Mr. PALLONE. Mr. Speaker, today is a great day for the American people. The Supreme Court's decision to uphold the Affordable Care Act reaffirms our Nation's commitment to make sure that all Americans have access to quality, affordable health care and health insurance. For the millions of Americans who have gone without health insurance; the seniors who have struggled due to inadequate coverage; the women, children, and young adults that have been denied coverage for preexisting conditions, the Court's ruling is not only a victory but a validation that they deserve to have the most basic of human needs met—and that is access to health care.

The ACA addressed so many gaps in the American health care system, from closing the Medicare part D doughnut hole to stopping the practice of denying those with preexisting conditions insurance coverage to claiming womanhood as a preexisting health condition to allowing young adults to stay on their parents' coverage.

This law has changed the way our country manages and delivers all phases of our health care system, and I'm proud to have been part of its creation, and prouder still today to learn that the Court's decision was to uphold its constitutionality.

HEALTH CARE WIN-WIN

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. I rise today because I think everybody in this country is always worried about health care and whether they're going to be able to have access to it, whether they can afford insurance, whether the complications of that insurance will knock them off health care by putting caps on it or saying you have a preexisting condition. But those worries are over. America has health safety now. Everybody in this country will be able to have access to health care. The Supreme Court made the decision that no one without health care cannot be treated.

So I think it's a really happy day. There's going to be a lot of discussions here about pros and cons on how it's all worked out, but each individual, I think, will be able to decide: I can go to a doctor and I can get the kind of care that I need, and it's going to get paid for so doctors and hospitals will make it. That's the bottom line.

I left my office this morning, and one of my interns is 25 years old, and she says, I've got health care insurance because of the law you passed. Until I'm 26, I can stay on my parents' health care insurance, and I otherwise would have none. Because she's already graduated from college.

So this is a win-win for everyone. It's a great day for America.

RELATING TO CONSIDERATION OF HOUSE REPORT 112–546 AND ACCOMPANYING RESOLUTION, AND PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 706, AUTHORIZING COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM TO INITIATE OR INTERVENE IN JUDICIAL PROCEEDINGS TO ENFORCE CERTAIN SUBPOENAS

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 708 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 708

Resolved, That if House Report 112-546 is called up by direction of the Committee on Oversight and Government Reform: (a) all points of order against the report are waived and the report shall be considered as read; and

(b)(1) an accompanying resolution offered by direction of the Committee on Oversight and Government Reform shall be considered as read and shall not be subject to a point of order; and

(2) the previous question shall be considered as ordered on such resolution to adoption without intervening motion or demand for division of the question except: (i) 50 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform or their respective designees; (ii) after conclusion of debate one motion to refer if offered by Representative Dingell of Michigan or his designee which shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (iii) one motion to recommit with or without instructions. The Chair may reduce the minimum time for electronic voting on the question of adoption of the motion to recommit as though pursuant to clause 9 of rule XX.

SEC. 2. Upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 706) authorizing the Committee on Oversight and Government Reform to initiate or intervene in judicial proceedings to enforce certain subpoenas. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to adoption without intervening motion or demand for division of the question except: (1) 20 minutes of debate equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

□ 1230

Mr. NUGENT. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts, my colleague on the Rules Committee, Mr. MCGOVERN, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise today in support of this rule and the underlying resolution it brings to the House floor.

The rule provides for consideration of two contempt of Congress charges laid against Attorney General Eric Holder. You're going to hear a lot of folks say how historic today is. That ''historicness'' is why the rule provides for debate and separate votes on both contempt charges. The rule also provides for a motion to refer the criminal contempt charges, if offered by Mr. DINGELL, as well as motions to recommit both resolutions.

I don't assume to put words in his mouth, but I'm sure and I'm willing to bet that Mr. MCGOVERN is sitting over there getting ready to tell me it's not enough time. I'm not going to disagree.

But as we all know, before we leave Friday evening to go to work in our districts, we have a lot to get done here. We need to reauthorize our Nation's highway and infrastructure systems. We need to save college students and recent graduates from student loan interest rates that are 2 days away from doubling. We need to move forward with the open amendment process and finish considering the appropriations bill to fund our transportation and housing programs. It's a lot to get done in 2 days. And, frankly, if we didn't put a time limit on today's contempt debate, we could spend days on end talking about nothing but this one issue.

But beyond all of that—beyond floor schedules and expiring authorizations, we're left with this truth: Border Patrol Agent Brian Terry was shot on December 14, 2010, and died of those injuries the next day. His family has been looking for answers about what led up to and caused his death for over a year and a half. If we can do anything to answer those questions, then we cannot and should not do anything to make them wait any longer—not another month, not another day, not another hour. Today, the House of Representatives is going to do what we can to get those answers for the Terry family.

Thanks to whistleblowers at the Bureau of Alcohol, Tobacco, Firearms and Explosives, Members of Congress were alerted to the fact that Agent Terry was killed by guns—AK–47 assault rifles, specifically—that our government allowed to walk into Mexico. When confronted with these claims, the Justice Department denied the whistleblowers' claims. What we now know all too well is just how right the whistleblowers were. However, it took the Department of Justice 10 months after their first denial, almost a year after Border Patrol Agent Terry's death, to formally retract their denial about the reckless program that contributed to the deaths of Agent Terry and hundreds of Mexican citizens.

You know, I was a cop for almost 40 years and a sheriff for the last 10. As the head of a law enforcement agency, you have two options when you make a mistake: you can hope it doesn't come out, and if it does, you go into lockdown and deny, deny, deny; or you can get out in front of it, admit you made a mistake, tell the American people you're going to investigate, and then do everything you can to make sure that this never happens again.

As sheriff, I found it was my moral imperative to always admit when we'd been wrong, hold folks accountable, and make my agency better so we wouldn't make the same mistake twice. It's the responsible thing to do, and it takes away any sting of the possibility of a coverup.

That's not what DOJ did. They've gone the other route—hide, deny, and stonewall.

They sent a letter with false information to Congress, the institution that's constitutionally mandated with government oversight, and it took them 10 months to retract that statement. It appears that in those 10 months between lying and admitting the truth, members of DOJ and the ATF colluded to intentionally cover up what happened. What we're trying to figure out is if there really was a coverup, and we need the information to determine the facts.

Yesterday at the Rules Committee, a couple of people mentioned President Nixon and Watergate. And I agree, this is like the Watergate scandal. But President Nixon didn't leave office because of the scandal itself; he was forced to resign because of the coverup.

I said it last night and I'm willing to bet, Attorney General Holder didn't know all the specifics about what was happening with Fast and Furious, but when the facts started coming to light and congressional investigators started looking for answers, he repeatedly kept us from getting information we need. And that has kept the Terry family from getting the closure they need.

Attorney General Holder is responsible for his agency, but he has essentially given his top leadership a free pass.

Mr. Speaker, a law enforcement officer who was employed by the United States Federal Government is dead. Somebody knows what happened to result in his death, and the Justice Department and now President Obama are refusing to release that information to Congress, to the American public, and to Agent Terry's family.

This institution has a duty to oversee the executive branch and to find out what happened. The answers are there. Attorney General Holder knows the answers are there because he's the one who has the documents that contain the answers we're looking for. He's the gatekeeper here, and if he won't give us the information this institution needs to do our duty, our constitutional duty, then we will use every legal and constitutional tool that we have to get to it.

I've heard some people say this is all about politics. In my heart, it's just the opposite. It couldn't be further from the truth. These contempt charges aren't about politics. They aren't about Attorney General Holder, President Obama, or anything else but this: a man died serving his country, and we have a right to know what the Federal Government's hand was in that.

It's clear this country somehow played a role in his death. We need to root it out, find the cause, and make sure this never, ever happens again. These votes today aren't about politics; they are about answers that, at the very least, this country owes Agent Terry and his family.

President Obama promised his would be the most open administration in history. When discussing executive privilege in the past, Attorney General Holder has made it clear that the DOJ won't invoke the State secrets privilege to conceal ''violations of the law'' or ''administrative error,'' avoid ''embarrassment,'' or to ''prevent or delay the release of information.''

Unfortunately, that is exactly what has happened so far with Fast and Furious. It is for this reason why the House today sees no other choice other than to charge Attorney General Eric Holder with both civil and criminal contempt of Congress charges.

I'm going to support both of these resolutions, Mr. Speaker, not because it's the political thing to do, not because it's the easy thing to do, but because it's the right thing to do.

And with that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank my friend, the gentleman from Florida (Mr. NUGENT), for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, this is a sad and deeply troubling day for this House of Representatives. The Republican leadership of this body is asking us to take the unprecedented and unjustified step of holding a sitting Attorney General in contempt of Congress.

□ 1240

They are doing so based on a completely partisan ''investigation.''

This is a witch hunt, pure and simple, Mr. Speaker, and it has no place in this House. Eric Holder is a good and decent and honorable public servant. He has reinvigorated the Justice Department, especially on efforts to stop partisan voter suppression across the country.

I find it interesting that the Republican leadership has scheduled this nonsense for the floor today when it is certain to be buried under the avalanche of news and reaction to the Supreme Court's health care decision and the highway bill and the student loan bill and everything else. Is it possible that the Republican leadership doesn't really want the American people seeing what the House is doing today? Why else would they feel the need to rush this to the floor a mere week after the House Oversight Committee voted along strictly partisan lines to adopt the Republican contempt citation?

Let me say at the outset that there are certain things that all of us, Democrats and Republicans alike, agree on. We all agree that the death of Agent Terry was a terrible tragedy. We all agree that the ATF field office's embrace of gunwalking—which began under the Bush administration, by the way—was a terrible idea. We all agree that the ATF should not have sent an erroneous letter to Senator GRASSLEY in 2011. But the contempt resolution before us doesn't have anything to do with any of that.

The Department of Justice has provided thousands and thousands of documents about gunwalking. The Attorney General has testified nine times. The Department has provided over 1,000 pages of documents about the letter sent to Senator GRASSLEY. So this isn't about getting to the truth; this is about politics. It is about politics. This is about the Republicans refusing to take ''yes'' for an answer. This is about doing whatever it takes to attack the Obama administration no matter the issue, no matter the cost.

During the committee's ''investigation,'' the Republican majority refused all Democratic requests for witnesses and hearings, as well as requests to interview any Bush administration appointees. All of them were denied.

The Republicans refused Democratic requests to hold a hearing with Ken Melson, the head of ATF. You know, if you're actually interested in learning about an ATF operation, don't you think you would want to talk to the leadership of the ATF?

Republicans refused Democratic requests to hold a hearing with former Attorney General Mukasey, who was briefed on botched ATF operations in 2007. If you're actually interested in learning about these botched operations, wouldn't you want to talk to the man who was briefed about them?

I would hope that we would all agree that we should never take a step like finding a sitting Attorney General in contempt lightly, and that we should only do so based on accurate information. But Ranking Member CUMMINGS and his staff have found, in a very short time, 100 concerns, omissions, and inaccuracies in the committee report that is the foundation of this contempt resolution—100 inaccuracies and omissions and concerns. Sadly, instead of getting answers to those questions, this has been rushed to the floor.

Mr. Speaker, the American people expect us to address the issues that matter most to them—issues like jobs and the economy and education and health care—but the Republican majority refuses to listen. Instead, they bring this

resolution to the floor, and then they wonder why Congress is so unpopular.

What troubles me most, perhaps, is that under this Republican majority, everything has to be a fight—everything. Everything has to be a confrontation, everything has to be a showdown. And I get the politics. I understand this is an election year. But this goes way, way too far. It is just wrong.

I wish the Speaker of the House would have intervened here and kept this off the floor. By moving forward today on this resolution, we diminish the House of Representatives. This is not a happy day for this institution.

I urge my colleagues to reject this rule and the underlying resolutions, and I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, the gentleman from Massachusetts made a statement. This is about a contempt citation because the Attorney General has not provided all the information the committee has asked for. Out of 140,000 pages—by his own testimony in front of Judiciary—he's given a little over 7,000 pages. That's not reaching out and doing the right thing.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SCOTT), a fellow Rules Committee member.

Mr. SCOTT of South Carolina. I thank the gentleman for the time.

Mr. Speaker, it seems to me that my friends on the left need some clarification on why we are here this afternoon. This is not a good day for America, and it is certainly still not a good day for the Terry family.

My friends on the left continue to talk about this as if it were a witch hunt—a witch hunt. We have a slain Border Patrol agent, and my friends on the left want to politicize this by talking about a witch hunt when in fact we all know that this, Mr. Speaker, is about justice. This is about justice.

My friend on the left just said that we Republicans refuse to hear ''yes,'' we refuse to accept ''yes'' as an answer. Well, Mr. Speaker, we want a ''yes'' for Kent Terry, we want a ''yes'' for Josephine Terry, the parents of Brian Terry. We want a ''yes'' for the American people. We want a ''yes'' as it relates to the integrity of the process, and we want a ''yes'' for justice. And, Mr. Speaker, my friends on the left continue to consistently say ''no.''

We are here, Mr. Speaker, for only two reasons. The first is because United States Border Patrol Agent Brian Terry is dead because of a Federal Government operation that allowed American guns to be walked across the border in the hands of drug lords and cartels. We are here today, Mr. Speaker, because the Department of Justice; the Attorney General, Eric Holder; and now the President refuse to comply with congressional subpoenas that will give us clarity on these questions, give us clear answers for the Terry family and for the American people.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. I yield the gentleman an additional 1 minute.

Mr. SCOTT of South Carolina. We have been trying for 18 long months to get to the bottom of this issue, and yet we are being stonewalled.

Yes, we hear that the Federal Government has provided 7,000-plus pages; but, Mr. Speaker, there are over 100,000 pages that we have requested. We are talking about a period from February 4, 2011, to December 2011, where we were given false information. It is our responsibility, it is our duty to find the truth for the American people and the Terry family.

Let me close, Mr. Speaker, by simply saying, how are we supposed to protect and ensure the safety of our Border Patrol agents in the future if we do not know who allowed the guns to walk across the border? How are we supposed to give Brian Terry's family any sense of closure, Mr. Speaker? This is why we have no choice but to be here today. The refusal of the Attorney General to provide answers regarding Brian Terry's death leaves us no choice but to be here today.

Mr. McGOVERN. Mr. Speaker, let me yield myself such time as I may consume before I yield to the gentleman from North Carolina.

Mr. Speaker, the last time Congress dealt with a contempt resolution was in the case of Joshua Bolton and Harriet Miers. The period of time between when the committee voted out the resolution and before there was floor action was 6 months. The reason why there was time taken was to make sure that we got it right.

This is less than a week. And I'm going to say to my friends on the other side of the aisle that the minority staff has compiled a list of 100 inaccuracies—100 inaccuracies in the report that was the basis for this contempt resolution—100—and they're rushing it to the floor. So don't tell me this is not about politics. Don't tell me this is not a witch hunt. It is exactly what it is.

Mr. Speaker, I'd like to yield 2 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. The gentleman from Massachusetts is absolutely correct, this is a sad and troubling day.

What we see here today, Mr. Speaker, is nothing more than using the Halls of Congress for extreme partisan political purposes.

□ 1250

This case is all about a politically motivated confrontation with the executive branch on a matter that does not even begin to rise to this level.

This case is not about gunwalking. Those documents have been provided and are not in dispute. The documents at issue are completely unrelated to how gunwalking was initiated in Operation Fast and Furious. The Department has produced thousands of pages of documents. The committee has interviewed two dozen officials, and the Attorney General has testified on nine occasions.

This is an election-year witch hunt. I say that to the gentleman from South Carolina. This is an election-year witch hunt. During this 16-month investigation, the committee refused all Democratic requests for witnesses and hearings, as well as requests to interview any Bush administration appointees.

Never in our Nation's history has the House of Representatives voted to hold a sitting Attorney General or a Cabinet member in contempt. What's different?

I will tell you what's different. It is the simple fact that Republicans have a dogged determination to discredit and defeat this President at all costs. Plain and simple, it's politics.

My Republican friends, do not use your majority to engage in a political stunt. The integrity and legacy of this institution deserve better than that. If you want to discredit and defeat this President, you need to leave this floor and leave the C–SPAN cameras, and go out and give it your best shot. This is not the place to do it.

When the history of this despicable proceeding is recorded, it will be said that your actions were politically motivated to discredit and defeat a President who has worked so hard over the past 3 years.

I encourage my colleagues to join me in refusing to vote for this gimmick and walk to the steps of the Capitol and explain the circumstances of this dark day. Do not vote for this resolution.

For those of you who choose to vote, I ask that you defeat the rule and vote against these contempt resolutions.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. NUGENT. Mr. Speaker, I yield myself as much time as I may consume.

You know, it's amazing that my friends forget about history because they referenced history in 2008 as related to House Resolution 979 and House Resolution 980. And you know what they did?

They passed a rule and said it's hereby adopted. You never even had discussion on the House floor like we're going to do today. Never had debate on the House floor. They just passed it in the Rules Committee and said, guess what, it's hereby adopted.

I yield such time as he may consume to the gentleman from California (Mr. ISSA), the chairman of the Committee on Oversight and Government Reform.

Mr. ISSA. I place in the RECORD at this time the statement by the Terry family concerning Congressman DINGELL's criticism of the contempt vote.

TERRY FAMILY STATEMENT WITH REGARD TO CONGRESSMAN JOHN DINGELL'S CRITICISM OF CONTEMPT VOTE

On Wednesday, Representative John Dingell invoked the Terry family name while saying he would not back the contempt resolutions but instead wants the Oversight and

Government Reform Committee to conduct a more thorough investigation into Operation Fast and Furious.

Congressman Dingell represents the district in Michigan where Brian Terry was born and where his family still resides, but his views don't represent those of the Terry family. Nor does he speak for the Terry family. And he has never spoken to the Terry family.

His office sent us a condolence letter when Brian was buried 18 months ago. That's the last time we heard from him.

A year ago, after the House Oversight and Reform Committee began looking into Operation Fast and Furious, one of Brian's sisters called Rep. Dingell's office seeking help and answers. No one from his office called back.

Mr. Dingell is now calling for more investigation to be conducted before the Attorney General can be held in contempt of Congress.

The Terry family has been waiting for over 18 months for answers about Operation Fast and Furious and how it was related to Brian's death. If Rep. Dingell truly wants to support the Terry family and honor Brian Terry, a son of Michigan, he and other Members of Congress will call for the Attorney General to immediately provide the documents requested by the House Oversight and Government Reform Committee.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. ROSS).

Mr. ROSS of Florida. Mr. Speaker, today I rise to offer my support to hold the Attorney General in contempt of Congress.

In December 2010, Border Patrol Agent Brian Terry was killed with a gun that was allowed to walk across the border as a result of Operation Fast and Furious.

Mr. Speaker, some, including this Attorney General and some of my colleagues on the other side of the aisle, state that this operation began in a previous administration. This is demonstrably false, and nothing could be further from the truth.

While there was a program under the previous administration known as Wide Receiver, the differences are quite stark. Under Wide Receiver, weapons were tracked, the Mexican government was involved, and no one died as a result of that operation. In fact, Operation Wide Receiver ended in late 2007, nearly 2 years before Fast and Furious began and nearly 9 months before this President was sworn into office.

Fast and Furious allowed guns to walk across the Mexican border with no tracking, no involvement by Mexican officials. Over 2,000 firearms disappeared across the border under this failed operation. Hundreds of Mexicans are dead because of this failed operation.

An American hero and United States Marine, Agent Brian Terry, is dead because of this failed operation. Agent Terry stood his ground and told moms and dads across America that no one would hurt their children on his watch. He stood up and took that responsibility.

To this day, no one, and I mean no one, in this administration has had the guts to stand up and say, ''It was my fault.'' Attorney General Holder has refused to comply with a congressional subpoena that was issued in October of 2011.

I was a practicing attorney in the real world before I came to Congress. In the real world, Americans are expected to comply with subpoenas. Is the Attorney General any different? No, he is not.

Are we just supposed to take Mr. Holder's word that we have all the information?

That may be how Washington works, Mr. Attorney General, but that is not how Main Street works.

Mr. Attorney General, what are you hiding? What are you hiding from the Brian Terry family? What are you hiding from the American public?

I've said it before and I will say it again: you can delegate authority but you cannot delegate responsibility.

Mr. Speaker, the Attorney General can stonewall all he wants. The Attorney General can misremember all he wants. But whether he likes it or not, today responsibility will land on his desk.

Mr. Speaker, I applaud Chairman ISSA for his steadfast leadership in the pursuit of the truth. I applaud my colleagues on the other side of the aisle who are putting the search of the truth before party.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. Mr. Speaker, I yield another 15 seconds to the gentleman from Florida.

Mr. ROSS of Florida. Mr. Speaker, I applaud all of those, like Agent Terry, who wear the uniform of the Armed Forces or stand on the border and guard our Nation. Agent Terry knew a thing or two about duty. He died while on duty.

It is now the duty of this Congress to hold those responsible and accountable for this failed operation. We will not forget, and we will always stand with you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Once again, Members are advised to direct their remarks to the Chair.

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

My friend from Florida (Mr. NUGENT) talked about obstructionism, and I want to say a couple of words about that because I think this whole process has obstructed justice.

During the committee's 16-month investigation, the committee refused all Democratic requests for witnesses and hearings, which is unprecedented. For instance, the committee refused to hold a public hearing with Ken Melson, the head of ATF, the agency responsible for this operation, after he told committee investigators privately that he never informed senior department officials about gunwalking because he was unaware of it.

The committee also refused a hearing, or even a private meeting, with former Attorney General Mukasey, who was briefed on botched efforts to coordinate interdictions with Mexico in 2007, and was informed directly that these efforts would be expanded during his tenure; refused the opportunity to have the Attorney General as a witness.

Mr. Speaker, this partisanship was demonstrated by the committee's vote along strictly partisan lines to hold the Attorney General in contempt and to vote along strictly partisan lines on every amendment. This is about politics. This is not about the truth. This is not about justice. This is about politics, and that is why this is such a sad day for this institution.

Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, I thank the gentleman from Massachusetts.

Mr. Speaker, the investigation that's being conducted by the Committee on Oversight and Government Reform is a legitimate investigation. But the recommendation to this House to hold the Attorney General in contempt is reckless, irresponsible, unnecessary, and will actually get in the way of the pursuit of truth.

Why do I say that?

If you're going to do an investigation, you have to begin at the beginning, and the beginning of Fast and Furious and gunwalking began in the Bush administration. There's no evidence that President Bush was aware of it. There's some questions about what his Attorney General knew, what and when.

But if you are sincerely interested in trying to find out what happened, how it happened, how in the world do you not begin at the beginning?

And despite that fact, the requests of many of us on the committee who support an investigation, who support the use of a subpoena, who support the aggressive right of Congress to get access to documents that it needs, have been denied the opportunity to bring in witnesses about what happened and how it happened during the Bush administration.

We've been denied the opportunity to bring in Attorney General Mukasey, despite the fact that there was evidence that he was personally briefed on the botched efforts to coordinate interdiction with Mexican authorities. Then-Attorney General Mukasey was also told that the ATF field office in Phoenix planned to expand these operations during his tenure. So our question really quite simply is, begin at the beginning.

That foundation of an open and exhaustive search is what this committee, the Committee on Government Reform, owes to this House of Representatives before it asks the Members of this House to vote on the extraordinary measure of finding a sitting Attorney General in contempt.

Secondly, we've got to do our job with care. The original subpoena that went out and was there until the Friday before the Wednesday in which we voted was demanding that the Attorney General turn over documents that

would have been illegal for him to turn over—transcripts of the grand jury.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 15 seconds.

□ 1300

Mr. WELCH. So transcripts of the grand jury, transcripts of wiretap applications, which is not only a violation of the U.S. Code, but would jeopardize law enforcement officials if that word got out. That is an irresponsible and overbroad subpoena.

So the bottom line is to let the investigation continue, but let's acknowledge that the job that the committee needs to do before it asks for a vote of contempt has not been done.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Judge POE.

Mr. POE of Texas. I thank the gentleman.

Mr. Speaker, we are here today because of an ill-conceived, dangerous, illegal, gun-running scheme called Operation Fast and Furious.

This operation has resulted in the death of at least one—maybe two—Federal agents and in the deaths of hundreds of Mexican nationals; yet we still cannot get a straight answer from the Justice Department as to what happened. The Attorney General says he doesn't know who authorized this nonsense, but he won't let Congress help him find out the facts.

In December of last year, Attorney General Holder testified before the House Judiciary Committee and told me that Operation Fast and Furious was ''flawed and reckless'' and that it was ''probably true'' that more people were going to die.

Now, isn't that lovely?

Why is the Attorney General being so obstinate? After months of delay, delay, delay, today is the day of reckoning.

This administration claims to be the most transparent administration in history. So why won't the administration let the American people know what happened during Fast and Furious? What are they hiding?

This contempt resolution is about one thing. It's about finding out how such a stealth and dangerous operation could ever be authorized by the Government of the United States. Why would our government help smuggle guns to our neighbor and put them in the hands of the enemy of Mexico and the United States—the violent drug cartels?

And no wonder the Attorney General of Mexico wants those in the United States who are responsible to be extradited to Mexico and tried for those possible crimes. Mexico is more interested in Fast and Furious than is our own government.

As a former judge, I can tell you that contempt is used as a last resort to let individuals know they will comply with a lawful order whether they like it or not. Even the Attorney General cannot evade the law.

Time for America to find out the truth about gun smuggling to Mexico. Time for a little transparency. Today is judgment day.

And that's just the way it is.

Mr. MCGOVERN. Mr. Speaker, let me remind my friend that this gunwalking program started under President Bush. And that's just the way it is.

I would like to yield 15 seconds to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Members, I'm from Texas. We believe it's our constitutional right to own every gun that was ever made, and we don't want to export them to anywhere—but this resolution is pure politics.

Mr. Speaker, today I rise in opposition to the resolution recommending that the House of Representatives find Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in contempt of Congress for refusal to comply with a subpoena duly issued by the committee on Oversight and Government Reform.

In 2005, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) initiated Project Gunrunner that focused on stemming the flow of firearms into Mexico. This would stop guns from being obtained by drug cartels and criminal organizations that have killed thousands in Mexico in recent years.

Part of Project Gunrunner was Operation Fast and Furious, which has come under scrutiny over the past year due to reports that the ATF allowed the sale of hundreds of assault weapons to suspected straw purchasers, who then allegedly transported these weapons through the Southwest and into Mexico. In December 2010, suspected firearms linked to Operation Fast and Furious were found at the murder scene of Border Patrol Agent Brian Terry.

This resolution is not about Project Gunrunner or Operation Fast and Furious because the Department of Justice has produced thousands of pages of documents, two dozen officials have been interviewed, and the Attorney General has testified nine times, to show it was not responsible for these operations. The Attorney General has continually offered to provide even more information, including documents outside of the Committee's original subpoena. The documents that are now at the center of the resolution are completely unrelated to how Project Gunrunner or Operation Fast and Furious were initiated.

This investigation is nothing more than a hyper-partisan, election-year effort. The Committee vote was strictly along partisan lines and every amendment passed or failed on party-line votes. During this investigation, the Committee refused all Democratic requests for witnesses and hearings, as well as requests to interview any Bush Administration appointees.

Attorney General Eric Holder has produced sufficient evidence, through thousands of pages of documents and testifying nine times before the committee, to confirm that once he learned about Operation Fast and Furious, he took action to bring it to a close. The denial of Democratic requests to interview officials of the Bush Administration on this matter only further proves this is strictly a partisan political game to hold the first sitting Attorney General in contempt.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to a former law enforcement officer who lost her husband in the line of duty, the gentlewoman from Florida (Mrs. ADAMS).

Mrs. ADAMS. I am going to come to you from a different angle, one of a law enforcement officer.

I served over 17 years as a law enforcement officer, and I worked many undercover operations. As a law enforcement officer, you knew you didn't give guns to bad guys. The drug cartels, they're bad guys. You know if you let a gun walk with a bad guy that you're going to see that gun whether it's at a crime scene, or you're going to be looking down the barrel of it.

So when the Attorney General came to our committee, I asked him, Who approved this operation? Why was it approved? And he just wouldn't answer. He didn't know.

Okay. Well, what rises to the level of the Attorney General? If an international operation that allows guns to walk to another country and that are then used to kill one of our agents and that are used to kill and maim their citizens doesn't rise to his level of approval, who approved it?

This is something that is just normal procedure in any operation in a law enforcement agency.

So now you have an Attorney General who won't tell us or can't tell us who approved this international operation. You have others saying, Well, this is something that started under another administration.

It didn't. That was a different operation, and they realized they couldn't keep up with those guns, so they stopped it. When this one started, it was flawed from the beginning. The Attorney General said it was flawed from the beginning.

Yet we still have no answers. We don't have answers. The American people don't have answers, and most importantly, the Terry family doesn't have answers. That's just unacceptable.

I've heard from the other side of the aisle and from my colleagues here today that this is political. This isn't political. To me, it's personal. We have a law enforcement officer who was doing his job and who was killed by a flawed operation that no one will take ownership of in the Attorney General's Office; and the Attorney General, himself, won't tell us what rises to the level of his knowing what's going on in his agency if an international operation does not.

So I will tell you that it was not political when I started looking into this and when we started looking into it. It is not political today. The way that it became political was when there was asserted, right before the gavel dropped in the committee, an executive privilege.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NUGENT. I yield the gentlelady an additional 15 seconds.

Mrs. ADAMS. I ask you today to approve this resolution. Bring some credibility back to our Department of Justice. If this had happened in another agency throughout this Nation and if one of our officers had died and if the Department of Justice were involved in the investigation, they would be asking for the same documents that we are asking for.

Mr. MCGOVERN. Mr. Speaker, let me just say to the gentlelady that if she is interested in why the United States pursued this gunwalking program, she should talk to the Attorney General under the Bush administration, Attorney General Mukasey, when this thing started 5 years ago.

Unfortunately, notwithstanding the fact that the Democrats have asked that he be called before the committee, the request has been denied. She wants to know why this is political? The request for every single witness that the Democrats asked to be brought before the committee was denied, the request for every single witness.

That is unprecedented in this House in any committee, the fact that the Democrats have been locked out of having any of their witnesses come forward. This is not about gunwalking. This is not about finding the terrible truth about what happened to Agent Terry. This is about politics, plain and simple; and it diminishes this House.

I would like to yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding.

Any doubt that today's contempt resolution is political was put to rest when the NRA joined in to blowtorch vulnerable Democrats to vote for contempt today.

The gun lobby is directly responsible for the gap in Federal law that allowed the straw purchases of guns here that were taken to Mexico, ultimately resulting in the tragic death of a border agent. Yet because of a political mandate from the gun lobby, our committee spent no time on the root cause of this tragedy. Instead, after the majority failed to get the documents it requested that were under court seal and documents related to ongoing investigations, it asked for internal communications that no Republican or Democratic administration has ever given up.

Instead of sparing no effort to give law enforcement the tools it must have to protect our border agents, our committee has spared no effort to get to today's contempt resolution over issues unrelated to the tragic killing. After 16 months, the committee found no evidence that the Attorney General or other top Justice Department officials knew about the ATF gunwalking. And the committee resolutely refused to hear from top ATF officials who said that they, in turn, had given the Justice Department no such information.

□ 1310

It is Attorney General Holder who stopped the gunwalking authorized and started by the Bush administration. The contempt today, Mr. Speaker, is for the truth.

Mr. NUGENT. Mr. Speaker, I just want to make it very clear that the House rules of article XI talk about, specifically, j(1) as it relates to the rights of the minority. But you have to ask for that. A majority of the minority has to ask for it. It has to be focused on the issue at hand. They were talking about issues as it related to, I guess, gun ownership, and that was not germane to that issue.

With that, I yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

Mr. Speaker, today's vote is long overdue. For months, my colleagues and I have worked to uncover the truth about Operation Fast and Furious, which cost the life of Border Patrol Agent Brian Terry in my home State of Arizona.

Congressional efforts to get to the bottom of this tragedy and bring accountability to those responsible were met with derision by Attorney General Holder. At hearings, when we questioned Mr. Holder, he evaded. When we requested documents, he obfuscated. When I questioned Mr. Holder on June 8, he looked me in the eye and stated plainly that there was nothing whatsoever in the wiretap applications that suggested the existence of a gunwalking program. Yet, all I had to do was review those same applications to see that what the attorney general had said to me, my colleagues, and to the American people, was nothing but a boldfaced lie. Mr. Speaker, I will repeat that again. It was a boldfaced lie.

Today, let Congress' vote be a signal to Mr. Holder that dishonesty on the part of administration officials will never be tolerated.

Today, let this vote be a signal to President Obama that the security of the American people must always come before his own job security and the job security of his Cabinet officials.

Let this vote be a reminder to Mr. Holder and to President Obama that despite their executive overreach, there are, in fact, three coequal branches of government.

Let this vote demonstrate that Congress has not forgotten its right or its responsibility to provide oversight and to bring accountability.

I urge my colleagues to support the rule and the underlying resolution.

Mr. MCGOVERN. Mr. Speaker, my colleague from Florida (Mr. NUGENT) mentioned the issue of gun ownership as related to the witnesses that the Democrats wanted to have appear before the committee. How inviting the head of the ATF, which is responsible for Operation Fast and Furious, or inviting the former Attorney General, who was briefed on gunwalking and knew about it, how that has anything to do with gun ownership—what that has to do with, Mr. Speaker, is getting to the truth.

The minority has submitted a request for witnesses in writing and even requested for a—which I guess they have the right to do—a day of minority witnesses, which they were told they would not be granted that day in a timely fashion.

This is about politics. This, by all measures, is about politics. Again, the fact that we are doing this today, I think, diminishes the House of Representatives.

I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, every Member of this Chamber wants to get to the bottom of the issue of the tragic death of Officer Terry. Every Member of the Chamber wants to find out how the ATF and Justice Department were run as related to that tragedy.

So the committee that's looking into this refused to hear the testimony of the person running the ATF.

The committee that's looking into this refused to hear the testimony of the Assistant Attorney General, who was responsible for the ATF and talked about this with Attorney General Holder.

The committee that is responsible for this received thousands of pages of documents from the Attorney General to try to get to the bottom of the matter.

This procedure does violence to the American Constitution. Yes, we have three separate branches. Those branches are designed to respect each other's prerogatives. Those branches are designed to avoid a constitutional confrontation and engage in one only when necessary.

In the 225-year history of this institution, there has never been a vote like this before—never.

Is it because the Attorney General didn't turn over documents? He turned over thousands of pages of documents.

Is it because the people that know about this issue haven't been made available? To the contrary. The committee refused to hear the testimony of the head of the ATF and the Assistant Attorney General.

This procedure diminishes the House. It vandalizes the Constitution. It should not go forward.

Mr. NUGENT. Mr. Speaker, I yield 30 seconds to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. The record will reflect that in a bipartisan way, the Acting Director of the ATF, the person that was actually appointed by President Obama, was deposed by both Democrats and Republicans about a year ago for 2 days around July 4. It was 2 days that he was deposed. That record is there. It is crystal clear.

We were also denied, by the Department of Justice, to speak with Lanny Breuer and Kenneth Blanco, two of the key central people at the highest levels of the Department of Justice. To suggest that we were given an opportunity to talk to them is patently false.

The final part I will make is you can't complain that Attorney General Holder was here nine times between the House and the Senate talking in part about Fast and Furious and then say that you never had a Democratic witness.

Mr. MCGOVERN. Mr. Speaker, we need to deal with facts in this debate because this is an important matter.

The gentleman just talked about these hearings, these meetings with the head of the ATF. The reality was that a year ago Republican staff met with the head of the ATF on July 3 without notifying Democratic staff. Democratic staff were invited to come on July 4. There were no public hearings, and no Members were there.

Again, I'm not sure what the problem is with having the head of the ATF come before the committee so the American people can hear what the truth is and what the facts are. I don't know why that's such a big deal. But to suggest that this was a bipartisan effort is just outright false.

Mr. Speaker, at this time, I yield 2 minutes to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS. Mr. Speaker, the Republican majority is pursuing an unprecedented and a partisan constitutional confrontation today, and it's unnecessary.

The contempt resolution that's before the House is both disgraceful and it really is demeaning to this House. It's being brought forth by the other side simply to drag Attorney General Holder through the mud and to publicly accuse him and the administration and, frankly, by extension, the President of the United States, of a coverup, claiming that our Attorney General was obstructing justice. Republicans even went so far as to call him a liar on national television. This is unheard of, it is hyperbolic, and it's disrespectful to the office and disrespectful to this House.

The fact is that Chairman ISSA and Republicans have continuously moved the goalpost and disregarded the good intent and good faith shown by the Attorney General, the Justice Department, and the President's administration.

As has been said before, the Department of Justice has provided the Congress with over 7,600 pages of documents and made numerous officials available for testimony, but that's been rebuffed. Just last week, the Attorney General offered to provide even more internal documents and requested a show simply of good faith on the part of the Republican majority that they wanted to resolve the contempt issue, but they refused, choosing this constitutional confrontation instead. That's because the Republicans, to be clear, are not interested in a resolution. They're not looking to compromise. They're only looking to score political points at the expense of the integrity of the House and the good name of the President and the Attorney General.

So I would ask us to carefully consider what we're doing here today and to raise into question what we're doing to this House, to the institution, and to the Presidency. I would ask my colleagues on the other side of the aisle to ask themselves whether the American people want us to focus on their business, to focus on the business of moving the country forward, or to simply play politics because you can't win any other way.

It's a really simple proposition that's in front of us today. And I would say to my colleagues on both sides of the aisle: it is time for us to simply walk away from the nonsense that is not doing justice to the American people.

Mr. Speaker, the Republican majority is pursuing an unprecedented and partisan constitutional confrontation today.

The contempt resolution before this House is disgraceful and demeaning to the House. It's been brought forth by the other side to drag Attorney General Holder through the mud and publicly accuse him and the Administration by extension the President of the U.S. of a "cover-up", claiming that Attorney General Holder was "obstructing justice." Republicans even went so far as to call him a "liar" on national television—unheard of, blatantly hyperbolic, and disrespectful to the office.

The fact is that Chairman ISSA and the Republicans have continuously moved the goalposts and disregarded the good faith shown by the Attorney General, the Justice Department, and the President's Administration.

All told, the Department of Justice has provided Congress with over 7,600 pages of documents and has made numerous high profile officials available for public congressional testimony. The Attorney General himself has answered questions at nine public hearings.

Last week, the Attorney General offered to provide even more internal documents, including documents outside of Chairman ISSA'S subpoena. All the Attorney General requested was a show of good faith on the part of the Republican majority to resolve the contempt issue, but they refused. That's because the Republicans are not looking to compromise. They are looking simply to score political points at the expense of the integrity of the House.

And so, on June 11th, Chairman ISSA announced his intention to hold a contempt vote. On June 20th, just nine short days later, Chairman ISSA called the vote after the President invoked executive privilege.

From George Washington to George W. Bush, Presidents of both political parties have asserted executive privilege to protect the confidentiality of certain kinds of executive branch information in response to demands by Congress. In fact, dating back to President Reagan, Presidents have asserted executive privilege 24 times.

In previous situations, Committee Chairman put off contempt proceedings in order to conduct serious and careful review of Presidential assertions of executive privilege. Then Oversight and Government Reform Chairman WAXMAN put off a contempt vote after President Bush asserted executive privilege in the Valarie Plame investigation. Chairman WAXMAN did the same when President Bush asserted the privilege relating to EPA ozone regulations—on the same day as the contempt vote. Mr. DINGELL, as Chair of the Energy and Commerce Committee held two hearings before proceeding to a contempt vote, after he received President Reagan's assertion of executive privilege.

But on June 20th, after the invocation of executive privilege by President Obama, and over the requests of several committee members to delay action, Chairman ISSA proceeded with the contempt vote.

One question that comes to my mind is why the rush? The Committee recently "completed" a 16-month investigation, one in which the committee refused all Democratic requests for hearings and even for a single witness. Then one week and just seven days after the committee reported out the contempt resolution on a party-line vote on June 20th, the House today will vote on this privileged resolution.

The last time the House voted on contempt resolution against executive branch officials was during an investigation in the Bush administration into the firing of U.S. Attorneys. In that situation, the House Judiciary Committee cited two officials for contempt of Congress in July 2007. The full House did not actually consider and vote on those contempt resolutions until eight months later in February 2008.

The Obama administration has argued that the documents in question in this instance fall within the executive privilege because they have been generated in the course of the deliberative process concerning the Justice Department's response to Congressional oversight, not because the President knew more about this matter than he admitted to or that there was a conspiracy in the White House, as Chairman ISSA falsely asserts.

For some reason, the Republican majority feels that this is a pressing issue. But I can think of a large list of other issues that I feel that Americans would rather we address.

It is hard to imagine that the House Republican majority's actions are anything else besides election-year politics designed to make this administration look bad. This resolution will not create jobs, nor will it strengthen our economic recovery. It is far past time to getting around to solving the real problems that the American people sent each of us here to resolve.

I urge my colleagues on both sides of the aisle to carefully consider what we are about to do today. Never in our nation's history has the House voted to hold a sitting Attorney General in contempt. I urge my colleagues to vote down this partisan and political contempt resolution.

□ 1320

Mr. NUGENT. Mr. Speaker, I would like to inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Florida has 9½ minutes remaining. The gentleman from Massachusetts has 10 minutes remaining.

Mr. NUGENT. I will continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

I rise in strong opposition to this resolution. What began as a legitimate investigation into an operation called

Fast and Furious has, unfortunately, degenerated into yet another partisan political attack in an election year. And it's a shame this is taking place for many reasons. First and foremost, because the American people have a legitimate interest in getting to the bottom of the gun violence that spills across our border, with the tens of thousands of weapons made in America that end up in the hands of the cartels. But instead of looking into that investigation, instead of finding out what we can do about this gun violence, this has now become a fight over documents, a fight that is completely unnecessary and unjustified.

The very documents that are at issue in this resolution were created after this operation had long since been shut down. They will shed no light on the operation. They will shed no light on what we can do to stop this gun trafficking. But then that's not the goal. The goal here is simply the fight.

The Justice Department has bent over backwards, produced thousands of documents. The Attorney General has testified eight or nine times before the House, has made every effort to cooperate in this investigation, but the committee will not take ''yes'' for an answer because that's not the goal. The fight is the goal.

And so we are here when we should be doing the Nation's business, when we should be working on legislation to create jobs. Instead, we are here in what is nothing less than a partisan brawl over nothing. And you know how this will end? It will end months or years from now with a settlement in Federal District Court in which the Justice Department will provide the very same documents they have already offered to provide. But we will have wasted our time; we will have wasted our money; and we will have wasted the precious opportunity to get the people's business done here in the House.

In case the majority hasn't noticed, we are in the midst of a very difficult economy, where people are struggling to find work. They are not struggling to find another partisan fight on the House floor. This is something that cried out for resolution, but those cries were ignored. I urge a ''no'' vote.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Mr. Speaker, the reason I am so passionate about this issue is that it's about openness, it's about transparency, it's about the idea that there is no one person in our government that's above the law; that when you have a duly issued subpoena, you comply with that subpoena.

In fact, I would like to hearken back to the remarks by President Obama as he took office. He said:

> Let me say as simply as I can. Transparency and the rule of law will be the touchstones of this presidency. I will also hold myself, as President, to a new standard of openness. But the mere fact that you have legal power to keep something secret does not mean you should always use it.

He went on to say:

> I expect members of my administration not simply to live up to the letter but also the spirit of this law.

He went on to send something to all of the department heads. He said:

> Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors or failures might be revealed, or because of speculative or abstract fears.

The President further said, relating to Fast and Furious:

> There may be a situation here in which a serious mistake was made, and if that's the case, we will find out, and we will hold somebody accountable.

We have a dead Border Patrol agent. We have over 200 dead Mexican people. We have a program that the Attorney General called ''fundamentally flawed.'' We have thousands of weapons that are missing. We have a duty, an obligation to pursue this to the fullest extent and to make sure that we have all those documents so we can make sure that it never, ever happens again.

Now there are 140,000 documents, according to the Attorney General, that deal with Fast and Furious. We've been given less than 8,000 of those. Less than 8,000 of those. We deserve to have that.

Also, I will be submitting for the RECORD this statement from the National Border Patrol Council. This is the AFL–CIO-oriented organization of 17,000 Border Patrol members who call for the resignation of Attorney General Holder. In fact, they say that it's ''a slap in the face to all Border Patrol agents who serve this country'' and ''an utter failure of leadership at the highest levels of government.''

''If Eric Holder were a Border Patrol agent and not the Attorney General, he would have long ago been found unsuitable for government employment and terminated.''

These are from the people on the front lines. We have an obligation to get to the bottom of this.

[From the National Border Patrol Council, June 20, 2012]

NBPC CALLS FOR THE RESIGNATION OF ATTORNEY GENERAL ERIC HOLDER

JUNE 18, 2012.—The union representing U.S. Border Patrol agents called for the resignation of Attorney General Eric Holder for his role in the ''Operation Fast and Furious'' gun smuggling scandal that directly resulted in the murder of Border Patrol Agent Brian Terry on December 15, 2010.

National Border Patrol Council President George E. McCubbin III called the actions of the Attorney General Holder, ''A slap in the face to all Border Patrol agents who serve this country'' and ''an utter failure of leadership at the highest levels of government.''

Border Patrol agents are indoctrinated from day one of their training that integrity is their most important trait as a Border Patrol agent and that without it they have little use to the agency. Border Patrol agents are quickly disciplined whenever they lie or show a lack of candor. The standard that applies to these agents should at a minimum be applied to those who lead them. ''If Eric Holder were a Border Patrol agent and not the Attorney General, he would have long ago been found unsuitable for government employment and terminated.''

''The heroism that Border Patrol Agent Brian Terry demonstrated on that cold night in the dessert of Arizona was in keeping with the finest traditions of the United States Border Patrol and will never be forgotten by those who patrol this nation's borders. We cannot allow our agents to be sacrificed for no gain and not hold accountable those who approved the ill conceived 'Operation Fast and Furious' '', said McCubbin.

''The political shenanigans surrounding this scandal and the passing of blame must stop.'' A Border Patrol agent cannot accidentally step foot into Mexico without a myriad of U.S. and Mexican government agencies being made aware, so there is no possible way that this operation was conducted without the knowledge and tacit approval of the Department of Justice and the Obama administration.

Mr. MCGOVERN. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, if this is about openness, then why does the committee have secret meetings where they lock Democrats out? If this is about openness, then why won't they let any Democratic witnesses appear before the committee?

And since there seems to be some confusion as to whether or not Democrats actually formally requested witnesses, I will insert into the RECORD a letter to the Honorable DARRELL ISSA on October 28, on November 4, and on February 2, requesting witnesses, including the former Attorney General Mukasey and Mr. Melson, the head of the ATF.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES,
Washington, DC, October 28, 2011.

Hon. DARRELL E. ISSA,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As I have stated repeatedly, I believe Operation Fast and Furious was a terrible mistake with tragic consequences. As I have also stated, I support a fair and responsible investigation that follows the facts where they lead, rather than drawing conclusions before evidence is gathered or ignoring information that does not fit into a preconceived narrative.

On several occasions over the past month, you have called on Attorney General Eric Holder to appear before the House Judiciary Committee to answer questions about when he first became aware of the controversial tactics used in Operation Fast and Furious. The Attorney General has now agreed to testify before the House Judiciary Committee on December 8, 2011, when you will have another opportunity to question him directly.

With respect to our own Committee's investigation, I do not believe it will be viewed as legitimate or credible—and I do not believe the public record will be complete—without public testimony from Kenneth Melson, who served as the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

A hearing with Mr. Melson would help the Committee and the American people better understand what mistakes were made in Operation Fast and Furious, how these tactics originated, who did and did not authorize them. and what steps are being taken to ensure that they are not used again.

Our staffs have already conducted transcribed interviews with Mr. Melson and the

former Deputy Director of ATF, William Hoover. During those interviews, these officials expressed serious concerns about the controversial tactics employed by the Phoenix Field Division of ATF as part of this operation. They also raised concerns about the manner in which the Department of Justice responded to congressional inquiries.

Both officials also stated that they had not been aware of the controversial tactics being used in Operation Fast and Furious, had not authorized those tactics, and had not informed anyone at the Department of Justice headquarters about them. They stated that Operation Fast and Furious originated within the Phoenix Field Division, and that ATF headquarters failed to properly supervise it.

Since the Attorney General has now agreed to appear before Congress in December, I believe Members also deserve an opportunity to question Mr. Melson directly, especially since he headed the agency responsible for Operation Fast and Furious. My staff has been in touch with Mr. Melson's attorney, who reports that Mr. Melson would be pleased to cooperate with the Committee.

Thank you for your consideration of this request.

Sincerely,

ELIJAH E. CUMMINGS,
Ranking Member.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES,
Washington, DC, November 4, 2011.

Hon. DARRELL E. ISSA,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request that the Committee hold a hearing with former Attorney General Michael Mukasey in order to assist our efforts in understanding the inception and development of so-called ''gun-walking'' operations over the past five years.

THE MUKASEY MEMO

Documents obtained by the Committee indicate that Attorney General Mukasey was briefed on November 16, 2007, on a botched gun-walking operation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). A briefing paper prepared for Attorney General Mukasey prior to a meeting with Mexican Attorney General Medina Mora describes ''the first-ever attempt to have a controlled delivery of weapons being smuggled into Mexico by a major arms trafficker.'' The briefing paper warns, however, that ''the first attempts at this controlled delivery have not been successful.'' Despite these failures, the briefing paper proposes expanding such operations in the future. It states:

ATF would like to expand the possibility of such joint investigations and controlled deliveries—since only then will it be possible to investigate an entire smuggling network, rather than arresting simply a single smuggler.

Attorney General Mukasey's briefing paper was prepared only weeks after ATF officials had expressed serious concerns with the failure of these tactics and claimed they were shutting them down. After ATF officials discovered that firearms were not being interdicted, William Hoover, then ATF's assistant director of field operations, wrote an e-mail on October 5, 2007, to Carson Carroll, ATF's assistant director for enforcement programs, stating:

I do not want any firearms to go South until further notice. I expect a full briefing paper on my desk Tuesday morning from SAC Newell [Special Agent in Charge William Newell] with every question answered.

The next day, Special Agent in Charge Newell responded in an e-mail, stating:

I'm so frustrated with this whole mess I'm shutting the case down and any further attempts to do something similar. We're done trying to pursue new and innovative initiatives—it's not worth the hassle.

It is unclear from the documents what changed between October 6, 2007, when Special Agent in Charge Newell indicated that he was shutting down these operations, and November 16, 2007, when Attorney General Mukasey was presented with a proposal to expand them. The documents do not indicate whether Attorney General Mukasey read this briefing paper or how he responded to the proposal to expand these operations.

ADDITIONAL GUN-WALKING OPERATIONS DURING THE BUSH ADMINISTRATION

Other documents obtained by the Committee indicate that the officials who prepared the November 16, 2007, briefing paper for Attorney General Mukasey were aware that it did not disclose the full scope of previous gun-walking operations. After reviewing the briefing paper, Mr. Carroll wrote an e-mail to Mr. Hoover, stating: ''I am going to ask DOJ to change 'first ever'.'' He added: ''there have [been] cases in the past where we have walked guns.''

Mr. Carroll's statement appears to be a reference to an earlier operation in 2006 known as Operation Wide Receiver. The documents obtained by the Committee do not indicate whether Attorney General Mukasey was in fact informed about this operation, which occurred a year earlier.

The documents obtained by the Committee appear to directly contradict your claim on national television that gun-walking operations under the previous Administration were well coordinated. During an appearance on Face the Nation on October 16, 2011, you asserted:

We know that under the Bush Administration there were similar operations, but they were coordinated with Mexico. They made every effort to keep their eyes on the weapons the whole time.

Your assertion was particularly troubling since the Committee obtained these e-mail exchanges in July, several months before your appearance on Face the Nation.

CONCLUSION

Over the past year, you have been extremely critical of Attorney General Eric Holder, arguing that he should have known about the controversial tactics employed in these operations. He has now agreed to your request to testify before the House Judiciary Committee on December 8, 2011, to answer additional questions about these operations.

Given the significant questions raised by the disclosures in these documents, our Committee's investigation will not be viewed as credible, even-handed, or complete unless we hear directly from Attorney General Mukasey.

During a press appearance on Wednesday, you stated: ''Our job for the American people is to make sure—since they say they shouldn't walk guns and they did walk guns—is that we know they'll never walk guns again.'' I completely agree with this statement, and I believe my request will help us fulfill our shared goal. Thank you for your consideration of this request.

Sincerely,

ELIJAH E. CUMMINGS,
Ranking Member.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 2012.

Hon. DARRELL E. ISSA,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Given your statements at today's hearing, I am writing to formally reiterate my previous request for the Committee to hold a public hearing with former Attorney General Michael Mukasey.

On November 4, 2011, I wrote to you requesting a public hearing with Mr. Mukasey in order to assist the Committee's efforts in understanding the inception and development of so-called ''gunwalking'' operations over the past five years in Arizona.

As I described in the letter, the Committee has now obtained a briefing paper prepared for Mr. Mukasey prior to a meeting with Mexican Attorney General Medina Mora. The briefing paper describes efforts in 2007 by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to coordinate interdiction efforts with Mexico after firearms crossed the border. The briefing paper warns, however, that ''the first attempts at this controlled delivery have not been successful.'' Despite these failures, the briefing paper proposes expanding such operations in the future. It states:

ATF would like to expand the possibility of such joint investigations and controlled deliveries—since only then will it be possible to investigate an entire smuggling network, rather than arresting simply a single smuggler.

Since I sent the letter to you in November, the Committee has not held a public hearing with Mr. Mukasey.

In addition to these documents, I issued a report this week documenting that Operation Fast and Furious was actually the fourth in a series of reckless operations run by the Phoenix Field Division of ATF and the Arizona U.S. Attorney's Office dating back to 2006 involving hundreds of weapons across two administrations.

At today's hearing, several Members of the Committee acknowledged that the documents obtained by the Committee do not indicate that Mr. Mukasey approved gunwalking, just as they do not indicate that Attorney General Holder approved gunwalking. Nevertheless, these Members expressed their belief that Mr. Mukasey's public testimony is necessary if the Committee intends to conduct a thorough and evenhanded investigation of this five-year history of gunwalking in Arizona.

During an exchange with Committee Member Gerry Connolly at today's hearing, you stated that you were open to all requests for hearings relating to this investigation. Attorney General Holder has now testified publicly six times about these issues. It is only appropriate for the Committee and the public to hear testimony from Mr. Mukasey at least once.

Thank you for your consideration of this request.

Sincerely,

ELIJAH E. CUMMINGS,
Ranking Member.

Mr. MCGOVERN. I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, today we need to understand that there are two classes of documents. The ones that relate to pending criminal investigations, those are not discoverable or cannot be distributed outside of the Justice Department under

penalty of U.S. law. You can get 5 years for doing that. You can't expect the Attorney General to turn those over. The other class of documents is internal communications. There may be some whiff of discoverable information in those, but they're covered by executive privilege. And you really don't know why the Attorney General has invoked executive privilege on those issues, but we have to trust the fact that there's good reason for that to be the case.

Now when you compare what has gone on today and over the last 7 days with what happened the day that President Obama was sworn in, you can understand why they're doing what they're doing today. You see, not very long after President Obama was sworn in, we got word that MITCH MCCONNELL said that his mission was to make President Obama a one-term President. And then we know that later on that afternoon, later that evening, when everyone else was enjoying themselves at the Presidential balls, there was a group of Congresspeople—leadership in the Republican Party—that were scheming on how they were going to disrupt and say ''no'' and obstruct everything that this President put forth. So they have done that. They have done everything they can to make this President look bad.

This is a manufactured crisis. It has no legal substance whatsoever. This is just simply a cheap political stunt to bring disfavor upon the President of the United States. And I ask my colleagues to not let us sink to this level. It is the first time in history that any Cabinet member has been found in contempt of Congress. This is truly saddening.

Mr. NUGENT. Mr. Speaker, I yield 90 seconds to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Mr. Speaker, I would have to concur. This is an incredibly sad day. This administration that started talking about transparency has now sunk to the level of actually concealing documents.

Never has an Attorney General been held in contempt of Congress because every other Attorney General has turned over documents to Congress when they were requested. This Attorney General has not.

I would just compare this whole controversy with the Secret Service scandal from several months ago. They put everything out, released all the documents, walked through it. It was done. The GSA scandal, released all the documents, held people accountable. It was done. ATF even, when we started this investigation a year and a half ago, put all their documents out, put all their people out, done.

As soon as we get to the Department of Justice, it's slow. It's delay, it's delay, it's delay. The question is, Why? Why this matters when we get to the Department of Justice documents? Because in the Phoenix office, everything was organized in the Phoenix office, then was approved by the U.S. attorney in the Phoenix area, and then went to the Department of Justice—not to the head of ATF—but to the Department of Justice, to DOJ and their leadership, to be approved.

□ 1330

It is essential that we know what was done there and who did it in the process. So this is not some ancillary thing that's added to it. This is an important part of this process.

Now, there's all this obfuscation to say it's Bush's fault, this is political, there's not enough witnesses. The essence of this particular contempt deals with the documents that, on February 4 of last year, the Department of Justice sent us a letter that said they had no idea about this. And then by December, after all yearlong saying, No, we didn't know, we didn't know, we didn't know, come back in December and say, Oops, we did. It is what Eric Holder has called his evolving truth.

We want to know the facts of how it started here and went here. There's 130,000 documents that they say they have. They have turned over a little over 7,000 of those documents. This is not the prerogative for them to continue to hold and conceal those documents.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. I yield the gentleman an additional 15 seconds.

Mr. LANKFORD. Fast and Furious has moved to slow and tedious. We have got to have those documents to be able to finish up this investigation. It should have long since been done.

Eric Holder told our chairman that he has these documents, but he's using the documents as a bargaining chip to get a better deal. This is not the prerogative when we have a subpoena.

We are not looking for some conflict with the administration. We're looking to get to the facts.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. I thank the gentleman.

I served for many years on the Oversight and Government Reform Committee. I've been involved in a lot of these investigations over time. I served for many years on the House Ethics Committee.

The Congress should be embarrassed about the conduct of this investigation and the charade that brings us to the floor today. The Attorney General can't provide these documents. The President has protected them under executive order, executive privilege, which means that the person who works for the President can't provide them to the Congress. We all know that. So to take a decent man who's served his country in almost every capacity—as a military veteran, as a U.S. attorney here in D.C., as a judge—and to drag his name wrongfully before this House, this majority, which clearly has lost its way—in their pursuit of power, they have lost all sense of principle—this is a disgraceful act.

But we will get through it. We are a big country, and the American people will recognize the disservice that the Republican majority brings to this floor today.

I wouldn't be surprised, at the end of the day, whether we couldn't even find this Congress held in more contempt than it is now. I think we're at a 9 percent approval rate. That's because of the actions of this majority. And the public will have to take account of that as we go forward.

Mr. NUGENT. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. SPEIER).

Ms. SPEIER. I thank the gentleman from Massachusetts.

This should be labeled ''Fast and Foolish'' or maybe ''Fast and Fake.'' We are not talking about gunwalking here. We are doing nothing to help the family of Brian Terry recover. What we're talking about are interoffice emails between the administration executives in the AG's office. I want everyone here to be willing to turn over all of their interoffice emails.

But, more importantly, let's talk about whether there's precedence for the assertion of executive privilege. And let me just point to a number of cases when executive privilege was asserted for noninvolved Presidential communications.

In October 1981, President Reagan asserted executive privilege over internal deliberations within the Department of the Interior concerning, interestingly enough, the Mineral Lands Leasing Act.

In October 1982, President Reagan asserted executive privilege over internal EPA files concerning Superfund provisions.

In July 1986, President Reagan asserted executive privilege over documents written by William Rehnquist when he was the head of the OLC at DOJ.

In August 1991, President George H.W. Bush asserted executive privilege over an internal Defense Department memorandum regarding an aircraft development contract.

In December 2011, President George W. Bush asserted executive privilege over internal Justice Department materials relating to prosecutorial decisionmaking.

It has been done many, many times before by Republican Presidents. What we are doing here is a travesty to this institution and to this country.

Mr. NUGENT. I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, can I inquire of the gentleman from Florida how many more speakers he has, because we have no more speakers on this side but myself.

Mr. NUGENT. We have no more speakers.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there isn't a single person in this House who doesn't honor the service of Agent Terry. There isn't a single person in this House who does not want justice for Agent Terry's family—and the truth. There isn't a single person in this House, I believe, who doesn't want to get to the bottom of how gunwalking started and how these operations were so terribly botched.

But every single attempt for an evenhanded investigation has been thwarted by the Republican majority. There has not been an evenhanded investigation. Every single witness that the Democrats requested to be called before the committee was refused. Every single witness. It's unprecedented.

Let me say that Eric Holder is a good and decent and honorable man. He's doing an excellent job as Attorney General. He does not deserve this. And this institution does not deserve this.

I say to my friends on the other side of the aisle: Do you really want to go down this road? This is a race to the bottom. This is a witch hunt. This is politics, pure and simple. It diminishes this House of Representatives. We are better than this.

Does everything have to be a confrontation? Does everything have to be in your face?

Now, you want to maintain your majority. I get it. You want to win elections. That's understandable. But at what cost? Do we really need to drag the House of Representatives down this road?

This is a stain on this House of Representatives. We should not be here today. We should be talking about jobs and putting people back to work and about making sure student loans don't double. But instead, we are doing this.

This is so political and so blatantly partisan that I think the American people are sickened by this. And as a number of people have said, You want to know why the approval rating is so low? Watch the videotape of this debate here today. We should be doing the peoples' business.

This is not the peoples' business. This is not about getting to the truth in the case of Agent Terry. This is a political maneuver to go after this administration. And this has, unfortunately, become a trend and a pattern in this Congress. We need to find a way to solve our problems without always having these big confrontations.

So I urge my colleagues on the other side of the aisle, don't go down this road. We urged the Speaker of the House yesterday to pull this from the floor. This is wrong. Please defeat this rule.

I yield back the balance of my time.

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

This is about Agent Terry, who gave his life for this country. This is about what this government has done not to expose the truth but to block the truth. This is about calling on the Attorney General to follow the Constitution. It's about us following article I of the Constitution in regards to our ability to have oversight.

I hear this stuff about witch hunt and about politics and it gets me sick, because I will tell you this: as a former law enforcement officer, we should be more worried about what lousy policies that Attorney General Holder has covered up that caused the death of one of our own in protecting this country. That's what this is all about. This is about holding people accountable.

I hear a lot of things down here. But the rule of law, when I was subpoenaed as a sheriff, we complied with the subpoena. I understand that the Attorney General feels that he's above the law in regards to the subpoena, and I understand the President's come in to protect him.

But we talk about this body and what the American people think. How about we do the right thing, Mr. Speaker, and we move forward and do the right thing in regards to all the Attorney General has to do is comply with the subpoena. By saying that he's bent over backwards, I would suggest to you that under 8,000 pages of documents out of 140,000 is not bending over backwards.

This is about our constitutional responsibility to provide oversight. This is about our constitutional responsibility to make sure that the Federal Government stays on track, that these executive branch decisions that are made don't put more Americans at risk.

Nobody seems to care about the 200-plus Mexican nationals that have been killed. Obviously, Mexico cares because they want to indict those that were responsible for coming up with this failed idea.

□ 1340

This is about Congress doing its constitutional responsibility, holding hearings to find out what happened. And when the Federal Government or branches of the Federal Government stand in the way and obstruct, that's not the right thing to do. My friends on the other side of the aisle should be more concerned that the Attorney General has said to the Congress: Guess what, you don't matter.

Congress does matter. Congress has a constitutional responsibility, Mr. Speaker, to do just that, to have oversight over the executive branch, and the subpoena is a tool to allow us to do that. And, unfortunately, this Attorney General feels he doesn't have to comply. I beg to differ.

I think the American people—but more than that, the family of Officer Terry—deserve to know what transpired and what the end of this is. And I think that we should be protecting those law enforcement officers that are out there today. In the United States of America, they are going to be facing these same guns that were walked during Fast and Furious. If you read the transcripts, hundreds—hundreds—of guns walked. Some have been recovered in the United States. And, unfortunately, some have been recovered in Mexico and have led to deaths in Mexico. One has to wonder how many of those guns are going to lead to deaths here in America.

You know, when I raised my hand, along with everybody else, it was to support and defend the Constitution. When I raised my hand as a sheriff, it was to support and defend the Constitution. And when Officer Terry raised his hand, it was to support and defend the Constitution and the laws of the United States of America.

We owe it to all of our law enforcement officers—Federal law enforcement officers, in particular—on this issue, to make sure that they're protected. And to all of our local law enforcement officers who are going to be the first line of defense on the streets of our cities and counties, they have a right to know what this Attorney General's office and the leadership has done, not giving people a free pass because it is expedient to do and because we really don't want to hear what the absolute facts are. Let's just push the facts aside.

Those on the other side of the aisle really don't want to talk about the facts. They want to talk about it is a witch hunt or it's politics.

The facts are clear. Officer Terry is dead. Officer Terry died because weapons were allowed to walk from the United States under the nose of the ATF and under the nose of the Attorney General's office through an OCDETF case. Those are the facts.

I would suggest that we should find out how did that come to pass. And then in regards to what was transpired and sent to Congress and Members of Congress about the fact that it didn't really occur, and then 10 months later, Oh, by the way, you know that memo we sent, it wasn't correct; we did, in fact, allow guns to walk.

We put law enforcement officers of the United States of America at risk because this Federal Government had a botched idea and a bad idea.

Mr. NUGENT. With that, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. MCGOVERN. 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, this 15-minute vote on House Resolution 708 will be followed by 5-minute votes on suspending the rules and passing: H.R. 4251, if ordered; and H.R. 4005, if ordered.

The vote was taken by electronic device, and there were—yeas 254, nays 173, not voting 5, as follows:

[Roll No. 437]

YEAS—254

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—173

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—5

Cardoza
Forbes
Jackson (IL)
Johnson, E. B.
Lewis (CA)

□ 1407

Ms. EDWARDS and Mr. COHEN changed their vote from ''yea'' to ''nay.''

Mr. DONNELLY of Indiana and Mrs. LUMMIS changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SECURING MARITIME ACTIVITIES THROUGH RISK-BASED TARGETING FOR PORT SECURITY ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 4251) to authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 402, nays 21, not voting 9, as follows:

[Roll No. 438]

YEAS—402

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Ellmers
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry