Wasserman Schultz	Watson Coleman	Wilson (FL)
	Welch	Yarmuth

NOT VOTING—22

Barletta	Hurt (VA)	Rooney (FL)
Boustany	Johnson, Sam	Ross
Brown (FL)	Lieu, Ted	Rush
Bucshon	McKinley	Sanchez, Loretta
Calvert	Nugent	Sinema
Clawson (FL)	Palazzo	Waters, Maxine
DesJarlais	Price (NC)	
Duckworth	Reichert	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1355

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

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

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

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

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

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

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 131

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

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

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

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

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

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

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

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

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

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

STOP SETTLEMENT SLUSH FUNDS ACT OF 2016

GENERAL LEAVE

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

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

There was no objection.

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

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

□ 1400

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

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

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

The Chair recognizes the gentleman from Virginia.

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

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

In just the last 2 years, the Department of Justice has directed nearly $1 billion to third parties entirely outside of Congress' spending and oversight authorities. Of that, over half a billion has already been disbursed or is committed to being disbursed. In some cases, these mandatory donation provisions reinstate funding Congress specifically cut.

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

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

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

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

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

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

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

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

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

DOJ's June 2016 settlement with Volkswagen requires a $2 billion payment to fund the administration's green energy agenda. This payment cannot be justified as remedial because the settlement states explicitly that a separate $2.7 billion payment is intended to fully mitigate the harm caused.

It is time for Congress to end this abuse. The Stop Settlement Slush Funds Act of 2016 bars mandatory donation terms in DOJ settlements. It is a bipartisan bill. It makes clear that payments to provide restitution for actual harm directly caused, including harm to the environment, are permitted.

Do not be fooled by opponents' scare tactics. They claim that the legislation could prohibit conduct remedies used in settlements covering workplace discrimination, harassment, and consumer privacy. The bill does not preclude such remedies. Nothing bars DOJ from requiring a defendant to implement workplace training and monitoring programs.

The ban on third-party payments merely ensures that the defendant remains responsible for performing these remedies itself, and is not required to outsource such set sums for the work to third parties who might be friendly with a given administration.

This bill addresses an institutional issue. That is one reason similar language passed the House last year by voice vote. I thank all of the bill's cosponsors, and I urge the bill's passage.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chair, the Stop Settlement Slush Funds Act of 2016, H.R. 5063, would remove an important civil enforcement tool available to agencies to hold corporations accountable for the general harm caused by unlawful conduct.

H.R. 5063 would have potentially disastrous, unintended consequences on the remediation of generalized harms in civil enforcement actions like the one that the chairman just noted at the very beginning of his speech. He talked about mortgage lending settlements that the Department of Justice had obtained after filing suit in court against Wall Street bankers who took billions of dollars in equity, home equity, from Americans throughout the country by way of predatory lending instruments, which blew up in their faces; caused the Wall Street meltdown. Wall Street got bailed out.

The American people who had these mortgages that then were underwater lost their homes, so the Department of Justice sued, and this is what this legislation seeks to get at.

My friends on the other side of the aisle don't want the common people of this country to have the protection of government. They want a government that is hands off; let the private sector, let the free market work its will. No rules. Whatever will be will be. The bottom line is the rich get richer and the poor get poorer; and this legislation would work to enforce that economic philosophy that is held so dear by my friends on the other side of the aisle.

So these mortgage lending settlements, the DOJ sued the big banks. The big banks came to the table and decided to settle. As a result of the settlement, there were directives that were agreed to by the Wall Street banks, that they would give money to certified HUD counseling agencies.

Those agencies have done a good job of helping people who have not lost their homes continue to stay in their homes, to get their mortgages refinanced, to get their situation in order, to give them the ability to hold on to their homes after they had lost their jobs and were unable to pay the mortgage for a number of months. These housing counseling agencies were able to be effective at keeping people in their homes, but my friends on the other side of the aisle, they don't want to have any part of that because it is costing their friends on Wall Street money.

This same settlement that the chairman excoriated in his presentation just a minute ago, it gave money to State-based legal aid firms that were about helping people to avoid foreclosure, helping the very people that these banks stole from and hurt. So this is what they want to stop, and they cloak it in the—they say that Congress should be the one to appropriate money, and that is true.

There is nothing about Article I, the legislative branch, Congress, that is a part of the lawsuit that the Justice Department, an Article II body, would file in a Federal court, an Article III court, that results in a settlement. There is no legislative implication in that whatsoever. There is no appropriations from the legislature.

What it is is a court-enforced transfer of the very wealth that was stolen from the people, back to the people, by way of these agencies, which my colleague refers to as activist, third-party entities. Well, these are third-party entities that are acting on behalf of the very people who have been harmed.

What this legislation seeks to do is to take away the ability of the Justice Department to obtain a settlement to help people who have been harmed, and then would force the money to come into the hands of the legislative branch so that the legislative branch could then appropriate it. And we know that this legislative branch controlled by the other side of the aisle is not interested in helping people who lost their homes due to Wall Street fraud.

So that is what this legislation is all about, and it comes at a time when we have people who are afflicted with the Zika virus. We can't even pass legislation in this Chamber that would get at that public health emergency, which is right here on our doorstep where it is in the House now.

This is an emergency. We have almost 2,000 babies born having been afflicted with the Zika virus. It's going to take $10 million for the remainder of their lives, average, to take care of them. That is $2 billion right there.

The President has come to us, months ago, requesting $1.9 billion—less than the $2 billion—to fund operations to get at this Zika virus, to prevent it from taking hold, and we can't even pass it in this Congress because we are too busy passing bills to help Wall Street.

That is not what the American people want. That is not what the American people need. I ask my colleagues to vote against this legislation.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself 30 seconds to respond to the gentleman from Georgia and say that no one gets off the hook; not Wall Street, not anybody in this legislation.

All we are saying is that if money goes, as a fine, it should either be paid into the general Treasury, as required by the law, or to actual victims of the wrongdoing by the parties. And if it is paid into the general Treasury, the Constitution requires that it be paid, that it be appropriated by this Congress, not by bureaucrats and prosecutors at the Department of Justice.

At this time, it is my pleasure to yield 3 minutes to the gentleman from Texas (Mr. HENSARLING), the chairman of the Financial Services Committee and a great leader on this issue.

□ 1415

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, our Constitution is under assault, so I rise today in support of H.R. 5063, the Stop Settlement Slush Funds Act. A nearly 2-year-long investigation jointly conducted by the Financial Services Committee, which I have the privilege of chairing, and the Judiciary Committee, chaired by Mr. GOODLATTE, the sponsor of this legislation, has shockingly revealed that the so-called Justice Department is not only pushing, but even requiring some defendants in settlements to send the fines not to victims, not to the U.S. Treasury, but, instead, to political allies of the Obama administration.

As one commentator wrote: ''Imagine if the President of the United States forced America's biggest banks to funnel hundreds of millions—and potentially billions—of dollars to the corporations and lobbyists who supported his agenda.''

Mr. Chairman, there is nothing to imagine. It is real. It is happening. Mr. Chairman, our committees' investigation uncovered that the Obama Justice Department has done exactly this. They have used mandatory—mandatory—donations to direct as much as $880 million to political organizations that just so happen to be allies of the Obama administration.

Now, I might expect to see such a corrupt practice in a place like Russia,

but in the United States of America? How can this possibly be legal?

These payments occur entirely outside of the transparent and accountable congressional appropriations and oversight process—a clear violation of Congress' Article I power of the purse, according to Article I, section 9 of our Constitution. By allowing for direct payments to nonvictim, third-party political organizations, the Justice Department is trampling upon the Constitution, threatening due process, threatening separation of powers, and threatening checks and balances. Mr. Chairman, there is simply no justice to be found in the Obama Justice Department.

I also note the sheer hypocrisy of what the Obama administration is doing while self-righteously claiming to be ''tough on the big banks'' and all for ''protecting consumers,'' the Obama Justice Department's special deals for big banks actually give the big banks double credit or more toward their penalties for each ''donation'' made to political allies. This means these big banks could erase, potentially, hundreds of millions of dollars in Federal penalties this way, not to mention avoid giving the money to actual victims.

Using cash to reward your political allies instead of helping victims who have been genuinely wronged is the epitome of what is unfair and wrong about this administration. Mr. Chairman, I urge all Members—all Members—to protect the Constitution and to vote for H.R. 5063, the Stop Settlement Slush Funds Act.

Mr. JOHNSON of Georgia. Mr. Chairman, the last speaker spoke about how the banks, Wall Street banks, are able to get a break from the executive branch when they pay out these settlements, but those are matters of legislative action that has been passed by this Congress which coddles the banks and puts them in a position where they just simply can't lose. When it comes to these fines, as they call it, these are not fines. These are settlement amounts that are going to help the victims. They are not going to play politics anywhere. These are funds that are directed to entities which help the victims of the Wall Street excesses. So I want to make that clear.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in strong opposition to the so-called Stop Settlement Slush Funds Act.

The Republican majority likes to put creative names on their legislation, but what they call slush funds are really voluntary settlements between the government and corporate wrongdoers. These settlements sometimes include payments to third parties to address the generalized harms caused by corporate bad actors. But this bill would prohibit any payments to a third party unless the funds would be used to help only the people directly harmed by the defendants, not those who may have been harmed on a broader level by their actions. This is unnecessarily narrow and restrictive when trying to address the harm inflicted by corporate wrongdoers.

Furthermore, the bill would restrict the flexibility of the government to resolve claims and make it harder to assist broad categories of people who are hurt by corporate malfeasance. For example, in the wake of the mortgage foreclosure crisis, the Department of Justice sued several big banks responsible for egregious misconduct that threw millions of people out of their homes and put millions more in peril, while the banks reaped massive profits. The banks agreed to resolve their claims by paying record-setting fines to the government in recognition of the tremendous damage they had caused. Under well-established legal authority, some of these settlements also included payments to certain community organizations responsible for assisting homeowners and the communities devastated by the foreclosure crisis caused by the banks.

These payments have had a dramatic effect. In New York State, thanks to the consumer relief funds from these settlements, more than 60,000 people have received housing counseling and legal services free of charge over the last 4 years. Almost one-third of these homeowners have consequently received a mortgage modification or have one pending.

Other funds have gone to support community development institutions like land banks, which are nonprofit organizations formed by local and county governments. These land banks help cities address vacant and abandoned properties known as zombie homes, zombie homes that were created by the foreclosure crisis caused by the malfeasance of the big banks. Land banks acquire these properties, secure them, and rehabilitate them for resale as affordable housing, thereby increasing the tax rolls, reducing crime, and preserving property values for neighboring homeowners and undoing some of the damage done by the malfeasance of the banks. In just the last 3 years, land banks in New York have acquired more than 1,300 vacant and abandoned properties.

Mr. Chairman, homeowners and cities are still struggling with the aftermath of the foreclosure crisis, and the third-party donations included in legal settlements have proven vital in helping those directly affected and those secondarily harmed by the banks' actions. These payments were mutually agreed-upon terms in a legal settlement, but Republicans call them slush funds. They went to nationally recognized community organizations or locally important community organizations doing important work to help homeowners in crisis, in crisis because of the actions by the malefactor banks.

The majority sneers and calls these organizations activist groups. The majority was so outraged by these payments that they launched a burdensome investigation that yielded not a single shred of evidence of any wrongdoing by anyone. I don't know what the majority calls that, but I call it a waste of time.

Mr. Chairman, this legislation is a waste of time, too, and I urge my colleagues to vote ''no.''

Mr. GOODLATTE. Mr. Chairman, I yield myself 1 minute to respond to the gentleman from Georgia (Mr. JOHNSON), who would not yield but who continues to claim that this legislation helps these major financial institutions while he defends the Justice Department, which enters into agreements with these financial institutions that owe hundreds of millions of dollars—in many instances, billions of dollars—to the Treasury in fines as a result of these settlements, but say if you give money to our preferred third-party group that wasn't even injured as a part of this process, if you give the money to them instead of to the government, instead of to the taxpayers, instead of to the general Treasury, we will give you $2 off for every $1 you give them, $2 off the fine for every $1 you give them, $2 million off the fine for every $1 million you give them.

It adds up pretty quickly, but the taxpayers are the ones taking a bath here. Guess who benefits. Those big banks that he says we are protecting? No. The Justice Department is protecting them, and this is why we need this legislation. It is the Congress that appropriates funds, not the bureaucrats and prosecutors in the Department of Justice.

Mr. Chairman, it is my pleasure to yield 3 minutes to the gentleman from Pennsylvania (Mr. MARINO), the chairman of the Regulatory Reform, Commercial and Antitrust Law Subcommittee.

Mr. MARINO. Mr. Chairman, I thank the chairman for the time and his leadership throughout the committee's investigation and as we have moved this important piece of legislation to the floor.

The Stop Settlement Slush Funds Act focuses on accountability and governance. As we have heard here, this bill is the product of a nearly 2-year-long House Judiciary Committee investigation into the Department of Justice's settlement practices. During that time, the Department of Justice has funneled nearly $1 billion of this settlement money to third-party groups that benefit this administration. But under Federal law—under Federal law—all money obtained through Department of Justice settlements must be deposited directly to the Treasury.

Our concerns are not with the services provided by the groups receiving the money. They provide worthy services to individuals in need across the country. Nor are our concerns along party lines. Good governance and accountability apply to Republican and Democratic administrations alike.

This piece of legislation focuses on concerted and repeated actions that have subverted the will of Congress, disrespected our separation of powers, and failed to assist the individuals directly harmed by the behavior warranting the settlements. The Judiciary Committee's investigation has revealed that entities with access to high-ranking Department of Justice officials received the funds.

The Stop Settlement Slush Funds Act will end this practice without limiting the Department of Justice's ability to reach settlements that directly provide restitution to those harmed. It does not block the ability to provide restitution for victims. Instead, it ensures that money belonging to the U.S. Treasury and, therefore, to the American people is not siphoned off for the pet projects of political appointees.

Mr. Chairman, I urge my colleagues to support good governance, accountability, and the powers granted to Congress and vote ''yes.''

Mr. JOHNSON of Georgia. Mr. Chairman, I just can't believe what I heard the gentleman from Virginia say about the big banks being coddled by the Justice Department, being given a break. So he is complaining that the big banks are being given a break, but then the purpose of this legislation is to take the big banks off of the hook. It is ironic.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, I thank the distinguished ranking member of the subcommittee. I acknowledge the chairman of the full committee and, as well, the ranking member of the full committee.

I am going to announce some breaking news. The Judiciary Committee gets along. We do a lot of good work together. I am looking forward to moving legislation dealing with a number of good policy suggestions and legislative initiatives involving the criminal justice system. I hope we can continue to work together.

But I would raise concern as to this legislation, and I raise it in the context of all that this Congress has to do. I would also raise it in the context that the administration has indicated on this bill, H.R. 5063, the misnamed Stop Settlement Slush Funds—totally misnamed—a veto threat. We don't know whether anyone in the United States Senate, the other body, has any interest in this legislation at all.

So in the meantime, there are any number of issues that should be addressed. My State of Texas is suffering under the threat of the Zika virus. The State of Florida is already in the eye of the storm, Puerto Rico, all of the Gulf States, maybe as far reaching as New York. That work needs to be done. The children of Flint are still asking us to respond to their concerns. The people of Baton Rouge, Louisiana, are still asking us to respond to the devastation that they are facing. Yet we deal with legislation that has totally misconstrued what has been done by the Department of Justice.

It is important to note that it is not unconstitutional. There is no breach of the Constitution by way of what is going on here.

First of all, it is not billions of dollars. It is minute in the course of helping individuals—$50 million—less than 1.1 percent of a total settlement of $23.5 billion.

We know that the Congressional Research Service must be nonpartisan. All of us use the Congressional Research Service. I would venture to say that it is one of the most nonpartisan, independent entities that we have. He has indicated twice that the settlements are lawful. I said, Mr. Chairman, lawful. That is my concern with this misnamed legislation. This legislation hurts the vulnerable and victims.

□ 1430

This legislation is not dealing with the crux of the issue. These are settlements engaging in agencies. These are not appropriated dollars. These are judgments within the context of the court. What is happening is that, out of the settlement, the agency is attempting to help people to help victims.

Let me give you an example as it relates to HUD counseling. Just a few days ago, we saw mention of the ongoing concerns involving foreclosures. Many people may think that that is a thing of the past, but it is not. It is clearly something that is important to many people.

Working with HUD counseling organizations, they are providing resources to help individuals get out of the pit of a foreclosure. It is well known that if individuals get counseling, they are nearly three times more likely to obtain a money-saving mortgage modification.

If an individual family all over this Nation was to get that, they would be more likely to receive a payment reduction of approximately $61 a month greater, on average, than noncounseled homeowners. They would be nearly twice as likely to get their mortgage back on track without a modification. Maybe, Mr. Chairman, a family of four, six, eight, or nine might not get kicked out of their house because of HUD counseling resources that have been given through a settlement, not forced through a settlement, not oppressed and overbearing, but through a settlement, through a legal justified settlement.

What would our friends want us to do? To ignore these people.

Counseling would bring about, if necessary, an ability to complete short sales faster than homeowners who don't work with housing counselors and about 60 percent less likely to redefault after curing a serious delinquency.

That is the kind of agency that is being called some kind of slush fund. This is totally skewed into the needs of our citizens, and it is opposed by individuals who work with our citizens—clean water action, individuals who work dealing with consumers, the National Council of La Raza, employment lawyers, the National Fair Housing Alliance, and the National Urban League. These are organizations that can document that they help people in their worst needs.

Who is helping to assist in the Baton Rouge floods after FEMA? It will probably be a lot of nonprofits dealing with housing counseling.

The Acting CHAIR (Mr. SIMPSON). The time of the gentlewoman has expired.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield the gentlewoman an additional 1 minute.

Ms. JACKSON LEE. So what I argue today is that we are within the confines of the law. It is a minute portion. It is not the billions of dollars that have been represented. It is certainly not a slush fund.

Mr. Chairman, I include in the RECORD an article from the Houston Chronicle, dated Sunday, September 4, 2016. It involves shooting victims. These are the survivors of the Aurora, Colorado, shooting. And guess what. The theater prevailed. They didn't have to pay a dime. They didn't have to have any check as to whether or not their doors could have been more secure. They could have had security, but it said the shooting survivors owe $700,000 to the theater.

Do you want to hear who one of the victims was? Let me just share with you a victim who just couldn't bring herself to accept. I feel sorry. Her suffering had been profound. Her child was killed in the shooting. She was left paralyzed, and the baby she was carrying had been lost. Do you know what she got? Zero, zero, zero. I just wish the Justice Department could have shared a resource with her or a group or the class action lawsuit that was thrown out of court causing them to have to pay $700,000 to the theater.

This bill does not deal with those in need. Vote against this bill.

(The following article appeared on September 4, 2016 in the Houston Chronicle:)

[From the Los Angeles Times]

SHOOTING SURVIVORS OWE $700K TO THEATER

(By Nigel Duara)

DENVER.—They had survived brain damage, paralysis and the deaths of their children. For four years, they met in secret as a group. Now, they were finally prepared to settle with the Aurora, Colo., movie theater that became the site of one of the deadliest massacres in U.S. history.

On a conference call, the federal judge overseeing the case told the plaintiffs' attorneys that he was prepared to rule in the theater chain's favor. He urged the plaintiffs to settle with Cinemark, owner of the Century Aurora 16 multiplex where the July 20, 2012, shooting occurred. They had 24 hours.

But before that deadline, the settlement would collapse and 15 survivors of the massacre would be ordered to pay the theater chain more than $700,000.

The settlement conference, corroborated by the Los Angeles Times with four parties

present at the conference, was hastily convened after a separate set of survivors suffered defeat in state court, where a jury decided that Cinemark could not have foreseen the events of that night in 2012, when James Holmes killed 12 people and injured 70 others in a 10-minute rampage at a screening of ''The Dark Knight Rises.''

In the federal case, survivors agreed to split $150,000 among 41 plaintiffs. The deal came with an implied threat: If the survivors rejected the deal, moved forward with their case and lost, under Colorado law, they would be responsible for the astronomical court fees accumulated by Cinemark.

Then one plaintiff rejected the deal. Her suffering had been profound: Her child was killed in the shooting, she was left paralyzed and the baby she was carrying had been lost.

None of the plaintiffs would receive a dime.

Although a source close to the theater chain said that there is no intention to actually seek recovery of the court costs, the theater chain has not issued any statement about its intentions.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume to respond to the gentlewoman from Texas (Ms. JACKSON LEE), who is a valued member of the Judiciary Committee, and we do work on bipartisan issues. I will say that this issue is bipartisan as well, and she should take note of the fact that it is also bicameral. The United States Senate is, indeed, interested in this issue. The bill that we are considering in the House has also been introduced in the Senate by Senator LANKFORD from Oklahoma.

Also very, very importantly, it is important to understand that when the Congress appropriates funds, it is the duty of the executive branch to carry out the appropriations made by the Congress, not to go out and change those decisions.

The gentlewoman talks about housing counseling. Well, the Congress appropriates funds for housing counseling, has and will continue to do so, I am sure. When we cut back on some of those funds—it is still a lot of funds. When we cut back on some, I guess there were some people, some bureaucrats in the Justice Department who felt that that was not the right thing to do. Or maybe it was the organizations that receive these funds that couldn't get them from the Congress, so instead they went over to the Justice Department and said: Well, when you get settlements from these big banks, make sure that you give some of those funds to us.

Well, that actually subverts the direct intent of the Congress in terms of how much money to spend. The funds are owed to the Treasury of the United States and to the people who are directly the victims of wrongdoing. They should definitely be compensated. If they are compensated as a part of a settlement that any Justice Department prosecutor enters into, they should benefit from that.

People who are not victims need to go through the appropriations process, come to the Congress for funding. If the Congress doesn't give them the funding they want, they shouldn't have other places to go in the Federal Government to get that money by simply going around the Congress and going to the Justice Department, having them take money that is supposed to go into the Treasury and then be appropriated by the Congress, and say: No, no, we will beef you back up in terms of the amount of money for housing counseling and put that money, instead, to you directly here without it going through the appropriations process in the people's House.

That is what we are trying to fix here. It is a very, very important thing that we fix and a very important principle that we protect in our Constitution.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Even though the Senate may take up this ill-fated measure, the President has promised to veto it. So what we are doing here today is another messaging bill that distracts the American people perhaps from the more important issues of the day, such as the spreading of this public health crisis, the Zika virus, which is afflicting almost 17,000 Americans infected by mosquitos carrying the Zika virus—17,000 people—200 babies born, 1,600 infected women.

This is a crisis that is going to cost the American people from a public health perspective. It is going to cost the lives of the unborn whose mothers are afflicted with this virus, giving birth to them, and they have the virus and suffer from microcephaly, a shrunken head and brain which renders them severely developmentally impacted as they make it through life and add a severe burden to the taxpayers. Instead of dealing with this issue, we took a 7-week vacation and refused to come back to work to deal with the Zika virus.

At the same time as we have got the Zika virus, a public health issue afflicting the Nation, we are also seeing more and more and more people dying from opioid abuse in this country. This Congress has been insufficient in dealing with this, applying the resources to deal with that issue.

We have got the issue of Flint, Michigan, where lead was found in the water. This Congress has done absolutely nothing to address the financial implications of that and what we can do to help remediate it and to keep it from happening.

Now we get East Chicago, Indiana, with people living atop a lead dump, basically, thousands of people impacted, and this Congress will do nothing.

That is not to mention anything about the other public health problem that afflicts the Nation, and that is the ongoing gun violence issue, which this Congress will do nothing about other than to hold a hearing on this coming Friday to censure those of us who had the gall to sit in the well of this House Chamber to demand that this body take some action. What did the body do back then? It adjourned for 7 weeks.

This is a spectacle that the American people are looking at. You can't help but to see it. You can't help but to understand it. The American people are being adversely impacted by the policies of my friends on the other side of the aisle. They have caught a bad case of the Trump syndrome, the Trump syndrome which causes people to forget about the truth, forget about reality, start seeing things the way that they want to see them, and they don't care what impact it has on the American people. All they want to do is be able to retain their positions, although they say that they hate government, they want to be here so that they can shrink government, make it smaller, leave everything to the private sector, and leave the American people fending for themselves.

We have had that happening for much too long. That is what the American people are so angry about on both sides of the aisle. That is why the mainstream portion of the other side of the aisle has completely lost control of their apparatus. We have the Trump syndrome that has taken hold, and this body is sick because it is being led by folks who have fallen victim to the Trump syndrome. Enough is enough. The American people are sick and tired of it.

With respect to Congress appropriating funds, this Congress still has to pass a budget. But you are talking about dealing with what is called a slush fund, the Stop Settlement Slush Funds Act of 2016. They say that Congress should be the one to allocate resources; it shouldn't come out of a settlement. Well, the fact is that there are no public dollars coming to fruition in a settlement between a big bank and the Justice Department. Those are all privately held funds that are being disgorged from the wrongdoer and placed back in the service of the very people that were harmed by the wrongdoing of the big banks. There is no legislative appropriation there because there is no public money. It is private money, but it is being redirected to those from whom it was wrongfully taken. That is what makes this legislation so hurtful to the process.

I would ask my colleagues to, again, be in opposition to it.

Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS), my chairman—or my ranking member. I say ''chairman'' in a very hopeful way.

Mr. CONYERS. Mr. Chairman, the gentleman from Georgia is much appreciated in the clarity of his analysis and his commitment for us to use, if we can, the right terminology when we are approaching these subjects, because this bill would prohibit the enforcement or negotiation of any settlement agreement requiring donations to remediate harms that are not directly and proximately caused by a party's unlawful conduct.

My opposition to this measure, to begin with, is that the bill will prohibit the use of various types of settlement agreements that have been successfully used to remedy various harms caused by reckless corporate actors. For example, these settlement agreements have been utilized to facilitate an effective response to predatory and fraudulent mortgage lending activities that nearly caused the economic collapse of our Nation.

□ 1445

In fact, settlement agreements with two of these culpable financial institutions—Bank of America and Citigroup—required a donation of less than 1 percent of the overall settlement amount to help affected consumers.

H.R. 5063 is a dangerous measure that would undermine the ability of civil enforcement agencies to hold wrongdoers accountable and to provide complete relief to victims.

A broad coalition of public interest organizations, including the Americans for Financial Reform, Public Citizen, the National Fair Housing Alliance, and the National Urban League, notes that this bill is a gift to lawbreakers that comes at the expense of families and communities that are impacted by injuries that cannot be addressed by direct restitution. The National Council of La Raza, which is the largest national Hispanic civil rights and advocacy organization in our country, similarly notes that H.R. 5063 is a far-reaching and misguided solution to a nonexistent problem.

I urge my colleagues to look at this bill clearly and to oppose this flawed legislation.

I thank the leader of this measure on the floor today, the gentleman from Georgia.

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

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

First, I say to my friend, the gentleman from Michigan (Mr. CONYERS), of course, the National Council of La Raza would not like this legislation because the National Council of La Raza is the largest beneficiary of what the Justice Department is doing. They are getting the money. They are one of the largest recipients. So I am not at all surprised to hear that they wouldn't like us to stop this cozy relationship in which they go to the Justice Department and say, ''Hey, we need more money,'' and the Justice Department says, ''Okay. In the next settlement we do, we will send some of that money over to you.'' This is an abuse. It is clearly a slush fund, and it needs to be stopped.

I prefer to focus on institutional concerns with mandatory donations rather than on the nature of the recipients. However, there is no ignoring the troubling May 19, 2016, testimony to the Financial Services Committee that the donation beneficiaries were ''Democrat special interests.'' These include the Neighborhood Assistance Corporation of America, whose director calls himself a ''bank terrorist.'' Documents show that the groups that benefited from mandatory donation provisions actively lobbied the DOJ to include them.

The bill's opponents have proffered a series of specious arguments. The principal ones I refuted earlier. The others I will address now.

We are told that required donations represent just a fraction of the overall settlement amounts. That is true, but irrelevant. In absolute terms, there is a tremendous amount of money—nearly $1 billion—flowing to activist groups at the unilateral discretion of the executive just in these financial service industry settlements and another $2 billion more for the Volkswagon settlement. In any event, the $1 billion is over twice the annual Congressional appropriation for the Legal Services Corporation and is a huge windfall to the recipient organizations. An analysis of 80 beneficiaries of the Bank of America settlement revealed that, on average, the DOJ required donations accounted for more than 10 percent of their 2015 budgets. Such largesse should not be conferred unilaterally.

Critics contend that there is insufficient evidence that the DOJ structured the settlements to direct funds to activist groups. This is disingenuous. The opposition knows that the DOJ refuses to let the committee make the most troubling documents it found public.

Opponents also argued that mandatory donations are plainly lawful; but the House Financial Services Committee heard from three experts that mandatory donations are an unconstitutional subversion of Congress' spending power. That view is echoed by former President Clinton's own head of the Department of Justice's Office of Legal Counsel. Yet, even if these payments were not unlawful, they are definitely bad policy, which is precisely why legislation should prohibit them.

Another unfounded objection is that it is unrealistic for Congress to legislate redress every time a violation occurs that causes generalized harm.

In the banking settlements, the housing groups that received donations were in categories that were already specifically receiving grants from Congress. This shows that the infrastructure to direct funding to community projects is already in place.

The Department of Justice could also recommend to Congress, for example, as part of the President's budget, projects to fund that address generalized harm.

Finally, as the renowned liberal legal scholar and former D.C. circuit judge, Abner Mikva, has explained, on this point, efficiency is outweighed by the principles of representative government. The Founders knew the spending power was ''the most far-reaching and effectual,'' and they wanted to ''ensure Congress would act as the first branch of government.'' Accordingly, they understood Congress ''would less efficiently and less coherently devise fiscal policy than would a single 'treasurer' or 'fiscal czar.' Yet they chose, for good reason, to suffer this cost and bear its risks.''

This bipartisan legislation is a critical opportunity to marry oversight with action and to effectuate the Founders' vision of Congress' spending power as key to reining in the executive branch. This is a commonsense bill, the objections to which are unfounded; so I urge all of my colleagues to support this bill.

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

Mr. BLUMENAUER. Mr. Chair, today, I will vote against H.R. 5063, a bill that would prohibit the federal government from entering into settlement agreements that include payments directed to appropriate third parties. This bill, if enacted, would defang federal civil enforcement agencies as they seek to address and provide restitution for illegal actions that threaten a community's health and safety and the environment, and to prevent the recurrence of those illegal actions.

The harms caused by, for instance, violations of environmental laws, predatory lending by financial institutions, and workplace exposure to toxic chemicals, harm individuals and our communities. These harms can be difficult to adequately compensate. Settlements that only require payments to those directly harmed by the wrongdoing addressed in the enforcement action fails to adequately capture the full cost of unlawful conduct.

For decades, the United States government has entered into settlement agreements with defendants to pay for the direct harms they have caused. In many instances, these settlements also include payments to organizations that advance programs assisting with the recovery of a community harmed by the wrongdoing addressed in the enforcement action. The ability of the federal government to direct payments from these settlements to third parties is often the best way to hold wrongdoers accountable for the indirect harm done to the public at large.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute, recommended by the Committee on the Judiciary, printed in the bill. The committee amendment in the nature of a substitute shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 5063

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stop Settlement Slush Funds Act of 2016''.

SEC. 2. LIMITATION ON DONATIONS MADE PURSUANT TO SETTLEMENT AGREEMENTS TO WHICH THE UNITED STATES IS A PARTY.

(a) LIMITATION ON REQUIRED DONATIONS.—An official or agent of the Government may not enter into or enforce any settlement agreement on behalf of the United States, directing or providing for a payment to any person or entity other than the United States, other than a payment that provides restitution for or otherwise directly remedies actual harm (including to the environment) directly and proximately caused by the party making the payment, or constitutes payment for services rendered in connection with the case.

(b) PENALTY.—Any official or agent of the Government who violates subsection (a), shall be subject to the same penalties that would apply in the case of a violation of section 3302 of title 31, United States Code.

(c) EFFECTIVE DATE.—Subsections (a) and (b) apply only in the case of a settlement agreement concluded on or after the date of enactment of this Act.

(d) DEFINITION.—The term ''settlement agreement'' means a settlement agreement resolving a civil action or potential civil action.

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 114–724. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114–724.

Mr. CONYERS. Mr. 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:

Page 3, line 11, insert after ''settlement agreement'' the following: ''(other than an excepted settlement agreement)''.

Page 4, strike line 1, and insert the following:

(d) DEFINITIONS.—In this Act:

(1) The term ''excepted settlement agreement'' means a settlement agreement that resolves a civil action or potential civil action in relation to discrimination based on race, religion, national origin, or any other protected category.

(2) The term ''settlement agreement''

The Acting CHAIR. Pursuant to House Resolution 843, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, my amendment would exempt from the legislation settlement agreements that provide payments to third parties as general relief for violations of title VII of the Civil Rights Act of 1964.

Title VII prohibits discrimination in employment on the basis of race, color, sex, religion, or national origin. Plaintiffs in employment discrimination cases typically seek payment and other relief for economic losses that result from unlawful employer conduct. These cases often involve multiple victims who are subjected to the same widespread discriminatory employment practice or policy that violate the Civil Rights Act. They also tend to affect the interests of persons who are not parties to the civil action or who are otherwise unlikely to receive compensation for unlawful conduct.

Given the often systemic nature of discriminatory conduct, settlement agreements should be able to provide relief for non-identifiable victims through such means as requiring payments to address generalized harm or to prevent future discriminatory acts. Examples include workplace monitoring and training programs. Nevertheless, H.R. 5063 would prohibit these types of payment remedies unless they provide restitution for actual harm directly and proximately caused by the party making the payment.

At last month's hearing on the bill, Professor David Uhlmann of the University of Michigan Law School testified that this requirement would potentially preclude all third-party payments and settlement agreements other than restitution to identifiable victims. The majority's own witness, our former colleague, Daniel Lungren, who previously served as California State Attorney General, concurred. He observed that the bill prohibits the United States Government from entering into a settlement agreement that requires a defendant to donate to an organization or individual who is not a party to the litigation.

I am concerned that the bill's broad and ill-defined prohibition would effectively deter civil enforcement agencies from providing general relief in discrimination cases, would discourage courts from enforcing these settlements, and would invite costly and needless litigation concerning these provisions. Accordingly, my amendment would accept payments to remediate generalized harms in settlement agreements in this important category of civil rights cases.

I am indebted to and thank my colleagues: the gentleman from Georgia, who is leading this opposition to the measure—the ranking member of the Committee on Regulatory Reform, Commercial and Antitrust Law—as well as the gentleman from New York, Congressman MEEKS, for co-sponsoring this amendment. I urge its support.

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

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

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

Mr. GOODLATTE. Mr. Chairman, the amendment would exempt certain discrimination settlements from the bill's ban on third-party payments, but nothing in the underlying bill prevents a victim of discrimination from obtaining relief. The Stop Settlement Slush Funds Act of 2016 explicitly permits remedial payments to third-party victims who were wrongly and proximately harmed by the defendant's wrongdoing; nor does the bill preclude wider conduct remedies used in discrimination cases. Nothing in the bill bars the Department of Justice, for example, from requiring a defendant to implement workplace training and monitoring programs. The ban on third-party payments merely ensures that the defendant remains responsible for performing these tasks itself and is not forced to outsource set sums for the work to third parties that might be friendly with a given administration.

I also say to the gentleman from Michigan that former Congressman Dan Lungren of California, a distinguished former colleague of ours on the House Judiciary Committee, was instrumental in helping us move this legislation forward and is a supporter of the legislation, notwithstanding the comments of the gentleman's that might confuse people as to what his position was. He strongly supports this legislation.

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

□ 1500

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

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

Mr. GOODLATTE. 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 Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CICILLINE

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114–724.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 11, insert after ''settlement agreement'' the following: ''(other than an excepted settlement agreement)''.

Page 4, strike line 1, and insert the following:

(d) DEFINITIONS.—In this Act:

(1) The term ''excepted settlement agreement'' means a settlement agreement that pertains to the protection of the privacy of Americans.

(2) The term ''settlement agreement''

The Acting CHAIR. Pursuant to House Resolution 843, the gentleman from Rhode Island (Mr. CICILLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Chairman, my amendment would exempt settlement agreements that strengthen the personal privacy of Americans from the

blanket prohibition in this legislation. More specifically, it would preserve the ability of civil enforcement agencies to compel large corporations to adopt programs to protect consumer data.

Under this bill, these agencies would be prohibited from reaching settlement agreements that provide payments to nongovernmental parties. It would only exempt payments to provide restitution for actual harm directly and proximately caused by the party making the payment. As a result, H.R. 5063 would potentially prohibit payments for required monitoring and other payments for generalized harm due to privacy breaches.

As Professor David Uhlmann of the University of Michigan Law School pointed out during the subcommittee hearing for this bill, it could ''preclude all third-party payments in settlement agreements, other than restitution to identifiable victims.''

This is particularly problematic in the consumer privacy context where the harms may be diffuse or systemic. In such instances, the most appropriate remedy may involve prescribing steps that effectively prevent future misconduct rather than ones that focus exclusively on addressing previous faults. For instance, the Federal Trade Commission has used its authority under Section 5(a) of the FTC Act to resolve complaints involving unfair or deceptive practices.

As part of settlement agreements for these complaints, the FTC typically requires the offending party to adopt a series of preventative privacy measures. These requirements usually include employee training and monitoring requirements, third-party auditing, regular testing of privacy control and procedures, and other reasonable steps to maintain data security practices consistent with the underlying settlement.

These steps are not frivolous, and the payments involved are not opaque contributions to any so-called slush funds. To the contrary, these programs are carefully tailored to protect consumer privacy. Such agreements are an important and substantive component of the toolbox that enforcement agencies have at their disposals. But under the terms of H.R. 5063, these programs would be likely prohibited since they do not provide restitution to an identifiable victim or a party to the litigation.

The majority claims that their bill would allow for monitoring, but that is unclear in the language and, at best, would have to be litigated by the courts. Moreover, any monitoring allowed by this language would be done by the very defendant paying restitution in these cases, which defies best practices, especially in privacy cases.

In cases of data breaches, in which it is frequently impossible to identify all victims of a leak, it is common to put funds into victim relief funds or consumer privacy funds, which would be prohibited by this legislation as well.

My amendment would simply ensure that these agreements, which protect the privacy of American consumers, are not endangered by this bill's vague and broad prohibition on payments in settlement agreements.

I urge my colleagues to support my amendment.

I reserve the balance of my time.

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

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

Mr. GOODLATTE. Mr. Chairman, I oppose this amendment. The amendment would exempt settlement agreements pertaining to the protection of Americans' privacy, but nothing in the underlying bill prevents victims of a privacy invasion from obtaining relief.

The Stop Settlement Slush Funds Act of 2016 explicitly permits remedial payments to third-party victims who are directly and proximately harmed by the defendant's wrongdoing, nor does the bill preclude wider conduct remedies used in privacy cases.

Nothing in the bill bars DOJ from requiring a defendant to implement measures to strengthen privacy. The ban on third-party payments merely ensures that the defendant remains responsible for performing these privacy-strengthening tasks and is not forced to outsource set sums for the work to third parties who might be friendly with a given administration.

Accordingly, I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. CICILLINE. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Chairman, with increased opportunities for private organizations to obtain, maintain, and disseminate sensitive private information of citizens, it is critical that we not prevent or delay enforcement of consumer protection laws designed to protect Americans' privacy rights.

As Professor David Uhlmann of Michigan Law noted during the hearing on H.R. 5063, this measure ''fails to adequately address the fact that generalized harm arises in civil cases,'' including cases brought under consumer protection laws under section 5 of the Federal Trade Commission Act.

H.R. 5063 only exempts payments to parties other than the government to provide restitution for actual harm ''directly and proximately caused by the party making the payment.'' Congress has expressly granted authority to the Federal Trade Commission, however, to resolve complaints against corporations for unfair or deceptive acts or practices under section 5 of the FTC Act.

As part of resolving potential civil liability of corporations for unlawful conduct, FTC settlement agreements typically require parties to address generalized harms of unlawful conduct by adopting a privacy program, employee training and monitoring requirements, third-party auditing, regular testing of privacy controls and procedures, and other reasonable steps to maintain security practices consistent with the underlying settlement.

The protection of Americans' privacy is not a Democratic or a Republican issue. Indeed, it is one of the few that those across the political spectrum have long embraced, including my friends on the other side of the aisle. Yet, notwithstanding these shared concerns, this bill could impose burdensome requirements on settlement agreements that are intended to protect privacy.

I voice my support for the amendment.

The Acting CHAIR. The time of the gentleman from Rhode Island has expired.

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

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

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

Mr. GOODLATTE. 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 Rhode Island will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 114–724.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 11, insert after ''settlement agreement'' the following: ''(other than an excepted settlement agreement)''.

Page 4, strike line 1, and insert the following:

(d) DEFINITIONS.—In this Act:

(1) The term ''excepted settlement agreement'' means a settlement agreement that pertains to providing restitution for a State.

(2) The term ''settlement agreement''

The Acting CHAIR. Pursuant to House Resolution 843, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I want to, again, reiterate that words do matter. The naming of this bill, unfortunately, skews and distorts a legitimate right that agencies in litigation have.

In particular, I want to take note of the fact, again—I think it is always important to set the record straight—that the settlement donations have been 1.1 percent of $23.5 billion, that a government-independent entity has indicated

that these settlements are lawful. The sledgehammer effect that has been taken in order to ensure that we stop victims, innocent persons from getting some relief is unbelievable.

So the Jackson Lee amendment No. 3 would address the problematic concern with H.R. 5063, which would only exempt payments to third parties to provide restitution for actual harm directly and proximately caused by the party making the payment.

The Jackson Lee amendment No. 3 would carve out an additional exemption to enable States to act as third-party actors with the ability to remedy generalized harm for mass injuries where the actual party responsible for directly or proximately causing the harm is there.

For example, the Jackson Lee amendment No. 3 would allow for States, such as Texas and other Gulf Coast States, to address the environmental harms resulting in settlement agreements to impacted parties such as those harmed by a variety of man-made disasters.

I urge adoption of this particular amendment because, again, it would provide an opportunity for States to remediate generalized harm of unlawful conduct beyond harms to identifiable victims.

I believe, in particular, the bill here that we have would ban the following entirely legitimate, appropriate uses of SEP funds that are currently permitted by EPA: pollution prevention projects that improve plant procedures and technologies and/or operation and maintenance practices that will prevent additional pollution at its source.

I ask my colleagues to support the amendment.

Mr. Chair, the Jackson Lee Amendment No. 3 exempts from H.R. 5063 settlement agreements that pertain to providing restitution for a State.

Mr. Chair, H.R. 5063, as currently drafted, is flawed and misguided.

This bill seeks to exempt only those payments to parties other than the government to provide restitution for actual harm "directly and proximately caused by the party making the payment."

Mr. Chair, I urge adoption of the Jackson Lee Amendment No. 3 which seeks to address the additional case exception for those instances where funds are directed to states to remediate the generalized harm of unlawful conduct beyond harms to identifiable victims.

One clear example of where such an exemption is needed is concerning the Deepwater Horizon Settlement agreements directing payments to states as third parties for general remediation of harms.

Under current law, the Environmental Protection Agency (EPA) may include Supplemental Environmental Projects (SEPs) in settlement agreements to offset the harms of unlawful conduct by requiring parties to undertake an environmentally beneficial project or activity that is not required by law, but that a defendant agrees to undertake as part of the settlement of an enforcement action.

In 2012, the EPA and Justice Department resolved the civil liability of MOEX Offshore through a settlement agreement resulting from the Deepwater Horizon oil spill, that included funds to several Gulf states, including Texas, where Texas was not party to the complaint, but received $3.25 million for SEPs and other responsive actions.

Professor Joel Mintz of Nova Southeastern University College of Law, a former chief attorney with the EPA, noted in his written statement on H.R. 5063, that the proposed bill would prohibit these agreements.

That is, many of the important benefits now provided by EPA's SEPs program would be excluded by H.R. 5063.

The bill's definition, according to Professor Mintz, excludes "any payment by a party to provide restitution for or otherwise remedy the actual harm (including to the environment), directly and proximately caused by the alleged conduct of the party that is the basis for the settlement agreement."

As such, this exception is too narrowly drawn to allow for numerous beneficial uses of SEP monies.

Thus, for example, the bill would appear to ban the following entirely legitimate, appropriate uses of SEP funds that are currently permitted by EPA:

Pollution prevention projects that improve plant procedures and technologies, and/or operation and maintenance practices, that will prevent additional pollution at its source;

Environmental restoration projects including activities that protect local ecosystems from actual or potential harm resulting from the violation;

Facility assessments and audits, including investigations of local environmental quality, environmental compliance audits, and investigations into opportunities to reduce the use, production and generation of toxic materials;

Programs that promote environmental compliance by promoting training or technical support to other members of the regulated community; and

Projects that provide technical assistance or equipment to a responsible state or local emergency response entity for purposes of emergency planning or preparedness.

Each of these types of programs provide important protections of human health and the environment in communities that have been harmed by environmental violations.

However, because they are unlikely to be construed as redressing "actual (environmental) harm, directly and proximately caused" by the alleged violator, the bill before this committee would prohibit every one of them.

The Jackson Lee Amendment No. 3 would eliminate this harmful prohibition by implementing a common sense exception for these very types of cases.

Accordingly, I urge my colleagues to support the Jackson Lee Amendment No. 3.

I reserve the balance of my time.

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

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

Mr. GOODLATTE. Mr. Chairman, this amendment would exempt settlements providing restitution to a State, but that is unnecessary. Nothing in the underlying bill prevents States that have been wronged from obtaining restitution. The Stop Settlement Slush Funds Act of 2016 explicitly permits remedial payments to third-party victims who are directly and proximately harmed by the defendant's wrongdoing, which would include States.

If there is no State that is a true victim, the defendant is not let off the hook. It still must pay. But in the absence of direct victims, the money goes to the U.S. Treasury. That is appropriate because if the State is not a direct victim, accountable Representatives in Congress, not agency bureaucrats, should decide whether the State should receive money recovered by the Federal Government.

Accordingly, I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, quite the contrary to my dear friend, this bill is unclear. It is not clear. So victims are impacted positively by environmental restoration projects, including activities to protect local ecosystems, facility assessments and audits, including investigations of local environmental quality, programs that promote environmental compliance, projects that provide technical assistance or equipment.

Each of these types of programs provide important protections of human health and the environment in communities that have been harmed by environmental violations and others.

It is not clear whether or not these kinds of projects or programs that the State may be able to utilize are, in fact, able to be utilized in this legislation. That is why I offer amendment No. 3.

Again, I will raise the terrible headline of victims having to pay $700,000. Let's not make victims pay by this underlying bill, H.R. 5063. Let's support the Jackson Lee amendment that takes into consideration the victims who need to be compensated and provide a pathway for restoration.

I urge my colleagues to support the Jackson Lee amendment No. 3.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time to say, again, that direct victims, like the one that the gentlewoman has cited, in a terrible case are not in any way affected by this legislation because they can be compensated.

It is the reappropriating of funds, if you will, to people who are not in any way harmed by the underlying lawsuit that is our complaint because those dollars should be coming to the U.S. Treasury to be appropriated by the people's elected Representatives here in the House of Representatives.

For that reason, I oppose this legislation, and I urge my colleagues to join me in opposing this amendment.

I yield back the balance of my time.

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

The amendment was rejected.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 114–724.

Ms. JACKSON LEE. Mr. Chairman, I have amendment No. 4 at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 11, insert after ''settlement agreement'' the following: ''(other than an excepted settlement agreement)''.

Page 4, strike line 1, and insert the following:

(d) DEFINITIONS.—In this Act:

(1) The term ''excepted settlement agreement'' means a settlement agreement that resolves a civil action or potential civil action in relation to sexual harassment, violence, or discrimination in the workplace.

(2) The term ''settlement agreement''

The Acting CHAIR. Pursuant to House Resolution 843, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, again, as I have indicated, there are victims that are not in the purview or even in the eyesight of this legislation that will be harmed by this legislation.

The Jackson Lee amendment No. 4 would address the problematic concern with H.R. 5063, which would only provide an exemption for payments to parties, other than the government, to provide restitution for actual harm directly and proximately caused by the party making the payment. The Jackson Lee amendment would provide an exemption for cases where funds are necessary to remedy generalized harm, other than for restitution, to specific or immediately identifiable victims.

In particular, Jackson Lee amendment No. 4 would allow the Federal Government to engage with third parties that help carry out settlement agreements—again, settlement agreements—dollars that are under the purview of the settlement and that are minute in distribution, indicated 1.1 percent, in furtherance of resolution of the civil action or potential civil action in specific relation to sexual harassment, violence, or discrimination in the workplace.

□ 1515

Jackson Lee amendment No. 4 would carve out this additional exception to protect such actions and the ability to provide the mediators or other third parties to intervene on behalf of civil action litigants.

It is clear that we have had a number of civil rights violations in this country. We are not yet through with overcoming discrimination in many aspects of life, particularly in workplace discrimination.

For instance, in the settlement of an EEOC sexual harassment case of female laundry workers, a consent decree resolving the case provides that in addition to paying $582,000, Suffolk Laundry will adopt new procedures to prevent sexual harassment and will train its managers and staff on identifying and preventing sexual harassment and retaliation. The policies and staff training will be available in Spanish. EEOC will monitor Suffolk Laundry's compliance with these obligations and title VII of the Civil Rights Act of 1964 for a period of 4 years.

Because of this consent decree, these women will receive due compensation for the abuse they suffered; and there is confidence, with the consent decree in place and the conditions of that consent decree, that no more employees will be victimized in the future.

In another example of an EEOC sex discrimination lawsuit—and so there will be those that will help implement this settlement—the Cintas Corporation settled to pay $1.5 million. The corporation entered into a further agreement: to hire an outside expert to reevaluate the criteria used to screen, interview, and select employees and the interview guides used in employee hiring; to provide training to the individuals involved in the selection of employees, whereby such training would cover record retention and an explanation of what constitutes an unlawful employment practice under title VII; to continue to provide diversity, harassment, and antidiscrimination training annually to employees; to post a notice informing employees that Federal law prohibits discrimination; and to report to EEOC over an approximate 28-month period information and materials on training programs, recruiting logs, descriptions, and explanations for any changes.

I would argue the point that this helps to promote the antidiscrimination necessary to correct the pathway that some have found their way in. The Jackson Lee amendment No. 4 would create an appropriate exemption to the absolute block and prohibition that the underlying legislation provides.

Mr. Chair, the Jackson Lee Amendment No. 4 exempts from H.R. 5063 settlement agreements that resolves a civil action or potential civil action in relation to sexual harassment, violence, or discrimination in the workplace.

Mr. Chair, H.R. 5063 as currently drafted is flawed and misguided.

This bill seeks to exempt only those payments to parties other than the government to provide restitution for actual harm ''directly and proximately caused by the party making the payment.''

A few months ago we saw that the Justice Department filed a federal civil rights lawsuit against the state of North Carolina and other parties declaring North Carolina House Bill 2's restroom restriction unlawfully discriminatory.

Attorney General Loretta Lynch stated that this complaint was about ''a great deal more than just bathrooms.''

She explained:

''This is about the dignity and respect we accord our fellow citizens and the laws that we, as a people and as a country, have enacted to protect them—indeed, to protect all of us. And it's about the founding ideals that have led this country—haltingly but inexorably—in the direction of fairness, inclusion and equality for all Americans.''

Enforcing these rights is as important today as they were during the enactment of the Civil Rights Act over fifty years ago.

H.R. 5063 would prohibit remediation of generalized harm in civil rights cases, restricting relief for non-parties to the litigation and non-identifiable victims of discrimination.

Professor David Uhlmann observed during last month's hearing on this bill ''fails to adequately address the fact that generalized harm arises in civil cases,'' including cases involving ''harm to our communities . . . that cannot be addressed by restitution.''

In these cases, Professor Uhlmann concluded, third-party payments are appropriate.

Yet, the Majority witness, Daniel Lungren, specifically testified on behalf of the Chamber that the bill should prohibit ''the U.S. government from entering into a settlement agreement requiring a defendant to donate to an organization or individual not a party to the litigation.''

The Jackson Lee Amendment No. 4 would remedy this flaw by creating an exception to cases where settlement funds are directed to the remediation of generalized harm other than restitution to identifiable victims.

For instance, in the settlement of an EEOC sexual harassment case of female laundry workers and a consent decree resolving the case provides that:

In addition to paying $582,000, Suffolk Laundry will adopt new procedures to prevent sexual harassment and will train its managers and staff on identifying and preventing sexual harassment and retaliation.

The policies and staff training will be available in Spanish.

EEOC will monitor Suffolk Laundry's compliance with these obligations and Title VII of the Civil Rights Act of 1964 for a period of four years.

Because of this consent decree, these women will receive due compensation for the abuse they suffered and, there is confidence, with the consent decree in place and the conditions of that consent decree, that no more employees will be victimized in the future.

In another example of an EEOC sex discrimination lawsuit where Cintas Corporation settled to pay $1.5 million, the corporation entered into a further agreement:

To hire an outside expert to revalidate the criteria used to I screen, interview and select employees and the interview guides used in employee hiring.

To provide training to the individuals involved in the selection of employees, whereby such training would cover record retention and an explanation of what constitutes an unlawful employment practice under Title VII.

To continue to provide diversity, harassment and antidiscrimination training annually to employees.

To post a notice informing employees that federal law prohibits discrimination, and to report to EEOC over an approximate 28-month period information and materials on training programs; recruiting logs; descriptions and explanations for any changes made to the employee hiring process; its expert revalidation findings; unprivileged materials and reports from any audits made of a facility's employee hiring or recruitment methods or practices, should an audit be done; record retention and reporting on applicant data.

According to EEOC General Counsel, David Lopez, the injunctive relief obtained provides confidence and a strong foundation for eliminating barriers in recruiting and hiring women and will prevent the reoccurrence of this type of situation.

The Jackson Lee Amendment No. 4 would have a direct impact on these very types of cases by providing an exception to cases where funds are directed to the remediation of generalized harm, as highlighted in the above agreements that falls within the category of other than direct restitution to the identifiable victims.

Accordingly, I urge adoption of the Jackson Lee Amendment No. 4.

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

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

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

Mr. GOODLATTE. Mr. Chairman, this amendment would exempt settlements resolving workplace sexual harassment, violence, or discrimination; but nothing in the underlying bill prevents victims of workplace harassment, violence, or discrimination from obtaining relief.

The Stop Settlement Slush Funds Act of 2016 explicitly permits remedial payments to third-party victims who were directly and proximately harmed by the defendant's wrongdoing. Nor does the bill preclude wider conduct remedies used in discrimination cases.

Nothing in the bill debars the Department of Justice from requiring a defendant to implement workplace training and monitoring programs. The ban on third-party payments merely ensures that the defendant remains responsible for performing these tasks itself and is not forced to outsource set sums for the work of two third parties who might be friendly with a given administration.

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

Ms. JACKSON LEE. Mr. Chairman, I think the chairman of the Committee on the Judiciary just answered, this is a political bill. If an independent entity in the settlement wants to retain an entity to help train, to help provide information, to speak Spanish, why is that prohibited?

My amendment says there should be an affirmative affirmation through an exemption that this is not disallowed because specifically what they are trying to go to is blocking the particular settlement and the parties from making an informed decision as to who would best implement the settlement; and if that required funding to do so to an entity that may happen to be a civil rights group, an NAACP, an Urban League, La Raza, then it seems that my friends on the other side of the aisle want to make sure that those organizations' storied histories in civil rights does not get a chance to help improve and to eliminate sexual harassment, workplace harassment, workplace discrimination, sexual violence, none of these things.

I can't, for the life of me, understand why the Jackson Lee amendment No. 4 would not be an acceptable affirmation that it is all right for these corporations to engage with other entities that can do the job better than them.

Let's work together to eliminate discrimination in America once and for all, and let's work together so that we don't read any more headlines like the Aurora, Colorado, headline victims, where they were told to pay $700,000 back to the theater. I am appalled, and I think none of us would agree with that.

I ask my colleagues to support the Jackson Lee amendment No. 4. It is right for justice and equality.

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

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

The fact of the matter is that the principle here of making sure that when the Department of Justice goes and extracts settlement payments from defendants in lawsuits brought against them is spent to directly compensate the victims is what this legislation is all about. We want to see them compensated.

We also want to make sure that if they are not harmed by this, it doesn't matter who they are. It could be a Republican administration and their favored groups may be a whole different list of organizations that might be sitting there at the door hoping to be able to get some money from the Federal trough by simply applying to a Federal prosecutor or a Federal bureaucrat instead of going through the process that the United States Constitution requires, and that is that Article I of the Constitution says the Congress shall appropriate funds. If the funds are not to go to people directly harmed, they should come to the General Treasury; and the Congress itself, the people's elected representatives in the people's House, should appropriate the funds as they believe is most appropriate.

Mr. Chairman, I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 5 OFFERED BY MR. GOSAR

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 114–724.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of the bill the following:

(e) SPECIAL RULE FOR ATTORNEY FEES IN ENVIRONMENTAL CASES.—In the case of a settlement agreement which is permissible under subsection (a), and which directs or provides for payment for services rendered in connection with a case relating to the environment, the settlement agreement may not provide for payment of attorney fees in excess of $125 per hour.

The Acting CHAIR. Pursuant to House Resolution 843, the gentleman from Arizona (Mr. GOSAR) 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 a commonsense amendment that will prevent the abuse of Justice Department settlements to line the pockets of environmental lawyers.

The Gosar amendment caps settlement payments for attorneys' fees provided in relation to environmental cases at $125 per hour. The Equal Access to Justice Act, EAJA, already contains a fee cap of $125 per hour for attorney fees. Unfortunately, EAJA also contains a loophole that allows specialized attorneys to violate that cap without explicitly defining who meets this standard. The result has been the rampant abuse of this loophole by environmental groups who routinely argue that their lawyers are specialized and can therefore violate the cap. Furthermore, the Endangered Species Act does not contain this cap.

As a report by the Congressional Working Group on the Endangered Species Act explains: ''The effect is large, deep-pocketed environmental groups with annual revenues well over $100 million are reaping taxpayer reimbursements from a law intended for the 'little guy.'

''These groups—and their lawyers—are making millions of taxpayer dollars by suing the Federal Government, being deemed the 'prevailing party' by Federal courts, and being awarded fees either through settlement with DOJ or by courts.

''According to the documents provided by DOJ, some attorneys representing nongovernmental entities have been reimbursed at rates as much as $500 per hour, and at least two lawyers have each received over $2 million in attorneys' fees from filing ESA cases.''

Perhaps most egregious, many of these lawsuits are not even litigated. These attorneys are raking in these ridiculously high fees by filing and settling. This has massively incentivized the ''sue and settle'' tactics that have become all too common in these types of cases.

Again, U.S. Code section 504, subsection (b)(1) already caps attorney fees at $125 per hour. My amendment simply closes the loophole that environmental groups use to violate this cap and charge inordinate attorney fees at taxpayer expense.

Similar legislation has been introduced in the past, including the Endangered Species Litigation Reasonableness Act, introduced by Representative HUIZENGA. As Representative HUIZENGA accurately stated in April of 2015: ''The goal of the Endangered Species Act is to enhance wildlife preservation, not line the pockets of trial attorneys with taxpayer dollars. Every taxpayer dollar spent on litigation is a dollar that could have been spent protecting the environment.''

This amendment is endorsed by the Americans for Limited Government, the American Conservative Union, Family Farm Alliance, the Motorcycle Industry Council, National Rural Electric Cooperative Association, the Recreational Off-Highway Vehicle Association, the Specialty Vehicle Institute of America, Taxpayers Protection Alliance, the U.S. Chamber of Commerce, and the Arizona Farm Bureau.

I commend the chairman and the committee for their efforts on this legislation and for recognizing that the settlement process is in desperate need of reform.

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

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. JOHNSON of Georgia. Mr. Chairman, this amendment would limit the ability of the prevailing party to receive reasonable attorneys' fees for services rendered in connection with a settlement agreement.

Where citizens, through a private enforcement action, hold the government or a private party accountable, Congress has authorized payments for reasonable attorneys' fees.

Bringing meritorious claims to hold corporate wrongdoing accountable is often time consuming and expensive. In many cases, Congress has already authorized reasonable attorneys' fees specifically to encourage these types of lawsuits to ensure a level playing field and an accessible justice system.

This amendment would limit these fees to outdated rates—$125 an hour; that is ridiculous—and that will discourage citizens from bringing these important lawsuits. Accordingly, I encourage my colleagues to oppose this amendment.

I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Committee on the Judiciary.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding.

The Stop Settlement Slush Funds Act of 2016 is intended to bolster Congress' Article I institutional authority over all types of cases, not to carve out special rules for particular categories of cases. Attorneys' fee issues are not the focus of the bill and would be better addressed by separate legislation.

I commend the gentleman from Arizona for his concern about the abuse that he has cited, but this amendment could also have significant, unintended adverse consequences. First and foremost, it could hinder the ability of small businesses challenging government overreach to obtain representation. This could occur, for example, in Fifth Amendment takings cases, many of which involve the environment.

Indeed, fee recoveries under the Equal Access to Justice Act, although often abused by environmental NGOs, as was cited by the gentleman from Arizona, were originally intended to go to small businesses and other small entities to help them sue against overreaching government action. The problem he cites needs to be addressed, but not here. Accordingly, I urge my colleagues to oppose the amendment.

Mr. GOSAR. Mr. Chairman, first of all, I would like to agree with the chairman on his analysis of the Equal Access to Justice Act. It has been abused. As I mentioned before, environmental groups with well over $100 million in annual revenues are using the law intended to protect the little guy to siphon money from the American taxpayers. That is why my amendment is so important. By closing this loophole, we can uphold the intent of the law and ensure its continued efficacy.

Furthermore, line 15 of the Stop Settlement Slush Funds Act contains a carve-out for environmental litigation. My amendment is, therefore, both germane and critical to preventing attorneys in these environmental lawsuits from using the currently existing loophole to charge upwards of $500 per hour for their service.

As my colleague Representative HUIZENGA has perviously pointed out, every dollar spent on litigation is a dollar that cannot go to protecting or restoring the environment.

I also want to make clear that my amendment does nothing to prohibit groups from engaging in litigation or to prohibit repayments for their legal fees. The $125 cap already exists in current law. My amendment simply closes the loophole that environmental groups have used to exceed that cap.

Once again, I would like to thank my colleagues for their efforts on this important issue. I encourage the passage of the Gosar amendment.

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

□ 1530

Mr. JOHNSON of Georgia. Mr. Chair, 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 question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GOSAR. 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 Arizona will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. TOM PRICE OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 114–724.

Mr. TOM PRICE of Georgia. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of the bill the following:

(e) REPORTS ON SETTLEMENT AGREEMENTS.—

(1) IN GENERAL.—Beginning at the end of the first fiscal year that begins after the date of the enactment of this Act, and annually thereafter, the head of each Federal agency shall submit electronically to the Congressional Budget Office a report on each settlement agreement entered into by that agency during that fiscal year that directs or provides for a payment to a person or entity other than the United States that provides restitution for or otherwise directly remedies actual harm (including to the environment) directly and proximately caused by the party making the payment, or constitutes payment for services rendered in connection with the case, including the parties to each settlement agreement, the source of the settlement funds, and where and how such funds were and will be distributed.

(2) PROHIBITION ON ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this subsection.

(3) SUNSET.—This subsection shall cease to be effective on the date that is 7 years after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 843, the gentleman from Georgia (Mr. TOM PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. TOM PRICE of Georgia. Mr. Chairman, let me first commend Chairman GOODLATTE for his work on the underlying bill. I want to thank him and the staff of the Judiciary Committee for their support and assistance on crafting this and the following amendment. I also want to thank the chairman, staff, and members of the Rules Committee for their help as well.

This amendment, Mr. Chairman, requires the head of each Federal agency to provide an annual electronic report to the Congressional Budget Office of any settlement agreements entered into by an official or agency during the previous year, consistent with the limitations of the underlying bill, H.R. 5063.

This annual submission to CBO is critical to ensure the transparency of these settlements and to provide Congress an opportunity to obtain the information on these from the agencies. Further, with this information, CBO can begin building a database of these settlements, which is essential for Congress to track and to monitor the size and number of these agreements made by the Federal Government.

I should point out that it also includes language to ensure that no additional funds are appropriated for this

administrative reporting requirement to make certain that the amendment has no budgetary impact. I want to also state, finally, that this amendment includes a 7-year sunset provision to comply with the House's CutGo provision.

I want to once again thank the chairman of the Judiciary Committee.

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

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

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

There was no objection.

Mr. GOODLATTE. Mr. Chairman, I support this amendment. It would require Federal agencies to submit reports electronically to the Congressional Budget Office on settlement agreements into which they enter. The amendment's electronic reporting requirement would help alert Congress to problem settlements, is efficient, and would aggregate information in one place, which would aid oversight. Accordingly, I urge my colleagues to support this valuable amendment.

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

Mr. TOM PRICE of Georgia. Mr. Chairman, I want to thank the chairman once again. I urge adoption of the 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 Georgia (Mr. TOM PRICE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. TOM PRICE OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 114–724.

Mr. TOM PRICE of Georgia. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of the bill the following:

(e) ANNUAL AUDIT REQUIREMENT.—

(1) IN GENERAL.—Beginning at the end of the first fiscal year that begins after the date of the enactment of this Act, and annually thereafter, the Inspector General of each Federal agency shall submit a report to the Committees on the Judiciary, on the Budget and on Appropriations of the House of Representatives and the Senate, on any settlement agreement entered into in violation of this section by that agency.

(2) PROHIBITION ON ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this subsection.

The Acting CHAIR. Pursuant to House Resolution 843, the gentleman from Georgia (Mr. TOM PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. TOM PRICE of Georgia. Mr. Chairman, this is the sister or cousin amendment to the one just adopted by the House, and it requires the inspector general of each Federal agency to provide an annual report to the House and Senate Committees on the Judiciary, Appropriations, and the Budget concerning any settlement agreements that may violate section 2(a) of H.R. 5063.

The previous amendment identified all those settlements made consistent with H.R. 5063, and this is a report that would be required that would identify those settlements outside the agreements under H.R. 5063.

This information is vital to help ensure that the Federal agencies are not usurping Congress' power of the purse by continuing past practices and to confirm Federal agencies are fulfilling the requirements of the underlying bill. It also includes, once again, language to ensure that no additional funds are appropriated for the administrative reporting requirement and makes sure that it is budget-neutral.

I urge the adoption of the amendment.

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

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

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

There was no objection.

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

Mr. Chairman, I support this amendment. It is another good amendment by the chairman of the Budget Committee, who has not only a great appreciation for the issues involved here, but has been very constructive and helpful in supporting this underlying legislation.

This amendment would require agency inspectors general to report to Congress annually any settlement agreements that violate the provisions of this bill. This audit requirement would aid enforcement, both by deterring agency noncompliance and by ensuring noncompliance is reported back to Congress, so it can be addressed.

Accordingly, I thank Chairman PRICE for his thoughtful amendment and for working with me on it. The amendment improves the bill, and I urge my colleagues to support it.

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

Mr. TOM PRICE of Georgia. Mr. Chairman, once again, I thank the Chairman for his support and for his assistance in this, and I urge adoption of the 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 Georgia (Mr. TOM PRICE).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 114–724 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. CONYERS of Michigan.

Amendment No. 2 by Mr. CICILLINE of Rhode Island.

Amendment No. 4 by Ms. JACKSON LEE of Texas.

Amendment No. 5 by Mr. GOSAR of Arizona.

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

AMENDMENT NO. 1 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 234, not voting 19, as follows:

[Roll No. 483]

AYES—178

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)

Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—234

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
DeSantis
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney (FL)
Ros-Lehtinen
Roskam
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—19

Boustany
Brown (FL)
Calvert
Clawson (FL)
DesJarlais
Duckworth
Johnson, Sam
Lieu, Ted
Loudermilk
Nugent
Palazzo
Reichert
Rokita
Ross
Rush
Sanchez, Loretta
Sinema
Stivers
Westmoreland

□ 1558

Messrs. RATCLIFFE, WOODALL, FITZPATRICK, and ASHFORD changed their vote from ''aye'' to ''no.''

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. CICILLINE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 175, noes 236, not voting 20, as follows:

[Roll No. 484]

AYES—175

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—236

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garamendi
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Nadler
Neugebauer
Newhouse
Noem
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—20

Bishop (MI)
Boustany
Brown (FL)
Calvert
Clawson (FL)
Cole
DesJarlais
Duckworth
Guthrie
Johnson, Sam
Lieu, Ted
Nugent
Palazzo
Reichert
Ross
Rush
Sanchez, Loretta
Scott, David
Sinema
Wittman

□ 1603

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WITTMAN. Mr. Chair, on rollcall No. 484, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. GUTHRIE. Mr. Chair, on rollcall No. 484, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 178, noes 235, not voting 18, as follows:

[Roll No. 485]

AYES—178

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Pingree
Pocan
Polis
Price (NC)
Quigley
Rice (NY)
Richmond
Rohrabacher
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—235

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—18

Boustany
Brooks (AL)
Brown (FL)
Calvert
Clawson (FL)
DesJarlais
Duckworth
Hurt (VA)
Johnson, Sam
Lieu, Ted
Nugent
Palazzo
Rangel
Reichert
Ross
Rush
Sanchez, Loretta
Sinema

□ 1608

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HURT of Virginia. Mr. Chair, I was not present for rollcall vote No. 485 On Agreeing to the Jackson Lee of Texas Amendment No. 4 to H.R. 5063, the Stop Settlement Slush Funds Act of 2016. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. CALVERT. Mr. Chair, on rollcall votes 481, 482, 483, 484, and 485, I was unable to vote as I was detained in my congressional district to attend the funeral of a dear friend. Had I been present, I would have voted "yes" on rollcall votes 481, and 482. Had I been present, I would have voted "no" on rollcall votes 483, 484, and 485.

AMENDMENT NO. 5 OFFERED BY MR. GOSAR

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 155, noes 262, not voting 14, as follows:

[Roll No. 486]

AYES—155

Abraham
Allen
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bishop (UT)
Black
Blackburn
Blum
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Collins (GA)
Collins (NY)
Comstock
Cook
Cramer
Crawford
Culberson
Davidson
DeSantis
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fleischmann
Fleming
Flores
Franks (AZ)
Garrett
Gibbs
Gibson
Gohmert
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Guthrie
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Hudson
Huelskamp
Hultgren
Hunter
Jenkins (WV)
Jones
Jordan
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Knight
Labrador
LaHood
LaMalfa
Lamborn
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
Marchant
Marino
McCarthy
McCaul
McClintock
McHenry
McMorris Rodgers
McSally
Meadows
Messer
Miller (FL)
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Olson
Palmer
Paulsen
Pearce
Perry
Pitts
Pompeo
Price, Tom
Ratcliffe
Rice (SC)
Roe (TN)
Rohrabacher
Rokita
Rothfus
Rouzer
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shuster

Simpson
Smith (MO)
Smith (NE)
Smith (TX)
Smith (WA)
Stefanik
Stewart
Stutzman
Thompson (PA)
Tipton
Wagner
Walberg
Walden
Walker
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wittman
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—262

Adams
Aderholt
Aguilar
Amash
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Blumenauer
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brooks (IN)
Brownley (CA)
Buchanan
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Doyle, Michael F.
Edwards
Ellison
Ellmers (NC)
Engel
Eshoo
Esty
Farr
Fincher
Fitzpatrick
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Goodlatte
Graham
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Gutiérrez
Hahn
Hanna
Hardy
Harper
Hastings
Heck (NV)
Heck (WA)
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Huffman
Huizenga (MI)
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Massie
Matsui
McCollum
McDermott
McGovern
McKinley
McNerney
Meehan
Meeks
Meng
Mica
Miller (MI)
Moolenaar
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
Nunes
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pittenger
Pocan
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Rangel
Reed
Renacci
Ribble
Rice (NY)
Richmond
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rooney (FL)
Ros-Lehtinen
Roskam
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Shimkus
Sires
Slaughter
Smith (NJ)
Speier
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Wilson (SC)
Womack
Yarmuth

NOT VOTING—14

Boustany
Brown (FL)
Clawson (FL)
DesJarlais
Duckworth
Johnson, Sam
Lieu, Ted
Nugent
Palazzo
Reichert
Ross
Rush
Sanchez, Loretta
Sinema

□ 1612

Mr. ROTHFUS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. SIMPSON, 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. 5063) to limit donations made pursuant to settlement agreements to which the United States is a party, and for other purposes, and, pursuant to House Resolution 843, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

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

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

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

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

Ms. MENG. I am opposed.

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

The Clerk read as follows:

Ms. Meng moves to recommit the bill H.R. 5063 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 3, line 11, insert after ''settlement agreement'' the following: ''(except as provided in subsection (e))''.

Add at the end of the bill the following:

(e) EXCEPTION FOR A SETTLEMENT AGREEMENT THAT SAVES LIVES AND REDUCES HEALTHCARE COSTS.—The provisions of this Act do not apply in the case of a settlement agreement that reduces the cost of life-saving medical devices through the enforcement of the antitrust laws.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York is recognized for 5 minutes.

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

The purpose of my motion is simple. It says that the restrictions in the underlying bill do not apply to settlement agreements that ultimately result in lower prices for lifesaving medical devices.

Mr. Speaker, Americans are hurting across this country. Far too often, there have been companies that have sought to profit off of the most vulnerable among us through monopoly-like action and power.

When that happens, Mr. Speaker, particularly when it comes to medical devices, it is the Federal Government's role to ensure that consumers are protected, to ensure that all Americans have access to devices they need, particularly when it is a matter of life and death.

In my opinion, we have to look no further than the actions of the maker of EpiPens, the device every parent of a child with severe allergies is aware of. When a child goes into shock, this is the device that will save his or her life.

Unfortunately, EpiPen's maker, Mylan, has chosen to systematically inflate its profits over the past several years without reinvesting those profits for further business activities such as research and development. Instead, we have seen CEO pay raised astronomically, and quarterly profits skyrocket, all off the backs of vulnerable Americans.

This is wrong. It is so wrong that we have taken notice of these actions, and Congress is investigating whether or not violations of antitrust law have occurred with respect to Mylan. If we find that it has, and DOJ or another government agency agrees, let's not hamstring the settlement that may ultimately be reached with Mylan.

Clearly, we are not the jurors in this case, and we are not structuring the terms of any eventual, possible deal. But let's not preclude the agencies seeking to protect us from reaching a deal that may solve problems for Americans in need, a deal that may actually reduce the cost of lifesaving medical devices.

Mr. Speaker, I urge support for this motion.

I yield back the balance of my time.

Mr. MARINO. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

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

Nothing in this bill interferes with antitrust settlement. Nothing. The bill goes to Congress' constitutional power. That is why every Member of Congress should oppose this motion to recommit.

I say this because it targets legislation designed exclusively to strengthen

Congress. Serious people on both sides of the aisle understand the importance of Congress' spending power.

A major theme of the Speaker's A Better Way Initiative is that the spending power is one of Congress' most effective tools in reining in executive overreach. Liberal legal scholar Abner Mikva agrees:

> To ensure that Congress would act as the first branch of government, the constitutional Framers gave the legislature virtually exclusive power to control the Nation's purse strings. They knew that the power of the purse was the most far-reaching and effectual of all governmental powers.

This motion stems from a misunderstanding of the governing principle of this bill, which is simply this: DOJ's authority to settle cases requires the ability to obtain redress for actual victims—actual victims. However, once direct victims have been compensated, deciding what to do with additional funds extracted from defendants becomes a policy question properly decided by elected representatives in Congress, not agency bureaucrats or prosecutors.

The Framers assigned this job to Congress. It is in everyone's interest to preserve the careful balance of our Framers' wisely struck constitutional issues. If you believe in checks and balances, oppose the motion and support this bill. If you believe that effective congressional oversight of the executive branch is important, oppose this motion and support this bill. If you believe that Congress' ability to rein in executive overreach will be important in future administrations, oppose this motion and support this bill.

I urge my colleagues to defend Congress' institutional interest by opposing this motion.

I yield back the balance of my time.

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

There was no objection.

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

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

RECORDED VOTE

Ms. MENG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of the bill, if ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 234, not voting 16, as follows:

[Roll No. 487]

AYES—181

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blum
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—234

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney (FL)
Ros-Lehtinen
Roskam
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—16

Boustany
Brown (FL)
Clawson (FL)
DesJarlais
Duckworth
Franks (AZ)
Johnson, Sam
Lieu, Ted
Nugent
Palazzo
Reichert
Rokita
Ross
Rush
Sanchez, Loretta
Sinema

□ 1627

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FRANKS of Arizona. Mr. Speaker, on rollcall No. 487, had I been present, I would have voted "no."

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 241, noes 174, not voting 16, as follows:

[Roll No. 488]

AYES—241

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher

Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—174

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—16

Beyer
Boustany
Brown (FL)
Clawson (FL)
DesJarlais
Duckworth
Johnson, Sam
LaMalfa
Lieu, Ted
Nugent
Palazzo
Reichert
Ross
Rush
Sanchez, Loretta
Sinema

□ 1635

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of September 9, 2016, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule XV, relating to the bill (S. 2040) to deter terrorism, provide justice for victims, and for other purposes.

The SPEAKER pro tempore (Mr. COLLINS of New York). Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREE ON S. 2012, NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2016

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferee on S. 2012 to fill the vacancy caused by the resignation of Representative Whitfield of Kentucky:

Mr. KINZINGER of Illinois.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

EXPRESSING SUPPORT FOR THE TERRITORIAL INTEGRITY OF GEORGIA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 660) expressing the sense of the House of Representatives to support the territorial integrity of Georgia.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 660

Whereas since 1993, the sovereignty and territorial integrity of Georgia have been reaffirmed by the international community in all United Nations Security Council resolutions on Georgia;

Whereas the Government of Georgia has pursued a peaceful resolution of the conflict with Russia over Georgia's territories of Abkhazia and the Tskhinvali region/South Ossetia;

Whereas principle IV of the Helsinki Final Act of 1975 states that, ''The participating States will respect the territorial integrity of each of the participating States. Accordingly, they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State, and in particular from any such action constituting a threat or use of force . . . and participating States will likewise refrain from making each other's territory the object of military occupation.'';

Whereas the Charter of the United Nations states that, ''All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.'';

Whereas the recognition by the Government of the Russian Federation of Abkhazia and Tskhinvali region/South Ossetia on August 26, 2008, was in violation of the sovereignty and territorial integrity of Georgia and contradicting principles of Helsinki Final Act of 1975, the Charter of the United Nations as well as the August 12, 2008, Ceasefire Agreement;

Whereas the United States-Georgia Charter on Strategic Partnership, signed on January 9, 2009, underscores that ''support for each other's sovereignty, independence, territorial integrity and inviolability of borders constitutes the foundation of our bilateral relations.'';

Whereas according to the Government of Georgia's ''State Strategy on Occupied Territories'', the Government of Georgia has committed itself to a policy of peaceful engagement, the protection of economic and human rights, freedom of movement, and the preservation of cultural heritage, language, and identity for the people of Abkhazia and the Tskhinvali region/South Ossetia;

Whereas the August 2008 war between the Russian Federation and Georgia resulted in civilian and military casualties, the violation of the sovereignty and territorial integrity of Georgia, and large numbers of internally displaced persons;

Whereas the annual United Nations General Assembly Resolution on the ''Status of Internally Displaced Persons and Refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia'', recognizes the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, as well as their property rights, remains unfulfilled;

Whereas the Russian Federation is building barbed wire fences and installing, so-