

Wasserman
Schultz

Watson Coleman
Welch

Wilson (FL)
Yarmuth

NOT VOTING—22

Barletta
Boustany
Brown (FL)
Bucshon
Calvert
Clawson (FL)
DesJarlais
Duckworth

Hurt (VA)
Johnson, Sam
Lieu, Ted
McKinley
Nugent
Palazzo
Price (NC)
Reichert

Rooney (FL)
Ross
Rush
Sanchez, Loretta
Sinema
Waters, Maxine

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1355

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.

Stated for:

Mr. ROONEY of Florida. Mr. Speaker, on rollcall No. 482, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. BUCSHON. Mr. Speaker, on rollcall No. 482, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. HURT of Virginia. Mr. Speaker, I was not present for rollcall Vote No. 482 On Agreeing to the Resolution Providing for consideration of H.R. 5063, the Stop Settlement Slush Funds Act of 2016. Had I been present, I would have voted "yes."

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. BARLETTA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 131) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 131

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On September 30, 2016, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 31st annual District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the "event") may be run through the Capitol Grounds to carry the Special Olympics torch to honor local Special Olympics athletes.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

STOP SETTLEMENT SLUSH FUNDS ACT OF 2016

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5063.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 843 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5063.

The Chair appoints the gentleman from Utah (Mr. STEWART) to preside over the Committee of the Whole.

□ 1400

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5063) to limit donations made pursuant to settlement agreements to which the United States is a party, and for other purposes, with Mr. STEWART in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Georgia (Mr. JOHNSON) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

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

Two years ago, the House Judiciary Committee commenced a pattern or practice investigation into the Justice Department's mortgage lending settlements. We found that the Department of Justice is systematically subverting Congress' spending power by requiring settling parties to donate money to activist groups.

In just the last 2 years, the Department of Justice has directed nearly \$1 billion to third parties entirely outside of Congress' spending and oversight au-

thorities. Of that, over half a billion has already been disbursed or is committed to being disbursed. In some cases, these mandatory donation provisions reinstate funding Congress specifically cut.

The spending power is one of Congress' most effective tools in reining in the executive branch. This is true no matter which party is in the White House. A Democrat-led Congress passed the Cooper-Church amendment to end the Vietnam War. More recently, bipartisan funding restrictions blocked lavish salary and conference spending by Federal agencies and grantees. This policy control is lost if the executive gains authority over spending.

Serious people on both sides of the aisle understand this. A former Deputy Assistant Attorney General for the Office of Legal Counsel in the Clinton administration warned in 2009 that the Department of Justice has "the ability to use settlements to circumvent the appropriations authority of Congress."

In 2008, a top Republican Department of Justice official restricted mandatory donation provisions because they "can create actual or perceived conflicts of interest and/or other ethical issues."

Any objections to this bill would be unfounded. Whether the beneficiaries of these donations are worthy entities is entirely beside the point. The Constitution grants Congress the power to decide how money is spent, not the Department of Justice.

This is not some esoteric point. It goes to the heart of the Constitution's separation of powers and Congress' ability to rein in executive overreach in practice.

Nor does the bill restrict prosecutorial discretion. That discretion pertains to the decision to prosecute. Setting penalties and remedial policy is the proper purview of Congress.

Opponents' central concern is that there may be cases of generalized harm to communities that cannot be addressed by restitution, but this misses the fundamental point. The Department of Justice has authority to obtain redress for victims. Federal law defines victims to be those "directly and proximately harmed" by a defendant's acts.

Once those victims have been compensated, deciding what to do with additional funds extracted from defendants becomes a policy question properly decided by elected Representatives in Congress, not agency bureaucrats or prosecutors. It is not that DOJ officials will always be funding bad projects. It is that, outside of compensating actual victims, it is not their decision to make.

Rather than suspend the practice of mandatory donations in response to these bipartisan concerns, the Department of Justice has doubled down. In April 2016, a major DOJ bank settlement required \$240 million in financing and/or donations toward affordable housing.