our dependence on foreign oil.

I yield back the balance of my time.

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

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

Mr. WOLF. I think this amendment has been adopted on other bills. We accepted the amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALSH OF ILLINOIS

Mr. WALSH of Illinois. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. \_\_\_\_\_. None of the funds made available in this Act for the State Criminal Alien Assistance Program under the heading “Department of Justice—State and Local Law Enforcement Activities—Office of Justice Programs—State and Local Law Enforcement Assistance” may be used in contravention of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

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

□ 1920

Mr. WALSH of Illinois. Mr. Chairman, immigration enforcement—whether issuing or revoking a visa, deportation, and even providing citizenship—is a Federal responsibility and should remain so. However, our law enforcement in cities and States is sometimes the first line of defense in these Federal courts.

In 1996, almost 20 years ago, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act. This bill not only required localities to communicate with Federal agencies when legal and illegal aliens may have been picked up for crimes but also provided money to help them do so. Since then, additional programs such as the State Criminal Alien Assistance Program and Secure Communities have been implemented to ensure further that localities have the resources they need to meet their responsibilities.

The Federal Government has stated time and again that participation in these programs is not optional. Yet despite that, some cities and even whole States blatantly ignore Federal re-

quirements. What is even worse is that these sanctuary cities still receive money for their so-called “immigration efforts” under the State Criminal Alien Assistance Program. In fact, one city received \$1.1 million at the same time it designated itself as a city and county of refuge. And one State has even passed laws that prohibit law enforcement agencies from detecting or apprehending those in violation of U.S. immigration laws.

For this reason today, I am offering an amendment that would prohibit the Department of Justice from providing funds to these sanctuary cities for immigration enforcement efforts. This is a smart amendment that will require America’s local law enforcement officers to do just that—enforce the laws we pass to receive the money we provide them to do so. I urge the House to vote in its favor.

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

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

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

Mr. SCHIFF. Mr. Chairman, I rise in opposition to the amendment, which provides that none of the funds in the SCAAP program can be used in contravention of existing law.

This amendment is like several others we’ve considered today that simply say either the obvious, which is, Federal funds can’t be used in violation of Federal law, in which case the amendment is unnecessary and accomplishes nothing; or, the amendment seeks to go beyond existing law and set new policy, in which case the policy that it would set is one that is disadvantageous to States and local law enforcement.

State and local community safety policies prioritize budgetary and law enforcement resources according to community needs while still permitting Federal immigration enforcement to take place. In many cases, such local laws support community safety by encouraging citizens who are crime victims or witnesses to come forward and work with police regardless of their immigration status.

These local policies don’t interfere with Federal enforcement. In fact, a 2007 Justice Department audit of such laws found that in each instance where cities were so-called “sanctuary cities,” the local policy either didn’t preclude cooperation with ICE, or else included a policy to the effect that those agencies and officers must assist ICE or share information with ICE as required by Federal law. That year, DHS Secretary Michael Chertoff testified before Congress:

I’m not aware of any city, although I may be wrong, that actually interferes with our ability to enforce the law.

The amendment, if it went beyond the mere statement that you can’t spend Federal funds in contravention of Federal law, might deny funding to

already cash-strapped police departments.

For these reasons, we urge a “no” vote on 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 Illinois (Mr. WALSH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROHRABACHER

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. \_\_\_\_\_. None of the funds made available in this Act to the Department of Justice may be used, with respect to the States of Alaska, Arizona, California, Colorado, Delaware, District of Columbia, Hawaii, Maine, Maryland, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington, to prevent such States from implementing their own State laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

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

Mr. ROHRABACHER. Mr. Chairman, I rise today, along with Mr. HINCHAY, Mr. MCCLINTOCK, and Mr. FARR, in support of a commonsense amendment that would prohibit the Department of Justice from using funds to prevent States from implementing their own State laws that authorize the use, distribution, possession, or cultivation of medical marijuana. This amendment would take a step in the right direction of respecting States’ rights and individual liberties, and it would help the Federal Government prioritize its very scarce resources and show compassion for those thousands of ailing patients across our country.

To date, 17 States, including the District of Columbia, have passed laws allowing for the medical use of marijuana, and the list continues to grow. Connecticut is in the process of passing a similar law as well. Many of these State laws, including in my own home State of California, have passed these statutes through the initiative process—meaning that a majority of California voters specifically decided that sick individuals ought to have the right to use this herb for medical purposes. Why the Federal Government continues its hard-line prohibition, then, is completely beyond me.

As far as the medical marijuana is concerned, individuals ought to have a right and ought to be able to act in accordance with their respective State laws without the Federal Government coming in and interfering. Neither should the Federal Government threaten to prosecute State employees who are carrying out the implementation of their State laws. Indeed, the Founding Fathers wanted criminal law to be the domain of local and State government. Unfortunately, however, this is not the approach that recent administrations

have taken, including the current administration. For example, the Governor of Washington State received a letter from the Department of Justice and was warned that:

State employees who conducted activities mandated by the Washington legislative proposals would not be immune from liability under the CSA.

Additionally, the DEA has conducted numerous raids on medical marijuana dispensaries that are in full compliance with State law. Businesspeople and co-operatives who are licensed and certified within these States to function as legitimate medical marijuana dispensaries have seen their businesses locked down, assets frozen, businesses driven away, and in some cases the victims of a SWAT squad coming into their operation. It is simply outrageous that we are spending scarce Federal dollars to interfere with the medical needs of individuals, especially when it's been recommended by a physician and approved by the voters of a State.

Importantly, this amendment does nothing to prevent the Federal Government from being able to go after drug traffickers. In fact, it makes it easier because it prioritizes and gives those people a chance to go after drug traffickers rather than sick people.

Under this amendment, the DEA would still have the power to arrest anyone selling marijuana for recreational use or engaging in any activity that is not expressly allowed under State law. But they will have more time to go after the drug traffickers if they are not going after people who are providing medical marijuana to people who are sick.

□ 1930

It is time that we respect States' rights, get serious about prioritizing our Federal Government's activities, and show some common sense and compassion when dealing with the sick among us.

I urge all Members to vote "yes" for the Rohrabacher-Hinchey-McClintock-Farr amendment to prevent the Department of Justice from continuing to engage in activities that it has no business engaging in.

I yield back the balance of my time.

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

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

Mr. WOLF. What does this amendment say if a young person, 15, at a high school in whatever State is watching the House at 7:30, and they say the United States Congress is ready to make it easy to get marijuana, and their mom or dad—what is going on?

This amendment hurts law enforcement. Our law enforcement people are jeopardizing their lives.

Marijuana is one of the most widely abused drugs in the United States. According to the DEA, more young people are now in treatment for marijuana dependency than for alcohol or all other illegal drugs combined.

This amendment does not address the problem of marijuana abuse and possibly makes it worse by sending a message to young people that there can be health benefits.

The Drug Enforcement Administration, DEA, describes marijuana as "the top revenue generator for Mexican drug trafficking organizations, a cash crop that finances corruption and the carnage of violence year after year."

All you have to do is look at the news. That's why we put money back in here for the National Gang Intelligence unit to keep the Mexican gangs from coming into the United States. The Mexican gangs are being funded and they have a marijuana operation.

I don't understand. I mean, I respect that maybe for medical use at a time. And I will tell you, the first time this issue came up, I voted for it, but it was on a narrow basis. But this is wide open.

And then you're going to tell your 15-year-old or 16-year-old don't use drugs. Well, we've got the marijuana center downtown, and everybody's going in.

The FDA has stated that "smoked cannabis has no acceptable medical use and treatment in the United States."

I could go on, but I think that the message that this amendment would send to young people is that Congress wants to aid and abet, if you will. And we all know. We've watched "60 Minutes." We've watched all these shows.

If somebody purely, really—my mom died of cancer. So many people in my family died of cancer. It's so narrow. But this is just wide open. And we've seen it where they're coming in and they're pouring over. In essence, I think this would be bad for the country.

In our hearings, we heard that more young people are dying from overdose of drugs. Then marijuana, then do we go into heroin, and then we go into OxyContin. You just saw today's Washington Post where some of the drug companies were promoting these pain operations which are basically moving and pushing OxyContin, hiring some really prominent lawyers in this town to represent them.

This would not be a good amendment for the country; it would be a bad amendment for the young people, and I urge defeat of the amendment.

I yield back the balance of my time.

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

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

Mr. HINCHEY. I rise today in strong support of this amendment, and I thank, particularly, my friend from California for offering it with me and for what he said about it just a few minutes ago very clearly.

This amendment is very simple. It directs the Federal Government to respect the laws enacted by States that have legalized marijuana for medical use.

The Constitution of the United States is very clear. It authorizes

States' rights in every other area that is not specifically designated to the Federal Government. Currently, 16 States and the District of Columbia have legalized medical marijuana, benefiting over 730,000 patients nationwide. In addition, the State of Connecticut will soon sign a similar bill into law.

President Obama has made it clear that the Justice Department should not prioritize medical marijuana arrests, especially when there are so many other more significant issues that need attention. Unfortunately, some in the DEA clearly didn't get the memo. That's why we're here today.

According to Americans for Safe Access, since October 2009, the Justice Department has carried out an estimated 170 raids of medical marijuana dispensaries and cultivation centers in nine States that have legalized medical marijuana. Without a doubt, these raids are clearly a waste of taxpayer dollars, but they are also fundamentally wrong.

Medical marijuana is proven to reduce pain and increase quality of life for patients suffering from debilitating diseases, including cancer, multiple sclerosis, and HIV/AIDS. Medical marijuana is a safe and effective treatment for many of the symptoms that accompany these diseases. However, the DEA wants to deny patients medicine that can dramatically improve their lives or reduce their suffering. This is wrong, and it needs to stop.

This amendment does not do anything to advocate any violations of the law. It just says those States that have approved medical marijuana ought to be able to determine how to take care of their own people effectively.

This amendment does not affect States that have not approved medical marijuana. It does not require or encourage other States to adopt medical marijuana laws.

This amendment does not stop law enforcement officials from prosecuting the illegal use of marijuana.

This amendment does not encourage drug use in children. Studies actually suggest that teen use of marijuana has declined in States that have passed medical marijuana laws. That, in and of itself, is very interesting and important.

The purpose of this amendment is to allow these 16 States to give relief to people suffering from horrific diseases without fearing Federal intervention or prosecution.

I urge Members to support this amendment and support States' rights and compassion. Doctors in these 16 States know what is best for their patients. The DEA should not stand in the way of these doctors and their patients.

All of this is serious for the health and safety of many, many people in these 16 States. And, in fact, other States are coming into this as well. This is something that really needs to be enacted because it is safe and secure and reasonable.

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 rise in support of the Rohrabacher-Hinchey-Farr and now McClintock amendment.

It is obvious from the votes that we've been casting here, yesterday and tonight, this afternoon, that this body insists on protecting the rights of States to define marriage. This body insists on protecting the rights of States to set abortion policies. This body insists on protecting rights of the States to determine education curricula and standards. Just yesterday this body decided that certain States get to enforce Federal immigration laws however they see fit.

But when it comes to protecting the rights of States to set medical scope of practice laws, this body balks. All of a sudden States no longer have the right to determine what is best for their citizens and when those rights include medical marijuana.

The Rohrabacher-Hinchey-Farr-McClintock amendment doesn't change Federal law. It doesn't change drug policy. However, it does protect States' rights.

□ 1940

For those of you who come from States that do not have medical marijuana laws, nothing in this amendment will impact your States. Everything in your States remains exactly status quo. For those of you who come from States that do have medical marijuana laws, which means the States of Alaska, Arizona, California, which is my own State—it's interesting what we have done in California. We've decriminalized the possession of medical marijuana. It's an infraction, not a felony. We've also legalized the use of marijuana for medical purposes, but the voters at the same time have turned down an intensive legalization use. So it's very controlled. The laws are tight and they are enforced.

The other States that have passed laws are Colorado, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington. For your States, very little in this amendment will impact your States except that you will now have a State that will be able to implement the laws without fear of retribution or of retaliation from the Federal Government. I will also note that, in addition to the 16 States I've just mentioned, the State of Connecticut just passed a medical marijuana bill last week, and the Governor said he'll sign it. So, to the list of 16 States, we soon have added No. 17, the State of Connecticut.

If States' rights are not a good enough reason to pass this amendment, then do it because of compassion. Compassion demands it. We offer this

amendment for terminal cancer patients, for AIDS victims, for persons who suffer with chronic pain. We offer this amendment not only to protect those people, but we offer this amendment to protect the States that are progressive enough to provide alternative medical options to those who need it. I urge all of my colleagues to support the Rohrabacher-Hinchey-Farr amendment.

I yield back the balance of my time.

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

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

Mr. SCHIFF. Mr. Chairman, I rise in support of the amendment, and I want to share a slightly different perspective on it.

I served as an assistant U.S. attorney in Los Angeles for 6 years. In 1987, when I started in the office, the office had a guideline where we wouldn't take a case for prosecution involving less than a kilo of cocaine. Now, that didn't mean that it didn't get prosecuted. It did mean that it was referred to the district attorney's office, but we just didn't have the resources to go after every cocaine case involving less than a kilogram. A couple of years later into my tenure in that office, we had to raise the guideline to 5 kilograms because we had so many 1 kilogram cases, and we couldn't even handle those prosecutions.

I don't know what the policy is now, whether it's 10 kilograms or 20 kilograms, but the reality is we have very finite resources within the Justice Department to prosecute drug cases. Then, of course, the funds for drug prosecutions have to compete with the funds for terrorism cases and carjacking cases and bank robberies and T-Chek thefts or whatnot. We are in a limited resource world, and I don't think it's a good use of our Federal law enforcement resources to be prosecuting medical marijuana cases in States that have legalized medical marijuana. On the priority list of Federal law enforcement priorities, that ought to be near the very bottom.

At a time when we can't even keep up with the more serious narcotics cases and when we have so many other unmet needs in the Justice Department, this is not where we should be putting our resources, and I urge support for the amendment.

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

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

Mr. NADLER. Mr. Chairman, I want to congratulate and thank the sponsors of this amendment for introducing it. The amendment begins to break down the taboo in American politics about discussing drug policy intelligently. It also begins to, hopefully, result in the Federal Government having a more humane and human policy on medical marijuana.

I heard the gentleman from Virginia say that the DEA says there is no medical use for marijuana. That's true that they've said it. The DEA has no credibility with people who have looked at this—on this subject, on most subjects with respect to drugs these days. One reason there is no proof of the successful medical use of marijuana is that the DEA systematically tries to make sure there is no adequate research on that, and it denies the use of supplies of marijuana for medical research.

But we have ample proof from the 16 States which have legalized the medical use of marijuana. We have ample anecdotal proof. We know that, for people suffering pain, for people suffering nausea from AIDS and cancer, marijuana is the only thing that produces relief and enables them to eat and to get sustenance and to regain weight and to, perhaps, regain health. We know this. We know this from thousands of cases. The DEA doesn't know it because it refuses to see it and refuses to allow systematic research. That's wrong. It's inhumane.

Now, I wish this amendment didn't specify the 16 States because maybe a 17th and an 18th will come along this year. I hope that they will. Certainly, the Federal Government has a better use for its resources than in trying to prevent the policy that 16 States have adopted, the humane policy of allowing the medical use of something that has been proven to be medically useful in many cases. Doctors and other medical professionals ought to determine treatment, not bureaucrats in Washington.

So I support this amendment, and I hope that maybe, if it passes, and maybe if we have a rational policy with regard to medical marijuana, that two other things will happen: that maybe the DEA will get its head out of the sand and will permit proper research so we'll get better research and better results; and maybe we'll begin a discussion of our general drug policy toward marijuana, which is certainly a much, much more benign drug than alcohol, which is legal, than tobacco, which is legal. We have a very irrational policy toward it, a policy which reminds one of the policy of the 1920s, which had such deleterious effects with regard to alcohol and alcohol use.

So I congratulate the sponsor of this amendment for having the courage to help break the taboos concerning this subject and for introducing an amendment that, if it passes, will result in many, many thousands of people being more healthful and more comfortable, and it will be a great thing for this country.

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

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

Mr. COHEN. There have been quite a few good arguments made—excellent arguments—as to why this amendment should pass. Justice Louis Brandeis is

one of my favorite Justices. He said the laboratories of democracy are the States. Indeed, 16 States, mostly through, if not entirely through, referenda determined that they wanted to try to find out whether medical marijuana laws worked.

The Federal Government should not be infringing on what the States have determined and their citizens have determined in the most direct form of democracy that this Nation knows—State referenda. The Federal Government has been using its resources, which could be used in better ways, to police the jurisdictions that have voted it in. That's what this amendment does. It says there will not be any additional spending of Federal moneys to try to thwart the will of the people of the States on issues on which they have voted.

This is the most basic democracy that we could be talking about. You talk about the Founding Fathers. This is the people who give us power. They have voted in their States to make it the law, and the Federal Government has taken its heavy hand and has tried to come in there—and has come in there—to prosecute individuals. It's for the States to prosecute those individuals if they want.

As the gentleman from California (Mr. SCHIFF) has pointed out, Federal priorities have to be made to meet the resources available. The moneys that they're spending now in these States could be spent on border traffic and could be spent on policing against heroin and cocaine, which cause people, when they get hooked, to commit violent crimes in order to get their money to buy their drugs. That has never been known to be the case with marijuana, and it is not the case with marijuana. That's where our priorities for law enforcement should go and prosecution should go is to crack and cocaine and heroin, and they're not being used there.

So this is a commonsense, basic, democratic proposal to tell our Federal Government that has gone astray to not use its resources against the people of this country who have made this determination.

Now, as far as some of the other statements that have been made, I think the public who listens knows that this is not about legalization, that this is not about 14-year-olds or 15-year-olds or 18-year-olds.

□ 1950

It's about States, democracy, doctors, and people who have cancer, glaucoma, AIDS, MS, whatever. Montel Williams has testified how it has helped him with his illness. I had a Navy SEAL friend who died of cancer. There is no question but that marijuana, which he smoked, helped him with his appetite when he wasn't eating, and his pancreatic cancer took him from 215 pounds to 115 pounds. His grandmother said it's the only thing that makes Orel laugh, and it's the

only thing that makes Orel eat. And when he was dying, I wanted my friend to have whatever he could have to make his illness less damaging to him and less difficult to deal with.

So I rise here and assure people that it won't affect your States; it will just be those States where it's been voted in. It will save resources and be able to give our government the proper direction, the usage of resources to protect us against heroin, crack, and cocaine.

I yield back the balance of my time. Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

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

Mr. FRANK of Massachusetts. Actually, Mr. Chairman, if I could, I would strike many of the words we've heard today.

I first want to acknowledge the leadership of my colleague from California. He has a characteristic that is all too rare in politics, an intellectual consistency. We have people on the one hand that talk about freedom of the individual, liberty, and respect for States' rights, but when it comes up against some pet project of theirs, all that goes out the window.

Let's be very clear. This is not a case of people advocating that other people smoke marijuana. It is for me an advocacy that we allow people some degree of free choice. I listened to the gentleman from Virginia, and I admire his diligence. But I have to say, I disagreed with almost everything he said. There was one thing he said that I thought was appropriate. He said we shouldn't be debating this at 7:30. I agree. We should have been debating it at 4:20. That would have been a much better time. But other than that, he says, What about 15-year-olds, they'll see marijuana centers.

Well, they'll see liquor stores. They'll see many more liquor stores than marijuana centers. The notion that because something is inappropriate for a teenager or a child, adults should not be allowed to use it, is mindlessness. You can't run a society that says we're not going to let a 15-year-old see the things a 15-year-old can't do. Liquor stores would be a great example.

I have been disappointed on this point with the Obama administration. The Clinton administration was quite sensible on this. The Bush administration slipped back, and I had hoped that with the Obama administration it would be more sensible.

The gentleman from Virginia said, Well, this is a great source of money for the Mexicans. Sure, because we won't let people grow it in America. To the extent that people are buying medical marijuana from Mexican drug cartels, I think, is a somewhat overdone thing with regard to this. That's because we have had people refusing to allow them to grow it here in America for that use.

People say—again, I'm surprised by some of my conservative friends—there

is no medical value. The Federal Government now becomes the arbiter and tells the States you may not make that judgment that there is medical value. We know an awful lot of people think it has medical value for them.

As to addiction and the notion that if you get all these drugs together, what marijuana has in common with Oxycontin—which the gentleman from Virginia mentioned—and other drugs is that we treat them the same. They are not the same in any rational way. They're not the same in addictive prospects. They're not the same except we treat them the same. And we're the ones that by this foolish policy—that I regret the administration I supported is engaging in—give people the notion that they're the same thing. It's a very simple point.

People in the States have voted that marijuana should be available for people who want to use it for medicinal purposes, and the States are then in charge of setting up ways to deal with it. We have people out of their ideological opposition announcing that they will not be allowed to do that, that they will tell people it has no medical use despite the testimony of so many who think it does. This again is a form that I thought we learned didn't work, and it's prohibition of the worst sort. And by the way, it is going to lead to very ineffective law enforcement because we are a free country. You cannot impose, in a free society like ours, a regime of law enforcement that the public rejects without a great deal of repression. State by State, the people of the States have voted to allow this. So when we send the Federal agents in to disregard what the State did, to disregard State law, of course you're going to engender resistance; of course you're going to engender people going around. And I would just close by saying after listening to this debate, I think tonight C SPAN has merged with Turner Classic Movies because "Reefer Madness," that great movie from the thirties, appears to be being shown on both channels.

This notion that because 15-year-olds are watching us talk about how people who are ill and in pain should be allowed with the vote of the State to get marijuana prescribed by a doctor, and that's going to lead a 15-year-old to go out and do it, makes no logical sense. As I said, if you're worried about what 15-year-olds can see, they can see X-rated movies that are being advertised; they can see cigarettes being sold widely; they can see alcohol. They can see all manner of things that we don't want them to do.

This is a very sensible amendment. No one has shown, let me say finally—and you know the DEA, they want to do this. I have not seen the evidence that says that medical marijuana has led to any problem. I haven't seen it linked to crime. I haven't seen it linked to anything negative. What we have, frankly, are some prejudices being used to interfere with people's rights.

I yield back the balance of my time.

Ms. LEE of California. Mr. Chairman, I move to strike the last word.

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

Ms. LEE of California. Mr. Chairman, I rise in strong support of this bipartisan amendment. I want to thank Mr. ROHRBACHER and all of the cosponsors of this amendment for their leadership and for bringing this amendment forward.

This amendment would prohibit the Department of Justice from using Federal funds to prevent the implementation of State laws authorizing the use of medical marijuana.

In recent months, the Federal Government has stepped up raids on legally operating clinics in many States where it is permissible for seriously ill patients to be prescribed medical marijuana by their doctors. These raids are shutting down legally operating businesses and are putting the health and the well-being of patients with cancer, HIV and AIDS, multiple sclerosis, and other serious illnesses in jeopardy.

Marijuana has proven medical uses that improve the quality of life and extend the lives of desperately ill people. By shutting down clinics, Federal agents are forcing patients who may be dying, for example, of cancer out into the streets to buy prescription drugs like narcotics, which oftentimes leads to prescription drug addiction. These raids also undermine the ability of States to faithfully implement the will of their voters.

The people in my home State of California have voted to make medical marijuana legal. These laws have been enacted to allow patients safe and legal access to appropriately produce and dispense medical marijuana in the safest possible environment. Yet in the last 18 months—for whatever reason—the Drug Enforcement Administration has raided and shut down many licensed and regulated dispensaries, which are legal, mind you, under State law. For example, the Berkeley Patients Group in my district, which had worked closely with the city of Berkeley to stay in compliance with local and State laws in order to serve critically ill patients in my community, has been forced to close its doors and turn their patients away. Complying with the State law and relying on a memorandum from the Department of Justice, thousands of small businesses across my State have invested millions in dollars in building their businesses, created good paying jobs, and have paid millions in taxes. The business owners in my home district are doing everything they can to comply with the law, but clinics in Oakland and Berkeley continue to be subject to raids by Federal authorities.

Many of my colleagues and I have made repeated requests to the Department of Justice to seek clarification regarding their enforcement policies on medical marijuana. Mr. Chair, this is about recognizing the will of the vot-

ers. The Federal crackdowns ignore the will of the voters in 16 States across the Nation. The clinics, doctors, and businesses, which bring medicine—medicine mind you—to suffering patients need clarity, certainty, and an end to arbitrary raids.

□ 2000

We should be protecting, not undermining, our democracy by prosecuting small business owners who pay taxes, comply with State laws, and provide medicine to people in need.

But really, and most importantly, it should be out of compassion for our fellow Americans suffering from a serious illness that compels us to vote for this amendment. It is the humane thing to do, and it is the right thing to do.

So I want to thank Mr. ROHRBACHER once again and the cosponsors of this amendment for bringing this forward tonight, and I urge an “aye” vote.

I yield back the balance of my time.

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

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

Mr. POLIS. I thank the gentleman from California for bringing forward this amendment.

This amendment is absolutely critical for Colorado. We have a legal regulatory structure for medical marijuana and for the many businesses and nonprofits that are active in providing patients with medical marijuana, and yet they live under a constant fear, a constant fear of selective enforcement from the Attorney General or from the DEA.

I had the opportunity in the Judiciary Committee to question the Attorney General with regard to this issue, and he acknowledged that the only possible enforcement—because of the large-scale use of medical marijuana in the States where it is legal—would be selective enforcement. And that is a very dangerous precedent and a very dangerous power to hand an Attorney General, the Department of Justice, and the DEA.

I have heard from the other side of the aisle in different contexts many comments critical of the current Attorney General. But regardless of who is sitting as Attorney General, do we want to have an Attorney General that has the ability at any given time to engage in selective enforcement against a large group of people, whomever he or she wants to prosecute?

What if the select enforcement is politically motivated? What if we have an Attorney General that decides he or she doesn't like the Tea Party or doesn't like the Occupy movement? What if they then force the States to give the records that they keep of who has the medical marijuana licenses and then go after the people with whose politics they don't agree? It's a very, very dangerous road to go down, a dangerous power to give to the Federal Government.

This is a very real and important issue. Drug abuse is a terrible problem that plagues our country and plagues Colorado families. We can reduce drug abuse and reduce access to minors of both marijuana as well as other drugs by making sure that we regulate them appropriately.

In Colorado, medical marijuana dispensaries are regularly audited. They are required, under State law, to have video cameras keep track of who comes and goes. Minors are not allowed to enter the premises. It is, of course, the underground illegal corner drug dealer that will sell to the 15-year-old, not the legal State-regulated dispensary.

We have limited law enforcement capabilities, as highlighted by my colleague from California (Mr. SCHIFF), and to go after patients and their caregivers rather than drug smugglers and Mexican drug cartels does a huge disservice, not only to law enforcement, but also to the many, many victims of the drug war, both from collateral damage as well as those who fall victim to the drugs themselves.

It's critical, at a time when our Nation continues to battle with narcotic use, that our limited resources are focused on the real problem. The real problem is not the 68-year-old cancer patient. The real problem is not the business or the nonprofit that operates under a legal State regulatory system in providing these essential services in our communities in accordance with State and local law.

This amendment is common sense. I hope that colleagues on both sides of the aisle will join in passing this amendment.

And I understand that for many of our colleagues, they don't have legal medical marijuana in their States, and that's fine. No one is saying that they should or they shouldn't. It's up to the residents of each State to decide how they want to treat the criminal aspects of regulating marijuana use.

What we're asking is, for those of you who come from States who don't have legal marijuana, consider that some States might think about it a little differently. Consider that some States have, in fact, authorized dispensaries and authorized a system to ensure that it stays out of the hands of minors, to focus their State law resources on harder drugs and ensuring that minors don't have access to marijuana or other drugs. And consider that that is their prerogative, just as it is your prerogative in your State to continue to approach marijuana usage as a criminal issue.

I call upon my colleagues on both sides of the aisle to support this important amendment, to focus our limited resources and allow legal businesses and legal caregivers to operate without the fear of a DEA agent busting in their door.

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 hear people talking about States' rights. If a State said sexual trafficking is okay, would we honor that and say that we're not going to protect? I would hope not. States, in the past, have done some things that have not been good in this country.

Secondly, we know that many of these marijuana dispensaries are simply fronts for illegal marijuana distribution. The FDA noted in 2006 that "there is currently sound evidence that smoked marijuana is harmful"—harmful—and that "no sound scientific study supported medical use of marijuana for treatment in the United States, and no animal or human data supported the safety of efficacy of marijuana for general medical use."

As required by the Controlled Substances Act, the DEA requested a scientific and medical evaluation and scheduling recommendation from the U.S. Department of Health and Human Services. And what was concluded is "that marijuana," the stuff that we're saying tonight—anybody, if you saw the "60 Minutes" piece, they come in, they buy, they take. We talk about doctors. The number of doctors that were ripping off people with OxyContin, the number of doctors that were devastating—

You can go down to Broward County, Florida, and go into some of these pain clinics. There are buses coming down and planes coming down to buy it. And doctors are writing prescriptions. So we're going to hide behind and just say doctors are? The number of doctors that ruin, that ruin young people on OxyContin, whereby they died—they died. So to hide behind a doctor says that that means it's okay—but Health and Human Services said, "Marijuana has a high potential for abuse, has no accepted medical use in the United States, and lacks an acceptable level of safety for use under medical supervision."

I may be the only one in this body that feels this way, but I will tell you, I think if this amendment passes and this becomes the law, this would be a gateway to young people. This will literally send a message down to the Mexican cartels. There is going to be a market all over.

It will also increase automobile accidents because you will basically be finding people that are driving while they are high versus driving while they are intoxicated.

So, lastly, I would just hope and ask that we defeat this amendment.

Why don't you have hearings in the Judiciary Committee? Why don't you have hearings some other place? But at 7:30—and my friend from Massachusetts was joking about the time. The time is now 8:05, and we're doing this. We're changing the law. And I think it would be bad for the country and urge a "no" vote.

I yield back the balance of my time.

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

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

Mr. ROHRABACHER. 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 California will be postponed.

□ 2010

AMENDMENT OFFERED BY MR. LEWIS OF GEORGIA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. . None of the funds provided by this Act may be obligated for the purpose of closing the regional field offices of the Antitrust Division of the Department of Justice.

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

Mr. LEWIS of Georgia. I rise today to offer an amendment that would prevent the closing of four field offices of the Department of Justice Antitrust Division. These offices are located in Atlanta, Dallas, Cleveland, and Philadelphia. The Justice Department announced plans to close these offices with the stated goal of saving \$8 million. These closures will not save a dime. In fact, these closures would actually end up costing the government money in lost criminal fines and restitution.

Closing the Atlanta office does not even reduce Federal overhead. The Atlanta field office is located in a Federal courthouse building which will continue to operate. Not only will the antitrust division likely lose those talented lawyers who do not choose to relocate to one of the remaining offices, but it will also move people to some of the most high-cost locations in the country.

The southern region is home to the corporate headquarters of over 100 of the Fortune 500 companies. The Atlanta office prosecutes individuals and companies who engage in bid-rigging, price-fixing, and illegal kickback schemes. Shutting down the Atlanta and Dallas sites leaves the entire southern region of our Nation without any local presence to prosecute and deter antitrust violations and white collar criminal activity.

We cannot and should not underestimate the deterrent effect that the presence of regional law enforcement officers has on white collar crime. We cannot afford to leave the Southeast and Southwest without vital law enforcement officials who are tasked with reducing white collar crime.

I ask all of my colleagues to vote for this amendment to prevent the closure

of these critical law enforcement offices until a more thorough review of the consequences can be undertaken. This is not a done deal. Congress should and must act.

My amendment won't cost a cent, but it would bring in more than a few dollars. Over the past 11 years, the Atlanta field office alone brought in over \$265 million in fines and restitution. Let me be clear that is a 600 percent rate of return on this investment. What better proof do you need?

Mr. Chairman, I ask each and every one of my colleagues again to support the Lewis-Johnson amendment.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

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

Ms. KAPTUR. Mr. Chairman, I want to thank Congressman LEWIS for offering this amendment to the Commerce-Justice-Science fiscal year 2013 appropriations bill. The amendment is designed to prevent the U.S. Department of Justice from closing and reducing its antitrust division field offices from seven to only three in a country of over 300 million people in 50 States.

The Department of Justice literally and regrettably wants to, or is proposing to, close four of its antitrust field offices in response to budgetary pressures. This is partly because the Republican budget fails to provide the administration with the resources it has requested to carry out its basic mission.

Under Republican leadership, the legal activities account, which funds the antitrust division, was 2.2 percent less than the administration requested for the fiscal year 2012, and that resulted in a 5.2 percent cut compared to fiscal year 2011. When we cut 5.2 percent out of a particular account that primarily funds salaries and expenses, there are consequences.

However, congressional Republicans are not totally to blame. The President's budget says that the antitrust division is expecting an increase in caseloads and requested additional funding to administer the increase in caseload. Yet the administration wants to close over half the division's offices. What sense does this even make?

Also, the antitrust division is a key participant on the President's Financial Fraud Enforcement Task Force. How can the division be a helpful participant when it is reducing its footprint across our country?

In one of America's poorest cities with lingering high unemployment—Cleveland, Ohio—that Department of Justice antitrust field office is scheduled to be closed. I'm concerned about the impact it will have, first of all, on the administration of justice in the field of antitrust, but also on the employees, businesses, and consumers that serve us in the greater Ohio area.

I'm very concerned for the hard-working employees in the Cleveland field office, one of the most efficient

antitrust divisions in the country because its employees are so talented. Cleveland is a community that still endures high unemployment due to the economic crisis and its lingering effects. Why would we want to do this now?

From my perspective, the amount of money the Department of Justice expects to save will not actually materialize because costs will increase elsewhere as a result of a reduced footprint across the country.

The reality is we should be furthering our support for the antitrust division, not closing offices or cutting funds. As currently structured, the antitrust division is one of the most efficient Agencies within the Federal Government. Its base budget was \$159 million. Yet from 2009 to 2011 the division's efforts resulted in \$2 billion in criminal fines and antitrust violations. That's a seven-to-one return on investment.

In addition, over the last two fiscal years, the antitrust division has been estimated to have saved consumers over \$650 million as a result of its criminal enforcement efforts. Furthermore, the antitrust division successfully resolved 97 percent of its criminal cases in fiscal year 2011.

Without question, the antitrust division more than pays for itself seven times over. It has an outstanding track record. We should leave its current structure alone. In fact, we should seek to strengthen it and get greater return to the taxpayer for every dollar invested. No matter what happens here today or tomorrow, I'll continue to work with the other body to protect the antitrust division's presence across this country and work to ensure that the employees in communities like Cleveland and the other communities are treated fairly, because in the final analysis, the American people need a robust antitrust division at the Department of Justice.

Mr. Chairman, I support the Lewis amendment, and I yield back the balance of my time.

Mr. JOHNSON of Georgia. I move to strike the last word.

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

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman.

I rise in support of this amendment which will ensure that the Department of Justice has the resources it needs to fight white collar crime. The Department is preparing to close antitrust regional offices in Atlanta, Cleveland, Dallas, and Philadelphia. This amendment will prevent the closure of these field offices during fiscal year 2013.

As a member of the Judiciary Subcommittee on Intellectual Property, Competition, and the Internet, I am concerned about the impact of these closures. This action will seriously undermine the division's ability to enforce antitrust laws by limiting the number of boots on the ground, particularly in the Southeast and the Southwest.

Closing these offices is very shortsighted. It puts nearly 100 jobs at risk in Atlanta and saves only \$500,000 in fiscal year 2013. The proposal could end up costing money by transferring employees to regional offices with higher costs of living and higher salaries, like New York and San Francisco.

□ 2020

Further, the proposal will weaken the antitrust division as experienced attorneys who choose not to transfer leave for other opportunities. Antitrust law is a highly specialized field of law and the institutional knowledge of an experienced attorney is invaluable.

The Atlanta office ranks number one in terms of the most trial wins of any of the eight criminal offices. In fiscal year 2008, the Atlanta office ranked first among all of the criminal offices in the amount of restitution obtained for victims. For that fiscal year, the Atlanta office accounted for 71.2 percent of all restitution imposed by the division.

As this Nation recovers from a recession largely caused by white collar misdoing, I implore this House to consider the message that closure of these offices will send to the public. Those considering whether to commit white collar crime need to know that there is strict Federal enforcement. Closing these field offices sends the wrong message to criminals and the public at exactly the wrong time.

This Congress has been consumed with debating the proper role and scope of government. During that debate, we have all agreed that the minimum role of government is to ensure an equal playing field that allows opportunity for all and ensures that all wrong-doers will be prosecuted, no matter if they are engaged in petty criminal offenses or white collar crimes.

The antitrust division, which promotes and protects competition in the marketplace, is essential to good governance and fairness. Surely Tea Partiers and progressives, ALEC members and union leaders can all agree that government must ensure a fair and competitive marketplace that allows for innovation.

The closure of these four field offices will have the effect of significantly eroding the division's criminal enforcement program, leaving U.S. consumers and businesses in at least 19 States, the Virgin Islands, and Puerto Rico unprotected against white collar crooks like Bernie Madoff who seek to rig bids, inflate prices, and otherwise defraud consumers and businesses.

I urge a "yes" vote on this amendment, and I yield back the balance of my time.

Mr. BISHOP of Georgia. Mr. Chairman, I move to strike the last word.

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

Mr. BISHOP of Georgia. Mr. Chairman, I rise today in support of the Lewis-Johnson amendment. This amendment ensures that none of the

funding provided in the bill will be used to facilitate a closure of the Department of Justice antitrust division's regional offices in Atlanta, Cleveland, Dallas, and Philadelphia.

Mr. Chairman, from our discussions in the full committee markup of this bill, I understand that Mr. WOLF, the distinguished chairman of the subcommittee, believes that this matter can be worked out and that Justice is perhaps willing to move on this. But I am deeply concerned that this action will seriously undermine the division's ability to enforce antitrust laws by limiting the number of boots on the ground, particularly in the Southeast and the Southwest. Accepting that this is a done deal and there is no room for negotiation by Congress will severely weaken our ability to enforce the antitrust laws.

Furthermore, given the already heavy workload of the Washington, D.C., San Francisco, New York and Chicago field offices, the antitrust division will not have sufficient human resources to investigate and prosecute many regional and local conspiracies in the areas of responsibility that those four offices have, the ones that are slated to be closed.

I want to ensure that the antitrust division can continue to protect taxpayers and preserve integrity of our free market system. The regional offices in Atlanta, Cleveland, Dallas, and Philadelphia help facilitate these efforts, and they should remain open. Closing these offices, I believe, is penny wise and pound foolish. It puts nearly a hundred jobs at risk, and it poses only a \$500,000 savings in fiscal year 2013. In fact, the proposal could end up costing money because it would transfer employees to regional offices with higher costs of living and higher salaries, like New York and San Francisco.

It's extremely important that we don't close these offices until a thorough review of the antitrust division is completed. When deciding to recommend these closures, the Department of Justice did not consider other more cost-effective options. Furthermore, if offices must be eliminated, all of the closures should be based on merit and productivity rather than on politics.

Let me speak for a moment on the Atlanta office which does better in terms of overall performance and productivity than say, for instance, some of the other offices which are slated to remain open. The Atlanta office obtained over \$265 million in fines and restitution between FY 2000 and 2011. With an annual operating cost of \$4 million, the criminal fines and restitution recovered by the office represent a return rate of 600 percent. Indeed, closing these offices is penny wise and pound foolish, and I urge adoption of the amendment for the good of our free market system and our capitalist economy.

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



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

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

Mr. WOLF. I want to thank the gentleman and the gentlelady for raising this issue and standing up. This was not done by our committee. This was done by the Justice Department, by the administration.

But what we will do is next week we will ask the three or four who spoke, that we bring the Justice Department in. We will get them to come up here whereby they can sit down with all of you together and your staffs to explain why, and see if they can justify this. But I just want to be clear, this was not done at the committee's request. This was the Justice Department.

Mr. BISHOP of Georgia. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman.

Mr. BISHOP of Georgia. I appreciate the gentleman yielding, and I appreciate those comments. I think it is clear that this was an action by the Department, and it was not an action taken by the committee.

However, several of us on the committee have grave concerns about it, and we appreciate the chairman's agreement and his willingness to discuss it with the Justice Department and see if we can't get this situation corrected.

Mr. WOLF. I thank you, and with that I yield back the balance of my time.

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

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

Mr. LEWIS of Georgia. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 36 OFFERED BY MR. CHAFFETZ

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

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 by this Act may be used for the purpose of implementing section 36.302(c)(9) of title 28, Code of Federal Regulations.

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

Mr. CHAFFETZ. Mr. Chairman, a couple of short months ago, the Department of Justice in support of the Americans with Disabilities Act added a new provision. This provision said that in order to be in compliance with the ADA regulations, businesses must now allow service horses into their businesses. And you did hear right: they're talking about service horses to

be in compliance with the ADA regulation. And I dare to stand and say we need to say "nay" to that type of effort. Pardon me the pun. It's kind of hard to get through this without smiling about it, but this is the kind of regulation that has an untold number of consequences on small businesses.

While I recognize the imperative and the need that some unfortunate Americans go through in having to deal with things, there comes a point where we have to stand up and say wait a sec, wait a sec, wait a sec. Do we really need to allow service horses into airplanes, into hotels and into restaurants just to accommodate a particular person?

This amendment would prohibit funding from the implementation of yet another costly Federal regulation. The regulation would require businesses and restaurants to admit service horses in the same way they admit service dogs into their areas of operation. I wish I didn't have to bring up this amendment; but since the administration has now put this into a rule, we're going to have to introduce this amendment.

Despite the difficulty—and some would say the impossibility of house-breaking a horse—the Obama Justice Department has ruled that service horses, miniature horses used to accompany people with disabilities, are no different than guide dogs under the Americans with Disabilities Act. As a result, shops, restaurants, hotels, even airlines, can now be sued if they do not accommodate horses in their place of business.

That regulation joins a long list of rules with which small businesses must comply. In fact, the New York Times recently reported on a particularly insidious scheme in which lawyers recruit disabled people, pay them a fee, and use them to file lawsuits against businesses that fail to comply with any one of the hundreds of ADA rules. For small businesses, the cost of compliance with that law that designates, for instance, 95 different standards for bathrooms alone is just the beginning.

□ 2030

They must also pay attorneys' fees to the litigants in such case, even though many businesses say they would have complied without a lawsuit.

Some 1.65 million lawsuits are filed each year over enforcement of Federal regulations, according to Berkeley law professor Sean Farhang, author of "The Litigation State." Estimates by the Competitive Enterprise Institute suggest that regulation cost the economy some \$1.75 trillion in 2008 alone. That's a massive drag on the U.S. economy. With the average of nine new rules appearing in the Federal Register every day, small businesses with fewer resources struggle to keep up with the ever-changing regulatory environment.

Some 65 percent of the Nation's net new jobs are created by small businesses, according to the Small Business

Administration. Overregulation has a direct effect on their ability to create jobs and compete in the marketplace.

If a person wishes to bring a horse into an establishment, then the request should be dealt with on a case-by-case basis, not through some new Federal mandate. Ironically, even the Miniature Horse Association—and I'm sure all good Americans subscribe to the magazine put out by the American Miniature Horse Association—but their president, Harry Elder, has looked at this. He does not condone the use of these horses as a replacement for guide dogs. In fact, he has said:

The American miniature horse can readily be trained to be led or driven, but in most cases it would not make a suitable replacement for an animal such as a guide dog.

So there is an association that deals with these miniature horses. Even that association and the president is saying this is not a wise move.

If the body feels that this is an imperative thing to do, I suggest a Member of Congress be brave enough to introduce such a piece of legislation, that it be properly vetted by having a hearing about this, and we can move through the legislative process. But since the administration has introduced this regulation, this is just suggesting that we should not spend money against this and let this be a little more vetted. It would help American businesses. Unfortunately, there are already lawsuits flying.

I would encourage Members on both sides of the aisle to please vote for this amendment, and I yield back the balance of my time.

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

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

Mr. FATTAH. I had an opportunity to visit, while I was in Connecticut with Chairman LARSON, with a brave young soldier who lost his eyesight in Iraq. It was a situation where his ability to function required an animal to help guide him so that he could go about his normal functions of daily life.

What the gentleman who made this amendment neglected to share with the House is that it has been the law that, under the ADA guidelines, you could have any animal—monkey, horse, so forth and so on—that could be of use to someone who was disabled. What the administration has done with this new regulation is limit this to only two types of animals: one are guide dogs—as we would normally know them—and the other are miniature horses that meet certain requirements, including being housebroken and so forth and so on. The reason why people who are disabled in some cases find this a more useful animal to use is that they live three times longer than a dog does and they have perfect vision.

But I see that there has been some, I guess, laughter, as if this is comical. The fact of the matter is, when I met

with this young soldier and his wife and their two kids, he talked about how it just made him feel whole that he could go get the newspaper from out in front of the house, that he could go to the store.

So the idea that this is some new policy of the Obama administration is false, number one. Number two, it's restricting an overly broad set of allowances in this regard, and it restricts it to only two types of animals, both of which can be used by people who are disabled.

So I would hope that the House, even those in the majority who seem to find, for some reason, challenges in this bill, in particular with the provisions that they want to go after that allow disabled people to use pools—and we heard yesterday how every group in the veterans associations around our country opposed this effort yesterday on the pool access, and now we're here talking about whether or not people who have lost their sight or are disabled can have a guide animal.

So I oppose the amendment. I hope the House rejects it.

Mr. CHAFFETZ. Will the gentleman yield?

Mr. FATTAH. I yield to the gentleman from Utah.

Mr. CHAFFETZ. I do want to indicate that I believe it was in March that the Department of Justice title III regulations issued a new ruling. So, we may disagree on what to do with this.

Mr. FATTAH. Reclaiming my time, you are aware, I assume, that this ruling was a restriction from a much broader ruling that allowed any type of animal, including monkeys—and I can go into the different other animals if you'd like.

I yield to the gentleman from Utah.

Mr. CHAFFETZ. I would disagree with that assessment. This is a new regulation, and it has led to lawsuits that have already started to happen. One news report is of a lawsuit in California.

Mr. FATTAH. Let me reclaim my time just so we can clarify this one matter of fact here, okay, in that the regulation prior to this adjustment allowed for service animals of any type—including a dog, a horse, monkey, bird, rat—trained to assist and alert, okay, that's number one. So this is a move by the Obama administration to restrict it to two types of animals. So I just want the House to be able to operate off of actual information because this is an effort to both help those who are disabled, and also to avoid unnecessary circumstances in which regulations are too broad.

Mr. CHAFFETZ. Will the gentleman yield?

Mr. FATTAH. I would be glad to yield.

Mr. CHAFFETZ. I would be happy to work with you on that. I do disagree with that assessment and that reading of it.

Mr. FATTAH. Let me reclaim my time. This is not an assessment; this is

a fact. So, this was the regulation. The new regulation retreats and constrains the regulation to two animals versus a multiplicity of animals.

Mr. CHAFFETZ. If the gentleman will yield.

Mr. FATTAH. I'd be glad to yield.

Mr. CHAFFETZ. I simply disagree with that assessment. We'll have to agree to disagree, and I look forward to working with you.

Mr. FATTAH. Reclaiming my time, because we're not talking about an assessment, I want the House to be aware of that. This is not the appropriate place to deal with this matter. But if we insist on it, I would hope that we would err on the side of that young brave soldier who risked his life on behalf of our country, and that he should have whatever assistance that can be provided.

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 amendment was agreed to.

AMENDMENT OFFERED BY MR. HOLT

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. \_\_\_\_ None of the funds made available by this Act may be used by the Department of Justice in contravention of any of the following:

(1) The Fifth and Fourteenth Amendments to the Constitution of the United States.

(2) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (relating to non-discrimination in federally assisted programs).

(3) Section 809(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d(c)(1)) (relating to prohibition of discrimination).

(4) Section 210401(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14141(a)) (relating to unlawful police pattern or practice).

Mr. HOLT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

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

Mr. HOLT. Mr. Chairman, the purpose of this amendment is simple: to prohibit any Federal funds from flowing to law enforcement organizations that engage in any form of racial, ethnic, or religious profiling.

It's been a matter of concern for decades among minority communities when policing organizations engage in profiling, but recent events have brought the problem into sharp focus.

□ 2040

Starting last August, the Associated Press published a series of disturbing stories about the systematic racial, ethnic, and religious profiling con-

ducted by the New York City Police Department against Muslim and Arab Americans in New York, New Jersey, Connecticut, Pennsylvania, and Louisiana.

In September of last year, I asked the Department of Justice to investigate what we now know was a pattern of surveillance and infiltration by the New York Police Department against innocent American Muslims in the absence of a valid investigative reason. These Muslim communities were mapped, infiltrated, and surveilled simply because they were Muslim.

Profiling is wrong. Profiling on the basis of the race, ethnicity, and religion is a violation of core constitutional principles.

Profiling is also wrong because it is not good policing. Profiling is an unthinking, lazy, unprofessional approach to police work and intelligence work, and it only raises the risk that the real plot will slip through the cracks. Indeed, profiling is counterproductive.

The sloppiness of the NYPD surveillance effort was such that several non-Muslim establishments were labeled as being owned by Muslims and, contrary to the blanket assertions by some that the tactics have kept New York City safe, the NYPD failed to uncover two actual plots against New York City, those perpetrated by Faisal Shahzad and Najibullah Zazi.

In Shahzad's case, the FBI was surveilling both the mosque he attended and the Muslim Student Association of his accomplice. In Zazi's case, the NYPD actually took actions that let Zazi be tipped off about the FBI's investigation.

The NYPD's surreptitious, uncoordinated, and unprofessional approach to counterterrorism prevention within the American Muslim community shows that they have learned nothing from the lessons elucidated from the 9/11 Commission's report.

Now, let me be clear. This amendment is not aimed solely at one particular law enforcement organization. Over the decades, law enforcement agencies across the country have profiled against African Americans, Hispanics, and other minorities. Indeed, the Department of Justice has specific guidance prohibiting this practice because it has become widespread, and it has conducted litigation against Police Departments for using race or ethnicity to target citizens for arrest in California, Pennsylvania, Illinois, and other States.

My amendment would ensure that no Federal funds are flowing to any law enforcement entity that the Department has identified as engaging in racial, ethnic, and religious profiling.

Racial, ethnic and religious profiling by police is not something taxpayer dollars should be spent for. I urge my colleagues to support this amendment.

I yield back the balance of my time.

PEOPLE FOR THE AMERICAN WAY,  
Washington, DC, May 9, 2012.

U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR MEMBER OF CONGRESS: On behalf of the hundreds of thousands of members of People for the American Way, I urge you to support Representative Holt's amendment to H.R. 5326, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2013. A vote is anticipated this afternoon. This amendment would prohibit federal funds made available through the act to be used for programs or activities that involve racial, ethnic, or religious profiling by any federal, state, or local law enforcement organization.

Such profiling undermines America's status as a nation founded on Equal Justice Under Law. The story of America is one of a nation founded on timeless ideals of liberty and equality, and struggling generation after generation to make those principles real for those not included. Society's "outsiders" are brought in and made to know that they in fact belong to the community that is America. Profiling damages that process. It sends a powerful message to entire communities that they are, in fact, not quite the equal members of society that we said they were. It tells them that their very existence raises suspicions. It harms the individuals profiled, as well as those who live in constant apprehension of being profiled. The practice undermines our nation's principles, and our federal government should not be funding it.

Profiling does not even produce the benefits that it is purported to provide: It is counterproductive. When limited law enforcement resources are spent targeting innocent people simply because of their real or perceived race, ethnicity, or religion, that is not an efficient use of resources. Nor is it efficient to alienate entire communities, making them feel resentful toward or fearful of law enforcement. People living in America should be able to rely on law enforcement as a partner in making their lives safer. But those who feel unfairly targeted by profiling will be far less likely to cooperate with law enforcement when their cooperation is needed, whether it is a case of local violent crime or national security. That does not make our nation or our communities safer.

A practice that undermines both our principles and our safety is not one that the federal government should be funding. We urge you to vote for Representative Holt's amendment.

Sincerely,

MARGE BAKER,  
*Executive Vice President for Policy and Program.*

PAUL R. GORDON,  
*Senior Legislative Counsel.*

INTERFAITH ALLIANCE,  
Washington, DC, May 9, 2012.

Re Interfaith Alliance Recommends Voting YES on Rep. Holt Amend. to H.R. 5326.

DEAR REPRESENTATIVE: On behalf of Interfaith Alliance, I urge you to vote YES on Rep. Rush Holt's (D NJ 12) amendment to H.R. 5326, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2013. A recorded vote on this amendment is anticipated on the House floor today. The amendment states:

"None of the funds made available in this Act may be used for programs or activities that involve racial, ethnic, or religious profiling by any Federal, state, or local law enforcement organization."

As the only national, interfaith organization dedicated to protecting the integrity of

both religion and democracy in America, Interfaith Alliance supports Rep. Holt's amendment because:

Racial and religious profiling is an affront to the principle of religious freedom on which our nation was founded. Profiling individuals simply because they belong, or appear to belong, to a particular religious community turns First Amendment-protected beliefs and activities into cause for suspicion.

Racial and religious profiling undermines Americans' trust in those sworn to protect them. Numerous studies have shown that singling out individuals for investigation based solely on their appearance is ineffective and dishonest, alienates racial and religious minorities, and diminishes cooperation and effective law enforcement.

Racial and religious profiling fuels divisiveness by casting suspicion over an entire religious community, perpetuating discrimination against religion generally and religious minorities in particular.

Protecting religious freedom is most critical in times of crisis and controversy. Most law enforcement agents discharge their duties honorably, and do not engage in racial and/or religious profiling. Prior to 9/11, both Congress and President George W. Bush made a commitment to end the practice of racial profiling. However, the September 11th attacks caused a dramatic rise in the inappropriate profiling of Arabs, Muslims, Sikhs, and South Asians. This profiling based on religion, race, ethnicity, and national origin continues to persist today.

Again, please vote YES on Rep. Holt's amendment to H.R. 5326 and affirm our fundamental moral and democratic values of equal protection and religious liberty while making our nation safer by ending this practice now. Please call Deputy Director for Public Policy Arielle Gingold with any questions at 202 238 3266.

Sincerely,

REV. DR. C. WELTON GADDY,  
*President, Interfaith Alliance.*

NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE,  
Washington, DC, May 9, 2012.

Re: NAACP Strong Support for the Anti-Racial Profiling Amendment to be Offered by Congressman Rush Holt (NJ) to H.R. 5326, A Bill Making Appropriations for the Departments of Commerce, Justice and State.

Hon. MEMBERS,  
U.S. House,  
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I strongly urge you to support Congressman Rush Holt's (NJ) amendment to HR 5316, the Commerce, Justice, State, and Related Agencies Appropriations Act 2013. Congressman HOLT's amendment would prohibit federal funding for programs or activities that involve racial, ethnic, or religious profiling by any federal, state, or local law enforcement organization.

Racial profiling betrays the fundamental American promise of equal protection under the law and infringes on the Fourth Amendment guarantee that all people be free from unreasonable searches and seizures. Such discriminatory law enforcement practices have no place in American life and certainly should not be supported by federal funds. Racial profiling targets individuals not because of evidence of criminal activity but because of the individuals' perceived race, ethnicity, nationality or religion. It diverts limited law enforcement resources away from more effective strategies. Racial profiling also

causes resentment in targeted communities and makes people in those communities less likely to cooperate in crime prevention reporting or investigations. When individuals and communities fear the police, they are less likely to call law enforcement when they are the victims of crime or in emergencies. Creating a climate of fear compromises public safety and limits the ability of law enforcement officials to effectively carry out their responsibilities. Such counterproductive law enforcement practices should never receive federal support.

As I stated earlier, I hope that you will support the Holt amendment to H.R. 5326 and help address the very serious problem of racial profiling. Thank you in advance for your attention to this NAACP priority. Should you have any questions or comments, please do not hesitate to contact me at my office at (202) 463 2940.

Sincerely,  
HILARY O. SHELTON,  
*Vice President for Advocacy / Director,  
NAACP Washington Bureau.*

Mr. KING of New York. I move to strike the last word.

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

Mr. KING of New York. Mr. Chairman, I must say that I strongly oppose this amendment, and I disagree with virtually every word spoken on the floor tonight by the gentleman from New Jersey.

Let's understand one thing. The NYPD has the most effective counterterrorism unit in the country. There are 1,000 police working day in and day out. As a result of that, almost 13 or 14 attempts, terrorist attempts, Islamist terrorist attempts to attack New York have been stopped.

Now, let's get something straight. The President's Homeland Security Advisor, John Brennan, recently visited with the NYPD. During that meeting, or following that meeting, Mr. Brennan, President Obama's Homeland Security Advisor, stated:

I have full confidence that the NYPD is doing things consistent with the law, and it's something that again has been responsible for keeping this city safe over the past decade.

Mr. Brennan, the President's Homeland Security Advisor went on to say:

If we are going to have the ability to identify and stop terrorist operatives and terrorist attacks here on our shores, the national government cannot do it alone. The NYPD is a model of how a community can come together.

He closed by saying to the NYPD:

You have had a very difficult job. I think you've done it very well. The success is in the record in terms of keeping your city safe.

In addition to that, FBI Director Mueller has stood by the NYPD, said that they are in full compliance with the law. CIA Director Petraeus, there was an IG inspection done, that the NYPD's relationship with the CIA was in full compliance with the law.

These slanderous attacks by the Associated Press and The New York Times cannot point out one instance of a law being violated or one provision of the Constitution being violated.

We should be here tonight giving the NYPD a medal. We sit here, 10½ years

after September 11, and the most effective law enforcement, counterterrorism unit in the country is being attacked? We are attempting to cite the Constitution and provisions of law as somehow an attack on the NYPD, when no one complies with these more than the NYPD.

And again, we go through, whether it's Director Petraeus, whether it's Director Mueller, or whether it's the President of the United States, his own Homeland Security advisers have said this.

Now, I work closely with the NYPD, those in New York, whether it's Mayor Bloomberg, whether it's City Council President Christine Quinn. She's a Democrat; he's an independent. Both stand by the NYPD because of what they have done.

And to think that the most effective organization is being attacked by the Associated Press, The New York Times, and those attacks are being joined here on the floor of the Congress of the United States, without one fact to back them up. There is no spying. All this is good police work.

The reality is we're not going to sit back like we did on September 11 and allow the enemy to come. If we know that an attack is coming and we're told, for instance, that operatives are coming from a particular country and there's a community in New York City where those people live, then obviously you go, you conduct open surveillance. No one's talking about any violations to the Constitution.

I remember years ago when the Justice Department was going after the Mafia, they went to the Italian American communities. When they were going after the Westies, they went to the Irish American communities. When you're looking for the Russian mob, you go to the communities in Coney Island and Brighton Beach. That's where the enemy comes from.

Ninety-nine percent of the people are law-abiding. But if you're looking for the person who is going to that community to carry out a crime, you look in that community. If you're looking for an Islamic terrorist, you don't go to Ben's Kosher Deli. When they were looking for the Italian mob, they didn't go to an Irish bar. They went to the Italian social clubs.

This is solid law enforcement. That's not profiling. That's an abuse of the term "profiling" to even suggest that.

So I cannot be more emphatic or stronger in my denunciation of this amendment, calling for its defeat and urging people to stand by the NYPD, which has kept New York safe for 10½ years.

I went to too many funerals. I attended too many wakes. I lost too many constituents. I'm not going to allow it to happen so long as I'm in this Congress.

I oppose this amendment.

The Acting CHAIR. The gentleman's time has expired.

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

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

Mr. FATTAH. This is a well-intentioned issue in the sense that all this amendment says is that none of the funds in this bill should be used to violate the Constitution of the United States, the Fifth and the 14th Amendment, so I'm sure there will be those who want to adhere to it.

But this is not the appropriate place to be dealing with this issue. This is an appropriations bill. We've had dozens of riders, one after another, with people trying to get at other issues.

Now, there is no instance, no matter what the purpose, under which we should be condemning law enforcement when they are carrying out appropriate responsibilities, and they should be given the benefit of the doubt. In the same instance, we have a responsibility to uphold the Constitution. The Constitution is clear in its delineation that you can't discriminate.

And we shouldn't—it's not good law enforcement practices, no matter who you're looking for, to act in ways in which you close your eyes to other possibilities. If you're looking for terrorists, they don't come in any particular subset or group. And I know that wise law enforcement is aware of this, and that they look across the board at what the vulnerabilities may be.

I want to thank the gentleman from New Jersey for his steadfastness in trying to protect against religious bigotry or ethnic discrimination or unintentional stepping across the line, however one might want to look at this. But, again, this is a bill in which we're trying to deal with the appropriation of Federal dollars for needed law enforcement activity.

Mr. HOLT. Will the gentleman yield?

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

Mr. HOLT. Thank you.

This is completely consistent with an appropriations bill for the Department of Justice. Just as we have spent decades getting away from the practice of harassing people for driving while black, we've got to get away from the practice of harassing people for shopping while Muslim.

□ 2050

Mr. FATTAH. In reclaiming my time, the point here is that, with every dollar that we appropriate to the Department of Justice, we operate under the belief that they're carrying out their constitutional responsibilities, so a limitation that says that they have to operate within the Constitution, at best, is somewhat redundant.

Mr. HOLT. Will the gentleman yield?

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

Mr. HOLT. Reference was made to the Deputy National Security Advisor of President Obama's, Mr. Brennan.

What Mr. Brennan actually said was that, for the NYPD to be effective, they need the cooperation of the Mus-

lim community. In fact, if you talk with the Muslim community, they are not only outraged by this behavior; they are intimidated by it. They see it as profiling. My colleague from New York and my colleague from Pennsylvania can say, well, of course everybody is operating under the law.

Mr. FATTAH. In reclaiming my time, I didn't say that. I understand, from the press reports one could consider this profiling. All I am suggesting to you is that this is not the appropriate vehicle for us to deal with it. Profiling would be improper, and I believe the Justice Department has articulated that their position is not to profile.

Mr. HOLT. Will the gentleman yield?

Mr. FATTAH. I will be glad to yield to the gentleman from New Jersey.

Mr. HOLT. I would hope that the gentleman would find a place for this instruction to the Department of Justice in order to make sure that the recipients of their grants do what they are, indeed, supposed to do. We're talking about money spent. We should make sure that the taxpayer money is spent for good policing.

Mr. FATTAH. I thank the gentleman. As I indicated, I commend you for raising this issue. I know it's unpopular in some areas.

I'm just suggesting that, when in an appropriations bill, a rider like this, dictating to the Department that it should comply with the Constitution is similar to some other amendments we've seen today. I believe that the Department has an ongoing, everyday responsibility to comply with the Constitution.

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 share the comments made by Mr. FATTAH and by my friend from New York (Mr. KING).

At every hearing we have, we raise this issue with Director Mueller. Director Mueller may be the best—not one of the best—the best Director that we've ever had at the FBI. I think Director Mueller has stood with the NYPD. He had an opportunity to speak and to say something negative. He did not.

My good friend—and he is my friend. I think we throw words around there, but I like RUSH HOLT, and he knows how I feel about him. Yet this is not a good amendment, and it almost makes the FBI or the NYPD look like they're doing something wrong. It's one thing to have a colloquy on the floor, but another to have an amendment that looks like it's a direct kind of attack on it after. I looked at the original amendment, and you had to kind of change it for it to be in order.

Secondly, I think Ray Kelly is one of the finest police chiefs we've ever had in the country, and if you were an NYPD policeman, you would see this and think.

Thirdly, to validate what Mr. KING said, I will read here:

President Barack Obama's top counterterrorism adviser praised the New York Police Department's work Friday, saying the agency has struck an appropriate balance between keeping people safe and protecting their rights.

We have to remember Major Hasan was responsible for the death of 13 people, and there were targets and signs that nobody wanted to kind of identify. As Mr. KING said, there are about 180 people from my congressional district who died in the attack at the Pentagon.

Brennan goes on to say:

It is not a trade-off between our security and our freedoms and our rights as citizens, John Brennan said Friday at an appearance at NYPD headquarters.

I believe that balance that we strike has been an appropriate one. We want to make sure that we're able to optimize our security at the same time we optimize those freedoms we hold and cherish so deeply.

Brennan's comments represent a White House stamp of approval of the NYPD's tactics. For months, the Obama administration has sized up the question about the NYPD surveillance program while insisting on the importance of building partnerships with American Muslims.

Then it goes on to say:

City officials said the police department has done nothing illegal and argued that the NYPD would have endangered the city it is charged with protecting if it did not take such preventative measures. Officers cannot wait to open an investigation until a crime is committed, they argue. Police Commissioner Raymond Kelly has said it is a mischaracterization to describe the department's tactics as spying.

I will close with this:

In a speech to the police department's officials and representatives from private security firms, Brennan then went on to say, The NYPD's counterterrorism work was essential to the safety of the Nation's citizens.

So I agree with Mr. KING, and I agree with Mr. HOLT.

Mr. HOLT. Will the gentleman yield?

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

Mr. HOLT. Since you refer to the Deputy National Security Advisor, it's worth pointing out that a couple of days later the White House felt it necessary to back away from his comments and to say:

John, in his remarks, wasn't referring to the NYPD surveillance.

Of course he was, but they had to say he wasn't because he had misspoken. Rather, he was stating that everyone in the counterterrorism and law enforcement community must make sure that we are doing things consistent with the law.

In other words, Mr. Brennan was out of bounds, and the White House had to walk that back. So I wouldn't, if I were you, choose his endorsement of these NYPD activities as the best argument against my amendment.

Mr. WOLF. In reclaiming my time, I do take Mr. Brennan at his word. I

think Mr. Brennan is actually a constituent who lives in my congressional district. He has a pretty distinguished career in having been our station chief in Saudi Arabia and the head of the Counterterrorism Center, and he probably knows more about terrorism than any Member here in the Congress but for, perhaps, Mr. ROGERS or Mr. RUPERSBERGER.

Secondly, Director Mueller, I maintain, is one of the best Directors. Director Mueller is an honest, decent, ethical guy, who cares deeply with regard to civil rights. Mr. SERRANO is not here, but God bless Mr. SERRANO. At every hearing, Mr. SERRANO always bears in to make sure that the FBI is doing things appropriately. I believe they are, and he validated what the NYPD did.

It's just not a good idea to be attacking our law enforcement and saying this when they're actually doing a good job. So I stand with Mr. FATTAH, and I stand with Mr. KING.

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

(On request of Mr. FATTAH, and by unanimous consent, Mr. WOLF was allowed to proceed for 2 additional minutes.)

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

Mr. FATTAH. I thank the chairman for yielding.

It is not inconsistent for us to want to have support for law enforcement and also that the Constitution be followed. We have access to law enforcement. If you want them to come in and brief you on these tactics and to talk this thing through, that's fine; but I don't believe that we should take a position of all the angels on one side. To the contrary, there is no police department that's perfect.

The point here is that the effort is one, I believe, to comply with the constitutional restrictions that you do not operate without due process and probable cause. Let's see if we can find a way other than with this amendment to see if we can get to the heart of this.

Mr. WOLF. 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. HOLT).

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

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

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

AMENDMENT NO. 7 OFFERED BY MR. CRAVAACK

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to carry out the activities of the Climate Change Education program of the National Science Foundation.

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

Mr. CRAVAACK. I rise today to offer an amendment that would prohibit any more funding going to a duplicative program. I'd like to think that everyone in this room is well aware that we are \$15.7 trillion in debt.

□ 2100

Our spending is out of control. We are simply spending money we don't have and massively indebting future generations of Americans.

The GAO reports duplicative U.S. Government programs costs billions of dollars. Thirteen agencies fund 209 different science, technology, engineering, and math education programs. Of those programs, 173 overlap with at least one other program. We have to be responsible for how the government spends Americans' hard-earned tax dollars. We cannot afford to borrow money to fund duplicative programs that are already under the purview of established agencies and protocols.

The Climate Change Education program at the National Science Foundation duplicates education programs already in place. Currently, worthy research proposals are subject to rigorous peer-reviewed processes. The Climate Change Education program sets aside money for a specific purpose, which is already covered in inter-agency education programs. This is just more Big Government and a waste of taxpayer dollars.

Last year, the Climate Change Education program funded partnerships among K 12 education, related nonprofit organizations, and relevant education and/or climate-related policymakers. This year, however, the program has morphed into the Sustainability Research Network to create new interdisciplinary learning experiences for graduate and undergraduate students, as well as literacy programs. In the military, we call this mission creep.

The National Science Foundation funds basic research and serves as an engine of our innovation economy. However you feel about global warming, that is not the debate here today, though I look forward to engaging in that in the future.

This amendment addresses a duplicative program that is not necessary and is costing the taxpayers money we simply don't have. We need to prioritize innovation and research and NSF, and eliminate duplicative education programs that do nothing to improve the economic outlook of our future. We need to get back to the basics.

I ask all of my colleagues to join me in this commonsense amendment in ending a duplicative program that is wasting taxpayer dollars and further indebting future generations.

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

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

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

Mr. FATTAH. Mr. Chair, I oppose this amendment.

Climate change is a big issue in the world we live in. It affects our economy, our ability to move goods. We've had the most severe weather season we've had in history over the last 12 months at a cost of a billion-plus dollars. Our ability to understand the weather and the climate and its impact on business and industry and agriculture is critically important. I think that the National Science Foundation—which is an entirely merit-based system of scientific awards in which they fund less than one out of every five meritorious pieces of research proposals. There is absolutely no politics. The National Science Board, which is confirmed by the Senate, reviews these proposals, they make selections. The idea that we don't want to know more or learn more, I think is interesting. I would hope that the House would reject that, and that what we would do is seek knowledge as a way to retain our global leadership as the leading Nation in the world.

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

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, regarding duplicative programs—again, this is about duplicative programs. The National Science Foundation already funds STEM education and even climate-change education programs in the Directorate for Education and Human Resources with worthy peer-reviewed proposals.

Total U.S. spending for the U.S. Global Change Research program for 13 agencies is more than \$2.5 billion, primarily at NASA, NOAA, and NSF. NSF spending for the U.S. Global Change Research program is over \$333 million. NSF spending for education is \$1.2 billion a year. Climate change education can be addressed through NSF climate research activities and NSF education activities. There is no need to fund additional special climate-change education programs.

This newer program under the Obama administration is currently funded at \$10 million a year, \$5.5 million from the Education Directorate and \$4.5 million from several research directorates as identified. Again, this is a duplicative program and a waste of the taxpayer dollars.

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

The Acting CHAIR. The question is on the amendment offered by the gen-

tleman from Minnesota (Mr. CRAVAACK).

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

Mr. FATTAH. Mr. 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 Minnesota will be postponed.

#### AMENDMENT OFFERED BY MS. BROWN OF FLORIDA

Ms. BROWN of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. \_\_\_\_\_. The amount made available by this Act For “Department of Justice—Office of Justice Programs—State and Local Law Enforcement Assistance” for emergency federal law enforcement assistance, as authorized by section 609M the Justice Assistance Act of 1984 (42 U.S.C. 10513; Public Law 98 473) is hereby increased by \$20,000,000 and the amount otherwise provided by this Act for PERIODIC CENSUSES AND PROGRAMS AND STATISTICS is hereby reduced by \$20,000,000.

Ms. BROWN of Florida. I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

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

Ms. BROWN of Florida. Mr. Chairman and Members of the House, I'm very excited that finally we have an amendment that I think everybody can support since everyone supports law enforcement.

This amendment fully funds the Emergency Federal Law Enforcement Assistance Program in the amount of \$20 million. This program was designed to help local government respond to extraordinary law enforcement emergencies after they have exhausted their own budgets. The Emergency Law Enforcement Assistance Program authorizes the Attorney General to provide funds, equipment, training, intelligence, and personnel to alleviate the financial impact of unforeseeable emergency law enforcement situations.

This program was authorized in 1984 but has not been funded since 1996. Had it been funded, this program would have helped a community in my district. In October of 2007, a 7-year-old girl, Somer Thompson, went missing on her way home from school. The Clay County sheriff's office followed garbage trucks and found Somer's body in a Georgia landfill 2 days later. Thanks to this quick thinking, her killer was captured and will never harm another child.

Investigations like this one cost a lot of money. Overtime, lab tests, travel costs, and numerous unforeseen expenses can blow even the most prudent

budget. Small communities simply lack the resources to pursue investigations on this scale. The sheriff told me he had exhausted his budget for the year on overtime just for this one case.

I did what I could to help scrape together grants from other sources, but this program would have filled the gap. By the way, the sheriff and almost everyone in Clay County is a Republican, but this is not about party. It's about doing what is right. In an era when local government can barely afford the police they have, a major crime can wipe them out and leave the community more vulnerable. The basic purpose of government is to protect the citizens. This amendment will make sure police can do it without worrying about a crisis that will break their budget.

Mr. WOLF. Will the gentlelady yield? Ms. BROWN of Florida. I yield to the gentleman from Virginia.

Mr. WOLF. We have a little concern, but we are going to accept the amendment with the idea we can work as we go to conference. We will accept the amendment.

Mr. FATTAH. If the gentlewoman will yield, I thank the chairman, and I thank the gentlelady from Florida.

Ms. BROWN of Florida. With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR (Mr. REED). The question is on the amendment offered by the gentlewoman from Florida (Ms. BROWN).

The amendment was agreed to.

□ 2110

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

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

Mr. YOUNG of Alaska. Mr. Chairman, in lieu of an amendment, I would like to take this time to engage the subcommittee chairman in a colloquy about the importance of our Nation's fisheries management commissions.

Mr. Chairman, I rise today to express my support for funding our Nation's fisheries management commissions and the good work they do to help keep more fish in our waters. NOAA's Inter-Jurisdictional Fisheries Act, IJFA, program supports the conservation and management of fish species which occur in both Federal and State waters. Funding for this program is used to support conservation and management tasks not currently being undertaken by NOAA or the Regional Fishery Management Councils. Similarly, fisheries commissions on the Atlantic, Pacific, and gulf coast represent an important bottom-up stakeholder approach to managing our Nation's many fisheries and often develop innovative programs to enhance America's fisheries resources.

I yield to the gentleman from Virginia.

Mr. WOLF. I thank the gentleman from Alaska. We will work with the other body to ensure that these programs are adequately funded.



Mr. YOUNG of Alaska. Thank you, Mr. Chairman.

In these tight budgetary times, hard choices must be made, and we should ensure that we do our utmost to put funds back into productive programs that increase the sustainability of fisheries and benefit the States, and the IJFA and councils and commissions accounts are areas where current programs are producing proven results for fisheries' sustainability.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. 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 amounts otherwise provided by this Act are revised by—

(1) reducing the amount made available under the heading "Department of Commerce; International Trade Administration; Operations and Administration" (and the amount provided under such heading for official representation expenses abroad) by \$155,979;

(2) reducing the amount made available under the heading "Department of Commerce; Bureau of Industry and Security; Operations and Administration" (and the amount provided under such heading for official representation expenses abroad), by \$6,750;

(3) reducing the amount made available under the heading "Department of Commerce; U.S. Patent and Trademark Office; Salaries and Expenses" (and the amount provided under such heading for official reception and representation expenses) by \$450;

(4) reducing the amount made available under the heading "Department of Commerce; National Institute of Standards and Technology; Scientific and Technical Research and Services" (and the amount provided under such heading for official reception and representation expenses) by \$2,500;

(5) reducing the amount made available under the heading "Department of Commerce; Departmental Management; Salaries and Expenses" (and the amount provided under such heading for official reception and representation) by \$2,250;

(6) reducing the amount made available under the heading "Department of Justice; Legal Activities; Salaries and Expenses, General Legal Activities" (and the amount made available under such heading to INTERPOL Washington for official reception and representation expenses) by \$4,500;

(7) reducing the amount made available under the heading "Department of Justice; Legal Activities; Salaries and Expenses, United States Attorneys" (and the amount provided under such heading for official reception and representation expenses) by \$3,600;

(8) reducing the amount made available under the heading "Department of Justice; United States Marshals Service; Salaries and Expenses" (and the amount provided under such heading for official reception and representation expenses) by \$3,000;

(9) reducing the amount made available under the heading "Department of Justice; Federal Bureau of Investigations; Salaries and Expenses" (and the amount provided under such heading for official reception and representation expenses) by \$98,640;

(10) reducing the amount made available under the heading "Department of Justice; Drug Enforcement Administration; Salaries

and Expenses" (and the amount provided under such heading for official reception and representation expenses) by \$45,000;

(11) reducing the amount made available under the heading "Department of Justice; Bureau of Alcohol, Tobacco, Firearms and Explosives; Salaries and Expenses" (and the amount provided under such heading for official reception and representation expenses) by \$18,000;

(12) reducing the amount made available under the heading "Department of Justice; Federal Prison System; Salaries and Expenses" (and the amount provided under such heading for official reception and representation expenses) by \$2,700;

(13) reducing the amount made available under the heading "Science; Office of Science and Technology Policy" (and the amount provided under such heading for official reception and representation expenses) by \$1,125;

(14) reducing the amount made available under the heading "Science; National Aeronautics and Space Administration; Cross Agency Support" (and the amount provided under such heading for official reception and representation expenses) by \$31,709;

(15) reducing the amount made available under the heading "Science; National Science Foundation; Agency Operations and Award Management" (and the amount provided under such heading for official reception and representation expenses) by \$4,140;

(16) reducing the amount made available under the heading "Science; Office of the National Science Board" (and the amount provided under such heading for official reception and representation expenses) by \$1,250;

(17) reducing the amount made available under the heading "Related Agencies; Equal Employment Opportunity Commission" (and the amount provided under such heading for official reception and representation expenses) by \$1,125;

(18) reducing the amount made available under the heading "Related Agencies; International Trade Commission; Salaries and Expenses" (and the amount provided under such heading for official reception and representation expenses) by \$1,125;

(19) reducing the amount made available under the heading "Related Agencies; Office of the United States Trade Representative; Salaries and Expenses" (and the amount provided under such heading for official reception and representation expenses) by \$58,032;

(20) reducing the amount made available under the heading "Related Agencies; State Justice Institute; Salaries and Expenses" (and the amount provided under such heading for official reception and representation expenses) by \$1,125; and

(21) by increasing the amount made available for "Department of Commerce; National Institute of Standards and Technology; Industrial Technology Services" (and the amount provided under such heading for the Manufacturing Extension Partnership) by \$443,000.

Mr. GARAMENDI (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

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

There was no objection.

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

Mr. GARAMENDI. Mr. Chairman, day after day, or at least week after week, my colleagues and I are here on the floor talking about jobs. It is about jobs and jobs and jobs again. Our agenda, which we call "Make It in Amer-

ica," is an agenda that would rebuild the American manufacturing sector, a sector that has lost about 40 percent of its jobs in the last 20, 25 years from just under 20 million to just over 11 million Americans who are working in manufacturing today.

One of the innovative ways of improving manufacturing has been developed. It's called the Manufacturing Extension Partnership. It's actually modeled after another Federal-State program that's been in existence for more than 100 years. Anyone that's in agriculture would recognize the Agricultural Extension Program. This is the Manufacturing Extension Partnership, a program that has actually added another feature to the old and still very successful Agricultural Extension Program, and that is a public-private partnership. In this program, the Federal Government, through the National Institute of Standards and Technology, runs a program in which funding is provided for local, private, or nonprofit organizations to become extension program managers.

In California, this has been a very, very successful program. Some \$447 million in new retained sales have occurred, \$128.8 million in new investments, and some 3,769 jobs have been created.

Some examples exist throughout California. In southern California, a manufacturer, a small company that makes high-tech parts for the aircraft industry, has been able to improve their manufacturing techniques and have been able to stay in business, and they now have been very successful in bringing down contracts with the aircraft industry.

In the Bay Area, another program—actually run out of San Ramon, near my district—has been very successful. This program, called MANEX, has been very successful working with companies in the area. Morgan Hill Precision, to be precise, is a company that, again, is a machine shop. That company has used the MEP program, the Manufacturing Extension Partnership, to good success.

Now how do we pay for this? Some \$437,000. We take a little bit from some 20 different parts of the Department of Commerce. The result is it's working. We would like to keep it working at its full level, at last year's level. The bill before us actually reduces it by 50 percent. So we're adding \$437,000 back by taking small amounts from some 20 different programs.

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 have no objection. I support the amendment. It's appropriate to reduce the Agency's representation funds in this austere fiscal environment. Last year, the House and Senate conference committee on the bill reduced every representation account in

the bill by 10 percent. So I think MEP is a great program, and I support the amendment.

I yield back the balance of my time.

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

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

Mr. FATTAH. I have no higher priority in the Commerce section of the bill than MEP. I have visited with them in their meetings with local manufacturers. I visited with them in Orlando with over 1,000 manufacturers from around the country. I know intimately the work that they're doing. The National Innovative Marketplace, which the gentleman refers to, has been very helpful.

This is the only program in the last year that left the House at a higher number than the Senate and left the conference committee at a higher number than the House or the Senate. So you can tell it rose to its highest level of funding at \$128 million. This program started under Senator Hollings at \$5 million. It's very, very important.

But not only would we accept this amendment—and I thank the chairman—but I think you have to look at what we've done in this bill in total in terms of manufacturing because the chairman has been focused on this. Over \$140 million in the National Science Foundation with the Advanced Manufacturing Initiative. We have money in this for the Advanced Manufacturing Technology Consortium.

We, with the chairman's leadership, have an onshoring initiative funded at \$5 million to help businesses think through their cost-benefit analysis of coming back home. And we actually held a hearing, as the last hearing of the subcommittee before we marked up our bill, focused on manufacturing. I've said there's nothing more important to the country or to my caucus than this matter. It's not a partisan issue. Manufacturing, making things in America is of importance to our national security and is important to our economy.

I want to thank you for your leadership. And I also agree with the amendment.

I will yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MR. DENHAM

Mr. DENHAM. 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 by this Act may be used to implement section 1001(b) of Public Law 111 11.

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

Mr. DENHAM. Mr. Chair, the amendment that I'm offering is intended to fortify the underlying appropriations bill. Under the bill, the National Marine Fisheries Service and this amendment seek to ensure that funding doesn't have a detrimental impact on my district.

This amendment was adopted on the floor by a voice vote last year and added to the Energy and Water appropriations bill. Further, it was also supported in H.R. 1837 earlier this year, and you would have supported what this amendment will achieve.

The San Joaquin River Restoration Program continues to push forward on an ill-advised path of wasting water out of the ocean under the guise of saving salmon. Every year, the San Joaquin River Restoration Program would require the reintroduction of salmon into the San Joaquin River if this ill-advised attempt to introduce the species fails.

□ 2120

The problem is that the river is not yet in a condition where the salmon can survive.

There's still a number of different problems and projects along the river that need to be completed, from a bypass to several fish screens, and even in one section of the river the administration hasn't even designated a channel from where the river will flow—and will not for another 2 years.

Premature introduction of salmon in the river will only lead to their death at a high cost to taxpayers and the local community. This amendment simply prohibits the premature reintroduction of an endangered salmon species into an uninhabitable river. Central Valley salmon runs are struggling to regain healthy numbers. This amendment ensures that bureaucrats don't purposely reduce the numbers of available salmon in other streams just to plant them into the San Joaquin system and further threaten and endanger current runs.

Agencies already possess the necessary authority to make the right decision and delay the reintroduction of salmon into a river that cannot sustain the life cycle of the salmon, but they continue to bend to an environmental agenda. More time is needed to build the infrastructure required for the San Joaquin River Restoration Program before the river can sustain the salmon run.

Finally, even the National Marine Fisheries Service has doubts about the success of reintroduction. Contained within the final draft of their reintroduction strategies, the Service stated the river would not support full-scale reintroduction of the salmon. And, further, the Department of the Interior and the Department of Commerce jointly stated that the completion of phase 1 of the restoration project was needed before reintroduction of salmon can be successful.

This is a very commonsense amendment. The river needs several different

projects to be completed for the salmon to even survive. So why would we, year after year, take salmon off of other tributaries, move them to somewhere they can't survive at a huge expense to taxpayers?

Mr. Chairman, it's a commonsense amendment to prevent taxpayer dollars from being wasted on killing an endangered species.

I urge all of my colleagues to support this amendment, and 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 have no objection to the amendment. I accept the amendment, and yield back the balance of my time.

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

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

Mr. FATTAH. I'm going to be brief.

This amendment seeks to intervene or prohibit a court-supervised settlement of an 18-year running litigation having to do with some very delicate issues that he has I think articulated around an endangered species of salmon. To do this at this hour of the night on this bill I think is not prudent. I'm opposed to it, and I yield back the balance of my time.

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

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

Mr. GARAMENDI. For more than 20 years, there's the question of what to do with the San Joaquin River, a river that was essentially dried out and a river in which the indigenous species—salmon and other fish—were simply nonexistent. That fight went on and on and on. And after 20 years of fighting and litigation, a settlement was reached—a settlement that called for the restoration of stream flows in the San Joaquin River so that the salmon and other species in that river could be returned. This amendment simply overturns that. It was a Federal court order that approved the settlement—a settlement between the water users of the CVPIA and also the environmental groups.

To do this amendment is simply going to once again reignite a major water war that is totally unnecessary. Certainly, it is going to be difficult to restore the river, but it can be done and it is going to take time and it is going to take money—and we should do it. This is one of the two largest rivers in the State of California. It's a river that had in the past, before the reservoirs were built and before the river was dried up, an extraordinary run of salmon. It will never be able to return to what it once was, but it can return to a viable river.

To take action at this hour of the night on an amendment that is going



to only be heard between half a dozen of us here on the floor seems to me to be quite wrong. We ought to oppose this amendment. We ought not allow it to be in the bill, and we ought to allow things to go forward.

I would remind those who are supporting this that this is going to be a major blowup in the U.S. Senate. I know we don't much care about that, but, nonetheless, Senator FEINSTEIN has authored legislation to implement this particular settlement. This unravels all of that. We ought not be moving forward, and I therefore oppose the amendment.

I yield back the balance of my time.

Mr. YOUNG of Alaska. I move to strike the last word.

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

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. DENHAM. Thank you for yielding.

As my friend from California completely understands, we can't reintroduce salmon in an area that isn't inhabitable by salmon. It's just not only a waste of money, but it's going to kill the endangered species. Why move them from one tributary where they are surviving to one where they can't survive?

Don't take my word for it. Take the word of the National Marine Fisheries Service or the Department of the Interior or the Department of Commerce. Take the opinion of the Exchange Contractors Water Authority, the San Luis & Delta Mendota. These are the locals that live there. Why waste the money?

He knows the issue. So either he wants to kill the salmon at a huge expense or he just wants to waste the money. This does nothing to overturn the settlement. All it merely says is let's follow what was originally intended, wait until 2014 when the projects are complete, give the salmon a fighting chance to survive, and let's not waste a lot of money in the meantime.

Let's not confuse the issue. He understands this has passed the House by a voice vote. It has passed the House in a bill. And now, once again, after being debated several times in committee, in the light of day, with many amendments, with many opportunities, with the American public watching, we're going to pass it one more time.

Mr. YOUNG of Alaska. I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DENHAM

Mr. DENHAM. Mr. Chair, I have an amendment at the desk, amendment No. 27.

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 Executive Of-

fice for United States Attorneys (including the offices of United States attorneys), the United States Marshals Service, or employees of the Department of Justice, to carry out activities located at a newly constructed Federal courthouse located on a site between Broadway, Hill, First, and Second Streets in Los Angeles, California.

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

Mr. DENHAM. Mr. Chairman, this is a very simple amendment. This simply just prevents the funds from being used to divert vital resources to an unneeded Federal courthouse in Los Angeles.

I have the distinct privilege of chairing the Subcommittee on Economic Development, Public Buildings & Emergency Management. In that capacity, I have oversight over the Federal courts.

The last Congress, at the request of this subcommittee, the GAO completed a review of the 33 courthouses constructed between 2000 and 2010. What the GAO found was incredible. GSA has built over 3.5 million square feet of courthouse space that we don't need—at a cost of \$800 million. As a result, the Judiciary abandoned existing courthouses across the country and severely underutilizes every single new courthouse.

The GAO identified three reasons:

First of all, when GSA is not busy taking vacations in Las Vegas, they continue to build bigger courthouses than Congress authorizes.

The Acting CHAIR. The gentleman will suspend.

Would the gentleman clarify which amendment he offered: Amendment No. 27 printed in the RECORD or the amendment at the desk?

□ 2130

Mr. DENHAM. It is the new amendment that is at the desk that corrects the printed amendment.

The Acting CHAIR. That is the amendment that was reported by the Clerk.

The gentleman may proceed.

Mr. DENHAM. Thank you, Mr. Chair.

As I was saying, the GAO identified three different reasons:

GSA continues to build courthouses bigger than what Congress authorizes. Congress authorizes one thing, but then GSA goes out and builds not only something completely different, but much bigger and at much greater expense.

Number two, we don't have the judges that were once proposed.

Third, judges don't share courtrooms. These courtrooms get used about 2 hours a day, and we don't have any courtroom sharing across the Nation.

We could be utilizing these courthouses quite a bit more than what they are today. As a result, we demanded that the judiciary conduct a real courtroom-sharing study so that a third party can figure out how many judges are needed. And over the last 11 years, the judiciary projected there would be

somewhere between 72 and 81 judges in L.A. by 2011.

The judiciary declared L.A. the number one judicial space emergency in the United States and proposed a massive, huge new courthouse. However, today we know the primary justification for an L.A. courthouse was wrong. There are fewer judges in L.A. today than there were in 1997. Today we have two buildings with 61 courtrooms and 59 judges. We have 61 courtrooms and only 59 judges, no courtroom sharing, being utilized less than 2 hours a day.

In that light, I have asked GSA to stop its plans to spend \$400 million on a courthouse in Los Angeles. GSA has told me explicitly that they will continue with the project at whatever cost. After building a \$400 million courthouse, we will have 85 courthouses and 59 judges, 85 courtrooms and 59 judges.

All of these judges—not only do we need less courtrooms, we don't need to build the one that we currently are proposing to build. You could put all of these judges in one courthouse, sell off the other courthouse, and never build the one that's being proposed at \$400 million.

We've seen this before at least seven times in other cities where new courthouses were built and the old ones sit vacant today, a burden to the taxpayer and eyesores to the community. There's a big courthouse in Miami, sitting vacant. One being redone in New York, vacant. And yet we want to spend \$400 million on something we don't need in Los Angeles.

I personally toured the L.A. courthouse facilities and found there's vacant space currently not being used in both the Roybal building as well as the Spring Street building. GAO ran a centralized sharing model for L.A. and found that all the judges could fit in the Roybal building alone.

This country has a \$15 trillion debt, and GSA continues to waste millions of dollars on projects that no one needs. What we do need is to move everybody into the Roybal building, get rid of the vacant space, and sell off the other courthouse. At a time like this, we should be utilizing the best use of taxpayer dollars.

This is why I introduced the Civilian Property Realignment Act, to get this out of the hands of the legislature, to make sure that we are actually selling off properties we don't need.

We've sold 82 properties over the last decade, and we have 14,000 that are sitting on the vacant list. We can do a much better job, but it starts right here with the L.A. courthouse. Before we can sell off the things that we don't need, we ought to stop building the things that we don't need. Sell off the property. We can create jobs by letting the private sector go there and build something to get out of a lot of the lease space that we have in the L.A. area.

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

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

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

Mr. FATTAH. As best as I could determine, this prohibits the spending of funds; no funds would be expended under this fiscal year. So I know that the gentleman is quite energized about this, but I think it is better handled in the authorizing committees since he has legislation, and that hopefully will one day get passed and signed into law to deal with this.

If the Congress could manage buildings and deal with the utilization, you know, the Capitol Visitor Center, I mean, we can go through a whole laundry list of our own. We spend a lot of time criticizing other agencies—the GSA for conferences. You should look at what we spend. I mean, you could go through it. We could point fingers forever.

I would rather see, rather than curse the darkness, that we light a candle. We're trying to finish an appropriations bill. I'm in opposition of this amendment because it prohibits the use of funds spent on employees in a courthouse that won't have any employees this year.

I yield back the balance of my time.

Ms. ROYBAL-ALLARD. Mr. Chair, I rise in strong opposition to the Denham amendment. The building his amendment targets does not exist. That's right; the building he wants to prohibit federal agencies from occupying next year in fiscal year 2013 doesn't exist.

The Central District of California courthouse which is scheduled for construction in the near future is sorely needed to meet serious safety and security deficiencies at the current courthouse built in 1940. I am submitting for the record a memo from the U.S. Marshals Service which details these concerns. It tells of criminal defendants being escorted through hallways and in elevators with judges, jurors and the general public. It talks about the physical limitations of the aging building to meet the security challenges of the post 911 world. These issues, along with a shortage of space and concerns for the seismic stability of the building, have prompted the Judicial Conference to list the project as its number one priority since 2003.

The courthouse has been reviewed by OMB and GSA and approved in both Republican and Democratic administrations. For example, President George W. Bush requested funding for the courthouse in two of his annual budget requests to Congress and the House Transportation & Infrastructure Committee and the Senate Environment and Public Works Committee authorized it with bipartisan support. Furthermore it is important to note that this not new money. The House Appropriations Committee provided funding for this Central District Courthouse several years ago. This project has enjoyed bipartisan support from the Los Angeles County congressional delegation.

For the RECORD, I am also submitting a letter signed by both of our U.S. Senators and 17 members of the California House delegation urging the General Services Administration to move forward on the project.

Construction of the Central District courthouse will address long standing safety and security issues in the current facility in addition to bringing much needed jobs to the Los Angeles area.

I urge my colleagues to oppose this point-less amendment.

U.S. DEPARTMENT OF JUSTICE,  
UNITED STATES MARSHALS SERVICE,  
*Los Angeles, CA, Nov. 2, 2011.*

Memorandum To: Audrey B. Collins, Chief District Judge.

From: David M. Singer, United States Marshal.

Subject: Security Issues at 312 N. Spring Street.

You have asked me to describe the physical security deficiencies of the 312 North Spring Street Courthouse. We can provide you with photographs depicting many of these deficiencies, if needed.

The United States Courthouse located at 312 North Spring Street, Los Angeles CA, was built from 1937 to 1940. The age of this building and design has presented various logistical problems for The United States Marshals Service (USMS) in regards to Prisoner Operations, Court Operations, and General Courthouse Security.

#### LAW ENFORCEMENT GUN STORAGE LOCKERS

In the Central District of California certain law enforcement agencies are not authorized to remain armed after passing the USMS security screening sites. Because of this rule, there is a need for an area to secure the officers' and agents' firearms. The only USMS space available out of public view for the firearms locker, within close proximity to the screening site, is also the entrance for attorneys to speak with in-custody defendants. The officers and agents must remove their firearms in plain view of visiting attorneys and prisoners, showing where firearms are carried on their person.

#### JUDGE'S UNDERGROUND PARKING AT THE MAIN STREET ENTRANCE

Prisoners transported for court appearances at the courthouse must be offloaded in the Judges' Main Street parking garage, in plain view of judicial vehicles, license plates, make-model-color of judicial vehicles, and at times while Judges are walking to or from their vehicle.

To reach the USMS cellblock, the prisoner must walk up the same ramp and pass the same doors as the Judiciary. It is not uncommon to encounter Judges or court staff while prisoners are approaching the cellblock area.

There is always the potential for prisoners to attempt escape or be assisted by an outside threat because the Main Street garage gate entrance opens directly onto the public sidewalk and a heavily trafficked entry route to the freeways.

#### MOVEMENT OF PRISONERS

The hallway that serves the USMS cellblock, as well as the only prisoner elevator, is also the only way for Judges to get to their vehicles.

The area to wait for the prisoner elevator is a highly traveled common area for various agencies and contractors in the building. The court's procurement office is located off this hallway, and court staff, delivery personnel, and contractors constitute daily traffic.

The prisoner elevator does not connect directly to any of the courtrooms in the courthouse; instead, USMS staff must escort the prisoner through the public hallway, passing potential victims, prisoner family members, witnesses, jurors, and other prisoners in protective custody.

While walking to courtrooms located at the other end of the building, USMS staff must pass various entrance doors to judicial chambers.

Only two courtrooms have usable adjacent prisoner holding cells. As a result, in-custody defendants sitting in the courtroom galley across from potential victims and prisoner family.

The courtroom doors leading to judicial chambers cannot be secured due to the age of the doors' hardware and design, which cannot be altered due to the building's historic status.

All prisoner movement is done through public hallways, creating unnecessary hazards for USMS personnel, court employees and the public.

The routes from courtrooms back to the USMS cellblock require the use of the public corridors providing the potential for inappropriate verbal contact with witnesses, jurors, family members, etc.

The prisoner elevator is out of service at least once a week due to the age of the elevator. Prisoners must be escorted using the public elevators, walking through the main lobby.

There is no secure circulation for judges. The elevator utilized by judges opens to the same public lobbies used to transport prisoners.

Of the 29 courtrooms in the building, only 12 are accessible using a tunnel system which originates in the USMS cellblock.

The tunnel access uses a combination of steep stairs and narrow, winding hallways with restricted head room in various areas. The hallways have numerous blind spots from camera coverage, and an elevator that is usually not operational. For this reason the tunnel system is not regularly used.

If the tunnel access is used, prisoners must still be escorted through the rear secured judicial hallway that connects courtrooms and judicial chambers.

#### PHYSICAL SECURITY ISSUES

The screening stations located at the Main Street entrance, the Spring Street entrance, and the Spring Street loading dock were never designed to accommodate current upgraded security and the large crowds who visit the courthouse on a daily basis. Despite the additional concerns and potential threats posed by high threat criminal court cases and increased violence in society, we are not able to redesign these security sites due to the historic nature of the building, and the limited space available.

The ground floor windows around the courthouse are continuously a target for vandalism due to the increasing population of homeless people, as well as anti-government protests occurring daily at surrounding local and state government buildings. The windows' general make-up is inconsistent around the building, with some windows being bullet resistant, some with a protective mylar film, and some with just solar tinting film. The historic status of the building makes it difficult, if not impossible, to install bullet resistant glass in all first floor windows. Three ground floor windows have been broken by vandals in the past year alone.

The courthouse lacks available handicap access on the Main Street entrance, the most heavily used access. The courthouse thus must have two entrances, Main Street and Spring Street, which requires staffing by six court security officers (CSOs) rather than just one entry where we can put less CSOs, concentrating staffing more effectively at a single controlled entry point.

#### HIGH THREAT TRIALS

The Spring Street Courthouse is an unsafe physical facility for the transport of even one prisoner. Here are examples of some of the high threat, multi-defendant trials held in downtown Los Angeles. They provide a vivid picture of the type of defendant, defendant families, witnesses, and victims involved in federal criminal proceedings held

in the Spring Street and Roybal court facilities.

1. *U.S. v. Orozco et al.* The indictment names 53 defendants who are all members or associates of the 38th Street gang, and charges them with RICO, VICAR, drug trafficking/possession, firearms trafficking/possession, and conspiracy to tamper with witnesses.

2. *U.S. v. Santiago Rios, et al.* The indictment charges 51 defendants who are all members and associates of the Azusa 13 criminal street gang or validated members and associates of the Mexican Mafia. The charges are RICO conspiracy, civil rights violations, weapons and narcotics offenses.

3. *U.S. v. Darbinyan.* The case involved 70 defendants who were members or associates of the Armenian Power Criminal Enterprise. Approximately 15 of the defendants would be categorized as very dangerous based on their criminal histories and/or criminal conduct during the investigation.

4. *U.S. V. Ron Hirsch.* This is the synagogue bomber case. The defendant is charged with attempting to blow up a synagogue with a large pipe bomb. This case received considerable national media coverage.

5. *U.S. V. Oscar Juarez, et al.* The indictment charges 5 defendants, two of whom are Clanton 14 gang members, with Hobbs Act Robbery, 924(c), and Conspiracy to Distribute Cocaine charges.

6. *U.S. V. Edwin Mauricio Palacios.* A 1326 case involving an MS 13 gang member whose criminal convictions included a 1995 conviction for second degree robbery, 2008 conviction for terrorist threats, and two arrests for participating in a prison riot.

7. *U.S. v. Raul Mercado Mercado.* This is a 1326 case involving a Sangra gang member with a prior 1996 conviction for voluntary manslaughter and robbery.

8. *Operation Silent Night.* There were approximately 30 defendants arrested. Extra manpower was needed at all times for movement due to the high security risks. The defendants are charged with numerous homicides, including the murder of a Burbank Police Officer. They are also charged with narcotics trafficking, extortion, and racketeering. This is a capital offense case.

9. Twenty defendants in another case are all gang members of the East Side Wilmas, and were charged with murder, as well as conspiracy. They are also charged with distribution of illegal narcotics.

#### TERRORISM CASE

10. *U.S. v. Mihalik.* The indictment returned August 30, 2011 charges one defendant with making a false statement in a terrorism matter.

#### MULTI-DEFENDANT COURTROOM IN ROYBAL

The availability of this courtroom assists the USMS and judges in the Spring Street courthouse who need to be conducting high threat, multi-defendant trials as it was built out specifically for such proceedings. Use of the courtroom requires the USMS to provide security transportation from Spring Street, where the judge has parking, to Roybal, two blocks away from chambers.

On a regular basis, however, there are far too many criminal proceedings for the 21 district judges to hold their criminal calendars all in this one courtroom. In 2011, for example, 1,685 defendants had proceedings in downtown Los Angeles, or 48 criminal cases per judge. Virtually all judges hold criminal calendar on Mondays making use of the Roybal multi-defendant courtroom unavailable to more than one judge at a time. Roybal judges also use the courtroom.

CONGRESS OF THE UNITED STATES,  
Washington, DC, October 28, 2011.

Hon. MARTHA N. JOHNSON,  
*Administrator, General Services Administration,*  
*Washington, DC.*

DEAR ADMINISTRATOR JOHNSON: We write to urge the General Services Administration (GSA) to proceed immediately with construction of a new federal courthouse for the United States District Court, Central District of California in Los Angeles. Congress first authorized site, design and acquisition in 2000 and the project was declared a space emergency by the Judicial Conference of the United States in 2003 and has been the Judiciary's top building priority since that time. It has been delayed too long.

Located in one of the busiest metropolitan areas in the nation, the Los Angeles court handles a high percentage of complex criminal cases related to drugs, murder, mafia, and terrorism. A request to create new permanent judgeships for the district, many of which will be placed in Los Angeles, is currently pending before Congress to handle the court's pressing caseload. Moreover, additional growth is expected in the near future when several active judges in existing judgeships assume senior status and their replacements come on board. The two buildings that currently house the court already suffer from critical security and operational deficiencies that will only be exacerbated as the court grows.

Congress approved the funding for GSA to construct the new courthouse in fiscal years 2004 and 2005, but escalating construction costs at the time caused the project budget to exceed the appropriation. With no additional funding available to build the project as planned, congressional committees directed the court and GSA to work together and agree on a building that could be built within the funds appropriated. It is our understanding that GSA and the court have now reached agreement on a proposal that will do just that. We hope, therefore, that GSA will proceed with the process of awarding a contract to build the new courthouse.

In closing, we want to stress again the critical need of the Los Angeles community to have safe, functional and efficient facilities in which to litigate cases and redress grievances. The new courthouse that is currently planned will allow them to do so. Building the courthouse, moreover, will create thousands of construction and related jobs, which are sorely needed in an area where unemployment exceeds 12% and a large percentage of the unemployed are in the construction industry. We commend GSA and the court for developing a new courthouse plan that can accommodate the needs of the Los Angeles community within the funds that have been appropriated for this project and we ask you to move ahead without delay.

Sincerely,

Dianne Feinstein, Barbara Boxer, Lucille Roybal-Allard, Grace F. Napolitano, Henry A. Waxman, Judy Shu, Howard L. Berman, Lois Capps, John Garamendi, Doris O. Matsui, Xavier Becerra, Laura Richardson, Loretta Sanchez, Barbara Lee, Bob Filner, Adam B. Schiff, Janice Hahn, Linda T. Sánchez, Karen Bass.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. DENHAM). The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk labeled as Flake No. 2.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

#### LIMITATION ON FUNDS FOR SELECTUSA INITIATIVE

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to carry out the SelectUSA initiative.

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

Mr. FLAKE. Mr. Chairman, this amendment would prohibit funding for President Obama's SelectUSA Initiative. It's a program that would otherwise receive just over \$6 million in this bill.

Now, if you've never heard of SelectUSA, you're not alone. Virtually nobody has heard of it outside of the committee and those who are funding it.

Last June, President Obama issued an Executive order to establish SelectUSA. It was called the first-ever Federal effort to attract, retain, and expand business investment in the United States.

It seems to me that whenever a new Federal program is touted as the first of its kind, it's usually a pretty good indication that it's completely unnecessary. This is no exception to the rule.

A quick read of the vague ways in which SelectUSA says it serves the firms and economic development organizations certainly proves that—promoting the benefits of investing in the U.S.A., responding to inquiries about the U.S. business climate, helping investors confused by regulatory processes, offering guidance—these are hardly the responsibilities of the Federal Government.

In reality, it seems that the taxpayers are buying little more than a Web site pitching the benefits of U.S. subsidiaries to foreign companies. It includes 10 pages of links to Federal subsidized programs like Grants.gov, AARP-E, and the Department of Energy Loan Guarantee Program. That was the program responsible for Solyndra. Only the Federal Government could find a way to waste taxpayer dollars promoting the waste of taxpayer dollars.

Figuring out what SelectUSA does is one thing; deciphering its actual accomplishments is downright impossible. The Web site includes testimonials from companies like Rolls-Royce and Ikea, of plans to invest and develop in the U.S. These companies already do. This SelectUSA isn't helping them any more than it is helping anyone else. All the announcements are dated between 2006 and 2010, long before this program was even established. So these companies are touting the benefits of a program that wasn't even established yet; how do they know?

Hours of research by our staff uncovered only one investment that's even tied to SelectUSA, and those claims are very dubious. There's a company that's called AGS, and the President has touted this in his program as being

responsible for luring AGS to the U.S. It's mentioned in conjunction with the Michigan Economic Development Corporation and other local agencies, and it recently elected to invest more than \$20 million in new U.S. manufacturing capabilities. SelectUSA, described as an Obama-launched program, is said to have facilitated coordination between AGS and local officials. But if you look at AGS, AGS has been in this country for more than 40 years, just under a different name. It was called A.G. Simpson Automotive. It's been in business, as I said, with General Motors and Ford for more than 40 years. That company has been a manufacturing presence in the U.S. since it opened a Michigan plant in 1991. Another plant was opened in Louisiana in 2003. This hardly sounds like a company that needed SelectUSA to help it discover the benefits of investing in the U.S.

□ 2140

There is simply no record of this investment outside of the administration press release and the Commerce Department blog post—not from AGS, not from the Michigan Economic Development Corporation, not even from SelectUSA. Only an administration press release touts the involvement of SelectUSA.

Most telling of all, the 2013 Commerce Department budget justification to Congress—which requested \$12 million and 20 additional full-time employees—doesn't even include a word about the AGS investment. So what does SelectUSA even do? Well, I think the committee isn't even sure what SelectUSA does because the report language in this bill asks SelectUSA to justify what it does and explain what it does because apparently nobody even knows. Yet we took the request from the administration of \$12 million and simply cut it in half and gave them half of what they requested.

Why in the world are we doing this? At what point are we going to say we can't afford to throw money away like this? Congress didn't even create this program. It was just the administration who thought it up and now is trying to justify it.

I yield back the balance of my time. Mr. FATTAH. Mr. Chairman, I move to strike the last word.

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

Hopefully, this will be the last time when I have to oppose my good friend on the floor of the House.

Let me just try to put this in some perspective. This is an administration that, in the last 26 months, 4.25 million new private sector jobs. In '09, \$70 billion in loans to small businesses. An administration that's well on its way to more than doubling the number of exports. We have seen a very significant turnaround from the administration that left a couple of years ago, walking out the door while we were losing 700,000 jobs a month, and we lost

millions of jobs over the last few months of the last administration.

So now they have a Commerce Department that says we're willing to build on the efforts to have companies around the world select the United States as a place where they want to set up manufacturing plants stretched throughout much of our country now. The President visited the Rolls Royce plant in Virginia. In Alabama, you have BMWs being built. All throughout, you see companies that see the United States as a place that has a world-class workforce, the kind of transparency, the rule of law, the ability to do transactions and have them protected in a court system that functions, to attract foreign investment here.

So what the Commerce Department has done, which is not unlike other administrations, they take in a group of these activities and they've rebranded them under SelectUSA because it's catchy, it's got a phrase to it. But these are activities that have been conducted by other administrations and will be conducted by future administrations because we want businesses to see the United States as the place to locate—even in States like Arizona, to locate and put people to work and make products.

So to come to the floor and say, well, this \$6 million is wasted—no. This is a small investment that leads to billions of dollars in salaries, hundreds of millions in tax rates for our country. We want to be open for business. This is a new day. It's a new administration. They have been creating jobs. I guess that some want to wish back the old crowd that were losing jobs, but I think we should follow in the right direction here.

I disagree with the gentleman. I hope that we vote down this amendment, and that we support the activities of our Commerce Department to continue to build this economy.

I yield back the balance of my time.

Mr. BROUN of Georgia. Mr. Chairman, I move to strike the last word.

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

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

I yield to my friend from Arizona.

Mr. FLAKE. I thank the gentleman for yielding.

I would simply submit that when the committee has to ask in report language, please justify and tell us what you're doing, it's a pretty good indication that we don't know and that the program is frivolous and we're wasting money with it.

So, right here, SelectUSA, let me read from the committee report: "The committee recommends \$6.125 million for SelectUSA initiative, which is \$3.425 million more than the fiscal year 2012 level and \$6.125 million less than the request"—like I said, simply cut the request in half. "The ITA redirected \$2.7 million in FY 2012"—on and on and on. It says:

No later than November 30, 2013, the Secretary shall report on the location and type of assistance provided, the State to which firms sought to relocate and why, as well as the number of foreign firms that actually decided to locate in the United States as a result of the SelectUSA process.

I would submit that if we didn't know this by now, why in the world are we giving them 6.125 million more dollars? We're running a deficit of \$1.3 trillion, and we're frittering away money like this when we don't even know what they're doing.

Mr. FATTAH. Will the gentleman yield?

Mr. BROUN of Georgia. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. The gentleman from Georgia, I thank you. And we'll be together tomorrow morning at the prayer service—8 a.m.

Mr. BROUN of Georgia. I'm looking forward to that.

Mr. FATTAH. But let me say this: Georgia has benefited from this effort, and Arizona has benefited, Pennsylvania has benefited. The report language you see is just the work of the committee to ensure oversight for the funds that are now being provided, for a report on those funds and what States benefit so that when we have some other gentleman on the floor wanting to cut this program years forth from now, that we'll have an opportunity to be able to specify, as I've done, the great work that this program is doing.

I thank the gentleman for yielding.

Mr. FLAKE. Let me simply say that when we don't know what they're doing and the only justification comes from the administration that a company called AGS, that has already been investing in this country for more than 40 years, that needs no help in deciding or having a matchmaker pair them with U.S. firms—in fact, this is a Canadian firm investing in the U.S. They actually received trade adjustment assistance during a downturn when employees were laid off from a Canadian company in the U.S. I would submit that if a company knows how to milk the U.S. taxpayer for that, a foreign company, they know how to invest here. They know it pretty well. We've advertised it. In fact, what this Web site of this SelectUSA does is tell them the benefits they can receive if they're here—often subsidies like this.

So I would just submit, Mr. Chairman, we've got to start somewhere, and this ought to be it. I can't stress enough how we've got to start cutting some spending. This is a great place to start.

With that, I urge adoption of the amendment and thank the gentleman.

Mr. BROUN of Georgia. I yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, designated as No. 3.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read 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 carry out the functions of the Political Science Program in the Division of Social and Economic Sciences of the Directorate for Social, Behavioral, and Economic Sciences of the National Science Foundation.

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

Mr. FLAKE. Mr. Chairman, this amendment would prohibit the National Science Foundation from using taxpayer dollars to fund political science research.

To be clear, my amendment does not reduce funding for the NSF. Earlier in consideration of this bill, I offered an amendment that would reduce NSF funding. This amendment is simply oriented toward ensuring, at the least, that the NSF does not waste taxpayer dollars on a meritless program.

□ 2150

The Nation is closing in on a \$16 trillion debt; deficit, more than \$1.3 trillion. Nearly 40 cents of every dollar we spend is borrowed. Congress can either continue funding unnecessary programs like someone is printing cash in the basement, or we can face facts that there simply isn't enough money to go around.

Now, I stand here today and I'll defend responsible Federal spending on matters of Federal responsibility. Among other things, Congress ought to ensure funding for strong national defense, a secure border.

There are things, however, given the economic realities, that Congress ought to reconsider funding on the back of future generations. Just remember, every dollar we're spending in discretionary spending this year, we are borrowing from our kids and our grandkids.

Let me simply say I can think of few finer examples to cut than the National Science Foundation's Political Science Program. According to the NSF Web site, to date, more than \$80 million has been awarded to the program's nearly 200 active projects. Three-quarters of these awards, totaling over \$46 million, were directed to universities with endowments greater than \$1 billion.

Again, three-quarters of these awards under this program for political science research, totaling over \$46 million, were directed to universities that have endowments greater than \$1 billion.

Think about it. Three out of the four of the grants awarded by the NSF Political Science Program go to the wealthiest universities in the country. Would those who would oppose this amendment have believed that Harvard and Yale would have to close their political science departments if Federal grants are not available for this program? Of course not. These universities and the field of political science will be just fine.

However, my greatest concern is not who received these funds, but how they are spent. Every dollar Congress spends is money we don't have, as I mentioned.

So what kind of research is NSF charging to our credit card? \$700,000 to develop a new model for international climate change analysis; \$600,000 to try to figure out if policymakers actually do what citizens want them to do.

Let me say that again: \$600,000 here spent trying to figure out if policymakers actually do what citizens want them to do. I think we can answer that question in about 5 minutes when we vote on this amendment because I can tell you, people out there want us to quit funding projects like this.

\$301,000 to study gender and political ambition among high school and college students; \$200,000 to study to determine why political candidates make vague statements. \$200,000 to study why political candidates make vague statements. That's what we're paying for here.

These studies might satisfy the curiosities of a few academics, but I seriously doubt society will benefit from them. How can we justify this outcome?

Now, I hold a graduate degree in political science myself. I agree that such research has its benefits. The work of political scientists advances the knowledge and understanding of citizenship and government, politics, and this shouldn't be minimized. But they shouldn't be subsidized by the National Science Foundation.

We can't continue to spend money like this. I urge adoption of the amendment and yield back the balance of my time.

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

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

Mr. FATTAH. So hope springs eternal, but here I am again opposing my friend's amendment.

Let me say, this program has been around for over 30 years, and a lot of political change has swept across the world from the time that this program started.

I think that it may appear to be costly, \$11 million out of a \$7 billion funding for the National Science Foundation, but I think that however expensive an education may be, ignorance will probably cost our country more.

It is important that we understand the political dynamics, radicalization

of populations around the world, how political parties operate in the former Soviet Union, all of the other issues that are being studied.

I can see that you could probably bring a list of studies in front of the Congress from the National Science Foundation and get a laugh on any day. But these studies are important. They're merit based. They're decided on merit only.

The fact that some of the best funded universities win has to do, in part, with the fact that they're able to have very good faculty who put together very good research projects, and they provide our country and our society a great deal of intellectual benefit.

Now, there's some advantage, I guess, politically to appear to be anti-intellectual, to have some desire to know little or less about what's going on in the world about us. But it is not worthy of a great Nation.

Now, Singapore has 4.8 million people. They put \$7 billion in the National Science Foundation. We put \$7 billion, and we spend our time tonight debating whether we want to cut some money, trying to understand how their political system got to the point of understanding that even in a very small country, it was critically important for them to become indispensable in terms of having a thirst for knowledge.

I would hope that this House would reject this amendment.

I yield back the balance of my time.

Mr. BROUN of Georgia. I move to strike the last word.

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

Mr. BROUN of Georgia. I yield to my good friend from Arizona.

Mr. FLAKE. I thank the gentleman for yielding. Let me just say, and I won't take all the time, but there is something to the "laugh factor." At some point we've got to realize here that the country's watching us, and they're looking to see if we're funding programs like \$600,000 to try to figure out if policymakers actually do what citizens want them to do? \$200,000 to study why political candidates make vague statements?

We're funding this with taxpayer dollars. The acid test ought to be for all of us, whenever we're spending money here, is this program worth borrowing money from our kids and our grandkids, from some countries, that don't like us very much who are buying our bonds?

And this doesn't pass that test. It doesn't even come close. And if we simply say this is a big NSF budget and this is a very small part of this, this program, if we continue to say that, we'll never cut it, and that's the problem here. We aren't.

The NSF funding, overall, is way up from the post-stimulus level. We said at the time that the stimulus was passed that that's just a one-time deal, and these rates will come down, or these programs will come down. They haven't. We're continuing to fund

them. And programs like this, the country just looks around and says, this is laughable. Look at what our policymakers are doing.

Again, I would say that we will find out the question, the \$600,000 question, as to whether or not policymakers actually do what citizens want them to do, by how we vote on this amendment right now.

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

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

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

Mr. FATTAH. 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 OFFERED BY MR. BROWN OF  
GEORGIA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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 carry out or enforce section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c).

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

Mr. BROWN of Georgia. Mr. Chairman, my amendment would simply prohibit any funds in this underlying bill from being used to carry out or enforce section 5 of the Voting Rights Act of 1965. Under section 5, seven States in the South, as well as Arizona, Texas, and a number of counties scattered across the country, are required to receive Federal pre-clearance to every change they make in election laws.

The provision stipulates that only changes to election law in those covered locations which are shown to be nondiscriminatory may be pre-cleared. Unfortunately, the burden of proving that a change is nondiscriminatory is on the State or locality which wishes to make the change.

The standard and practice is known to be highly subjective, with no presumption of innocence.

□ 2200

It is also highly unfair to allow some States to make changes to their election laws while other States wishing to make the same changes are forced to jump through a bunch of hoops. I know firsthand how onerous this law is.

My home State of Georgia, as an example, has long struggled with the U.S. Department of Justice over its voter identification laws. They're not alone. The State of Arizona is currently suing to be free from section 5, showing evi-

dence that it made accommodations for Spanish-speaking voters long ago. On the other side of the country, South Carolina is challenging the Department of Justice's decision to overturn its voter identification law.

Mr. Chairman, as Americans, we pride ourselves in our electoral system, but the integrity of our elections is called into question when this outdated law bars States from ensuring those who come to the polls to vote are eligible to do so.

I should note that I'm not the only one who believes that section 5 is an antiquated provision. Earlier this very year, the U.S. Supreme Court reaffirmed its concern about what they stated: serious constitutional questions raised by section 5's intrusion into State sovereignty.

Mr. Chairman, we are supposed to be treated equal under the law. This section of Federal statute treats some States more equal than other States. There are States being discriminated against. My home State of Georgia is one of those. It's time for us to go to what the Constitution says is the way we should all be treated: equal under the law. It's long past time to put this provision to rest. I urge the support of my amendment.

I yield back the balance of my time.

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

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

Mr. FARR. I rise in strong opposition to this amendment.

First of all, this is an appropriations bill. We're supposed to be discussing how we appropriate money to the Justice Department, Commerce Department, and State Department. People are just kind of cavaliering, coming in here and offering all kinds of amendments to make no funds available. That isn't the way you set policy, and that isn't the way you have a discussion on an issue like this. This is a very important issue. This is about enforcing the Civil Rights Act and the Voting Rights Act of 1965. You don't think we had discrimination in this country? Don't you think we still have discrimination and are making it difficult for people to access the voting booth?

I come from a county, a district, that is under this section. I'm from California. The gentleman spoke about Georgia. There are States, even like California, that have counties that qualify to be under this act because they had so low of a percentage of adults registered to vote. Obviously, these counties were making it very difficult. What this says is that in those counties, when you draw political districts, you've got to have them reviewed by the Justice Department. What's wrong with that?

We have a history of discrimination. To come in to an appropriations bill and take a big whack out of it in the Voting Rights Act in an election year,

what message are we sending—that these States that want to make it very difficult for people to vote are showing how democracy ought to be practiced around the world?

Mr. BROWN of Georgia. Will the gentleman yield?

Mr. FARR. No, I will not yield to the gentleman.

I think these and a lot of other amendments warrant some serious debate in Congress, but certainly not on this bill and not at this time—10 o'clock at night, in an election year, on a Voting Rights Act bill that deals with the basic fundamental rights of individuals being able to have access to the ballot. No, sir. This amendment is inappropriate at this time, and it ought to be voted down.

I yield back the balance of my time.

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

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

Mr. HUELSKAMP. I yield to my colleague from Georgia.

Mr. BROWN of Georgia. I thank my friend.

I would like to remind my good friend from California that Georgia's voter identification law has been upheld by the courts. The provision of voter identification is simply to ensure integrity at the polls: that the people who are voting are the people who are supposed to be voting.

We have all heard and have joked about the saying in Chicago about "vote early and vote often." The only way we can ensure the integrity of the vote, the only way we can ensure that people who are voting are those who are supposed to be voting, is by having some identification. That's simply what this is all about. It's not to prohibit people from coming to the polls. It's not to prohibit or to discriminate against anybody. Who is being discriminated against here are the States, those jurisdictions that are falling under section 5.

We should all be treated equal under the law. I don't believe in discrimination for or against anybody. We have a history of discrimination in my State and throughout the country, and we still have discrimination. I find discrimination deplorable—and I reject it in any manner—but we should all be treated equal under the law. We need to make sure that we have integrity at the polls. We need to make sure that the people who are voting are truly the people who say they are.

I know, in some jurisdictions, a person just walks to the polling area and says, I'm Joe Smith.

Then they say, Fine. I see you here on the polls. Go vote.

We can't have this in this country. It's not right, and it's not fair. Joe Smith needs to have absolute assurance that the person he voted for won it fair and square—that elections are not stolen, that elections are fair, that whoever comes out at the top of the ballot is the one who really won.



So this is not about discrimination. It's not preventing anyone from voting. It's simply just to make sure we have integrity so that the people across this country can be sure that their votes count and can be sure that somebody else who may be an illegal in this country or who may not be qualified to vote for whatever reason or who may have already voted but who wants to vote a second time is not doing so.

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

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

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

Mr. WOLF. I was the only member of the Virginia delegation to vote for the Voting Rights Act in 1982. I attended school for 1 year in a State in which I saw things that were different than I had seen before. And there is a Simon and Garfunkel song called "The Boxer": "The man hears what he wants to hear and disregards the rest." We really can't disregard what has taken place in the country.

Now, we may be reaching a point at which this should be looked at again. I believe there is no discrimination now in my State. I think the Judiciary Committee ought to look at this carefully, but this is not the place to do this, and it is such a sensitive issue.

Section 5 of the Voting Rights Act applies to jurisdictions determined to have had a history of discrimination against minority voters. Section 5 requires certain covered jurisdictions, based on the formula set forth in section 4, to pre-clear their congressional redistricting plans with either the Department of Justice or with the U.S. Court for the District of Columbia before implementation. In order to be granted pre-clearance, jurisdiction has the burden of proving that the proposed voting change neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color or membership in a language minority group.

Litigation is pending now in the Federal District Court, including the case of *Texas v. Holder*, which challenges the constitutionality of the coverage formula and pre-clearance requirements in sections 4 and 5. In its 2009 decision in *Northwest Austin Municipal Utility District No. 1 v. Holder*, the Supreme Court may have signaled a willingness to reconsider the constitutionality of the pre-clearance regime and coverage formula.

But this is not an amendment that, I think, is appropriate here. Again, as we deal with this thing, we have to be very, very sensitive because, quite frankly, I remember in 1982, when I voted for this, there were editorials in the *Richmond Times-Dispatch* that were ripping me apart for this vote.

□ 2210

But because I do believe that everyone should have the right to vote, I voted for it.

But I would also say, to end, we may be approaching a time that this would go because we want a Nation where no one is discriminated against, and we may have reached that point. But I think the Judiciary Committee should hold extensive hearings and we should see what the Supreme Court does. I don't think this is the place to do it, and I strongly rise in opposition to the amendment.

Mr. JACKSON of Illinois. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman for yielding, and I've enjoyed a great relationship with the gentleman during his tenure in the Congress.

You mentioned several times in your remarks that there might be an appropriate time. How do you objectively determine when there is an appropriate time for not extending Section 5 to the covered jurisdictions?

Mr. WOLF. I am not a legal scholar, and at 10:10, I don't think I can do it, but there may be a time.

I believe now in my State there is not discrimination with regard to voting. I think our Governor is a good, decent guy, and I don't think he wants to discriminate against anybody. The members of the general assembly are of that same mind. Yet there had been in a case in previous times in the State of Virginia, so I'm not going to be the—I went to Georgetown Law School. It's an accredited law school, but I'm not going to sit here tonight and lay it out.

I don't think this is what we ought to do tonight. I initially wasn't going to speak, but I just feel strongly. Again, I go back. I remember in 1982 voting for this, and people felt it and I just felt in my heart this was the right thing to do. As of now in my heart, it tells me we ought not adopt this amendment, and we can have the Judiciary Committee hold hearings both in the House and the Senate. We can see what the Supreme Court will do. I just don't think this is the place for this amendment, and I strongly oppose the amendment.

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

Mr. LEWIS of Georgia. Mr. Chairman, I move to strike the last word.

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

Mr. LEWIS of Georgia. It is hard and difficult and almost unbelievable that any Member, especially a Member from the State of Georgia, would come and offer such an amendment.

There is a long history in our country, especially in the 11 States that are old Confederacy—from Virginia to Texas—of discrimination based on race, on color. Maybe some of us need to study a little contemporary history dealing with the question of voting rights.

Before the Voting Rights Act of 1965, it was almost impossible for many people in the State of Georgia, in Ala-

bama, in Virginia, and in Texas to register to vote, to participate in the democratic process. The State of Mississippi, for example, had a black voting age population of more than 450,000 and only about 16,000 were registered to vote. In one county in Alabama, the county was more than 80 percent and there was not a single registered African American voter. People had to pass a so-called "literacy test"; interpreting sections of the Constitution. One man was asked to count the number of bubbles on a bar of soap and another man was asked to count the number of jelly beans in a jar.

It's shameful that you would come here tonight and say to the Department of Justice that you must not use one penny, one cent, one dime, one dollar to carry out the mandate of Section 5 of the Voting Rights Act. We should open up the political process and let all of our citizens come in and participate. People died for the right to vote—friends of mine, colleagues of mine—to speak out against this amendment. It doesn't have a place.

I agree with the chairman.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. LEWIS of Georgia. No, I will not yield.

I urge all of my colleagues to vote against this amendment.

I yield back the balance of my time.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the last word.

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

Mr. JACKSON of Illinois. Mr. Chairman, let me first associate myself with the remarks of the distinguished gentleman from Georgia (Mr. LEWIS), who paid the price for this Voting Rights Act of 1965 on the Edmund Pettus Bridge. He paid beyond measure. He sacrificed beyond measure to make this a reality for every American.

This near midnight attack is an unprecedented attack on the implementation legislation of the 15th Amendment to the Constitution, the 1965 Voting Rights Act. It took this Congress 95 years from the moment that the 15th Amendment was added to the Constitution of the United States for this Congress to wake up after Selma to Montgomery to pass legislation to implement the Voting Rights Act.

For me to stand here and listen to my distinguished colleague, the distinguished gentleman from Virginia, the chairman of the subcommittee, for him to argue that there may be a time and we may be approaching a time when the Voting Rights Act preclearance provision of Section 5 is no longer necessary couldn't be further from the truth.

Here's how the State legislative process works within most of the State legislatures. First, whoever is in the political majority, Democrat or Republican, usually draws legislative lines consistent with their political advantage, whether it's the Democratic Party or whether it is the Republican Party.

Such is the case in Illinois. Such is the case of every State in the Union.

Almost never before the 1965 Voting Rights Act had racial minorities or language minorities ever been considered as a factor in the ongoing partisan debate for the last 150 years between Democrats and Republicans. Only the Voting Rights Act of 1965 says that if a language minority or a racial minority in a protected jurisdiction can draw a congressional district or can draw a State Representative district or can draw a State Senatorial district to give a racial minority an opportunity to represent their own people in a legislative body, the State legislative body must take that into account.

For us to be standing here on the floor of the Congress arguing about the right to vote, we're not discussing at that level the right to vote. We're discussing whether or not legislators will be effective in representing their constituents by protecting Section 5, the preclearance provision, because most of us can't go to our Governors or our State legislatures to protect the franchise from minorities.

I know that the First Congressional District, the Second Congressional District, the Seventh Congressional District, the Fourth Congressional District of Illinois are all Section 2 of the Voting Rights Act congressional districts, from Virginia around to Texas, because we still cannot trust Democrats, because we still cannot trust Republicans in Virginia, all the way around to Texas, to consider racial minorities in the drawing of congressional districts. Sure, those States must implement their plans by submitting their plans to the Federal Government for preclearance.

Look at the language minorities. Look at what's taking place in Texas. Look at what's taking place in New Mexico. New Mexico, a State that is 25 percent Latino, and the State legislature played games with what constitutes an effective congressional district that might give a Latino an opportunity to represent a congressional district in Congress. It plays both sides against the middle.

Both Democrats and Republicans, through history, Mr. Chairman, have used race as a partisan advantage in trying to draw congressional districts and legislative districts.

I appeal to you, Mr. Chairman, to reject this amendment at midnight; reject this unconstitutional, unprecedented attack on the civil rights of every American; reject efforts to undermine the implementation legislation of the 15th Amendment earned through an American Civil War, along with No. 13, 14, and 15; reject this effort to roll back the civil rights gains of 1965 by undermining the funding in the Federal Government's capacity to ensure that minorities have a chance to represent themselves in the Congress of the United States; reject this effort on this evening. Both Democrats and Republicans should reject it in a bipartisan manner.

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

□ 2220

Mr. DANIEL E. LUNGREN of California. I move to strike the last word.

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

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, one of the proudest moments of my experience here in the House is having worked on a bipartisan basis on the extension of the Voting Rights Act in the 1980s. I had been involved in the extension of the Voting Rights Act several Congresses ago. But also, as attorney general of the State of California, I was involved in the preclearance procedures by the Justice Department with several of the jurisdictions in my home State.

The Voting Rights Act has stood as one of the great efforts of progress in this country; but as the U.S. Supreme Court said, as it reviewed the preclearance requirements some years ago, There will come a time when this unprecedented power of the Federal Government versus the sovereignty of the States will end.

The preclearance requirement contained in the Voting Rights Act is an anomaly, a necessary anomaly over history, but it is an anomaly. And we should understand that the Court viewed it as such.

The problem I have with the current status of the Voting Rights Act is that it gives no opportunity for an escape clause by those jurisdictions that have proven, over the decades, that they have, in fact, changed their practices. There is no means by which a jurisdiction can come forward and show that over a decade, they have not, in fact, discriminated but have acted appropriately and, therefore, this tremendous Justice Department authority will be no more there.

But this is not the place to deal with it, I would say. A funding resolution is not the place to deal with it. This is an important issue that ought to be addressed; and I would hope that my friends on the other side of the aisle would recognize that when you have a jurisdiction that has for 10, 20, 30, 40 years followed the law, perhaps we ought to reward them and provide incentives for other jurisdictions to do the same. Also, historically, there is a reason—almost a historical accident by which some of the jurisdictions in California are covered. It had to do with a low turnout election in which a large percentage of the people who were considered citizens happened to be military folks who didn't vote in that area in that particular election. And there's been a static analysis which has resulted in those jurisdictions continuing to be covered under that section of the law which allows this unprecedented authority of the Justice Department to preclear.

And I would hope that we would have the courage to stand up and look at the changes that have taken place and give

credit to the consensus of conscience of civil rights that I think has prevailed in this country and has aided us greatly.

But I would just say, this is not the time nor the place for us to, within a short period of time on the floor of the House, try to make a significant change in that. And, therefore, with all due respect to my friend from Georgia who points out some of the problems here, I would have to oppose this amendment. But I would hope that we would have the courage to come to the floor and recognize that changes may be necessary.

This is an unprecedented authority that is granted to the Justice Department. No other jurisdictions are required to come before the Justice Department and ask for their permission as to whether they could make a change as simple as changing a date or making any change with respect to any election process in that jurisdiction.

So I would hope my friends on the other side who have, I think, appropriately opposed the gentleman's amendment would also recognize that there is a large area in which we should discuss the current status, vis-a-vis the current fact situations that exist with all jurisdictions.

Let us hope that as bad as the conduct has been in the past, that we believe in redemption and that we believe that there can be changed hearts, and we believe that we can change practices and that we believe that, in fact, maybe the good will of our fellow citizens will prevail. And when it has done so, let us recognize that, give them credit for it, and in the law provide incentives for other jurisdictions to also change their ways.

So with that, Mr. Chairman, I ask that we not support this amendment, but at the same time recognize the legitimacy of the shortcomings of the law, as applied currently, and the failure of the Congress to make the changes to give credit to those jurisdictions that have, in fact, acted in good faith.

I yield back the balance of my time.

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

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

Mr. FATTAH. Let me just make a couple of comments. I think that we've seen why this is not the process for these types of riders on a bill. In States that are not covered by section 5, there have been outrageous circumstances as it relates particularly to African Americans and access to the franchise. In Philadelphia, Octavius Catto was beaten to death just a few blocks from my childhood home when he tried to exercise his right to vote.

But our country has come a long way. We've made a lot of progress. But section 5 is there for a reason. In these States in the South, Nazi prisoners of war were treated better than African Americans who had served in the war.



For the party of Lincoln to be on the floor of the House today on this issue, when there were really Republicans that had joined in in the passage of the Voting Rights Act, where Members of my party refused to be willing to grant these rights to African Americans and to others, I think, is unfortunate. But I think we may be at a point where we can move forward.

To my friend from Georgia, who we are going to be in worship together tomorrow morning at 8 a.m., I yield to you.

Mr. BROUN of Georgia. I thank the gentleman from Pennsylvania.

I apologize to my dear friend from Georgia if he's gotten angry with this amendment. It was never my intent to do so. And I am going to ask unanimous consent to withdraw the amendment.

I deplore discrimination of any kind. As far as I am concerned, I believe in the Bible. I think it's the only standard of truth that we have. As far as I am concerned, there is only one race of people: it's the human race because we all came from Adam and Eve. And no one—no one should be discriminated against for any reason.

I have the same dream that Martin Luther King had, where people are accepted for their character and are not discriminated against for their skin or their forefathers or anything else. And any insinuation that I would ever believe in any kind of discrimination or that I would try to suppress anyone from having their constitutionally given rights, I detest that accusation, frankly.

Mr. FATTAH. The hour is late. Reclaiming my time, I want to thank you for withdrawing your amendment. And I thank the chairman for his previous statements in this regard.

Mr. BROUN of Georgia. I apologize for any hurt feelings that anyone has because I certainly wasn't meaning to try to hurt anybody's feelings.

Mr. FATTAH. Reclaiming my time, I thank you very much.

I yield back the balance of my time.

Mr. BROUN of Georgia. I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT NO. 24 OFFERED BY MR.  
HUELSKAMP

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. \_\_\_\_\_. None of the funds made available under this Act, may be used in contravention of the Defense of Marriage Act (Public Law 104 199).

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

Mr. HUELSKAMP. Mr. Chairman, I know the hour is late; but as I think

many of us believe, our Nation is not a Nation of men; it's a Nation of laws. When a Congress passes and a President of any party signs a bill into law, Mr. Chairman, it is the law of the land. And if a new President or a new Attorney General does not like an existing law when they come into office, it's not his or her prerogative to decide whether or not to enforce that particular law.

□ 2230

It is his or her constitutional obligation to defend it. But somehow, Mr. Chairman, I'm sorry to say this fact is lost on the current administration. In a very clear and flagrant violation of its responsibilities, the U.S. Department of Justice, under the direction of Attorney General Eric Holder, and with the blessing of the President, have decided not to enforce the Defense of Marriage Act, which has been the law of the land since JOE BIDEN voted for it in 1996 and it was signed into law by President Bill Clinton.

Tonight, I'm offering an amendment to prevent the Department of Justice from spending taxpayer money to undermine the Defense of Marriage Act and stop the Department of Justice from ultimately undermining the rule of law.

As many of us know, just last night the 30th State actually passed an amendment to amend its Constitution to protect traditional marriage. That would be the State of North Carolina. In my opinion, it likely becomes an easy target for the administration. My amendment would also prevent the Department of Justice from interfering in North Carolina, or any other State, over its marriage amendments and marriage laws.

We have 30 States that have marriage amendments: Alaska, Nevada, Mississippi, Missouri, Montana, Oregon, Colorado, Tennessee, Arizona, California, Nebraska, Arkansas, Georgia, Kentucky, Louisiana, North Dakota, Ohio, Oklahoma, Utah, Texas, my favorite State, Kansas, Alabama, Idaho, South Carolina, South Dakota, Wisconsin, Florida, North Carolina, Michigan, and Virginia.

The population of each of these States passed the marriage amendment to define marriage as they saw fit, and this amendment would protect those definitions from any contribution by this Department.

The Department of Justice and the President of the United States do not have to agree with the law, Mr. Chairman, but they certainly have to enforce it and respect it.

Even though I believe it would be in their political best interest to do so, 30 States have constitutional amendments, again, defining marriage between one man and one woman. We have current officials of this administration that have expressed their political preferences against traditional marriage, against the Defense of Marriage Act, and against various mar-

riage amendments. But whatever the platform contains, whatever their personal preferences are, unless those laws are changed, unless those amendments are repealed by the people of these States, they stand to remain the law of their States and they remain the law of the land.

It's clear, in my opinion, the administration is turning the Justice Department into a legal mouthpiece for its campaign rather than its purpose: to enforce the law. Most concerning is the fact that in turning the Justice Department into an instrument for legislating political favors rather than enforcing the rule of law, this becomes the Department of Politics, in my opinion—not the Department of Justice.

So, Mr. Chairman, I urge my colleagues to support this amendment, support the folks of 30 States, the citizens who have made decisions, and also the citizens of 50 States that have passed their marriage laws. These are protected under the Defense of Marriage Act under contravention by those of us in Washington.

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

Mr. FRANK of Massachusetts. I move to strike the requisite number of words.

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

Mr. FRANK of Massachusetts. Mr. Chairman, to begin, I have read this amendment. And if it were to be law in an hour, it does not appear that it would affect anything that's now happening in the Federal Government.

The gentleman said that they were trying to undermine the act and that they should enforce it. In fact, the administration has been very clear: while they disagreed with the act, they would like it repealed, they in fact believe it's unconstitutional, it is now on the books, and nothing is being done in contravention of the Defense of Marriage Act. That is, there are no things now going on where the Federal Government recognizes the rights of same-sex marriage.

So I guess my main opposition to this is that the bill is already big enough, but it doesn't add anything in substance. It adds a few words. I would yield if anyone can tell me what the reference is to not enforcing the act.

Now it is true the administration declined to defend the act in court, but not defending an act in court in no way means that you are contravening any enforcement. Going to court is a different story. As a matter of fact, the House Republican leadership has voted to go to court to defend it.

So I, again, would be glad if someone would tell me. The Defense of Marriage Act says the Federal Government will grant no rights to same-sex married couples that come from marriage. It's not doing that. I agree the administration doesn't like that, but the suggestion that they are undermining the law is simply wrong.

Now I understand—and this may be the confusion—that the gentleman

originally planned to offer a different amendment, and that amendment, he was told, was not in order. Maybe he changed the amendment and somebody forgot to change the speech, because the speech he gave may apply to the earlier amendment, but it doesn't apply to this one. So it seems to me kind of a waste. It's late in the evening. But the evening is shot anyway.

It does not say the administration shouldn't go to court. That is not contravening the Defense of Marriage Act. Contravening the Defense of Marriage Act would be extending benefits. And I want to reassure the gentleman, when I get married in July to Jim, I will not be looking for any Federal benefits. He wouldn't be eligible for my pension, even if I got one—I won't get one. But he wouldn't be eligible if I got one. I am very familiar with this.

In fact, nothing being done now by the Federal Government or contemplated by this administration contravenes the Defense of Marriage Act. What the administration says is: We think it's unconstitutional, and we are going to oppose it.

Now I know there are some who say—the gentleman from Kansas, I agree, didn't say that—some have said, How dare you to ask the court to throw out a law passed by Congress. You've heard that rhetoric. After all, Congress passed this. How does the court dare to overthrow it? Well, that's an argument I used to hear from my conservative friends a lot more before the health care bill came up.

So let's be clear, there are now two major pieces of legislation passed by this Congress—not this particular one—that are being contested and people are asking the U.S. Supreme Court to throw them out. One is the Defense of Marriage Act, one is the health care bill. You can be against, in principle, the court's throwing out an act of Congress as unconstitutional. You can be for it in principle and differ as to the application. But there isn't any way that you can say it is perfectly legitimate to cancel the health care bill through judicial intervention but not to challenge the Defense of Marriage Act.

So I assume they're going to want a roll call because they went through all this effort, they'd like to be able to talk about it in campaigns. It literally means nothing because there is no contravention going on now. So I'll be glad to vote against it. If other people vote for it, they can do so.

Again, the Defense of Marriage Act says you don't grant benefits to same-sex couples as if they were married. Nobody is doing that. That isn't happening. It isn't planned. It won't happen until and unless the Supreme Court finds unconstitutionality. And refusing to defend an act in court, in the English language, is not contravention. As a matter of fact, it says none of the funds made available may be used in contravention. Well, not going

to court is not using funds. Maybe he meant to say none of the funds under this act may be not used in contravention, because we certainly aren't spending by not spending any money. So maybe he meant to say we should spend the money, I don't know.

But I understand his original intention was ruled out of order. He had a place in the agenda, so he offered an amendment. But it doesn't mean very much.

I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I move to strike the last word.

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

Mr. NADLER. Mr. Speaker, I had anticipated and we had been told that the gentleman was going to offer an amendment that said none of the funds in this Act may be used by the Justice Department to argue for the Defense of Marriage Act in court. And I was going to object on the same grounds that I have in some other such amendments earlier day—that we should not be politicizing the Justice Department. We should not be telling them: Do defend this in court; don't defend that in court.

□ 2240

But as the gentleman from Massachusetts says, this amendment seems to do nothing at all. None of the funds made available under this act may be used in contravention of the Defense of Marriage Act. Well, none of the funds are being used in contravention of the Defense of Marriage Act. The only circumstance I can envision under which funds might be used in contravention of the Defense of Marriage Act would be after the Supreme Court declared the Defense of Marriage Act unconstitutional. If the Court declared the Defense of Marriage Act unconstitutional, then the Constitution frankly would demand under the equal protection clause that funds be spent against the will of what had been the Defense of Marriage Act.

If the Defense of Marriage Act is unconstitutional, then someone who is married under the laws of some State that permits same-sex marriage will demand to have joint filing of income taxes or demand the tax benefits that a spouse gets, and it would be unconstitutional not to grant that.

So this amendment is frankly silly and shouldn't clutter the statute books because until and unless the Defense of Marriage Act is declared unconstitutional, it means nothing. And once the Defense of Marriage Act is declared unconstitutional, if it is, then this itself would be unconstitutional as against the equal protection clause.

So I urge people to vote against it because, one, we shouldn't pass meaningless statutes, which this is or would be, unless DOMA is declared unconstitutional. And we shouldn't pass clearly unconstitutional statutes which this would be if DOMA is declared unconsti-

tutional. So it is either meaningless and unnecessary in the one case or unconstitutional in the other and, frankly, ought to be withdrawn, but certainly should not be voted for; and so I urge my colleagues not to vote for this, whatever you think of DOMA, frankly. Because if DOMA is declared unconstitutional, this would be unconstitutional; and if it's not, it's unnecessary and has no effect in any event. So I don't know what the point of wasting our time with it is, but we should oppose it.

I yield back the balance of my time.

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

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

Mr. POLIS. Mr. Chairman, this is a very strange amendment, as my colleagues have pointed out. We are obviously a very diverse country. Some States allow same-sex marriages; others do not. Some have civil unions. My home State of Colorado is currently discussing this issue in the State legislature. It is certainly very contentious, and I wish them well in coming to a speedy resolution.

What this amendment does is simply contravene something that doesn't occur. It talks about funds being used in contravention to the Defense of Marriage Act. There are no such funds. This administration, as the last administration, has followed the Defense of Marriage Act.

Certainly out of political convenience, I would say would that it were, if only this administration had been granting immigration rights or inheritance and survivorship rights to committed same-sex couples that were married in the States that have them; but it is simply not the case.

Now, I understand that there might be fears that perhaps some day a future administration might seek to violate the law in this area, but I think it shows a fixation to try to single out this area. I mean, a future administration or any administration might try to violate the law in any one of any number of areas. But to have a fixation on and support for a government takeover of the institution of marriage is a very dangerous precedent. And I wish my colleagues on the other side of the aisle would help preserve the integrity of marriage in this country and its importance to all families, including mine, and my colleague from Massachusetts and many others.

We do not currently use any funds in contravention of the Defense of Marriage Act. There are a number of us in this body who seek to repeal this act. This House as a whole has not repealed this act. It very much has the rule of law. But just like other laws, the administration and the executive branch are charged with implementing that law.

I think it is a bizarre step to single out one particular area of law with many, many, many laws that the executive branch operates under and say we

don't want them to violate this law when there is of course no evidence, no sign, no indication that any administration, Democratic or Republican, has any desire to violate this law.

The decision not to defend this law is unaffected by this amendment. To be clear, if this amendment passes, it has no bearing on the administration's decision not to defend the undefensible, namely, the government takeover of marriage that my colleagues on the other side of the aisle seem to support.

Marriage is a very personal relationship between two people who are in love. And, of course, it's precise definition is up to each State in terms of who they allow and under what conditions they allow to marry. And to have the Federal Government enter this debate is very contrary to the definition of marriage itself and frankly debases the thousands of same-sex marriages that have occurred in this country.

So again, while this amendment would do nothing and certainly wouldn't jeopardize the administration's decision not to defend the undefensible, namely, the government takeover of marriage, I still urge opposition to this measure because I think it is bizarre to single out one particular area or one particular type of marriage that some Members of this body may not personally approve of.

I yield back the balance of my time.

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

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

Mr. KING of Iowa. I rise in support of the Huelskamp amendment. I listened to the gentleman from Colorado say at least three times, a government takeover of marriage. Yes, the faith and the church and the churches have been the ones who have established marriage over the centuries and over the millennia. But when it comes to civil marriage, the government writes the rules. If the government is writing the rules, it's not a takeover of marriage. The definition of marriage from the beginning of time has been a man and woman joined together, hopefully in holy matrimony, for the purposes of encouraging a family unit and raising children and pouring our values down through that crucible of marriage into the next generation because that's the most successful and effective way that we can advance civilization.

Government has an interest in promoting marriage for the purposes of holding together the continuity of our culture and our civilization. It is not a nefarious thing. It's not the government taking over marriage. It is the voice of the American culture and the American people seeking to advance into the following generations the best values that we have.

And those that say it is discrimination to determine what marriage is, I would argue instead, Mr. Chairman, that government provides a license. The States provide licenses for marriage. A license is a definition to do

that which is otherwise illegal. A license to hunt, a license to carry a gun, a license to fish, for example.

Mr. POLIS. Will the gentleman yield?

Mr. KING of Iowa. I want to finish my statement, but if I have time, I will yield to the gentleman from Colorado.

States issue marriage licenses because they want to promote and encourage an activity and a behavior, not because they want to punish another behavior. It is because there is something that they have determined has value, and so they give a permit to do that which is otherwise illegal, and that's what a definition of a license is.

With regard to the President and the executive branch, the Constitution and the oath that's implied in the Constitution, the oath that the President takes that is implied that he adheres to in the Constitution says he shall take care that the laws are faithfully executed.

And so the law of the United States is DOMA, the Defense of Marriage Act. The President's obligation, and his appointees and all of those in the executive branch of government, is to take care that the laws are faithfully executed. The appointments of the President and the executive branch are bound by his oath, and they take their own oath to uphold this Constitution. And when the President of the United States decides he is going to flip on his position, or maybe let it evolve into a condition, and then direct, and I believe it is direct, the Department of Justice to first refuse to support and have the Solicitor General no longer support Federal law passed by a majority of this Congress, the House and Senate and signed by President Clinton and then turn around, and now we're concerned that they are going to use taxpayer resources to defy a legitimate law that is the will of the people and on the books in the Federal Register.

That's what the amendment does that Mr. HUELSKAMP has offered. It says it's bad enough that you don't keep your oath to take care that the laws of the United States are faithfully executed, and we want to say to you, Don't at least turn a 180 on us and go against the will of the American people and use taxpayer dollars to work against the will of the American people, against your oath of office and against the statute.

So out of courtesy, I would yield to the gentleman from Colorado.

Mr. POLIS. I thank the gentleman from Iowa.

Just for a brief question, the gentleman's home State of Iowa does allow same-sex couples to marry, and I would just like to ask in reference to the first part of your remarks whether your home State of Iowa in any way, shape, or form, whether civilization is in jeopardy or if any of the things that you mentioned in the early part of your remarks have, in fact, hurt your home State of Iowa?

Mr. KING of Iowa. Reclaiming my time, civilization is in jeopardy. It's in

jeopardy when you have seven supreme court justices in the State of Iowa who declare that they have found rights in the Constitution that were up to this point "unimagined." If you have justices that find unimagined rights in the Constitution, they are completely unqualified to legislate from the bench or determine what's constitutional and what's unconstitutional; and three of the seven were up for a retention ballot a year ago last November, and they were all three voted off the bench, the first time in the history of the State, partly because people disagreed with the policy they sought to impose by legislating from the bench, mostly because the people in the State understood that you cannot have judges that will find rights in the Constitution that were up to this point unimagined.

Judges that can imagine rights in the Constitution will take your rights away. A President that will change his position, that will not uphold his oath of office to take care that the laws are faithfully executed, that will direct the Department of Justice to work against and the Solicitor General to work against Federal law will turn this thing 180 and use the Federal resources against the will of the people of the United States, and that's the Huelskamp amendment, and I support it.

I yield back the balance of my time.

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

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

Mr. LATOURETTE. Mr. Chairman, I didn't plan to speak on this amendment; but I have to tell you, I find it to be an unfortunate amendment. I find it to be an unfortunate amendment not for what some people might suspect. I was here for the Defense of Marriage Act. I supported the Defense of Marriage Act. I believe the Defense of Marriage Act is constitutional.

But this amendment is symptomatic of what I think the problem of this Congress has been since it convened last January, and that is first the CR and then some other bills, and now the appropriations bills. Some folks have decided that they should just be a pinata, filled with all kinds of extraneous issues that have nothing to do with the core mission.

This issue that is the subject of this amendment, I would tell the author who was not here when DOMA was passed, is being resolved. The Justice Department, I think wrongly, made a decision not to defend the lawsuit. But as Mr. NADLER said in a previous amendment, and I commend him for saying it, that's the executive's prerogative. But once they make that decision, the Congress is not powerless, and the Congress has taken action. And so the committee that exists here in the House voted to employ outside counsel. Outside counsel is vigorously defending the House's position in the Defense of Marriage Act, and I think there are 30 lawsuits across the country.

□ 2250

This matter will be resolved, and the courts will either say that it's constitutional or unconstitutional, and then we will all abide by that decision.

Now, where I find fault with my Democratic friends is that we've had a couple of markups in the legislative branch, and they're all exercised about the money that it's costing us for outside counsel. Well, you can't have it both ways. Either the administration is going to defend it through the Justice Department, or we're going to avail ourselves of our constitutional responsibilities, hire outside counsel. So you can't criticize the speaker for paying a lawyer to defend their position.

Likewise, I would suggest to my side of the aisle that this doesn't belong on Mr. WOLF's bill. There is not a problem. This matter will be resolved; it is being resolved. I think that this entire string of limitation amendments is disturbing because they continue a pattern now that's gone on for 18 months, and I don't think that's what an open rule is all about.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

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

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman from Ohio who just spoke on the floor of the House. He's an appropriator, and he sees this litany of limitations as being challenging. I know that Members are probably drafting some more limitations as we speak, and I certainly respect their prerogative.

I would just add this point: as I listened to my good friend from Iowa—who I know is certainly a civil libertarian and believes in individual rights, and I would imagine the proponent of this amendment does as well—I would ask the proponent of the amendment, as he has listened to the debate, to simply withdraw the amendment.

There are several factors that would contribute to that: one, the query that was made by the gentleman from Massachusetts as to whether the amendment even does anything. But as well, if we look at the 10th Amendment—which my friends on the other side of the aisle have always paraded before us—that even though there is a Federal law, the DOMA law, that there are matters that should be left to the States.

As recounted by the gentleman from Colorado, there are many different positions on this issue throughout the different States. Some have positions, some do not. Now we have an amendment that simply seems to deal with actions stated by the executive on this very day.

My friend from Iowa wanted to speak about what the President has said and what he has not said. What are we discussing here, the views of the President or the actions of the executive? The ac-

tions of the executive, as has been stated, are their prerogative. And clearly, there have been no actions by the government that should be contravened.

More importantly, I believe in the civil liberties of all people and the rights of all people. I believe that this amendment undermines the rights of all people and would graciously ask this Member to look at it from both the perspective of individual rights, of civil liberties, of the 10th Amendment, and whether or not the executive has done anything that relates to his amendment.

I, lastly, will say that the President of the United States, who commented today, has every right to speak either his conscience, his heart, or his mind. An amendment on the floor attempting to question that has no relationship to speech today versus actions which need to be contravened. There are no actions to be contravened, so I ask the gentleman to respectfully withdraw his amendment.

I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I wasn't going to speak, but I have heard this argument made time and time again that it's the prerogative of the executive branch to decide whether it's going to defend a law legally passed by the Congress and signed by the President. That is hyperbole. That is incorrect.

There is an obligation, by tradition and by the law, that the Attorney General is duty bound to defend duly constituted laws of the United States so long as he or she can find a constitutional basis for it. It is not the purpose, nor has it been in the past, in Democratic and Republican administrations, for a Justice Department to arrogate to themselves the responsibility of deciding which laws they like and which laws they did not like. You are supposed to be the attorney for the United States and recognized as such.

I recall as Attorney General of California I was required at times to defend laws that I had voted against, but I could find a constitutional basis for it. My real problem with this administration is they strained to find any constitutional basis to not defend. That is turning it on its side.

The point of fact is when the executive branch does not do what they should do, it requires us to make a decision as to whether we should now pay for outside counsel. That has not been the tradition of the United States.

This Justice Department, in my judgment, based on the experience I've had here in this Congress, 18 years, my years as the chief legal officer of the State of California, and 35 or 40 years as a practicing attorney, tells me that this administration has fundamentally failed in its obligation to attempt to faithfully carry out the laws of the

United States, not to wake up every morning and decide: I think I can find an unconstitutional basis for a law passed by the Congress.

Think of what that would mean. It would mean that you have an administration in every instance deciding what laws they want and what laws they don't want that are on the books, instead of coming here to the Congress and attempting to change what the law is. If we believe that we have an obligation when we hold up our hands to uphold the Constitution, that means we don't just turn over things to the courts and say you decide whether it's constitutional.

We are duty bound to pass what we think are constitutional laws. And the administration—of whatever stripe—is obligated to attempt to defend those laws unless they can't find a constitutional basis for it, not to seek every possible unconstitutional basis so they don't have to defend. That's what the problem is here.

And so while I understand many of the arguments made here and I understand what my friend from Ohio said—and I agree with much of what he said—let's not just say, well, it's the prerogative of the executive branch to decide if they want to defend laws passed by the United States. That has not been the tradition of this country. It has not been the experience. It has not been the legacy of Democratic and Republican administrations going back to the founding of this Republic.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentlelady.

□ 2300

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman from California. I'm not sure if he misinterpreted comments that have been made on the floor of the House, but I will just speak to this point.

That is too broad a statement to say about the present Department of Justice when every single day lawyers in the Department of Justice, including the Attorney General, go out and defend the laws of this land. And so I'd ask the gentleman to reflect on that broad statement because that is not accurate.

I thank the gentleman for yielding.

Mr. DANIEL E. LUNGREN of California. I take back my time.

I will not accept the gentlelady's argument that I was condemning the actions of those people in the Justice Department who are excellent civil servants.

I am specifically talking about the Attorney General of the United States who, evidently, made the decision or, if he didn't make the decision, failed to make the proper decision to uphold the laws of the United States duly enacted by this Congress.

I yield back the balance of my time.

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

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

Mr. FATTAH. 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 Kansas will be postponed.

Mr. CLARKE of Michigan. Mr. Chairman, I move to strike the last word.

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

Mr. CLARKE of Michigan. I rise to engage in a colloquy with the esteemed subcommittee chair.

First of all, I wanted to support the inclusion of \$47 million in the National Science Foundation Educational and Human Resources Account. This is going to really further the effort to help educate Americans in the area of science, technology, engineering, and mathematics. It will help inspire many of our young people to study math and science and then go into these engineering and technology fields as careers.

Some of the most engaging ways to inspire young people to study math and science involve informal education settings, such as our science centers throughout this country, most notably, the Detroit Science Center, which engages in programs that inspire many inner-city youth and metro-Detroit youth to get involved in education in science and mathematics.

So I wanted to thank the chair and the ranking member for including the resources in the National Science Foundation's budget to help provide competitive grants to many organizations such as the Detroit Science Center to help further inspire and engage our young people to study math and science.

And we have a lot of jobs available, even in metro Detroit in manufacturing and technology. We just need the people trained in those areas. This effort, this funding will help encourage many of our young people to enjoy the intellectual stimulation of math and science, and then encourage them to go into careers that are not only fruitful for them, but will help our country's economy become more competitive in the global marketplace.

Mr. WOLF. Will the gentleman yield? Mr. CLARKE of Michigan. I yield to the gentleman from Virginia.

Mr. WOLF. I thank the gentleman for his interest in and advocacy for STEM education. I share his belief that STEM education must be a national priority, and I think the more we invest in it, it is very important for this country so the 21st century is the American century and not the Chinese century. And I look forward to working with him on this issue as we move forward.

Mr. CLARKE of Michigan. Mr. Chair, I yield back the balance of my time.

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. WESTMORELAND) 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 RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5652, SEQUESTER REPLACEMENT RECONCILIATION ACT OF 2012

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112 472) on the resolution (H. Res. 648) providing for consideration of 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 House 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.

□ 2305

#### 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, an amendment offered by the gentleman from Kansas (Mr. HUELSKAMP) had been disposed of and the bill had been read through page 101, line 10.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 24 by Mr. HUELSKAMP of Kansas.

An amendment by Mr. LANDRY of Louisiana.

Amendment No. 32 by Mr. GARDNER of Colorado.

An amendment by Mr. ROHRBACHER of California.

An amendment by Mr. LEWIS of Georgia.

An amendment by Mr. HOLT of New Jersey.

Amendment No. 7 by Mr. CRAVAACK of Minnesota.

Second amendment by Mr. FLAKE of Arizona.

Third amendment by Mr. FLAKE of Arizona.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 24 OFFERED BY MR. HUELSKAMP

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. HUELSKAMP) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 171, not voting 15, as follows:

[Roll No. 235]

AYES—245

Adams	Denham	Hurt
Aderholt	Dent	Issa
Akin	DesJarlais	Jenkins
Alexander	Diaz-Balart	Johnson (IL)
Amash	Dold	Johnson (OH)
Amodei	Dreier	Johnson, Sam
Austria	Duffy	Jones
Bachmann	Duncan (SC)	Jordan
Bachus	Duncan (TN)	Kelly
Barletta	Ellmers	King (IA)
Barrow	Emerson	King (NY)
Bartlett	Farenthold	Kingston
Barton (TX)	Fincher	Kinzinger (IL)
Bass (NH)	Fitzpatrick	Kissell
Benishek	Flake	Kline
Berg	Fleischmann	Labrador
Biggart	Fleming	Lamborn
Bilbray	Flores	Lance
Bilirakis	Forbes	Landry
Bishop (GA)	Fortenberry	Lankford
Bishop (UT)	Fox	Latham
Black	Franks (AZ)	Latta
Blackburn	Frelinghuysen	Lipinski
Bonner	Galleghy	LoBiondo
Boren	Gardner	Long
Boustany	Garrett	Lucas
Brady (TX)	Gerlach	Luetkemeyer
Brooks	Gibbs	Lungren, Daniel
Brown (GA)	Gibson	E.
Buchanan	Gingrey (GA)	Mack
Bucshon	Gohmert	Manzullo
Buerkle	Goodlatte	Marchant
Burgess	Gosar	Marino
Burton (IN)	Gowdy	Matheson
Calvert	Granger	McCarthy (CA)
Camp	Graves (GA)	McClintock
Campbell	Graves (MO)	McCotter
Canseco	Griffin (AR)	McHenry
Capito	Griffith (VA)	McIntyre
Carter	Grimm	McKeon
Cassidy	Guinta	McKinley
Chabot	Guthrie	McMorris
Chaffetz	Hall	Rodgers
Chandler	Harper	Meehan
Coble	Harris	Mica
Coffman (CO)	Hartzler	Miller (FL)
Cole	Hastings (WA)	Miller (MI)
Conaway	Heck	Miller, Gary
Costello	Hensarling	Mulvaney
Cravaack	Herger	Murphy (PA)
Crawford	Herrera Beutler	Myrick
Crenshaw	Holden	Neugebauer
Critz	Huelskamp	Noem
Cuellar	Huizenga (MI)	Nugent
Culberson	Hultgren	Nunes
Davis (KY)	Hunter	Nunnelee