

Honda	McCollum	Sarbanes
Hoyer	McDermott	Scalise
Huffman	McGovern	Schakowsky
Israel	McNerney	Schiff
Jeffries	McSally	Schrader
Johnson (GA)	Meeks	Scott (VA)
Johnson, E. B.	Meng	Scott, David
Joyce	Moore	Serrano
Kaptur	Moulton	Sewell (AL)
Katko	Murphy (FL)	Sherman
Keating	Nadler	Simpson
Kelly (IL)	Napolitano	Sinema
Kennedy	Neal	Sires
Kildee	Nolan	Slaughter
Kilmer	Norcross	Smith (WA)
Kind	Nunes	Speier
Kirkpatrick	O'Rourke	Stefanik
Kuster	Pallone	Swalwell (CA)
Langevin	Pascrell	Takai
Larsen (WA)	Payne	Takano
Larson (CT)	Pelosi	Thompson (CA)
Lawrence	Perlmutter	Thompson (MS)
Lee	Peters	Titus
Levin	Peterson	Tonko
Lewis	Pingree	Torres
Lieu, Ted	Pocan	Tsongas
Lipinski	Polis	Vargas
Loeb sack	Price (NC)	Veasey
Lofgren	Quigley	Vela
Lowenthal	Rangel	Velázquez
Lowey	Reed	Vislosky
Lujan Grisham	Rice (NY)	Walz
(NM)	Richmond	Wasserman
Luján, Ben Ray	Roybal-Allard	Schultz
(NM)	Ruiz	Waters, Maxine
Lynch	Ruppersberger	Watson Coleman
Maloney,	Rush	Welch
Carolyn	Ryan (OH)	Wilson (FL)
Maloney, Sean	Sánchez, Linda	Yarmuth
Matsui	T.	
McCaul	Sanchez, Loretta	

## NOT VOTING—6

Adams	Griffith	Roe (TN)
Clyburn	Jackson Lee	Van Hollen

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1856

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. VAN HOLLEN. Mr. Chair, on June 2, 2015, I was unavoidably detained and missed four votes. Had I been present, I would have voted "no" on rollcall No. 270, "yea" on rollcall No. 271, "yea" on rollcall No. 272, and "no" on rollcall No. 273.

Mr. CULBERSON. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. ELLMERS of North Carolina) having assumed the chair, Mr. WESTMORELAND, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes, had come to no resolution thereon.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2289, COMMODITY END-USER RELIEF ACT

Mr. NEWHOUSE, from the Committee on Rules, submitted a privileged report (Rept. No. 114-136) on the resolution (H. Res. 288) providing for

consideration of the bill (H.R. 2289) to reauthorize the Commodity Futures Trading Commission, to better protect futures customers, to provide end-users with market certainty, to make basic reforms to ensure transparency and accountability at the Commission, to help farmers, ranchers, and end-users manage risks, to help keep consumer costs low, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The SPEAKER pro tempore. Pursuant to House Resolution 287 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2578.

Will the gentleman from Georgia (Mr. WESTMORELAND) kindly resume the chair.

□ 1900

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes, with Mr. WESTMORELAND (Acting Chair) in the chair.

The Clerk read the title of the bill. The Acting CHAIR. When the Committee of the Whole rose earlier today, an amendment offered by the gentleman from Arizona (Mr. GOSAR) had been disposed of, and the bill had been read through page 25, line 20.

The Clerk will read.

The Clerk read as follows:

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$8,000,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

## SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$162,246,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$124,000,000 in fiscal year 2016), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2016, so as to result in a final fiscal year 2016 appropriation from the general fund estimated at \$38,246,000.

## SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, \$1,995,000,000: *Provided*, That of the total

amount appropriated, not to exceed \$7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$25,000,000 shall remain available until expended: *Provided further*, That each United States Attorney shall establish or participate in a task force on human trafficking.

## UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$225,908,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, \$162,000,000 of offsetting collections pursuant to section 589a(b) of title 28, United States Code, shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2016, so as to result in a final fiscal year 2016 appropriation from the Fund estimated at \$63,908,000.

## SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,326,000.

## FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended, of which not to exceed \$16,000,000 is for construction of buildings for protected witness safesites; not to exceed \$3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed \$13,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: *Provided*, That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

## SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Community Relations Service, \$13,000,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

## UNITED STATES MARSHALS SERVICE

## SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,220,000,000, of which not to exceed \$6,000 shall be available

for official reception and representation expenses, and not to exceed \$15,000,000 shall remain available until expended.

#### CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$11,000,000, to remain available until expended.

#### FEDERAL PRISONER DETENTION (INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, \$1,058,081,000, to remain available until expended: *Provided*, That not to exceed \$20,000,000 shall be considered “funds appropriated for State and local law enforcement assistance” pursuant to section 4013(b) of title 18, United States Code: *Provided further*, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That any unobligated balances available from funds appropriated under the heading “General Administration, Detention Trustee” shall be transferred to and merged with the appropriation under this heading.

#### NATIONAL SECURITY DIVISION SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the activities of the National Security Division, \$95,000,000, of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### INTERAGENCY LAW ENFORCEMENT

##### INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$510,000,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

#### FEDERAL BUREAU OF INVESTIGATION SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, \$8,489,786,000, of which not to exceed \$216,900,000 shall remain available until expended: *Provided*, That not to exceed \$184,500 shall be available for official reception and representation expenses.

□ 1900

AMENDMENT OFFERED BY MR. PITTINGER

Mr. PITTINGER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, line 5, after the dollar amount, insert “(increased by \$25,000,000)”.

Page 72, line 7, after each of the dollar amounts, insert “(reduced by \$25,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from North Carolina and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PITTINGER. Mr. Chairman, I thank the chairman for his leadership and hard work on this bill.

Mr. Chairman, my amendment is simple, it is fair, it is fiscally responsible, and it strengthens our national security. My amendment reduces Federal spending for the Legal Services Corporation by \$25 million while leaving the program substantially intact. That money is then used to increase funds for the FBI in their critical counterterrorism efforts.

The underlying bill appropriates \$300 million for the LSC, but Congress has not authorized the LSC since 1980. Mr. Chairman, 35 years is much too long to leave a Federal program on autopilot. Even the nonpartisan CBO has recognized defunding the LSC is a way to rein in our out-of-control spending, noting that programs receiving LSC grants already receive funding from States, localities, and private entities, as well as from private attorneys involved in pro bono work. Community problems are best solved at the community level, not through the Federal bureaucracy.

This amendment, however, does not suddenly end LSC and its programs. It simply reduces funding in a responsible and modest way and applies that money toward critical national security efforts. This amendment prioritizes the spending of taxpayer money on our current needs.

Earlier this year, FBI Director James Comey said he has “homegrown violent extremist investigations in every single State.” Just last month, the Department of Homeland Security Secretary, Secretary Johnson, said: “We’re very definitely in a new environment because of ISIL’s effective use of social media, the Internet, which has the ability to reach into the homeland and possibly inspire others.” He continued, saying, “Because of the use of the Internet, we could have little or no notice in advance of an independent actor attempting to strike.” But in a congressionally mandated report released in March of this year, the FBI Commissioner said, budget cuts “severely hindered the FBI’s intelligence and national security programs.”

Mr. Chairman, given the constant, evolving, and new threats we face today from terrorism, it is common sense to reduce spending for a program

which has other proven avenues of funding and prioritize the funding we do have for those seeking to protect us from terrorism.

I encourage all my colleagues to support the amendment, and with that, I reserve the balance of my time.

Mr. FATTAH. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR (Mr. HUDSON). The gentleman from Pennsylvania is recognized for 5 minutes.

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

Mr. Chairman, the committee, over the time that I have been on the committee, each and every year has increased its appropriations to the FBI, and this year is no exception. The chairman, in his wisdom, working with a very tough allocation, has provided \$8.5 billion—to be exact, \$8.489 billion, which is a \$111 million increase.

I think that the gentleman, if his concern is about us providing adequate funding for the Bureau, can rest assured that the committee has taken every—they have taken that responsibility very seriously.

If his concern or effort is to suggest that somehow pro bono lawyers are going to make up the difference for a cut at Legal Services, in a big city like Philadelphia, it may be so that we have law firms who can have pro bono partners who can spend their time helping people who are not going to be able to pay them, but in large swaths of our country, that is not the case.

Legal Services was created and it helps people, many of whom are veterans, for instance, who are stationed far away from home, who have to fight off efforts by people who are trying to repossess a car or do something else nefarious. They need access to the courts. And so it was President Nixon who created Legal Services, understanding that one of the things about our country, it is a country of laws. People have to have access to the courts, and they need representation.

So I think there is already a justice gap, that is the percentage of people eligible to the numbers who are actually able to be helped, and I think this would be unwise. I hope and I believe that this House will not support this amendment because it would be taking from people who need it the most when there is no definitive need for it in terms of where it is being allocated.

Mr. Chairman, I now yield 2 minutes to the gentleman from Tennessee, Congressman COHEN, my colleague who represents the city of Memphis.

Mr. COHEN. Mr. Chairman, I thank Mr. FATTAH. I join with him in opposing this amendment.

Legal Services is funded at \$375 million this year. This budget cuts it \$75 million to \$300 million. That is a large cut. That is over 20 percent. It has been cut and cut and cut over the years.

Nationally, 50 percent of all eligible potential clients are turned away from Legal Services because of a lack of funding. In my district in Memphis,

they have lost \$300,000, and the staff has been reduced from 50 to 38.

Mr. Chairman, when we travel overseas, one of the things that almost every individual you meet up with tells us about America is, We envy your justice system. They envy our justice system because people have access to the courts to settle our differences.

But if you are poor and/or uneducated and you don't have a lawyer, you don't have access, really, to the legal system; the other side will. If you are a domestic violence victim and you need an attorney and you don't have one, you are subject to further domestic violence. If you are a tenant in an apartment building and you are being run out, the apartment people are going to have attorneys and you won't, and you will be on the street.

So we are talking about victims, domestic victims. We are talking about people being homeless. We are talking about individuals, American citizens, who won't have access to the courts, the envy of people around the world when they look at America, and we will be taking it away from them.

I would ask the gentleman to find moneys for the FBI from somewhere else. The FBI helps bring about justice. But to take it away from an area that gives poor people of America justice—even though it does give money to the FBI to find criminals and hopefully bring justice to them on the criminal side, which is important—this is not the right place to take the money.

Mr. FATTAH. Mr. Chairman, I agree with the spirit.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. Chairman, I am grateful for the time of both my colleagues. I want to recognize the extraordinary commitment that my colleague, Mr. PITTENGER, has made to counterterrorism and trying to protect the safety and security of the United States.

I will say, though, Mr. Chairman, I did work as a legal aid attorney, a legal aid volunteer many years ago when I was a law student. We spent countless hours trying to keep a roof over the head of tenants who were being kicked out of their home through no fault of their own because a landlord wasn't paying a mortgage. Now, you had people who were going homeless because they did nothing wrong but couldn't avail themselves of an attorney.

To try to find, now, ways to gut that funding when, with low interest rates—one of the key methods of funding for Legal Services across this country is from interest on lawyer's trust accounts. Because of low interest rates, that funding has been basically nonexistent. In Massachusetts, that went from about \$34 million a year down to \$4 million a year.

We are gutting a very basic tenet of what this country is all about. We spend so much time in these Chambers,

Mr. Chairman, talking about how these laws are shaped to touch people's lives and very little time speaking about the enforcement and protections that they provide. Mr. Chairman, this is that moment, and I ask my colleagues to vote "no" on the amendment.

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

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

Mr. Chairman, I acknowledge the wonderful work of Mr. KENNEDY and what he has done with Legal Services. I would say that Legal Services, frankly, has had a long and troubled history of using taxpayer money for political purposes.

An LSC-affiliated agency once used Federal tax dollars to produce pamphlets and political cartoons for political advocacy purposes. Tax dollars were also used to train activists on how to lobby Congress for additional funding. The LSC is marked by misuse of taxpayer money and redundancy, as many of these programs are offered, as well, by the States.

So I don't question that there is good work that is being done, but at the same time, I think it is prudent and logical that we look and see how this money is not being used wisely and, frankly, been inappropriately used.

So, Mr. Chairman, this is a very, very modest cut in this agency. I commend this amendment to the House and ask for their support, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. PITTENGER).

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

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

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

The Clerk will read.

The Clerk read as follows:

#### CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally-owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; \$57,982,000, to remain available until expended.

#### DRUG ENFORCEMENT ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants

in such programs and the distribution of items of token value that promote the goals of such programs, \$2,073,945,000; of which not to exceed \$75,000,000 shall remain available until expended and not to exceed \$90,000 shall be available for official reception and representation expenses.

#### AMENDMENT OFFERED BY MR. COHEN

Mr. COHEN. Mr. Chairman, I have an amendment at the desk concerning rape kits.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 5, after the first dollar amount, insert "(reduced by \$4,000,000)".

Page 49, line 9, after the dollar amount, insert "(increased by \$4,000,000)".

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Tennessee and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

□ 1915

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

This amendment would increase by \$4 million the bill's funding for grants to address the backlog of sexual assault kits at law enforcement agencies.

DNA analysis has been revolutionary in helping to catch criminals and prevent crimes from occurring because of DNA evidence. This evidence does us no good if it remains untested and sitting on a shelf in a lab somewhere.

Despite progress over the last few years, and much progress most recently, there are still thousands of rape kits that remain untested—potentially hundreds of thousands. That is potentially hundreds of thousands of victims whose assailants are never brought to justice left to prey on yet more women.

Last year, my hometown paper, the Memphis Commercial Appeal, highlighted the tragic need to end this backlog once and for all. It described a serial rapist who was finally caught by police in 2012. He could have been stopped nearly a decade earlier if only his first victim's rape kit had been tested, but that kit wasn't, and, instead, he was able to attack five more women over the next 8 years.

Missed opportunities like this happen all across our country every day. The trauma inflicted on victims of rape can be compounded when they know that their assailants run free while critical evidence goes untested.

Fortunately, efforts are underway to reduce the backlog, and they are making a difference. In Memphis, our backlog reached more than 12,000, but police have now opened 488 investigations and issued 90 requests for indictment.

But testing rape kits cost money, more than local law enforcement can afford. I appreciate the chairman's and the ranking member's commitment to eliminating the backlog and the funding that the committee has provided in the bill, but we need more.

This amendment would increase by not quite 10 percent, an additional \$4 million, and would take it from the

Drug Enforcement Administration, a \$2 billion agency that receives a \$40 million increase in this bill. DEA would barely notice the difference.

Moreover, DEA has been alarmingly irresponsible with money Congress has given it previously. An inspector general report recently found that DEA agents had “sex parties” with prostitutes funded by drug cartels in government-leased living quarters. And this followed an inspector general report that found the DEA paid hundreds of thousands of dollars for information from Amtrak that they could have obtained for free.

I think the choice is clear: we should stand with victims of sexual assault.

I urge my colleagues to pass this amendment. It is so important that these kits are tested, that the assailants are brought to justice, and that additional women are not attacked by what are known to be serial rapists who are out on the streets.

I would like to say a thank you to my partner on this amendment, Representative CAROLYN MALONEY, who has been a tireless advocate on this issue as well.

I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, I claim the time in opposition, although I am not opposed to the gentleman's amendment.

The Acting CHAIR (Mr. WESTMORELAND). Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. CULBERSON. Mr. Chairman, I believe the gentleman is exactly right. We, in the bill, have increased funding to reduce the rape kit backlog. This is a vitally important tool that local police departments are using to get these people off the streets as quickly as possible.

I accept the gentleman's amendment. There is no punishment severe enough nor swift enough for these people. I think it is very, very important that we get these rape kits handled as quickly as possible, so I urge Members to support the gentleman's amendment.

Mr. FATTAH. Will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, we made some significant progress, but more needs to be done. I want to thank the gentleman for his amendment. The committee has made this a very high priority. I thank the chairman for his leadership in this regard. We are all in concurrence here.

Mr. COHEN. Mr. Chairman, I just want to thank the chairman, particularly, and the ranking member as well, for their help and their hard work on getting the moneys passed and for helping on this amendment.

These rapists don't know State lines, and they cross State lines, so it is most appropriate that the Federal Government help the locals in finding people

that perform these dastardly acts all over our country.

With that, I yield back the balance of my time.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TED LIEU OF CALIFORNIA

Mr. TED LIEU of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 5, after the first dollar amount, insert “(reduced by \$9,000,000)”.

Page 38, line 9, after the dollar amount insert “(increased by \$4,000,000)”.

Page 38, line 24, after the dollar amount insert “(increased by \$4,000,000)”.

Page 47, line 8, after the dollar amount insert “(increased by \$3,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. TED LIEU of California. Mr. Chairman, this amendment takes \$9 million out of the DEA's \$2 billion salaries and expense budget and redirects it toward deficit reduction, as well as underfunded State and local programs to help children who suffer through child abuse, domestic abuse, and sexual assault.

This amendment has been scored by the CBO as reducing budget authority by \$2 million and reducing outlays by \$6 million in fiscal year 2016.

In the face of overwhelming support for lessening restrictions on marijuana, the DEA still spends over \$18 million a year on domestic marijuana eradication programs. This simply takes some of that money away because some States have legalized it, making some of these eradication programs no longer necessary, and it redirects the money—\$2 million to lowering the deficit, \$3 million to the Victims of Child Abuse Act, which supports justice and support for victims of child abuse, and \$4 million to the Consolidated Youth Oriented program, which helps victims and the services they need to pursue safe and healthy lives.

With that, I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

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

There was no objection.

Mr. CULBERSON. Mr. Chairman, I think the gentleman has a good amendment, and I would encourage Members to support it.

I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, I concur.

Mr. TED LIEU of California. Mr. Chairman, I yield back the balance of my time.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. TED LIEU).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CASTRO OF TEXAS  
Mr. CASTRO of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 5, after the 1st dollar amount, insert “(reduced by \$10,000,000)”.

Page 49, line 6, after the dollar amount, insert “(increased by \$10,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CASTRO of Texas. Mr. Chairman, first, I would like to thank the chairman and the ranking member for their hard work on this bill.

My amendment would add \$10 million to the Community Trust Initiative account for police body-worn cameras, and would take those \$10 million from the DEA account for salaries and expenses.

Over the last several months, we have seen more and more encounters between members of our communities and law enforcement that have been too powerful to ignore. We have seen in those recordings instances of police abuse. We have seen instances where police were justified in the use of force. We have even seen instances where police went above and beyond doing their job.

Mr. Chairman, over the last two decades or so, something changed—two things, in fact.

First, we developed a technology so that basically each of us who walks around with a cell phone camera is a social documentarian of the things going on around us.

The second thing that changed is the advent of social media, which allowed people not only to document their experiences, but also to widely distribute what they have documented to this country and to the world. Because of that, we have gotten a better indication of the interaction between law enforcement and members of our community.

In this digital age, we have a responsibility to seek and to know the truth about those encounters. Local police departments, many of them—in fact, 25 percent of the 17,000 police agencies in this country—are already using body cameras. Many more in States all over our Nation are seeking the funds to do this.

The President of the United States asked for \$50 million to allow local grants and moneys for local agencies to afford these body cameras and for the storage to make sure that they can keep that evidence.

As you all know, this is a very expensive thing, and many departments have struggled with the funds to afford these things. So in the budget that has been proposed, the amount proposed is not \$50 million, but \$15 million. This \$10 million would simply bring us back up to half of what the President has requested at \$25 million.

I will also add that this is very popular among the American people: 86 percent of Americans—Republicans and Democrats, people of every race and ethnicity, in every community across the country—support increased use of body cameras for officers. Even the association of police chiefs in our country supports this also.

Mr. Chairman, I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, I claim the time in opposition, although I am not opposed to it.

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

There was no objection.

Mr. CULBERSON. Mr. Chairman, I would encourage Members to support it. The gentleman has a good amendment. I think the Community Trust Initiative program that we have created in the bill will rebuild that bond of trust between police officers and their community by making sure that these body cameras are available. My good friend from Texas—Texas was the first State in the Union to pass a State law that says when, where, and how this data from the body cameras can be used. State Senator Royce West from Dallas passed that legislation. I had a chance to talk to him during the legislative session about a month and a half ago, talk to him about this, and I said: If you will pass this law in Texas and other States will pass it, my good friend, Mr. FATTAH, and I, we made sure that the language in our bill follows State law. The State law in Georgia, the State law in Pennsylvania, in Texas, et cetera, will decide when, where, and how this data can be accessed by attorneys, by victims, and make sure it is not given to the media. State law will control that. It is a good program and a good amendment, and I encourage Members to support it.

I am happy to yield to my good friend from Philadelphia.

Mr. FATTAH. Mr. Chairman, I thank the chairman and I thank the gentleman from Texas for offering this amendment. I also support it. We have already put some dollars available for this purpose, but adding another additional \$10 million gets us closer to the goal that we want to seek in this effort, so I thank the gentleman.

We have got a circumstance here where we are in total agreement and on one accord.

Mr. CASTRO of Texas. Mr. Chairman, I thank the chairman for his foresight and thank him for his work on this. I also want to thank a few folks: Congressmen CLEAVER, CLAY; DANA ROHR-ABACHER, who was with me on this;

Congressmen SCHWEIKERT, JOHN LEWIS, and DONALD NORCROSS. Congressman NORCROSS did a lot of work on this in New Jersey. So thank you very much.

I yield back the balance of my time.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COHEN

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 5, after the first dollar amount insert “(reduced by \$12,000,000)”.

Page 72, line 7, after the first dollar amount insert “(increased by \$10,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Tennessee and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

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

We just had an amendment on the floor and the amendment took \$25 million from Legal Services. I had several amendments to file, and they went from \$5 million for legal services up to \$35 million. So what I thought might be the equitable thing to do would be, instead of going with the \$35 million, which would have just been half of the cut, take the \$25 million that Mr. PITTENGER wanted to take away from them, take it away from the amendment that would have been best, the \$35 million increase, and go for a \$10 million increase, which would, in essence, be Mr. PITTENGER’s amendment against the amendment which would be a best practices that I would have recommended increasing \$35 million.

□ 1930

This amendment would restore \$10 million to the devastating cuts to Legal Services. Legal Services in 1995 was funded at \$400 million. Just on inflationary dollars, today, that \$400 million would be \$600 million; yet, in this budget, Legal Services would be funded at \$300 million, half of what it would be based on 1995 figures adjusted for inflation.

We are proud of our legal system, and we are known for it all around the globe, but it can be complex. With all of the problems we have with the legal language, let alone just languages that we have in this Nation, it is too difficult for people to represent themselves in court.

There is a saying: “He who represents himself as a lawyer has a fool for a client.” People need professional legal aid to get through the maze of the justice system. If you are poor in this country—and most people are—if you are uneducated—and many are—and scared when you go to court, you are not going to be able to successfully work against a private attorney on the other

side. It just takes away from the whole idea of equal justice under the law.

I talked earlier about domestic violence. There are ladies—and sometimes men—who need protective orders from abusive partners or seniors who have been victimized by fraudulent lenders as well. Legal assistance is vital to ensuring that these parties are treated fairly and are aware of their rights. That is why I am a champion of the Legal Services Corporation, which helps fund legal aid programs throughout the country.

This bill, as I say, cuts \$75 million, which would make many people in the Nation not have representation and unable to pursue justice. Nearly 50 percent of all eligible potential clients are turned away from legal services nationally, and it has hurt people all over this country.

The attorneys do heroic work, and there are serious consequences for reducing the funding to these folks. Unless we ensure legal assistance, we effectively shut the courthouse doors to many who won’t be able to protect their rights.

The decrease would come from the DEA. Again, the DEA has had numerous, numerous problems with agents who have gone rogue and have done things that you shouldn’t do anywhere, least of all when you are a DEA agent representing our country. The funding in the hands of Legal Services could change the lives of thousands of people who need legal representation.

This amendment is \$25 million less than what I would have like to have gotten with the \$35 million amendment, but I will take that. If we can get the 10, hopefully, Mr. PITTENGER will be happy with the 25 cut from the 35 that we should have gotten, in my opinion, on top to restore the 75 that we have lost.

Representatives QUIGLEY, CASTOR, SCHRADER, and JOE KENNEDY have all helped on this.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. Chairman, once again, I rise in support of the Legal Services Corporation.

This is an organization that is the major source of funding for legal aid offices all across this country. The funding, as my colleague indicated, has not kept pace with need, inflation, or reality.

The fact of the matter is, Mr. Chairman—and I have seen as a legal aid volunteer in the courtrooms and then again as a prosecutor the impact of adequate legal representation. I spent hours and hours, along with other volunteers, trying to ensure that citizens of this country who, through no fault of their own, are being victimized by large interests or by folks who did know how to navigate the legal system could have adequate representation in the courts.

Mr. Chairman, inside these halls, we debate with great vigor and great detail the nuances to every single piece

of legislation, yet spend far too little time discussing the impact of how that is going to be enforced after it becomes law. That is what the Legal Services Corporation does.

The fact is, in many ways, another source of funding for Legal Services is through the interest on lawyers' trusts accounts, IOLTA funding. With low interest rates over the course of past several years, that funding has been devastated.

In Massachusetts alone, that used to be about \$34 million a year through a separate fund that has been reduced to \$4 million. The fact of the matter is, Mr. Chairman, that Legal Services has already been decimated at a time when more and more people need to understand that they have access to a fair and just legal system. That is what this amendment seeks to do.

That is why I am proud to support it, and I ask my colleagues to do the same.

Mr. CULBERSON. Mr. Chairman, I claim the time in opposition.

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

Mr. CULBERSON. Mr. Chairman, the Drug Enforcement Agency does extraordinarily important work in targeting high-level drug trafficking organizations—disrupting and dismantling them, attacking the economic basis of the drug trade, and contributing to counterterrorism activities that are tied to and financed by drugs.

We have seen the absolute anarchy in northern Mexico. Mexico is a failed state. The northern part of the state is a complete disaster. We have got utter lawlessness along the Texas border, the southwest border, so it is so important that the DEA be given the resources that they need to do their job.

I understand the concern about the Legal Services Corporation. I will be filing legislation to give attorneys a dollar-for-dollar deduction in their taxes for services that they donate to the poor. I think it is a far better way to get at the concern that we all have that legal services be provided to the poor by doing that through the Tax Code rather than by appropriating our constituents' hard-earned tax dollars. The DEA has a very, very important job to do.

As for the concerns that the gentleman has raised and that I have heard other people raise about some of the activities of some senior level folks at the DEA, we have withheld money from the Department of Justice in our bill specifically to encourage the new Attorney General to discipline those high-level DEA officials who were involved in that embarrassing and disgraceful episode that we saw take place in Colombia that the inspector general uncovered.

That kind of behavior is not acceptable, and they should all be fired, and we have encouraged the new Attorney General to do so immediately. However, I think the taking of additional money from the DEA is a bad idea, and

I do encourage my colleagues to oppose the amendment. I will also point out that we have an initial \$43 million in this bill for violence against women programs, specifically for legal assistance for domestic violence victims.

I do urge my colleagues to vote "no" on this amendment in order to protect the vital role that the DEA plays in the war on drugs.

I reserve the balance of my time.

Mr. COHEN. Mr. Chairman, let me be clear. This does not cut the DEA. It only reduces the amount of money it was increased by in the budget, and it was increased by something like \$40 million in a \$2 billion budget. It would take \$10 million, which would make a big difference to Legal Services.

Once the Rohrabacher-Cohen-Farr amendment passes, they won't be messing with States that have legalized medical marijuana, and it will give the DEA a lot more time to do the right things they need to do in northern Mexico and in other failed states; and as for the states that haven't failed, stay out of them.

I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I yield to the gentleman from Philadelphia, Pennsylvania (Mr. FATTAH) for any comments he may have.

Mr. FATTAH. I thank the chairman.

Mr. Chairman, I don't want anyone to be confused here. On the floor, the chairman from the subcommittee and from the full committee has said—and I have said it—that we realize that the Legal Services Corporation and the shortfall needs to be addressed.

I believe, before we pass a final bill, it will be addressed. There is no possibility that I am going to support a bill that has got \$300 million funding for Legal Services Corporation.

There is this notion of a \$10 million increase on top of a \$25 million cut. I don't want these votes to be viewed as some kind of ceiling for Legal Services, and I think we ought to be careful here to make sure, as the House is working through this, that we understand that the amount that the bill is at now is unacceptable. It has already been cut. Taking that cut and adding \$10 million back to it is not a satisfactory response, notwithstanding the intentions of our colleague here.

We want to address the bigger issue, which is the full funding for Legal Services. As we go forward in this effort, I want to make my intentions clear that I intend to fight to make sure that we live up to our commitment and our responsibilities in terms of fully funding Legal Services.

Mr. CULBERSON. I want to assure my friend from Philadelphia, as we get down further into conference, that we have got priorities in the bill that we did not have enough money for, and we will work hard with you to try to find resources, but let's not take it from the DEA.

I would urge Members to vote against this amendment.

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

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

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

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

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

The Clerk will read.

The Clerk read as follows:

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,250,000,000, of which not to exceed \$36,000 shall be for official reception and representation expenses, not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed \$20,000,000 shall remain available until expended: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

AMENDMENT OFFERED BY MR. GOSAR

Mr. GOSAR. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 19, insert after the dollar amount "(reduced by \$5,000,000)".

Page 42, line 24, insert after the dollar amount "(increased by \$5,000,000)".

Page 46, line 7, insert after the dollar amount "(increased by \$5,000,000)".

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Arizona and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Chairman, I rise today to stand with the veterans throughout the country by offering a simple amendment to bolster funds in this act for Veterans Treatment Courts.

Veterans Treatment Courts promote sobriety and recovery through coordinated local partnerships among community corrections agencies, drug treatment providers, the judiciary, and other community support groups. Veterans Treatment Courts have been extremely successful since they were first

created in 2008 by a Buffalo judge to combat the growing numbers of veterans appearing before the court that were addicted to drugs and alcohol, as well as suffering from mental illness.

Many of our Nation's heroes returning from combat are traumatized due to the associated violence and pressure of war and often cope with such feelings with substance abuse. They need focused treatment and a helping hand, and these courts provide such an avenue.

The alternative to Veterans Treatment Courts is often jail time. I think we can all agree that providing treatment for our veterans through community partnerships at the local level is a far better option than locking them up.

My amendment pays for this modest increase for this critical initiative by reducing funds for the salaries and expenses for the overreaching Bureau of Alcohol, Tobacco, Firearms, and Explosives by \$5 million. I offered a very similar amendment last year, which was adopted by voice vote.

The ATF's salaries and expenses are slated to receive an increase of \$49 million from fiscal year 2015 enacted levels, which would bring the total appropriation level to \$1.25 billion. My amendment redirects funds from bureaucrats in the mismanaged and overzealous ATF to a worthy treatment program for our Nation's veterans.

I urge my colleagues on both sides of the aisle to, once again, show their support for the worthwhile program by passing my commonsense amendment.

I thank the chairman and the ranking member for their leadership on this bill.

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

Mr. CULBERSON. Mr. Chairman, I rise in opposition to the gentleman's amendment, but I am not opposed to it.

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

There was no objection.

Mr. CULBERSON. Mr. Chairman, the gentleman has a good amendment, and I encourage the House to support it.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOSAR

Mr. GOSAR. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 19, after the dollar amount, insert "(decreased by \$5,000,000)".

Page 42, line 24, after the dollar amount, insert "(increased by \$5,000,000)".

Page 46, line 9, after the dollar amount, insert "(increased by \$5,000,000)".

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Arizona and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Chairman, I rise today to offer another amendment to this bill, along with my colleague from Arkansas (Mr. HILL), that seeks to bolster another important program.

First, I reiterate my thanks to the committee for the long hours they have dedicated to prioritizing limited resources in order to produce this bill, but I simply believe the House should not reward bad behavior for that type that the ATF has shown recently. My amendment is simple, and it is nearly identical to an amendment I offered last year, which was adopted by voice vote.

The amendment shifts \$5 million from the overreaching ATF bureaucrats to a worthy and effective program known as the Harold Rogers Prescription Drug Monitoring Program.

□ 1945

You ask why \$5 million. Because that amount would bring the Prescription Drug Monitoring Program appropriations back to the level originally approved by the House last year. The gentleman, Mr. ROGERS of Kentucky, is the chairman of the House Committee on Appropriations, and he has been unrelenting on the issue of combating prescription drug abuse.

This problem is truly plaguing our streets, our youth, and our communities. Prescription drug abuse is contributing to addiction, health deterioration, and even untimely death for too many across our country. Prescription drug abuse also fuels the demand for other illicit drugs, such as cocaine, methamphetamine, ecstasy, and heroin, along with human trafficking, gunrunning, and murder. Much of the solicitation activity flows over our southwestern border and into my home State of Arizona.

The primary purpose of the Prescription Drug Monitoring Program is to enhance the capacity of regulatory and law enforcement agencies to collect and analyze controlled substance prescription data through a centralized database administered by an authorized State agency. States that have implemented the PDMP can collect and analyze this data much more effectively than States in which collection of this data requires manual review of pharmacy files.

It is this body's duty, through the annual appropriations process, to evaluate which programs are worthwhile and which ones are not. The Prescription Drug Monitoring Program has shown promising results, but we must not give up. We must continue to think of our families, our friends, and our future generations.

I urge my colleagues to vote in favor of this amendment. I thank Chairman CULBERSON and Ranking Member FATTAH.

I reserve the balance of my time.

Mr. FATTAH. Mr. Chairman, I claim the time in opposition, but I am not opposed to the amendment.

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

There was no objection.

Mr. FATTAH. Mr. Chairman, I support the effort here to increase funding for a very important program that is addressing a major problem in our country. I divorce myself from the offset, not in terms of the actual offset, but in any criticism of the ATF. I think that they have some very brave, courageous Americans who are trying to make our country safer. I think in lieu of the balancing act here, I support the amendment, and I agree with it.

Mr. CULBERSON. Will the gentleman yield?

Mr. FATTAH. I yield to the gentleman from Texas.

Mr. CULBERSON. I thank the gentleman for yielding.

If I could also point out, actually, the ATF did the right thing here. I strenuously disagreed with the ammo ban and had a chance to meet with the head of the ATF, as I was the new chairman of the CJS Subcommittee, and walked him through the problems he was going to face on this House floor with amendments and problems with their budget and their spending plan this year.

He is a patriot, former marine, and a lifelong law enforcement officer. He understood they had kind of gone beyond the bounds of the statute, so he agreed to drop the ban on .223 ammunition after I had a very good heart-to-heart meeting with him, and so ATF did the right thing. I think we should encourage good behavior.

I want to recognize and I want to thank the new head of the ATF for doing the right thing and not going after law-abiding Americans' constitutional right to possess and use perfectly lawful .223 ammunition and focus on enforcing the statute, which is designed to protect police officers from armor-piercing bullets that can be fired from pistols.

ATF did the right thing here, but I think the gentleman has a good amendment. That money is going to a good cause. The Prescription Drug Monitoring Program is a good one. I share my colleague's support for the amendment. I want to encourage Members to vote for it, but I want to be sure the RECORD reflects that the ATF did the right thing in dropping the ammo ban, and I don't expect we are going to see another attempt by the ATF to attempt to ban .223 ammunition because the new chairman of the CJS Subcommittee will be on them immediately.

Mr. FATTAH. We are in agreement again, maybe coming to it from different angles, but the important thing is we are at a "yes" on this amendment. The way we all get to these points may be different.

I yield back the balance of my time.

Mr. GOSAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas (Mr. HILL), my friend.

Mr. HILL. Mr. Chairman, I want to thank my colleague from Arizona for yielding me time to speak on this very

important amendment. I want to thank him for his leadership.

Prescription drug abuse has become an epidemic in my home State of Arkansas and throughout our country. I am so grateful for people like Chief Kirk Lane of Benton, Arkansas, who leads on this issue throughout my district.

Tonight I speak from the well of our beloved House first as a dad, and a Congressman second. I have had personal experiences with the tragic loss of life that come as a result of prescription drug abuse, and many times our children and our loved ones are the ones who are so closely affected and impacted.

My daughter is 18 years old, and she already knows four people in her age group who have lost their lives due to the influence of prescription drugs and the related impacts. That is tragic.

I am proud that Arkansas recently passed legislation that gives law enforcement investigators access to our State's Prescription Drug Monitoring Program. This law in my State will enhance investigative capabilities and will give law enforcement investigators better ability to bring criminals to justice who are abusing prescription drug practices and trying to dump those drugs back on the street.

This is a serious problem that deserves more of our attention, first at our dinner tables, in our schools, and in our capitol buildings. I am so proud to support Mr. GOSAR's amendment that cuts money from the overhead at the ATF and will strengthen these prescription drug monitoring activities.

I thank the gentleman from Arizona.

Mr. GOSAR. I thank the gentleman from Arkansas for his kind words in support.

I yield back the balance of my time.

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

The amendment was agreed to.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word and enter into a colloquy.

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

Mr. CULBERSON. Mr. Chairman, I yield to the gentleman from Iowa (Mr. BLUM).

Mr. BLUM. Mr. Chairman, as a small-business man and a supporter of the private sector, I wish to commend the committee for the inclusion of report language which states: "The committee encourages NOAA to purchase services from the private sector when such services are available, cost effective, and practicable."

As my friend from Texas knows, NOAA operates a fleet of survey ships for nautical charting as well as a fleet of survey aircraft for aerial photography and LIDAR for mapping. However, the inspector general of the Department of Commerce has long recommended that the aircraft fleet be privatized, as aerial survey operations are better, faster, and less expensive

when purchased from the private sector. In fact, the inspector general found NOAA survey operations cost 42 percent more than the private sector, which was then confirmed by a second NOAA-commissioned study.

Rather than accept these cost savings and productivity improvement requirements, NOAA has continually acquired new planes, new aerial sensors, and new ships. This is not only poor stewardship of taxpayer money and inefficient use of resources, but results in the government duplicating and directly competing with private enterprise. There are numerous companies, including small businesses, ready and able to perform these services for NOAA at a reduced cost and increased quality.

I have visited one such private sector mapping firm in my district and heard firsthand about how government agencies are engaged in this behavior, which hinders private economic growth and job creation.

My question for the gentleman from Texas is: Regarding the language I quoted earlier, is it the intent of the committee to include contracting for such surveying and mapping services when there is a qualified, capable, and cost-effective solution available in the private sector?

Mr. CULBERSON. I want to thank my colleague from Iowa for raising this important point, and the committee does expect NOAA to utilize the private sector for these services when they are available and cost effective and practicable. I deeply appreciate my friend's interest and look forward to continuing to work with him on these issues to ensure they are taken care of as we move through the process.

Mr. BLUM. I thank my friend from Texas and appreciate his hard work on this important legislation.

Mr. CULBERSON. I yield back the balance of my time.

AMENDMENT OFFERED BY MR. BYRNE

Mr. BYRNE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 19, after the dollar amount, insert "(reduced by \$250,000,000)".

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Alabama and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BYRNE. Mr. Chairman, my straightforward amendment would cut the Bureau of Alcohol, Tobacco, Firearms and Explosives, or ATF, by 20 percent. That would result in \$250 million worth of savings.

Let me make one thing clear. I know that the ATF has an important mission to play in keeping our Nation safe and regulating everything from firearms to alcohol. That said, in the last few years, we have seen an outrageous growth in operations and regulations coming out of the ATF.

How could we forget the Fast and Furious gun trafficking scheme that was allowed to go so far offtrack that 2,000 guns were allowed to flow to Mexican drug trafficking groups? Worst of all, a Federal law enforcement officer was killed with a gun from that operation.

There was Operation Fearless, where an undercover operation in Milwaukee, Wisconsin, went horribly wrong. Convicted felons were given access to weapons, the fake storefront was burglarized, and \$39,000 in merchandise was lost. The ATF even used someone with developmental disabilities in the operation and ultimately arrested him for his involvement.

From Wichita, Kansas, to Portland, Oregon, to Atlanta, Georgia, the stories of botched operations and inappropriate action just goes on and on.

Then there was the ATF's recent attempt to reclassify common M855 ammunition as armor piercing, despite its exemption from this classification since 1986 for sporting purposes. Thankfully, this proposal was dropped after pressure from Congress.

Mr. Chairman, the people I represent in southwest Alabama are tired of a Federal Government that doesn't live within its means. They want to see their elected officials in Washington get serious about making cuts to the Federal bureaucracy. My constituents also are tired of executive overreach and the Federal Government involving itself in areas where it simply doesn't belong.

I know that the committee and Chairman CULBERSON have made real efforts to rein in the ATF, and I appreciate those efforts. I also understand that ATF is now under new leadership, and I hope that the new leaders get serious about much-needed reforms.

I am all for safety and responsible gun ownership, and the ATF does have a role to play in that, but this amendment would simply require ATF to return to its core functions and responsibilities. It would cause ATF to look at itself in the mirror, find areas where they can cut back, and refocus on their true priorities.

Ultimately, this amendment is about protecting our Second Amendment rights while also pushing for real reforms to Federal spending. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, I claim the time in opposition.

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

Mr. CULBERSON. Mr. Chairman, I do understand the gentleman's concern. My constituents and all of us were upset with the ATF's attempt to ban .223 ammunition, but they did the right thing: they withdrew the ammo ban after I had a heart-to-heart with them. By doing the right thing, I think we should reward good behavior.

I am monitoring them very closely. We have spending plan language in our bill that allows the subcommittee to have ongoing oversight over not only

the ATF and Department of Justice, every agency under our jurisdiction has to submit a spending plan to us that is then subjected to careful ongoing oversight throughout the year; and if we cut ATF by \$250 million, they are not able to do all the important work that they are now engaged in, and it would really devastate the agency.

□ 2000

There are a lot of dedicated law enforcement officers in that agency that are doing their very best to fight gangs and violent criminals.

We have visited with the folks at ATF. They are not concerned about law-abiding citizens or a gun dealer who is following the law. They are focused on the criminal element in the country.

So I would encourage Members, and I would be happy to work with you and share with you the ongoing oversight work that I am doing. I encourage you to visit with the new ATF Director. He is a very impressive man: a marine and a lifelong law enforcement officer who did the right thing here.

The agency is devoted to protecting Americans' Second Amendment rights. As the new chairman, if I ever detect any deviation from that, I assure you this son of the South is going to make sure our Second Amendment rights are protected.

I would encourage Members to oppose the amendment. I just don't want to see the ATF devastated.

I reserve the balance of my time.

Mr. BYRNE. I want to thank the gentleman from Texas for his superb work in this area. We are in great debt to you for all that you have done. And I am 100 percent confident you will continue to do that.

I don't know the new leadership over there. I pray that it is truly new leadership. Because what has happened at ATF is simply not acceptable. And it is particularly not acceptable when it interferes with the Second Amendment rights of the people of the United States of America.

So I thank the gentleman. I know that he will do everything he possibly can. I will take him up on his offer to meet the new leadership.

I yield back the balance of my time.

Mr. CULBERSON. I urge Members to oppose the amendment.

Mr. FATTAH. Will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. I visited at the ATF headquarters. In looking at their work particularly focused on explosives—and their new site in Alabama—looking at some of the work that they are doing around the country, it is so vitally important that I think at this time in our country's history for us to retreat from our commitment to this agency would be a very unfortunate and unwise decision.

So I would hope that the House would vote in opposition to this amendment

and make sure that as we go forward we can try to address whatever the concerns are. But cutting ATF by this amount of money would put so many Americans at risk, and I think it would be unwise.

Mr. CULBERSON. Reclaiming my time, I join my colleague in urging a "no" vote on this amendment, and will, again, work with my colleague in making sure the ATF continues to protect the Second Amendment rights of Americans.

There is no greater power the Congress has than the power of the purse. I assure you as the new chairman that I am monitoring very, very closely to make sure that ATF, FBI, and the Department of Justice enforce the law and preserve our Second Amendment Rights.

Therefore, I urge Members to vote "no", and I yield back the balance of my time.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. BUCK

Mr. BUCK. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 25, strike "none of the" and insert "such".

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. BUCK. Mr. Chair, I rise to strike language from this appropriations bill that denies hope, denies dignity, and denies Americans their Second Amendment right to bear arms.

When I was district attorney in northern Colorado, a gentleman visited my office. He told me a story that I have heard from many, many others. He told me that 40 years ago, when he was in college, he gave his landlord a bad check. He pled guilty to a felony.

The past 40 years, he has been a model citizen. He finished college. He worked hard and raised a family. Now he wants to go hunting with his grandchild. He can't because he is a convicted felon.

The law allows the Bureau of Alcohol, Tobacco, Firearms and Explosives to restore this man's right to possess a firearm. The burden is on the applicant to prove that he is not a danger. ATF may investigate to make sure. This appropriations bill prohibits ATF from processing applications, from following the law established by Congress 30 years ago.

America is a compassionate country. We restore the right to vote in many States, and other rights. There is no good reason to prevent law-abiding citizens from, at the very least, petitioning ATF to have their rights restored.

The change I am seeking is fair and reasonable, and it is long overdue. Peo-

ple who are able to prove to ATF that their possession of a firearm would pose no danger to society would finally, after over two decades of unfair treatment, be permitted to make their case and have their rights restored.

Not everyone who petitions ATF will have their rights restored. In fact, this bill does not intend in any way, shape, or form to allow a violent criminal to possess a firearm—only those non-violent criminals that ATF deems are not a danger. Not everyone will have their rights restored, but Washington should not get in the way of Americans asking for a second chance.

For these reasons, I respectfully request support for this amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$6,951,500,000: *Provided*, That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed \$5,400 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2017: *Provided further*, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account,

\$230,000,000, to remain available until expended, of which \$145,000,000 shall be available only for costs related to construction of new facilities: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

LIMITATION ON ADMINISTRATIVE EXPENSES,  
FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

AMENDMENT OFFERED BY MS. MOORE

Ms. MOORE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. Is there objection to the gentlewoman offering the amendment at this point in the reading?

There was no objection.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 34, line 19, after the dollar amount, insert "(reduced by \$2,000,000)".

Page 42, line 24, after the dollar amount, insert "(increased by \$2,000,000)".

Page 44, line 8, after the dollar amount, insert "(increased by \$2,000,000)".

The Acting CHAIR. Pursuant to House Resolution 287, the gentlewoman from Wisconsin and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chair, my amendment transfers \$2 million into the Mentally Ill Offender Treatment and Crime Reduction Act for the purpose of expanding and improving police training to safely and appropriately respond to mentally ill individuals.

Now, Mr. Chair, we have heard a lot lately in the news about high profile police-involved shootings that have become a major subject here around the country and here in Congress. Not surprising to some of us, especially those of us who hail from large urban cities, this is a widespread problem that has been around for a while.

But today, I am offering this amendment to highlight one serious issue that I think should be a major part of

our current national dialogue: ensuring that police have adequate training to identify persons with mental illness and to safely, when it is possible, resolve encounters during a crisis.

Mr. Chair, indulge me for a moment while I tell you a story about a 31-year-old man in my home district of Milwaukee, Wisconsin, who, unfortunately, is no longer with us today. His name was Dontre Hamilton.

Dontre, like many people in this country, suffered from a mental illness. He was diagnosed with schizophrenia 1 year prior to the incident and had been off his medication due to an insurance issue.

On April 30 of last year, Dontre was taking a nap on a public park bench when employees of a nearby Starbucks called the police. Two police officers came and did a wellness check and left the scene, discerning that Mr. Hamilton was no threat to himself, nor to anyone in the park or the public.

Soon thereafter, yet another call came from the Starbucks employee because this gentleman was sleeping on the public park bench. Another police officer, Officer Manney of the Milwaukee Police Department, arrived and started to pat down Dontre. This pat-down turned into a struggle, and Officer Manney pulled out his baton to help him subdue Mr. Hamilton.

The struggle escalated, and Dontre got control of the baton and swung it at Officer Manney. This caused Officer Manney to draw his firearm and shoot 14 bullets into Dontre Hamilton.

Officer Manney was terminated for conducting a pat-down in contravention of his training on dealing with mentally ill individuals but faced no charges in the death of Dontre Hamilton.

Mr. Chair, perhaps this tragedy could have been prevented. Too often, our mental health infrastructure is woefully inadequate for many Americans. A lack of treatment can turn a treatable mental illness into a severe debilitating condition. Many can't hold a job or pay rent. Many end up homeless on the streets. In fact, more than 124,000 of the 610,000 homeless people in the United States suffer from a severe mental illness.

As a result of many failures in our system, our Nation's police officers have de facto become our country's first responders to crisis calls, including those individuals experiencing mental illness. Too often these calls, many intended to be out of concern for the individual in crisis, become a tragic fatality.

As we know, mentally ill persons are not generally dangerous, Mr. Chair. In fact, they are actually more likely to become victims themselves than actual perpetrators of violence. Many of these tragic encounters could be prevented if police officers are trained and follow proper procedures.

The Mentally Ill Offender Treatment and Crime Reduction Act is an important Federal initiative and tool that

will help us bridge this gap. This law established a grant program called the Justice and Mental Health Collaboration Program which helps States and localities develop collaborative approaches to dealing with the intersection of criminal justice and mental health systems.

One of the authorized grant uses under the program is training to police officers for exactly these purposes: to safely respond to crisis calls and limit the chance of a tragic and often preventable consequence.

I yield back the balance of my time. Mr. CULBERSON. Mr. Chairman, I claim the time in opposition, but I am not opposed to the amendment.

The Acting CHAIR (Mr. WOODALL). Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. CULBERSON. The gentlewoman has a good amendment, and I want to encourage Members to support it.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

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AMENDMENT OFFERED BY MR. CONNOLLY

Mr. CONNOLLY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 34, line 19, after the dollar amount, insert "(reduced by \$1,000,000)".

Page 42, line 24, after the dollar amount, insert "(increased by \$1,000,000)".

Page 46, line 7, after the dollar amount, insert "(increased by \$1,000,000)".

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Virginia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY. Mr. Chairman, I thank the distinguished chairman and the distinguished ranking member and their staffs for their cooperation on this amendment.

The amendment increases the funding for Veterans Treatment Courts by \$1 million. I offered a similar amendment last year that the House also adopted on a voice vote.

With the additional funds provided by this amendment, a total of \$6 million would be available for such courts, which is still short of the \$8 million Congress has authorized under the bipartisan Mentally Ill Offender Treatment and Crime Reduction Act.

Our Nation's heroes are returning home from more than a decade of war. Upon their return, they bear the visible and invisible wounds of deployment. Substance abuse, post-traumatic stress disorder, traumatic brain injury, and various mental health disorders can lead our returning heroes down a difficult and often lonely path during their transition to civilian life.

Twenty percent of Iraq and Afghanistan war veterans suffer from post-

traumatic stress disorder or major depression. One in six battle with substance abuse. Left undiagnosed or untreated, these illnesses can result in an encounter with the justice system. Worse yet, these illnesses can also lead to suicide, which veterans commit at twice the rate of our civilian population.

Fortunately, specialized Veterans Treatment Courts are being developed across the country, including in my home county of Fairfax in Virginia, to help veterans who do find themselves in the justice system and suffer from substance addiction or mental health disorders so that they can alter their course and find the assistance they deserve, Mr. Chairman.

The first such court was established in Buffalo, New York, in 2008; and since then, more than 200 have opened across the Nation. Hundreds more are currently going through the planning and training process.

Today, there are more than 11,000 vets enrolled in Veterans Treatment Courts. Virginia is home to the sixth largest veteran population in the country, with nearly 850,000 veterans, more than 10 percent of whom live in my district, the 11th Congressional District of Virginia.

The comprehensive treatment program provides eligible veterans with an alternative to jail and incarceration. Participating veterans must commit to an 18- to 24-month program, during which they receive group counseling, a dedicated veteran mentor, and enroll in vocational education and self-help programs.

By bringing veteran service organizations, State veterans service departments, and volunteer mentors into the courtrooms, Veterans Treatment Courts can promote community collaboration and connect veterans with the programs and benefits they have earned and that they may need.

Having a veteran-only court docket ensures that everyone, from the judge to the volunteers, specializes in veterans care, and the involvement of fellow veterans allows the defendant to experience a camaraderie to which he or she became accustomed in the military.

We know this model works, and it is our hope this amendment will provide these courts with the resources they need to help our veterans who fall into the justice system to get back on the right track and transition successfully back into the society they swore to defend.

In closing, again, I want to thank the distinguished chairman, the distinguished ranking member, and their respective staffs for their cooperation in this matter.

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

Mr. CULBERSON. Mr. Chairman, I claim the time in opposition, although I support the gentleman's amendment.

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

There was no objection.

Mr. CULBERSON. I think the gentleman has a good amendment, and I would encourage the Members to support it.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The amendment was agreed to.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word and enter into a colloquy with my good friend, the gentleman from North Carolina (Mr. PRICE).

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

Mr. CULBERSON. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. PRICE) for a colloquy.

Mr. PRICE of North Carolina. I thank the gentleman for yielding, Mr. Chairman.

During the full committee consideration of this legislation, the chairman will recall that we discussed the accompanying report language that, for the first time, would allocate NSF research funding by directorate and, in particular, would disproportionately reduce funding for the Directorate for Social, Behavioral & Economic Sciences and the Directorate for Geosciences. This has raised critical questions and concerns within the scientific community.

As the legislative process goes forward, I ask for the chairman's assurance that we can work together to preserve the National Science Foundation's traditional discretion and flexibility in allocating basic research funding among the Foundation's directorates.

Mr. CULBERSON. I look forward to working with you, Dr. PRICE, and other members of the subcommittee and the full committee, as well as the Science, Space, and Technology Committee, to ensure that we protect the independence of the National Science Foundation.

It is vitally important that America preserves its leadership role in the world, and scientific research and NSF and NASA have been a vital part of that.

A strong supporter of our investment in the sciences, my favorite Founding Father, Thomas Jefferson, liked to say that liberty was the firstborn of science.

It is vital that we work together, as I will with you, sir, as we move through conference, to continue to preserve the flexibility and independence of the National Science Foundation. We, in the committee report, are simply working to make sure NSF prioritizes their funding, but I will continue to work with you throughout this process as we move forward.

Mr. PRICE of North Carolina. I thank the gentleman. This is critically important. I appreciate the chance to work on this, as the legislation moves forward.

Mr. CULBERSON. I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

STATE AND LOCAL LAW ENFORCEMENT  
ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN  
VIOLENCE AGAINST WOMEN PREVENTION AND  
PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); and the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) ("the 2013 Act"); and for related victims services, \$479,000,000, to remain available until expended: *Provided*, That of the amount provided—

(1) \$196,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) \$28,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) \$8,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to and administered by the Office of Justice Programs;

(4) \$11,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: *Provided further*, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(5) \$51,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which \$4,000,000 is for a homicide reduction initiative;

(6) \$35,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) \$33,000,000 is for rural domestic violence and child abuse enforcement assistance grants, including as authorized by section 40295 of the 1994 Act;

(8) \$16,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) \$42,500,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) \$4,500,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) \$16,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: *Provided*, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) \$6,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) \$500,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) \$1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: *Provided*, That such funds may be transferred to and administered by the Office of Justice Programs;

(15) \$500,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women;

(16) \$25,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386, for programs authorized under Public Law 109-164, or programs authorized under Public Law 113-4; and

(17) \$5,000,000 for the purposes authorized under the Rape Survivor Child Custody Act.

#### OFFICE OF JUSTICE PROGRAMS

##### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) (“the 1994 Act”); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) (“the 1990 Act”); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) (“the 2005 Act”); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (“the Adam Walsh Act”); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) (“the 2002 Act”); the Second Chance Act of 2007 (Public Law 110-199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403); the Victims of Crime Act of 1984 (Public Law 98-473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) (“the 2013 Act”); and other programs, \$1,015,400,000, to remain available until expended as follows—

(1) \$409,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, \$20,000,000 is for grants for law enforcement activities associated with the presidential nominating conventions, \$15,000,000 is for an Officer Robert Wilson III memorial initiative on Preventing

Violence Against Law Enforcement Officer Resilience and Survivability (VALOR), \$4,000,000 is for use by the National Institute of Justice for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention, \$22,500,000 is for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act, and \$2,500,000 is for a program to improve juvenile indigent defense;

(2) \$220,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) \$41,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(4) \$7,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416);

(5) \$2,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405, and for grants for wrongful conviction review;

(6) \$5,000,000 for economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110-403;

(7) \$20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

(8) \$1,000,000 for the National Sex Offender Public Website;

(9) \$73,000,000 for grants to States to upgrade criminal and mental health records for the National Instant Criminal Background Check System, including as authorized by the NICS Improvement Amendments Act of 2007 (Public Law 110-180);

(10) \$125,000,000 for DNA-related and forensic programs and activities, of which—

(A) \$117,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546) (the Debbie Smith DNA Backlog Grant Program): *Provided*, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108-405, section 303);

(B) \$4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412); and

(C) \$4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108-405;

(11) \$6,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(12) \$5,000,000 for a veterans treatment courts program;

(13) \$11,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(14) \$13,000,000 for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108-79);

(15) \$75,000,000 is for the Comprehensive School Safety Initiative; and

(16) \$2,400,000 for the operationalization, maintenance and expansion of the National Missing and Unidentified Persons System:

*Provided*, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

#### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance, the following amounts are made available until expended—

(1) \$95,000,000 for youth mentoring grants;

(2) \$19,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(3) \$68,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110-401) shall not apply for purposes of this Act); and

(4) \$1,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the Victims of Child Abuse Act of 1990.

#### PUBLIC SAFETY OFFICER BENEFITS

##### (INCLUDING TRANSFER OF FUNDS)

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and \$16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to “Public Safety Officer Benefits” from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### COMMUNITY ORIENTED POLICING SERVICES

##### COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

##### (INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance, the following amounts are made available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act—

(1) \$11,000,000 for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(2) \$30,000,000 for assistance to Indian tribes;

(3) \$52,500,000 for initiatives to improve police-community relations, as described in the report accompanying this Act;

(4) \$41,000,000 for a grant program for community-based sexual assault response reform;

(5) \$68,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110-199), without regard to the time limitations specified at section 6(1) of such Act; and

(6) \$35,000,000 is for regional information sharing activities, as authorized by part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE  
(INCLUDING TRANSFER OF FUNDS)

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2016, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002 (Public Law 107-296; 28 U.S.C. 599B) without limitation on the number of employees or the positions covered.

SEC. 207. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 208. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

SEC. 209. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the

investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 210. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the report accompanying this Act, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 211. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of Federal Prison Industries, Incorporated.

SEC. 212. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 213. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings “Violence Against Women Prevention and Prosecution Programs”, “State and Local Law Enforcement Assistance”, “Juvenile Justice Programs”, and “Community Oriented Policing Services Programs”—

(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, may be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs: *Provided*, That the transfer authority in this paragraph is in addition to any other transfer authority contained in this Act: *Provided further*, That any transfer pursuant to this subsection shall be subject to the notification procedures applicable to a reprogramming of funds under section 505 of this Act.

SEC. 214. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)) shall not apply to amounts made available by this or any other Act.

SEC. 215. None of the funds made available under this or any other Act, for fiscal year 2016 and each fiscal year thereafter, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the indi-

vidual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 216. (a) None of the income retained in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102-140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation during fiscal year 2016, except up to \$40,000,000 may be obligated for implementation of a unified Department of Justice financial management system.

(b) Not to exceed \$30,000,000 of the unobligated balances transferred to the capital account of the Department of Justice Working Capital Fund pursuant to title I of Public Law 102-140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation in fiscal year 2016, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

(c) Any use, obligation, transfer or allocation of excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall be treated as a reprogramming of funds under section 505 of this Act.

(d) Of amounts available in the Assets Forfeiture Fund in fiscal year 2016, \$154,700,000 shall be for payments associated with joint law enforcement operations as authorized by section 524(c)(1)(I) of title 28, United States Code, and \$20,514,000 shall be for payments associated with subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code.

(e) The Attorney General shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate not later than 30 days after the date of enactment of this Act detailing the planned distribution of Assets Forfeiture Fund joint law enforcement operations funding during fiscal year 2016.

SEC. 217. (a) Of the funds appropriated by this Act under each of the headings “General Administration—Salaries and Expenses”, “United States Marshals Service—Salaries and Expenses”, “Federal Bureau of Investigation—Salaries and Expenses”, “Drug Enforcement Administration—Salaries and Expenses”, and “Bureau of Alcohol, Tobacco, Firearms and Explosives—Salaries and Expenses”, \$20,000,000 shall not be available for obligation until the Attorney General demonstrates to the Committees on Appropriations of the House of Representatives and the Senate that all recommendations included in the Office of Inspector General of the Department of Justice, Evaluation and Inspections Division Report 15-04 entitled “The Handling of Sexual Harassment and Misconduct Allegations by the Department’s Law Enforcement Components”, dated March, 2015, have been implemented or are in the process of being implemented.

(b) The Inspector General of the Department of Justice shall report to the Committees on Appropriations of the House of Representatives and the Senate not later than 90 days after the date of enactment of this Act on the status of the Department’s implementation of recommendations included in the report specified in subsection (a).

This title may be cited as the “Department of Justice Appropriations Act, 2016”.

TITLE III  
SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United

States Code, not to exceed \$2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$5,555,000.

NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION  
SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$5,237,500,000, to remain available until September 30, 2017: *Provided*, That the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) for the James Webb Space Telescope shall not exceed \$8,000,000,000: *Provided further*, That should the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104: *Provided further*, That, \$140,000,000 shall be for a Jupiter Europa mission to assure progress on a mission which meets the Planetary Science decadal objectives, consisting of an orbiter and studies of both a surface element as well as sample analysis of plumes emanating from the surface: *Provided further*, That NASA shall use the Space Launch System as the launch vehicle for a Jupiter Europa mission, plan for a launch no later than 2022, and include in the fiscal year 2017 budget the five year funding profile necessary to achieve those goals.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$600,000,000, to remain available until September 30, 2017.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative

aircraft, \$625,000,000, to remain available until September 30, 2017, of which \$25,000,000 shall be for icy satellites surface technology and test beds.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$4,759,300,000, to remain available until September 30, 2017: *Provided*, That not less than \$1,096,300,000 shall be for the Orion Multi-Purpose Crew Vehicle: *Provided further*, That not less than \$2,313,000,000 shall be for the Space Launch System, including no less than \$1,850,000,000 for launch vehicle development, which shall have a lift capability not less than 130 metric tons and which shall have core elements and an enhanced upper stage developed simultaneously: *Provided further*, That of the amounts provided for launch vehicle development, no less than \$50,000,000 shall be for enhanced upper stage development: *Provided further*, That of the funds made available for the Space Launch System, \$410,000,000 shall be for exploration ground systems and \$53,000,000 shall be for program integration: *Provided further*, That \$1,000,000,000 shall be for commercial spaceflight activities: *Provided further*, That \$350,000,000 shall be for exploration research and development.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$3,957,300,000, to remain available until September 30, 2017.

EDUCATION

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$119,000,000, to remain available until September 30, 2017, of which \$18,000,000 shall be for the Experimental Program to Stimulate Competitive Research and \$40,000,000 shall be for the National Space Grant College program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, ex-

ploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$2,768,600,000, to remain available until September 30, 2017.

CONSTRUCTION AND ENVIRONMENTAL  
COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, \$425,000,000, to remain available until September 30, 2021: *Provided*, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: *Provided further*, That notwithstanding section 20145(b)(2)(A) of title 51, United States Code, such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2016 in an amount not to exceed \$9,470,300: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$37,400,000, of which \$500,000 shall remain available until September 30, 2017.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Funds for any announced prize otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

The unexpired balances of a previous account, for activities for which funds are provided in this Act, may be transferred to the

new account established in this Act that provides for such activities. Balances so transferred shall be merged with the funds in the newly established account, but shall be available under the same terms, conditions and period of time as previously appropriated.

NATIONAL SCIENCE FOUNDATION  
RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86-209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$5,983,645,000, to remain available until September 30, 2017, of which not to exceed \$520,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES  
CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, \$200,030,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, \$866,000,000, to remain available until September 30, 2017.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$325,000,000: *Provided*, That not to exceed \$8,280 is for official reception and representation expenses: *Provided further*, That contracts may be entered into under this heading in fiscal year 2016 for maintenance and operation of facilities and for other services to be provided during the next fiscal year: *Provided further*, That of the amount provided for costs associated with the acquisition, occupancy, and related costs of new headquarters space, not more than \$27,370,000 shall remain available until expended.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United

States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86-209 (42 U.S.C. 1880 et seq.), \$4,370,000: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, \$15,160,000, of which \$400,000 shall remain available until September 30, 2017.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the "Science Appropriations Act, 2016".

TITLE IV

RELATED AGENCIES  
COMMISSION ON CIVIL RIGHTS  
SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,200,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a).

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110-233), the ADA Amendments Act of 2008 (Public Law 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to \$29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$364,500,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire

of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed \$2,250 for official reception and representation expenses, \$84,500,000, to remain available until expended.

LEGAL SERVICES CORPORATION  
PAYMENT TO THE LEGAL SERVICES  
CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$300,000,000, of which \$266,900,000 is for basic field programs and required independent audits; \$5,100,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$19,000,000 is for management and grants oversight; \$4,000,000 is for client self-help and information technology; \$4,000,000 is for a Pro Bono Innovation Fund; and \$1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: *Provided further*, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

ADMINISTRATIVE PROVISION—LEGAL SERVICES  
CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2015 and 2016, respectively.

MARINE MAMMAL COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), \$3,340,000.

OFFICE OF THE UNITED STATES TRADE  
REPRESENTATIVE  
SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, \$54,250,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$124,000 shall be available for official reception and representation expenses.

STATE JUSTICE INSTITUTE  
SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) \$5,121,000, of which \$500,000 shall remain available until September 30, 2017: *Provided*, That not to exceed \$2,250 shall be available for official reception and representation expenses: *Provided further*, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

TITLE V  
GENERAL PROVISIONS  
(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2016, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds by agencies (excluding agencies of the Department of Justice) funded by this Act and 45 days in advance of such reprogramming of funds by agencies of the Department of Justice funded by this Act.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term "promotional items" has the meaning given the term in OMB Circular A-87, Attachment B, Item (1)(f)(3).

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 510. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than \$2,705,164,000 during fiscal year 2016 from the fund established by section 1402 of Public Law 98-473 (42 U.S.C. 10601).

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 514. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and

Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 515. (a) None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire or renew a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST and the Federal Bureau of Investigation (FBI) to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the FBI and other appropriate agencies; and

(3) in consultation with the FBI or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People's Republic of China.

(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire a high-impact or moderate-impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—

(1) developed, in consultation with NIST, the FBI and supply chain risk management experts, a mitigation strategy for any identified risks;

(2) determined, in consultation with NIST and the FBI, that the acquisition of such system is in the national interest of the United States; and

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate and the agency Inspector General.

SEC. 516. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 517. (a) Notwithstanding any other provision of law or treaty, in fiscal year 2016 and each fiscal year thereafter, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the esca-

lation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 518. Notwithstanding any other provision of law, in fiscal year 2016 and each fiscal year thereafter, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 519. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 520. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 521. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 522. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2016 until the enactment of the Intelligence Authorization Act for fiscal year 2016.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under

the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

#### (RESCISSIONS)

SEC. 524. (a) Of the unobligated balances from prior year appropriations available to the Department of Commerce's National Technical Information Service, \$10,000,000 are rescinded.

(b) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2016, from the following accounts in the specified amounts—

(1) "Working Capital Fund", \$100,000,000;

(2) "United States Marshals Service, Federal Prisoner Detention", \$69,500,000;

(3) "Federal Bureau of Investigation, Salaries and Expenses", \$120,000,000 from fines collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs;

(4) "State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs", \$15,000,000;

(5) "State and Local Law Enforcement Activities, Office of Justice Programs", \$40,000,000; and

(6) "State and Local Law Enforcement Activities, Community Oriented Policing Services", \$20,000,000.

(c) The Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2016, specifying the amount of each rescission made pursuant to subsection (b).

SEC. 525. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301-10.122 through 301-10.124 of title 41 of the Code of Federal Regulations.

SEC. 526. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 527. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

#### AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Strike section 527.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman

from New York and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I have two amendments. The first strikes section 527; the second strikes section 528. I had to put them in as two separate amendments because only one amendment pends at a time, but they are really together.

Sections 527 and 528, which my amendment would strike, restricts the President's authority to move Guantanamo Bay detainees to the United States for trial.

Mr. Chairman, simply put, it is time to punish Khalid Sheikh Mohammed, the mastermind of the 9/11 attacks. In GTMO, he has not been tried, convicted, or punished. Meanwhile, Federal courts have tried, convicted, and punished more than 400 terrorists. None of them have ever escaped from a U.S. prison. No prison where they are located has ever been subjected to an attack.

The only thing my friends who are opposed to closing Guantanamo have on their side is fear. Fear, Mr. Chairman. As they argue against this amendment, they will try to tell us that these men are dangerous and scary, that these men can harm us, that these men are the worst of the worst—and some may be—but these men are already in our custody.

Like so many murderers and terrorists already in prison, they have no power over us. They have been shut off from the outside world for more than a decade.

If there are terrible people in Guantanamo—and I am not denying that there are—then it is time for them to face the consequences of their actions in a U.S. court. And that is the rub. The terrorists that have been prosecuted and sentenced had their day in court and were found guilty.

U.S. Federal courts have successfully tried and convicted criminals and terrorists during times of war and peace for hundreds of years, all while respecting the rights of due process that our Constitution demands.

This leads me to believe that some of my colleagues do not believe in the American system of justice. They do not trust our American courts to do justice. I do not understand why.

Through the centuries, our legal system has kept America safe by putting away dangerous individuals while protecting those who were innocent of the government's charges against them. That is the beauty of our system that has made it the envy of the world.

The principles underpinning the system, the right to due process and to a fair trial, are built into our Constitution and are part of our most basic values. But in order for the system to work, you actually need to get your day in court.

Without our amendment, this bill guarantees that we will continue holding people indefinitely at Guantanamo Bay.

Even though we suspect that we are holding people who are terrorists, some of whom probably are, in fact, terrorists, none of this has been proven in a court of law. Without this amendment, we will continue to hold them indefinitely without charge, contrary to every tradition this country stands for, contrary to any notion of due process.

The founding principles of the United States, that no person may be deprived of liberty without due process of law and certainly may not be deprived of liberty indefinitely without due process of law, demands that we close the detention facility at Guantanamo.

We must close this facility, try these people, condemn the guilty, place them in supermax facilities, release the innocent, if there are any; and restore our national honor. I urge the support of this amendment.

I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, I claim the time in opposition to this amendment.

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

Mr. CULBERSON. Mr. Chairman, I want to make sure everyone in the House understands that what the gentleman from New York (Mr. NADLER) is attempting to do is to give constitutional rights to foreign nationals captured on battlefields overseas who are being held in Guantanamo Bay. Never before in American history have we ever given foreign nationals—enemy combatants captured overseas on a battlefield—constitutional rights, the most precious rights we have, that were fought for, bled for, died for by our forefathers on so many battlefields all over the world to preserve these precious rights reserved for the people of the United States of America. Mr. NADLER wants to extend the protections of this Constitution to the killers and the psychopaths who have killed so many Americans overseas.

I could not disagree more strenuously. I know the House disagrees strenuously. We have voted on this repeatedly. And the House and the Congress have repeatedly affirmed this language, which says very clearly, “none of the funds appropriated”—this is the language Mr. NADLER seeks to strike:

“None of the funds appropriated . . . in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States . . . Khalid Sheikh Mohammed or any other detainee who is not a United States citizen or a member of the Armed Forces . . . and is or was held on or after June 24, 2009 . . . at Guantanamo Bay.”

During World War II, a group of Nazi saboteurs who landed on beaches in Long Island and in Florida were captured fairly rapidly by local police officers and local militia and were handed over to the U.S. military. Franklin Roosevelt did the right thing, and they immediately held these Nazis as military detainees. They were accorded a

trial under the Code of Military Justice and executed, as they should have been, I think within about 60 days.

This is not really an issue with the American people, who I hope, Mr. Chairman, are not watching tonight because there could not be a more dramatic contrast between the majority in the House that is representing the will of the Nation in seeing that our laws are enforced and the enemies of the United States are hunted down wherever they may hide.

I had a constituent tell me Hamas stands for “hiding among mosques and schools.” Wherever these people may hide—they hide behind women and children. They will not face our soldiers on the battlefield. When we have met them on the battlefield, we have defeated them decisively.

Where the men and women of the United States military find these people and hunt them down and kill them or capture them—if we have captured them and they have information that could save American lives, we bring them to Guantanamo Bay, and we have saved countless lives by holding them there.

We, in this appropriations bill, make clear that we will not give these killers, these cowards, these terrorists, these foreign fighters on foreign battlefields the precious rights reserved for the people of the United States by this Constitution. And it is that simple.

If you want to give terrorists, foreign fighters on foreign battlefields constitutional rights, you should vote with the gentleman from New York (Mr. NADLER).

Vote against Mr. NADLER's amendment if you believe that the rights guaranteed by this Constitution are reserved for the people of the United States and that if you are an enemy combatant, a foreign national fighting the United States, you are going to be dealt with severely and accorded the Code of Military Justice, as it should be.

I reserve the balance of my time.

Mr. NADLER. How much time do I have remaining, Mr. Chairman?

The Acting CHAIR. The gentleman from New York has 90 seconds remaining.

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

First of all, almost everything the gentleman just said is not apropos and is wrong.

The Supreme Court of the United States has ruled that the people at Guantanamo have exactly the same constitutional rights—no more and no less—than they would have if brought to the United States. So it has nothing to do with giving constitutional rights to foreign nationals.

Second of all, some of these people were, indeed, captured on foreign battlefields; some were not.

Third of all, maybe they should be tried by military tribunals. But they have been held for 11, 12, 14, 15 years. We can't manage to try them by foreign tribunals. Put them in a Federal court. Try them. Convict them.

□ 2045

Put them in a Federal court, try them, and convict them. If you want to put them in a military tribunal, you can do that, fine. We haven't managed to. But the fact is, by staying in Guantanamo, they don't have any less, fewer, or more constitutional rights than are here. Anyone within the jurisdiction of the United States, according to the Supreme Court, has constitutional rights. We must treat them with due process. All this amendment says is treat them the way the Supreme Court has said we should: try them, condemn them, or find them innocent, as the case may be. Some may be innocent. Many of them are not. Some may be. We should follow our traditions.

Mr. Chairman, I urge the adoption of this amendment so that we can apply American concepts of justice as the Supreme Court has said we must.

We can try them by military tribunal in Guantanamo or in the United States. We can try them in Federal Court. Military tribunals haven't worked. We haven't been able to make them work. Federal courts have worked. We should condemn the guilty and release the innocent, if there are any.

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

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

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

Mr. FATTAH. It was not long after 9/11 that we held a conversation here in Washington, and the former Speaker was on a panel over in Rayburn, I think. We were discussing this, and he said, well, this is the situation that we find ourselves in after these attacks. And I asked Speaker Gingrich at the time, former Speaker, this notion of us being a nation of laws, what did that mean now. Because under former President Bush, the original President Bush, he had complained about the Chinese holding people without trial. We had issued a formal complaint that the Chinese were holding people without trial, using secret evidence and so forth and so on, and what did this mean now in the context of our own country's conduct. Speaker Gingrich said that, well, he wasn't really sure because we are at a difficult moment.

So now we are here. We have had two Presidents who tried to close Guantanamo. President Bush who opened it, and his second administration wanted to end it, and then we had two Presidential elections in which the country voted for Barack Obama, who said he wanted to close this facility. We have a congressional majority that is not going to do it, that is going to put every impediment in the way of doing it.

We have our national security enterprise that says that this is used as a recruitment tool against our interests, that this is working against the security of the United States. And, more

important than perhaps even that is, I am sure, gnaws at our ideals as Americans that you would take someone, hold them, never try them, never produce any evidence in a tribunal of any type, military or civilian, and say that you are going to do it in perpetuity, that this is not the great Nation that our ideal speaks to. This is the act of something less than what we should be doing as a great country.

Mr. Chairman, I know that it is not popular and Mr. NADLER's amendment is not going to probably enjoy majority support, but at the end of the day, we can't just ask what is popular or what is politic. At some point, we have to ask ourselves what is the right thing. If we can complain about China holding people without charge, with secret evidence and no trial and no access to lawyers, then we have to think about looking in the mirror and think about what we have allowed other people's actions to turn our country into in this circumstance.

So, Mr. Chairman, I rise in support of the Nadler amendment, and I yield back the balance of my time.

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

Let me, if I could, Mr. Chairman, point out that President Obama has already said he wants to close Guantanamo Bay and bring these people into the United States. The 19th terrorist was captured in the United States, and therefore he was entitled to constitutional protection because he was in the United States.

But the only thing standing between Barack Obama giving these terrorists and killers constitutional rights is this language in this appropriations bill which says none of the money in the United States can be used to transfer these killers into the United States. As soon as they touch our soil, they will be given constitutional rights. And that is exactly what Mr. NADLER wants to do with his amendment is give these precious constitutional rights to these killers and these cowards that have been captured on foreign battlefields, these foreign nationals who have never been afforded the protection of the United States Constitution, which is reserved for the people of the United States.

They deserve what they have got. They are lucky to be alive. They are lucky to be in Guantanamo Bay. And I urge Members to vote against this amendment to ensure that these people are given what they deserve, and that is, whether it be life in prison or whatever lies ahead of them, that they will never again threaten the people of the United States.

Mr. Chairman, I urge Members to vote "no," against Mr. NADLER's amendment, to ensure that constitutional protections are only afforded to the people of the United States or those persons who are actually within our boundaries when they are captured or they commit a crime.

I yield back the balance of my time.

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

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

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

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

The Clerk will read.

The Clerk read as follows:

SEC. 528. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I have an amendment to strike section 528.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Strike section 528.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from New York and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, this is really a continuation of our colloquy from the last amendment since they both seek to do the same thing. Let me just say a couple of things.

Again, the United States Supreme Court has ruled that people in Guantanamo Bay have the same constitutional rights as people in Florida, New York, or Washington, so I do not seek to give people in Guantanamo Bay constitutional rights they do not already have. They have the constitutional rights. That was the Supreme Court decision, I think, in 2009 I think the decision was. They have the constitutional rights. Anyone under the jurisdiction and effective control of the United States has the constitutional rights, so that is not really in question.

What is really in question is: Are we going to honor our obligations? Now, the gentleman says that some of these people are terrible people, that they are murderers. Some of them may be,

and some of them are, but some of them may not be. They have not been tried. They ought to be tried.

As the gentleman from Pennsylvania said, we have criticized the Chinese communists, and we have criticized many other nations for holding people in jail indefinitely, for not trying them and for not giving them any kind of due process. These people, like any other human beings, deserve some due process.

Some of them, I am sure, have been terrorists. They ought to be condemned and put in jail forever. Some of them may not be. And some of them were captured on foreign battlefields and some were not. Some of them were simply victims of the Hatfields and the McCoy's feud between two tribes or clans in Afghanistan or wherever, and one clan said: Gee, the Americans are paying a \$5,000 bounty, so why don't we tip them off to our enemy and tell them that they are a terrorist. Some of them were victims of that.

The facts ought to come out. Some due process ought to be given. No one ought to be held in jail for life without a trial, without a hearing, and without some due process. That is what we stand for. And simply saying that Americans deserve due process but other people do not, A, it is wrong. Other people do not have constitutional rights, but if they are in the United States, they do. If they are in Guantanamo, they have constitutional rights. The Supreme Court has already said that.

So the question here is: Are we going to bring them to a facility in the United States, a supermax facility? No one has escaped from them. It is cheaper. It saves the taxpayers a lot of money. Give them a military tribunal or a Federal trial and do what is right. That is what is at stake here.

I will say one other thing. Our military has told us time and time again that the stain of Guantanamo, besides being a stain on our honor, is one of the greatest recruiting tools the terrorists have. They point to Guantanamo. They say: Look at those American hypocrites. They are persecuting Muslims. They are persecuting non-Americans.

Well, they have a point. And other people think they have a point, and they get angry. They get radicalized, and they become terrorists against us.

So why not, for the 120-odd people who are still at Guantanamo, the majority of whom have been judged not to pose a threat to this country by our own military authorities, do the right thing? Give them a trial. Throw them in jail for whatever lengthy period of time is indicated if they are guilty. And if they are not, then they ought to be released if they are not guilty of a crime, if they haven't been terrorists. We have to have some evidence. We can't simply point to someone and say, "He is guilty of a crime. He is a terrorist," without some evidence to that fact. That is our tradition. Mr. Chair-

man, that is what this amendment calls for.

I urge the adoption of the amendment, and I reserve the balance of my time.

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

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

Mr. CULBERSON. Mr. Chairman, let me point out to all the Members of the House and those listening here this evening that the section Mr. NADLER attempts to strike is the only thing standing between President Barack Obama and his attempt to close Guantanamo Bay and transfer all these killers, these cowards, and these foreign nationals captured on the foreign battlefields either attempting to or having already killed American soldiers. This language that Mr. NADLER is attempting to strike prohibits, says:

None of the funds appropriated by this or any other act may be used to construct or acquire or modify any facility in the United States to house any individual transferred into the United States from Guantanamo Bay.

So, Mr. Chairman, we have got two provisions in this bill: no money to transfer anybody from Guantanamo into the United States—and that amendment, which will be a record vote, will be decisively defeated by the House in a minute—and then this amendment which Mr. NADLER is offering. We have put language in this bill for the last several years to make sure that President Obama cannot use Federal hard-earned taxpayer dollars to build a prison facility or modify it to house anybody transferred from Guantanamo.

Now, this is very clear-cut. This is very simple. Obviously anybody held, if you are in a military tribunal, you get due process. That is not the issue. What Mr. NADLER is attempting to do with this amendment, again, is to give constitutional rights to foreign nationals captured on foreign battlefields engaged, and we are still at war with these people. We are still at war. And Mr. NADLER is attempting to extend constitutional protections fought for and died for by our ancestors to enemy combatants captured on foreign battlefields—never been done, absolutely unprecedented, and, frankly, unbelievable. I cannot even imagine the cost, the sacrifice, the burden on American taxpayers, the threat to American safety, for what?

So these foreign nationals, these psychopathic killers in ISIL are going to respect us and like us because we give them a trial and gave them constitutional protection? Yeah, that is going to happen.

Mr. Chairman, we are at war with a medieval mindset that is determined to destroy our way of life and our liberty. They are hostile to everything that our Founding Fathers fought for. These people would destroy this Constitution that we have had for over 200 years, worked so hard to preserve and protect.

I cannot think of anything more destructive or damaging to the morale of our troops, to the morale of our Nation, and to all of those families who lost loved ones in the war on terror than to bring in these killers and cowards in the United States and grant them the protections guaranteed to American citizens in the United States Constitution.

Mr. Chairman, I urge Members to oppose this amendment, and I reserve the balance of my time.

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

Again, Mr. Chairman, even the Nazis who came ashore on Long Island that the gentleman referred to before were tried in the military tribunal. They weren't simply thrown in jail and held forever. They were tried in a military tribunal, condemned, and then sentenced to death.

All this amendment says is we should do the same thing, that people who are in the custody and the jurisdiction of the United States already have constitutional rights. We are not giving them constitutional rights. The Supreme Court already said they have them. We are saying they should get a military tribunal or a civilian trial, whichever is chosen. This amendment doesn't deal with that. And they should be condemned or not.

One more thing. The gentleman keeps saying that these people were enemies of the United States captured on the foreign battlefield. Some were and some were not.

Mr. CULBERSON. Will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Texas.

Mr. CULBERSON. Thank you, Mr. NADLER, because the section we are dealing with is a prohibition against building a prison facility in the United States to house these people. So that is what the debate needs to be about. What you are attempting to strike is a prohibition against using our taxpayers' hard-earned dollars to build a prison to house these killers.

Mr. FATTAH. Will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, this is an appropriations bill. I just want everybody to know it is \$2 million per inmate at Guantanamo. It is a premium facility, \$2 million per inmate.

The Acting CHAIR. The time of the gentleman from New York has expired.

□ 2100

Mr. CULBERSON. Mr. Chairman, the question before the House is whether or not our taxpayers' hard-earned dollars are going to be used to build a prison facility in the United States to house the terrorists and killers and cowards held in Guantanamo Bay. That is the question before us.

Mr. NADLER. Will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from New York.

Mr. NADLER. Does the gentleman not know what has been testified to repeatedly, that it will be a lot cheaper for the taxpayers' money to hold them in the United States than in Guantánamo?

Mr. CULBERSON. Well, that may be your opinion, sir, but we will not, and will not ever, afford constitutional rights or house foreign fighters captured on a foreign battlefield who have been killing the men and women of the Armed Forces of the United States on a foreign battlefield, we are never going to house them in a prison in the United States. We are never going to give them constitutional rights. Those rights are reserved to the people of the United States and the people who commit crimes within the boundaries of the United States.

The 19th terrorist, who didn't quite make it that day, was captured in the United States, and he was given a trial, as he should be. The Constitution extends protections to persons within the United States. These people, again, whom we are at war with have never been afforded constitutional protections. And you are right, the Nazis captured in Long Island and in Florida were given due process in a military tribunal, as these individuals have been given due process in military tribunals at Guantánamo Bay. That is the way it always has been and always should be.

And certainly the Members of this House have voted repeatedly in the past, and I am confident they will vote again tonight to defeat this amendment to reaffirm that these precious rights in the United States Constitution are reserved for the people of the United States and will never be extended to enemy foreign fighters, particularly these cowards who have been waging war against women and children and won't come out and fight our men and women on the battlefield in open combat.

This language in this bill is the only thing standing between President Barack Obama in his attempt to close Guantánamo Bay and move these people into prison facilities in the United States. So I urge Members to vote against Mr. NADLER's amendment.

I yield back the balance of my time.

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

The amendment was rejected.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word and enter into a colloquy with the gentleman from Texas (Mr. BABIN) and the gentleman from Florida (Mr. POSEY).

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

Mr. CULBERSON. Mr. Chairman, I yield initially to my friend, Mr. BABIN, and then will yield to Mr. POSEY.

Mr. BABIN. Mr. Chairman, I am seeking an increase of funding for the Commercial Crew Program in our Science budget.

For the past several years, the United States taxpayers have been pay-

ing over \$70 million a person to launch our astronauts to the International Space Station on Russian vehicles from Russian soil. We must end this reliance on the Russians as quickly as possible. We must set priorities within the NASA budget to make sure that the American astronauts are launched from American soil on American vehicles sooner rather than later.

When it comes to spending within our NASA budget, it is important that we set a precedent of what we think is the most important thing to do. NASA is the only U.S. Government agency that has human spaceflight as its mission. If NASA doesn't do it, then it simply is not going to be done.

This investment in Commercial Crew, which is managed out of Johnson Space Center in the 36th congressional District, would aid the development of U.S. human spaceflight capabilities and lay the foundation for future commercial transportation and end our dependence on the Russians.

I look forward to working with you, Mr. Chairman, to ensure that we give this program the funding necessary to end our reliance on the Russians.

Mr. CULBERSON. Thank you, Mr. BABIN. I want to assure you that as we work through this process in conference and the additional funding becomes available—and I do expect that as we move forward, if we have additional funding, we are going to make sure that any gaps or holes, whether it be in the Orion program or anywhere else, we are going to fill those holes and make sure that we are given as much support as we possibly can to Commercial Crew and to Orion.

We funded the Orion program at the level the President requested. And if we get additional funds, we will do our very best to hit that mark also for the Commercial Crew Program.

Mr. FATTAH. Will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. I am very supportive of the Commercial Crew Program, and I think that there is a shortfall in that particular program. I think that is what the gentleman is referring to in his hope that we can address that shortfall so that we don't have to spend what has now been about \$500 million with our Russian counterparts in order to transport astronauts to the International Space Station.

Mr. CULBERSON. We will work together. If we, as we say, find additional funds, we will do everything we can to help Orion.

Mr. BABIN. Thank you for your consideration, Mr. Chairman.

Mr. CULBERSON. I will be happy also to yield to my good friend, Mr. POSEY, for a colloquy as well.

Mr. POSEY. Thank you, Mr. Chairman.

This bill adequately funds the Space Launch System, the rocket which will carry the Orion capsule into space, and I am grateful for that.

It adequately funds exploration ground systems, which are essential to getting Orion off the ground, and I am really grateful for that.

But without sufficiently funding the Orion capsule, we will be delaying the deep space exploration missions. Orion is a very unique and very special spacecraft, unlike any we have ever sent into space, possessing capabilities to carry astronauts deeper into space than humans have ever gone before. The technological and engineering challenges are enormous, and it requires proper funding to get the job done.

It is critical that Orion receives adequate funding to remain on schedule. My rough calculations indicate this funding level, so much less than authorized, can result in the delay of having Orion online by as much as 2 years. Imagine having our space launch systems ready to go, our exploration ground systems ready to go, and no space capsule ready to fly for 2 more years after that. That would be disastrous.

Unfortunately, when Congress assigns tasks to NASA and does not provide adequate funding, American's space program gets criticized and maligned for being behind schedule, when it is actually Congress that caused the problem.

I thank my colleagues for their work on this issue, and I am hopeful that we can work together to make certain Orion gets enough funding to stay on schedule to carry humans into space, deep space, by 2021.

I thank Chairman CULBERSON for his work on this and his assurance that we can work together to secure adequate funding to keep Orion on schedule.

Mr. CULBERSON. I want to assure the gentleman that we will do so. I want to make sure to make the RECORD clear that we funded Orion at the level requested by NASA. We fully funded in exactly the number they asked for. If additional funds become available, and it looks like it is really going to help them speed up the program, we will certainly make those funds available to them, because we want to get Americans back into space as quickly as possible on an American built rocket. That is why you have seen us plus up the SLS heavy launch rocket program to accelerate that program, which will have so many uses. But, of course, you know I don't know there is any stronger advocate for NASA and America's space program than I am and you gentlemen are. I look forward to working with you.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PERLMUTTER. I move to strike the last word with the gentleman from Texas.

The Acting CHAIR. Under the rule, the gentleman cannot strike the last word.

Mr. CULBERSON. Do I have the ability to strike the last word again to complete additional colloquy with the gentleman from Colorado?

The Acting CHAIR. Only the gentleman from Texas and the gentleman from Pennsylvania can move to strike the last word under the rule.

Mr. CULBERSON. Mr. Chair, I move to strike the last word and enter into a colloquy with the gentleman from Colorado, my friend.

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

Mr. CULBERSON. I yield to the gentleman from Colorado.

Mr. PERLMUTTER. I thank the gentleman from Texas, and I thank my friend from Florida for speaking up on behalf of Orion.

Orion is America's new spacecraft to take astronauts further into space than ever before and land our astronauts on Mars.

Orion had its maiden test flight this past December, and it was a resounding success. The Orion program, as Mr. POSEY stated, needs a full funding for this, and we believe it to be \$1.35 billion for fiscal year '16 to meet those needs.

I appreciate the committee including language in the committee report requiring NASA to provide an assessment of these challenges, but Congress needs to provide the resources necessary in fiscal year '16 to mitigate the entire risk and move this project forward.

So I thank the gentleman from Texas for his support of the Orion program. We need to make sure it has sufficient resources to get our men and women, our astronauts, to Mars as quickly as possible.

Mr. CULBERSON. I look forward to working with you and my colleague from Texas and our colleagues from Florida in ensuring everyone in this House supports NASA and the manned space program. And I will work closely with you and my colleagues to ensure that any additional funding that Orion needs that they receive as we move through this process and go into conference.

As you noted, the bill that we have before us tonight funds Orion at the level requested by NASA. We gave them exactly what they asked for. We also asked them to give us reports on making sure they can meet their deadlines for testing the spacecraft and meeting their milestones. As they prove that to us and as we get further along and additional funds get available and they show us they need that, of course, we will put them at the top of the list.

Mr. PERLMUTTER. I thank the gentleman. I look forward to staying on top of this so that as they move forward we have sufficient funding to really propel this project forward and get our astronauts to Mars.

Mr. CULBERSON. I thank the gentleman. America will never surrender the high ground—outer space is the high ground of the 21st century—and we are going to make sure to preserve America's leadership in space exploration, both manned and unmanned.

I yield back the balance of my time.

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

Mr. COHEN. Mr. Chairman, I am doing something I would rather not do. But the gentleman from Texas was so nice on my rape kit amendment, and we did save Texas and have Davy Crockett, a predecessor of mine, in Congress.

I ask unanimous consent that my request for a recorded vote on the amendment I offered that the chair was against, that it be withdrawn, to the end that the amendment stand disposed of by the voice vote thereon.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. Without objection, the request for a recorded vote is withdrawn. Accordingly, the noes have it and the amendment is not adopted.

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 529. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are "Energy Star" qualified or have the "Federal Energy Management Program" designation.

SEC. 530. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 531. (a) None of the funds made available by this Act may be used for the National Aeronautics and Space Administration (NASA) or the Office of Science and Technology Policy (OSTP) to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this Act.

(b) None of the funds made available by this Act may be used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by NASA.

(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA or OSTP has certified—

(1) pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company; and

(2) will not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate, and the Federal Bureau of Investigation, no later than 30 days prior to the activity in question and shall include a description of the purpose of the activity, its agenda, its major participants, and its location and timing.

SEC. 532. None of the funds made available by this or any other Act, for fiscal year 2016 and each fiscal year thereafter, may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

AMENDMENT OFFERED BY MS. ESTY

Ms. ESTY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 94, beginning on line 16, strike section 532.

Page 96, beginning on line 12, strike section 537.

Mr. CULBERSON. Mr. Chairman, I reserve a point of order against the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 287, the gentlewoman from Connecticut and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. ESTY. Mr. Chairman, my amendment strikes section 532 and 537, two harmful gun riders in this bill.

Mr. Chairman, appropriations bills are not the proper place to address significant policy provisions. Instead, such changes to gun policy must be seriously and properly considered by Congress through the regular order. The American people deserve an open and transparent process where a full range of options can be frankly discussed and debated by the proper congressional committee and the entire House of Representatives.

Over the past several years, various appropriations riders related to gun policy have had unintended consequences that could have been prevented had these issues been fully and thoroughly debated in Congress.

Today is National Gun Violence Awareness Day. Today of all days we can and must do better. We should not allow contentious policy provisions related to important Federal policies governing firearms to be attached to these appropriations bills.

Mr. Chairman, I urge the Appropriations Committee and the House as a whole to stop inserting significant gun

policy provisions into must-pass spending bills.

I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

□ 2115

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 533. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law-enforcement related activity.

SEC. 534. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the International Trade Commission, the Legal Services Corporation, the Marine Mammal Commission, the Offices of Science and Technology Policy and the United States Trade Representative, and the State Justice Institute shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 535. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 536. None of the funds made available by this Act may be used to relinquish the responsibility of the National Telecommunications and Information Administration with respect to Internet domain name system functions, including responsibility with respect to the authoritative root zone file and the Internet Assigned Numbers Authority functions.

SEC. 537. None of the funds made available by this Act may be used to require a person licensed under section 923 of title 18, United States Code, to report information to the Department of Justice regarding the sale of multiple rifles or shotguns to the same person.

SEC. 538. No funds provided in this Act shall be used to deny the Inspectors General of the Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation timely access to all records, documents, and other materials in the custody or possession of the respective department or agency or to prevent or impede the particular Inspector General's access to such records, documents, and other materials, unless in accordance with an express limitation of section 6(a) of the Inspector General Act, as amended, consistent with the plain language of the Inspector General Act, as amended. The Inspectors General of the Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall report to the Committees on Appropriations of the House of Representatives and the Senate within five calendar days any failures to comply with this requirement.

SEC. 539. The Department of Commerce, the National Aeronautics and Space Administration, the National Science Foundation,

and the Office of Science and Technology Policy shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate on any official travel to China by any employee of such Department or agency, including the purpose of such travel.

SEC. 540. (a) No funds made available in this Act may be used to facilitate, permit, license, or promote exports to the Cuban military or intelligence service or to any officer of the Cuban military or intelligence service, or an immediate family member thereof.

(b) This section does not apply to exports of goods permitted under the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.).

(c) In this section—

(1) the term “Cuban military or intelligence service” includes, but is not limited to, the Ministry of the Revolutionary Armed Forces, and the Ministry of the Interior, of Cuba, and any subsidiary of either such Ministry; and

(2) the term “immediate family member” means a spouse, sibling, son, daughter, parent, grandparent, grandchild, aunt, uncle, niece, or nephew.

AMENDMENT OFFERED BY MR. FARR

Mr. FARR. Mr. Chairman, I have an amendment at the desk to strike section 540.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Strike section 540 (page 97, line 18 through page 98, line 10).

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. FARR. Mr. Chairman, I am serving my 22nd year in the United States Congress, and I have never seen a provision in an appropriations bill like this.

This amendment in there could be labeled the “family feud.” There is only one Member of Congress who is related to anybody in the leadership and in the military in Cuba, and he is the person who put this amendment in.

What it does is it prohibits businesses from doing business in Cuba because it makes it almost impossible for any business to get a license. That is why the United States Chamber of Commerce; the National Foreign Trade Council; the Emergency Committee for American Trade; USA Engage, which is a trade group; and CubaNow, which is Florida's Cuban Americans, are all opposed to this provision of the bill and support my amendment to strike it.

Mr. Chairman, I submit for the RECORD letters from CubaNow which are in support of my amendment.

DEAR CONGRESSMAN FARR: We urge that House Members vote to strip Section 540 from H.R. 2578, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016.

This provision would turn back the strategic effort to normalize relations between the U.S. and Cuba, harming advancements to increased commerce with Cuba.

Majorities of Americans, Cuban-Americans, and Cubans support normalizing relations and ending the unilateral trade embargo. Bipartisan support exists in both the House and Senate and throughout the business community and the majority of civil society groups focused on Cuba.

The question of Cuba policy should be approached deliberatively in the full context of hemispheric relations.

Please support the Farr amendment to strip Section 540 from H.R. 2578.

Sincerely,

CUBANOW;  
EMERGENCY COMMITTEE  
FOR AMERICAN TRADE;  
ENGAGE CUBA;  
MANCHESTER TRADE  
LIMITED, INC.;  
NATIONAL FOREIGN TRADE  
COUNCIL;  
U.S. CHAMBER OF  
COMMERCE;  
USA\*ENGAGE.

#CUBANOW STATEMENT ON ADMINISTRATION  
VETO THREATS OVER CUBA POLICY

[From #CubaNow]

WASHINGTON.—#CubaNow Political Director David Gomez issued the following statement in support of the Obama Administration's veto threats and congressional efforts to eliminate attempts to limit or roll back the new Cuba policy:

“#CubaNow supports the recent veto threats issued by the Obama Administration in regards to the House's current *Transportation* and *Commerce* appropriations bills. As the Administration noted, these bills include policy riders that place unacceptable and regressive restrictions related to Cuba, including Americans' right to travel to the Island and the ability to do business with and support Cuba's growing private sector. #CubaNow also supports the floor amendment by Rep. Sam Farr to strike the restrictions from the Commerce appropriations bill and other similar efforts in Congress to keep spending bills free of *bad policy* that will do nothing to help the Cuban people.”

“Congress should work on advancing U.S.-Cuba policy in a constructive manner that recognizes there's no going back to the failed ideas of yesterday. Only a small minority in Congress continues to try to drag their feet. But the Cold War is over, and it's time that Congress heeds the will of an American public that *by and large* supports moving forward with greater engagement. Our new direction will do more to help Cuban civil society than riders that try to breathe life into an unsuccessful half-century-old policy.”

Mr. FARR. Almost every country in this hemisphere and almost every country in the world has normal trade relations with Cuba. We are trying to open those up so that businesses in America, particularly our agriculture and our other trading goods, can take advantage of the market in Cuba—not a big one, but an important one—because it is so close to shore.

What this amendment does is it stops all of that. It targets the Cuban military by saying that anything related to the Cuban military and what they own, which is a lot of businesses in Cuba, may not be used to facilitate, permit, license, or promote exports to the Cuban military or intelligence services or the immediate families thereof.

This is what is really so damaging. The term “immediate family,” as described in the bill, means a spouse, sibling, son, daughter, parent, grandparent, grandchild, aunt, uncle, niece, or nephew. Now, how does a businessperson in the United States know if

any of those people are working for any of the agencies that this bill restricts from?

It hurts American businesses, and it hurts Cubans. Let's stop living in the past. Let's strike this provision in the bill and support my amendment.

I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Chairman, I claim the time in opposition.

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

Mr. DIAZ-BALART. Mr. Chairman, I am glad this amendment is here.

President Obama said—and he said this a while ago—that his policies are to help promote the Cuban people's independence from Cuban authorities.

Now, no one can claim that the Cuban military and the Cuban intelligence community and their direct family members are not the Cuban authorities. Nothing is more authority than those two things. Let's unmask what this amendment does.

The language in the mark, in the bill, simply affirms that we should not send exports—I will make this very clear—to the Cuban military or the intelligence community or their immediate families. In unmasking this amendment, what this amendment is saying is no, no, no, that we do support and that we do want to do business with the Cuban military and the Cuban intelligence services and their immediate families.

By the way, it is the same military and intelligence services that brutalized the Cuban people, that beat pro-democracy demonstrators, that beat a number of American citizens in Panama recently, that illegally smuggles weapons, which has members of that Cuban military under indictment here in a U.S. Federal court for the murder of American citizens.

I am glad this amendment is here because this amendment unmasks the underlying issue, and the chairman's mark specifically deals with—again, as I mentioned—the Cuban military and the intelligence community and their immediate relatives.

If this amendment were to happen, what we would be saying is that we want to do business, not with Cuba and not with the Cuban people, but with the Cuban military and the intelligence services and their direct relatives. Frankly, I am glad this amendment is here because it does unmask the issue.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Florida (Mr. CURBELO).

Mr. CURBELO of Florida. I thank my colleague for yielding.

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

Section 540 is critical in ensuring that exports to Cuba reach and benefit the Cuban people, not the regime's military and intelligence services, which actively and aggressively collaborate with our enemies throughout the world. Still today, Cuba has one of

the most robust spy networks in the United States. These are not the people we should be rewarding with American business.

The most recent State Department report on Cuba's human rights conditions says that harsh prison conditions, arbitrary arrests, selective prosecution, and the denial of fair trials continue in the country.

The iron fist of the Castro regime has cracked down on peaceful democratic activists with over 2,000 dissidents arrested since the President's December 17 announcement. Just this past Sunday, 59 members of the Ladies in White were arrested along with 25 other human rights activists—their crime? It was attending Sunday mass, Mr. Chairman.

The oppression is not limited to Cuba's borders. According to high-level military defectors from Venezuela's Government, there are between 2,700 and 3,000 Cuban military and intelligence agents aiding in the crackdown against Venezuelan protesters and opposing American interests in that country.

These are the thugs—the very individuals—who would most benefit from the Farr amendment.

Mr. Chairman, I understand that there is a diversity of views in this Chamber with regard to our broader Cuba policy. What I cannot understand is why anyone would want to reward the individuals responsible for the deaths of Americans, for the oppression of the Cuban people, for spying against our country.

I respectfully ask my colleagues to oppose the Farr amendment.

Mr. FARR. Mr. Chairman, rhetoric is really cheap here, but I would urge Members to read the bill and to read the second term.

It reads:

The term “Cuban military intelligence service” includes but is not limited to the Ministry of the Revolutionary Armed Forces and the Ministry of Interior of Cuba and any subsidiary of such ministry.

The term “immediate family” means spouse, sibling, son, daughter, and so on.

The analysis by our own Library of Congress says that this would severely hurt the consumer communication devices that would be sent to families in Cuba as part of the negotiations that are going on right now between the United States and the administration.

It would also hurt materials, equipment, tools used by the private sector to construct or to renovate privately owned buildings, tools and equipment for private sector agriculture activity, tools and equipment and supplies and instruments used by the private sector.

This provision just kills the ability for the United States to open up trade that every other country has. This is just a “family feud” amendment. This is not good business, and that is why the business community is opposed.

Mr. Chairman, how much time do I have remaining?

The Acting CHAIR (Mr. McCLINTOCK). The gentleman from California has 2 minutes remaining.

Mr. FARR. I yield 1½ minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. I thank my colleague for yielding.

Mr. Chairman, I rise in strong support of this amendment.

Once again, the other side is really pushing the envelope in terms of characterizing what this amendment actually does.

This amendment would strike provisions included in this bill that would prohibit the Department of Commerce from issuing licenses for new types of exports that are permitted under the Obama administration's new policy of engagement with Cuba. This provision is not only an inappropriate policy rider in this appropriations bill, but, if included, it would put this House, once again, on the wrong side of history.

Supporters of this provision claim that it would only prohibit exporting to anyone who works with the Cuban military, intelligence services, and their immediate families. The reality is that the effects of this provision are much, much broader.

It would make it difficult for the Department of Commerce to issue licenses to companies that want to export to Cuba, U.S. companies that create jobs in the United States of America. This includes equipment and supplies for entrepreneurs that are related to running their own businesses here in America, and it includes the materials, equipment, and tools to construct or renovate privately owned businesses.

Simply put, this rider is wrong. It is wrong for business, and it certainly should not be part of a bill that funds our critical Commerce, Justice, and Science programs.

The majority of Americans and Cubans agree that U.S. policy toward Cuba has been an unpopular failure for more than 50 years. Instead of including misguided provisions that undermine the process of normalizing relations with Cuba, we should be moving toward increased exchanges, formal relations with our neighbors, and creating good-paying jobs in the United States by allowing the exporting of U.S. products to Cuba.

Mr. DIAZ-BALART. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I want to point out the language Mr. FARR is attempting to strike.

It reads:

No funds made available to do business with the Cuban military or the intelligence services.

The only thing standing between President Barack Obama's attempt to override the will of the people as expressed by Congress, which is we will not do business with Cuba, is the Federal law. President Obama is attempting to change that.

The only thing stopping President Obama from doing business with Cuba is this language, and the language says

you cannot do business with the Communist military in Cuba or with the Communist intelligence services.

It is very straightforward. If you want to do business with the private sector in Cuba, go ahead. All this says is that you can't do business with the Communist military or with the Communist intelligence services.

Therefore, we urge Members to vote "no" against this amendment.

The Acting CHAIR. The time of the gentleman from Florida has expired.

Mr. FARR. It is very interesting that the capitalist society out there supports my amendment: the U.S. Chamber of Commerce, the National Foreign Trade Council, Engage Cuba, the Emergency Committee for American Trade. They wrote a letter that they urge the House Members to strip section 540 from H.R. 2578, the Commerce, Justice, Science, and Related Agencies Appropriations Act.

The provision would turn back the strategic effort to normalize relations between the U.S. and Cuba, harming advancements to increase commerce with Cuba. The majorities of Americans, Cuban Americans, and Cubans support the normalization of relations and any unilateral trade embargo.

Bipartisan support exists in both the House and the Senate and throughout the businesses community and with the majority of the civil society focused on Cuba. The question of Cuba policy should be approached deliberatively and in the full context of hemispheric relations.

I urge the support of this amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

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

Mr. FATTAH. Mr. Chairman, we spend a lot of time making something simple complex. The problem here is that, in a small nation, an island like Cuba, trying to discern whether somebody is related—a cousin, a nephew, a so-and-so who might work for some entity—is very problematic.

What this restriction would basically mean is that you wouldn't be able to do any business. That is notwithstanding everything else, notwithstanding the failure of the last 50 years, notwithstanding the fact that everybody else in the world is doing business in Cuba, this language would prevent us from being able to do any business there because you would not be able to predetermine whether there was a blood connection between some person you were selling a cell phone to and someone who, at some point, was a grunt in the military.

□ 2130

That is the issue. That is why we should support the Farr amendment.

I yield back the balance of my time.

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

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

Mr. FARR. Mr. Chairman, I demand a recorded vote.

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

The Clerk will read.

The Clerk read as follows:

SEC. 541. None of the funds made available by this Act may be expended during fiscal year 2016 for the shutdown of the Stratospheric Observatory for Infrared Astronomy or for the preparation therefor.

SPENDING REDUCTION ACCOUNT

SEC. 542. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is \$0.

AMENDMENT OFFERED BY MR. SCHWEIKERT

Mr. SCHWEIKERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. CURBELO of Florida). The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of the bill (before the short title), the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act shall be used to transfer cell site simulators, or IMSI Catcher, or similar cell phone tower mimicking technology to state and local law enforcement that haven't adopted procedures for the use of such technology that protects the constitutional rights of citizens.

Mr. CULBERSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 287, the gentleman from Arizona and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, I will try to make this very quick because I know there is a point of order.

This was one of those moments where there was a concern about new adopted technology. We have all heard the stories of some of these, shall we call them, dummy cell sites that are basically used to capture the phone calls because they produce the largest, most powerful signal. Now, some of this technology that has been being used at the Federal Government level is being transferred to State and local law enforcement.

The amendment is meant to be very simple and just says for the Federal Government to design, for Justice to design, protocols that the constitutional rights are being protected, that if a local law enforcement is going to use this capture technology, that they better darn well be following the Constitution, and before that technology is transferred, that there is an understanding, mechanics of that being laid out.

We tried to make the amendment as simple and clear-cut as possible.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. CULBERSON. Mr. Chairman, I rise to make a point of order against the amendment, reluctantly, because I agree with the gentleman's amendment because I share his concern about privacy matters; but because the amendment proposes to change existing law, and it constitutes legislation in an appropriations bill, it, therefore, violates clause 2 of rule XXI.

I do share the gentleman's concern. I think it is very important that, as the House debates these matters, that we remember that our most important right as Americans is to be left alone and our right of privacy. I am deeply concerned about these cell phone towers that are spoofed, that are designed to spoof our phones, and the government intruding into our zone of privacy that is now compromised by these electronic devices in so many ways.

However, House rules state in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law."

This amendment does require a new determination by its express terms, and while I will certainly work with the gentleman as we move forward in conference to address this concern, make sure our privacy rights are protected, I do ask at this time for a ruling from the Chair on the substance of my point of order.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, with the chairman's friendship and commitment and where he is on understanding the importance of the issue, I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the Department of Commerce, the Department of Justice, or any other Federal agency to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from New York and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ENGEL. Mr. Chairman, on May 24, 2011, President Obama issued a memorandum on Federal fleet performance that required all new light-duty vehicles in the Federal fleet to be alternative fuel vehicles, such as hybrid, electric, natural gas, or biofuel, by December 31, 2015.

My amendment echoes the President's memorandum by prohibiting funds in this act from being used to lease or purchase new light-duty vehicles unless that purchase is made in accord with the President's memorandum. I have submitted identical amendments to 16 different appropriations bills over the past few years, and every time they have been accepted by both the majority and the minority, so I hope my amendment will receive similar support today.

Global oil prices are down. We no longer pay \$147 per barrel. But despite increased production here in the United States, the global price of oil is still largely determined by OPEC. Spikes in oil prices have profound repercussions for our economy. The primary reason is that our cars and trucks run only on petroleum. We can change that with alternative technologies that exist today.

The Federal Government operates the largest fleet of light-duty vehicles in America, over 633,000 vehicles. Nearly 50,000 of these vehicles are within the jurisdiction of this bill, being used by the Department of Commerce, Department of Justice, and the National Science Foundation.

When I was in Brazil a few years ago, I saw how they diversified their fuel by greatly expanding their use of ethanol. People there can drive to a gas station and choose whether to fill their vehicle with gasoline or with ethanol or some other mix. They make their choice based on cost or whatever criteria they deem important. I want this same choice for American consumers.

That is why I am proposing a bill this Congress, as I have in the past, which will provide for cars built in America to be able to run on a fuel instead of, or in addition to, gasoline. It doesn't cost much at all; and if they can do it in Brazil, we can do it here.

In conclusion, expanding the role these alternative technologies play in our transportation economy will help break the leverage that foreign government-controlled oil companies hold over Americans. It will increase our Nation's domestic security and protect consumers. I ask that my colleagues support the Engel amendment.

I reserve the balance of my time.

Mr. CULBERSON. Mr. Chair, I claim the time in opposition, but I do not oppose the gentleman's amendment and would urge its adoption.

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

There was no objection.

Mr. CULBERSON. I yield to the gentleman from Pennsylvania (Mr. FATTAH), my friend from Philadelphia.

Mr. FATTAH. We had a big celebration at the Ben Franklin Institute in Philadelphia for electric cars, and there was such a variety of vehicles. Alternative fuels are important. I think that the gentleman's amendment is one that we have accepted in previous appropriation bills, and I concur with the chairman that we would accept it in this case.

Mr. CULBERSON. I urge Members to support the amendment and urge its adoption.

I yield back the balance of my time.

Mr. ENGEL. Mr. Chairman, I conclude and say I thank my colleagues and look forward to continuing to work together with them in a bipartisan fashion for the good of the American people.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. I have an amendment at the desk regarding the Fourth Amendment to the Constitution, with multiple cosponsors.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ (a) Except as provided by subsection (b), none of the funds made available by this Act for the Department of Justice or the Federal Bureau of Investigation may be used to mandate or request that a person (as defined in section 101(m) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(m)) alter the product or service of the person to permit the electronic surveillance (as defined in section 101(f) of such Act (50 U.S.C. 1801(f)) of any user of such product or service.

(b) Subsection (a) shall not apply with respect to mandates or requests authorized under the Communications Assistance for Law Enforcement Act (47 U.S.C. 1001 et seq.).

Mr. POE of Texas (during the reading). Mr. Chair, I ask unanimous consent to dispense with the reading of the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Mr. Chairman, I have a simple, straightforward amendment to protect the Fourth Amendment of the U.S. Constitution. This is a very similar amendment that passed DOD Appropriations last year.

I would like to thank Representatives LOFGREN, MASSIE, CONYERS, AMASH, NADLER, FARENTHOLD, POLIS, LABRADOR, and LIEU for working with me as cosponsors on this important amendment.

James Comey, the Director of the Federal Bureau of Investigation, re-

cently asked Congress to update the law to ensure that the Federal Government can access information from Americans' cell phones and personal electronic devices in the future.

Many U.S. technology companies have also been approached by the government agencies, urging them either through intimidation or just request to create back doors on their products' encryption system so the government can access it later down the road. We have all learned recently about the government's abuse of section 215 under the PATRIOT Act and abuse under section 702 of the FISA Amendments Act.

Basically what this amendment does, Mr. Chairman, is prohibit the government from going to Apple, for example, and telling Apple that they want an encryption in cell phones that they sell to Americans, an encryption that would allow the FBI to have access to this information, which would include not just conversations, not just include emails, but it would also include text messaging as well.

This is a straightforward amendment. This prohibits the Federal Government—specifically, the FBI—from going in and receiving this information. Privacy is important. It is under our Constitution. There should be no doubt that the Federal Government should have no access to our cell phones and the information that is in those cell phones. That is what this amendment does.

I reserve the balance of my time.

Mr. CULBERSON. I ask unanimous consent to claim the time in opposition, but I do not oppose the gentleman's amendment. I agree with his amendment and encourage the House to support it.

Ms. LOFGREN. Mr. Chairman, reserving the right to object.

The Acting CHAIR. The gentlewoman from California is recognized on her reservation.

Ms. LOFGREN. Mr. Chairman, I had also sought to seek the time in opposition, although I also do not oppose the amendment.

Mr. CULBERSON. Does the gentlewoman support the amendment?

Ms. LOFGREN. I support the amendment, as does the gentleman.

Mr. CULBERSON. That was my point. I think it is important. We are here in this Chamber looking at George Mason, who refused to sign the Constitution because he was so concerned that the power of the Federal Government would just absolutely obliterate—

The Acting CHAIR. The gentleman will suspend.

Does the gentlewoman withdraw her reservation?

Ms. LOFGREN. Mr. Chairman, further reserving, I was wondering if the Democratic side of the aisle might be able to split the time. That is why I was reserving the right to object.

Mr. CULBERSON. Mr. Chairman, I would be happy to split the time with

the gentlewoman. I am claiming the time in opposition, although I do not oppose it. The gentleman still has some time remaining on his initial time. I will yield in just a moment, but I really think it is important in this age of electronic communication that we in the Congress debate and be keenly aware of the new boundaries.

The Acting CHAIR. The gentleman will suspend.

Ms. LOFGREN. I withdraw my reservation.

The Acting CHAIR. The reservation is withdrawn.

Without objection, the gentleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

There was no objection.

□ 2145

Mr. CULBERSON. Mr. Chairman, my neighbor and good friend, Judge TED POE, brings a very important point to the floor tonight.

In this new era of expanding technology that now intrudes on every aspect of our lives, it is very important to remember the admonition that Benjamin Franklin gave us—that those who would surrender a little freedom to gain a little safety are soon going to find themselves with neither.

I do find it instructive that we are here on this House floor looking at George Mason, who is on the right here, who refused to sign the Constitution because he was so concerned the Federal Government would become omnipotent and obliterate the rights of individuals and the rights of the States to control those issues that deal exclusively with the States.

My favorite Founding Father, Thomas Jefferson, was keenly aware of and concerned about the power of the Federal Government. We are entering into a whole new era now where the government has got the ability to intrude on every aspect of our life.

I share Judge POE's concern. I support his amendment, and I urge the House to support it. If the FBI has a court order, if the National Security Agency gets a court order, I believe they could get access to what they need to get access to. Just like cracking a safe.

In fact, I asked this question, if I could, of Director Comey in front of our subcommittee. He said these new iPhones—I dropped my iPhone 5 and had to get a 6—he said these can't be cracked. So, therefore, you would have to open them up like you would a safe, as you had to order safes, I bet, opened on occasion, Judge POE.

So I agree with the amendment, and I yield the balance of my time to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. I thank the gentleman for yielding.

As Mr. POE recognized, this is a very diverse group of authors who don't agree on everything, but this is very important for a reason.

First, it is fundamental that our privacy be protected; that the Fourth

Amendment be adhered to. Secondly, we all know—and if you ask any computer scientist, they will tell you—that once the vulnerability is introduced for a good reason, it is available for hacking for very bad reasons. Finally, for competitiveness. Think how competitive it is to sell an American product around the world when everyone knows that it is compromised. Not a really good marketing tool.

Last year, as Mr. POE mentioned, we had almost precisely this amendment on the floor as an amendment to the DOD appropriations. What was the vote on that amendment? It was 293–123; overwhelming.

So I am hoping that Members will not flip-flop, that they will, in fact, vote the way they did last year.

And I will just go a little trip down memory road. When I was first elected to the Congress, I took my oath of office January 4, 1995, and I met BOB GOODLATTE for the very first time. And he and I went all over this Congress to try and work on decontrol of encryption.

Although a lot of people we talked to in 1995 had no idea what we were talking about when we talked about encryption, ultimately that bipartisan effort was successful. We must not let that successful effort to protect privacy, to protect technology, be eroded at this point.

So I look forward to a very strong vote on this. I think it is important that we have a vote, even though there is agreement, just to send the message to the other body how serious that we are.

Mr. CULBERSON. Our most important right as Americans is to be left alone. If you are a law-abiding American, you are secure in your home and your possessions. Your home is your castle.

Ms. LOFGREN. Will the gentleman yield?

Mr. CULBERSON. I yield to the gentlewoman from California.

Ms. LOFGREN. We might not agree on everything, but I think we agree on the Fourth Amendment. So this is a great day for this body to come together across the aisle for that purpose. And I thank the gentleman for yielding.

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

Mr. FATTAH. Will the gentleman yield?

Mr. POE of Texas. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. I just wanted to indicate that on behalf of the minority, we support your amendment and are prepared to agree to it.

Mr. POE of Texas. I yield 1 minute to the gentleman from Kentucky (Mr. MASSIE).

Mr. MASSIE. Thank you, Judge POE, for introducing this amendment. This was substantially the same amendment that we offered last summer that passed with a veto-proof majority 293–123.

Back doors are bad for three reasons. When the government forces companies to put back doors or weaken their encryption, it is bad for security because hackers are going to find these back doors and other foreign countries will find these back doors.

It is bad for privacy because the Fourth Amendment can be violated. And it is bad for business. As my colleague ZOE LOFGREN from California mentioned, it is bad for business because it makes us less competitive overseas. Who wants to buy a piece of defective software that was made defective by our government?

So I urge Members to vote for this amendment because it would prevent all of these bad things from occurring.

Mr. POE of Texas. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Texas has 2 minutes remaining.

Mr. POE of Texas. In conclusion, I want to thank the minority, Ms. LOFGREN, and all the cosponsors on this, as well as the chairman of the subcommittee, for their support.

On the issue of privacy, in this time where we have threats to this country, we can have security and we can certainly have privacy, and we can have the Constitution be followed as well.

The Fourth Amendment has always required that if the government wants to search, the government must follow certain rules. And those rules are that you must get a warrant from a judge based on probable cause. That is still the law of the land, even in 2015.

All this amendment does is ensure the fact that the government—the FBI—follows the Constitution. The idea that the Federal Government wants to have encryption in American cell phones so they can have access to the information is repulsive. So all this does is keep the Federal Government out of our business without appropriate constitutional protections.

I ask for support of this amendment, and I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I just want to reaffirm that, as Judge POE has written this amendment, there is an exception in here that if the government gets a court order, they can go in and put a back door on the phone when the judge says there is a compelling reason to do so.

I yield to the gentleman.

Mr. POE of Texas. Certainly. The law—the Constitution—still applies that the government must go and get a warrant based upon probable cause under the Fourth Amendment. Of course, there are exceptions to warrantless search.

Mr. CULBERSON. Reclaiming my time, the way the amendment is written, the government can't just force all phone companies to build a back door into all telephones. You have got to have a court order on that specific phone, on that specific person, before you can do it. That is absolutely reasonable. That is what Mr. Madison and Mr. Jefferson intended for us to do.

Therefore, I support the gentleman's amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to execute a subpoena of tangible things pursuant to section 506 of the Controlled Substances Act (21 U.S.C. 876) that does not include the following sentence: "This subpoena limits the collection of any tangible things (including phone numbers dialed, telephone numbers of incoming calls, and the duration of calls) to those tangible things identified by a term that specifically identifies an individual, account, address, or personal device, and that limits, to the greatest extent reasonably practicable, the scope of the tangible things sought."

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, here in Congress we have just been spending a lot of time and energy discussing NSA surveillance. The American public—and now, Members of Congress in both Chambers—have spoken clearly that the kind of bulk data collection the NSA has engaged in needs to be stopped. However, there is a corresponding change that we need to make with regard to the Drug Enforcement Administration.

In a series of revelations from 2013 to 2015, it came to light that the DEA had for more than 20 years been gathering a vast database of information on America's personal communications. There was no congressional authority for this program and no oversight by Congress or any area of the Federal Government.

Legal experts who weighed in after the program was finally made public have said without hesitation that the program was illegal.

In 2013, the Department of Justice brought this program to an end, but there is nothing to stop the government or the DOJ from resuming it at will unless Congress acts by inserting this language in the appropriations bill. Without this language, the DEA could once again unilaterally sweep up the communications records of millions of Americans.

There is no reason that, as we work to end the unconstitutional surveillance that the NSA has engaged in, we should continue to allow the DOJ to have the very same abuses.

This is a corresponding piece of legislation to something that already passed the House with regard to the NSA by an overwhelming majority.

I urge my colleagues to support our bipartisan amendment that we worked on with Mr. GRIFFITH, Mr. SCHWEIKERT, Mr. NADLER, and Mr. FARENTHOLD to simply prohibit DOJ from using Federal funds to engage in bulk data collection of Americans' phone records or other data, and I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, I claim time in opposition.

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

Mr. CULBERSON. Just being given Mr. POLIS' amendment, I oppose the idea of bulk data collection. I would like to accept the gentleman's amendment because of my previous expressed concerns about how we want to make sure we are protecting the privacy of law-abiding Americans.

So I would accept the gentleman's amendment with the understanding that I would work with him. There may be unintended consequences here that I am not immediately aware of. Judiciary Committee staff is working with ours right now to make sure we have got our arms around this.

I want to make sure that if the DEA has a valid court order, a valid subpoena, that they can go after lawbreakers and complete their investigations. Again, we want to protect the privacy of law-abiding Americans.

Mr. FATTAH. Will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. I think with the understanding that the chairman has laid out, your accepting this amendment would move us forward, and I agree. I think we have a clear understanding that you are accepting it, but we will work together to make sure it doesn't have any unintended consequences.

Mr. CULBERSON. Reclaiming my time, with that understanding, I want to make sure we reserve the right of DEA to get a court order to do their work. With that understanding, I withdraw my opposition and will accept the amendment.

I yield back the balance of my time.

Mr. POLIS. I yield 1 minute to the gentleman from New York (Mr. NADLER), the coauthor of the amendment.

Mr. NADLER. I thank the gentleman for yielding.

I rise in strong support of this amendment to prevent bulk collection of data at the Department of Justice.

Last month, this House spoke loud and clear that we oppose the National Security Agency's bulk collection of telephone metadata. Today, the Senate joined us in that judgment, and, together, we have reaffirmed our commitment to the Fourth Amendment and to protecting Americans from unconstitutional government surveillance.

We learned earlier this year that long before the NSA program ban, the Drug Enforcement Administration engaged in its own bulk collection program that provided a model for the NSA to use

nearly a decade later. This program included logs of virtually all telephone calls from the U.S. to as many as 116 countries, ostensibly linked to drug trafficking, all without a court order and without authorization from Congress.

Mr. Chairman, enough is enough. Although the DOJ has since shut down this program, there is nothing preventing the Department from renewing it in secret without authorization, as it did before. This amendment would ensure that it remains dormant and that Americans' privacy remains secure.

I thank Mr. POLIS and the other cosponsors of the amendment, and I thank the gentleman from Texas for accepting this amendment. I urge my colleagues to support this amendment.

Mr. POLIS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Mr. Chairman, I rise in support of this amendment and thank my colleague from Texas for agreeing to accept it.

This has been a great victory this week in our ability to work with the Senate to rein in what I believe to be the unconstitutional bulk data collection by the NSA.

Just because we stopped the NSA doesn't mean we shouldn't be ever vigilant. With the reports of the DEA engaging in similar activities, it is absolutely appropriate that we use the power of the purse to ensure that this type of spying on American citizens—this bulk data collection—is stopped.

This is no different from the general warrants that were complained about when the King of England would send troops to rifle through people's desks just looking for stuff. It is the exact same thing in the digital age. I encourage my colleagues to support it and look forward to working with my colleague, Mr. CULBERSON, in making sure it does become part of this bill.

□ 2200

Mr. POLIS. In conclusion, I want to thank the gentleman from Texas (Mr. CULBERSON). It is, indeed, the intended language and we believe the actual language of the amendment that would not interfere with any valid court orders or warrants. We are happy to work with them in that regard.

The amendment is designed to pertain to bulk collection of data, which was never specifically authorized by Congress.

I appreciate the gentleman from Texas accepting the amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_ (a) Each amount made available by this Act, except those amounts made available to the Federal Bureau of Investigation, is hereby reduced by 1 percent.

(b) The reduction in subsection (a) shall not apply with respect to the following accounts of the Department of Justice:

- (1) "Fees and Expenses of Witnesses".
- (2) "Public Safety Officer Benefits".
- (3) "United States Trustee System Fund".

The Acting CHAIR. Pursuant to House Resolution 287, the gentlewoman from Tennessee and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, first of all, I want to begin by thanking the committee and Chairman CULBERSON for their tremendous work that they have put into this bill, identifying ways to reduce spending and to be a good steward of the taxpayers' money.

This funding bill is \$51.4 billion, and I would like to point out that that is \$661 million below the President's request. Good work on behalf of our team.

Now, I am one of those that thinks more needs to be done, especially when we look at the discretionary spending. There is more we should do. My amendment calls for a 1 percent across-the-board spending reduction. That would reduce the budget authority by \$540 million and outlays by \$340 million in Fiscal Year 2016.

I am fully aware of the opposition that exists to across-the-board cuts by many of the appropriators, and I have many times stood on this floor and heard how they think this is just a little bit of a cut too much.

However, we are nearly \$18.3 trillion in debt. Indeed, Admiral Mullen, on July 6, 2010, said the greatest threat to our Nation's security is our Nation's debt.

Getting our spending under control is an important step for us to take. That is why we need to move forward and do what many of our States have done and institute across-the-board cuts to save one penny out of a dollar.

Engage the rank-and-file Federal employees. Have them bring to the table their best ideas. Our children are depending on us to do this in order to maintain the fiscal sovereignty of our Nation.

Mr. Chairman, I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, I claim the time in opposition.

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

Mr. CULBERSON. It is important for the House to oppose this amendment because, as in our personal lives or our business lives, the Appropriations Committee has prioritized the very precious and scarce, hard-earned taxpayer dollars that we are entrusted to appropriate to make sure that they are spent on the most urgent priorities first.

We do not want to cut, as Mrs. BLACKBURN would, the FBI. We do not

want to cut our operations of our cybersecurity forces, as Mrs. BLACKBURN would. I do not want to cut the work that is being done by our law enforcement officials across the country, as Mrs. BLACKBURN would.

This amendment would also cut, for example, the good work that is being done by the U.S. Marshals Service. This would cut the 55 new immigration judges that we have included in the bill.

This would cut the amount of money we set aside for the operation of our prison system, of the ATF, all Federal law enforcement agencies that perform such a vital role. We prioritized them and made sure they are protected from cuts.

I would oppose this amendment on the basis that we do not want to cut Federal law enforcement.

We also don't want to cut our Nation's investment in the sciences and the National Science Foundation or our work to preserve America's leadership role in space exploration.

We want to make sure that we are doing all that we can to accelerate our work in bringing American astronauts back into space on an American-made rocket as quickly as possible. This amendment would cut NASA.

We have, in the bill, however, cut or eliminated dozens of programs that their authorization has expired—or their usefulness has expired. We went in and dramatically cut programs that were not effective anymore, completely eliminated programs.

We found all kinds of savings in this bill, and I am sure that our priorities are ones that the good people of Tennessee that Mrs. BLACKBURN represents would share. I know her constituents share, as we do, a commitment to law enforcement, to scientific research, to America's space program; and they would probably also agree with our cuts to the Department of Commerce, our unavoidable cuts really to the Census.

We did our best to protect the important work that our men and women in uniform who enforce the laws of the United States do. This amendment would be a blunt cut across the board to all of these worthwhile programs, and I urge the Members to oppose it.

Mr. FATTAH. Will the gentleman yield?

Mr. CULBERSON. I yield 10 seconds to the gentleman from Pennsylvania.

Mr. FATTAH. I wanted to say that I concur completely with the chairman, and I am opposed to the amendment.

Mrs. BLACKBURN. Madam Chairman, I appreciate, as I said, the work that the committee has done, but I think it is imperative that we realize the burden that we are placing on future generations.

Quite frankly, I think it is rather selfish of this body to force future generations—our children and grandchildren—to pay for the out-of-control spending of today.

Have we done a good job? Yes. Could we do a superlative? Absolutely, we

could. Cutting one penny out of a dollar is a wise step. I don't know of anybody that thinks we are underspent. I know a lot of people that think we are overspent and that we are overtaxed.

What it is going to take in order to get our fiscal house in order and to secure this Nation for future generations is, yes, indeed, targeted cuts. It is going to take across-the-board cuts, and it is going to take everybody agreeing that we don't have a revenue problem, we have a spending problem.

That is a component of our budget and appropriations process that the American people are demanding that we get under control. It is not necessarily a debate about worthiness. There are lots of good programs and essential programs.

What it is, is a debate about stewardship, making certain that we are focusing and that we are doing the extra work that is necessary to get the spending under control.

As I said, this is \$51.4 billion in discretionary funding that is in this appropriations bill. It is below the President's request. The committee is to be commended for that.

Taking the step of a 1 percent cut, you are talking about \$540 million in budget authority and \$340 million reduction in outlays. It is a goal that we should set for ourselves. It is doable. It is attainable.

We should take a playbook and a lesson from the States and the counties and the communities that we represent and make the effort to reduce the spending just a little bit more.

Madam Chairman, I yield back the balance of my time.

Mr. CULBERSON. Madam Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR (Ms. Foxx). The gentleman from Texas has 2¼ minutes remaining.

Mr. CULBERSON. Madam Chair, I want to point out also that the amendment before us would cut 1 percent from eliminating the backlog of rape kits that are piling up in local police departments all over the country. We increased funding to eliminate that backlog of rape kits.

We increased funding to help forensic labs at the local level. We increased funding to make sure that programs to prevent violence against women are fully funded. This amendment would cut those funding increases for violence against women.

□ 2210

It is not the annual appropriations bill that is the biggest part of the problem. All of us need to recognize that we have got to look at the entire Federal budget.

The annual appropriations bill only represents one-third of the problem. The other two-thirds of the problem are the automatic mandatory problems: the looming bankruptcy of Medicare, the looming bankruptcy of Social Security and Medicaid, the incredible

burden that ObamaCare has placed on individual Americans—it threatens to bankrupt the entire healthcare system—the national debt, and the interest on the national debt.

The American taxpayers are, indeed, taxed too much, but the biggest part of the spending problem is on these automatic programs that are consuming two-thirds of the Nation's resources.

In fact, if you pay off all those existing—just paying for these existing programs, the mandatory programs, which you have to think of as America's mortgage and interest payments, once you pay Social Security, Medicare, Medicaid, interest on the debt, veterans benefits, you are only left with \$689 billion to run the entire Federal Government, which is enough money to run the government through July 27. "National credit card day" is what I call it. July 27 is the day when we run out of existing revenue, and we are living on borrowed money to be paid off by our kids.

A far better way to deal with this problem is to deal with the looming bankruptcy of Medicare, Social Security, and to deal with the national debt and deficit, the two-thirds of the problem out there, and not look at some 1 percent cut on the one-third of the budget that we have already prioritized and cut everywhere we possibly can while protecting law enforcement. We are protecting our investment in the sciences and space exploration.

I urge the Members to reject this amendment, and I would urge the gentlewoman from Tennessee (Mrs. BLACKBURN) to work with us throughout the year as we develop these appropriations bills and help us find cuts in programs and prioritization of funding, rather than bringing the amendment to the floor at the last minute.

I urge Members to vote against this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

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

Mrs. BLACKBURN. Madam Chair, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amount made available for Federal Prison Systems—Salaries and Expenses, and in-

creasing the amount made available for Office of Justice Programs—Office of Juvenile Justice Delinquency and Prevention, by \$69,515,000.

Mr. CULBERSON. Madam Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 287, the gentleman from Virginia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Madam Chair, I yield myself 2 minutes.

Madam Chair, this amendment that I am offering today would repurpose just 1 percent of the funding for the Federal prison system and restore funding for the Office of Juvenile Justice and Delinquency Prevention.

Madam Chair, the underlying bill zeros out both title II formula grants and title V discretionary grants for prevention and early intervention programs, which were funded last year at approximately \$70 million. To ensure that our State juvenile justice systems are not irreparably damaged, this amendment would take just 1 percent away from our Federal prison systems, approximately \$70 million, to maintain our commitment to prevention and early intervention.

The prison system can take steps to deal with this reduction by limiting duplicate prosecutions or pursuing evidence-based alternatives to incarceration, particularly for first-time offenders. These practices not only will save money, but will also improve public safety.

We have a choice, Madam Chair. We can invest in prisons after the fact, or we can invest in prevention and early intervention before the fact and eliminate what the Children's Defense Fund calls the Cradle to Prison Pipeline.

Madam Chair, at this point, I yield 2 minutes to the gentleman from California (Mr. CÁRDENAS).

Mr. CÁRDENAS. Madam Chair, I appreciate the opportunity to speak to my colleague and friend Congressman SCOTT's amendment and to encourage this body to restore critical funding for the Office of Juvenile Justice and Delinquency Prevention.

This existing appropriations bill decimates funding for title II State formula grants and title V local delinquency prevention programs which are essential investments that are proven to reduce crime.

This amendment would provide \$69,515,000, the equivalent of less than 1 percent of the Federal prison budget, which is a small investment when you consider the cost of incarcerating a youth is an average of \$88,000 per year. That is hundreds of dollars a day to incarcerate a youth. Evidence-based alternatives to incarceration for youth costs as little as \$11 per day.

These proven juvenile crime prevention methods cost pennies compared to

the incarceration of our young people. Members from both parties have espoused the importance of investing in our children. Conservative organizations have been among the loudest advocates for reforming our criminal justice system—in particular, for our youth—to move from an incarceration-based system to one that funds proven research-based alternatives to putting behind bars America's children. There is a bipartisan consensus on this, ladies and gentlemen.

While this amendment will be withdrawn, I hope we can work together to fund these critical programs to give our children the opportunity to be productive members of our communities, reduce crime, and save billions of tax dollars going forward.

Mr. SCOTT of Virginia. I reserve the balance of my time.

Mr. FATTAH. Madam Chair, I claim the time in opposition.

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

Mr. FATTAH. Madam Chair, I would like to thank the ranking member of the Committee on Education and the Workforce for raising this important issue. I assure him that it is my intention that we will be working between here and the final bill to improve upon this area in the bill.

I thank the chairman for all of his work in this regard.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Chairman, I yield myself the balance of my time.

I thank the gentleman for allowing us to debate because I understand the point of order will be sustained.

There will be other opportunities during the legislative process, as the ranking member of the subcommittee has indicated, to deal with this issue.

The way the bill has been drafted, it was impossible to get an amendment in order, but there will be other possibilities later on in the process, and I would hope the chair and the ranking member will work effectively to make sure that we deal with the choice that we have, whether we are going to just put money away for young people to get in trouble and then deal with it or we can deal with it in advance with prevention and early intervention. This is what this amendment would do.

Madam Chair, if the gentleman is going to assert his point of order, I ask unanimous consent to withdraw the amendment and deal with the issue later on in the process.

The Acting CHAIR. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. 5 \_\_\_\_\_. (a) For each fiscal year after the expiration of the period specified in subsection (b) in which a State receives funds for a program referred to in subsection (c)(2), the State shall require that all individuals enrolled in an academy of a law enforcement agency of the State and all law enforcement officers of the State fulfill a training session on sensitivity each fiscal year, including training on ethnic and racial bias, cultural diversity, and police interaction with the disabled, mentally ill, and new immigrants. In the case of individuals attending an academy, such training session shall be for 8 hours, and in the case of all other law enforcement officers, the training session shall be for 4 hours.

(b)(1) Each State shall have not more than 120 days, beginning on the date of enactment of this Act, to comply with subsection (a), except that—

(A) the Attorney General may grant an additional 120 days to a State that is making good faith efforts to comply with such subsection; and

(B) the Attorney General shall waive the requirements of subsection (a) if compliance with such subsection by a State would be unconstitutional under the constitution of such State.

(2) For any fiscal year after the expiration of the period specified in paragraph (1), a State that fails to comply with subsection (a), shall, at the discretion of the Attorney General, be subject to not more than a 20-percent reduction of the funds that would otherwise be allocated for that fiscal year to the State under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(c) Amounts not allocated under a program referred to in subsection (b)(2) to a State for failure to fully comply with subsection (a) shall be reallocated under that program to States that have not failed to comply with such subsection.

Ms. LEE (during the reading). I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 287, the gentlewoman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

□ 2220

Mr. CULBERSON. Madam Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 287, the gentlewoman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Madam Chair, I want to thank the Chair and our ranking member for your leadership on this subcommittee for your interest and support on this amendment. I recognize

the point of order and plan to withdraw the amendment.

Recent events in Ferguson, Staten Island, Baltimore, and around the country really illustrate the need for significant reform in police interaction in communities that they are sworn to serve and protect. That is why this amendment would require the States receiving funding from the Department of Justice's Edward Byrne Memorial Justice Assistance Program put academy students and law enforcement officers through sensitivity training on ethnic and racial bias, cultural diversity, and police interaction with the disabled, mentally ill, and new immigrants.

As you know, DOJ's Byrne JAG Grant Program is the primary provider of Federal criminal justice funding to State and local jurisdictions supporting a wide range of law enforcement and court activities. Our law enforcement agencies and officers play a critical role in protecting the safety of our communities. We need them to work cooperatively and competently along with our community members if we want to protect the public safety and the integrity of our neighborhoods.

This is a major issue in many congressional districts where many officers live outside of the communities they serve and do not have the training to deal with a diverse constituency. Madam Chairman, I know that we all agree that the status quo is simply unacceptable.

Madam Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY), my colleague who has demonstrated incredible leadership on this issue and continues to work in a bipartisan fashion on this very common-sense policy.

Mr. CLAY. I thank the gentlewoman for yielding.

Madam Chair, I rise in strong support of this amendment. FBI Director James Comey's February 12, 2015, speech, entitled, "Hard Truths: Law Enforcement and Race," addressed what he characterized as a "disconnect between police and minority communities." Director Comey challenged officers to "acknowledge the widespread existence of unconscious bias." We appreciate his candor and acknowledgment of issues we have long felt.

Experience in our communities indicates negative police interaction, and excessive force disproportionately affects communities of color, but there are other communities who would also benefit from better law enforcement relations.

As FBI Director, Mr. Comey requires all new agents and analysts to study the agency's interaction with Dr. Martin Luther King, Jr., followed by a visit to the King Memorial. The FBI's required study serves as recognition that in order to truly see each other as people, we must recognize our shortcomings and create and identify opportunities to understand, respect, and be decent to one another.

Police officer sensitivity training and annual retraining demonstrate a commitment to communities across this Nation. As Members of Congress, it is a practice we must encourage. In Ferguson, Staten Island, Cleveland, North Charleston and Baltimore, the need for reform is as clear as it is urgent.

Madam Chairman, I thank the gentlewoman from California.

Ms. LEE. Madam Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. FATTAH), our ranking member.

Mr. FATTAH. I want to thank the gentlewoman for her steadfastness and her focus on this matter and pledge to her that I am going to work with the chairman as we go forward to see that we get this incorporated in the final product of our bill.

Mr. CULBERSON. Madam Chairman, I rise in opposition to the amendment.

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

Mr. CULBERSON. I continue to reserve the point of order pending the gentlewoman's withdrawal of the amendment.

Madam Chairman, I want to reassure my colleague that I will continue to work with her and my ranking member, to work on this as we move through conference, as we discussed in full committee.

I appreciate the gentlewoman's withdrawing the amendment, and I reserve the balance of my time.

Ms. LEE. Madam Chair, I want to thank our ranking member and our chairman for their commitment to continue to work on this very important issue, along with Congressman CLAY.

Madam Chair, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to enforce section 221 of title 13, United States Code, with respect to the survey, conducted by the Secretary of Commerce, commonly referred to as the "American Community Survey".

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Madam Chair, I yield myself such time as I may consume.

Madam Chair, we are all familiar with the Census that takes place every 10 years where there is a counting of the people in America. The Census Bureau also has another project, not constitutionally required, but something

that they do called the American Community Survey, which is a partial sampling of about 3 million Americans a year.

A survey is sent out, and I will read from this 28-page survey. It is 48 questions long, and the questions have nothing to do with how many people live in your house. Some of the questions are like this:

When do you leave for work?

When does your spouse leave for work?

When do your kids leave for school?

Does anyone suffer from a mental illness in the residence?

Does your house have a sink with a faucet?

Does anyone have trouble walking?

Does anyone have trouble getting dressed or bathed?

So there are 48 questions like this, and failure to abide by and fill out this document and send it back to the Census Bureau could result in a fine.

Now, people in my district have called my office from all over the country about getting this thing in the mail and the harassment by the Census Bureau and subcontractors, including the fact that I have a single parent in my district that called and was complaining about the fact that the Census Bureau person would sit in the front of her house waiting for her to come home from work and then go to the door and peak through the windows trying to get her to fill out this page, or these 28 pages and send them back to the Census Bureau. So harassment takes place. And some people are threatened with a fine that is imposed for failure to abide by the survey.

Now, what this amendment does, it does not eliminate the American Community Survey. The ranking member and I had a discussion, I guess, about 5 hours ago on the House floor about whether it is a good idea or not. It doesn't even stop the survey from being conducted.

□ 2230

All it does is prohibit the Federal Government from imposing a penalty for failure to fill out the survey. That results in the fact that people then can voluntarily fill out this form and send it back if they want to. If they don't want to voluntarily have their privacy invaded by the government, then they don't have to fill it back out and don't have to worry about a fine.

That is what this amendment does: prohibits funding to allow the fine to be collected, thus making the survey voluntary.

With that, I reserve the balance of my time.

Mr. FATTAH. Madam Chair, I claim the time in opposition to the amendment.

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

Mr. FATTAH. Madam Chair, I supported the gentleman's last amendment. I strongly oppose this amendment.

It is impossible for me to conceive that we want to run the greatest country on the face of the Earth without data, without information, without knowledge of what the circumstances of the citizens of the country are—how many daycare slots, where to locate VA hospitals, all of the other information that is generated through this community survey.

Now, I note that there is talk about a fine, but we haven't been able to identify anybody who has ever been fined. We do know that our neighbors to the north, when the Canadians moved to a voluntary system in their rural areas, they stopped getting almost any compliance.

If the Federal Government is going to plan in terms of Federal highways, in terms of Federal programming, and a whole range of items that flow through formal grants, not through earmarks, but by knowledge of what is happening in communities, these surveys are critical.

The idea that we would say we are going to run this great country, we don't want any information, we are going to put on blindfolds and just kind of hope for the best when we are making public policy about education and housing and transportation needs or health care needs, it doesn't make a lot of sense. It may have some popularity politically, but as a notion for actual intentional leadership for our Nation, to say that we want to separate ourselves from actual information about what is going on in these communities, I think that the gentleman, as right as he was in the original amendment that I supported him on, in this particular matter I think he is headed in the wrong direction.

I would ask my colleagues—Democrats and Republicans—put the party aside, put the national interest first, and know for certainty that no person would ever—you are always talking about running the government like a business—no one would run a business without utilizing data to understand the marketplace.

At this point, I reserve the balance of my time.

Mr. POE of Texas. Madam Chair, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Texas has 2 minutes remaining.

Mr. POE of Texas. Madam Chair, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON), chairman of the committee.

Mr. CULBERSON. Madam Chair, I thank the gentleman.

I want to express my strong support for my neighbor and good friend Judge POE's amendment because, again, our most important right as Americans is to be left alone.

In fact, the data, and I agree with my ranking member that this data is important, but it can be included as a part of the Census itself. Any really essential questions the Department of Commerce can include within the core

questions of the Census. They don't have to send this long intrusive and detailed and very invasive survey out to every American and subject Americans to the threat of a \$10,000 fine if they don't comply.

I support the gentleman's amendment as a further reflection of our commitment on this subcommittee and in this Congress to protect America's right to privacy and to be left alone by their government, as Mr. Mason and Mr. Jefferson intended.

I urge Members to support Mr. POE's amendment. And remember, if the government needs this data, they can just put it in the basic Census itself.

Mr. FATTAH. Madam Chair, how much time is remaining between the gentleman who is the proponent and myself?

The Acting CHAIR. The gentleman from Pennsylvania has 2½ minutes remaining. The gentleman from Texas has 1 minute remaining.

Mr. FATTAH. And I assume he has the right to close?

The Acting CHAIR. Yes, he does.

Mr. FATTAH. Madam Chair, let me remind the House that we had another Texan—he was the President of the United States—and it was under his administration that the questions that were put together in the community survey were developed under that administration.

The Acting CHAIR. The gentleman will suspend.

The gentleman from Pennsylvania does have the right to close.

Mr. FATTAH. Madam Chair, well, then at this point, I reserve the balance of my time.

Mr. POE of Texas. Madam Chair, I thank the gentleman for bringing up the American Community Survey and where it came from. That is irrelevant. The issue is Americans should not be required to give personal information to the Federal Government. If they want to fill out this form, go for it. Make it voluntary. Fill it out and send the Federal Government all the information you can come up with about what takes place in your residence. But it should not be required.

The Federal Government could get this information some other way. They could go to polling. The idea that they have got to go door to door to get this information when information is gathered all over the country by different businesses not going door to door—the government can do it other ways and not violate the right of privacy.

I would ask that this amendment be adopted that basically requires the American Community Survey to be voluntary, and that the fine that is allowed by law not be allowed or not be collected under this amendment.

I yield back the balance of my time.

Mr. FATTAH. Madam Chair, let me close by just saying that I just want to make sure that, because there is some antipathy about, sometimes, anything that may emanate from this administration, I just want to make it clear

that this was not some Democratic scheme here to gather up people's private information; that this is actually a legitimate activity of the Federal Government. It is one joined in by the Chamber of Commerce and other business organizations who tell us that this is vitally important.

I think just from a commonsense basis, we actually know as politicians, because when we are engaged in activities that are important, we try to get a lot of information. So we know it is important. It is actually important for making sure that Federal programs are focused on the priorities of your community. And if we don't have the knowledge of how many people need daycare slots or how many veterans there are or what the other circumstances are in a particular community, it is impossible to do the planning that is necessary.

I would ask that we reject this amendment and that we continue to use data as a basis to make informed decisions here at the national level.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOSTER

Mr. FOSTER. Madam Chair, I have an amendment at the desk, offered jointly with the gentleman from New Jersey (Mr. GARRETT), my colleague.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. 543. None of the funds made available by this Act may be used to fund any Experimental Program to Stimulate Competitive Research (EPSCoR) program.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Illinois and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. FOSTER. Madam Chair, every year, hundreds of billions of dollars is transferred out of States that pay far more in Federal taxes than they receive back in Federal spending—the so-called “payer States.” And this money is transferred into States that receive a lot more Federal spending than they pay in taxes—the “taker States.” This is an enormous and economically unjustifiable redistribution of wealth between the States.

The payer States can be characterized in a number of ways, but most of the payer States are large population States, while virtually all of the taker States are smaller, which means that they are overrepresented in the Senate.

Over time, Senators from these States have inserted hundreds of programs that systematically steer money into the taker States. Our amendment takes a first small step to begin rolling back these taker State preferences by eliminating one of the most unjustifiable of them all: the Experimental Pro-

gram to Stimulate Competitive Research, commonly referred to as EPSCoR.

□ 2240

EPSCoR was started as an experimental program in 1978 with the goal of redistributing Federal research dollars into States that traditionally received less than their “fair share” of NSF funding.

However, because “fair share” was determined on a per State basis, rather than on a per capita basis, it has devolved into just another program that steers money into smaller States that already get far more than their fair share of Federal spending.

Since no allowance is made for whether the State has a big or a small population, the EPSCoR program systematically discriminates against researchers simply because they come from States with large populations. The EPSCoR States are hardly lacking for Federal largesse.

According to the Tax Foundation, in a typical year, the EPSCoR States received approximately \$60 billion more in Federal spending than they paid in Federal taxes.

How does one justify a program that excludes researchers in States like Florida or Texas, which over the past 3 years got only an average of about \$7 per capita in NSF funding while steering money into States like Rhode Island, Alaska, and New Hampshire, which already got 5 times more?

Why should a researcher at Brown University in Rhode Island be eligible for a grant set-aside that is unavailable to researchers at SMU, FSU, UCLA, Rutgers, or Northern Illinois?

As a scientist, I find that it is not surprising that it is very difficult to find supporters for EPSCoR in the scientific community. Precious research funding would be far better spent in a competitive, merit-based process as it will be if our amendment is adopted.

Madam Chair, I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT), the cosponsor of my amendment.

Mr. GARRETT. I thank the gentleman from Illinois (Mr. FOSTER) for his work on this issue. I am honored to serve alongside him on the Payer State Caucus as well.

Madam Chair, this program is yet another example of good intentions and bad policy. What was intended to be a temporary assistance to a select group of States to build a research infrastructure and then exit the program has become a permanent and growing pot of taxpayer subsidies. This, of course, is in addition to the permanent and growing pot of subsidies the government has already enacted for the States.

For three decades, 30 years after establishment, this program continues to be called—what?—an experimental program, and no State—none—has graduated from the program; yet it exists 30 years later.

This can only demonstrate one thing, Madam Chair, that this is yet another

example of ineffective, wasteful redistribution programs that the taxpayers are compelled to financially support. The Foster-Garrett amendment would relieve the taxpayers of this burden.

Again, I thank Mr. FOSTER for his work in protecting the payer States, and I urge my colleagues to support this amendment.

Mr. FOSTER. I thank my colleague from New Jersey.

Madam Chair, I urge my colleagues to support this bipartisan amendment.

I yield back the balance of my time.

Mr. CULBERSON. Madam Chair, I rise in opposition to the gentleman's amendment.

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

Mr. CULBERSON. Madam Chair, this program is designed to ensure that academic institutions and industry can develop science and engineering capabilities that are outside of traditional research hubs.

The partnerships support areas of strategic importance in such disciplines as aerospace and aerospace-related research. I do urge a “no” vote on the gentleman's amendment.

I now yield to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentleman for yielding.

Madam Chair, I rise in opposition to this amendment which would eliminate the EPSCoR program.

For more than 60 years, the National Science Foundation has provided academic research funding to colleges and universities around the Nation, and it has been critical to ongoing research that is essential to maintaining our competitive edge in scientific advancement.

The NSF's Experimental Program to Stimulate Competitive Research, commonly known as EPSCoR, is an authorized program whose mission is to help balance the allocation of NSF and other Federal research and development funding to avoid the undue concentration of money to only a few States.

This successful program has had a profound impact on my home State of Rhode Island, allowing nine of our academic institutions to increase research capacity, to enrich the experience of their students, and to contribute to advances in a variety of fields.

Currently, 25 States, including Rhode Island, and 3 jurisdictions account for only about 10 percent of all NSF funding, despite the fact that these States account for 20 percent of the U.S. population. EPSCoR has helped to stabilize this imbalance in funding and should continue to do so in the 2016 fiscal year and beyond.

In order to ensure robust academic research and outcomes across the country, geographic diversity in funding should be considered to ensure that we are taking advantage of the particular experiences, knowledge, and perspectives of academics and institutions from every State. This amendment to

eliminate this successful program would be a step backward for the United States' commitment to research and development.

Investments in critical programs, such as EPSCoR, are essential to creating jobs, innovating for the future, maintaining our competitive edge in scientific research and a global economy.

I urge my colleagues to join me in strongly opposing this amendment.

Mr. CULBERSON. Madam Chair, I would ask Members to vote "no."

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. FOSTER).

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

Mr. FOSTER. Madam Chair, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. GOODLATTE

Mr. GOODLATTE. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to negotiate or conclude a settlement with the Federal Government that includes terms requiring the defendant to donate or contribute funds to an organization or individual.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Virginia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

My amendment prevents the Department of Justice from requiring mandatory donations as part of settlement agreements. The Department of Justice is systematically subverting Congress' budget authority by using settlements to funnel money to third-party groups.

An investigation by the House Judiciary and Financial Services Committees reveals that, in just the last 10 months, the Department of Justice has used mandatory donations to direct as much as half a billion dollars to activist groups.

These payments occur entirely outside of the congressional appropriations and oversight process. In some cases, the Department of Justice is using mandatory donations to restore funding that Congress specifically cut. This is money that could otherwise be going directly to victims.

The Department of Justice continues to resist document requests, but what little has been provided confirms that

activist groups which stood to gain from mandatory donation provisions were involved in placing those provisions in the settlements.

The committees raised concerns with the Department of Justice in 2014, but instead of suspending the practice, the Department of Justice has doubled down. It recently entered into an over \$50 million settlement relating to robo-signing; \$7.5 million of that did not make it to victims.

□ 2250

Instead, it went to a third party. Incredibly, the settlement specifically provided that there would be no oversight of the money.

The situation is even more egregious when one considers that the required donation will nearly double the net assets of the DOJ-specified recipient. It is deeply troubling for that to happen at the unilateral discretion of the executive branch.

This amendment takes no money away from any organization. It is purely prospective. It ensures that settlement money goes either directly to victims or to the Treasury for elected representatives to decide how it is to be spent.

It is critical that we act. The Department of Justice is ignoring Congress' concerns, increasing the use of third-party payments, even as we object. The purpose of enforcement actions is punishment and redress to actual victims. Carrying that concept to communities at large or activist community groups, however worthy, is a matter for the legislative branch and is not to be conducted at the unilateral discretion of the executive.

This is fundamentally a bipartisan institutional issue. There was abuse of third-party payments in the Bush administration. This amendment is about preserving Congress' appropriations authority. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. FATTAH. I claim the time in opposition to the amendment.

The Acting CHAIR. The Chair recognizes the gentleman from Pennsylvania for 5 minutes.

Mr. FATTAH. Madam Chair, I am not planning on strongly objecting to this, but I want to make a few points. One is that this is something that should be dealt with in an authorizing circumstance, but I think because it is on an appropriations bill, it could have unintended consequences.

As I understand the plain English of what is being said, an administration faced with, for instance, the Gulf oil spill could not have been involved in a settlement in which various entities received dollars to try to find redress for harm that was created in the Gulf. I think that that would be very problematic because there were a lot of groups—fishermen, other associations, chambers of commerce, others—who received support through that settlement.

I just think we ought to be careful. It would probably be better that there be hearings and that there be an understanding around what this actually means. I have offered my own bipartisan-supported legislation that would create a congressional framework for settlements. I am not opposed to the thrust of what is being said here.

I do recognize that there have been circumstances in past administrations. I am not aware of the instances that the chairman speaks of now, but I would just hope that rather than rushing forward, we would be mindful that this is probably the kind of thing that we really would want authorizers to handle and not have it tucked into an appropriations bill at this time. Plus, if you really think that the executive branch is using their authority, the idea that they would then sign it away by signing our appropriations bill, if it is so meaningful to them, it might slow down the passage of our very important piece of legislation.

Mr. GOODLATTE. Will the gentleman yield?

Mr. FATTAH. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Madam Chair, I thank the gentleman for his concern about this. I want to assure the gentleman that the language in this is designed to make it clear that it applies to donations and not to anybody who is a victim of a lawsuit where redress is sought for them because the compensation for them is not a donation. That is actual recompense for the harm that they suffered.

Mr. FATTAH. Madam Chair, I know the chairman is quite aware of how these words, "donation," "mandatory," "settlement," so forth and so on, might be applied and abused in various ways.

Again, obviously, if this is something the majority wants to do, they will do it. I just think that it may have unintended consequences; and this administration, the next administration, and various administrations going forward, there should be a congressional framework for settlements. I have offered legislation that is bipartisan in that regard. I am not opposed to creating a congressional framework. I just think that we don't want to have unintended consequences here if we can avoid it.

I yield back the balance of my time.

Mr. GOODLATTE. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Virginia has 2 minutes remaining.

Mr. GOODLATTE. I yield such time as he may consume to the gentleman from Texas (Mr. CULBERSON), the chairman of the subcommittee.

Mr. CULBERSON. Madam Chair, I want to express my strong support for Chairman GOODLATTE's amendment. The words he has chosen have been chosen very carefully. A donation or contribution is just that. It is a gift. It is a donation. If the money is paid in compensation for an injury as a result of a claim, it is not covered. So the

chairman of the Committee on the Judiciary has written this very carefully and very narrowly to address a very real problem. I strongly support the gentleman's amendment and have worked with him and his staff on it.

I really, genuinely appreciate the good work that your staff has done, Mr. Chairman, in working with you to find common ground.

This is one of those areas that I believe we are doing good public policy. I strongly support the gentleman's amendment and urge its adoption.

Mr. GOODLATTE. Madam Chair, I yield myself the balance of my time just to say this is an important principle, not only to address the abuse that has taken place in the executive branch, but to protect the prerogatives of the Congress on both sides of the aisle.

These are funds that, if they are not expended for the specific purpose of providing compensation to victims, relief to victims in these lawsuits, those funds should go back to the General Treasury of the United States, and they should be appropriated by the Congress—in fact, by this very subcommittee of the House Committee on Appropriations—to make sure that the people's will is exercised with regard to the expenditure of these funds.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE). The amendment was agreed to.

AMENDMENT OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used for any inspection under section 510 of the Controlled Substances Act (21 U.S.C. 880) with respect to narcotic drugs in schedule III, IV, or V of section 202 of such Act (21 U.S.C. 812), or combinations of such drugs, being dispensed pursuant to section 303(g)(2) of such Act (21 U.S.C. 823(g)(2)) for maintenance or detoxification treatment.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Oregon and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Madam Chair, that is a rather imposing title to deal with a relatively simple concept.

We have a national epidemic dealing with opioid painkillers. Prescription drug overdoses are a serious problem. We find people who become addicted. We are finding that, in a routine matter of course, this drug dependence often leads to heroin, and we are watching a chain of events.

In Oregon, we found that 15 percent of young Oregonians between 18 and 25 abused prescription pain relievers last

year. I mentioned that chain of causality. We are finding that people in this sequence often use heroin as a substitute when the pills get too expensive or the high is no longer high enough. It is easy to switch to heroin.

It is not just a problem in Oregon. We have seen the CDC chart heroin deaths doubling between 2010 and 2012 in 28 States.

Opioid addiction can be devastating, but there is a drug that can be used to safely and effectively treat this addiction. For more than 12 years, buprenorphine has been a critical weapon in our fight against opioid addiction. It can be taken on an outpatient basis. It is easy to administer.

But we have seen artificial barriers to treatment. In fact, we have made it harder for doctors to prescribe these schedule III addiction treatment drugs even though it is comparatively easy to prescribe the schedule II drugs that cause addiction in the first place, such as Vicodin and OxyContin. And the schedule III drugs, we are finding that there are audits that are taking place by DEA.

□ 2300

Doctors who complete the 8-hour certification process have been approached by DEA agents in my community before they even write a single prescription. They report hostile and intimidating behavior from agents who demand inspections of their prescription records at random, unscheduled intervals. As I say, these are doctors who can simply write a prescription for powerful narcotics without having to worry about random DEA inspections.

We need to allow doctors to treat their patients with compassion and with the care they deem appropriate. They shouldn't have to worry about DEA agents having a super overlay of attention.

We need to encourage opportunities to make sure that doctors can treat patients and be able to withdraw them from the symptoms. And I would respectfully suggest that the DEA should focus their efforts on chasing criminals, the pill mills, and the drug dealers, not doctors who have worked hard to be part of the solution.

This amendment solves the problem by ensuring no funds are available to DEA to enforce inspections of the physicians who prescribe buprenorphine and allow them to proceed with the treatment of patients without fear of getting into trouble with the Federal Government while helping hundreds of at-risk patients who want to beat their addiction in a healthy, effective way.

The irony is the powerful addictive drugs don't have as much interference and oversight. The opportunity to have drugs at schedule III—not schedule II—that can be used to treat it is much more difficult and intrusive for medical professionals. That is not right.

I would respectfully suggest that we adopt this amendment to correct the situation, and I reserve the balance of my time.

Mr. CULBERSON. Madam Chairman, I claim the time in opposition.

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

Mr. CULBERSON. I yield to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Judiciary Committee.

Mr. GOODLATTE. I thank the chairman of the committee for yielding, and I rise to join him in opposition to this amendment.

Madam Chair, this amendment would undermine diversion control and thereby potentially increase drug abuse by creating a significant loophole in the system of controls established by the Controlled Substances Act.

The amendment would cause this highly problematic result by effectively exempting DEA registrants who dispense drugs for addiction treatment from being subject to administrative oversight under the CSA. At present, buprenorphine is the only schedule III–V controlled substance contained in a drug that has been approved by the FDA for drug addiction treatment.

While it is also true that the amendment would not preclude DOJ/DEA from obtaining a criminal search warrant to obtain the foregoing types of records, this does not come close to being an adequate substitute for the administrative inspection authority. Obtaining a criminal search warrant must be predicated on evidence sufficient to establish probable cause that the registrant has committed a criminal violation of the Controlled Substances Act.

The very point of the administrative inspection authority that Congress provided under the CSA 45 years ago was to have a robust system of administrative oversight that would help to prevent regulatory violations before they occurred, and even more so, before criminal violations occurred. This is because Congress recognized that controlled substances, when abused, can have dangerous and sometimes deadly consequences, and thus that the widespread problem of drug abuse in the United States cannot be solved exclusively through criminal provisions of the Controlled Substances Act.

It also bears mentioning that this drug is highly subject to diversion, as it is a narcotic drug that is much sought after by many persons who are addicted to opiates and/or who seek to abuse opiates for nonmedical purposes.

Indeed, the heightened risk of diversion associated with dispensing of this drug to a drug-addicted patient population actually warrants greater scrutiny, not less scrutiny, than with many other categories of prescribed controlled substances.

So I urge my colleagues to vote against this amendment.

Mr. CULBERSON. I join the chairman in urging my colleagues to oppose this amendment on many grounds. It is a technical issue that should be dealt with by the authorizing committees. This is not an appropriate place to handle it.

I yield to the gentleman from Louisiana (Mr. FLEMING), who has personal experience and knowledge in this area as a physician, and who can speak to this in opposition as well.

Mr. FLEMING. I thank my good friend for yielding.

Madam Chairman, years ago, one of the positions I served was as a director for drug addiction and alcoholism, and one of my duties was as a methadone doctor.

This drug is really a new form of methadone. It can be applied and can be employed in the treatment of heroin addiction. But at the end of the day, it too is highly addictive. It is a scheduled drug, and it is abused. So it deserves the same kind of safeguards and protections and oversight as any other addictive drug.

And so if my friends really want to see this used as an effective tool and not itself become a dangerous drug out on the open market being diverted and perhaps even sold on the black market, I suggest that we oppose this amendment and let's continue the good, strong oversight that we have under the CSA.

Mr. BLUMENAUER. I would strongly urge my colleagues to talk to treatment professionals in their communities. My concern is that we don't have as much vigorous oversight for things that are much more highly addictive—we see them more abused—and that this extra overlay for something that is less dangerous and can in fact be useful for treatment, I think, is an area that deserves oversight.

I respect my friends in terms of their opinions, but I would urge them to have the conversations I have had with the people who are getting wrapped around the axle with the DEA.

I yield back the balance of my time.

Mr. CULBERSON. Madam Chair, with that, I would urge all Members to oppose the amendment, and I yield back the balance of my time.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. CARTER OF TEXAS

Mr. CARTER of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

None of the funds made available by this Act may be used to propose or to issue a rule that would change the Chief Law Enforcement Officer certificate requirement in a manner that has the same substance as the proposed rule published on September 9, 2013 (786 Fed. Reg. 55014).

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CARTER of Texas. I rise with an amendment to limit unnecessary bur-

dens on firearm owners and law enforcement officers.

The Second Amendment's intent is clear: firearm ownership "shall not be infringed." However, the ATF has proposed a rule requiring an additional layer of approval from local law enforcement officers to purchase suppressors and other firearms regulated by the National Firearms Act. This rule broadly expands existing requirements and further burdens local law enforcement officers who are already overworked and understaffed.

The ATF knows full well that there are cities and jurisdictions that refuse to give approval for political reasons.

□ 2310

Action films are fun to watch, but they are wrong about suppressors. Suppressors dampen the sound of a firearm, but do not make guns silent. They simply are a form of hearing protection for the shooter, for other human beings, and for any hunting dogs that are around.

Suppressors increase safety while shooting, allow people to easily hear and react to range safety instructions and to other sportsmen.

My amendment ensures Americans' rights are protected and does not eliminate background checks. It will protect suppressor suppliers; manufacturers; tens of millions of dollars in annual revenue; thousands of jobs nationwide; and, more importantly, the Second Amendment rights of a law-abiding gunowner.

I urge support for this commonsense provision, and I reserve the balance of my time.

Mr. FATTAH. Madam Chairman, I rise in opposition to the amendment.

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

Mr. FATTAH. If the gentleman from Texas would join me in a quick colloquy.

Mr. CARTER of Texas. I would be happy to.

Mr. FATTAH. This is the amendment relative to trust and gun trust and whether there needs to be a background check or not?

Mr. CARTER of Texas. Will the gentleman yield?

Mr. FATTAH. I yield to the gentleman.

Mr. CARTER of Texas. This is the amendment that requires an additional approval by a law enforcement officers for purchases of certain either weapons or suppressors.

Mr. FATTAH. Right. Now, in this instance, in 2006, our information is that there were 4,600 of these applications, and then that grew to 40,000 in 2012 and then 72,000 in 2013 and 90,000 in 2014.

Are those numbers relatively accurate, as best as you know?

Mr. CARTER of Texas. If the gentleman will yield, those numbers could be accurate. I cannot contest those numbers.

However, it has been made absolutely clear, both by target shooters and by

hunters, that suppressors make for a more accurate weapon, less damage on the shooter, less damage on the people and animals around the shooter, a better ability to be safe with your fellow hunters.

Mr. FATTAH. Thank you, Judge.

Reclaiming my time, I rise in opposition to this. It is clear, given the majority that we have, that we won't be on a successful vote count on this.

I do want to make the point, right, that the Second Amendment, as it was ruled on by the Supreme Court, says that there can be reasonable regulation, and so that is our job. That is where we come into this picture at. We are supposed to be the reasonable regulators. We are supposed to decide where and when and under what circumstances there should be some speed bump.

The question here is, for these types of circumstances, where someone is going to have a weapon in which discerning that it has been fired, you are going to be less able to do it, whether that is something where someone should have to have a small speed bump on the way to getting it.

Now, it doesn't seem like there is a major hurdle here because we have jumped from 4,600 of these in 2006 to 90,000 in 2014.

I don't know, unless we are going to just have a universal access to them, there doesn't seem to be a major impediment.

Mr. CARTER of Texas. Will the gentleman yield?

Mr. FATTAH. I yield to the gentleman.

Mr. CARTER of Texas. Because an application was made doesn't necessarily mean that the law enforcement people dealt with it and approved that application. Now, if you are telling me these are 90,000 approved applications, I understand your argument.

One of the issues seems to be finding a law enforcement agency in the modern society we live in that actually has some knowledge of the individual that is making the request and is willing to process it.

Mr. FATTAH. Judge, I will just say this then, reclaiming my time, that everybody, even those who are not involved in law enforcement, understands the challenge of having a firearm in which the sound is suppressed.

We just had an incident in one of our Capitol buildings where someone tried to bring a weapon in. We know that weapons are dangerous. That is why you can't bring them into the U.S. Capitol.

Making them more accessible in the communities and among the people that we represent, if we think that is a great thing to do, the majority will have its way on this. I stand in opposition to it.

I yield back the balance of my time.

Mr. CARTER of Texas. Madam Chair, I only claim time to say that I serve on this subcommittee with both these honorable gentlemen. I want to commend them for a great bill.

The chairman has asked for time. I yield such time as he may consume to the gentleman from Texas.

Mr. CULBERSON. I do want to express my strong support for the gentleman's amendment. It is an appropriate and necessary additional protection for Americans' Second Amendment rights.

Judge CARTER is exactly right. This is the right place for the bill. This is the right place for this amendment. He has drafted it very narrowly and very carefully, and I urge Members to join us in supporting this very important Second Amendment amendment before the House.

Mr. CARTER of Texas. To finish, I am honored to serve on this subcommittee with these two fine gentlemen. They have made a great work product here, and I am very glad that we were able to all work together.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. BONAMICI

Ms. BONAMICI. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act to the Department of Justice may be used to prevent a State from implementing its own State laws that authorize the use, distribution, possession, or cultivation of industrial hemp, as defined in section 7606 of the Agricultural Act of 2014 (Public Law 113-79).

The Acting CHAIR. Pursuant to House Resolution 287, the gentlewoman from Oregon and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. BONAMICI. Madam Chair, I rise to offer a bipartisan amendment with Mr. MASSIE to restore power to the States to regulate the cultivation of industrial hemp within their own borders. The House adopted this amendment last year with strong support from both sides of the aisle.

This amendment is very simple. It would move our country in line with industrialized countries around the world that long ago recognized the importance of industrial hemp as a natural resource, an agricultural commodity, and a versatile component that is now found in more than 25,000 commercial products.

In fact, not only does this amendment bring America in line with much of the rest of the industrialized world, it brings America back in line with our country's history. George Washington and Thomas Jefferson grew it. The first drafts of our Constitution and first laws were written on paper made from it.

During World War II, the USDA encouraged patriotic American farmers

to raise it for the war effort. They even produced a slick promotional film titled "Hemp for Victory." Now, at least 23 States have passed laws to allow farmers to grow it, too.

Unfortunately, the Federal Government stands in the way of family farmers who want to grow hemp. The senseless classification of hemp as a schedule I drug contributes nothing to public safety; instead, it robs our farm economies of a potentially multibillion-dollar crop that is used to make everything from rope to soap.

The amendment would simply allow farmers to grow hemp in accordance with their own State's laws. The amendment does not eliminate regulation in hemp cultivation; it simply divests the Department of Justice and the DEA of their ability to treat hemp like marijuana because hemp is not marijuana.

So far, 23 States have passed laws to allow farmers to grow hemp. Right now, farmers in California, Colorado, Delaware, Hawaii, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Missouri, Montana, Nebraska, New York, North Dakota, Oregon, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and West Virginia are waiting for the Federal Government to get out of the way.

Because the Department of Justice refuses to acknowledge what Washington and Jefferson knew, that hemp is an agricultural commodity and not marijuana, these State laws take a back seat to Federal overreach.

I urge my colleagues to support this bipartisan amendment, and I yield 1 minute to the gentleman from Kentucky (Mr. MASSIE), my cosponsor.

Mr. MASSIE. Madam Chair, I am very excited to report that, thanks to the farm bill amendment that allowed for pilot programs, we grew many pilot programs in Kentucky last summer; and this summer, there will be about 1,800 acres of hemp grown in Kentucky in pilot programs.

□ 2320

We have venture capital coming to Kentucky. I met with two companies in Kentucky that are investing in hemp, but the problem is right now they can only do the pilot programs. Yet they are still going to grow 1,800 acres of it in Kentucky alone. They grow 100,000 acres in Canada.

It is time to let our farmers have this opportunity. We need to take away the restraint that it is just a pilot program. We have addressed a lot of the concerns that people had last year before these pilot programs. Law enforcement are okay with hemp now. They have seen that it is not its cousin.

With that, Madam Chair, I urge passage and urge my colleagues to vote for this amendment.

Mr. FLEMING. Madam Chairman, I rise in opposition to the amendment.

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

Mr. FLEMING. Madam Chair, the cultivation of cannabis for industrial purposes is governed by the Controlled Substances Act and permitted pursuant to the registration requirements found in title 21, United States Code.

Let's face it, hemp is very closely related to cannabis. And DEA agents tell us that it is very difficult to detect, determine, and distinguish between hemp and marijuana, so it only makes their job more difficult. However, the Agricultural Act of 2014—and Mr. MASSIE just referred to this, I believe—permits institutions of higher learning and State departments of agriculture to grow or cultivate industrial hemp as defined in the statute for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.

In short, we are studying it, we are analyzing it, and we are evaluating it, but we don't have the results yet of those studies. I think it would be premature, especially considering the problem with the rapid expansion of the marijuana industry and the problems which I will speak about later this evening with marijuana and abuse of marijuana and the damage to brains of our children and so forth. The last thing I think that we want to do now is to create more problems for enforcement for the DEA.

Madam Chairman, if we are going to study it, let's study it, but I do not believe it is time that we remove these restraints on industrial hemp.

I reserve the balance of my time.

Ms. BONAMICI. Madam Chair, may I inquire into the amount of time remaining.

The Acting CHAIR. The gentlewoman from Oregon has 1½ minutes remaining.

Ms. BONAMICI. Madam Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER), my colleague.

Mr. BLUMENAUER. Madam Chairman, I appreciate the gentlewoman's courtesy and her leadership on this issue.

Madam Chairman, as a practical matter, industrial hemp is not marijuana. With less than 0.3 percent THC, it is not a drug. As a practical matter, it is not hard to distinguish it, and, in fact, it is sort of a myth that somehow people will use industrial hemp to disguise the cultivation of marijuana. They don't want that. It cross-contaminates. It makes it a less effective product.

We have a situation where the rest of the world deals with industrial hemp, where there are countless products available to purchase today, it is just that Kentucky farmers or Oregon farmers can't produce it. Last year the House overwhelmingly passed this amendment. We are starting down a path towards rationalization.

Twenty-three States have removed the barriers to production of industrial hemp. The Federal Government should get out of the way. Congress should

adopt this amendment and allow it to proceed.

Mr. FLEMING. Madam Chairman, who has the right to close?

The Acting CHAIR. The gentlewoman from Oregon has the right to close since the gentleman from Louisiana is not on the committee.

Mr. FLEMING. Madam Chairman, I would just say in conclusion that DEA tells us otherwise, that it is difficult to distinguish. It is a problem for them. They are the ones who have to enforce this. Also, there isn't any product that you can get from hemp. Hemp production, industrial hemp is not abundant in many other ways, whether it is paper, rope, or what have you. So with that, it is not necessary. It is not some vital resource that we can't do without. It does create and complicate problems when it comes to the enforcement of schedule I drugs such as marijuana.

Madam Chairman, I yield back the balance of my time.

Ms. BONAMICI. Madam Chair, as we have heard this evening, it makes no sense that industrial hemp is legal to have and legal to use in manufacturing but can't be grown by our own farmers. Right now the companies that are manufacturing with hemp have to import it from places like Canada and China. They should be able to grow it in our own country.

Please support this bipartisan amendment. Industrial hemp is grown differently from marijuana. It looks different. The enforcers can tell it apart. Let's let our farmers grow industrial hemp. Please support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI).

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

Mr. CULBERSON. Madam Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for the DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities for which funds are made available under this Act as part of the \$125,000,000 for DNA-related and forensic programs and activities, unless such funds are used in accordance with paragraphs (3) and (4) of section (2)(c) of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546; 42 U.S.C. 14135).

Mr. CULBERSON. Madam Chair, I reserve a point of order on the amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 287, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, Congress in the last several sessions has done, I think, an admirable job of dealing with this crime of sexual assault in the United States. Several pieces of legislation have passed the House, under several administrations, going all the way back to the Violence Against Women Act. More recently, under the Debbie Smith Act, SAFER legislation, here is what is taking place.

We now know because of DNA that old rape kits can be analyzed to determine who the suspect was that committed that sexual assault, generally against females, and that is a good development.

Because of that legislation, the Debbie Smith Act was passed; and the SAFER Act says that Debbie Smith, which grants funds to do rape kit backlogs, that 75 percent of that money, of those grants, will go to actually analyze backlog rape kits. Get those backlogs analyzed, go after the bad guys, find out who committed these crimes, and bring those 400,000 rape kits up to date by getting them analyzed.

This all sounds good. The problem is the Justice Department doesn't follow the law. They are not analyzing these cases. There is still a backlog. They are spending the money, but they are spending it on other things like research rather than what the law says: analyze those cases.

Madam Chair, 75 percent of that money is to go to analyze that backlog of rape cases.

□ 2330

My amendment just tells the Justice Department to follow previous law, analyze those cases, use 75 percent of the money that is available to analyze those cases. That is what the amendment does.

I reserve the balance of my time.

Mr. CULBERSON. Madam Chair, I claim the time in opposition.

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

Mr. CULBERSON. Madam Chair, I strongly agree with the gentleman's amendment and intend to work with him as we move through conference to address this problem in the way he suggests and make sure the law is complied with.

I understand the amendment may be withdrawn. Before the amendment is withdrawn, if I could address the merits of your amendment, I think you are exactly right. We plussed up funding for rape kits. We want to make sure that this backlog is taken care of as rapidly as possible. I know my friend from Philadelphia and the members of this committee share your concern. We want to make sure the backlog rape kits are cleared out as rapidly as possible and these criminals are taken off

the street as rapidly as they can be. We want to make sure the Federal law is complied with, so I will work with you to make sure that through the oversight authority we have got on this subcommittee that the Department is enforcing the law as written by Congress and doing so aggressively.

Mr. FATTAH. Will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. I concur with your point of view, and I hope that the amendment is withdrawn. But I think that the maker of the proponent amendment is correct that we need to move in this direction. We not only want to make sure that the backlog is ended and that we get bad people off the street; we also don't want innocent people incarcerated for crimes they didn't commit. So this is where the science can help.

But you are right that we need to make sure that there is specific direction. I thank the Chairman.

Mr. CULBERSON. And we can do that through oversight, and we will work very closely with you, Judge POE, on this. And I thank you for your work on this effort. There is no penalty severe enough that can be imposed swiftly enough on anyone who would injure a woman or a child.

I understand the amendment is going to be withdrawn.

Mr. POE of Texas. I thank the chairman, and I also thank the ranking member.

What the amendment does—and I will work with the committee on this—is exactly what the ranking member said. In one word, it finds out “justice.” We free the innocent and we convict the guilty, but we can't do it unless these rape kits are analyzed. So I hope the committee figures out a way to have the Justice Department do what they are supposed to do that Congress has already told them to do. Good luck with that.

Madam Chair, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. ELLISON

Mr. ELLISON. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the Department of Justice in violation of—

(1) the Fifth and Fourteenth Amendments to the United States Constitution; or

(2) the memorandum issued by the Attorney General on March 31, 2015, and entitled “Guidance Regarding the Use of Asset Forfeiture Authorities in Connection with Structuring Offenses”.

Mr. ELLISON (during the reading). Madam Chair, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIR. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Minnesota and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Madam Chair, I offer this amendment with the support of the chairpersons of the Congressional Black Caucus, the Congressional Hispanic Caucus, the Congressional Asian Pacific American Caucus, and the Progressive Caucus.

This amendment would prevent funding from law enforcement agencies that engage in discriminatory profiling based on gender, race, ethnicity, religion, sexual orientation, or national origin.

It would also prevent the use of funds to repeal the December 14 revised profiling guidance issued by the Department of Justice. Discriminatory profiling is wrong. It doesn't help prevent crime. It creates a culture of fear and resentment within our community. It is contrary to the core constitutional principles, and the Federal dollars shouldn't be spent perpetuating this activity.

I commend the work of Attorney General Holder to revise profiling guidance, and I believe that we must do more to close the remaining loopholes in profiling guidance.

You shouldn't be able to profile at the border. You shouldn't be able to map people without cause. You shouldn't be able to use national security as an excuse to engage in prejudicial policing.

And we need comprehensive antiprofiling legislation like the End Racial Profiling Act introduced by the dean of this Congress, JOHN CONYERS. In the absence of such comprehensive reform, we should at least prevent Federal funds from being used to discriminate against citizens.

I reserve the balance of my time.

Mr. FATTAH. Madam Chair, I claim the time in opposition, even though I am not actually in opposition.

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

There was no objection.

Mr. FATTAH. Madam Chair, I think that what we should be for is effective law enforcement techniques. We know by every empirical evidence that profiling does not work, and our experts in every aspect of law enforcement—local, State, and nationally—tell us that it doesn't work. So I agree with the gentleman and I support his amendment.

I reserve the balance of my time.

Mr. ELLISON. Madam Chair, I will close and just say that racial profiling

has no place, and we urge a "yes" vote for the amendment.

I yield back the balance of my time.

Mr. FATTAH. Madam Chair, I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ELLISON

Mr. ELLISON. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to enter into a contract with any person whose disclosures of a proceeding with a disposition listed in section 2313(c)(1) of title 41, United States Code, in the Federal Awardee Performance and Integrity Information System include the term "Fair Labor Standards Act".

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Minnesota and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Madam Chair, this is a very simple amendment which says that the moneys appropriated by the U.S. Congress should go to contractors who deal fairly with workers and who do not violate the Fair Labor Standards Act.

This particular amendment is not an allegation; it only applies to contractors who have been found in violation, who have been forced to disclose those violations based on the requirements of law and their violations of the Fair Labor Standards Act.

This amendment would prohibit the Federal Government from using funds in this bill to hire contractors with wage theft violations.

Madam Chair, we live in a time when it is so hard for workers all across this Nation to make a living. People go to bed at night calculating whether they are going to be able to meet their monthly expenses. If the work that they do can't even be fully paid because they are victims of wage theft by an unscrupulous employer, I think that the Federal Government should not be doing business with that employer.

The fact of the matter is that in this appropriation, we should reserve Federal money for the millions of contractors who do an honest contract, who provide the Federal Government with good work. Evidence suggests that wage theft is widespread and costs workers billions of dollars every year—greater than the cost of burglaries, robberies, larcenies, and other sorts of problems.

Wage theft among Federal contractors is also a problem. Federal contractors are among America's companies that we rely on to discharge good service. But that service should be within the law; that service should be honoring the work that workers do. And

Federal contractors, some of them, certainly not all, but some have had a problem in this area.

A national employment law project found that nearly one in three low-wage contractors in the D.C. area reported stolen wages.

□ 2340

A report by the Senate Health, Education, Labor, and Pensions Committee revealed that 35 percent of the largest Department of Labor penalties for wage theft were levied against Federal contractors.

Now, there are many excellent Federal contractors. These people should not have to compete with companies that circumvent the requirements of the law. In total, those Federal contractors who did had to repay employees \$82.1 million in back wages for violations between 2007 and 2012. Despite these violations, many of these same companies received Federal contracts again in 2012.

The fact of the matter is that wage theft is wrong, and the people who engage in it shouldn't receive Federal funds. I hope that all Members will agree that a dollar earned is a dollar that must be paid and that the United States of America only wants to do business with contractors that obey the law.

I reserve the balance of my time.

Mr. CULBERSON. Madam Chair, I rise in opposition to the amendment.

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

Mr. CULBERSON. Madam Chairman, I share the gentleman's concerns, but I think his amendment is written so broadly that it is going to have an impact far beyond anything he actually intended.

For example, if a very large company like Boeing ever failed to pay somebody overtime on one occasion, the way his amendment is drafted, this would bar Boeing from ever doing any business with the Federal Government. It would bar Lockheed, which is responsible for building the Orion spacecraft for NASA, and they are doing an extraordinarily good job in doing so.

It is almost inevitable. None of us are perfect. Everybody, somewhere or somehow, is going to make a mistake. It is just inevitable. In the way the gentleman's amendment is drafted, the Federal Government could not hire any company that was ever dealt with in a proceeding that included the term "Fair Labor Standards Act." It essentially blackballs any contractor who has ever had any violation of any kind, anywhere, anytime.

It is too broad. This is not the right place for it. You are going to do great damage to a lot of very good companies that have had very minor, one-time violations a number of years ago. I know that is not the gentleman's intent, but the language before the House that he has drafted is very broad and has implications far beyond what I know he has laid out here tonight.

The bill, as written, would actually, I think, wind up with a lot of very good companies being unable to do business with the Federal Government, so I would ask Members to oppose the amendment.

I reserve the balance of my time.

Mr. ELLISON. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Minnesota has 1½ minutes remaining.

Mr. ELLISON. Madam Chair, I just want to point out that the companies that the gentleman has identified ought to obey the Fair Labor Standards Act. Every company that does business with the United States Government ought to pay its workers fairly.

Federal contracts are lucrative, and Federal contracts make people rich. At the very least, those companies and those individuals who benefit from those contracts ought to make sure that their workers get paid properly.

The fact of the matter is that this is an appropriation from this year. It doesn't bar them in the future from applying for Federal contracts again, and if they should prove to have really cleaned up their acts, we can have a conversation about that.

I am afraid, Madam Chair, that if we do not pass this amendment, we will be telling all of the honest, hard-working contractors that you don't need to obey the law, that you can just do whatever.

Companies that don't obey the Fair Labor Standards Act and steal workers' wages actually gain a competitive advantage on the companies that do obey the law. I don't think that is anything that any one of us would like to see happen, so I would urge a "yes" vote on this; say "no" to wage theft.

I yield back the balance of my time.

Mr. CULBERSON. Madam Chairman, I want to reiterate, the way the gentleman's amendment is drafted, any violation anywhere, anytime in the history of the company would bar them from ever doing business with the Federal Government. It is if they ever made a mistake anywhere in the past.

The amendment is far too broad and far too sweeping, and I urge Members to oppose the amendment.

I yield back the balance of my time.

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

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

Mr. ELLISON. Madam Chair, I demand a recorded vote.

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

AMENDMENT OFFERED BY MRS. BLACK

Mrs. BLACK. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to require, pursuant to section 478.124 of title 27, or section 25.7 of title 28, Code of Federal Regulations, or the Office of Management and Budget Statistical Policy Directive No. 15, Race and Ethnic Standards for Federal Statistics and Administrative Reporting, that any person disclose the race or ethnicity of the person in connection with the transfer of a firearm to the person.

The Acting CHAIR. Pursuant to House Resolution 287, the gentlewoman from Tennessee and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACK. Madam Chairman, our Founding Fathers did not mince words when they authored the Second Amendment to our Constitution.

They spoke plainly and with conviction in writing, "the right of the people to keep and bear arms shall not be infringed." Unfortunately, this administration hasn't always seen it that way.

Recently, President Obama's Bureau of Alcohol, Tobacco, Firearms and Explosives enacted a quiet change to its form 4473—a mandatory document for most gun transactions—that requires Americans to disclose their race and ethnicity in order to complete the sale. What is more, the failure to collect this information is considered an ATF violation that could result in government penalties for the gun dealer.

By placing an extra barrier of complexity between the law-abiding citizens and their right to own a firearm, I believe this intrusive reporting requirement sets up a direct challenge to the Second Amendment rights enshrined in our Constitution, not to mention the right to privacy.

Madam Chairman, we all want to see weapons kept out of the hands of criminals, but an individual's race and ethnicity has nothing to do with his ability to safely own and operate a firearm. Perhaps that is why even traditionally left-leaning groups like the ACLU have spoken in opposition to this requirement.

The fact is the government should be colorblind on all of our rights, whether it is the freedom of speech, the freedom of religion, or the freedom to keep and bear arms. That is why my amendment states that the government cannot require gun buyers to disclose their race and ethnicity at the point of sale. It is really that simple.

I urge my colleagues to vote "yes" on this commonsense amendment so that we can reverse this latest regulatory overreach and ensure that fairness and privacy are upheld in our Nation's gun laws.

Madam Chairman, I yield the balance of my time to the gentleman from Texas (Mr. POE), my lead cosponsor and an ardent defender of the Second Amendment.

Mr. POE of Texas. I thank Congresswoman BLACK for this amendment and

for bringing it to the attention of the House tonight.

Madam Chair, this issue came to my attention a couple of years ago when I was with constituents in my district. They were gun dealers, and they were complaining and telling me how the administration quietly began requiring the Bureau of Alcohol, Tobacco, Firearms and Explosives—we call it the ATF—to record a firearms purchaser's race and ethnicity.

This, Madam Chair, is not law. It is not congressional action. We did not do this. The ATF, through administration rules, requires the race of the gun purchaser, and the seller who is selling the gun has got to check the box and write the race of the gun purchaser.

□ 2350

If they do not do that or they do it wrong, the ATF can come back later, look at the records, say "You left it blank on the race of the individual," and shut the business down.

Now, there are several problems with this new rule by the ATF. In order to avoid breaking this Federal regulation, the dealers then have to ask the customers their race, and when people are offended—and they get offended—they take it out on the dealers themselves. Sometimes refuse to give their race, and then what is the gun seller to do? Why is our government racial profiling people who exercise the Second Amendment? Why are they doing that?

Second, it is none of the government's business the race of a gunowner. The Second Amendment does not just apply to certain races. It applies to everybody. It doesn't exclude races and only include certain races. As the gentlewoman from Tennessee has said, the Federal Government ought to be colorblind across the board on every issue, especially when it comes to rights. The Second Amendment applies to everybody regardless of their race, just like the First Amendment applies to everybody regardless of their race.

So this amendment would simply tell the Federal Government, it is none of your business the race of a gun purchaser in the United States. Stay out of that issue. Just as equally important, you can't shut some business down if they don't put the right race or they leave the race block blank. That is none of the Federal Government's business.

I would hope that Members of Congress would support this amendment and keep the Federal Government from requiring racial profiling in the purchase of guns under the Second Amendment.

Mrs. BLACK. I yield back the balance of my time.

Mr. FATTAH. I claim the time in opposition to the amendment.

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

Mr. FATTAH. Before we finish with this, you will be able to have a weapon,

you will be able to suppress the sound on it, and you won't have to identify yourself by these characteristics that are attacked in this amendment, but I want to just kind of set the facts straight.

First of all, this information has been required since 1968. I know people are excited about it tonight, I know there is a lot of enthusiasm about ridding the Nation of having this information, but since the Gun Control Act of 1968, prospective firearm purchasers have been required to record their race.

Now, sometimes, you know, we hear in law enforcement people trying to be politically correct and say, well, we don't want you to be too descriptive of a suspect in a crime, identifying them by race or something, but, you know, the reason why we have this information has nothing to do with prohibiting people's Second Amendment rights. This is about how to track down someone who has done something wrong, who was the original purchaser of the gun that was used in a crime.

The information is not held by the Federal Government, notwithstanding the excitement on the House floor tonight. It is held by the dealer. It is not centralized in any way, but it is a law enforcement data point. Sometimes we actually need data, we need information so that if something has been done with a gun that is unlawful, somebody can figure out who purchased it; and you can also clarify who these people are, if they have similar names, similar backgrounds, or whatever may be the case.

So it is just basic information that any law enforcement person would want to have, the race and ethnic background of the owner of the weapon that was used in a neighborhood near you to harm one of the people whom you have been elected to represent, and to decide tonight, well, what we want to do is strip this information away under some pretense. What we just heard was an argument that somehow someone was trying to say that the Second Amendment discriminated against somebody on a racial basis, and of course anyone can win that straw argument because it is nonsensical. No one is arguing that.

We are talking about basic information that is needed for law enforcement purposes that the majority tonight wants to deny from the ATF. That is something that I would hope the majority wouldn't do, but they obviously have the votes to do as they please. I will be against it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RICHMOND

Mr. RICHMOND. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the aggregate amount made available for "Federal Prison System—Salaries and Expenses", and by increasing the amount made available for "Office of Justice Programs—Juvenile Justice Programs" for youth mentoring grants, by \$155,900,000.

Mr. RICHMOND (during the reading). Madam Chair, I ask unanimous consent to dispense with the reading of the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Louisiana?

Mr. CULBERSON. Madam Chair, which amendment is the gentleman offering?

Mr. RICHMOND. I only have one amendment, and it is the amendment to move \$155 million from the Bureau of Prisons over to the Juvenile Justice program.

The Acting CHAIR. The Clerk will continue to read the amendment.

The Clerk continued to read.

Mr. CULBERSON. Madam Chair, I reserve a point of order against the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 287, the gentleman from Louisiana and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. RICHMOND. Madam Chair, I rise today to talk about something that I would hope is important to both sides of the aisle, and that is our youth. Here in Congress we talk about how important a lot of things are: education, public safety, strong communities, freedom, and prosperity. If we have a goal of keeping our children in school and on the path to success, cutting Juvenile Justice programs is the wrong way to go in order to reach it.

We know that supporting programs that keep our children out of jail is one of the best investments we can make, and it gives us one of our highest returns on our investment.

On any given day in this country, there are over 70,000 juveniles in jail around the country. This incarceration is not cheap. We spend about \$6 billion a year on juveniles in prison. Interactions with the criminal justice system at a young age have a ripple effect that makes it harder for children to achieve success later.

Students who are arrested early in high school are six to eight times more likely to drop out of high school. What is more, children who are incarcerated are almost 40 percent less likely to graduate from high school and 40 percent more likely to be in prison at the age of 25. Finally, if someone with an arrest record as a juvenile does graduate high school, they are still only half as likely to enroll in a 4-year college.

In short, keeping our children out of jail has benefits to the children, their

families, our communities, and to the Nation as a whole. This President realized all of this when he made his budget request. That is why he requested more than \$300 million for a variety of authorized programs aimed at improving public safety and keeping children on the path to college and careers instead of the path to prison.

Unfortunately, the bill in front of us calls for devastating cuts to these vital programs. The funding level in the bill is more than \$155 million below the President's request, and even \$68 million below last year's funding level.

My amendment today would simply bring the funding for Juvenile Justice back in line with the President's request by funding one of the only programs left available in the bill, and that is mentoring. By increasing the role and capacity for mentoring programs across the Nation, we can have a true impact on children in every community.

With that, I reserve the balance of my time.

□ 0000

Mr. CULBERSON. Mr. Chairman, I will assert my point of order against the amendment, depending on what the gentleman intends to do.

Does the gentleman intend to withdraw the amendment?

Mr. RICHMOND. I would like to know what the point of order is. I am just shifting money from one thing that is already in the budget to something that is already in the budget.

POINT OF ORDER

Mr. CULBERSON. The amendment is subject to a point of order on the basis that it proposes to increase an appropriation not authorized by law, Mr. Chairman, and, therefore, is in violation of clause 2(a) of rule XXI.

Although the original account funding for the Office of Juvenile Justice contains a number of programs that are unauthorized, it was permitted to remain in the bill pursuant to the provisions of the rule that provided for the consideration of this bill.

When an unauthorized appropriation is permitted to remain in a general appropriations bill, an amendment merely changing the amount is in order, but the rules of the House apply a "merely perfecting standard" to the items permitted to remain, and do not allow the insertion of a new paragraph that was not part of the original text permitted to remain to increase a figure that was permitted to remain.

This amendment proposes to add funding as a reach-back to an unauthorized program, and the amendment, therefore, cannot be construed as merely perfecting.

And therefore, Mr. Chairman, I ask that the Chair rule the amendment out of order.

The Acting CHAIR (Mr. STIVERS). Does any other Member wish to be heard on the point of order?

Mr. FATTAH. I understand the spirit of the chairman's statement. I just

want to comment that one of the things that we have done is we have worked over a number of years and doubled the amount of money going into youth mentoring.

I think that the chairman and I agree with the spirit of your amendment and that it is a much more worthy investment for the country to keep our young people on the straight and narrow than to try to repair, as has been said, a broken adult.

We continue to have an interest in building this part of the appropriations bill. Notwithstanding the complicated set of rules relative to the authorized and the non-authorized portion, we continue to want to work with you as we go forward on this matter.

Mr. CULBERSON. I want to, if I could, express my support for the ranking member's comments, but I do need to assert the point of order.

Mr. RICHMOND. If the gentleman does not assert the point of order now, then what I will do is just wrap up and ask unanimous consent to withdraw my amendment.

Mr. CULBERSON. If the gentleman withdraws the amendment, I withdraw my point of order.

The Acting CHAIR. Does the gentleman seek to withdraw the amendment?

Mr. RICHMOND. I was going to close and use the remaining time and then withdraw the amendment.

The Acting CHAIR. A point of order is currently pending.

Mr. CULBERSON. I reserve my point of order. Once the gentleman withdraws, I will withdraw the point of order, but we do need to conclude this. We will work together with Mr. FATTAH on juvenile justice to keep young people out of prison.

The Acting CHAIR. Does the gentleman withdraw the point of order?

Mr. CULBERSON. I reserve the point of order. I will withdraw its assertion at this time, but I reserve it pending the gentleman's conclusion and withdrawal of the amendment.

The Acting CHAIR. The gentleman's earlier point of order is withdrawn. A point of order is now reserved.

The Chair recognizes the gentleman from Louisiana.

Mr. RICHMOND. Mr. Chairman, I would just say I started coaching Little League at 16, and I continue to do that today, and I continue also to mentor.

I would just say that as we look at the budget and we try to do things to bring the budget back into balance, we keep leaving out the point of return on investment. And if we continue to invest in things that are going to give us more than a one-to-one return, then we are actually gaining a benefit that will allow us to cut down the deficit.

And then I would just quickly add in the spirit of bipartisanship and working together that it is almost like the field of dreams for the Bureau of Prisons. If you appropriate it, they will spend it. And if they build it, they will fill it. We don't want to do that when

we have a greater avenue, I think, to put our youth on a better path and not only save money, but create less victims of crime.

So with that, I would just remind all of our Members that I hope we continue to work together. And we should really be careful here because the life you save may be your own.

I thank the chairman for his cooperation, and I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. MEADOWS

Mr. MEADOWS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to negotiate or enter into a trade agreement that establishes a limit on greenhouse gas emissions for the United States. The limitation described in this section shall not apply in the case of the administration of a tax or tariff.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from North Carolina and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MEADOWS. My amendment would prohibit the administration from using any funds from this bill to advocate or support a position in trade negotiations or enter into a trade agreement that would limit greenhouse gas emissions in the United States. Basically, the amendment would prohibit the Obama administration from trying to address "climate change" through trade agreements.

The last few years, we have seen the administration intentionally work around Congress to implement its own agenda.

Mr. Chairman, the hour is late. There are many worthwhile amendments that need to be debated and heard, and with that, I reserve the balance of my time.

Mr. FATTAH. Mr. Chairman, I rise in opposition.

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

Mr. FATTAH. I am not sure this is the right place to be imposing on trade agreements. We would be opposed to this. We won't be seeking a recorded vote, but we would be opposed to this. I reserve the balance of my time.

Mr. MEADOWS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. CULBERSON), the chairman of the Appropriations subcommittee, who has done great work.

Mr. CULBERSON. I strongly support this amendment. It is important that these trade agreements not be negotiated in ways that would supersede the authority of this Congress. Any limitation on greenhouse gases should be debated in this Congress and en-

acted by Congress and should not be any part of any trade agreement.

So I strongly support the gentleman's amendment in the same spirit that we have got language in this bill that prohibits use of funds to negotiate or to implement the U.N. arms control treaty, which would interfere with our Second Amendment rights. We have prohibited that. We have shut down the U.N. arms control treaty in this bill. Similarly, let's shut down any attempt to impose greenhouse gas limits on the United States through a trade agreement.

I strongly support the gentleman's amendment and urge Members to vote "yes."

Mr. FATTAH. I yield back the balance of my time.

Mr. MEADOWS. Mr. Chairman, I urge support, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MEADOWS).

The amendment was agreed to.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. GRAYSON

Mr. GRAYSON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to enter into a contract with any offeror or any of its principals if the offeror certifies, as required by Federal Acquisition Regulation, that the offeror or any of its principals:

(A) within a three-year period preceding this offer has been convicted of or had a civil judgment rendered against it for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property; or

(B) are presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated above in subsection (A); or

(C) within a three-year period preceding this offer, has been notified of any delinquent Federal taxes in an amount that exceeds \$3,000 for which the liability remains unsatisfied.

Mr. GRAYSON (during the reading). Mr. Chair, I ask unanimous consent that the reading be waived.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. GRAYSON. Mr. Chairman, this amendment is identical to other amendments that have been inserted by voice vote into every appropriations bill considered under an open rule this year and in the last Congress as well.

My amendment expands the list of parties with whom the Federal Government is prohibited from contracting due to serious misconduct on the part of the contractors. Specifically, the list would include contractors who within a 3-year period preceding an offer have been convicted or have had a civil judgment rendered against them for fraud, violation of Federal or state antitrust laws, embezzlement, theft, forgery, bribery, violation of Federal tax laws, and other items outlined in section 52.209-5 of title 48 of the Code of Federal Regulations.

□ 0010

These are all offenses which any contractor doing business with the Federal Government must disclose to a contracting officer, but oddly enough, the contracting officer would then be free to ignore these transgressions and award contracts to offending entities, absent my amendment.

I commend the authors of this bill for their inclusion of section 523. I still believe, however, that we can improve on this bill by prohibiting agencies from contracting with those entities who have engaged in the activities described above.

It is my hope that this amendment will be noncontroversial, as it has been on every previous occasion and again be passed unanimously by the House.

I reserve the balance of my time.

Mr. FATTAH. Mr. Chairman, I claim the time in opposition, but I am not opposed to the amendment.

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

There was no objection.

Mr. FATTAH. I am not opposed to the amendment. I am prepared to accept the amendment and support it, and I thank the gentleman for offering it.

I speak even for the chairman in this matter. We are ready to rock and roll, so we accept the amendment.

I yield back the balance of my time.

Mr. GRAYSON. I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUDSON

Mr. HUDSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to treat any M855 (5.56 mm x 45 mm) or SS109 type ammunition as armor piercing ammunition for purposes of chapter 44 of title 18, United States Code.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from North Carolina and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. HUDSON. Mr. Chairman, first and foremost, I want to voice my strong opposition to the Obama administration's continued assaults on our Second Amendment rights.

I ran for Congress to stand up against this overreach and to keep Washington bureaucrats' influence out of our lives and their hands off our freedoms and their hand off our guns. That is why I am offering an amendment to the Commerce, Justice, Science Appropriations bill that would stop President Obama's green tip ammo ban.

As you recall, the ATF recently tried to ban common rifle ammunition that has been legally used by law-abiding American sportsmen for decades. It was only after receiving intense pressure from Congress and more than 80,000 public comments and, frankly, the direct intervention of Chairman CULBERSON that the administration stalled their proposed ban.

As the clock ticks down on this President's second term, the administration is cooking up more than a dozen gun control regulations and has left the door open to reconsider future ammo bans.

This determination to unconstitutionally restrict one of our most fundamental rights and—I would argue—our first freedom has nothing to do with safety or security and everything to do with government control.

My amendment, previously introduced as a stand-alone bill by my good friend and colleague, Chief Deputy Whip PATRICK MCHENRY, from North Carolina, would put an end to this attack on our Second Amendment rights by ensuring this popular ammunition remains available and not subject to any future ATF bans.

Mr. Chairman, like many of my constituents from North Carolina, I like to spend time outdoors in a deer stand, in a field, or at the range. I will not stand idly by and allow a unilateral executive fiat to threaten our right to enjoy this cherished American tradition.

The Second Amendment is not about hunting or shooting sports. Our right to keep and bear arms is a right that ensures our ability to protect all of rights. That is why I refer to it as our first freedom. This fundamental freedom must be defended and protected.

For that reason, I encourage my colleagues in the House to support this amendment.

Mr. Chairman, I yield such time as he may consume to my colleague from North Carolina (Mr. ROUZER).

Mr. ROUZER. Mr. Chairman, I am proud to stand with my colleague from North Carolina in support of this amendment. In the eyes of our Founding Fathers, the right to bear arms was just as fundamental as the freedom of speech. The Second Amendment en-

ures our right, as law-abiding American citizens, to bear arms to protect ourselves from enemies, both foreign and domestic.

It is no secret that our Second Amendment rights have been threatened by the government bureaucrats in the Obama administration. Earlier this year, the Bureau of Alcohol, Tobacco, Firearms and Explosives doubled down on attempting to ban lead projectiles, as they claim the ammunition is armor piercing.

They proposed a ban on the manufacturing and sale of certain AR-15 ammunition that could have drastically reduced the availability of ammunition commonly used for sporting and other legitimate purposes.

Because of the strong objections from gunowners and constitutional conservatives across the country, ATF decided to table their proposal, at least for now.

Mr. Chairman, our constitutional rights should not be left up to the whims of Federal bureaucrats in Washington. This amendment simply ensures that Federal funds cannot be used to ban certain types of commonly used ammunition, and I encourage my colleagues to support it.

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

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

Mr. FATTAH. They must have some special kind of deer in North Carolina. They are running around in the woods with bulletproof vests on.

The idea that a sportsman needs an armor-piercing bullet to go after a deer, I mean, I don't really buy it; but if the majority is willing to buy it at this hour of the night, it is fine with me.

On a serious note, for those who are in law enforcement, who are out in dark alleys, and who have to confront circumstances that they don't know the exact dangers that they are going to face, the fact that we want to have weapons that suppress the sound—now, we want to have bullets that can pierce armor and that we want to make sure that are under the guise of the Second Amendment, that you can have all manner of armament, without any type of reasonable speed bumps that might protect the American public is something that I am not sure that the majority would want to take such an enthusiastic effort around.

Obviously, they do, and they have decided that this bill is the bill for it, that this bill is the place where they want to do this activity, right?

I think it is unfortunate. As for me and for my side, we will be in opposition, and we will let the majority work its will.

I reserve the balance of my time.

Mr. HUDSON. Mr. Chairman, may I inquire how much time is remaining?

The Acting CHAIR. The gentleman from North Carolina has 1½ minutes remaining, and the gentleman from Pennsylvania has 3 minutes remaining.

Mr. HUDSON. Mr. Chairman, I appreciate my colleague's rhetorical question. Mr. Chairman, I would just say that the point is a 5.56 green tip bullet is not an armor-piercing bullet. The only reason it has been called an armor-piercing bullet is because of a loophole, and that is my point.

We have an administration that has just put out a whole list of regulations that say they want to restrict the rights of people because they may or may not have a mental illness. They want a whole list, a whole range of regulations that they would like to roll out in the final days of this administration to limit, to infringe upon our Second Amendment rights. What I am saying is we are not going to stand for that.

The bullet, the round that I am talking about is not an armor-piercing round; it has never been defined as an armor-piercing round, but because of a loophole, this administration tried to ban it as such.

Having said that, I yield the balance of my time to the gentleman from Texas (Mr. CULBERSON), the chairman.

Mr. CULBERSON. I want to express my very strong support for the gentleman's amendment. The gentleman's amendment is necessary because the ATF did come out with a very broad legal framework within which they were attempting to ban not only 223 ammunition, but potentially whole other categories of ammunition, and that is just not what the statute was intended to prevent.

The statute was intended to prevent specific types of armor-piercing bullets from being used in pistols. The ATF was taking that far beyond the statute. It was necessary for—as new committee subcommittee chairman, I was able to step in and persuade the ATF to drop their ammo ban.

Mr. HUDSON's amendment is necessary to make sure it doesn't happen again in the future, and I urge Members to support his amendment in the strongest possible terms to defend our Second Amendment rights.

Mr. HUDSON. Mr. Chair, I yield back the balance of my time.

□ 0020

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

Mr. Chairman, I would just hope that none of my good friends on the other side decide to test this theory about whether or not it can pierce armor, that you don't take the rhetoric to an extreme here. It is a fact that there is some concern about what this means for law enforcement. I know that the majority would want to be seen, and I think truly is, in support of law enforcement.

Why would we want to put this type of ammunition in guns that we want to suppress the sound on, in which we want less information about the purchaser, at a time like this in our Nation I don't actually understand. But there is obviously some thread that

runs through the other team over here that suggests that this is the time for them to proceed along this line. I think that the American public will have to make whatever judgment they want to make about that.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. HUDSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COLLINS OF GEORGIA

Mr. COLLINS of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to provide assistance to a State, or political subdivision of a State, that has in effect any law, policy, or procedure in contravention of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

Mr. COLLINS of Georgia (during the reading). Mr. Chair, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. CULBERSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Mr. CULBERSON. Mr. Chairman, I support the gentleman's amendment, and I withdraw the point of order.

The Acting CHAIR. The point of order is withdrawn.

Mr. FATTAH. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 287, the gentleman from Georgia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. COLLINS of Georgia. Mr. Chairman, I rise today with basically a commonsense amendment on H.R. 2578. I appreciate the hard work that Chairman CULBERSON, Ranking Member FATTAH, and other members of the Appropriations Committee have put into this bill.

This bill contains many important provisions to protect law-abiding Americans and public safety while spending responsibly; however, I want to make it absolutely clear that no funds appropriated under this bill are used to assist States and localities whose laws and policies are in direct contradiction to Federal immigration law and enforcement efforts. My amendment does just that. It ensures that we do not reward State and local governments with Federal funds when they ignore the rule of law.

State and local jurisdictions are implementing policies that directly contradict U.S. Immigration and Customs Enforcement's statutorily mandated mission to identify and remove illegal aliens who are currently incarcerated. At this point, we even have seen some local sheriffs who choose to follow Federal law and honor ICE detainees slapped with lawsuits for cooperating, for following the law.

I know we are late. I know there is some discussion about this, but really this is simple.

Hard-working taxpayers should not have to sit idly by and watch their tax dollars go to localities that choose to encourage illegal immigration through their nonenforcement policies. My amendment sends a clear message that, if localities implement policies in contradiction to Federal immigration law, they will not be eligible to receive funds under this act, specifically Federal reimbursement grants under the State Criminal Alien Assistance Program.

Mr. Chairman, this is an amendment that was offered and accepted last year. We are offering it again and would ask favorable consideration.

With that, I reserve the balance of my time.

The Acting CHAIR. Does the gentleman from Pennsylvania continue to reserve his point of order?

Mr. FATTAH. I would like, at this point, unless there are more comments, to assert the point of order.

The Acting CHAIR. The gentleman from Pennsylvania may state his point of order.

POINT OF ORDER

Mr. FATTAH. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2, rule XXI.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Mr. CULBERSON. Mr. Chairman, I support the amendment.

Mr. COLLINS of Georgia. Mr. Chairman, I will at least respond to the point of order.

This amendment is not in contradiction of current law. In fact, it simply states that the amendment would not allow funds to be used in support of holding up law as it is currently written. This is not a law that is written to circumvent current law. In fact, all it says is that States and localities who receive the money will actually support current law. So I am not sure what the point of order is actually trying to say.

This was put in last year. It was approved. I understand. I appreciate the gentleman's concern. But, basically, we are saying if you enforce the law as it is written, which is all we are asking, then the grant is there. If you choose not to enforce Federal law, then that is money that will be withheld.

The Acting CHAIR. Does the gentleman from Georgia wish to withdraw his amendment?

Mr. COLLINS of Georgia. Not at this point.

Mr. FATTAH. Mr. Chairman, we will respect the ruling of the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

The gentleman from Texas is recognized.

Mr. CULBERSON. Mr. Chairman, I would like to reiterate that I agree with the gentleman from Georgia. This does not change existing law. It simply states that if you expect to receive Federal money, you need to be in compliance with Federal law. It is pretty straight up.

The Acting CHAIR. The Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new determination as to the status of local law.

The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. GRAYSON

Mr. GRAYSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to negotiate or enter into a trade agreement whose negotiating texts are confidential. The limitation described in this section shall not apply in the case of the administration of a tax or tariff.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. GRAYSON. Mr. Chairman, this amendment is akin to an amendment that was considered just a few moments ago offered by Mr. MEADOWS. This amendment is meant to address a problem that has arisen with trade agreements that has become visible to all of us as Members of this august body.

What has happened is that the Trade Representative, for no apparent legal reason, with no apparent legal authority, has taken it upon himself to negotiate trade agreements like the Trans-Pacific Partnership in secret—not entirely in secret, just in secret from us and from members of the American public.

The corresponding provision, the TTIP provision, has been posted by the European Union, which is our negotiating partner in this on the Internet.

The Trans-Pacific Partnership itself has been negotiated in secret, but that has been posted by WikiLeaks, to the embarrassment of our government in an unnecessary manner.

What we have seen over the past several years is that the Trade Representative has turned a deaf ear to our concerns as Members of Congress who

must perform our oversight functions whenever we ask for information about what the Trade Representative is doing on behalf of the American people.

Three years ago, we had the strange circumstance come up that over 100 Members of Congress, 100 Members of this body, wrote a letter to the Trade Representative saying: We hear you are negotiating something called the Trans-Pacific Partnership. Would you please give us a copy?

And the answer came back: No. We are not going to give you a copy.

For the past 5 years, the Trans-Pacific Partnership has been negotiated in secret. Only in the last few months, Members of Congress have been able to see it under the most extreme conditions imaginable. I was actually the first person to be able to see it, and the Trade Representative came to my office with his staff and offered to show it to me, but I couldn't take any notes.

□ 0030

I couldn't discuss it with my own staff. I couldn't even discuss it with other Members of this body. And of course I couldn't make copies or otherwise help myself to record what I had seen, much less speak to my constituents about it, much less speak to the media about it, much less speak to the public about it.

Respectfully, secret laws are un-American laws; secret agreements are un-American agreements. There is no such thing recognized under our Constitution as a "secret statute" or a "secret treaty." But that is, in effect, what we have been experiencing without any legal authority whatsoever on behalf of the Trade Representative.

Now, I am not saying the Trade Representative needs to stop negotiating these agreements; not at all. What I am suggesting is that we lift the veil of secrecy that has been dropped over these negotiations so that we can't see them, the American people can't see them, but foreign governments can see them.

Why is it that we have confidentiality? Why is it that we have a classified information system? Generally speaking, it is not to keep Americans from seeing this information; it is to keep foreigners from seeing this information. And here the world has been turned upside down, and we have a situation where foreigners get to see it, but even the highest members of our own government—our Senators, our Congressmen—we don't get to see it. That is absolutely unacceptable; it is un-American.

The only way to come up with agreements that satisfy the needs of this country is through an open, fair, transparent process. That is what this simple amendment will accomplish. It says: None of the funds made available in this act, which includes funds made to the Trade Representative, may be used to negotiate or enter into a trade agreement whose negotiating texts are confidential.

It is time for a little sunlight. Sunlight is the best disinfectant. It is time for the Members of this body to take control of our constitutional responsibilities, not to let the Trade Representative or any member of the executive branch tell us to stuff it when we need to find out things in order to be able to do our jobs properly.

Wouldn't it be a better system if we were able to tell a trade representative what we think, what our constituents think, what the members of the American public think about these documents before they are simply dropped on us?

This is a simple commonsense amendment. There is no existing legal authority that allows the Trade Representative to do what he has been doing. I say the time is up and we should insist that these agreements, which will determine the course of economic history in America for the next 20 or 30 years, are agreements that are negotiated in public with our approval and with our input.

I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, I claim the time in opposition.

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

Mr. CULBERSON. Mr. Chairman, the gentleman from Florida I know has worked in the past as an attorney and represented clients and undoubtedly has settled cases before. And those settlement agreements, those negotiations, when you were designing those agreements, Mr. GRAYSON, I know were not something that you wanted to disclose. You wanted to negotiate those settlements in private with your client confidentially, because had the world seen what you were working out, that would have damaged your client's ability to negotiate a fair settlement with the other party in the case.

As here, with trade promotion authority, the countries with which the Trade Representative is negotiating, Japan, for example, I doubt the Japanese want the Australians to see what the Japanese are agreeing to. That is just common sense. I doubt that the Koreans want the Japanese to see what the Koreans are attempting to agree to.

So it is perfectly understandable that the agreement itself would be confidential until it is finalized. Members of Congress can go see the agreement, but the Korean-American Trade Agreement is going to be confidential until it is finally settled because Korea doesn't want Japan or Australia or Vietnam to see what they are negotiating, in the same way you did not want your clients, the agreement you were attempting to negotiate on behalf of your client, you didn't want to do that in the open sunshine. Sunshine is a good thing, but there are times when a negotiation like this on a trade agreement is just common sense. You are not going to want the other countries that you are competing against to see what kind of a deal you are fixing to work out with the United States.

The Members of Congress can see it, of course, as we should, and the agreement itself must be available to the public to view 90 days before the President can even sign the agreement, and the Congress is going to have this debate. In fact, I understand that this trade promotion authority agreement that is under discussion, the new law that Congress is proposing, would for the first time give either House of Congress a veto over the agreement with a majority vote. So the House could decide on our own to veto a particular trade agreement by majority vote; the Senate could veto a trade agreement by majority vote.

The only part of the deal so far that is confidential is the ongoing negotiation, which is exactly the way you handled and protected your client's best interest as an attorney. I am quite confident as an attorney you handled your client's litigation in a way that was professional and confidential, and I imagine you never disclosed a pending settlement agreement that was being negotiated, you never released that publicly, did you ever, Mr. GRAYSON?

Mr. GRAYSON. Is the gentleman yielding to me?

Mr. CULBERSON. Did you ever release a negotiated settlement agreement to the public before it was finalized?

Mr. GRAYSON. Is the gentleman yielding to me?

Mr. CULBERSON. No. Answer my question, yes or no.

Mr. GRAYSON. Well, I can't answer your question unless you are going to yield to me.

Mr. CULBERSON. That is why I am asking a question. I am asking you, did you ever release the terms of a settlement agreement you were negotiating before it was final?

The Acting CHAIR. The gentleman from Texas controls the time.

Mr. CULBERSON. Yes. And I am asking a question.

I was an attorney myself. I defended businesses in civil litigation, and any settlement agreement that we worked on was done confidentially. And I would ask Mr. GRAYSON, did you ever disclose a confidential settlement negotiation publicly when you were negotiating on behalf of your client?

Mr. GRAYSON. Is the gentleman yielding the balance of his time to me?

Mr. CULBERSON. No, I am not yielding the balance of my time. I am just asking a question.

I am quite confident Mr. GRAYSON always kept those negotiations secret. That is all that is being kept secret here. And it is actually not secret because Members of Congress can go read the text of the trade agreement that is being negotiated. And if any of us have any sort of an objection, that is a good time to raise it, to tell the Trade Representative that we think this or that provision is going to either be in violation of Federal law or cause a problem for American industry and we think you ought to drop it.

So you have actually got an opportunity to have your 2 cents' worth heard during the course of the negotiation. So I would urge Members to oppose Mr. GRAYSON's amendment for the same reason that Mr. GRAYSON always kept his settlement negotiations confidential on behalf of his clients.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from Florida has 15 seconds remaining. The gentleman from Texas has 30 seconds remaining.

Mr. GRAYSON. Mr. Chairman, I ask unanimous consent for another minute beyond my 15 seconds.

Mr. CULBERSON. I object. We are limited to 5 minutes and it is 12:30 at night.

The Acting CHAIR. There is an objection. The gentleman has 15 seconds.

Mr. GRAYSON. First of all, I represent the American public here, not the American private. When I was an attorney, I represented private interest, just as you did. Now I represent the public. The reason we refer to the American public as the public is because the public's business needs to be public. That means no secret negotiations, no secret acts, no secret agreements, nothing but the public interest in public.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CULBERSON. Mr. Chairman, I think Mr. GRAYSON's answer confirms that he did not ever disclose a negotiated settlement before it was final, and that is just common sense. And here, under trade promotion authority, the trade agreement, as it is being negotiated, needs to be kept confidential. But any Member of Congress can go in and see it and have our voices heard, object, suggest changes to it, as it is being negotiated. And then once it is finalized the text must be made available to the public 90 days before the President signs the agreement, and then either House of Congress can void the agreement by a majority vote. We are going to have this debate, and I urge Members to oppose this amendment.

I yield back the balance of my time.

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

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

Mr. GRAYSON. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. ROHRBACHER

Mr. ROHRBACHER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act to the Department of Justice

may be used, with respect to any of the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin, or with respect to either the District of Columbia or Guam, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

Mr. ROHRBACHER (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading of the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

□ 0040

Mr. ROHRBACHER. Mr. Chairman, I yield myself 2 minutes.

Today, I ask my colleagues to make a practical as well as a principled vote. My amendment would prohibit any Federal funds from being used to supersede State law in those States that have legalized the use of medical marijuana.

Let's be clear. The intent of this amendment is to make it illegal for Federal employees to engage in efforts to enforce Federal law that makes the medical use or distribution of medical marijuana illegal in States where the use of marijuana for medical purposes has been made legal.

The practical aspect of this vote is based on the realization that, at a time of severely limited resources, it makes sense to target terrorists, criminals, and other threats to the American people rather than use Federal law enforcement resources to prevent suffering and sick people from using a weed that may or may not alleviate their suffering.

There are many examples—yes, anecdotal—in which the use of marijuana has helped end severe suffering.

Trying to prevent this use of marijuana once it has been legalized by a State government is a travesty, an inexcusable waste of our limited resources. That is the practical reason to vote for my amendment.

As for the principle, we Republicans claim to base our decisions on individual freedom, on states' rights as mandated by the 10th Amendment to the Constitution, and especially on the doctor-patient relationship.

Don't bother to use rhetoric about those principles on other issues if you vote for the Federal Government to supersede individual rights, states' rights, and the doctor-patient relationship when it comes to marijuana.

The Acting CHAIR. The time of the gentleman has expired.

Mr. ROHRABACHER. I yield myself 10 seconds.

Stop this waste of limited Federal law enforcement resources. Stop the roughshod use of the Federal bureaucracy from busting down doors to prevent sick people from using a substance that his or her doctor believes might alleviate his or her pain.

Vote for the Rohrabacher amendment.

The Acting CHAIR. The time of the gentleman has again expired.

Mr. FLEMING. Mr. Chairman, I rise in opposition to the gentleman's amendment.

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

Mr. FLEMING. Mr. Chairman, I yield myself 1 minute.

First of all, I hear constantly of this idea about individual rights, about the 10th Amendment, et cetera. This was all settled back in 2005 in the Supreme Court with *Gonzales v. Raich*, which was a 6-3 victory in favor of the government's having preemptive rights when it comes to the drug laws, the CSA. That has been settled. We can claim this over and over again, but bring it back to the Court and see if you can change that.

Now, how is this affecting us in real life? It is now legal in Colorado, but Nebraska and Oklahoma are now suing Colorado. Why? It is because of all of the problems that are developing across the State borders—again, interstate commerce, a big problem.

Let's talk about the huge problem that marijuana represents. First of all, it has no accepted medical use.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FLEMING. I yield myself an additional 30 seconds.

There are synthetic marijuana equivalents that are useful—yes, indeed—but the drug itself, which is the smokeable part of it, is not safe and has not been accepted.

Here is the thing. It is known to have brain development alterations; schizophrenia and other forms of mental illness, psychosis; heart complications; and an increased risk of stroke.

A study recently found that even casual users experience severe brain abnormalities found on MRIs and that pot smoking leads to the loss of ambition; to lower IQs; and that it impairs attention, judgment, memory, and many other things.

I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, Congress needs to represent the States that they were elected in. It is time that we represent them here in the United States Congress to allow medical marijuana laws in those States that have been approved by the voters and approved by their legislatures—39 States, the Dis-

trict of Columbia, and Guam. That is 41 total, the majority of the American population. It is a states' rights issue.

Support this amendment.

Mr. FLEMING. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Louisiana has 3½ minutes remaining, and the gentleman from California has 2¼ minutes remaining.

Mr. FLEMING. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, the supporters of this amendment claim that this is a states' rights issue. However, it is not that simple, not hardly. Drug manufacture and use is inherently an interstate problem.

For example, we need look no further than at one of the two States where marijuana has been legalized. The Colorado Department of Revenue has reported that 45 percent of marijuana sales in the State were to out-of-State ID holders.

Indeed, earlier this year, Colorado Governor Hickenlooper said, "If I could've waved a wand the day after the election, I would have reversed the election and said, 'This was a bad idea.'"

In fact, Colorado is now being sued by Nebraska and Oklahoma, which claim Colorado has created a "dangerous gap" in the control of marijuana and that marijuana is flowing from Colorado to neighboring States.

However, Mr. Chairman, of far greater concern to me is the increased availability of marijuana to children, which will inevitably result from a loosening of restrictions on this dangerous drug.

Though my colleagues may not like it, marijuana remains a schedule I narcotic because it has a high potential for abuse and no legitimate medical use. In fact, Mr. Chairman, statistics show that 78 percent of the 2.4 million people who began using marijuana last year were aged 12 to 20.

There is little doubt that this drug poses a significant danger to our children, and I urge a "no" vote on this amendment.

Mr. ROHRABACHER. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. LEE).

Ms. LEE. I want to thank the gentleman for yielding and for his leadership on this amendment.

Mr. Chairman, of course, I rise in support of this bipartisan amendment.

In States with medical marijuana laws, patients now face uncertainty regarding their treatment, and small-business owners, who have invested millions in creating jobs and revenue, have no assurances for the future.

It is way past the time for the Justice Department to stop its unwarranted persecution of medical marijuana and to put its resources where they are truly needed. There is no way that Members of Congress should tell people who live in States where these laws have been passed that what their doctors prescribe, which could prevent pain, should not be allowed.

Mr. ROHRABACHER. Mr. Chairman, I yield 30 seconds to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I appreciate the time, and I appreciate all of the work that Mr. ROHRABACHER and Mr. FARR have done, and I am happy to join with them.

Mr. Chairman, Justice Brandeis said the States are the laboratories of democracy. That is what they are doing here. Some of the arguments we have heard are "Reefer Madness" 2015. It is over. One of the gentlemen said children are doing marijuana at age 12. That will show you how good the laws are doing right now.

If we had more money going into heroin and not marijuana, we could stop people from dying, and that is what we should be doing. Tell Montel Williams, who has MS, that marijuana doesn't work. Tell cancer patients that it doesn't help them with nausea. Tell people that it doesn't work.

It works. It helps. It is the States.

Mr. ROHRABACHER. Mr. Chairman, I yield 30 seconds to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, by the way it has been talked about by some on the other side, to be clear, this amendment does not legalize marijuana. It simply ensures that the Federal Government doesn't waste its limited resources in prosecuting men and women who are acting in compliance with State and medical marijuana laws. That is all it does.

It is very reasonable that States have enforcement priorities in this area, and we want our Federal resources geared towards crime that we view as more important. Have them go after the meth lab. Have them go after the heroin ring.

□ 0050

Colorado has had legal medical marijuana for nearly a decade. Some in our State are for it; some are against it. It is our right as a State to determine that. That is why I support this amendment.

Mr. ROHRABACHER. I yield 30 seconds to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Chairman, this amendment is about standing up for states' rights and protecting businesses, doctors, and patients who are acting legally under the medical marijuana laws of some 41 States and territories, including Nevada. Congress needs to catch up with State legislatures, and the Federal Government needs to stop wasting money busting good citizens who are trying to do the right thing.

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

Mr. ROHRABACHER. Mr. Chair, who has the right to close?

The Acting CHAIR. The gentleman from California has the right to close.

Mr. ROHRABACHER. That is correct. I reserve the balance of my time.

Mr. FLEMING. May I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from Louisiana has 2 minutes remaining, and the gentleman from California has 15 seconds remaining.

Mr. FLEMING. Let me say, first of all, this whole idea of medical marijuana is a big joke. It is an end run around the laws. There are more pot shops in California than there are Starbucks or McDonald's; okay?

Now, is it really a medical treatment? Well, the AMA says no. The American Society of Addiction Medicine says no. Even the American Glaucoma Society, which is of course in charge of glaucoma treatment, says that this is not a medical treatment for glaucoma. So there is no single approved use of marijuana for medical diseases.

The whole idea about medical marijuana is to get around the laws on legalization or illegalization of marijuana. But make no mistake about it, the most common addiction diagnosis for young people admitted to drug treatment centers is addiction to marijuana. The rate is 9 percent addiction rate in adults; it is 17 percent in young people.

We all know the studies show very clearly that the States that are more permissive have higher addiction and abuse rates than any others. We also know that NIDA tells us that it is a developmental disease. What does that mean? It means the younger a child is exposed to it, the more likely that child will later become an addict to something else, like methamphetamine, prescription drugs, heroin. So if you support this, which is really the legalization of marijuana, then you are really supporting allowing our children to be harmed and addicted to this terrible drug.

Now, I am all in favor of research, and we are in discussions with DEA about allowing it in some way, whether we go to a 1a category to allow such research. Some suggest that it may have some benefit for seizures. That is yet to be seen. Some suggest that it may be beneficial to those who have spastic muscle disease, but there is absolutely no proof of that.

So with that, I urge everyone to oppose this amendment.

I yield back the balance of my time.

Mr. FATTAH. Mr. Chair, I move to strike the last word.

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

Mr. FATTAH. Mr. Chairman, notwithstanding the doctor's remarks, the truth is that almost no research has been put into marijuana in terms of its medical efficacy. You have epilepsy and a whole host.

Mr. FLEMING. Will the gentleman yield on that?

Mr. FATTAH. I yield to the gentleman from Louisiana.

Mr. FLEMING. Okay. I am not going to dominate the gentleman's time.

This has been under study for over 40 years. My university, the University of

Mississippi, has been legally growing pot for over 40 years and studying it, so it has been studied.

Mr. FATTAH. Reclaiming my time, I know a little bit about this subject. The bottom line is that in terms of its medical viability, in terms of epilepsy and a lot of other issues, there is some need for a real study of this, not just about the way that we have proceeded so far. I think that this amendment and what is happening in the States should be allowed to go forward.

I yield 1½ minutes to my colleague from California (Mr. ROHRABACHER) for an opportunity to close on this subject. At that point then I would yield back the remainder of my time.

The Acting CHAIR. The gentleman may not yield blocks of time and must remain on his feet.

Mr. FATTAH. I yield 1½ minutes to Mr. ROHRABACHER.

The Acting CHAIR. The gentleman may not yield blocks of time.

Mr. FATTAH. I yield such time as he may consume, as long as he doesn't go over 1½ minutes.

Mr. ROHRABACHER. I appreciate that from my colleague.

Look, our Founding Fathers didn't want criminal justice to be handled by the Federal Government. I don't know what government you want to have in our country, but most of us here don't believe that the Federal Government—neither did our Founding Fathers—is an all-wise system, that the Federal Government is the only government that has wisdom to make the decisions for the families.

This is absolutely absurd to think that the Federal Government is going to mandate all of these things even though the people of the States and other doctors, many other doctors, would like to have the right to prescribe to their patients what they think is going to alleviate their suffering. No, we should not get in the way. As I said in the first debate, it is sinful for us to try to get in the way between a doctor and his patient, saying, Oh, no, the Federal Government knows better.

This is a states' rights issue. This is the issue of what our Founding Fathers had in mind for this country, where the decisions would be made like this. They didn't want the Federal Government to have a police force that can bust in people's doors. No. They wanted to have individual freedom, personal choice. They want parents to take care of their kids. They didn't want an all-controlling nanny State to control our lives. That is what this country was supposed to be all about. I thought that is what Republicans were supposed to be all about, and I hope my Republican colleagues will start reexamining whether or not they believe in the fundamental principles of limited government and individual freedom that we have always talked about.

So I would ask my colleagues to join me, reaffirm what our Founding Fathers had in mind, which is freedom,

states' rights, limited government, and people making choices about their own lives and being responsible for their families and not shoving that off on the Federal Government.

Mr. FATTAH. Reclaiming the balance of my time, I think I hear that echo again about the right to be left alone.

I yield back the balance of my time.

Mr. ROHRABACHER. Let me just say this. I just wish you would have talked to the very doctors and people I know that have been suffering, and they have gone to their doctor and asked for help, and the doctors have said, "Yes, medical marijuana will help you"—to believe that the Federal Government can stop that.

I have met people whose suffering has been alleviated. Some veterans I know have gone through seizure after seizure, and they were only helped by medical marijuana. If we have a heart, if we have our beliefs, let's make sure that we stand for freedom in this vote.

I yield back the balance of my time.

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

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

Mr. FLEMING. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. GRAYSON

Mr. GRAYSON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to compel a person to testify about information or sources that the person states in a motion to quash the subpoena that he has obtained as a journalist or reporter and that he regards as confidential.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. GRAYSON. Mr. Chairman, this amendment has nothing to do with medical marijuana. It was passed last year by a vote of this body of 225-183; in other words, it passed by a majority of 42 votes.

□ 0100

The purpose of this amendment is to raise the possibility of a Federal shield law that corresponds to protections already in place in 49 States but not at the level of the Federal Government.

Again, to be clear about this, 49 States have a Federal shield law. The Federal Government does not—at least up to this point.

A shield law is designed to protect a reporter's privilege: the right of news reporters to refuse to testify on information and sources of information obtained during the news gathering and dissemination process. In short, a reporter should not be forced to reveal his or her sources under penalty of imprisonment.

This issue has come up in court cases at the Federal level and the Supreme Court level, beginning with the 1972 case of *Branzburg v. Hayes*. In that case, a reporter wished to inform his readers about the nature of the drug hashish, and he realized that the only way to go about that was to actually find and interview people who had actually used the drug hashish, so he did that.

After he published his article, relying upon two confidential sources, he was subpoenaed by the police to provide his sources so that they could be arrested, compromising their identity and compromising his journalistic integrity. So he was forced to choose whether he would conceal his sources and go to prison or he would reveal his sources and have them go to prison, simply because he wanted to inform the public about this matter of concern.

Some of us may remember the case of Valerie Plame, who was publicly identified as a covert operative. Reporters were continually asked to name the sources used in their reporting, and one reporter was jailed for 85 days for refusing to disclose sources in that government probe.

At this point, under current law, journalists are in a quandary—an unnecessary and unhealthy quandary. They realize that they need to protect their sources, but that right is codified only at the State level and not yet at the Federal level.

So what I am seeking to do, as I did last year with the assistance of this House, is to offer the journalists the protection they should have in order to do their jobs properly.

Freedom of the press is not just an important principle, but it is part of the foundation of American law. The Constitution and the First Amendment provide for freedom of speech and of the press. It is completely incongruous to say that we have freedom of the press, but the Federal Government could nevertheless subpoena sources and put reporters in prison if they don't comply.

I think that we should have settled this issue years if not decades ago. We did settle it last year successfully in this body, but we are here today to try to address it once more.

Respectfully, I submit this amendment as a much-needed and long delayed clarification that the Federal Government treats the issue of freedom of the press just as respectfully and just as importantly as the great majority of our States do—49 out of 50.

I ask for support of this amendment from my esteemed colleague, the gentleman from the Seventh District of

Texas, and I reserve the balance of my time.

Mr. CULBERSON. I claim the time in opposition.

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

Mr. CULBERSON. I urge my colleagues to oppose this amendment. It is drafted far too broadly. And I would point out that in a grand jury proceeding—those that occur in the District of Columbia, for example, are done under the auspices of the Department of Justice, and that is a Federal grand jury proceeding. A journalist would not have the privilege of protecting the confidentiality of his sources because in a grand jury everything that is discussed is absolutely confidential.

I also, frankly, think it is astonishing that under Mr. GRAYSON's amendment a journalist has the ability to self-certify what is confidential and what is not. I certainly agree with the principle of a strong and free press, but Mr. GRAYSON's amendment is written far too broadly and, frankly, would not provide protection to a journalist in a grand jury setting. I think he has neglected that problem.

I yield to the gentleman from Virginia (Mr. GOODLATTE), the chair of the Judiciary Committee, to also speak in opposition to this amendment.

Mr. GOODLATTE. I want to thank the chairman of the subcommittee for joining me in opposition to this amendment.

Shield laws for reporters are not a bad concept at all, but this is hardly the way to go about doing it. No State has a law like this language here, where it is so vague that virtually anyone in the United States claiming to be a journalist or reporter—and, by the way, nowadays, when lots of people maintain blogs or posts on the Internet, they could easily claim to be a journalist or reporter—would be covered by this.

So no one intends to have that broad an exception that would allow anyone to evade the requirements that they respond to a legitimate subpoena for investigation by law enforcement, a violation of the law.

This is far too broad. It is something that clearly should be handled by the authorizing committee, the Judiciary Committee, which worked on this for a long period of time and has struggled with that very definition of journalist or reporter that the gentleman from Florida simply glosses over in this.

And then, to give further exception to simply say that that individual who first claims they are a journalist or reporter and then says, Oh, yeah, that is confidential, that would breed criminal misconduct because criminals would be before the court claiming that they were reporters and that they regarded their information as confidential and, therefore, do not have to respond to a subpoena.

This is a very harmful, very bad way to go about providing protection to le-

gitimate journalists and reporters and should be defeated. I urge my colleagues to join me in voting against it.

Mr. GRAYSON. This is the same parade of horrors that we heard last year before this body voted in favor of the Grayson amendment. It is almost the same, word for word.

Last year, we heard that this somehow would allow people to self-certify. Well, in fact, anybody who self-certifies falsely in front of a grand jury is looking at a lot more than 83 days in jail. They are looking at 5 years in Federal prison. They would be prosecuted for perjury if they claimed to be a journalist and weren't actually a journalist—a fact that I pointed out last year before this amendment was actually passed.

I also want to point out that there is no distinction between a grand jury and an actual jury for this purpose. Forty-nine States all agree that there is no distinction whatsoever. So it is simply false to say that this doesn't apply to grand jury proceedings. It certainly would apply and does apply to all grand jury proceedings at the State level.

And there is nothing vague about this provision at all. In fact, the wording that has been referred to here, that the information has been attained as a journalist or reporter, is exactly the same wording that was in the Grayson amendment last year that passed with a margin of 42 votes.

So none of these old attacks, these unsuccessful attacks, are anything new and deserve any more credence than they received from a majority of this body last year.

I yield back the balance of my time. Mr. CULBERSON. Mr. Chairman, with that, I would urge Members to oppose the amendment and urge Members to vote "no", and I yield back the balance of my time.

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

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

Mr. GRAYSON. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. MCLINTOCK

Mr. MCLINTOCK. Mr. Chairman, I have an amendment at the desk that I offer with the gentleman from Colorado (Mr. POLIS).

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi,

Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of marijuana on non-Federal lands within their respective jurisdictions.

Mr. McCLINTOCK (during the reading). Mr. Chair, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. McCLINTOCK. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment is not an endorsement of marijuana. I have never used it. My wife and I raised our children never to use it. And I believe that local schools ought to assure that every American is aware of the risks and dangers that it may pose.

This amendment addresses a much larger question: whether the Federal Government has the constitutional authority to dictate a policy to States on matters that occur strictly within their own borders. I believe that it does not. But even if it does, I believe that it should not.

In 1932, Supreme Court Justice Louis Brandeis described the beauty of the 10th Amendment this way. He said: "A State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country."

□ 0110

That is exactly what States like Colorado and Oregon have done with legalization and what many more have done with aspects of it. They believe that the harm that might be done by easier access to this drug is outweighed by removing the violent underground economy that is caused by prohibition.

I don't know if they are right or wrong, but I would like to find out, and their experiment will inform the rest of the country.

Now, the Federal Government has a legitimate authority to protect neighboring States by forbidding transport across State lines, which this amendment protects; but, at the same time, it protects the right of a State's citizens to make this decision within their own boundaries.

It is not necessary to become embroiled in the debate over marijuana. These States are having that debate and establishing their laws.

The question is over the right of their people to have these debates, to make these decisions, and for the rest of the Nation to observe and benefit from the outcome for good or ill.

I reserve the balance of my time.

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

The Acting CHAIR. The Chair recognizes the gentleman from Louisiana for 5 minutes.

Mr. FLEMING. Mr. Chair, I yield myself 2 minutes.

My friend Mr. McCLINTOCK makes the point that this should be an experiment within the States, and certainly, that is something that has been a long-held goal and value, but we already have that ongoing.

Today, Colorado, as everyone knows, has legalization of marijuana, notwithstanding what is going on with the Federal Government and its laws, and the information is rolling in, and the information is bad. The black market is worse than ever when it comes to drugs. Interstate commerce has increased, not decreased.

Again, as I stated before, two States, Oklahoma and Nebraska, are now suing Colorado over the bleedover of problems that are occurring. The strength of marijuana is much stronger today in Colorado than it has ever been. The problems are much worse. We are actually seeing related deaths, accidents; and we have even had an overdose death now with the stronger forms of marijuana.

Look, if this is about allowing doctors to work with their patients, let's admit it. We don't allow, as a society, doctors to just do anything with any patient. We do have some guidelines and restrictions.

Furthermore, children are the end result of bad decisions in all this. We know that the more it is in the homes, the more it is going to get into the brains and bloodstream of children.

Again, I will mention the number of problems that are developing from it are growing, mostly from what we are seeing in Colorado. Studies show that MRI scans show, even in casual users, profound brain changes. We see that the area that deals with ambition is being greatly affected, thus, the ambition killer sort of knowledge that we have and understand about this drug.

IQ, studies show a lowering of IQ.

The Acting CHAIR. The time of the gentleman has expired.

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

Mr. McCLINTOCK. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Colorado (Mr. POLIS), the cosponsor of this amendment.

Mr. POLIS. I thank the gentleman from California for bringing forward this amendment.

I say to my friend, the gentleman from Louisiana, I am actually from Colorado, and I don't recognize the Colorado that you are talking about.

I come from the Colorado where underage marijuana use is down since legalization. I am from the Colorado where we have driven criminal cartels that seek to prey on our children every day out of business.

I am from the Colorado where our violent crime rates are down and where

we continue to regulate dispensaries to make sure they are not schools; rather than have a corner street dealer who doesn't care if they are selling to a 14-year-old, we moved that away and regulated it in a way to make sure that minors don't have access to marijuana. That is the Colorado that I am from. I welcome you to come visit. I welcome you to visit.

You know what, I don't have to convince you. I don't have to convince the State of Louisiana that they should do anything. I just wish that you would leave my sovereign State of Colorado alone.

Let our people and our State government decide what we want to do with regard to marijuana, rather than the Federal agents going around trying to arrest people for doing activities that are fully legal under State law. That is all I ask.

I am not going to send Federal troops into Louisiana to arrest people from whatever you do down there, smoking crayfish. You want me to ban that and send Federal troops down there? I bet maybe smoking crayfish ain't good for you. I don't know. What if it is fried? It might clog your arteries, huh? I bet that is not good for you.

You want me to send Federal troops down there? Is that what you want? Do you want me to send Federal troops to Louisiana to stop you from eating fried crayfish?

Mr. FLEMING. Will the gentleman yield?

Mr. POLIS. Yeah, I would like your answer. Yes or no?

The Acting CHAIR. The gentleman will suspend.

All Members are reminded to direct their remarks to the Chair.

Mr. POLIS. Mr. Chairman, I would like to inquire of the gentleman from Louisiana if he wants us to send Federal troops to Louisiana to stop them from eating fried crayfish. I am happy to yield for an answer.

Mr. FLEMING. If the gentleman is yielding to me, I would point out that the Colorado he describes does not exist.

Mr. POLIS. Reclaiming my time, I am from Colorado. I know Colorado inside and out, and we have been tremendously successful in reducing the abuse of marijuana among minors.

Again, it shouldn't be up to us to convince him, just as I don't have to eat their darn fried crayfish—I don't want it. I don't want it. Get the Federal law enforcement apparatus to leave our State alone.

That is all this amendment does, is respect the sovereign will of the people of my great State of Colorado to have innovative policies to reduce the abuse of marijuana.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FLEMING. Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman from Louisiana has 3 minutes remaining. The gentleman from California has 1¼ minutes remaining.

Mr. FLEMING. I yield myself another minute.

What we are finding out from Colorado, we are learning a lot of lessons. One is the way that marijuana is now getting into baked goods, gummy bears. There is a huge spike in emergency room visits, children who are overdosing on marijuana.

Know that if you look, if you actually read what the media says and what the studies show is there are increasing problems in Colorado, not decreasing problems.

Mr. POLIS. Will the gentleman yield?

Mr. FLEMING. I'm sorry, but I can't yield.

Mr. POLIS. The gentleman is inaccurate with regard to his characterization of my State.

The Acting CHAIR. The gentleman will suspend. It is the gentleman from Louisiana's time.

Mr. POLIS. Parliamentary inquiry.

The Acting CHAIR. Does the gentleman from Louisiana yield for a parliamentary inquiry?

Mr. FLEMING. I do not yield.

The Acting CHAIR. The gentleman does not yield. The time is controlled by the gentleman from Louisiana.

Mr. FLEMING. Back to the constitutionality, we may all have different opinions about this, but it has been settled.

The Supreme Court in 2005, *Gonzales v. Raich*, 6–3, said that the Federal Government does have a right to enforce drug policies and for good reason because we know that drugs cross State lines. It is an interstate commerce issue. What happens in one State affects the other States.

The Acting CHAIR. The time of the gentleman has expired.

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

Mr. MCCLINTOCK. Mr. Chairman, the arguments we are hearing from Mr. FLEMING are the arguments that ought to be heard in the States. I would remind him this measure does not affect marijuana laws involving any conceivable Federal jurisdiction.

It does not affect Federal districts or territories. It does not affect Federal jurisdiction over interstate commerce, including the Federal Government's responsibility to interdict transport among States.

It does not affect the Federal jurisdiction over Federal land. It does not affect Federal jurisdiction over the importation of marijuana from abroad. It only affects jurisdiction that is strictly and solely the rightful province of the States as pertains to their affairs strictly and solely within their own borders.

At some point, Mr. Chairman, we must ask ourselves: Do we believe in the 10th Amendment or do we not? Do we believe in federalism or do we not? Do we believe in the architecture of our Constitution or do we not? Do we believe in freedom or do we not?

I yield back the balance of my time.

Mr. FLEMING. Mr. Chairman, how much time do I have?

The Acting CHAIR. The gentleman from Louisiana has 2 minutes remaining.

Mr. FLEMING. And who has the right to close?

The Acting CHAIR. The gentleman from Louisiana has the only time remaining. The gentleman from California yielded back the balance of his time.

Mr. FLEMING. Again, my good friend from California would suggest that, really, Federal laws have no application, that we should just turn all laws and law enforcement over to the States. That simply isn't the case.

Again, yes, the Federal Government does have jurisdiction. It is called the CSA, the Controlled Substances Act, and it has been around for a long time, and it is enforced by the DEA and many other agencies. I would just say that the gentleman is just flat wrong on that and that the Supreme Court came down on my side.

Again, we can have different opinions, but that is where we are today. I would suggest that perhaps we get the Supreme Court to rule differently if we believe differently.

□ 0120

But again, what is important to me is not the law. What is important to me is what is happening to the children of our Nation, especially Colorado: overdoses, brain changes, loss of IQ, memory loss, and cognitive impairment.

Marijuana smoke has four times the tar of cigarette smoke. Who really believes that we are not going to see an epidemic down the road of lung cancer related to marijuana?

As far as use for medical purposes, again, we don't have a single approved specific use of marijuana for medical purposes. And for heaven's sakes, we know that up to 17 percent of people who use it become addicted to it. So the first rule for us as physicians—and I have been a doctor for 40 years—is first do no harm. Well, we are doing a lot of harm with marijuana by legalizing it and liberalizing its use.

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

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

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

Mr. MCCLINTOCK. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. PERRY

Mr. PERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to take any action to prevent a State from implementing any law that makes it lawful to possess, distribute, or use cannabidiol or cannabidiol oil.

Mr. PERRY (during the reading). Mr. Chair, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Pennsylvania and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

Mr. Chairman, it is important to talk about what this amendment is not, as much as to talk about what it is. This amendment in no way federally legalizes marijuana. It does not allow for the recreational use of marijuana, and I maintain that I am still opposed to the recreational use of marijuana. What it does is it simply prevents the Federal Government from interfering in States that have legalized CBD and CBD oil.

CBD—cannabidiol is how you pronounce it—is an extract from hemp. CBD oil has been known to reduce the amount or duration of seizures in those suffering from epilepsy or other seizure disorders. CBD oil contains no THC, the active psychotropic ingredient that makes people high. It contains none.

Numerous families in my district have children with epilepsy, and they are out of options. They have tried all the FDA-approved drugs, and they sit and they watch their children fade away. And that is their option. They can either do that, they can break the law, or they can move somewhere where they can get CBD. Some have had to move to States where it is legal. They have had to split their families apart to care for their children.

Mr. Chairman, 17 States—most recently, Texas, where the good chairman resides—have legalized CBD. These States have made the choice to help children with epilepsy and seizure disorders. Parents who want to treat their children should not be hindered by Federal prohibition.

With that, Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. DOLD), my good friend.

Mr. DOLD. Mr. Chairman, I want to thank my good friend from Pennsylvania.

Mr. Chairman, last week I had an opportunity to sit down with Sophie Weiss, an inspiring young girl from Illinois. In many ways she is a very normal girl who enjoys spending her days playing with her sisters, but she also suffers from a severe form of epilepsy

that does not allow her to respond to the traditional medication. Because of this, she suffers through upwards of 200 seizures each and every day. Mr. Chairman, she can't read. She is 9 years old. Her 6-year-old sister reads to her. She can't do this because she blacks out and she seizes hundreds of times each and every day.

Unfortunately, Sophie's story is not unique, and there are girls just like Sophie in every State and every district across our country.

Mr. Chairman, we have already found lifesaving seizure relief for some families. In Illinois, CBD oil is legal and has shown to drastically reduce the frequency of seizures. But because of antiquated laws and Federal bureaucracy, this relief is unavailable to many.

Over and over again, the Federal Government has stood in the way of access to lifesaving care for these children. Why would we allow even one child, Mr. Chairman, to suffer while waiting for other options to be approved? If this natural therapy can help even one family, ensuring access to it is a must.

Mr. Chairman, I came to Washington to fight for commonsense, bipartisan reform that will improve the day-to-day lives of the people that I represent, and that is exactly what this amendment does. Quite simply, it ensures that States that already have legalized CBD oil can do so without Federal interference.

Helping these families is a reform that we should all be able to get behind. Regardless of political party, we can agree that the government's role is not to prevent families from getting access to lifesaving treatment.

Mr. Chairman, as a father looking at these children who suffer from thousands of seizures, who literally can't live their lives normally, is something that we can and must change. This amendment offers hope to thousands of individuals and their families, and I urge my colleagues to help children like Sophie in their districts by adopting this commonsense amendment.

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

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

Mr. FLEMING. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, some of the things that have been said about this are quite true. First of all, it is pronounced—I can't even say it myself. We will say CBD oil for short.

It is not psychoactive, although it is an extract from the plant of marijuana. There have been anecdotal reports that it reduces seizures in kids who have severe seizure disorders, so-called Charlotte's Web. It is actually on fast-track evaluation by the FDA both for safety and for effectiveness. Actually, the early reports are disappointing. Despite the anecdotal reports, they are not finding, thus far, the benefits that have been promised. Also, they are

finding, in some cases, pretty severe side effects.

One of the things that hasn't been discussed on this issue is, just as we don't allow people or encourage people, at least, to eat mold in order to get penicillin as an antibiotic for disease, it doesn't make any sense to give a raw plant as a medication. What we do in health care by using the scientific method is to extract the component, make sure we have a precise measurement, fully study it for safety and for efficaciousness, and then we prescribe it under the direction of a physician.

The CBD oil right now is not being produced. It is not in a pill or injectable form or even in a liquid form. It is sort of grown on the side, and people are sort of experimenting with it to see whether it works.

What I would say to my colleagues is let's let this thing play out. Let the FDA finish its fast-track evaluation. If they find it to be efficacious and safe, let them put it in the proper measurement form. Let's make sure we know what all the side effects are. As far as I am concerned, we would make it a nonscheduled drug.

Mr. Chairman, I reserve the balance of my time.

Mr. PERRY. Mr. Chairman, may I inquire as to how much time is remaining.

The Acting CHAIR. The gentleman from Pennsylvania has 1 minute remaining. The gentleman from Louisiana has 3 minutes remaining.

Mr. PERRY. Mr. Chairman, I reserve the balance of my time.

Mr. FLEMING. Mr. Chairman, I continue to reserve the balance of my time.

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

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

Mr. FATTAH. Mr. Chairman, I rise in support of the amendment offered by my colleague from Pennsylvania.

Again, I think this is a similar thrust to the previous debate, so I won't prolong it. But we need to be exploring relief for families in which no other relief is available and for individuals in which no other relief is available. This provides an opportunity for potential relief. We should explore it.

Mr. Chairman, I thank the gentleman for offering the amendment, and I yield back the balance of my time.

The Acting CHAIR. The gentleman from Pennsylvania has the right to close.

Mr. PERRY. Mr. Chairman, I reserve the balance of my time.

Mr. FLEMING. Mr. Chairman, what my colleagues are suggesting here is that we just pull a plant from someplace or something off the shelf and we give it to children, something that has not been a practice in probably 100 years.

□ 0130

We just don't do it that way. That is why we spend millions, if not billions,

of dollars of research to be sure that what we give the public is going to be healthy for them and safe for them.

You may recall a drug that was prescribed for pregnancy, nausea and pregnancy, which was approved back in Europe but not approved here, and we found out that babies were born without arms and legs as a result. Saving children in America—why? Because we waited to be sure that not only was it efficacious, but it was safe.

So I would say to my friends, my heart is in the same place. I want to see treatment for children who may have severe seizure disorders. We have it on a fast track. We may be months away.

But I don't think turning this over to parents and others who may fiddle with it and experiment with it, in essence, making our children guinea pigs, is the right way to go.

There are centers that are doing these studies, and certainly children can go and talk to those doctors, get on their studies, and get the trials. But I would again warn people that the preliminary results are not good, and in some cases we are seeing adverse side effects.

So I think we need to stay with the scientific method. We need to stay with the discipline that has made us the leader in the world when it comes to health care. We should not depart from something that has been proven right.

I yield back the balance of my time.

Mr. PERRY. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. AUSTIN SCOTT), my friend.

Mr. AUSTIN SCOTT of Georgia. Mr. Chairman, I just want to thank Mr. PERRY for his work on this.

I have a friend in my district who has been seen on TV many times because they have to carry their child to Colorado for this treatment. And I have had extensive discussions not only with people in Georgia who need this treatment for their kids, but with the sheriffs of my district as well. I certainly wouldn't support the cannabis oil and the use of cannabis oil and those type of things if my local sheriffs were not in favor of it.

You might be interested to know that the Georgia Sheriffs' Association actually endorsed a piece of legislation a couple of years ago that would allow the use of cannabis oil for these children with seizures.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PERRY. Mr. Chairman, some things have been said about the side effects of this. These are not the same side effects as with people who smoke marijuana. This is not smoke. This is an oil extract, usually given with the care of a doctor. It is not some weed grown along the road; it is actually classified in the therapeutic temp category because the plant has very scientific properties.

I understand and I respect the gentleman from Louisiana very much. When he says that he is concerned

about the side effects for these children, understand children are in hospice, they are looking at their final days, their parents are looking at their final days. They take the oil extract and they start on the road to recovery. The side effect is the choice of death or life.

I yield back the balance of my time.

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

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

Mr. PERRY. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. PERRY

Mr. PERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used to implement the United States Global Climate Research Program's National Climate Assessment, the Intergovernmental Panel on Climate Change's Fifth Assessment Report, the United Nation's Agenda 21 sustainable development plan, or the May 2013 Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis under Executive Order 12866.

Mr. PERRY (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Pennsylvania and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PERRY. Mr. Chairman, this amendment prevents funds from being used for the implementation of the United States Global Climate Research Program's National Climate Assessment, the Intergovernmental Panel on Climate Change's Fifth Assessment Report, the United Nation's Agenda 21 sustainable development plan, or the May 2013 Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis under Executive Order 12866.

Mr. Chairman, this administration and others before it have taken unilateral actions that push a climate change agenda that hinders our own domestic business and industry.

Programs such as the United States Global Climate Research Program's National Climate Assessment and Agenda 21 drive burdensome regulations on unsound science, such as the new ozone rules set to take effect this

October, the waters of the United States, and regulations on coal-fired power plants.

I wonder why do we want to fund programs, panels, and treaties that create propaganda, propaganda that looks to drive industry out of this country.

With that, I urge passage of this amendment, and I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, I claim the time in opposition, although I am not opposed to the gentleman's amendment.

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

There was no objection.

Mr. FATTAH. Mr. Chairman, I am not going to object, but I am in opposition to the amendment. So as long as the chairman will yield me half of the time, I think we are fine.

Mr. CULBERSON. Of course.

Mr. FATTAH. Go right ahead.

Mr. CULBERSON. Mr. Chairman, I do want to express my support for the gentleman's amendment. I think it is very important that we restrict this or any other President's ability to enter into agreements that would interfere with our rights as Americans, would interfere with the laws as enacted by Congress. And that is the intent of your amendment, to ensure that the laws enacted by Congress or by the legislatures of the several States reign supreme and no President can enter into any kind of an agreement. We are not going to subject ourselves to the law of the U.N. or any of these other agreements in here. So I strongly support the gentleman's agreement.

I would be happy to yield to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, I thank the chairman. And just as strongly as the chairman supports it, I oppose it. Even though I supported your last amendment, this one is headed in the wrong direction.

We have a need to deal with the challenges around our stewardship of the planet Earth and the questions around climate and working with our international neighbors.

I want to commend the administration for getting an agreement with China around some of these issues. It is necessary for our children and our grandchildren and great-grandchildren that we act as proper stewards. It is our obligation, at least in most of our religious teachings, that we have a responsibility to be good stewards.

So we can't ignore even for the point of profits. You mentioned how this might interfere with business interests. It is beyond the question of business interests. We need clean water, clean air, we need a climate that is capable of human habitation, at least until we can have Europa as a second exit opportunity. This is the only planet for human beings that we know of and we, therefore, have a responsibility.

And the President under our Constitution is the carrier of our inter-

national activities in terms of the conduct of foreign policy, not this President or some other President, but the President of the United States has that burden and that responsibility under our Constitution.

So I would hope that the House would vote this down. I know we won't. But I also know that there will be another day in which this legislation will have to be considered in a format in which it won't be just the House majority making these decisions.

And thank God for that, because even the House majority could be wrong every once in a while, as proven by this amendment.

Mr. CULBERSON. I yield back the balance of my time.

Mr. PERRY. Mr. Chairman, I certainly respect the thoughts of my good colleague and good friend from Pennsylvania. I also want to remind him that we went through this last session. This very same amendment passed by vote. And while we do absolutely have the requirement and responsibility for the stewardship of the planet, I just want to remind everybody here, in case you don't know, we have these new ozone rules coming out, set to come out, or be codified in October. Yet from this administration's EPA, ozone levels have plummeted 33 percent since 1980. That is reported from the current administration's EPA. Let me just repeat that: ozone levels have plummeted 33 percent since 1980 because of the good work we have done. Yet in a downturn economy where the economy is actually contracted in the first quarter, we seek to force more unnecessary rules that are unvetted by this Congress, this people's House, on the businesses of America and also things like United Nations Agenda 21.

□ 0140

I just feel like those rules and those regulations should come at the vetting of this body instead of by the United Nations. What is good for America should be handled by Americans.

I thank the chairman for his support.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARRETT

Mr. GARRETT. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used by the Department of Justice to enforce the Fair Housing Act in a manner that relies upon an allegation of liability under section 100.500 of title 24, Code of Federal Regulations.

Mr. GARRETT (during the reading). Mr. Chair, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from New Jersey and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT. Mr. Chair, I yield myself 3 minutes.

I rise today to offer an amendment that stops the Justice Department from using one of the most dangerous and illogical theories of all time, the theory of disparate impact.

In short, disparate impact allows the government to allege discrimination on the basis of race or other factors based solely on statistical analyses that find disproportionate results among different groups of people.

In recent years, the Justice Department has increasingly used this dubious theory in lawsuits against mortgage lenders, insurers, and landlords and has forced these companies to pay multimillion-dollar settlements.

What is wrong with that, one might ask? Under disparate impact, one could never have intentionally discriminated in any way and even have strong antidiscriminatory policies in place and still be found to have discriminated.

For example, if mortgage lenders use a completely objective standard to assess credit risk, such as the debt-to-income ratio, they can still be found to have discriminated if the data show different loan approval rates for different groups of consumers.

To be clear, I have zero tolerance for discrimination in any form; and, if there is intentional discrimination, we must prosecute to the fullest extent of the law. The Justice Department's use of disparate impact, however, tries to fight one injustice with another.

On a more practical level, disparate impact will make it difficult, if not impossible, for lenders to make rational economic decisions about risk. Lenders will feel pressured to weaken their standards to keep their lending statistics in line with whatever the Justice Department's bureaucrats consider nondiscriminatory.

We have seen the damage risky lending can do to our economy. It is truly reckless for our government now to be encouraging those dangerous and shortsighted practices. Ironically, disparate impact forces lenders, insurers, and landlords to constantly take race, ethnicity, gender, and other factors into account or risk running afoul of the Justice Department.

Mr. Chairman, even an accusation of discrimination could have a devastating impact on a small business. Therefore, on balance, disparate impact will make it more difficult and expensive for families to buy a home, and it will result in more discrimination, not less.

For these reasons, both philosophical and practical, I ask my colleagues to

reject this misguided theory by supporting this amendment.

I reserve the balance of my time.

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

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

Mr. FATTAH. Mr. Chairman, this is obviously an important signal from the majority to Americans of color, whether they be Asian Americans, African Americans, Hispanic Americans, or Native Americans, that the one thing that they don't want is to enforce the fair housing laws and that they don't want to have a circumstance in which, even though the impact of a set of policies means that you are excluded, that somehow there should not be any redress for that.

We went through this debate last year. I am going to ask for a recorded vote on this as I think it is an important indication of the nature of inclusiveness that is being offered to America by the House majority.

I reserve the balance of my time.

Mr. GARRETT. Mr. Chair, I yield myself such time as I may consume.

I think it is an indication of something. It is an indication of whether this House is more concerned about actually filing true intentional discrimination or is just creating fear in this area by saying that we are going after discrimination based upon disparate impact.

It is about whether this House is more concerned about making things easier for all races, for all ethnicities, for all ethnic groups to be able to buy homes and to live and prosper and enjoy a new home or make it more difficult to be able to buy that first home.

Allowing the Justice Department to use disparate impact will do just that. It will make it more difficult for those individuals who now find it difficult to buy a home because lenders will not be able to use the proper risk analysis to make those decisions and, therefore, will be less likely to make those loans.

For those reasons and for the other philosophical and practical reasons I have already stated, I encourage my colleagues to support this amendment.

I yield back the balance of my time.

Mr. FATTAH. Mr. Chair, the gentleman said for practical and other philosophical reasons.

I guess, if you looked at Major League Baseball and if you didn't see anybody of color, you could assume that there was a disparate impact until Jackie Robinson showed up, but American baseball is a lot better, and I think that our country is a lot stronger because of the diversity that exists.

I think the fair housing laws have played an important role in at least the idea that we think that you shouldn't have a circumstance in which, no matter what the set of policies, if you are a different color or ethnic background, you shouldn't apply.

I think it is something that we have rejected as a nation. I hope we reject

this amendment, and I will seek a recorded vote on it.

I yield back the balance of my time.

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

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

Mr. FATTAH. Mr. Chair, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. MARINO

Mr. MARINO. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used for the Department of Justice's clemency initiative announced on April 23, 2014, or for Clemency Project 2014, or to transfer or temporarily assign employees to the Office of the Pardon Attorney for the purpose of screening clemency applications.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Pennsylvania and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MARINO. Mr. Chairman, my amendment prohibits funds from this bill from being used to transfer or detail employees to the Office of the Pardon Attorney to support the administration's so-called clemency project.

The President possesses the constitutional authority "to grant reprieves and pardons for offenses against the United States." However, in the first 5 years of his administration, President Obama granted fewer pardons and commutations than any of his recent predecessors.

Last year, the Deputy Attorney General took the unprecedented step of asking the defense bar for assistance in recruiting candidates for executive clemency, specifically for Federal drug offenders. The Justice Department intends to beef up its Office of the Pardon Attorney to process applications for commutations of sentence for Federal drug offenders.

The Justice Department is also accepting pro bono legal work from the ACLU and other defense attorney organizations for this initiative. This amendment would prohibit that.

The Constitution gives the President the pardon power, but the fact that the President has chosen to use that power solely on behalf of drug offenders shows that this is little more than a political ploy by the administration to bypass Congress.

This is not, as the Founders intended, an exercise of the power to provide for "exceptions in favor of unfortunate guilt," but the use of the pardon

power to benefit an entire class of offenders duly convicted in a court of law.

□ 0150

It is also just the latest example of the executive overreach by this administration, and I urge support of my amendment.

I reserve the balance of my time.

Mr. FATTAH. I seek time in opposition to the amendment.

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

Mr. FATTAH. The executive branch, the President of the United States, has the responsibility to review applications for pardons and clemency, and this would interfere with the executive branch's responsibility in that regard. I think that it would also hamper our ability to move this bill to a position of final passage and signature by the President. I am opposed to it.

I am glad the gentleman from Pennsylvania was able to have an opportunity to offer it and air his point of view, but I think when we have a President perhaps of a different party, there will be less enthusiasm for trying to unnecessarily interfere in the proper role of the executive, which clemencies and pardons are in the purview of the President; and detailing employees of the executive branch, for the Republican Party that is for normally streamlining and making nimble and allowing managers to set priorities and to move personnel around, to suggest that they somehow now are against this, I assume there is some particular reason, and it couldn't be anything other than on the merits I am certain.

I thank the gentleman, and I would stand in opposition to the amendment.

I reserve the balance of my time.

Mr. MARINO. How much time do I have remaining?

The Acting CHAIR. The gentleman from Pennsylvania has 3 minutes remaining, and the other gentleman from Pennsylvania has 3½ minutes remaining.

Mr. MARINO. Mr. Chairman, I would share with my good friend from Pennsylvania, no matter who is in the White House, Republican or Democrat, my enthusiasm is always at an all-time high, particularly when it comes to following the law.

The President does have the authority to pardon, but not to, as he has done here, zeroed in on a specific class of individuals who broke the law, and that is people who use drugs, sell drugs, made profits from drugs, and were duly found guilty and sentenced. This is just a way for this administration to bypass the drug laws that they don't agree with.

This administration is known for that. If they don't agree with something, they just try to bypass it, as they have done numerous times with Congress. But, fortunately, the United States Supreme Court has slapped this administration down numerous times

because of bypassing Congress and making decisions that are not in its authority.

So let's be realistic about this. This isn't an issue of politics, from my perspective. I do say it is an issue of politics from the administration's perspective.

I reserve the balance of my time.

Mr. FATTAH. Mr. Chairman, I yield to the gentleman from Texas (Mr. CULBERSON), the chairman, if he needs the time.

Mr. CULBERSON. I thank the gentleman from Pennsylvania.

Mr. Chairman, I do want to express my support for the gentleman's amendment. I am concerned about the efforts of this White House to repeatedly ignore the laws enacted by Congress. If we didn't have this track record from this President who has made a deliberate effort to evade the laws written by Congress and attempted to bypass them at every opportunity—the President has lost a record number of cases before the Supreme Court.

I believe, Mr. MARINO, the Supreme Court has ruled against the President unanimously on repeated occasions when the White House has attempted to avoid a statute and refused to enforce it, and Mr. MARINO brings to the table tonight experience as a prosecutor, very valid concerns about granting clemency to a whole category of people rather than as in the case of a pardon, which is on an individual basis.

I thank the gentleman for yielding me the time.

Mr. FATTAH. Reclaiming my time, we have, and it must be just inherent for politicians, selective amnesia. We kind of remember what we want to remember, and we forget what we want to forget.

Now, it has been uttered on the floor of the House that no President has done some broad swath of clemencies or pardons. Well, it was President Ford who offered and President Carter who implemented a clemency or amnesty for hundreds of thousands of people who had evaded the draft during the Vietnam war.

This has nothing to do with the implementation of the laws set by our Congress. This right to the Presidency of pardons and clemency is given in the Constitution. The point here is that it is just another effort, this consistent drumbeat about our President.

This will not be the law at the end of the day when this bill is passed. I oppose it, and there is no President that is going to sign away their executive authority. It would diminish the power of the Presidency. And perhaps for the majority if they were to gain this Presidency again—and I am sure they will on some election—they wouldn't want to diminish the power of the Presidency. I think it is just ill-fated and it is focused at a particular effort at this moment, but it does not represent a historical fact that a President has not provided broad exemption or clemency or pardons in our past.

I yield back the balance of my time.

Mr. MARINO. How much time do I have remaining?

The Acting CHAIR. The gentleman from Pennsylvania has 1½ minutes remaining.

Mr. MARINO. I am sure in my remarks my colleague is not referring to any comment that I made that no other President has done something of this nature. I came to Congress in 2011. Really, my concern is what is happening with this administration, not past administrations. I am dwelling on the future and the rule of law.

It is very clear what this administration is doing when it comes to the rule of law or the lack of rule of law. Once again, this administration does not like the drug laws. It has a very difficult time with the criminal laws that are on the books.

I was a prosecutor for 18 years at the State level and the Federal level. I have seen what takes place concerning drugs. I have put people in prison for selling drugs; I have put people in prison for hurting people who they sell drugs to; and I have taken the position where some people did not deserve to go to prison based on several factors. But the individuals that I sent to prison, and I think, overwhelmingly, according to the criteria that this administration has set, they are talking about individuals that have a sentence of 10 years or less, that is quite a sentence to pardon, because those individuals who have been sent to prison, in my experience, for 5 and 6 and 10 years are major drug dealers.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. AUSTIN SCOTT OF GEORGIA

Mr. AUSTIN SCOTT of Georgia. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, insert:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the National Oceanic and Atmospheric Administration to enforce:

1) Amendment 40 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico published in the Federal Register on April 22, 2015 or any other effort of the same substance, or

2) Red Snapper Management Measures published in the Federal Register on May 1, 2015 or any other effort of the same substance that establishes an-4 annual catch limits or annual catch targets for Red Snapper that would result in the commercial fishing for Red Snapper in the federal waters of the Gulf of Mexico lasting longer than five times the number of days recreational fishers are allowed to catch and retain at least two such fish each day in such federal waters.

Mr. AUSTIN SCOTT of Georgia (during the reading). Mr. Chair, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 287, the gentleman from Georgia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. AUSTIN SCOTT of Georgia. Mr. Chair, first I would like to thank the Parliamentarians for helping us work with this language. I would like to especially thank both the majority and the minority staff for giving me the courtesy of presenting this. I know it is late, and we certainly hoped to close by 2 a.m.

It is the third day of what has been designated as the 10-day red snapper season for a man or woman who simply wants to take their child fishing in the Gulf of Mexico.

□ 0200

The commercial fishermen get to fish 365 days a year. The charter boat anglers get to fish 45 days a year.

What this amendment does is it says that the National Fisheries Service cannot enforce a rule that was adopted that is, quite honestly, probably going to court. And then it says that as they go forward and they pass the rules in the future, the recreational fishermen should receive at least 20 percent of the number of days as the commercial fisherman does with regard to the red snapper in the Gulf of Mexico.

That is effectively what it does. It still allows them to set the seasons. It does have some restriction in that they just can't take from the recreational fishermen. They have to give the recreational not-for-hire and for-hire 20 percent of the number of calendar days that they give the commercial fishermen to fish for red snapper in the Gulf of Mexico.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. FATTAH. Mr. Chairman, I rise in opposition.

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

Mr. FATTAH. I yield to the gentleman from Georgia because I need to ask a question about this.

You say that the commercial catch limits for fishing days are 360 days a year? And I yield to the gentleman.

Mr. AUSTIN SCOTT of Georgia. Yes, sir. They can fish year-round for red snapper. It is different for different species. This is tailored specifically to this species.

Mr. FATTAH. Reclaiming my time, we are talking red snapper, right? I yield to the gentleman.

Mr. AUSTIN SCOTT of Georgia. Yes, sir.

Mr. FATTAH. But for the recreational fisherman, taking your sons out to fish for the day, there is a limit of 10 days?

Mr. AUSTIN SCOTT of Georgia. Yes, sir. This is the third day of the 10-day season for the Federal waters for the recreational fishermen in the Gulf of Mexico.

Mr. FATTAH. Reclaiming my time, in spirit, I support this. I don't know what the unintended consequences are. So I would be prepared to accept it, as long as we can dig into it and make sure there are no unintended circumstances.

I know this is a very parochial matter. I think you should be able to take your kid out fishing. I don't think that profit is the only motivator in the world. I don't know why it would be so arbitrary a cut line.

At this point I would like to work with the chairman on this. I would be prepared to accept it at this time. If we find some major problem with it, we will jump up and down about it then.

Mr. CULBERSON. Will the gentleman yield?

Mr. FATTAH. I yield to the gentleman from Texas.

Mr. CULBERSON. I completely agree, and I join my ranking member in accepting this amendment and working with you. If there is something we didn't spot or anticipate, we will work it out. But I think the gentleman has got a good amendment, and I would agree, I would recommend we would accept it.

Mr. AUSTIN SCOTT of Georgia. Mr. Chairman, I would like to say that as a dad, honestly, I would like to say thank you for doing this. And certainly, if there are unintended consequences, I would look forward to working with you to resolve those unintended consequences.

Again, as a father of a son named Wells and a daughter named Carmen and a lovely wife named Vivien, I just want to say thank you.

Mr. FATTAH. My wife is a fly fisher. We are not doing red snapper. But I understand the spirit of it, and we will take it at that, and I yield back the balance of my time.

Mr. AUSTIN SCOTT of Georgia. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. AUSTIN SCOTT).

The amendment was agreed to.

Mr. CULBERSON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRAVES of Louisiana) having assumed the chair, Mr. STIVERS, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes, had come to no resolution thereon.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUDSON (at the request of Mr. MCCARTHY) for today until 6:45 p.m. on account of attending a funeral.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2048. An act to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 802. An act to authorize the Secretary of State and the Administrator of the United States Agency for International Development to provide assistance to support the rights of women and girls in developing countries, and for other purposes.

#### ADJOURNMENT

Mr. CULBERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until today, June 3, 2015, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1672. A letter from the Acting Director, Defense Procurement and Acquisition Policy, OUSD (AT&L) DPAP/DARS, Department of Defense, transmitting the Department's interim rule — Defense Federal Acquisition Regulation Supplement: Offset Costs (DFARS Case 2015-D028) (RIN: 0750-AI59) received June 1, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1673. A letter from the Chair, Board of Governors of the Federal Reserve System, transmitting the twenty-fifth "Report to the Congress on the Profitability of Credit Card Operations of Depository Institutions", pursuant to Sec. 8 of the Fair Credit and Charge Card Disclosure Act of 1988; to the Committee on Financial Services.

1674. A letter from the Chairman and President, Export-Import Bank, transmitting a statement, pursuant to Sec. 2(b)(3) of the Export-Import Bank Act of 1945, as amended, on a transaction involving Emirates Airlines of Dubai, United Arab Emirates; to the Committee on Financial Services.

1675. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the "2014 Annual Report to the Congress on the Native Hawaiian Revolving Loan Fund", pursuant to Sec. 803A of the Native American Programs Act of 1974, as amended; to the Committee on Education and the Workforce.

1676. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received June 1, 2015, pursuant