

now in my 12th year. As I brought legislation in the State forward to legitimize the elections that were in question, I asked that we made sure that our voter registration lists are free of duplicates, deceased, and felons, and that we require a picture ID.

The gentleman from Arizona has put together a list of the things that you need a picture ID for, and it's rather astonishing when you look through that list. Since he yielded back the balance of his time, I'm going to just pick some things off of this sheet, Madam Chair. That is this:

You can't get a package from a post office, a post office general delivery box, without showing a picture ID in cities. I can in my hometown.

You can't purchase a handgun without a picture ID.

You can't purchase tobacco or liquor without a picture ID. I can't get a beer in Chicago without a picture ID, or open a bank account or get on a passenger plane or get a ticket to Amtrak or rent a car or return merchandise or a refund or sell scrap metal in a junk yard or purchase police uniforms in California. I've never tried that one.

You can't be treated in any doctors' offices or admitted to a hospital without being in an emergency without a picture ID, or rent an apartment or get a bank loan or a cell phone or a teaching license or enter a major university, enroll as a student or get a library card at any libraries or enter military ports, check into a major hotel chain, rent a truck from a U-Haul or, as the gentleman from Arizona said, you can't visit Eric Holder without a picture ID. It's pretty astonishing.

This morning, in a hearing before the Judiciary Committee, the Director of the FBI, Director Mueller, I asked him if he had heard of the incident of the early twenties young Caucasian male that walked into the polling place in Virginia and asked for Attorney General Eric Holder's ballot. He just gave the name and identified the address, and they tried to hand him the ballot. He said, I need to go get my ID. They said, You don't need an ID; here is the ballot. It didn't occur to the poll worker that this early twenties Caucasian male was not a 61-year-old black man whom everybody ought to know his face by now, the Attorney General of the United States.

The Attorney General of the United States apparently wasn't alarmed that he easily could have been disenfranchised of his vote if that individual had just gone and picked up the ballot and gone and voted. He was not alarmed. And the Director of the FBI said under oath, this morning, he hadn't heard of this case, this incident that, by the way, twice was brought before the Judiciary Committee and the video was run. It's a matter of record with the Judiciary Committee within the last month, Madam Chair.

There are things that you can't do. As I said, you can't get a beer in Chicago without a picture ID and you

can't vote in Hugo Chavez's Venezuela without a picture ID. It's about time, in the United States of America, we allow the States to clean up our election laws and kept the Department of Justice out of the business of interfering with the justice that is delivered by the States in the United States of America.

I yield back the balance of my time.

Mr. FATTAH. Madam Chair, I move to strike the last word.

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

Mr. FATTAH. Let me say a couple of things.

One is that our country has managed to limp along for a few hundred years. We are the leading Nation in the world. We are the wealthiest Nation in the world. We are the number one superpower. I don't know how we got here with all of these imperfections in our voting system, but we'll try to go forward.

This notion that voter IDs—for instance, in the State of Texas, if you have a concealed-weapons permit issued by the State, that's good; you can go vote with it. If you have a State ID from the State university, that's not good.

In our State of Pennsylvania, we've got 30 types of different IDs that you can and you can't use. The Republican Governors and legislatures throughout our country this year have all come to the same conclusion. It's like a consensus that all of a sudden what America really needs is picture IDs for people to go vote.

I would suspect that when this is over with, after people go to the polls in November, there is going to be some regret. I think that in many areas of our country where there are people who may even cast votes on behalf of the GOP, that there are going to be senior citizens like—for instance, let me give you an example of my own mother. She is 80 years old. She has never driven a car. She's not traveled outside the country. She has no active passport or anything. She doesn't have a picture ID. She doesn't need one. We'll make sure she has one.

□ 1630

I believe that when we get to the final analysis here that there will be more interference in voting in places that don't have the same level of access to what the States have now required you to do, and I think that will be unfortunate. It's not the way for the leading democracy in the world to operate. Those who have promoted these laws and stand in support of them, I believe this will be a point in their careers that they'll look back on and wonder how it is that they got on such the wrong side of history.

I'm opposed to this amendment, which is another limiting amendment, limiting access to the courts for lawyers on behalf of our government, trying to protect citizens' right to vote in

States where Governors have decided now you need a picture to go present yourself and cast a ballot.

I yield back the balance of my time.

Mr. GOSAR. I move to strike the last word.

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

Mr. GOSAR. I am proud of my colleague from Arizona for bringing up this amendment, and I am tired of the Department of Justice dictating to the States. It's about time that we embellish and supported States to actually help us with this. And I want to remind our colleagues, if it's good enough for us—here's my card in order to vote—it should be good enough for the rest of the United States. What we do in Congress we should do for the rest of the country, and this is where it starts.

There are so many things that we can talk about, but it's about time that we stopped suing States. And I think this is a great amendment—rewarding good behavior instead of rewarding bad behavior—and giving our Department of Justice an outline of what good behavior is, because I think they've lost their way.

I yield back the balance of my time.

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

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

Mr. FATTAH. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 14 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used to enforce section 221(a) of title 13, United States Code, with respect to the American Community Survey.

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

Mr. POE of Texas. Madam Chairman, my colleagues and I—Congressman GOWDY, Congressman KING, Congressman SCALISE, and Congressman LANDRY—have introduced an amendment to prohibit funds from going to the Census Bureau to enforce a criminal penalty that is imposed upon people who choose not to complete the American Community Survey.

The American Community Survey is not the same as the decennial, or every-10-year, census that is required by the U.S. Constitution. The census, of course, is conducted every 10 years to account for the population and includes, basically, 10 questions. The

American Community Survey is a different survey handled by the Census Bureau that has 48 questions and is sent to 250,000 people every month, or 3 million Americans a year. The questions that it asks have nothing to do with national security, but it asks specific—in my opinion, intrusive—questions to determine Federal funding for certain areas. Plus, businesses use these answers to the questions to make business decisions on locating or not locating in certain parts of the United States.

I don't argue the benefit of the overall purpose of the American Community Survey. My concern is that it's intrusive. And does the Federal Government really have the right to ask certain questions? There are 48 questions. I'm not going to go through all of them. However, I would like to put into the RECORD the American Community Survey.

There are three questions I would like to mention, however. One of them is, Does your home have a flush toilet? Or, Do you or any member of your household have a second mortgage or a home equity loan? The third question that I wanted to mention is, Because of a physical, mental, or emotional condition, does this person have serious difficulty concentrating, remembering, or making decisions?

Now, does the Federal Government really need this information? Should the Federal Government really obtain this intrusive information from citizens?

If Americans want to complete the American Community Survey, fill it out, give it to the Census Bureau, fine, but they shouldn't be required to do so with the threat of a fine.

I've heard from many people—not only in Texas but all over the country—that they are concerned when people come from the Census Bureau, or subcontractors, to have them fill out this questionnaire. These people from the Census Bureau, or those who are contracted by them, start with phone calls. First there's one a week, and then many times there's one every day. In one particular case, I had an individual who was a single mother with a young child who said the Census Bureau worker started coming to her house, sitting out in the front of her house waiting for her to come in. And then when she is in the residence, the worker is peeking through the window to see if she's in there, knocking on the door to have her come to the door to answer the American Community Survey.

Now, does that really need to take place in the United States just to get a 48-question survey filled out? I don't think so. The means to get this information does not justify the result. And if people don't want to complete the survey, they shouldn't be required, under our law, by the penalty of a fine, to do so.

I hope that we do, in this country, as the Canadians have done. They have

made this type of information voluntary. They still obtain the information from people who want to voluntarily give the information. As smart as the Census Bureau is about collecting information, they can certainly do this without having to go door to door, 250,000 people every month, to do this. Figure out new innovative ways to obtain this information voluntarily. Maybe talk to some of the polling agencies that have specific information about all kinds of polls in the United States to obtain the information with the result to be for businesses to use and for Federal funding to be going into those areas.

So this amendment simply says, there will be no penalty for people who refuse to fill out the survey.

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

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

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

Mr. FATTAH. My colleague, the gentleman from Texas, was here with me in 2005 when, in fact, we had a President from Texas. This survey was done then. It was done in the same identical way. In fact, this would be the first time that we would act in a way contrary to our constitutional responsibility.

It is important to note that this is an authorized activity of the Census Bureau, not just directly related to our constitutional responsibilities but also Title 13 of the U.S. Code, and it has been judged in numerous courts to be appropriate. It is important for Congress and for our government to be able to act in ways, in terms of public policy, in which we have information.

I'm trying to figure out what's different now than in 2005. In fact, the development of this survey and these questions even happened prior to this administration. So I'm trying to figure out exactly why we're here today and what it is that we're trying to accomplish and why we want to create suspicion about the fact that we need to have information about the population, like the question about toilets that flush or things like this.

□ 1640

We do this with the Millennium Challenge grant, which was set up under the Bush administration, looking at developing countries and looking at some of the challenges in terms of population and when we want to know about the state of our own communities.

So I wonder why we're here. I do know one thing: I'm going to vote against this. I'm sure the gentleman has some reason why this was okay before and now it's not okay. The House will work its will on it.

Mr. POE. Will the gentleman yield?

Mr. FATTAH. I would be glad to yield to the gentleman from Texas.

Mr. POE of Texas. To answer your question specifically, I am not arguing

the point that this information is not valuable for businesses and for the Federal Government for funding in certain areas. My issue and the concern that has arisen since I have been in Congress is that people feel that they should not be forced to participate in the American Community Survey.

This is not the census. This is a different complete document. Sure, it's authorized by Congress. But maybe Congress needs to back up and say people should be allowed to opt out and not be required to fill out the survey.

Mr. FATTAH. Reclaiming my time, maybe Congress will, and you've offered us an opportunity to do so. You pointed out Canada. I guess you're recommending their system and the way they do things. For our purposes, the country seems to run pretty well by having the census data, having a capability of understanding of what the water needs may be, what the transportation needs may be, understanding what the conditions are in American families so that we can get appropriate public policy.

But if you think we can do that better being in the dark in terms of this data, fine. The Census Bureau says even though they don't really enforce the fine, they know for a certainty that absent a requirement, they will get less data back.

I know the gentleman is attempting to help our country. I'm just not clear exactly how this does it.

I yield back the balance of my time.

Mr. KING of Iowa. I move to strike the last word.

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

Mr. KING of Iowa. Thank you, Madam Chair.

I rise in support of the Poe amendment, and I thank the gentleman from Texas for bringing it.

Just to clarify some of the history, this is the questionnaire that apparently has replaced the need for what was the census long form. The census, of course, is directed by the Constitution every 10 years. And that's why we're going through redistricting now and all the primaries take place across the country.

But from 1940 until the year 2000, we also had the long form that was part of the census question. Some people got the long form; some got the short form. And this questionnaire came along and replaced the long form. So the perception was that it actually was a census question—the replacement for the long form—but it really is not. Of course, it's the American Community Survey.

I agree with the gentleman from Texas. If a government is going to be so intrusive, they're going to issue a 24-page packet of questions that's got 48 questions in it, some of them very, very intrusive. Just names, age, gender, race, income, physical and emotional health—that must have been the one where you have to answer the question on whether you're having trouble concentrating or making decisions—

your family status, details of your residence—that might be the one about whether you have a flush toilet or not—and intimate personal habits—whether you actually use it or not. I'm having trouble concentrating on whether I actually have one.

But I'm thinking that when one gets one of these in the mail and you're looking at someplace between—I know it's not been enforced, but they don't know that when they get the questionnaire—so someplace between a \$100 fine and up to a \$5,000 fine, by the information I have, that's pretty draconian just to get information from American people that volunteer on a basis by the tens of millions and contribute billions of dollars in charity. We can find enough Americans to fill out this survey and give the government the information that they need.

Mr. FATTAH. Will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. There's some 309 million Americans, and some 200,000 will be getting this form, right?

Mr. KING of Iowa. I believe 250,000 is the number I have.

Mr. FATTAH. So 250,000. First and foremost, it's an opportunity for a sampling. As politicians, we know what sampling is all about. It is to take from a smaller group of people information that you can then extrapolate and make broader judgments about. So if you're only asking less than 1 percent of 1 percent, the notion that this is some intrusive governmental activity, I think—

Mr. KING of Iowa. Reclaiming my time, Madam Chair, I would make the point if it's less than 1 percent of the population, it certainly is. It's far less than 1 percent of the population. We can find that many volunteers that will fill this out voluntarily. Send it to me. I'll fill it out voluntarily. But when you tell me you're going to come in and fine me for it, that's intrusive. And these questions are personal enough that people should be able to say, I don't want to share that information with my Federal Government. I don't want that to go into a database that might possibly get transferred across into other people's information.

I think it's important to have the information, but it's important that people have freedom and liberty and we do not have an intrusive Federal Government that would impose a fine on people if they didn't let the information come out about whether they had a flush toilet and whether they can concentrate on whether they had it and whether they used it. That seems to be part of the center of this. We can at least reduce some of these questions down there.

Mr. FATTAH. Will the gentleman yield?

Mr. KING of Iowa. I yield to the gentlemen from Pennsylvania.

Mr. FATTAH. Obviously, it would be a different population if one were

asked to volunteer versus one selected through a random sample.

Mr. KING of Iowa. Reclaiming my time, I recognize that. I think we get better information from volunteers than we do people that are coerced. They may well not fill out this survey accurately if they think they're doing so under penalty of law.

I yield back the balance of my time.

Mr. GOWDY. I move to strike the last word.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. Madam Chairwoman, if the government wants to ask you if you're having trouble keeping your attention or how many flush toilets you have, I suppose they can ask that. But should they really be able to fine you for not answering? And it is of very little comfort to us that the government has seen fit to not enforce that fine. To threaten somebody with the administration of a fine and then never to carry through on it sounds eerily similar, to me, Madam Chairwoman, to blackmail. What's the purpose of putting it on there if you're never going to enforce it? And if you can do it to 250,000 this time, what's to keep you from doing it to 500,000 the next time, and then a million?

The purpose of the census, Madam Chairwoman, is to apportion the several congressional districts. So what do you need to be able to apportion the several congressional districts? You need to know how many people of voting age are in a household. You need to know race so you can comport with constitutional provisions. You may very well need to know the gender of the people in the home so you can comport with constitutional provisions. But you don't need to know anything beyond that.

We had a subcommittee hearing on this, Madam Chairwoman, and what I find to be ironic—and I never got an answer to it—is this: you don't have to vote. The government can't do a single, solitary thing to you if you don't vote. They can't fine you. They can't put you in jail. But somehow or another they can if you fail to fill out the document that apportions the congressional districts so you can vote. That is tortured logic.

And I would say this in conclusion, Madam Chairwoman. If you want to ask about anything other than how many people live here, race, and sex, it's none of the government's business. And that's just the way it is.

I yield back the balance of my time.

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

The amendment was agreed to.

□ 1650

AMENDMENT NO. 46 OFFERED BY MR. WEBSTER

Mr. WEBSTER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to conduct the survey, conducted by the Secretary of Commerce, commonly referred to as the "American Community Survey".

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

Mr. WEBSTER. Madam Chair, the amendment offered here by myself and Mr. Langford is simple. It prohibits taxpayer funds from being used to conduct the intrusive, unconstitutional American Community Survey. In addition to the constitutionally mandated census, the Department of Commerce Census Bureau conducts a number of other surveys. One of these is the American Community Survey which costs \$2.4 billion to administer.

Some of the questions which have already been gone over that the American Community Survey contains have been routinely criticized as invasions of privacy. As a citizen who has normal expectations of what is private and what is not private, I share that criticism. For example, the survey requires respondents to detail their emotional condition. The survey wants to know what time respondents left for work and how long it took them to get home. The survey demands to know if respondents have difficulty dressing, or they have need to go shopping. Or have difficulty, as has been said before, concentrating or remembering or making decisions.

Failure to comply with this survey and turn over this personal information is punishable by up to a \$5,000 fine. Given the intrusive nature of some of these questions, which are mandatory for Americans to answer under penalty of law, it would seem that these questions hardly fit the scope of what was intended or required by the Constitution.

What does the Constitution require? Article 1, section 2 calls for enumeration every 10 years. The actual enumeration shall be made within 3 years after the first meeting of Congress of the United States and subsequent terms of 10 years.

As you can see, at no point does the Constitution require me to tell the Census Bureau whether I have difficulty concentrating or whether or not I can climb stairs. Given the Nation's current fiscal situation, it is entirely appropriate to eliminate the survey as a taxpayer-funded activity of the U.S. Government.

The American taxpayers agree. I sponsored the majority leader's YouCut program this past week, and eliminating the American Community Survey was overwhelmingly the winner when the citizens were polled what Federal spending they would cut.

We need to ask ourselves whether this survey is worth \$2.4 billion. Will continuation of this survey bankrupt the Nation itself? No, not hardly. But

as has been said before, the old saying is a billion here and a billion there, all of a sudden we're talking about a lot of money.

Why would we even pass a cybersecurity bill when we are using 5,779 hired government agents to collect sensitive information from our citizens at taxpayer expense? This American Community Survey is an inappropriate use of taxpayer dollars. It is the very picture of what's wrong in D.C.

I have here the questionnaire. At least it would be the questionnaire if DANIEL WEBSTER and Sandra and David and Brent and Jordan and Elizabeth and John and Victoria were all questioned. This is the size of that questionnaire. This is what we would have to fill out. This is what would be punishable by law if we did not fill it out. What would you think about some of these others that you read about in the newspaper, the Duggar family, who have 20 children. What would they do? It would be three to four times this size, and they would be required by law to fill it out.

This survey is inappropriate for taxpayer dollars. It is a definition of a breach of personal privacy. It is a picture of what's wrong in Washington, D.C. It's unconstitutional.

I urge my colleagues to vote "yes" on the Webster-Langford amendment and prohibit funds from being used to conduct this American Community Survey.

I yield back the balance of my time.

Mr. FATTAH. Madam Chair, I move to strike the last word.

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

Mr. FATTAH. So we first had an amendment that said that we can't require people with a fine that's never enforced. Now we have an amendment that says you can't do the survey at all.

We've been doing surveys in the long form since 1790 as a Nation. It is critically important. Let me give you a for-instance. The gentleman who just spoke, my good friend from Florida, who served as speaker and as leader in both the House and Senate there, respectively, we're spending \$200 billion a year on Alzheimer's alone. There are various forms of dementia as our populations age, Pennsylvania being the second State in the country in terms of aging population. It's important for us to know, unlike what was stated, the survey doesn't ask you whether you are forgetting things; the survey asks whether there are people in your home who might be suffering. It's important from a health perspective because it will guide our efforts. I'm leading an effort on brain research now to try to help us think through how we can develop more appropriate efforts to head off some of these challenges.

But the idea that we don't want to ask a couple hundred thousand citizens a question about something so that we can better plan for a country of 300

million, the idea that filling out a few pieces of paper is too much to be asked for for your country to help create a better Union of a citizen, I think citizens would welcome. In fact, the reason you don't have to fine anyone is because people do fill out the form.

But we know something with certainty. The idea that we are going to lead the greatest country in the world with less information about the conditions of communities and of our families, and that we are going to do that appropriately, defies logic. It is intellectually dishonest.

Now, we have done this survey for a very long time as a country. I suspect we will continue to do it. But for whatever reason, we are here today debating this. I welcome the debate. At least for myself and for my caucus, we stand in opposition.

Mr. DICKS. Will the gentleman yield?

Mr. FATTAH. I am glad to yield to the gentleman.

Mr. DICKS. As I understand it, the American Community Survey is authorized by law and has been upheld by the courts. The ACS is authorized under Title 13, U.S. Code, the Census Act. On numerous occasions, the courts have judged that the Constitution gives Congress the authority to collect data on characteristics of the population in the census. As early as 1870, the Supreme Court characterized as unquestionable the power of Congress to require both an enumeration and the collection of data in the census. Is that your understanding?

Mr. FATTAH. That is my understanding. And reclaiming my time, any of the Members who are going to run in a competitive race without doing any polling, I assume they'll be voting for this. For those who want information in order to make good decisions, the government needs this information.

I yield back the balance of my time.

Mr. LANKFORD. Madam Chair, I move to strike the last word.

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

Mr. LANKFORD. Here's this wonderful thing that would occur: you would open your mail one day and you would have a packet in there, and you would begin reading through these questions. And your first thought would be: Is this real or is this a scam artist trying to steal my information? Then you would call some office, or it gives you a Web site to contact just so you can see that this is really true, because this is not like the long form that just came to your mailbox; this is the American Community Survey. And what just landed in your mailbox, if you refuse to answer it, someone will call you. And then they'll call you, and then they'll call you, and then they'll show up at your door and check on you and why you haven't done it because this is not like the long form of the census that's gathering basic information; this is incredibly personal information.

And if we can ask these questions as a Federal Government, it begs the issue of what questions can the Federal Government not ask of someone, because the Federal Government does not have the authority to walk into every house in America and ask any question they want to ask about any private activity.

While it has been upheld that we can do the long form, this is distinctly different from the long form, and this is new. This is something that just transitioned in the last couple of years. And I get all kinds of calls in my office saying, what is this, and why are you asking for this.

Three quick things on it. I think this is incredibly inappropriate because it asks way too much personal information.

Second of all, I think it is incredibly inefficient. This form costs the Federal Government \$67 per person that fills it out. Now, I can assure you, I've heard lots of people talking about polling data and about doing surveys. I don't know of anyone in politics, anyone in America, that pays \$67 per survey that is filled out other than the Federal Government.

□ 1700

So this is incredibly inefficient in the way that we're gathering it. There are cheaper ways to be able to gather. Much of this information is already publicly available anyway; it just doesn't connect it to an individual person.

The third thing on this is it's incredibly invasive. Now, let me just run through some of the questions. We've highlighted a few of them, but let me just hit a couple of the high points and then I'll get a chance to talk to you.

It's not just a few things about your age and about your location; it also asks: Do you have hot and cold running water? Do you have a flush toilet? Do you have a bathtub or a shower? Do you have a sink with a faucet? Do you have a stove or a range? Do you have a refrigerator? Do you have telephone service? How many automobiles, vans, or 1-ton vehicles do you have in your home?

Let me keep going. About how much do you think the house or apartment would sell for if you were to sell it right now? What's the annual payment for your fire hazard and flood insurance on this property? How much is the regular monthly payment on your second mortgage for this property, if you have one? Is the person that lives in this home a United States citizen?

How about this one: How well does the person in this home speak English? Where did this person live a year ago? And give the address for that. Because of mental, physical or emotional conditions, does this person have serious difficulty concentrating, remembering or making decisions? Does this person have difficulty dressing or bathing? How many times has this person been married? Does this person have his or

her own grandchildren 18 or younger living in the home?

It gets better.

How many people, including this person, rode together to work last week? How many times did this person actually leave the home, and what time did they leave the home to go to work last week? Last week, was this person laid off from their job? When did this person last work even for a few days? What was your income in the last 12 months?

And not a range, the actual listed income.

Did you have any interest from dividends, rental income, royalties? Any public assistance or welfare payments did you receive?

It goes on and on and on. This is not just a few simple questions. This is a form that, if I walked up to anyone in this Chamber and said, I'm going to ask you a few questions and I'm going to write these down. Tell me first your income, then let's go to, do you have dividends? Do you have royalties? Do you have a bathtub or a shower? You would look at me and say, Go away—which is what thousands of people in America are saying to this survey.

This exceeds what we should ask as Americans.

Mr. FATTAH. Will the gentleman yield?

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

Mr. FATTAH. Any one of millions of Americans—and we have an increase this week of people filing for new mortgages—have answered all of those questions, plus some. So if you think it's strange that people have to answer questions, if they can do it for a bank, they can maybe do it for their country.

But here's my question: You said this was new and it hadn't been done before. This was fully implemented in 2005 under President Bush. So why would you stand on the House—I mean, I don't understand. This is not new.

Mr. LANKFORD. Let me reclaim my time.

Yes, sir, it is. We started it in 2005 and started rolling it out a few at a time, experimenting with it, and now have increased it. In fact, the administration has asked for 50,000 more a month and has actually asked for \$52 million more to increase the usage of this.

I yield back the balance of my time.

Mrs. MALONEY. Madam Chair, I rise in opposition to this negative amendment that would eliminate funding for the American Community Survey.

Some have labeled the Majority the do nothing party. This amendment would make them the "know nothing party."

The ACS is the only source of national, annual socioeconomic, housing, and demographic data. It is used by Congress to help allocate \$450 billion a year in federal grants to state and local governments, including the distribution of funds for veterans' job training programs and for improvements to low-income schools. The business community uses the ACS to help guide investment decisions like location and expansion plans.

Congress has required, directly or indirectly, all of the data gathered in the ACS. The ACS passed with bipartisan support under the previous Administration to ensure greater accuracy and streamline the decennial census.

Wade Henderson, CEO of the Leadership Conference on Civil and Human Rights, recently wrote about the ACS and asked, "Why would some members of Congress want to run the government without the most accurate information available to guide their decisions?"

I urge a "no" vote on the Webster amendment.

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

The amendment was agreed to.

Mr. DICKS. Madam Chair, we have somebody who wanted to speak on this amendment.

Could we ask unanimous consent that we go back and allow the gentleman from Missouri to strike the requisite number of words?

The Acting CHAIR. Does the gentleman wish to strike the last word?

Mr. DICKS. This will not be a process that will continue. This is one time only.

The Acting CHAIR. The amendment has been agreed to.

Mr. CLAY. Madam Chair, I move to strike the last word.

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

Mr. CLAY. Madam Chairman, the American Community Survey is absolutely vital. That's why I'm kind of stunned at what I'm hearing. It not only allowed us to replace the long form census, making it easier for everyone to participate in the decennial census, but it provides all Americans with important information. But one particular area is of great concern to me, and that's the use of ACS data in determining the distribution of a substantial proportion of Federal assistance.

Now, we talk about accountability here. Well, let's start being accountable. Put your actions to words.

In fiscal year 2008, 184 Federal domestic assistance programs used ACS-related data to help guide the distribution of \$416 billion. That's not chump change; it's taxpayer dollars. This represents 29 percent of all Federal assistance.

ACS-guided grants accounted for \$389.2 billion, or 69 percent of all Federal grant funding. Most of ACS-guided Federal assistance goes to State governments through a handful of large formula grant programs to aid low-income households and support highway infrastructure.

Medicaid alone accounts for 63 percent of ACS-guided funding.

ACS-guided funding is highly concentrated in a small number of programs, recipient States, departments, and budget functions. State per capita ACS-guided funding is positively related to income inequality—high annual pay, high poverty—Medicaid income limits, and the percent of the

population that is rural. The higher any of these measures, the higher per capita funding tends to be.

The ACS is absolutely vital. If you want to eliminate that, I'm sure you have certain reasons to do it, but it will take away an essential tool for us to be accountable with taxpayer dollars. So sign your name on the bottom line if you want to, but I suggest you think twice before you eliminate the ACS.

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

Mr. FATTAH. Madam Chair, let me seek unanimous consent that we have a recorded vote on this amendment.

The Acting CHAIR. For what purpose does the gentleman from Virginia rise?

Mr. WOLF. I object.

The Acting CHAIR. Objection is heard.

AMENDMENT NO. 57 OFFERED BY MR. FLORES

Mr. FLORES. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 101, after line 10, insert the following new section:

SEC. 542. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110 140; 42 U.S.C. 17142).

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

Mr. FLORES. Madam Chairman, I rise to offer an amendment which would address another restrictive and misguided Federal regulation.

Section 526 of the Energy Independence and Security Act prohibits Federal agencies from entering into contracts for the procurement of an alternative fuel unless its lifecycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources. In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the CJS appropriations bill.

The initial purpose of section 526 was to stifle the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuels. This stifling was based on the opinion of environmentalists that coal-based jet fuel produces more greenhouse gas emissions than traditional petroleum.

□ 1710

I recently offered similar amendments to four appropriations bills last year and each passed this House by a voice vote. My friend, Mr. CONAWAY of Texas, also had language added to the Defense authorization bill last year to exempt the Defense Department from this burdensome regulation.

We must ensure that our military has adequate fuel resources and can efficiently rely on domestic and more stable sources of fuel. But section 526's ban on fuel choice now affects all Federal Agencies, not just the Defense Department. This is why I'm offering this

Table listing names and states of representatives, including: Forbess (MA), Frank (MA), Fudge, Garamendi, Gibson, Gonzalez, Green, Al, Green, Gene, Grijalva, Gutierrez, Hahn, Hanabusa, Hastings (FL), Hayworth, Heinrich, Higgins, Himes, Hincey, Hinojosa, Hirono, Hochul, Holden, Holt, Honda, Hoyer, Israel, Jackson (IL), Jackson Lee (TX), Johnson (GA), Johnson, E. B., Kaptur, Keating, Kildee, Kind, Kissell, Langevin, Larsen (WA), Larson (CT), Lee (CA), Levin, Lewis (GA), Lipinski, Loeb sack, Lofgren, Zoe, Rothman (NJ), Austria, Griffin (AR), Olson, Farr, Lowey, Ruppertsberger, Lujan, Lynch, Maloney, Sanchez, Linda T., Matheson, Matsui, McCarthy (NY), Sarbanes, Schakowsky, McDermott, Schiff, McGovern, Hensarling, Herger, Herrera Beutler, Hochul, Huelskamp, Huizenga (MI), Hultgren, Hunter, Buerkle, Issa, Jenkins, Johnson (IL), Johnson (OH), Johnson, Sam, Jones, Jordan, Kelly, King (IA), King (NY), Kingston, Kinzinger (IL), Coble, Kline, Labrador, Lamborn, Lance, Landry, Lankford, Latham, LaTourette, Latta, Lewis (CA), LoBiondo, Dreier, Duffy, Duncan (SC), Duncan (TN), Ellmers, Emerson, Farenthold, Fincher, Fitzpatrick, Flake, Fleischmann, Fleming, Flores, Forbes, Fortenberry, Foxx, Franks (AZ), Frelinghuysen, Gallegly, Gardner, Garrett, Gibbs, Gingrey (GA), Gohmert, Goodlatte, Gosar, Gowdy, Granger, Graves (GA), Graves (MO), Green, Gene, Ackerman, Altmire, Andrews, Baca, Baldwin, Barrow, Bass (CA), Becerra, Berkley, Berman, Biggert, Bilbray, Bishop (GA), Bishop (NY), Blumenauer, Bonamici, Boswell, Brady (PA), Braley (IA), Brown (FL), Butterfield, Capps, Capuano, Cardoza, Carnahan, Carney, Carson (IN), Castor (FL), Chandler, Chu, Cielline, Clarke (MI), Clarke (NY), Clay, Cleaver, Clyburn, Cohen, Connolly (VA), Conyers, Cooper, Costa, Costello, Courtney, Critz, Crowley, Cuellar, Cummings, Davis (CA), Davis (IL), DeFazio, DeGette, DeLauro, Dent, Deutch, Dicks, Dingell, Doggett, Dold, Doyle, Edwards, Ellison, Engel, Eshoo, Bachmann, Bachus, Donnelly (IN), Filner, Kucinich, Miller (NC), Olvera, Schmidt, Slaughter, Welch, Southernland, Stivers, Stutzman, Sullivan, Terry, Thornberry, Tiberi, Tipton, Turner (NY), Upton, Walberg, Walden, Walsh (IL), Webster, West, Westmoreland, Whitfield, Wittman, Wolf, Womack, Woodall, Yoder, Young (AK), Young (FL), Young (IN), Bachmann, Filner, Schmidt, Bachus, Kucinich, Donnelly (IN), Olvera, Slaughter, Welch.

NOT VOTING—9

Bachmann, Filner, Schmidt, Bachus, Kucinich, Miller (NC), Donnelly (IN), Olvera, Slaughter, Welch.

ANNOUNCEMENT BY THE ACTING CHAIR The Acting CHAIR (during the vote). There is 1 minute remaining.

1847

So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated against: Mr. FILNER. Mr. Chair, on rollcall 231, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT NO. 46 OFFERED BY MR. WEBSTER The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. WEBSTER) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 190, not voting 9, as follows:

Table with 3 columns: Name, Ayes (232), Noes (190). Includes: Adams, Akin, Amash, Aderholt, Alexander, Amodei.

NOT VOTING—9

Bachmann, Filner, Schmidt, Bachus, Kucinich, Donnelly (IN), Olvera, Slaughter, Welch.

ANNOUNCEMENT BY THE ACTING CHAIR The Acting CHAIR (during the vote). There is 1 minute remaining.

1850

So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated against: Mr. FILNER. Mr. Chair, on rollcall 232, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. FLORES The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentleman from Texas (Mr. FLORES) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 173, not voting 8, as follows:

Table with 3 columns: Name, Ayes (250), Noes (173). Includes: Adams, Akin, Altmire, Aderholt, Alexander, Amash.