

Adoption of a “policy, practice, or procedure” is not an exercise in prosecutorial discretion; rather, the exercise of prosecutorial discretion involves a determination as to whether a particular individual or entity should be the subject of an enforcement action for past conduct.

□ 1530

In other words, nothing in this bill limits prosecutorial discretion. Thus, inserting into the bill an exception for the undefined term “prosecutorial discretion” would only serve to cause confusion.

Worse, including an exception for prosecutorial discretion would also allow the executive branch to move to dismiss every case brought pursuant to this bill on the grounds that it was merely exercising prosecutorial discretion. This would result in costly and wasteful delays in the court’s ability to decide the merits of these important separation of powers disputes in a timely manner.

Additionally, if adopted, the amendment would cause confusion as to the meaning of the Take Care Clause itself. The clause imposes an affirmative duty on the President to “take care that the laws be faithfully executed.” This amendment proposes to interpret that duty by codifying into statutory law that there is a “constitutional authority of the executive branch to exercise prosecutorial discretion.”

However, unlike the duty imposed by the Take Care Clause, the words “prosecutorial discretion” appear nowhere in the text of the Constitution. We should not place an undefined limit on the Take Care Clause into the United States Code.

Finally, the amendment would, in practice, act to prohibit the Federal courts from further refining the contours of appropriate prosecutorial discretion. The base bill seeks to encourage courts to engage in active constitutional issues, not to put entire categories of subjects off-limits from review by the Federal courts.

I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman from New York has 1½ minutes remaining.

Mr. NADLER. I will yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, this is about deporting the DREAM Act students. On page 13 of the committee report, the majority calls out for condemnation the exercise of prosecutorial discretion relative to the DREAMers. It is quite a departure from when Republicans joined with Democrats to say that it is well established that prosecutorial discretion can be used in immigration cases and asking that guidelines be developed and be implemented and used for categories of individuals.

In fact, the “discretion” in “prosecutorial discretion” comes from the Take Care Clause. That is what the Supreme Court has told us. That is the guidance we have from the highest law in the land.

What this is really about, Mr. Chairman, is about the majority’s apparently voracious appetite to deport these young people. That is why the deportation of DREAMers is called out in the committee report. It is why they oppose prosecutorial discretion. I think it is quite a shame.

Mr. GOODLATTE. May I inquire how much time each side has remaining?

The Acting CHAIR. The gentleman from Virginia has 2½ minutes remaining, and the gentleman from New York has 30 seconds remaining.

Mr. GOODLATTE. At this time, I am pleased to yield 2 minutes to the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. Thank you, Mr. Chairman.

Mr. Chairman, prosecutorial discretion encompasses the executive power to decide whether to bring charges, seek punishment, penalties, or sanctions. This next line is really important. It does not include the power to disregard other statutory obligations.

Mr. Chairman, that is from a United States Supreme Court case. So, I guess my question is: I have heard about immigration. I haven’t mentioned immigration. I want to talk about mandatory minimums in drug cases. That has been the law for 20-something years. You have X amount of methamphetamine, you get X amount of time in prison. It is called a mandatory minimum. Are you telling me that the phrase “prosecutorial discretion” includes the Attorney General telling his prosecutors to disregard the law, not to not prosecute the case? That would be consistent. He is not telling them not to prosecute the case. He is telling them don’t inform the judiciary of the drug amounts. That is not prosecutorial discretion; that is anarchy.

So, yes, Mr. NADLER, I agree—or my friend from New York, I agree, Mr. Chairman, with the concept of prosecutorial discretion. I used it for 16 years. But your amendment does not define it. And my fear is—while my friend from New York would never do this, my fear is some may overread it to include allowing a President to disregard obligations that we place on him or her, and under no theory of prosecutorial discretion is that legal.

Mr. NADLER. Mr. Chairman, I don’t have the time to answer all of Mr. GOWDY’s arguments except to say that if this bill were to pass, which it won’t because the Senate won’t look at it, but if the bill were to pass and if my amendment were adopted, it would simply make it easier for the courts to define what prosecutorial discretion is and is not, and I am confident that they would agree with Mr. GOWDY as to some of the horrors not being prosecutorial discretion. But since it would

put prosecutorial discretion as an exception to the bill, then you could get a judicial determination as to what prosecutorial discretion is and what it isn’t.

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

Mr. GOODLATTE. Mr. Chairman, for the reasons already cited, I urge my colleagues to oppose this amendment which would gut the bill, and I yield back the balance of my time.

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

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

Mr. NADLER. 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 York will be postponed.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. GOWDY) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

EXECUTIVE NEEDS TO FAITHFULLY OBSERVE AND RESPECT CONGRESSIONAL ENACTMENTS OF THE LAW ACT OF 2014

The Committee resumed its sitting.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE

The Acting CHAIR (Mr. DUNCAN of South Carolina). It is now in order to consider amendment No. 3 printed in part A of House Report 113-378.

Ms. JACKSON LEE. 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:

Add, at the end of the bill, the following:

(d) LIMITATION.—Nothing in this Act limits or otherwise affects the ability of the executive branch to comply with judicial decisions interpreting the Constitution or Federal laws.

The Acting CHAIR. Pursuant to House Resolution 511, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, frankly, maybe I should offer a good thanks to the distinguished members of the majority, the Republicans, my chairman and others, for giving us an opportunity to have a deliberative constitutional discussion that reinforces

the sanctity of this Nation and how well it is that we have lasted some 400 years operating under a Constitution that clearly defines what is constitutional and what is not.

The ENFORCEMENT Act is not constitutional, but it gives us an opportunity to raise these issues. That is what freedom is. That is what the opportunity of democracy is all about. So the Jackson Lee amendment engages in this discussion to reinforce that there are constitutional problems with the ENFORCE Act.

My amendment excludes from the scope of the bill any executive action taken to comply with judicial decisions interpreting the constitutional Federal laws. The amendment would ensure that one House of Congress cannot initiate dilatory legal challenges when executive actions were taken to comply with the judicial decisions.

A couple of weeks ago, I believe in the month of February, the Speaker of the House came forward regarding a serious issue when they announced that they were prepared to move forward with discussions on immigration reform. Then, less than 5 days later, the Speaker took to the airwaves and indicated that that offer of bipartisanship has been pulled down because of the trust question of the President of the United States.

Mr. Chairman, I cannot tell you what happened in those 5 days. The President led the country; the President provided for the country; the President listened to the American people; the President has been the Commander in Chief; and the President has provided that kind of fiscal responsibility working on the omnibus, the budget, and I don't know what happened.

But what I will say to you is I can see no reason for this kind of legislation to come to the floor of the House and to be able to clearly poke a spear, if you will, in the eye of article 2 that says, "The executive power shall be vested in a President of the United States of America." This President has that power.

My amendment will ensure that whatever passes here allows the President to be able to handle the business of the American people through judicial and Federal statutes without interference. I would ask my colleagues to support my amendment.

I reserve the balance of my time.

Mr. Chair, I thank you for allowing a chance to explain my amendment.

The purpose of H.R. 4138 is to provide a mechanism for one House of Congress to enforce the "take care" clause in article II, section 3 of the United States Constitution, which requires the President to "take Care that the Laws be faithfully executed—but in fact has the opposite effect."

That is why my amendment protects the ability of the Executive Branch to comply with judicial decisions interpreting the Constitution or Federal laws.

The Jackson Lee Amendment excludes from the scope of the bill any executive action taken to comply with judicial decisions interpreting the Constitution or Federal laws.

The amendment would ensure that one house of Congress could not initiate dilatory legal challenges when executive actions were taken to comply with judicial decisions.

The bill authorizes either chamber of Congress to bring a civil action against the executive branch for failure to faithfully execute existing laws.

My colleagues on the other side argue that lawsuits by Congress to force the administration to enforce federal laws will prevent the president from exceeding his constitutional authority, but the Supreme Court has Constantly held that the exercise of executive discretion being taken by President Obama is within the president's powers under the Constitution.

It is hard to believe that I would even need an amendment which instructs the Executive Branch that it is okay to—ENFORCE THE LAW.

If separation-of-powers principles require anything, it is that each branch must respect its constitutional role.

When a court issues a decision interpreting the Constitution or a federal law, the other branches must abide by the decision.

The Executive Branch's ability to fulfill its obligation to comply with judicial decisions should not be hampered by a civil action by Congress pursuant to this bill.

Basic respect for separation of powers requires adoption of this amendment.

But that is exactly what this bill is doing—in seeking to usurp the powers of the president—particularly President Obama—my colleague whom I realize was a former prosecutor—has put forth a piece of legislation which baffles me.

In our Constitutional Democracy, taking care that the laws are executed faithfully is a multifaceted notion.

And it is a well-settled principle that our Constitution imposes restrictions on Congress' legislative authority, so that the faithful execution of the Laws may present occasions where the President declines to enforce a congressionally enacted law because he must enforce the Constitution—which is the law of the land.

In fact Mr. Chair, if the legislation raises no question of constitutionality, the laws that we pass in this pose complicated questions, and executing them can raise a number of issues of interpretation, application or enforcement that need to be resolved before a law can be executed.

This bill, H.R. 4138, The ENFORCE Act, has problems with standing, separation of powers, and allows broad powers of discretion incompatible with notions of due process.

The legislation would permit one House of Congress to file a lawsuit seeking declaratory and other relief to compel the President to faithfully execute the law. Any such decision would be reviewable only by the Supreme Court.

These are critical problems. First, Congress is unlikely to be able to satisfy the requirements of Article III standing, which the Supreme Court has held that the party bringing suit have been personally injured by the challenged conduct.

In the wide array of circumstances in which the bill would authorize a House of Congress to sue the president, that House would not have suffered any personal injury sufficient to satisfy Article III's standing requirement in the absence of a complete nullification of any legislator's votes.

Second, the bill violates separation of powers principles by inappropriately having courts address political questions that are left to the other branches to decided.

And Mr. Chair, I thought the Supreme Court had put this notion to rest as far back as *Baker v. Carr*, a case that hails from 1962. Baker stands for the proposition that courts are not equipped to adjudicate political questions—and that it is impossible to decide such questions without intruding on the ability of agencies to do their job.

Third, the bill makes one House of Congress a general enforcement body able to direct the entire field of administrative action by bringing cases whenever such House deems a President's action to constitute a policy of non-enforcement.

This bill attempts to use the notion of separation of powers to justify an unprecedented effort to ensure that the laws are enforced by the president—and I say one of the least creative ideas I have seen in some time.

I ask my colleagues to support the Jackson Lee Amendment, which again, protects the ability of the Executive Branch to comply with judicial decisions interpreting the Constitution or Federal laws.

Mr. Chair, the United States Constitution is sacrosanct—let's support it!

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

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

Mr. GOODLATTE. Mr. Chairman, I oppose this amendment, as it would gut the bill.

Read the text of the amendment. The amendment would explicitly prohibit the bill from affecting the executive branch's compliance with judicial decisions interpreting the Constitution or Federal laws. But that is exactly the point of the base bill.

The base bill encourages the courts to decide constitutional issues relating to the Constitution's separation of powers between the branches of government. We would of course expect the President to obey those decisions from the courts, yet this amendment would grant the President the authority to defy those very court decisions by making sure that the President did not have to be, quote, affected by them.

This amendment only adds insult to injury. It would take a bill designed to encourage the Federal courts to engage in the constitutional issues of the day and amend it to explicitly allow the President to defy the decisions of those courts.

There is no reason to exempt court decisions from the bill's coverage. The base bill allows Congress to bring lawsuits if the President fails to faithfully execute the laws. The President is obligated to follow Federal court decisions to the same extent he must follow Federal statutes, treaty obligations, and, of course, the Constitution itself.

Rather than furthering the bill's goal of enforcing the Take Care Clause, the amendment would create an enormous loophole in the bill's coverage, and so I must urge my colleagues to reject this gutting amendment.

I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentlewoman from Texas has 2½ minutes remaining.

Ms. JACKSON LEE. Let me make this point, and I will yield 15 seconds to the distinguished gentlelady from California.

But I thank the gentleman from Virginia for his eloquence. Obviously, he is from the great State of Thomas Jefferson, and I certainly am from the great law school of Thomas Jefferson, the University of Virginia School of Law.

But let me just say that what this bill intends to do, the power the bill purports to assign to Congress to sue the President over whether he has properly discharged his constitutional obligations to take care that the laws be faithfully executed, exceeds—he knows it exceeds any constitutional boundaries. He is challenging the President on decisions that they don't agree with that are political. They don't agree with deferred adjudication. They don't agree with the DREAM Act youngsters. They don't agree that we should move forward on immigration reform. They are challenging him on his right to exert his power.

I yield 15 seconds to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I agree with the amendment.

I would note that the late Henry Hyde signed the letter urging for prosecutorial discretion. That is part of the law recognized by the Supreme Court in the Arizona case. I do not believe that the late Henry Hyde would have urged the administration to do something that did not comport with the Constitution or the law, and I include for the RECORD this letter.

CONGRESS OF THE UNITED STATES,

Washington, DC, November 4, 1999.

Re Guidelines for Use of Prosecutorial Discretion in Removal Proceedings

Hon. JANET RENO,

Attorney General, Department of Justice, Washington, DC.

Hon. DORIS M. MEISSNER,

Commissioner, Immigration and Naturalization Service, Washington, DC.

DEAR ATTORNEY GENERAL RENO AND COMMISSIONER MEISSNER: Congress and the Administration have devoted substantial attention and resources to the difficult yet essential task of removing criminal aliens from the United States. Legislative reforms enacted in 1996, accompanied by increased funding, enabled the Immigration and Naturalization Service to remove increasing numbers of criminal aliens, greatly benefitting public safety in the United States.

However, cases of apparent extreme hardship have caused concern. Some cases may involve removal proceedings against legal permanent residents who came to the United States when they were very young, and many years ago committed a single crime at the lower end of the "aggravated felony" spectrum, but have been law-abiding ever since, obtained and held jobs and remained self-sufficient, and started families in the United States. Although they did not become United States citizens, immediate family members are citizens.

There has been widespread agreement that some deportations were unfair and resulted

in unjustifiable hardship. If the facts substantiate the presentations that have been made to us, we must ask why the INS pursued removal in such cases when so many other more serious cases existed.

We write to you because many people believe that you have the discretion to alleviate some of the hardships, and we wish to solicit your views as to why you have been unwilling to exercise such authority in some of the cases that have occurred. In addition, we ask whether your view is that the 1996 amendments somehow eliminated that discretion. The principle of prosecutorial discretion is well established. Indeed, INS General and Regional Counsel have taken the position, apparently well-grounded in case law, that INS has prosecutorial discretion in the initiation or termination of removal proceedings (see attached memorandum). Furthermore, a number of press reports indicate that the INS has already employed this discretion in some cases.

True hardship cases call for the exercise of such discretion, and over the past year many Members of Congress have urged the INS to develop guidelines for the use of its prosecutorial discretion. Optimally, removal proceedings should be initiated or terminated only upon specific instructions from authorized INS officials, issued in accordance with agency guidelines. However, the INS apparently has not yet promulgated such guidelines.

The undersigned Members of Congress believe that just as the Justice Department's United States Attorneys rely on detailed guidelines governing the exercise of their prosecutorial discretion, INS District Directors also require written guidelines, both to legitimate in their eyes the exercise of discretion and to ensure that their decisions to initiate or terminate removal proceedings are not made in an inconsistent manner. We look forward to working with you to resolve this matter and hope that you will develop and implement guidelines for INS prosecutorial discretion in an expeditious and fair manner.

Sincerely,

Representatives Henry J. Hyde; Barney Frank; Lamar Smith; Sheila Jackson Lee; Bill McCollum; Martin Frost; Bill Barrett; Howard L. Berman; Brian P. Bilbray; Corrine Brown; Charles T. Canady; Barbara Cubin; Nathan Deal; Lincoln Diaz-Balart.

David Dreier; Bob Filner; Eddie Bernice Johnson; Sam Johnson; Patrick J. Kennedy; Matthew G. Martinez; James P. McGovern; Martin T. Meehan; F. James Sensenbrenner, Jr.; Christopher Shays; Henry A. Waxman; Kay Granger; Gene Green; Ciro D. Rodriguez.

Ms. JACKSON LEE. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentlewoman from Texas has 1¼ minutes remaining.

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time to close.

□ 1545

Ms. JACKSON LEE. Mr. Chairman, as I indicated, this is a political fight. I thought we had settled that fight with *Baker v. Carr*, a case that hails from 1962. Baker stands for the proposition that courts are not equipped to adjudicate political questions, and that it is impossible to decide such questions. Now our friends want to give Congress the right to expedite their lawsuit over the average citizen on a

political question, first in a three-judge court, and then right to the Supreme Court of the United States, while the American people suffer because they want that particular position. It is a political question because it is the Republicans who want to be able to move beyond the authority given in the Constitution.

I yield 15 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentlewoman very much because this is an important amendment. It doesn't gut the bill, and it isn't a loophole. This is a narrow amendment that only ensures that the President can comply with court decisions. The separation of powers principle is very important, and this amendment clarifies and adds to it.

Ms. JACKSON LEE. I thank the gentleman for that very astute analysis, and I want to conclude, if I might, by saying that I respect the separation of powers, and I understand what my colleague said, and Mr. CONYERS is very right. This amendment does not gut the legislation, but I understand what my colleagues are saying. What I would argue is that we all want the same thing—that the authority of the President remains that, the Congress, and the judiciary, and there is no exceeding. I believe we can do it in a better way. I ask my colleagues to support the Jackson Lee amendment.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I will be brief and just say for the reasons already cited, this is a very harmful amendment. It would gut the bill. For that reason, I oppose it and urge my colleagues to oppose it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MR. CICILLINE

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 113-378.

Mr. CICILLINE. 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:

Add, at the end of the bill, the following:

SEC. 3. REPORT.

Not later than the last day of the first fiscal year quarter that begins after the date of the enactment of this Act, and quarterly thereafter, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, a report on the

costs of any civil action brought pursuant to this Act, including any attorney fees of any attorney that has been hired to provide legal services in connection with a civil action brought pursuant to this Act.

The Acting CHAIR. Pursuant to House Resolution 511, the gentleman from Rhode Island (Mr. CICILLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Chairman, clearly as my colleagues have noted, the ENFORCE Act is a deeply flawed piece of legislation. It would give any legislative majority a blank check to challenge in court by filing a lawsuit any decision of the executive branch that it disagrees with.

Instead of considering legislation to create jobs, to fix our broken immigration system, repair our crumbling infrastructure or raise the minimum wage, today the majority has brought to this floor a partisan measure to increase only one thing: congressional litigation. The bill raises serious constitutional questions, and fails to put in place responsible safeguards to prevent abuse. This is a dangerous attack that threatens the careful balance of power developed by our Founding Fathers.

At a time when the American people have lost so much confidence in Congress, my Republican colleagues are offering yet another bill that will do nothing to improve the lives of Americans. Instead this bill will only add to the American people's scorn and ridicule of Congress. Just what we need, more contention, more division here in Congress by encouraging congressional lawsuits.

In addition to its questionable purpose and substantive defects, the ENFORCE Act also fails to adequately protect taxpayer money, as it would open the floodgates to litigation for nearly any executive branch decision that a majority in either chamber disagrees with, and it would do so without a transparent accounting of taxpayer money spent.

That is why I am offering this amendment today which simply requires quarterly reporting of the costs associated with the litigation under this act. Specifically, it would require the Comptroller General of the United States to issue quarterly reports to the House and Senate Judiciary Committees on the cost of civil actions brought pursuant to this act, including any attorney fees.

Since many of my colleagues have previously and routinely expressed significant concern about ensuring taxpayer dollars are used appropriately and carefully, one would expect the ENFORCE Act to have clear oversight and transparency provisions in place. However, it does not.

That is why I urge my colleagues to support my amendment, which would provide a transparent, quarterly accounting of the costs of pursuing legal action under this act.

As many of my colleagues know, litigation can be extremely expensive. So let's ensure Members of Congress and the public are aware of exactly how much taxpayer resources are being spent on pursuing legal action under this act. While disbursement reporting requirements already exist for Federal expenditures, recent experience underscores their inadequacy to provide timely, transparent disclosure of precisely how much has been spent on litigation.

For example, over the last few years, the House of Representatives, at the direction of the majority and over strong objections by Leader PELOSI and Whip HOYER, hired outside counsel to defend the Defense of Marriage Act in court. What began as a contract for up to \$500,000 in legal services to defend DOMA has grown through a series of contract extensions to be up to \$3 million, and it is hard to determine at what point and at what cost the majority's pursuits will end.

Today, nearly 9 months since the United States Supreme Court struck down section 3 of DOMA as unconstitutional, we still don't have an adequate accounting of how much the House majority has spent on defending this discriminatory law, or whether it continues to spend taxpayer funding on this matter.

As minority members of the House Administration Committee reported during this legal challenge in 2012:

No one seems to know where the funds are coming from. There has been no appropriation for this expense. There has been no mention of the funding source in the contract extensions. There is no record of a payment being made in the statement of disbursements.

Clearly, the existing reporting requirements are insufficient to inform Members of Congress and the general public of its litigation disbursements. While Members may disagree on the merits of DOMA, as well as the legislation before us today, we should all recognize that neither side, nor the public interest, is served by obscuring the disclosure of litigation expenses.

Therefore, I urge my colleagues to support my amendment, a simple reporting requirement that will safeguard and provide transparency to ensure that spending under this very misguided legislation is made clear.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise to claim the time in opposition to the amendment even though I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Virginia is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, I will support the adoption of this amendment. This amendment basically codifies, at least as far as the House of Representatives is concerned, requirements that al-

ready exist regarding reporting the costs of congressional litigation. When the House engages in litigation, the costs of that litigation are already reported to the House Appropriations Committee and the Committee on House Administration. This amendment merely expands these existing reporting requirements to include the Government Accountability Office.

Had the gentleman from Rhode Island prefiled this amendment during Judiciary Committee consideration of the bill, we may have been able to consider it during markup. However, without notice of the amendment, we were not able to determine at markup whether the amendment implicated any attorney-client privilege concerns. We are now satisfied, given existing reporting requirements, that this amendment does not present a privilege problem.

For these reasons, I support the adoption of this amendment, and urge my colleagues to do so.

I reserve the balance of my time.

Mr. CICILLINE. Mr. Chairman, I thank the chairman for his support, and I yield back the balance of my time.

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

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

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 113-378 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. CONYERS of Michigan.

Amendment No. 2 by Mr. NADLER of New York.

Amendment No. 3 by Ms. JACKSON LEE of Texas.

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

AMENDMENT NO. 1 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) 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 vote was taken by electronic device, and there were—ayes 188, noes 227, not voting 15, as follows:

[Roll No. 120]

AYES—188

Barber	Green, Gene	Negrete McLeod
Barrow (GA)	Grijalva	Nolan
Bass	Gutiérrez	O'Rourke
Beatty	Hahn	Owens
Becerra	Hanabusa	Pallone
Bishop (GA)	Hastings (FL)	Pascrell
Bishop (NY)	Heck (WA)	Pastor (AZ)
Blumenauer	Higgins	Payne
Bonamici	Himes	Perlmutter
Brady (PA)	Hinojosa	Peters (CA)
Braley (IA)	Holt	Peters (MI)
Brown (FL)	Honda	Peterson
Brownley (CA)	Horsford	Pocan
Bustos	Hoyer	Polis
Butterfield	Huffman	Price (NC)
Capps	Israel	Quigley
Capuano	Jackson Lee	Rahall
Cárdenas	Jeffries	Richmond
Carney	Johnson (GA)	Roybal-Allard
Carson (IN)	Johnson, E. B.	Ruiz
Cartwright	Kaptur	Ruppersberger
Castor (FL)	Keating	Rush
Castro (TX)	Kelly (IL)	Ryan (OH)
Chu	Kennedy	Sánchez, Linda
Ciçilline	Kildee	T.
Clark (MA)	Kilmer	Sanchez, Loretta
Clarke (NY)	Kind	Sarbanes
Clay	Kirkpatrick	Schiff
Cleaver	Kuster	Schneider
Clyburn	Langevin	Schrader
Cohen	Larsen (WA)	Schwartz
Connolly	Larson (CT)	Scott (VA)
Conyers	Lee (CA)	Scott, David
Cooper	Levin	Serrano
Costa	Lewis	Sewell (AL)
Courtney	Lipinski	Shea-Porter
Crowley	Loeb sack	Sherman
Cuellar	Lofgren	Sinema
Cummings	Lowenthal	Sires
Davis (CA)	Lowe y	Slaughter
Davis, Danny	Lujan Grisham	Smith (WA)
DeFazio	(NM)	Speier
DeGette	Luján, Ben Ray	Swalwell (CA)
Delaney	(NM)	Takano
DelBene	Lynch	Thompson (CA)
Deutch	Maffei	Thompson (MS)
Doggett	Maloney,	Tierney
Doyle	Carolyn	Titus
Duckworth	Maloney, Sean	Tonko
Ellison	Matheson	Tsongas
Engel	McCarthy (NY)	Van Hollen
Enyart	McCollum	Vargas
Eshoo	McDermott	Veasey
Esty	McGovern	Vela
Farr	McIntyre	Visclosky
Fattah	McNerney	Walz
Foster	Meeks	Wasserman
Fudge	Michaud	Schultz
Gabbard	Miller, George	Waters
Gallego	Moore	Waxman
Garamendi	Moran	Welch
Garcia	Murphy (FL)	Wilson (FL)
Gibson	Nadler	Yarmuth
Grayson	Napolitano	
Green, Al	Neal	

NOES—227

Aderholt	Cassidy	Fleischmann
Amash	Chabot	Fleming
Bachmann	Chaffetz	Flores
Bachus	Coble	Forbes
Barletta	Coffman	Fortenberry
Barr	Cole	Fox
Barton	Collins (GA)	Franks (AZ)
Benishek	Collins (NY)	Frelinghuysen
Bentivolio	Conaway	Gardner
Bilirakis	Cook	Garrett
Bishop (UT)	Cotton	Gerlach
Black	Cramer	Gibbs
Blackburn	Crawford	Gingrey (GA)
Boustany	Crenshaw	Gohmert
Brady (TX)	Culberson	Goodlatte
Bridenstine	Daines	Gowdy
Brooks (AL)	Davis, Rodney	Granger
Brooks (IN)	Denham	Graves (GA)
Broun (GA)	Dent	Graves (MO)
Buchanan	DeSantis	Griffin (AR)
Bucshon	DesJarlais	Griffith (VA)
Burgess	Diaz-Balart	Grimm
Byrne	Duffy	Guthrie
Calvert	Duncan (SC)	Hall
Camp	Duncan (TN)	Hanna
Campbell	Ellmers	Harper
Cantor	Farenthold	Harris
Capito	Fincher	Hartzler
Carter	Fitzpatrick	Hastings (WA)

Heck (NV)	Meadows	Salmon
Hensarling	Meehan	Sanford
Herrera Beutler	Messer	Scalise
Holding	Mica	Schock
Hudson	Miller (FL)	Schweikert
Huelskamp	Miller (MI)	Scott, Austin
Huizenga (MI)	Miller, Gary	Sensenbrenner
Hultgren	Mullin	Sessions
Hunter	Mulvaney	Shimkus
Hurt	Murphy (PA)	Shuster
Issa	Neugebauer	Simpson
Jenkins	Noem	Smith (MO)
Johnson (OH)	Nugent	Smith (NE)
Johnson, Sam	Nunes	Smith (NJ)
Jones	Nunnelee	Smith (TX)
Jordan	Olson	Southerland
Joyce	Palazzo	Stewart
Kelly (PA)	Paulsen	Stivers
King (IA)	Pearce	Stockman
King (NY)	Perry	Stutzman
Kingston	Petri	Terry
Kinzinger (IL)	Pittenger	Thompson (PA)
Kline	Pitts	Thornberry
Labrador	Poe (TX)	Tiberi
LaMalfa	Pompeo	Tipton
Lamborn	Posey	Turner
Lance	Price (GA)	Upton
Lankford	Reed	Valadao
Latham	Reichert	Wagner
Latta	Renacci	Walberg
LoBiondo	Ribble	Walden
Long	Rice (SC)	Walorski
Lucas	Rigell	Weber (TX)
Luetkemeyer	Roby	Webster (FL)
Lummis	Roe (TN)	Wenstrup
Marchant	Rogers (AL)	Westmoreland
Marino	Rogers (KY)	Whitfield
Massie	Rogers (MI)	Williams
McAllister	Rohrabacher	Wilson (SC)
McCarthy (CA)	Rokita	Wittman
McCaul	Ros-Lehtinen	Wolf
McClintock	Roskam	Womack
McHenry	Ross	Woodall
McKeon	Rothfus	Yoder
McKinley	Royce	Yoho
McMorris	Runyan	Young (AK)
Rodgers	Ryan (WI)	Young (IN)

NOT VOTING—15

Amodei	Frankel (FL)	Pingree (ME)
Bera (CA)	Gosar	Rangel
DeLauro	Matsui	Rooney
Dingell	Meng	Schakowsky
Edwards	Pelosi	Velázquez

□ 1621

Messrs. BENTIVOLIO, CAMPBELL, RENACCI, and YOHO changed their vote from “aye” to “no.”

Messrs. MCNERNEY, MAFFEI, and HINOJOSA changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 190, noes 225, not voting 15, as follows:

[Roll No. 121]

AYES—190

Barber	Grayson	Negrete McLeod
Barrow (GA)	Green, Al	Nolan
Bass	Green, Gene	O'Rourke
Beatty	Grijalva	Owens
Becerra	Gutiérrez	Pallone
Bera (CA)	Hahn	Pascrell
Bishop (GA)	Hanabusa	Pastor (AZ)
Bishop (NY)	Hastings (FL)	Payne
Blumenauer	Heck (WA)	Perlmutter
Bonamici	Higgins	Peters (CA)
Brady (PA)	Himes	Peters (MI)
Braley (IA)	Hinojosa	Peterson
Brown (FL)	Holt	Pocan
Brownley (CA)	Honda	Polis
Bustos	Horsford	Price (NC)
Butterfield	Hoyer	Quigley
Capps	Huffman	Rahall
Capuano	Israel	Richmond
Cárdenas	Jackson Lee	Ros-Lehtinen
Carney	Jeffries	Roybal-Allard
Carson (IN)	Johnson (GA)	Ruiz
Cartwright	Kaptur	Ruppersberger
Castor (FL)	Keating	Rush
Castro (TX)	Kelly (IL)	Ryan (OH)
Chu	Kennedy	Sánchez, Linda
Ciçilline	Kildee	T.
Clark (MA)	Kilmer	Sanchez, Loretta
Clarke (NY)	Kind	Sarbanes
Clay	Kirkpatrick	Schiff
Cleaver	Kuster	Schneider
Clyburn	Langevin	Schrader
Cohen	Larsen (WA)	Schwartz
Connolly	Larson (CT)	Scott (VA)
Conyers	Lee (CA)	Scott, David
Cooper	Levin	Serrano
Costa	Lewis	Sewell (AL)
Courtney	Lipinski	Shea-Porter
Crowley	Loeb sack	Sherman
Cuellar	Lofgren	Sinema
Cummings	Lowenthal	Sires
Davis (CA)	Lowe y	Slaughter
Davis, Danny	Lujan Grisham	Smith (WA)
DeFazio	(NM)	Speier
DeGette	Luján, Ben Ray	Swalwell (CA)
Delaney	(NM)	Takano
DelBene	Lynch	Thompson (CA)
Denham	Maffei	Thompson (MS)
Deutch	Maloney,	Tierney
Diaz-Balart	Carolyn	Titus
Doggett	Matheson	Tonko
Doyle	McCarthy (NY)	Tsongas
Duckworth	McCollum	Valadao
Ellison	McDermott	Van Hollen
Engel	McGovern	Vargas
Enyart	McIntyre	Veasey
Eshoo	McNerney	Vela
Esty	Meeks	Visclosky
Farr	Michaud	Walz
Fattah	Miller, George	Wasserman
Foster	Moore	Schultz
Fudge	Moran	Waters
Gabbard	Murphy (FL)	Waxman
Gallego	Nadler	Welch
Garamendi	Napolitano	Wilson (FL)
Garcia	Neal	Yarmuth

NOES—225

Aderholt	Cassidy	Flores
Amash	Chabot	Forbes
Bachmann	Chaffetz	Fortenberry
Bachus	Coble	Fox
Barletta	Coffman	Franks (AZ)
Barr	Cole	Frelinghuysen
Barton	Collins (GA)	Gardner
Benishek	Collins (NY)	Garrett
Bentivolio	Conaway	Gerlach
Bilirakis	Cook	Gibbs
Bishop (UT)	Cotton	Gibson
Black	Cramer	Gingrey (GA)
Blackburn	Crawford	Gohmert
Boustany	Crenshaw	Goodlatte
Brady (TX)	Culberson	Gowdy
Bridenstine	Daines	Granger
Brooks (AL)	Davis, Rodney	Graves (GA)
Brooks (IN)	Dent	Graves (MO)
Broun (GA)	DeSantis	Griffin (AR)
Buchanan	DesJarlais	Griffith (VA)
Bucshon	Duffy	Grimm
Burgess	Duncan (SC)	Guthrie
Byrne	Duncan (TN)	Hall
Calvert	Ellmers	Hanna
Camp	Farenthold	Harper
Campbell	Fincher	Harris
Cantor	Fitzpatrick	Hartzler
Capito	Fleischmann	Hastings (WA)
Carter	Fleming	Heck (NV)

Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Westrum
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)

If not, the question is on the adoption of the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. RUIZ. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RUIZ. Mr. Speaker, I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ruiz moves to recommit the bill H.R. 4138 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment:

Add, at the end of the bill, the following:

SEC. 3. PROTECTING STATES' RIGHTS.

Nothing in this Act limits or otherwise affects any action taken by the President, the head of a department or agency of the United States, or any other officer or employee of the United States, in order to prevent an unconstitutional intrusion into States' rights.

SEC. 4. RESTORING UNEMPLOYMENT BENEFITS FOR AMERICA'S JOB SEEKERS.

This Act shall not take effect until the most recent percentage of the insured unemployed (those for whom unemployment taxes were paid during prior employment) who are receiving Federal or State unemployment insurance (UI) benefits when they are actively seeking work is at least equal to the percentage receiving such benefits for the last quarter of 2013, as determined by the Department of Labor's quarterly UI data summary measurement of the Unemployment Insurance reciprocity rate for all UI programs.

Mr. GOWDY (during the reading). Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Mr. RUIZ. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage as amended.

Right now, House leadership is forcing a vote on a bill that they know will go nowhere. Instead of working to find pragmatic solutions to our most pressing problems, they have chosen to put politics above the needs of the American people.

They have chosen to put politics above jobs, the economy, health care, comprehensive immigration reform and, again, they are playing politics with millions of hardworking families who have lost their job through no fault of their own and are currently looking for jobs.

Currently, over 2 million people have lost unemployment insurance because of these political games. Every week, 72,000 people, on average, are losing their unemployment benefits nationwide while they are looking for jobs. In my home State of California, almost 350,000 people are living on the brink of

financial disaster because of these games. This is exactly the kind of political gamesmanship that the American people are sick and tired of.

House leadership continues to refuse to restore these vital economic lifelines that help people support their families and pay their bills while they look for a new job.

Long-term unemployment remains an enormous challenge for millions of Americans and our overall economy, which is exactly why we should put the American people first and renew this important program. We need a focus on creating new jobs and help American families temporarily weather the storm.

I yield back the balance of my time.

Mr. GOWDY. Mr. Speaker, I withdraw my point of order and rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The point of order is withdrawn.

The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. Mr. Speaker, I want to talk for just a moment as colleagues—not as Republicans or Democrats, not as members of the majority or the minority, but colleagues who are blessed to serve in the United States House of Representatives, the people's House, with all the tradition, with all the history, with all the laws that have been passed, with all the lives that have been impacted. I want us to talk as colleagues. Because our foundational document gave us, as the House, unique powers and responsibilities. We run every 2 years because they intended for us to be closest to the people.

□ 1645

The President was given different duties and powers. The President was given the duty to take care that the laws be faithfully executed.

So my question, Mr. Speaker, is what does that mean to you, that the laws be faithfully executed?

We know the President can veto a bill for any reason or no reason. We know the President can refuse to defend the constitutionality of a statute, even one that he signs into law.

We know the President can issue pardons for violations of the very laws that we pass, and we know the President has prosecutorial discretion, as evidenced and used through his U.S. attorneys.

Mr. Speaker, that is a lot of power. What are we to do when that amount of power is not enough?

What are we to do when this President, or any President, decides to selectively enforce a portion of a law and ignore other portions of that law?

What do we do, Mr. Speaker, regardless of motivation, when a President nullifies our vote by failing to faithfully execute the law?

How do we explain waivers and exemptions and delays in a bill passed by Congress and affirmed by the United States Supreme Court?

How do we explain away a refusal to enforce mandatory minimums that

were passed by Congress and affirmed by the Supreme Court?

Why pursue, Mr. Speaker, immigration reform if Presidents can turn off the very provisions that we pass?

You know, in the oaths that brand new citizens take, it contains six different references to the law. If it is good enough for us to ask brand new citizens to affirm their devotion to the law, is it too much to ask that the President do the same?

If a President can change some laws, can he change all laws? Can he change election laws? Can he change discrimination laws? Are there any laws, under your theory, that he actually has to enforce?

What is our recourse, Mr. Speaker?

What is our remedy?

Some would argue the Framers gave us the power of the purse and the power of impeachment, but Mr. Speaker, those are punishments, those are not remedies.

What is the remedy if we want the Executive to enforce our work?

This bill simply gives us standing when our votes are nullified. This bill allows us to petition the judicial branch for an order requiring the executive branch to faithfully execute the law.

Mr. Speaker, we are not held in high public esteem right now. Maybe Members of Congress would be respected more if we respected ourselves enough to require that when we pass something, it be treated as law.

Maybe we would be more respected if we had a firmly rooted expectation that when we pass something as law, it be treated as law.

Maybe we would be more respected if we put down party labels and a desire to keep or retain or acquire the gavel and picked up the history, the tradition, and the honor of this, the people's House.

Mr. Speaker, the House of Representatives does not exist to pass suggestions. We do not exist to pass ideas. We make law.

While you are free to stand and clap when any President comes into this hallowed Chamber and promises to do it, with or without you, I will never stand and clap when any President, no matter whether he is your party or mine, promises to make us a constitutional anomaly and an afterthought. We make law.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. RUIZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair

will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 187, noes 228, not voting 15, as follows:

[Roll No. 123]

AYES—187

Barber	Green, Gene	Neal
Barrow (GA)	Grijalva	Negrete McLeod
Bass	Gutiérrez	Nolan
Beatty	Hahn	O'Rourke
Becerra	Hanabusa	Owens
Bera (CA)	Hastings (FL)	Pallone
Bishop (GA)	Heck (WA)	Pascarell
Bishop (NY)	Higgins	Pastor (AZ)
Blumenauer	Himes	Payne
Bonamici	Hinojosa	Perlmutter
Brady (PA)	Holt	Peters (CA)
Braley (IA)	Honda	Peters (MI)
Brown (FL)	Horsford	Peterson
Brownley (CA)	Hoyer	Pocan
Bustos	Huffman	Polis
Butterfield	Israel	Price (NC)
Capps	Jackson Lee	Quigley
Capuano	Jeffries	Rahall
Cárdenas	Johnson (GA)	Richmond
Carney	Johnson, E. B.	Roybal-Allard
Carson (IN)	Kaptur	Ruiz
Cartwright	Keating	Ruppersberger
Castor (FL)	Kelly (IL)	Rush
Castro (TX)	Kennedy	Ryan (OH)
Chu	Kildee	Sánchez, Linda
Cicilline	Kilmer	T.
Clark (MA)	Kind	Sanchez, Loretta
Clarke (NY)	Kirkpatrick	Sarbanes
Clay	Kuster	Schiff
Cleaver	Langevin	Schneider
Clyburn	Larsen (WA)	Schrader
Cohen	Larson (CT)	Schwartz
Connolly	Lee (CA)	Scott (VA)
Conyers	Levin	Scott, David
Cooper	Lewis	Serrano
Costa	Lipinski	Sewell (AL)
Courtney	Loeb sack	Shea-Porter
Crowley	Lofgren	Sherman
Cuellar	Lowenthal	Sinema
Cummings	Lowe y	Sires
Davis (CA)	Lujan Grisham	Slaughter
Davis, Danny	(NM)	Smith (WA)
DeFazio	Luján, Ben Ray	Speier
DeGette	(NM)	Swalwell (CA)
Delaney	Lynch	Takano
DelBene	Maffei	Thompson (CA)
Deutch	Maloney,	Thompson (MS)
Doggett	Carolyn	Tierney
Doyle	Maloney, Sean	Titus
Duckworth	Matheson	Tonko
Engel	McCarthy (NY)	Tsongas
Enyart	McCollum	Vn Hollen
Eshoo	McDermott	Vargas
Esty	McGovern	Veasey
Farr	McIntyre	Vela
Fattah	McNerney	Visclosky
Foster	Meeks	Walz
Fudge	Michaud	Wasserman
Gabbard	Miller, George	Schultz
Gallego	Moore	Waters
Garamendi	Moran	Waxman
Garcia	Murphy (FL)	Welch
Grayson	Nadler	Wilson (FL)
Green, Al	Napolitano	Yarmuth

NOES—228

Aderholt	Byrne	Daines
Amash	Calvert	Davis, Rodney
Bachmann	Camp	Denham
Bachus	Campbell	Dent
Barletta	Cantor	DeSantis
Barr	Capito	DesJarlais
Barton	Carter	Diaz-Balart
Benishek	Cassidy	Duffy
Bentivolio	Chabot	Duncan (SC)
Bilirakis	Chaffetz	Duncan (TN)
Bishop (UT)	Coble	Ellmers
Black	Coffman	Farenthold
Blackburn	Cole	Fincher
Boustany	Collins (GA)	Fitzpatrick
Brady (TX)	Collins (NY)	Fleischmann
Bridenstine	Conaway	Fleming
Brooks (AL)	Cook	Flores
Brooks (IN)	Cotton	Forbes
Broun (GA)	Cramer	Fortenberry
Buchanan	Crawford	Fox
Bucshon	Crenshaw	Franks (AZ)
Burgess	Culberson	Frelinghuysen

Gardner	Luetkemeyer	Roskam
Garrett	Lummis	Ross
Gerlach	Marchant	Rothfus
Gibbs	Marino	Royce
Gibson	Massie	Runyan
Gingrey (GA)	McAllister	Ryan (WI)
Gohmert	McCarthy (CA)	Salmon
Goodlatte	McCaul	Sanford
Gowdy	McClintock	Scalise
Granger	McHenry	Schock
Graves (GA)	McKeon	Schweikert
Graves (MO)	McKinley	Scott, Austin
Griffin (AR)	McMorris	Sensenbrenner
Griffith (VA)	Rodgers	Sessions
Grimm	Meadows	Shimkus
Guthrie	Meehan	Shuster
Hall	Messer	Simpson
Hanna	Mica	Smith (MO)
Harper	Miller (FL)	Smith (NE)
Harris	Miller (MI)	Smith (NJ)
Hartzler	Miller, Gary	Smith (TX)
Hastings (WA)	Mullin	Southerland
Heck (NV)	Mulvaney	Stewart
Hensarling	Murphy (PA)	Stivers
Herrera Beutler	Neugebauer	Stockman
Holding	Noem	Stutzman
Hudson	Nugent	Terry
Huelskamp	Nunes	Thompson (PA)
Huizenga (MI)	Nunnelee	Thornberry
Hultgren	Olson	Tiberi
Hunter	Palazzo	Tipton
Hurt	Paulsen	Turner
Issa	Pearce	Upton
Jenkins	Perry	Valadao
Johnson (OH)	Petri	Wagner
Johnson, Sam	Pittenger	Walberg
Jones	Pitts	Walden
Jordan	Poe (TX)	Walorski
Joyce	Pompeo	Weber (TX)
Kelly (PA)	Posey	Webster (FL)
King (IA)	Price (GA)	West
King (NY)	Reed	Westmoreland
Kingston	Reichert	Whitfield
Kinzing er (IL)	Renacci	Williams
Kline	Ribble	Wilson (SC)
Labrador	Rice (SC)	Wittman
LaMalfa	Rigell	Wolf
Lamborn	Roby	Womack
Lance	Roe (TN)	Woodall
Lankford	Rogers (AL)	Yoder
Latham	Rogers (KY)	Yoho
Latta	Rogers (MI)	Young (AK)
LoBiondo	Rohrabacher	Young (IN)
Long	Rokita	
Lucas	Ros-Lehtinen	

NOT VOTING—15

Amodei	Frankel (FL)	Pingree (ME)
DeLauro	Gosar	Rangel
Dingell	Matsui	Rooney
Edwards	Meng	Schakowsky
Ellison	Pelosi	Velázquez

□ 1656

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 181, not voting 16, as follows:

[Roll No. 124]

AYES—233

Aderholt	Benishek	Bridenstine
Amash	Bentivolio	Brooks (AL)
Bachmann	Billrakis	Brooks (IN)
Bachus	Bishop (UT)	Broun (GA)
Barletta	Black	Buchanan
Barr	Blackburn	Bucshon
Barrow (GA)	Boustany	Burgess
Barton	Brady (TX)	Byrne

Calvert	Holding	Posey
Camp	Hudson	Price (GA)
Campbell	Huelskamp	Rahall
Cantor	Huizenga (MI)	Reed
Capito	Hultgren	Reichert
Carter	Hunter	Renacci
Cassidy	Hurt	Ribble
Chabot	Issa	Rice (SC)
Chaffetz	Jenkins	Rigell
Coble	Johnson (OH)	Roby
Coffman	Johnson, Sam	Roe (TN)
Cole	Jones	Rogers (AL)
Collins (GA)	Jordan	Rogers (KY)
Collins (NY)	Joyce	Rogers (MI)
Conaway	Kelly (PA)	Rohrabacher
Cook	King (IA)	Rokita
Cotton	King (NY)	Ros-Lehtinen
Cramer	Kingston	Roskam
Crawford	Kinzing er (IL)	Ross
Crenshaw	Kline	Rothfus
Cuellar	Labrador	Royce
Culberson	LaMalfa	Runyan
Daines	Lamborn	Ryan (WI)
Davis, Rodney	Lance	Salmon
Denham	Lankford	Sanford
Dent	Latham	Scalise
DeSantis	Latta	Schock
DesJarlais	LoBiondo	Schweikert
Diaz-Balart	Long	Scott, Austin
Duffy	Lucas	Sensenbrenner
Duncan (SC)	Luetkemeyer	Sessions
Duncan (TN)	Lummis	Shimkus
Ellmers	Marchant	Shuster
Farenthold	Marino	Simpson
Fincher	Massie	Smith (MO)
Fitzpatrick	McAllister	Smith (NE)
Fleischmann	McCarthy (CA)	Smith (NJ)
Fleming	McCaul	Smith (TX)
Flores	McClintock	Southerland
Forbes	McHenry	Stewart
Fortenberry	McKeon	Stivers
Fox	McKinley	Stockman
Franks (AZ)	McMorris	Stutzman
Frelinghuysen	Rodgers	Terry
Gallego	Meadows	Thompson (PA)
Gardner	Meehan	Thornberry
Garrett	Messer	Tiberi
Gerlach	Mica	Tipton
Gibbs	Miller (FL)	Turner
Gibson	Miller (MI)	Upton
Gingrey (GA)	Miller, Gary	Valadao
Gohmert	Mullin	Wagner
Goodlatte	Mulvaney	Walberg
Gowdy	Murphy (PA)	Walden
Granger	Neugebauer	Walorski
Graves (GA)	Noem	Weber (TX)
Graves (MO)	Nugent	Webster (FL)
Griffin (AR)	Nunes	Wenstrup
Griffith (VA)	Nunnelee	Westmoreland
Grimm	Olson	Whitfield
Guthrie	Palazzo	Williams
Hall	Paulsen	Wilson (SC)
Hanna	Pearce	Wittman
Harper	Perry	Wolf
Harris	Peterson	Womack
Hartzler	Petri	Woodall
Hastings (WA)	Pittenger	Yoder
Heck (NV)	Pitts	Yoho
Hensarling	Poe (TX)	Young (AK)
Herrera Beutler	Pompeo	Young (IN)

NOES—181

Barber	Clay	Fattah
Bass	Cleaver	Foster
Beatty	Clyburn	Fudge
Becerra	Cohen	Gabbard
Bera (CA)	Connolly	Garamendi
Bishop (GA)	Conyers	Garcia
Bishop (NY)	Cooper	Grayson
Blumenauer	Costa	Green, Al
Bonamici	Courtney	Green, Gene
Brady (PA)	Crowley	Grijalva
Braley (IA)	Cummings	Gutiérrez
Brown (FL)	Davis (CA)	Hahn
Brownley (CA)	Davis, Danny	Hanabusa
Bustos	DeFazio	Hastings (FL)
Butterfield	DeGette	Heck (WA)
Capps	Delaney	Higgins
Capuano	DelBene	Himes
Cárdenas	Deutch	Hinojosa
Carney	Doggett	Holt
Carson (IN)	Doyle	Honda
Cartwright	Duckworth	Horsford
Castor (FL)	Ellison	Hoyer
Castro (TX)	Engel	Huffman
Chu	Enyart	Israel
Cicilline	Eshoo	Jackson Lee
Clark (MA)	Esty	Jeffries
Clarke (NY)	Farr	Johnson (GA)

Johnson, E. B.	McNerney	Schneider
Kaptur	Meeks	Schrader
Keating	Michaud	Schwartz
Kelly (IL)	Moore	Scott (VA)
Kennedy	Moran	Scott, David
Kildee	Murphy (FL)	Serrano
Kilmer	Nadler	Sewell (AL)
Kind	Napolitano	Shea-Porter
Kirkpatrick	Neal	Sherman
Kuster	Negrete McLeod	Sinema
Langevin	Nolan	Sires
Larsen (WA)	O'Rourke	Slaughter
Larson (CT)	Owens	Smith (WA)
Lee (CA)	Pallone	Speier
Levin	Pascarell	Swalwell (CA)
Lewis	Pastor (AZ)	Takano
Lipinski	Payne	Thompson (CA)
Lofgren	Perlmutter	Thompson (MS)
Lowenthal	Peters (CA)	Tierney
Lowe	Peters (MI)	Titus
Lujan Grisham	Pocan	Tonko
(NM)	Polis	Tsongas
Lujan, Ben Ray	Price (NC)	Van Hollen
(NM)	Quigley	Vargas
Lynch	Richmond	Veasey
Maffei	Roybal-Allard	Vela
Maloney,	Ruiz	Visclosky
Carolyn	Ruppersberger	Walz
Maloney, Sean	Rush	Wasserman
Matheson	Ryan (OH)	Schultz
McCarthy (NY)	Sánchez, Linda	Waters
McCollum	T.	Waxman
McDermott	Sanchez, Loretta	Welch
McGovern	Sarbanes	Wilson (FL)
McIntyre	Schiff	Yarmuth

NOT VOTING—16

Amodei	Loeb sack	Rangel
DeLauro	Matsui	Rooney
Dingell	Meng	Schakowsky
Edwards	Miller, George	Velázquez
Frankel (FL)	Pelosi	
Gosar	Pingree (ME)	

□ 1703

Mr. CONYERS changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3633

Mr. COURTNEY. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3633.

The SPEAKER pro tempore (Ms. ROSELEHTINEN). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1239

Mr. CASSIDY. Madam Speaker, I ask unanimous consent that the gentleman from Virginia, Representative RANDY FORBES, be taken off of H.R. 1239, the Accessing Medicare Therapies Act.

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

There was no objection.

FAITHFUL EXECUTION OF THE LAW ACT OF 2014

Mr. FRANKS of Arizona. Madam Speaker, pursuant to House Resolution 511, I call up the bill (H.R. 3973) to amend section 530D of title 28, United States Code, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 511, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-42, is adopted. The bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3973

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Faithful Execution of the Law Act of 2014".

SEC. 2. AMENDMENT TO SECTION 530D OF TITLE 28, UNITED STATES CODE.

Section 530D(a)(1)(A) of title 28, United States Code, is amended—

(1) by inserting "or any other Federal officer" before "establishes or implements a formal or informal policy"; and

(2) in clause (i), by striking "on the grounds that such provision is unconstitutional" and inserting "and state the grounds for such policy".

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of House Report 113-378, if offered by the gentleman from Minnesota (Mr. ELLISON) or his designee, which shall be considered read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Arizona (Mr. FRANKS) and the gentleman from Tennessee (Mr. COHEN) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. FRANKS of Arizona. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3973, currently under consideration.

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

There was no objection.

Mr. FRANKS of Arizona. Madam Speaker, I now yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of the full Judiciary Committee.

Mr. GOODLATTE. Madam Speaker, article II, section 3 of the United States Constitution declares that the President "shall take care that the laws be faithfully executed."

However, President Obama has failed on many occasions to enforce acts of Congress that he disagrees with for policy reasons and has stretched his regulatory authority to put in place policies that Congress has refused to enact.

Although President Obama is not the first President to stretch his powers beyond their constitutional limits, Executive overreach has accelerated at an alarming rate under his administration.

To help prevent Executive overreach and require greater disclosure when it occurs, the gentleman from Florida, Representative DESANTIS, introduced H.R. 3973, the Faithful Execution of the Law Act.

I want to thank Representative DESANTIS for introducing this commonsense legislation to ensure that there is greater transparency and disclosure regarding the executive branch's enforcement of Federal law.

The Justice Department is currently required by law to report to Congress whenever it decides to adopt a policy to refrain from enforcing a Federal law on the grounds that the law in question is unconstitutional.

The Faithful Execution of the Law Act strengthens this provision by requiring the Attorney General to report to Congress whenever a Federal official establishes or implements a formal or informal policy to refrain from enforcing a Federal law and the reason for the nonenforcement, regardless of whether it is being done on constitutional or policy grounds.

As Professor Jonathan Turley observed regarding this legislation in testimony before the Judiciary Committee:

It is hard to see the argument against such disclosures. Too often, Congress has only been informed of major changes by leaks to the media.

Congress should not have to rely on media leaks and other unofficial sources to find out that the executive branch has decided not to enforce Federal laws.

Congress cannot possibly know the extent of executive branch nonenforcement of the laws without mandatory disclosure of all nonenforcement policies by the person who should be fully aware of such policies, namely, the Attorney General, the Nation's chief law enforcement officer.

Passage of H.R. 3973 is essential if Congress is going to play an active role in overseeing that the separation of powers between the branches is maintained and that the President is faithfully executing the laws.

I thank the gentleman from Arizona, the chairman of the subcommittee, for yielding me this time, and I urge my colleagues to support this legislation.

Mr. COHEN. I yield myself such time as I may consume.

Madam Speaker, more of the same. As with our consideration of the "ENFORCE Act," H.R. 4138, I must note the lack of deliberative process pertaining to consideration of this bill.

The gentleman from South Carolina spoke eloquently on the other bill and talked about the need for process—the importance of process. Process can be important, but process was not important on this bill.

It wasn't important in the other bill. Like that other bill, the Judiciary Committee failed to hold a single legislative hearing.

The process is you have a hearing. People come in and talk—experts—