

[Roll No. 72]

YEAS—293

Alexander
Altmire
Amodi
Andrews
Austria
Baca
Baldwin
Barletta
Barrow
Bartlett
Bass (CA)
Bass (NH)
Becerra
Benishkek
Berg
Berkley
Berman
Biggert
Billbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Brady (TX)
Braley (IA)
Buchanan
Buoshon
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Conyers
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Ellmers
Emerson
Engel
Eshoo
Fattah
Fincher
Fitzpatrick
Fleischmann
Flores
Frank (MA)
Frelinghuysen
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Green, Al
Green, Gene

Griffin (AR)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hanabusa
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Kaptur
Keating
Kelly
Kildee
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourrette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeback
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McGovern
McHenry
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, Gary

Miller, George
Moore
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Nunes
Nunnelee
Oliver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Pelosi
Pence
Perlmutter
Peters
Pitts
Platts
Polis
Price (GA)
Price (NC)
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Sanchez, Linda
T.
Sanchez, Loretta
Scalise
Schakowsky
Schiff
Schilling
Schock
Schwartz
Schweikert
Scott (SC)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuster
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sutton
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Velázquez
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt

Waxman
Webster
Westmoreland
Wittman

Womack
Yarmuth
Yoder
Young (AK)

Young (FL)
Young (IN)

NAYS—132

Ackerman
Adams
Aderholt
Akin
Amash
Bachmann
Bachus
Barton (TX)
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brooks
Broun (GA)
Buerkle
Burgess
Burton (IN)
Capuano
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Clarke (NY)
Clay
Cleaver
Connolly (VA)
Cooper
Costello
Cummings
Davis (IL)
DeFazio
DesJarlais
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Farenthold
Farr
Filner
Flake
Fleming
Forbes

Fortenberry
Foxx
Franks (AZ)
Fudge
Gallegly
Gardner
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffith (VA)
Gutierrez
Hall
Harris
Hastings (FL)
Hoyer
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jordan
Kind
King (IA)
Kingston
Labrador
Lamborn
Landry
Lankford
Lee (CA)
Lummis
Lynch
McClintock
McCotter
McDermott
McKinley
Mica
Miller (FL)
Moran
Mulvaney
Neugebauer
Noem

Nugent
Olson
Pearce
Peterson
Petri
Pingree (ME)
Poe (TX)
Pompeo
Posey
Quayle
Reyes
Roby
Roe (TN)
Rogers (AL)
Rohrabacher
Rokita
Ross (FL)
Royce
Ryan (OH)
Ryan (WI)
Sarbanes
Schmidt
Schrader
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Simpson
Smith (WA)
Sullivan
Terry
Thompson (CA)
Thornberry
Van Hollen
Visclosky
Walberg
Welch
West
Whitfield
Wilson (FL)
Wilson (SC)
Wolf
Woodall
Woolsey

NOT VOTING—8

Bono Mack
Brown (FL)
Campbell

Gosar
Paul
Payne

Rangel
Shuler

□ 1140

Messrs. LABRADOR, GRAVES of Missouri, Ms. WILSON of Florida, Messrs. GOODLATTE, OLSON, and HALL changed their vote from “yea” to “nay.”

Messrs. CROWLEY, ALTMIRE and Ms. WASSERMAN SCHULTZ changed their vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. BROWN of Florida. Mr. Speaker, on rollcall No. 72, had I been present, I would have voted “yea.”

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

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

Pursuant to clause 1, rule I, the Journal stands approved.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. BARLETTA. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1380.

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

There was no objection.

□ 1140

RELATING TO THE MATTER OF REPRESENTATIVE MAXINE WATERS

The SPEAKER pro tempore laid before the House the following communication from the chair of the Committee on Ethics:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ETHICS,
February 17, 2012.

Hon. JOHN BOEHNER,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to House Rule XI, clause 3(b)(5) and Committee Rule 9(e), and with the unanimous approval of the Committee on Ethics (Committee), I am writing to request the appointment of six substitute Members, necessitated by voluntary recusals, to serve for any Committee proceeding related to the Matter of Representative Maxine Waters (the matter) currently before this Committee.

TIMING OF RECUSAL

Prior to the end of the 111th Congress, the bipartisan leadership of the Committee/each recognized the need to hire outside counsel to complete this matter. On July 20, 2011, the Committee announced that it voted unanimously to hire Attorney Billy Martin as outside counsel to review, advise and assist the Committee in completing the matter.

A key phase of Mr. Martin's assistance is to review allegations that this Committee violated due process rights or rules attaching to Representative Waters. In addition, Mr. Martin was asked to address whether recusal of any Members of the Committee should be considered and when would be the most appropriate time for his recommendations regarding recusal.

Mr. Martin has informed the Committee that he has reviewed tens of thousands of pages of documents, and has interviewed current and former Committee Members as well as current and former Committee staff. Each current and former Committee Member and current employee, who was requested for interview, fully cooperated with Mr. Martin.

However, Mr. Martin has advised that one necessary witness has refused to appear voluntarily and, when subpoenaed to testify, communicated to the Committee that the witness would refuse to answer questions on the basis of the witness's Fifth Amendment privilege.

The witness's refusal to answer questions prevents the completion of the due process review. While Mr. Martin had advised that the most appropriate time to present his recommendations regarding recusal would be upon the completion of his due process review, he has now counseled the Committee to advance that timing and consider the recusal recommendations prior to considering the witness's refusal to testify.

As the Committee must now determine its next steps in this matter, Mr. Martin has recommended that the leadership of the current Committee/and four Members who

served on the Committee in the 111th Congress consider recusal from further proceedings in this matter. After careful consideration, these six Committee Members have requested their voluntary recusal.

REASONS FOR RECUSAL

Mr. Speaker, the record should note that these recusal requests are not based on any indication of any wrongdoing or inappropriate partisanship by the Members. In fact, Mr. Martin has advised the Committee that, to date:

1. He has not discovered any evidence to indicate actual bias or partiality by any current Member or staff of the Committee;

2. He has not discovered any evidence that should cause a mandatory recusal of any current Member or staff of the Committee; and

3. There is no conflict which would require the disqualification or recusal of any current Member or staff of the Committee.

Instead, these recusal requests come from Members of the Committee who voluntarily cooperated with Mr. Martin's review, voluntarily appeared for interviews with Mr. Martin, and voluntarily produced a voluminous number of documents in their possession. The Members requested recusal because:

1. They believe that, out of an abundance of caution and to avoid even an appearance of unfairness, their voluntary recusal will eliminate the possibility of questions being raised as to the partiality or bias of Committee Members considering this matter;

2. They want to assure the public, the House, and Representative Waters that this investigation is continuing in a fair and unbiased manner; and

3. They want to move this matter forward in a manner that supports the greatest public confidence in the ultimate conclusions of the Committee.

Both the Committee and Mr. Martin recognize that recusal is an extremely rare occurrence and should not be sought without careful consideration by the Members. While the Members believe that they each can render an impartial and unbiased decision in any proceeding related to this matter, the Committee takes this extraordinary measure—in this unique circumstance—to further the best interests of the House and to permit this matter to be brought to a conclusion.

VOLUNTARY RECUSAL OF SIX MEMBERS

Therefore, Members of the Committee who have requested recusal are: Representative Jo Bonner, Representative Linda T. Sanchez, Representative Michael T. McCaul, Representative K. Michael Conaway, Representative Charles W. Dent, and Representative Gregg Harper. The Committee has unanimously accepted and approved these requests.

Furthermore, outside counsel has discovered no evidence indicating bias or partiality on the part of former Members or requiring the exclusion of any former Members of the Committee from serving as substitute Members. However, out of an abundance of caution and for the same reasons as the current Members volunteering their recusal, Mr. Martin has recommended that no Member who served on the Committee in the 111th Congress should serve as a substitute Member in this matter. In addition, for the same reasons, no current Committee staff who had previously worked on the matter will be involved in further proceedings in the matter.

The Committee has taken these steps, pursuant to House Rule XI, clause 3(b)(5) and Committee Rule 9(e). Accordingly, I request that six substitute Members of the Committee be appointed. These substitute Members will serve the Committee only for the purpose of bringing the Matter of Representative Waters to a fair and just conclusion. The service of the substitute Members will

end with the conclusion of the Matter of Representative Waters. I shall remain Chairman of the Committee, Representative Sanchez shall remain the Ranking Member, and all other recused Members will continue to serve on the Committee for all other purposes.

Sincerely,

JO BONNER,
Chairman.

The SPEAKER pro tempore. Pursuant to clause 3(b)(5) of rule XI, the Chair announces the Speaker's designation of the following Members to act in any proceeding of the Committee on Ethics relating to the Matter of Representative MAXINE WATERS:

Mr. GOODLATTE
Mr. LATOURETTE
Mr. SIMPSON
Mrs. CAPITO
Mr. GRIFFIN of Arkansas
Mr. SARBANES

DIRECTING THE CLERK TO PROVIDE AUDIO BACKUP FILE OF DEPOSITION OF WILLIAM R. CLEMENS

Mr. DREIER. Mr. Speaker, I send to the desk a resolution (H. Res. 558) directing the Clerk of the House of Representatives to provide a copy of the on-the-record portions of the audio backup file of the deposition of William R. Clemens that was conducted by the Committee on Oversight and Government Reform on February 5, 2008, to the prosecuting attorneys in the case of *United States of America v. Clemens*, No. 1:10-cr-00223-RBW (D.D.C.), and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 558

Whereas on February 5, 2008, William R. Clemens voluntarily appeared in Washington, DC and was deposed by the Committee on Oversight and Government Reform of the House of Representatives in connection with that Committee's investigation into the use of steroids and other performance-enhancing substances in professional sports, and in Major League Baseball in particular;

Whereas the written transcript of Mr. Clemens' deposition, prepared by the Official Reporters of the House, with an Errata Sheet prepared by Mr. Clemens' counsel included as an Appendix, is the official House record of that proceeding;

Whereas this deposition and Mr. Clemens' public appearance before the Committee on Oversight and Government Reform on February 13, 2008, raised significant questions about Mr. Clemens' truthfulness, as a result of which the then Chair and ranking minority member jointly requested, on or about February 27, 2008, that the Department of Justice investigate whether Mr. Clemens committed perjury or knowingly made false statements in the course of the deposition or his February 13, 2008 public appearance;

Whereas the Department of Justice did in fact investigate whether Mr. Clemens com-

mitted perjury or knowingly made false statements in the course of his February 5, 2008 deposition and/or his February 13, 2008 public appearance before the Committee;

Whereas as a result of the Department of Justice's investigation, Mr. Clemens subsequently was indicted by a grand jury on one count of obstruction of Congress in violation of sections 1505 and 1515(b) of title 18, United States Code, 3 counts of making false statements in violation of sections 1001(a)(2) and (c)(2) of title 18, United States Code, and 2 counts of perjury in violation of section 1621(1) of title 18, United States Code;

Whereas the Department of Justice has requested via letter that the House voluntarily provide to it a copy of the on-the-record portions of an audio backup file of Mr. Clemens' deposition;

Whereas by the privileges and rights of the House of Representatives, an audio backup file of Mr. Clemens' deposition may not be taken from the possession or control of the Clerk of the House of Representatives by mandate of process of the article III courts of the United States, and may not be provided pursuant to requests by the court or the parties to *United States of America v. Clemens* except at the direction of the House; and

Whereas it is the judgment of the House of Representatives that, in the particular circumstances of this case, providing a copy of the on-the-record portions of an audio backup file of Mr. Clemens' deposition to the prosecuting attorneys in the case of *United States v. Clemens* would promote the ends of justice in a manner consistent with the privileges and rights of the House: Now, therefore, be it

Resolved, That the House of Representatives directs the Clerk of the House to provide for use at trial a copy of the on-the-record portions of the audio backup file of the deposition of William R. Clemens that was conducted by the Committee on Oversight and Government Reform on February 5, 2008, to the prosecuting attorneys in the case of *United States of America v. Clemens*, No. 1:10-cr-00223-RBW (D.D.C.).

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1150

ADJOURNMENT TO TUESDAY, FEBRUARY 21, 2012

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Tuesday, February 21, 2012; when the House adjourns on that day, it adjourn to meet at 10 a.m. on Friday, February 24, 2012; and, when the House adjourns on that day, it adjourn to meet at 2 p.m. on Monday, February 27, 2012.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3086

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3086.

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