

Lucas	Poe (TX)	Smith (NJ)	Gibbs	MacArthur	Ross	McNerney	Richmond	Takano
Luetkemeyer	Poliquin	Smith (TX)	Gibson	Marchant	Rothfus	Meeks	Roybal-Allard	Thompson (CA)
Lummis	Pompeo	Stefanik	Gohmert	Marino	Rouzer	Meng	Ruiz	Thompson (MS)
MacArthur	Posey	Stewart	Goodlatte	McCarthy	Royce	Moore	Ruppersberger	Titus
Marchant	Price, Tom	Stivers	Gosar	McCaul	Rush	Moulton	Ryan (OH)	Tonko
Marino	Ratcliffe	Stutzman	Gowdy	McClintock	Russell	Murphy (FL)	Sánchez, Linda	Torres
Massie	Reed	Thompson (PA)	Graves (GA)	McHenry	Salmon	Nadler	T.	Tsongas
McCarthy	Reichert	Thornberry	Graves (LA)	McKinley	Sanford	Napolitano	Sanchez, Loretta	Van Hollen
McCaul	Renacci	Tiberi	Graves (MO)	McMorris	Scalise	Neal	Sarbanes	Vargas
McClintock	Ribble	Tipton	Griffith	Rodgers	Schrader	Norcross	Schakowsky	Veasey
McHenry	Rice (SC)	Trott	Grothman	McSally	Schweikert	Pallone	Schiff	Vela
McKinley	Rigell	Turner	Guinta	Meadows	Scott, Austin	Pascrell	Scott (VA)	Velázquez
McMorris	Roby	Upton	Guthrie	Meehan	Sensenbrenner	Payne	Scott, David	Visclosky
Rodgers	Roe (TN)	Valadao	Hardy	Messer	Sessions	Pelosi	Serrano	Walz
McSally	Rogers (AL)	Wagner	Harper	Mica	Shimkus	Perlmutter	Sewell (AL)	Wasserman
Meadows	Rogers (KY)	Walberg	Harris	Miller (FL)	Shuster	Peters	Sherman	Schultz
Meehan	Rohrabacher	Walden	Hartzler	Miller (MI)	Simpson	Pingree	Sinema	Watson
Messer	Rokita	Walker	Heck (NV)	Moolenaar	Mullin	Pocan	Sires	Maxine
Mica	Rooney (FL)	Walorski	Hensarling	Mullin	Smith (MO)	Polis	Slaughter	Watson Coleman
Miller (FL)	Ros-Lehtinen	Walters, Mimi	Hice, Jody B.	Mulvaney	Smith (NE)	Price (NC)	Smith (WA)	Welch
Miller (MI)	Roskam	Weber (TX)	Hill	Murphy (PA)	Smith (NJ)	Quigley	Speler	Wilson (FL)
Moolenaar	Ross	Webster (FL)	Holding	Neugebauer	Smith (TX)	Rangel	Swalwell (CA)	Zeldin
Mullin	Rothfus	Wenstrup	Hudson	Newhouse	Stefanik			
Mulvaney	Rouzer	Westerman	Huelskamp	Noem	Stewart			
Murphy (PA)	Royce	Westmoreland	Huizenga (MI)	Nolan	Stivers			
Neugebauer	Russell	Whitfield	Hultgren	Nugent	Stutzman			
Newhouse	Salmon	Williams	Hunter	Nunes	Thompson (PA)			
Noem	Sanford	Wilson (SC)	Hurd (TX)	Olson	Thornberry			
Nugent	Scalise	Wittman	Hurt (VA)	Palazzo	Tiberi			
Nunes	Schweikert	Womack	Issa	Palmer	Tipton			
Olson	Scott, Austin	Woodall	Jenkins (WV)	Paulsen	Trott			
Palazzo	Sensenbrenner	Yoder	Johnson (OH)	Pearce	Turner			
Palmer	Sessions	Yoho	Johnson, Sam	Perry	Upton			
Paulsen	Shimkus	Young (AK)	Jolly	Peterson	Valadao			
Pearce	Shuster	Young (IA)	Jordan	Pittenger	Wagner			
Perry	Simpson	Young (IN)	Joyce	Pitts	Walberg			
Pittenger	Smith (MO)	Zeldin	Katko	Poe (TX)	Walden			
Pitts	Smith (NE)	Zinke	Kelly (MS)	Poliquin	Walker			
			Kelly (PA)	Pompeo	Walorski			
			King (IA)	Posey	Walters, Mimi			
			King (NY)	Price, Tom	Weber (TX)			
			Kinzinger (IL)	Ratcliffe	Webster (FL)			
			Kline	Reed	Wenstrup			
			Knight	Reichert	Westerman			
			Labrador	Renacci	Westmoreland			
			LaHood	Ribble	Whitfield			
			LaMalfa	Rice (SC)	Williams			
			Lamborn	Rigell	Wilson (SC)			
			Lance	Roby	Wittman			
			Latta	Roe (TN)	Womack			
			LoBiondo	Rogers (AL)	Woodall			
			Long	Rogers (KY)	Yoder			
			Loudermilk	Rohrabacher	Yoho			
			Love	Rokita	Young (AK)			
			Lucas	Rooney (FL)	Young (IA)			
			Luetkemeyer	Ros-Lehtinen	Young (IN)			
			Lummis	Roskam	Zinke			

NOT VOTING—16

Barletta	Hanna	Rice (NY)
Cárdenas	Herrera Beutler	Scott, David
Castro (TX)	Jenkins (KS)	Takai
Fattah	Kaptur	Yarmuth
Fincher	Mooney (WV)	
Granger	O'Rourke	

□ 1723

So the motion to commit 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. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 178, not voting 14, as follows:

[Roll No. 250]

AYES—241

Abraham	Buchanan	Culberson
Aderholt	Buck	Curbelo (FL)
Allen	Bucshon	Davis, Rodney
Amodei	Burgess	Denham
Ashford	Byrne	Dent
Babin	Calvert	DeSantis
Barletta	Carter (GA)	DesJarlais
Barr	Carter (TX)	Diaz-Balart
Barton	Chabot	Donovan
Benishke	Chaffetz	Duffy
Bilirakis	Clawson (FL)	Duncan (SC)
Bishop (GA)	Coffman	Duncan (TN)
Bishop (MI)	Cole	Ellmers (NC)
Bishop (UT)	Collins (GA)	Emmer (MN)
Black	Collins (NY)	Farenthold
Blackburn	Comstock	Fleischmann
Blum	Conaway	Fleming
Bost	Cook	Flores
Boustany	Costa	Forbes
Brady (TX)	Costello (PA)	Fortenberry
Brat	Cramer	Foxx
Bridenstine	Crawford	Franks (AZ)
Brooks (AL)	Crenshaw	Frelinghuysen
Brooks (IN)	Cuellar	Garrett

NOES—178

Adams	DeGette	Israel
Aguiar	Delaney	Jackson Lee
Amash	DeLauro	Jeffries
Bass	DeBene	Johnson (GA)
Beatty	DeSaulnier	Johnson, E. B.
Becerra	Deutch	Jones
Bera	Dingell	Kaptur
Beyer	Doggett	Keating
Blumenauer	Dold	Kelly (IL)
Bonamici	Doyle, Michael	Kennedy
Boyle, Brendan	F.	Kildee
F.	Duckworth	Kilmer
Brady (PA)	Edwards	Kind
Brown (FL)	Ellison	Kirkpatrick
Brownley (CA)	Engel	Kuster
Bustos	Eshoo	Langevin
Butterfield	Esty	Larsen (WA)
Capps	Farr	Larson (CT)
Capuano	Fitzpatrick	Lawrence
Carney	Foster	Lee
Carson (IN)	Frankel (FL)	Levin
Cartwright	Fudge	Lewis
Castor (FL)	Gabbard	Lieu, Ted
Chu, Judy	Gallago	Lipinski
Ciциlline	Garamendi	Loebsock
Clark (MA)	Graham	Lofgren
Clarke (NY)	Grayson	Lowenthal
Clay	Green, Al	Lowe
Cleaver	Green, Gene	Lujan Grisham
Clyburn	Grijalva	(NM)
Cohen	Gutiérrez	Lujan, Ben Ray
Connolly	Hahn	(NM)
Conyers	Hastings	Lynch
Cooper	Heck (WA)	Maloney,
Courtney	Higgins	Carolyn
Crowley	Himes	Maloney, Sean
Cummings	Hinojosa	Massie
Davis (CA)	Honda	Matsui
Davis, Danny	Hoyer	McCollum
DeFazio	Huffman	McGovern

NOT VOTING—14

Cárdenas	Hanna	O'Rourke
Castro (TX)	Herrera Beutler	Rice (NY)
Fattah	Jenkins (KS)	Takai
Fincher	McDermott	Yarmuth
Granger	Mooney (WV)	

□ 1731

Mr. FRANKS of Arizona changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. RUSH. Mr. Speaker, during rollcall Vote No. 250 on S. 2012, I mistakenly recorded my vote as “yea” when I should have voted “nay.”

REPORT ON H.R. 5325, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017

Mr. GRAVES of Georgia, from the Committee on Appropriations, submitted a privileged report (Rept. No. 114-594) on the bill (H.R. 5325) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

MOTION TO GO TO CONFERENCE ON S. 2012, ENERGY POLICY MODERNIZATION ACT OF 2016

Mr. BARTON. Mr. Speaker, pursuant to House Resolution 744, I have a motion at the desk.

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

The Clerk read as follows:

Mr. Barton moves that the House insist on its amendment to S. 2012 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) is recognized for 1 hour.

Mr. BARTON. Mr. Speaker, I won't take nearly that much time.

This motion authorizes a conference on S. 2012. This is a bill that will update our national energy policy.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. GRIJALVA

Mr. GRIJALVA. Mr. Speaker, I have a motion at the desk.

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

The Clerk read as follows:

Mr. Grijalva moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 2012 (an Act to provide for the modernization of the energy policy of the United States, and for other purposes) be instructed to insist on inclusion of section 5002 of S. 2012.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, the Democratic motion would instruct House conferees to insist that section 5002 of S. 2012 be included in the final conference report on this energy package. Section 5002 of the Senate bill would permanently reauthorize the Land and Water Conservation Fund and make other minor changes to the program.

The Land and Water Conservation Fund Act of 1965 is based on a simple idea. If we are going to allow Big Oil to make huge profits from drilling off our coasts, then a small percentage of those profits should be set aside for parks and recreational opportunities onshore. The oil and gas on the Outer Continental Shelf belongs to all our constituents, so it is only right that all of our constituents should see the same benefit when Big Oil develops these resources.

Fifty years later, the program has been a huge success. More than \$36 billion has accrued to the fund. Millions of acres have been conserved and projects have been funded in every State in the Union.

Meanwhile, the companies paying into the fund have become some of the most profitable multinational conglomerates in human history. Over the same five decades, States with large amounts of public land have developed robust tourism and recreation economies, with job and economic opportunities and a quality of life attractive enough to make them among the fastest growing communities in the country.

By investing and expanding recreational opportunities, Congress gets a significant return on its investment as outdoor recreation generates \$646 billion in spending each year, supports 6.1 million jobs, and \$39.9 billion in tax revenue.

The Land and Water Conservation Fund benefits people. It benefits the environment. It benefits companies and allows them to drill off our shores. It benefits the Federal budget. It benefits those mainly western States with lots of public land. It is a win-win-win.

Our colleagues in the Senate saw fit to include permanent reauthorization for LWCF in the Senate-passed energy bill, a bill which received overwhelming support, including most Republicans.

The Land and Water Conservation Fund is pretty popular here in the House as well. My legislation to permanently reauthorize the program, H.R. 1814, has 207 bipartisan cosponsors.

There is no doubt that many of the provisions in the House and Senate energy bills are controversial. It is, frankly, difficult to see a path toward a bipartisan conference report. In such a contentious conference situation, a provision reauthorizing a program as widely popular as LWCF would play a constructive role in moving toward consensus.

Section 5002 from the Senate bill should be absolutely included in the conference report.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to the motion. I appreciate that this is a nonbinding resolution, so I have to appreciate the fact that—hopefully, I think I will be one of the conferees—the instructions tell me to do what I already can do.

At this time, we are looking at a program that does not necessarily fit with the goal of the rest of the bill. Look, everything that we are doing in this entire bill that we just passed was to support House-endorsed programs. This now asks us to do something that has never been endorsed by the House. In fact, it is quite the opposite.

So, when the Land and Water Conservation Fund was first established back in 1965, the goal was that 60 percent of all the revenue that is generated would go to local governments to build what they call the state assistance grant program. That program is widely popular. In fact, unfortunately, most people think that that 60 percent, as originally intended, is the entire Land and Water Conservation Fund.

The sad part is that, over the years, that 60 percent has dwindled away and is no longer a statutory mandate. It dwindled down to like 16 percent of all that money was going to those state-side widely popular programs to help local governments come up with recreation opportunities for their citizens. That part that everyone supports had dwindled from 60 down to 16 percent. The rest of the money went for the Federal Government to acquire more property.

Now, if you think about this rationally for a second, we are putting more money into the Federal Government to acquire more property when the Fed-

eral Government already has a \$20 billion backlog in the maintenance of what we already have. Park Service alone has a \$12 billion backlog in the maintenance of the programs we already have.

So what we are basically trying to do in this motion to instruct is to tell us to go in there and fight for money to go to a program to get more land when we can't actually manage what we want.

If the program was to go and say it would be mandatory for local governments to be able to pick and choose their recreation opportunity, then you have got something that makes sense, but that is not what the Senate has tried to do in their appropriations.

Now, last December, the House did vote on this issue when it reauthorized the Land and Water Conservation Fund for 3 more years. But what they did in that process is do, at least, the first step of the reform by saying, if you are going to do it for 3 more years, at least, at least as a minimum 50 percent has to go to the States, and then you can spend the other 50 percent for this quixotic effort to control all the land in America. But at least do that. Now, unfortunately, that, at least, is a reform to make the process better.

But this motion to instruct would tell us to even go back from that and would not even put that modest type of reform into the program. At the minimum, that should be the way. It should not be a process where we try and walk back from what we have already done. It should not be a process where we forget what the original intent of this program is. It should not be a process in which we add to the Federal estate when we can't manage what we already have. It should not be a process that basically has been abused from the intent of 1965.

So, with that, I appreciate the offer to instruct me to do what I can already do. I appreciate that this is still nonbinding. It is a nice concept, nice spirit. There is a better way. We did a better way before. We can come up with a better way now.

Mr. Speaker, I have no other speakers. Let's move this stuff along as quickly as we can. I already said what we are supposed to do.

If we are really serious about these instructions, let's do an instruction that actually moves us forward. I know that they are still just simply nonbinding issues. It is kind of cute, but it doesn't move the body forward and it certainly does not support House-backed positions.

I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Some of the claims that the Land and Water Conservation Fund is some kind of a slush fund are completely false. All LWCF expenditures are approved by Congress through the appropriations process. The proposed land acquisitions are developed over many years after a public land management

planning process. This is a far more responsible and transparent process than many Federal expenditures, and it is opposite of a slush fund.

The allegation that the Land and Water Conservation Fund has drifted from its original intent is also false. The purpose of the program is to provide balance. As we allow oil companies to reap massive profits from Federal oil reserves, we should set some of the revenue aside for conservation purposes, and that is still what LWCF does today.

Funding for State matching grants has fluctuated over the years, but that is not a drift. That is the result of previous Congress' appropriations decisions, many of which were made during Republican Congresses.

□ 1745

The truth is, LWCF is under attack precisely because for 50 years it has not drifted from its conservation goals. We do not need to rob LWCF in order to pay the maintenance costs. Federal land management agencies have maintenance backlogs because Congress refuses to give them the funding they deserve and need. Any Member concerned about backlogged maintenance should contact the Committee on Appropriations immediately and express support for an increase in maintenance budgets. You can do this without gutting LWCF.

Finally, LWCF is not a Federal land grab. At least 40 percent of LWCF money goes to States in the form of matching grants. The Federal funding is targeted at in-holdings, already surrounded by Federal land. Acquiring an in-holding does not increase the size of the Federal footprint. Buying in-holdings can provide access to parcels that are closed because there is no public access route. These purchases are from willing sellers. These are people who want to sell their land.

Those who oppose this motion to instruct or oppose LWCF are part of a larger campaign to hand over all remaining open space to private development. Oil and gas companies, mining conglomerates, timber companies, real estate developers, and large scale agribusinesses would love to get their hands on the open space in the West. Some in Congress want to help them, and they see LWCF standing in the way because it conserves open space for public and not private use.

Congress should reauthorize and strengthen this program. We face more habitat fragmentation, greater urban sprawl, and more severe climate change than ever before. It is time to double down on the promise of the Land and Water Conservation Fund, not fold so developers can cash out.

The energy bill is the place to do that, and I urge the adoption of the motion to instruct.

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

The SPEAKER pro tempore (Mr. CULBERSON). Without objection, the pre-

vious question is ordered on the motion to instruct.

There was no objection.

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

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

Mr. GRIJALVA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

GENERAL LEAVE

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 5055, and that I may include tabular material on the same.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 743 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. 5055.

Will the gentleman from Illinois (Mr. HULTGREN) kindly take the chair.

□ 1849

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. 5055) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2017, and for other purposes, with Mr. HULTGREN (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 Colorado (Mr. POLIS) had been disposed of, and the bill had been read through page 80, line 12.

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT OFFERED BY MR. WELCH

Ms. KAPTUR. Mr. Chair, I ask unanimous consent that the request for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. WELCH) be withdrawn to the end that the Chair put the question de novo.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

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

There was no objection.

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

The amendment was rejected.

AMENDMENT NO. 34 OFFERED BY MR. PITTENGER

Mr. PITTENGER. 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 revoke funding previously awarded to or within the State of North Carolina.

The Acting CHAIR. Pursuant to House Resolution 743, the gentleman from North Carolina (Mr. PITTENGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PITTENGER. Mr. Chairman, I rise today in full support of this very critical amendment. The objective of this amendment is to prohibit the President of the United States from restricting funds to go to North Carolina.

The President's emissaries have stated through the Department of Transportation, Department of Education, Department of Justice, Department of Housing and Urban Development, and, yes, through Valerie Jarrett and through his press secretary, Josh Earnest, that funds should not be dispensed to North Carolina until North Carolina is coerced into complying with the legal beliefs of the President and his political views.

We believe that this is an egregious abuse of executive power and that the State of North Carolina should not be required to comply with the President's wishes. The President is not a monarch; he is not a dictator; he doesn't issue fiat. We are a constitutional divided government.

This amendment I am offering today stops the President from bullying States, stops the President from bullying North Carolina. What he seeks to do in North Carolina, he has sought to do around the country. He has sent letters to the Departments of Education in every State giving them guidelines. Already 11 States in the country have sued the Federal Government over the abuse of these egregious powers.

This is not a fight about a city ordinance with wording that was poorly edited or about a legislature. This is about a constitutional divided government. To that end, I would submit to our colleagues in the House of Representatives that it is critical that we address this and we rein in this President, who has time and again used his authority and abused his power; that we must submit to the President and to the will of the people that we are a country of the people, by the people, and for the people, and this is a constitutionally divided government.

I yield such time as he may consume to the gentleman from North Carolina (Mr. WALKER).

Mr. WALKER. Mr. Chairman, today I rise in support of this amendment.