The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. Bost).

DESIGNATION OF SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:
WASHINGTON, DC, February 2, 2017.
I hereby appoint the Honorable Mike Bost to act as Speaker pro tempore on this day.
PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE
The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2017, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

DON'T ROB VICTIMS OF CRIME
The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. Poe) for 5 minutes.
Mr. POE of Texas. Mr. Speaker, before I came to Congress, I spent my other life in the criminal justice system, first as a prosecutor in Texas, and then as a criminal court judge for over 22 years. I heard about 20,000 to 25,000 felony cases during that time, everything from stealing to killing. I saw a lot of people come to the courthouse, and most of those individuals did not want to be there. That included defendants, but it also included victims of crime. Victims were people from all types of backgrounds. Mr. Speaker, they all had something in common. They were a silent group of people who were preyed on by criminals. After the crime was over, many suffered for years.
Finally, Congress came up with a novel idea, a law that established the Crime Victims Fund to support victims of crime. But instead of using taxpayer money for the fund, Congress had a different idea. Why not force the criminals, the traffickers, the abusers, and other folks to pay for restitution for the victims of crime? They inflicted pain and suffering on innocent people. They should be the ones to pay for that.
So in 1984, when President Ronald Reagan was President, he signed the Victims of Crime Act, otherwise known to us as VOCA. Because of this new law, convicted felons in Federal Court are assessed fees and fines and must pay into the Crime Victims Fund. The money in this fund is to be used for a wide range of victim services: It establishes and takes care of domestic violence shelters, where spouses can hide from their abusers. It establishes rape crisis coalition centers. It promotes and sends money to victim advocates throughout the United States who go to court with victims of crime, especially violent crime. It gives victims restitution and pays for critical medical and counseling programs. It also goes to train police officers. It does a lot of good things and is wisely spent by the Angels of Compassion in victim services that help restore victims.
Over the years, because our Federal judges have continued to fine and assess greater penalties to criminals, the VOCA fund, as of today, holds approximately $12 billion. That is a lot of money, even for Washington, D.C. What a wonderful idea. And let me make it clear once again: This is not taxpayer funded money. Criminals paid for this. Criminals are paying the rent on the courthouse and they are paying for the system that they have created.
So what is the problem? Well, the problem is, Mr. Speaker, only a fraction of that money is spent each year for victims, depriving them of needed services and that money. More money continues to go into the fund every year because less and less of a percentage of it is spent, thus, the $12 billion.
Mr. Speaker, the fund, every year, is robbed, literally, by Congress to offset the costs of totally unrelated things, literally stealing money from the victims and sending that money to the abyss of the Federal Treasury to offset special pet projects. That money does not belong to Congress to spend on anything other than victims of crime. It belongs to the victims who have endured suffering and abuse.
Victims do not have a high-priced, high-dollar lobbyist to come up here to Washington and advocate on their behalf to get the money that they are entitled to. That is our responsibility. What is our responsibility? Congress’ responsibility. They expect us to be their voice.
JIM COSTA from California and I are co-chairs of the Victims’ Rights Caucus, and we believe the first responsibility of government is to protect the innocent, especially those robbed, pillaged, and sexually assaulted by crime. Congress needs to quit stealing the money from victims and giving it to other projects. We must stop this robbing by bureaucrats, taking money out of the crime fund, so that we can ensure victims have access to the resources that they need to become survivors of crime.
To achieve this goal, Representative Jim Costa and I have reintroduced the Crime Victims Fund Preservation Act. This bill creates a "lockbox" to ensure

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
that money in the fund cannot be used for anything other than victims' programs authorized under the law of the VOCA statute in 1984.

Victims must be rescued and taken care of. The bill ensures the money that victims are entitled to is in a safe place from pilfering hands. Give the victims a fighting chance, and do not continue to victimize them more by taking restitution money from them. It is just wrong to play this financial ledger mumbo-jumbo that Congress plays every year to take money away from victims and give it to other projects.

Don't touch victims' money. It is just wrong, Mr. Speaker.

And that is just the way it is.

END HUNGER NOW

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. McGovern) for 5 minutes.

Mr. McGovern. Mr. Speaker, a recent USDA report on "Foods Typically Purchased by SNAP Households" has sparked conversation in the press and on Capitol Hill about ways to promote healthy eating among those who rely on SNAP benefits. Quirky frankly, I am troubled by the way the report has been characterized and by some of the responses.

Flashy headlines and convenient sound bites selectively highlighting findings that tell only half the story are damaging to what should be our shared goal of ensuring that our most vulnerable neighbors have the support they need for their families. In fact, one of the key findings in the report is that the spending habits by SNAP households and non-SNAP households are very similar.

I think it is safe to say that all of us could be making healthier choices when it comes to the food that we eat. But if we want to talk about promoting healthy eating among those who rely on SNAP, we need to start by enhancing and making further investments in nutrition education programs, increasing access to healthy foods in underserved communities, and expanding pilot lots that have proven effective in increasing fruit and vegetable consumption. Most importantly, Mr. Speaker, we need to increase SNAP benefits so low-income families have the ability to purchase healthier foods.

Last Congress, the House Agriculture Committee completed a thorough review of SNAP—17 hearings. As ranking member of the Nutrition Subcommittee, I participated in each of these hearings, and we heard time and time again that the current SNAP benefit, which averages $1.40 per person per meal, is inadequate. It is hard to buy a cup of coffee these days for $1.40.

This meager benefit is often too low for families to stave off hunger during the month, and certainly does not provide enough support to allow families to maintain healthy diets on a consistent basis. Without additional benefits, we know that people are making very difficult choices. They have to choose between food or medicine, between food for their families or stable housing.

Research from the Center on Budget and Policy Priorities has found that increasing SNAP benefits by $30 per month would lower food insecurity, decrease fast-food consumption, and increase vegetable consumption.

Similarly, USDA's Healthy Incentives Pilot provided SNAP recipients in Hampden County, Massachusetts, with additional benefits if they purchased targeted fruits and vegetables, and it was highly successful. The result was an increase in healthy food consumption. Participants in this pilot consumed 26 percent more targeted fruits and vegetables per day and spent more of their SNAP benefits on these items than did nonparticipants.

We know that low-income families who rely on SNAP have to make difficult choices in trying to stretch their meal budgets and often select cheaper foods that contain refined grains and added sugars and fats. This research from the Center on Budget and the results of projects such as the one in Massachusetts confirm what we know to be true: providing additional resources for food to families living in poverty will enable them to make healthier choices for themselves and their families.

We should not be demonizing the poor by policing their shopping carts, Mr. Speaker. It is far too easy and has become far too commonplace for those of us with steady incomes and paycheck that provide us with access to the healthiest foods to second-guess the choices these families are struggling to make ends meet. It is insulting and it is mean-spirited and more than a little hypocritical to suggest that we meal plan for those living in poverty while we continue feeding our families the same foods that some of us suggest we should limit in our anti-hunger programs.

Eating more nutritious foods should be a goal for all of us, Mr. Speaker. It will lead to better health, reduced medical costs, more engaged kids who are able to learn better, and also more productive adults.

But if we are going to promote healthier eating and work to end hunger now, we must start by increasing the current SNAP benefits. And I would say to any of my colleagues who dealt this: You try living on a SNAP budget. You try living on $1.40 per person per meal. You will find it not only difficult to put food on the table, but especially challenging to make nutritious and healthy choices.

As we consider the next farm bill, let us enhance the SNAP benefit. It is the right thing to do.
We know that, just over a month ago, a dozen innocent individuals at a Christmas market in Berlin were murdered and 50 more were injured by a refugee. We know that the fallacious concept of a Muslim ban inflames and enragés our enemies and serves as a recruiting tool.

So the question then becomes: Why do some Members of this esteemed body continue to perpetuate what is willful ignorance at best and a falsehood at worst? Why say there is a Muslim ban when there isn’t?

Mr. Speaker, if politics stop at the water’s edge, then Members won’t play loose with the facts to score political points. Members won’t advance a false narrative that endangers Americans. Members will support this President, as they did the last President, as he seeks to discharge his duty to defend the United States, its citizens, and our Constitution against all enemies, foreign and domestic.

TRUMP IMMIGRATION EXECUTIVE ORDER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. BROWNLEY) for 5 minutes.

Ms. BROWNLEY of California. Mr. Speaker, last Saturday, a U.S. Army interpreter, who risked his life serving our country for over a decade in Mosul and Baghdad, was stopped at the airport and detained for 18 hours. His name was Hameed Khalid Darweesh. Why was he detained?

Because he came from a country that was singled out by President Trump because of the religion of its people. He did so not to increase safety, but to instill fear.

When people are afraid, they tend to let their President and their elected leaders do anything they think will protect them, and they ignore just about everything else.

When the American people are afraid, they might ignore a President’s promise that he would “drain the swamp.” When they are afraid, they might forget that a President has treated Vladimir Putin better than he has treated the heads of state of our allies and trading partners. They might ignore his attacks on women, on minorities, on our environment, on our health care, on our civil rights, on our public education system; and they might even ignore investigations into his vast conflicts of interest.

They might be willing to overlook the very principles of our Constitution that, indeed, make us safe. One of these principles is freedom of religion, because our Founding Fathers knew that despotism all over the world have used fear of another group’s religion to do terrible, terrible things throughout the history of man. So when the President singles out who can come into this country and who cannot based on one’s religion, he is insulting and turning his back on our Constitution—a Constitution that keeps us safe, a Constitution that, by its own example, helps to keep the world safe.

Let’s be clear. When Mr. Trump bars a man like Hameed, an interpreter who helped protect our troops from coming into our country, because of his religion, he is not protecting us; he is endangering us and he is endangering the world. We cannot let it stand. We must resist.

UPHOLDING OUR NATION’S VALUES OF A DEMOCRATIC GOVERNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. POCAN) for 5 minutes.

Mr. POCAN. Mr. Speaker, it is only day 13 into the Donald Trump administration and these seven countries with yet another round of questions about President Trump’s potential conflicts of interest over his business holdings.

The most recent issue to raise questions is President Trump’s Muslim ban executive order. At face value, this action looks like yet another harmful step in his divisive agenda. Trump’s hateful scapegoating of refugees will make us less safe, and it goes against our country’s moral fiber and small “d” democratic values. It is hard to believe that these seven countries were targeted based on a serious threat that was posed by their citizens who were traveling to the United States.

The people from some of the most egregious attacks on American soil in recent decades, including 9/11, the Times Square bombing, the Boston Marathon bombing, the Pulse nightclub shooting, and others did not come from these seven countries. In fact, refugees from these countries already face a lengthy and rigorous vetting process led by our security intelligence agencies. This 20-step process involves multiple background checks, interviews, and it frequently takes between 18 and 24 months for approval.

However, these seven countries do have at least one thing in common. According to Bloomberg News, The Trump Organization does not have business or has not pursued business deals in any of them. President Trump does, on the other hand, have business ties to other countries in the region that were excluded from the ban. His FEC filings indicate The Trump Organization has development projects in Saudi Arabia and business projects possibly related to Egypt. These countries were excluded from the executive order despite the fact that they pay millions to the terrorists who carried out 9/11. In Turkey, President Trump has a licensing deal for two luxury towers to use his name—a deal he received up to $5 million for just last year. He also has licensing deals with businesses in other countries in the region.

I am not saying that we should ban people from these countries. I firmly oppose any ban that is based on nationality or religion, but it is unacceptable that business interests have played potentially a role in such a destructive policy that also makes our country less safe in the long run. This move will likely damage relationships with our Muslim allies who are fighting ISIS militants, and be used as a tool by the Islamic State to increase their recruitment and radicalization efforts.

Of course, my friends in the majority and in the White House claim that the seven countries under this order were similarly targeted by our previous administration. In reality, President Trump’s discriminatory ban is drastically different than President Obama’s specific changes to the State Department Visa Waiver Program, in which the changes focused on expedited visa privileges for dual nationals and did not target all citizens from specific countries; but I will bet you didn’t hear Sean Spicer make that distinction. Instead, the administration is busy downplaying the number of people who were impacted by this decision and is claiming that only 109 people were affected—aka alternative facts. At least 700 people were denied boarding after the order was issued. People in these countries already have visas but will not be able to travel to the United States.

It is time for the President to stop defending his divisive and unconstitutional executive order and be honest about his interests. Every President has been elected in the modern era has released his tax returns to ensure the American people that his actions will not be impacted by financial holdings. After promising throughout the campaign to release his tax returns, President Trump’s advisers recently announced that he will indefinitely hide this information from the public. These holdings currently put President Trump in direct violation of the Emoluments Clause of the Constitution on day one.

The safeguard is designed to prevent corruption and foreign influence over policy decisions by not allowing Federal officials to take money from a foreign entity without there being congressional approval; but we have seen report after report of foreign leaders and diplomats choosing to stay at the Trump International Hotel in Washington, D.C., in order to gain favor with the administration. They stand to profit from foreign governments, including a big paycheck from a Chinese bank, which is a large tenant at the Trump Tower. These are just tip-of-the-iceberg examples of direct conflicts in both domestic and foreign policy under this President.

Mr. President, it is time for you to fix this. One, divest your business holdings immediately to remove any suggestion of there being a conflict in your decisionmaking. Two, show the American people that your actions will not be impacted by your financial holdings, by releasing your tax returns, so that your business and financial interests are transparent to the American people. Three, get rid
of your unconstitutional executive order, which will make us less safe and only serve to embolden our enemies.

Short of that, we will have to take other actions, including legislative directives, resolutions of disapproval, even exploring the power of impeachment.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

ACTING ON AMERICA’S INFRASTRUCTURE PLAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DeFazio) for 5 minutes.

Mr. DeFazio. Mr. Speaker, last week, President Trump traveled to Philadelphia to address the Republican Conference. He talked about his pledge to spend $1 trillion on our crumbling infrastructure, and he expressed frustration that it is not part of the first 100 days’ agenda of the Republican leadership. I share that frustration. It is never on the agenda for the Republican leadership to invest in American infrastructure.

We did manage to pass a bill through the last Congress—the FAST Act—that was a decent continuation of our investments, but it lacked funding dramatically, and at the end of 5 years, our infrastructure will be in worse condition. So I share the President’s frustration.

He also said, “fix it first.” Last week, I talked about harbors. It is easy to take care of the harbor issue. All you have to do is spend the tax for the purpose for which it has been collected, but the Republicans don’t want to do that.

Today I am going to talk a little bit about rail—in particular, the Northeast Corridor. We had a report by Amtrak that assessed the needs on this corridor, which is shared by freight and rail and carries a phenomenal number of people and goods every day. Over 2,200 Amtrak commuter and freight trains work some portion of this route every day. However, it is in a state of serious disrepair.

One of the most critical areas is in Baltimore, the Baltimore and Potomac Tunnel. It was an investment made by the Government of the United States of America during the Civil War and finished just after. It has been held up. That is a pretty amazing amount of time, but it is at the point of failure now, and if that tunnel fails, it will choke off all of the movement of goods and people from Washington, D.C.—point south to the northeast. It is a major economic engine—a hugely populated area of the United States of America.

The tunnel fix has gone through an environmental impact statement, so they can’t drag out with, “Oh, it is those darned regulations and environmental restrictions. We can’t get it done.” No. We can get it done. We have got a plan. We have got an engineering design. All we need is the money—the investment—by the Government of the United States. Now, we have a Speaker who says, “Oh, if it is worth doing, the private sector will do it.” No. This is an asset which serves both private and public interest, and it needs a Federal investment. That is $4 billion.

If you go all the way up to Boston, we have the Hudson River tunnel, which is another engineering miracle. The Hudson River tunnel was completed in, oh, 1909. Then, of course, even though that has held up pretty well, it was flooded during Hurricane Sandy, and the salts that got in there are accelerating the erosion of that tunnel to the point of failure; so we would no longer be connected to New York City through the Hudson River tunnel. There are 200,000 passengers who use that every day. That would be a blow not only to the Northeast but to the national economy should that tunnel fail.

Other countries are making these investments. I was in Japan last year. They have a rail system that they built 40 years ago. It has run on time for 40 years, and it travels at about 200 miles an hour. We, the great United States of America, can sometimes get trains up to 20, 30 miles an hour—at critical sections of this rail infrastructure—but we do not have time for that. First, we have to repeal the Affordable Care Act. Then we have to cut taxes for the wealthiest among us, and maybe they will build the tunnels and bridges and name them after themselves. I don’t think so. They will be buying more super yachts and expensive places to go on vacation.

It is past time for this Congress to act in making critical investments in America’s infrastructure. Yesterday, I unveiled a clock which tracks the cost of delays and congestion to the economy and to the people of the United States on a daily basis because of deteriorated infrastructure. The clock is ticking. It is time to stop that clock and rebuild our country.

DANTE SAWYER GOODBYE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. Kelly) for 5 minutes.

Ms. Kelly of Illinois. Mr. Speaker, last month, as I mentioned, Chicago suffered just as many gun shootings as the year before, and 2016 was a record-setting month itself. I have come to the floor countless times to draw attention to this epidemic. Last week, President Trump threatened to send in the Feds in response to the carnage. It was very disheartening to hear and see on the news that my colleagues made jokes at their Republican retreat last week about this.

This morning, he spoke at the National Prayer Breakfast. In that vein, I remind him of the Gospel of Matthew: “When violence begets violence; hate begets hate.” The proper response is not threat of more force, increased demonization, or further withering of police-community relations.

More cops on the beat alone is not the solution. It is mentorship, job training, and increased economic development.

Mr. Speaker, last week, President Trump traveled to Philadelphia to address the Republican Conference. He talked about his pledge to spend $1 trillion on our crumbling infrastructure, and he expressed frustration that it is not part of the first 100 days’ agenda of the Republican leadership. I share that frustration. It is never on the agenda for the Republican leadership to invest in American infrastructure.

We did manage to pass a bill through the last Congress—the FAST Act—that was a decent continuation of our investments, but it lacked funding dramatically, and at the end of 5 years, our infrastructure will be in worse condition. So I share the President’s frustration.

He also said, “fix it first.” Last week, I talked about harbors. It is easy to take care of the harbor issue. All you have to do is spend the tax for the purpose for which it has been collected, but the Republicans don’t want to do that.

Today I am going to talk a little bit about rail—in particular, the Northeast Corridor. We had a report by Amtrak that assessed the needs on this corridor, which is shared by freight and rail and carries a phenomenal number of people and goods every day. Over 2,200 Amtrak commuter and freight trains work some portion of this route every day. However, it is in a state of serious disrepair.

One of the most critical areas is in Baltimore, the Baltimore and Potomac Tunnel. It was an investment made by the Government of the United States of America during the Civil War and finished just after. It has been held up. That is a pretty amazing amount of time, but it is at the point of failure now, and if that tunnel fails, it will choke off all of the movement of goods and people from Washington, D.C.—point south to the northeast. It is a major economic engine—a hugely populated area of the United States of America.

The tunnel fix has gone through an environmental impact statement, so they can’t drag out with, “Oh, it is those darned regulations and environmental restrictions. We can’t get it done.” No. We can get it done. We have got a plan. We have got an engineering design. All we need is the money—the investment—by the Government of the United States. Now, we have a Speaker who says, “Oh, if it is worth doing, the private sector will do it.” No. This is an asset which serves both private and public interest, and it needs a Federal investment. That is $4 billion.

If you go all the way up to Boston, we have the Hudson River tunnel, which is another engineering miracle. The Hudson River tunnel was completed in, oh, 1909. Then, of course, even though that has held up pretty well, it was flooded during Hurricane Sandy, and the salts that got in there are accelerating the erosion of that tunnel to the point of failure; so we would no longer be connected to New York City through the Hudson River tunnel. There are 200,000 passengers who use that every day. That would be a blow not only to the Northeast but to the national economy should that tunnel fail.

Other countries are making these investments. I was in Japan last year. They have a rail system that they built 40 years ago. It has run on time for 40 years, and it travels at about 200 miles an hour. We, the great United States of America, can sometimes get trains up to 20, 30 miles an hour—at critical sections of this rail infrastructure—but we do not have time for that. First, we have to repeal the Affordable Care Act. Then we have to cut taxes for the wealthiest among us, and maybe they will build the tunnels and bridges and name them after themselves. I don’t think so. They will be buying more super yachts and expensive places to go on vacation.

It is past time for this Congress to act in making critical investments in America’s infrastructure. Yesterday, I unveiled a clock which tracks the cost of delays and congestion to the economy and to the people of the United States on a daily basis because of deteriorated infrastructure. The clock is ticking. It is time to stop that clock and rebuild our country.

It will be a tall task replacing Dante in my office, but I am comforted and take pride in the fact that Dante will make a huge difference in a new capacity.

When I first came to Congress and we decided who I wanted to represent me in the field; who I wanted to serve the families I care so much about; and who had the compassion, presence, and leadership abilities to make a difference back in Chicago, I knew that Dante was the difference maker that I needed.

Dante has a million dollar mind and an irreplaceable heart. He is the pulse of the people with a gift for public service.

It is no secret that the Chicagoland area has been rocked by gun violence and economically distressing circumstances. And there is much that needs to be done for the families of Chicago. It is sad that January of 2017 has started off with just as many shootings as January of 2016, and 2016 was the most violent year for Chicago with nearly 700 gun deaths last year.

But Dante holds the belief that I do, that nothing stops a bullet like an opportunity. And each year, he has been a lead staffer on my team in coordinating a youth job and resource expo in the Second Congressional District.

Through this work, Dante has helped me leave a mark in offering economic opportunity, mentorship, and job readiness training to thousands of Chicagoland youth, helping to ensure the success of the next generation.

He will be gone from my office, but his service continues. Congratulations, Dante, and continued success to his wonderful wife and his brilliant daughters, Jordan and Payton.

I am honored to have the privilege to have worked with you. And on behalf of the families of the Second Congressional District, thank you so much for a job well done.

CHICAGO GUN VIOLENCE

Ms. Kelly of Illinois. Mr. Speaker, last month, as I mentioned, Chicago suffered just as many gun shootings as the year before, and 2016 was a record-setting month itself.

I have come to the floor countless times to draw attention to this epidemic. Last week, President Trump threatened to send in the Feds in response to the carnage. It was very disheartening to hear and see on the news that my colleagues made jokes at their Republican retreat last week about this.

This morning, he spoke at the National Prayer Breakfast. In that vein, I remind him of the Gospel of Matthew: “When violence begets violence; hate begets hate.” The proper response is not threat of more force, increased demonization, or further withering of police-community relations.

More cops on the beat alone is not the solution. It is mentorship, job training, and increased economic development.
Dr. Mitchell and her sister, who also attended North Texas State University, were the first African Americans initiated into the North Texas Green Jackets, a student community service organization further cultivating Dr. Mitchell’s love for public service and education.

In 1970, after graduating from North Texas State University with a bachelor of science in secondary education, Dr. Mitchell married her husband, Glenn Mitchell, and moved to Omaha, Nebraska, where she continued her work in public service, teaching science and chemistry for 15 years at Omaha Burke High School, culminating as the supervisor of all science education for the entire Omaha public school system.

In 1991, Dr. Mitchell took an instructor position at the University of Nebraska Omaha, and for the next 22 years, Dr. Mitchell educated future science teachers in the college of education. At that time Dr. Mitchell earned her doctoral degree from the University of Nebraska-Lincoln.

Dr. Mitchell’s public service went far beyond just the Omaha and Midwestern region, to include work and study abroad. Among her many postdoctoral accomplishments, she twice had the honor of working at Oxford University in England and through her service with the African Methodist Episcopal Church, and she conducted Summer Science Institute courses in chemistry and biology for students and teachers and countries across Southern Africa.

Since 1991, she has received 21 awards, including the STEM Legacy Award from the Empowerment Network earlier this year, and the UNO Alumni Excellence in Teaching Award in 2009.

Dr. Mitchell has led a vibrant and inspiring life of public service in education and has worked to enrich the lives of all of her students and coworkers through her love of science and education.

Her many accolades and awards throughout her life as a student, educator, and public servant attest to the legacy she has left.

Though starting life with the challenges of a segregated community, she has persevered to obtain the epitome of success and enhance our communities and Nation. Undoubtedly, Dr. Mitchell has had a lifetime of influence, and her legacy will endure for many generations to come.

HONORING DR. CAROL MITCHELL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. BACON) for 5 minutes.

Mr. BACON. Mr. Speaker, I rise this morning to commemorate African American History Month by honoring one of the exceptional Americans who resides in our district in Omaha.

Dr. Carol Mitchell’s career of public service and her dedication to education has made her a true hero and an inspiration to us all.

Dr. Mitchell was born and raised in what was at the time, a segregated community, she persevered to obtain the epitome of success and enhance our communities and Nation. Undoubtedly, Dr. Mitchell has had a lifetime of influence, and her legacy will endure for many generations to come.

HONORING DR. CAROL MITCHELL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. BACON) for 5 minutes.

Mr. BACON. Mr. Speaker, I rise this morning to commemorate African American History Month by honoring one of the exceptional Americans who resides in our district in Omaha.

Dr. Carol Mitchell’s career of public service and her dedication to education has made her a true hero and an inspiration to us all.

Dr. Mitchell was born and raised in what was at the time, a segregated community, she persevered to obtain the epitome of success and enhance our communities and Nation. Undoubtedly, Dr. Mitchell has had a lifetime of influence, and her legacy will endure for many generations to come.

HONORING DR. CAROL MITCHELL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. BACON) for 5 minutes.

Mr. BACON. Mr. Speaker, I rise this morning to commemorate African American History Month by honoring one of the exceptional Americans who resides in our district in Omaha.

Dr. Carol Mitchell’s career of public service and her dedication to education has made her a true hero and an inspiration to us all.

Dr. Mitchell was born and raised in what was at the time, a segregated community, she persevered to obtain the epitome of success and enhance our communities and Nation. Undoubtedly, Dr. Mitchell has had a lifetime of influence, and her legacy will endure for many generations to come.

HONORING DR. CAROL MITCHELL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. BACON) for 5 minutes.

Mr. BACON. Mr. Speaker, I rise this morning to commemorate African American History Month by honoring one of the exceptional Americans who resides in our district in Omaha.

Dr. Carol Mitchell’s career of public service and her dedication to education has made her a true hero and an inspiration to us all.

Dr. Mitchell was born and raised in what was at the time, a segregated community, she persevered to obtain the epitome of success and enhance our communities and Nation. Undoubtedly, Dr. Mitchell has had a lifetime of influence, and her legacy will endure for many generations to come.

HONORING DR. CAROL MITCHELL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. BACON) for 5 minutes.

Mr. BACON. Mr. Speaker, I rise this morning to commemorate African American History Month by honoring one of the exceptional Americans who resides in our district in Omaha.

Dr. Carol Mitchell’s career of public service and her dedication to education has made her a true hero and an inspiration to us all.

Dr. Mitchell was born and raised in what was at the time, a segregated community, she persevered to obtain the epitome of success and enhance our communities and Nation. Undoubtedly, Dr. Mitchell has had a lifetime of influence, and her legacy will endure for many generations to come.

HONORING DR. CAROL MITCHELL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. BACON) for 5 minutes.

Mr. BACON. Mr. Speaker, I rise this morning to commemorate African American History Month by honoring one of the exceptional Americans who resides in our district in Omaha.

Dr. Carol Mitchell’s career of public service and her dedication to education has made her a true hero and an inspiration to us all.

Dr. Mitchell was born and raised in what was at the time, a segregated community, she persevered to obtain the epitome of success and enhance our communities and Nation. Undoubtedly, Dr. Mitchell has had a lifetime of influence, and her legacy will endure for many generations to come.

HONORING DR. CAROL MITCHELL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. BACON) for 5 minutes.

Mr. BACON. Mr. Speaker, I rise this morning to commemorate African American History Month by honoring one of the exceptional Americans who resides in our district in Omaha.

Dr. Carol Mitchell’s career of public service and her dedication to education has made her a true hero and an inspiration to us all.

Dr. Mitchell was born and raised in what was at the time, a segregated community, she persevered to obtain the epitome of success and enhance our communities and Nation. Undoubtedly, Dr. Mitchell has had a lifetime of influence, and her legacy will endure for many generations to come.
I am hopeful that each of my colleagues will join us in this bipartisan effort, focus on simple commonsense things that we can do that bring us together to promote animal welfare, to be able to make all of God’s creatures better off, and in so doing, reinforce our humanity.

AMERICAN HEART ASSOCIATION—GO RED FOR WOMEN CAMPAIGN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Mrs. BEATTY) for 5 minutes.

Mrs. BEATTY. Mr. Speaker, today I rise to support American Heart Association’s Go Red for Women campaign.

The Go Red for Women campaign is an incredible public awareness initiative, spearheaded by the American Heart Association to promote heart-healthy lifestyles.

We have great results. Since Go Red for Women started in 2004, more than 627,000 women’s lives have been saved, and I am so proud that I was an initiator and supporter of Go Red for Women in my great State of Ohio in the capital city of Columbus.

Yes, we have made great progress, Mr. Speaker, but we still have a long way to go in helping to prevent cardiovascular disease, including stroke.

Cardiovascular diseases claim more lives each year than all forms of cancer combined, and it is just not women, Mr. Speaker. That includes men, also. However, women do have a higher risk of stroke than their male counterparts.

In fact, 90 percent of all women have one or more risk factors for developing heart disease. Collectively, cardiovascular disease and stroke cause one in three women’s death each year, killing approximately one woman every minute.

Yet, even with these eye-catching statistics, according to the American Heart Association, almost half of all the women, Mr. Speaker, are not aware of heart disease, and that is the leading cause of death for women.

For African American women like me, the risk of heart disease is far greater. Cardiovascular disease is the leading cause of death for African American women, killing almost 50,000 annually. Of African American women ages 20 and older, 49 percent have heart disease, but only 1 in 5 African American women believe they are personally at risk.

Mr. Speaker, I was one of them. I suffered a cerebral brain stem stroke in 1999. But through my personal experience, I decided to do something about it. I decided to get more engaged, and I am so proud to say that I was appointed to serve on the American Heart Association Board, and at that time, I was the only non-healthcare professional or cardiologist on the board.

That is why, Mr. Speaker, when I came to Congress, I decided that I would be engaged, and I became the co-chair of the Congressional Heart and Stroke Coalition, where my colleagues and I work very hard to raise the awareness about the prevalence and the severity of cardiovascular disease.

Last Congress, Mr. Speaker, I introduced the Return to Work Awareness Act, which would assist survivors of stroke and other debilitating health occurrences to be able to return to work.

Mr. Speaker, I will always be an active participant in education and awareness. I will reiterate that important piece of legislation this month, during American Heart Month, and I invite all my colleagues, Democrat and Republican, to join me in sponsoring this piece of legislation.

This month, as we celebrate American Heart Month, let us recommit ourselves to becoming more educated about cardiovascular diseases, improving our heart health, and continuing to fight against this devastating disease.

Today, Mr. Speaker, I want the Nation to know that women will stand on the Capitol steps, and we will have our photo taken, all dressed in red, because we want to stand united to help educate this Nation, that if we stand together, maybe, just maybe, we can send a strong signal to America that we can fight against this disease.

I want to personally thank Nancy Brown for allowing me to serve with her on the Board, and welcome the new CEO, Steven Houser, and so many of the volunteers across this Nation and the leaders because we know, Mr. Speaker, that we need to recognize all Americans who are battling heart disease and express gratitude to all of them.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o’clock and 48 minutes a.m.), the House stood in recess.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

We give You thanks, O God, for giving Your Church the opportunity to recognize National Catholic Schools Week. We pray for the health and safety of all those involved in Catholic schools, from the students and their families to the faculty and staff. We ask for wisdom to guide educational leaders, and for grace to bring joy and purpose into the lives of those who teach and learn in Catholic schools.

Amen.

RECOGNIZING NATIONAL CATHOLIC SCHOOLS WEEK

Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Ms. ROS-LEHTINEN. Mr. Speaker, as our Nation celebrates National Catholic Schools Week, I rise to recognize the lasting contributions of Catholic education in my south Florida community.

Carrollton School of the Sacred Heart, Our Lady of Lourdes Academy, and Immaculata-LaSalle High School are just a few of the many Catholic institutions serving my district. These schools do more than just provide their students with an excellent education, but they are also dedicated to instilling a religious grounding and moral values in our students so that they can dedicate their lives to serve our God, their families, and our community.

Congratulations to the teachers, administrators, and staff at our fantastic Catholic schools. Thank you for your dedication to building a brighter future for all of south Florida.
MICHIGAN ON THE FOREFRONT OF AUTOMOTIVE AND TECHNOLOGICAL INNOVATION

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, I rise to highlight an exciting, new development that builds on Michigan’s leadership in the auto industry.

Earlier this week, General Motors and Honda announced a joint venture to produce an advanced hydrogen fuel cell system. With an investment of $85 million, this operation will bring new, good-paying jobs, and it will be based at a manufacturing facility in southeast Michigan. This is just the latest example of how Michigan continues to be on the forefront of automotive and technological innovation that has the potential to revolutionize the industry.

Mr. Speaker, that is not all. A few weeks ago, GM also announced a plan to invest an additional $1 billion in United States manufacturing, which will create thousands of jobs for American workers.

With our State’s world-class workforce and commitment to cutting-edge research, Michigan will remain a global automotive leader for generations to come.

SLEEP APNEA IN THE RAILROAD INDUSTRY

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, I rise to recognize the grave consequences that undetected obstructive sleep apnea has on safety in the railroad industry.

Obstructive sleep apnea is caused by the obstruction of the airway during sleep. Untreated sleep apnea can cause unintended sleep episodes that may result in attention deficits and in a loss of situational awareness. It is a serious safety concern in railroading and has been a factor in numerous crashes:

- The September New Jersey Transit crash in Hoboken, New Jersey, was operated by an engineer with undiagnosed sleep apnea;
- In April 2011, a BNSF coal train collided with a standing train in Iowa that resulted in the deaths of two crew members. Medical records showed that both crew members had multiple risk factors for sleep apnea;
- In December 2013, a Metro-North Railroad passenger train derailed, killing four passengers and injuring 60. The engineer fell asleep due to undiagnosed sleep apnea.

I am pleased that the Federal Railroad Administration finally released a safety advisory that calls for railroads to screen train operators for sleep apnea, and I hope it is instituted quickly.

REMEMBERING DESSEY L. KUHLKE

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

Mr. ALLEN. Mr. Speaker, last week, the Augusta community mourned the loss of a legend in the business community—Dessey Landrum Kuhlke.

Dessey was the most caring and selfless leader I had ever known. As a longtime resident of the area, Dessey graduated from Georgia Southern University and served in the United States Army from 1959 to 1965.

I was fortunate enough to work for him and with him during my 35-year career in construction and the development industry. I had the opportunity to serve alongside him in the Augusta Exchange Club and sit in front of him on Sundays at Trinity on the Hill United Methodist Church.

Dessey was a husband, a father, a grandfather, a friend, and a mentor to many of us. He and his wife, Barbara, lost two of their children at a young age, and Dessey was the rock that held that family together.

Mr. Speaker, I have recently lost two of my heroes: Arnold Palmer in September and Dessey Kuhlke last week. But through the loss, I can’t help but smile when I think about the possibility of those two getting together with family in Heaven and playing a round of golf. Augusta is a better place because of Dessey Kuhlke. We will remember him often.

100TH ANNIVERSARY OF BUFFALO’S HISTORIC COLORED MUSICIANS CLUB

(Mr. HIGGINS of New York asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, as the Nation recognizes Black History Month, I rise to pay tribute to a special history in my western New York community.

This Friday marks the 100th anniversary of the opening of Buffalo’s historic Colored Musicians Club. The club’s origins stretch back to 1917 when a group of African American musicians sought to create its own safe haven in a then-segregated community. They banded together, organized, and started Local 533 of the American Federation of Musicians.

Some of the world’s most prolific jazz musicians have performed at the club. The likes of Billie Holiday, Duke Ellington, and Ella Fitzgerald all impressed crowds in the building near the corner of Broadway and Michigan. Through the years, the Colored Musicians Club has become an important community and cultural center, featuring a museum to educate new generations of the club’s key role in Buffalo and our country’s history.

As this landmark celebrates a century of work, we support its continued success and celebrate the example it sets in advancing the coming together of community and culture.

HONORING FORMER REPRESENTATIVE TOM BARLOW

(Mr. COMER asked and was given permission to address the House for 1 minute.)

Mr. COMER. Mr. Speaker, I rise to honor the life and legacy of Thomas Jefferson Barlow, III—a former Member of this honorable body—who passed away on Tuesday, January 31, at the age of 76.

Mr. Barlow, a Democrat, represented the citizens of Kentucky’s First Congressional District from January 3, 1993, until January 3, 1995. Mr. Barlow was a tremendous public servant who had a positive impact on thousands of people. He was dedicated to making lives better, but he never sought fame or glory. He got satisfaction in having his voice heard and in influencing public policy.

He was born in Washington, D.C., but his family roots ran deep in Ballard County, Kentucky, where his ancestor and namesake, Thomas Jefferson Barlow, was an original settler in the town of Barlow. He grew up in Chevy Chase, Maryland, and graduated from Sidwell Friends School in Washington, D.C.

In his political career and private life, he worked tirelessly to help the
America’s Catholic schools educate over 2 million students from diverse backgrounds each year, effectively preparing them for a brighter future and instilling in them faith-filled values. Data show that Catholic schools are often the highest-performing educational institutions in our communities. In fact, 99 percent of students from Catholic schools graduate from high school.

This week, I applaud Catholic schools for making a difference with students throughout our country. I applaud the educators who invest in their students’ academic and spiritual formation; and I applaud the 28 Catholic grade schools and high schools that faithfully work in the 18th Congressional District of Illinois.

Today I am a cosponsor of a resolution that expresses congressional support of Catholic schools for their invaluable contributions to students and families across America. It is with deep gratitude that I recognize those Catholic educators who are shaping the next generation.

REFUGEE BAN

(Ms. ADAMS asked and was given permission to address the House for 1 minute.)

Ms. ADAMS. Mr. Speaker, 2015: “Calls to ban Muslims from entering the U.S. are offensive and unconstitutional.”—Governor Mike Pence.

2016: “A religious test for entering our country is not reflective of our fundamental values. I reject it.”—Speaker Paul Ryan.

2017: Acceptance from both Pence and Ryan.

What has changed?

This unconstitutional executive order and its hasty implementation has created chaos and confusion at our Nation’s airports. With the stroke of a pen, President Trump negligently and shamefully turned his back on thousands of desperate men, women, and children who were fleeing war zones. Green card holders and visa card holders who have been denied entry and detained for hours have dominated our news.

This is not who we are.

This ban will make America safer. That is an alternative fact. This ban emboldens our enemies, serves as a recruitment tool for terrorists, and puts our servicemembers in the Middle East in greater danger. That is fact.

I urge my Republican colleagues to speak out just like they did in 2015 and 2016. We can’t afford your silence.

RECOGNIZING NATIONAL CATHOLIC SCHOOLS WEEK

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

Mr. LAHOOD. Mr. Speaker, I rise to commemorate National Catholic Schools Week.

The SPEAKER pro tempore (Mr. GRAVES of Louisiana). The gentleman from Oklahoma is recognized for 1 minute.

Mr. COLE. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma be recognized for 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the gentleman from Oklahoma?

There was no objection.

Mr. COLE. Mr. Speaker, on Tuesday, the Rules Committee met and reported a rule for consideration of two important measures, which would overturn two significant onerous regulations finalized in the waning days of the Obama administration.

First, the resolution provides for the consideration of H.J. Res. 36, providing for congressional disapproval of the so-called BLM methane rule. The rule provides for 1 hour of debate, equally divided and controlled by the chair and the ranking member of the Natural Resources Committee, and provides for a motion to recommit.

In addition, the resolution provides for consideration of H.J. Res. 37, providing for congressional disapproval of the so-called blacklisting rule. The rule provides 1 hour of debate, equally divided and controlled by the chair and ranking member of the Oversight and Government Reform Committee, and provides for a motion to recommit.

Mr. Speaker, burdensome regulations are crippling our businesses. The Obama administration finalized 38 major rules between election day and inauguration day. It is considered as replete as the so-called blacklisting rule. The rule will cost our economy $41.2 billion. Sadly, this was just par for the course with the previous administration. In 2016, the Obama administration finalized over 400 regulations at a cost of over $100 billion to the economy.

Mr. Speaker, I am heartened by President Trump’s regulatory freeze, which has been estimated to save over $180 billion in regulatory equity, followed by his executive order which aims to revoke two regulations for every new regulation put forward.
Mr. Speaker, this is a regulation in search of a problem. According to a 2015 EPA study, methane emissions from both natural gas systems and crude oil production have fallen by significant margin, even while oil and natural gas production have exploded. The BLM flaring rule is both costly and unnecessary.

The second rule considered by this resolution is similarly a solution in search of a problem. For decades, the Federal Government has had a suspension and debarment process in place to deny Federal contracts to bad actors who violate basic worker protections. However, President Obama signed an executive order directing various agencies to add another layer of bureaucracy onto the Federal procurement system. Prior to awarding a contract, each agency’s contracting officer and a newly created labor compliance adviser will be required to review both violations and alleged violations to determine whether an employer should be awarded a Federal contract. Even the courts have agreed this is overreach. In October of 2016, a Federal district judge blocked enforcement of these rules, citing concerns with the violation of due process rights and executive overreach.

For these reasons, Mr. Speaker, it is critical that we prevent implementation of these rules which are unnecessary and add even more regulatory burdens to our struggling businesses and anemic economy.

Mr. Speaker, I urge support for the rule and the underlying legislation. I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume. I rise today in opposition to this rule and the underlying resolutions.

The resolutions that this rule provides consideration for threaten our air and our American people.

My colleagues on the other side of the aisle claim that somehow repealing these rules will create jobs. It will actually destroy jobs, jobs that are associated with recapturing methane.

That’s what a methane flare looks like, I drive past them in Colorado, and the potential for capturing, rather than flaring that methane, is important for the quality of our air and to reduce our emissions.

The House majority has made it their priority to tear down and uncertainty in hardworking American families. People, who come here legally on visas who have lived here for many years, even small businesses, rather than focusing on jobs or having constructive conversations about immigration, are worried about their employees and, in some cases, even their owners being deported or not allowed back after conducting business abroad.

Republicans apparently would rather help shield large corporations from transparency, eliminate regulations that protect families from water and air pollution, and require companies to follow wage laws.

To add to this uncertainty and fear, President Trump has signed an executive order already that bans refugees and citizens from predominantly Muslim countries. Well America is a nation of immigrants—those who fled political and religious persecution, violence in their home countries, and those seeking to build a family in a country that values freedom and upholds civil rights.

Our new President has decided that the best use of taxpayer money is to build a wall on our southern border. Our President has used his first 2 weeks in office to generate fear and uncertainty among households, who may lose their health insurance rather than create jobs and improve our economy. The new President has even limited the ability of the Environmental Protection Agency to communicate with the public about things like methane flaring.

The two Congressional Review Act resolutions we are discussing today—like the previous ones that, I should point out, do not follow regular order—they didn’t receive any hearings in this Congress. They were a closed rule with no amendments allowed. I offered two amendments to the methane rule amendment. Neither were allowed to even be debated on this floor of this House, no less in considering on jobs or having constructive relations with refugees.

I would like to quote from Speaker Ryan when he took the gavel in October of 2015. He said: “We need to let every member contribute—not once they have earned their stripes, but right now.” In a further quote, Speaker Ryan said: “The committees should re-take the lead in drafting all major legislation. If you know the issue, you should write the bill. Open up the process.”

“In other words, we need to return to regular order.”

Yet, here we are again with two CRAs that did not come through regular order, or even debate, with no opportunity for Members on either side of the aisle, Democrats or Republicans, with good ideas to make these pieces of legislation any better. Apparently, Speaker Ryan’s commitment doesn’t apply to CRAs or issues that keep our air and water clean or protect workers.

I would like to ask that Speaker Ryan explain to his colleagues how he is sticking to his commitment of regular order and to clarify what that means.

Not one amendment was allowed to be heard on the floor on either of these bills. This is a closed rule, including two of mine.

First, let’s talk about the methane waste rule. It is very important to my constituents where fracking has worsened the quality of the air and upset neighborhoods across my district in Colorado.

The first amendment offered in the Rules Committee was to the methane waste rule, and it would have added Bureau of Land Management scientific findings. It would offer transparency and truth to this Congressional Review Act, providing facts about methane, methane waste, and why it is necessary for this rule to be moved forward. Without this rule, we would be seeing a lot more of this in areas like my district and my State.

In the last few weeks, a war on science has been begun by this administration. If we support facts, then we should let facts speak for themselves and be as objective as possible. We should have allowed that amendment which would have listed the scientific truths around methane and this rule.

Methane facts are clear. The current rule would supply energy for up to 740,000 more households per year. Rather than burn that methane into the atmosphere, we can actually provide energy for 740,000 more households; and the methane is 25 times more dangerous and potent as carbon dioxide for worsening the impact of global warming.

Even if you want to ignore the energy impact of helping more Americans power or the climate impacts of increasing climate change, if we look at this rule from a jobs perspective, this CRA would destroy American jobs.

I would like to explain how this methane waste CRA rule will affect the tens of thousands of the more than 70 companies headquartered in the U.S. that provide services and equipment to identify and capture natural gas and methane leaking from pipelines, processing equipment, and wells, including many in my home State of Colorado. This rule directly threatens the livelihood of many businesses and employees in my home State.

If, for some strange reason, the job creation argument isn’t enough for you, how about the hundreds of millions of dollars American taxpayers would collect over the next decade from additional royalties?

Oil and gas companies are required to pay for the methane they collect and sell from public lands, and the more that is captured rather than burned off, the better not only for the companies and the employees, but also for taxpayers as we try to reduce our budget deficit.

An estimated $140 million in royalties over the next decade would be lost if this CRA moves forward. That is $140 million more in deficit spending that this rule signifies if it were to pass, and
that is why it is opposed by Taxpayers for Common Sense and most other fiscally conservative groups.

Again, if job creation, science, and taxpayer savings aren’t enough, about how the cancer-causing impacts, carcinogenic effects, of oil and gas drilling?

Stacy Lambright lives in Thornton, Colorado, near my district with her husband, Eric, and her two kids, Jack and Molly. Stacy became a community activist as a majority in this Clean Air Force after she found out her neighborhood park frequented by children and families was directly next to a leaking oil and gas frack well.

Stacy and her family have been living in the neighborhood for over 14 years, and they have started to experience health concerns after oil and gas drillers moved in. Since 2015, Stacy’s been documenting an unusual amount of nosebleeds in her family. Just as recently as Monday, her daughter had a nosebleed while her son had six nosebleeds last month, something they never had before. And Stacy’s husband’s asthma has significantly increased.

They have lived in the neighborhood for 14 years and only recently, since the drilling occurred, have they had these health impacts. There have been no changes in their home or surrounding neighborhood other than the increased amount of fracking and oil and gas wells, leaks, documented leaks, to existing wells.

This methane rule further threatens the health of constituents as we gather additional data, and that is why Stacy is advocating for stronger legislation and better management practices, not worse management practices, with regard to existing oil and gas wells.

The safety and health of Stacy’s family should be a top priority for Congress, but it appears, instead, the Republican elite have called “providing alternative facts.”

The methane rule further threatens the health of constituents as we gather additional data, and that is why Stacy is advocating for stronger legislation and better management practices, not worse management practices, with regard to existing oil and gas wells.

The health and safety of Stacy’s family should be a top priority for Congress, but it appears, instead, the Republican elite have called “providing alternative facts.”

I know it has been argued—we probably will argue—that oil and gas companies are fixing and capping leaks on their own, but that is false. There is a massive amount of gas leaked every day, and these companies have not reduced methane emissions from the field, but perhaps. Again, absent this rule, we will see more of this kind of activity, not less.

Another argument is that infrastructure, like pipelines, is important to prevent methane flaring. And of course that is true, but a GAO report says that only a small percentage of venting and flaring is due to the lack of infrastructure, so it is only a small part of the overall issue.

And, by the way, this rule doesn’t block or in any way impede any new infrastructure projects, and more infrastructure alone clearly won’t solve the problem of leaking wells and flaring methane.

The issue of leaking methane, in particular, is partially addressed by this rule, which, by the way, doesn’t go far enough. However, what they wrote has been proven to work in creating jobs and cleaning up our air.

In Colorado, we have a methane rule that, frankly, this rule is largely based on, and I know it has worked in Colorado. And while we need to do a lot better in my home State, at least some level of baseline can work for the whole country.

Oil production on Federal lands went up 28 percent between 2010 and 2015 under the Obama administration. There is no question that BLM has authority to regulate methane. It is a waste of taxpayer money, a misuse of our public lands to do anything other than to reduce our methane emissions.

Just as an aside, the benefits of this rule are increased job creation, cleaner air, healthier families, and the climate.

BLM was extraordinarily conscientious when drafting this rule. They held public forums. They extended the comment period for 75 days. Over 300,000 public comments were collected and addressed. The BLM’s methane rule was done out in the open with public input as opposed to, by the way, this process, which was done behind closed doors, without a public hearing, and didn’t even have a committee hearing.

It doesn’t make sense to use the CRA to repeal this BLM methane rule. This BLM methane rule just protects our families, saves taxpayer money, and reduces our budget deficit.

The second amendment I offered got to the heart of the problem with CRAs in general. Regardless of the rules that companies are impacting, they are a reckless, blunt tool, and they are not the right instrument for honest, thoughtful legislating.

If Congress has a problem with the authority under which the methane rule was issued, we should amend the statutory authority of the agency, not use a congressional resolution of disapproval.

My other amendment simply said that the agency has the right and authority to write a rule impacting this issue which, otherwise, the CRA could effectively prevent; and due to that uncertainty, passing the CRA creates even more uncertainty for the industry.

As the Denver Post, a newspaper that has endorsed dozens of Republicans over the last few years, said in regards to this methane waste rule: “Congress is getting ready to use an ax where it needs a scalpel.”

The Congressional Review Act is one of the most ridiculous tools to be used by Congress, and, regardless of whether you disagree or agree with the policy, the better way to approach it would be to amend the statutory authority of the agency to make it clear whether they have the authority to issue this kind of rule and under what conditions.

While we may disagree on that, and we may be able to offer and bring to the floor amendments regarding agency authority, that is the appropriate venue for this discussion.

Let’s move on to the other bill under this rule, the Fair Pay and Safe Workplaces bill. My Republican colleagues continue to refer to this order as a problematic order. Unfortunately, it is another attempt to mislead the American people. This is a tactic the Republican elite have called “providing alternative facts.”

The rule under CRA today comes from the Fair Pay and Safe Workplaces executive order, and it is sorely needed legislation. What this rule says is, if you are a company that consistently breaks the law, without regard for your workplace, workers, taxpayers, or the community, you should not receive millions of dollars in taxpayer contracts.

It takes common sense to me. If you are abusing workers, have engaged in tax fraud, why would we want to contract with you with your taxpayer dollars?

Companies that cut corners in safety or fair pay, dozens of other areas, are not get to compete for our taxpayer money against good actors and companies that play by the rules. Everybody needs to start from a level playing field.

Now, to be clear, there are only a few bad actors. The vast majority of companies have no issue at all with this rule. But unscrupulous actors who have ignored the law, violated the law, cut corners, should not be rewarded; and, to this day, there are a few bad actors that continue to receive billions of dollars of your taxpayer money in Federal contracts.

In 2019, a GAO report proved that there was a problem. GAO investigated 15 Federal contractors cited for violations of the top priority of this regulation is bringing us back to a time when respectable companies have no issue at all with this rule. But unscrupulous actors who have ignored the law, violated the law, cut corners, should not be rewarded; and, to this day, there are a few bad actors that continue to receive billions of dollars of your taxpayer money in Federal contracts.

In 2019, a GAO report proved that there was a problem. GAO investigated 15 Federal contractors cited for violations of the top priority of this regulation is bringing us back to a time when respectable companies have no issue at all with this rule. But unscrupulous actors who have ignored the law, violated the law, cut corners, should not be rewarded; and, to this day, there are a few bad actors that continue to receive billions of dollars of your taxpayer money in Federal contracts.

How about that for waste, fraud, and abuse?

Now, look, I don’t know about my colleagues on the other side of the aisle, but fiscal responsibility is core to my beliefs as a Member of Congress. That is why I am a proud cosponsor of an amendment to require a balanced budget.

I believe in the value of hard work and personal responsibility. If we know a company is cutting corners, taking the easy way out, and avoiding the responsibility of the law, why would we reward them with your money?

Organizations throughout the country, representing a diversity group of stakeholders, agree. The Leadership Conference on Civil and Human Rights, the Paralyzed Veterans of America, the Service Employees International Union
all join me in opposition to this Congressional Review Act. They recognize the value of hard work. They don’t support companies who cheat. I don’t know why my Republicans colleagues do.

This rule modernizes an antiquated system. Right now it is virtually impossible for procurement officials to know if company A has had any violations when they are up against company B for a contract. If company A has been cheating workers out of overtime and that allows them to underbid Company B, they shouldn’t get the contract and be rewarded for violating the law.

This executive order will increase coordination, simplification, access to information, and streamline the system. This executive order does not set up any way for companies to be banned or disbarred. That process has always existed and will still exist alongside this as a separate, independent process. In fact, if this process does is it provides a remedial path for companies to right the ship, to get right with the law, to be eligible, once again, for Federal contracts.

A simple or rare mistake should, of course, be a reason for a company from participating in the Federal recruitment process. Instead, companies with repeated and excessive transgressions should be helped to follow the law and create a better workplace and be rewarded to be better stewards of taxpayer dollars.

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

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

Not surprisingly, my friend and I have a number of disagreements on the wisdom of getting rid of these particular regulations. We do agree on the importance of actually capturing methane gases. Frankly, my friend is right, we need to do it. Frankly, disbarred. That process has always existed and is still in place.

We do, frankly, need more infrastructure in this area, no question about that. The BLM has been less than cooperative in allowing that infrastructure to be built on Federal land, and that has made this problem more difficult than it needs to be.

But it is important to recognize, overall, the amount of methane gas that actually escapes has gone down steadily and, frankly, dramatically, even as production has moved up. So additional regulation is unlikely to change that process. It may actually complicate it.

In areas where the appropriate authority exists, I again, would just remind my friends, the Environmental Protection Agency has the authority to do this. So if it felt like it needed it, it could.

The BLM has actually moved into a new area beyond its traditional jurisdiction because it does not have authority, under the Clean Air Act, to draft these kind of rules and regulations. The Clean Air Act, again, is already in place. The EPA has the authority. If we need to do something, let’s do it.

In terms of the disbarment procedure for contractors, what we have is already in place. We don’t need additional regulatory expense, additional bureaucracy for the government. We can rely on the procedures we already have.

My friend is concerned about the lack of hearings. I would remind him, while we haven’t had hearings on these items in this Congress, we certainly did on both of them in the last Congress, in some cases, multiple hearings. There is not any need to rehash and go over the same ground, in my view.

Finally, in terms of just the process itself, the Congressional Review Act actually limits the form in which these sorts of things can be brought forward. If amendments are made in order, frankly, the item loses its privilege in the United States Senate, which, obviously, changes the at which you can move and perhaps even the number of votes that are required to actually move forward.

So we think, again, these are items that have been explored, looked at, debated. The evidence is pretty clear. We think it is important to move quickly in these areas, and I would urge the body to do so. Adopt the rule. Support the underlying legislation.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule. What does this rule do? It enables the repeal of protections for American workers. These are regulations that ensure that Federal contractors must disclose labor violations across 14 basic labor laws.

□ 1245

Our Federal contractors employ approximately 28 million workers, and while the vast majority of contractors are in compliance, unfortunately, every year American workers are denied their overtime wages, they are discriminated against for their gender, or their race, or had their health and their safety put at risk.

Why is this Republican majority working so hard to ensure that billions of taxpayer dollars continue to go to contractors that cheat their workers? This executive order tarnishes our best actors and the most egregious cases.

The intention of the executive order was to encourage compliance with the law and level the playing field for contractors who are playing by the rules. If there are violations, bidders simply check a box.

What should we be doing here in this body? We should be increasing worker protections, not demeaning them or decreasing them. The more than one in five Americans who would be affected should be protected by our labor laws.

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

Mr. POLIS. I am prepared to make a couple of good points. Remember, my friends, disbarment is already a very common procedure. It was invoked over 2,000 times. So having another regulatory hurdle and hoop to jump through, just simply isn’t necessary.

These regulations were, frankly, generated in the final waning months of the Obama administration. They haven’t been in action, and there is sort of a regulatory fit. It is not, by the way, unusual for just the last administration. All administrations have this tendency near the end, and that is one of the reasons why we have the Congressional Review Act in the first place, so that when administrations, in their waning days, decide they want to least as difficult, multiple hearings. There is nothing for companies to be banned or disbarred. That process has always existed and will still exist alongside this as a separate, independent process.

As I pointed out in my opening remarks, the regulations released by the last administration—over 3,000 of them in an 8-year period—cost the economy over $870 billion. The regulations that were issued between election day and Inauguration Day cost the economy over $40 billion. That is real money. That is real investment that could go elsewhere and could hire people.

So I would think that these, along with the other Congressional Review Act bills that will be coming forward, and have already come forward, will actually give the economy a much-needed shot in the arm, will help stimulate job creation and movement, and we have a timeframe in which we have to operate.

So if we actually followed all of the procedures my friend suggested, many of these regulations, frankly, would never get reviewed before they went on the books. So it is better to act quickly. I think it is better for American business. Again, I urge the support of the rule and the underlying legislation.

I reserve the balance of my time.

Mr. POLIS. I am prepared to close if the gentleman doesn’t have any remaining speakers.

Mr. COLE. I am certainly prepared to close.

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

First of all, the gentleman from Oklahoma referenced that these have been the subject of hearings. I would point out that there are over 50 new Members of this body who were not part of the last Congress who have not had a chance to look at it. And there has been time.

They could have had hearings and markups last week or the week before
prior to these bills coming to the floor. I just came from a hearing in one my committees today. So they certainly could have been done consistent with the timeline, had that been the desire.

But, again, the better approach, the correct approach would be to amend the order, to change the authorities of the authorizing agency for these rules, rather than use the CRA process.

Mr. Speaker, President Trump's immoral, unconstitutional executive order banning Syrian refugees and suspending immigration from many countries is an attack on our core American values as a nation of law and a nation of immigrants. This callous indifference of human suffering not only has tarnished and hurt our image abroad but harmed our national security by alienating allies and providing terrorist groups with new recruiting tools.

If the American previous question, I will offer an amendment to the rule to bring up Representative LOFGREN's bill to overturn and defund this dangerous executive order.

Let me perfectly clear for people watching what this vote means. A "no" vote on the previous question gives us the opportunity to overturn this order and bring up Representative LOFGREN's bill. A "yes" vote means the House will continue to do nothing to stop President Trump's executive action and, instead, choose with allowing more methane to be spewed into the atmosphere.

This will be the third such vote the House takes this week, and, so far, every vote cast by a Republican Member in Congress has been in favor of turning a blind eye to President Trump's unconstitutional and dangerous order.

The American people should take notice and insist that their elected Representatives vote "no" and reject this administration's disgraceful policy.

Mr. Speaker, I ask unanimous consent to add the text of my amendment to the Record, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. POLIS. The fact that these CRA proposals that we have before us have not gone through any sort of special order, regular order; the fact that CRA's become cumbersome and reckless tools; and the fact that all they do is take away protections from our air and from our workers should make it easy for every Member of this body to join me in voting "no" on this rule and on the underlying bills.

We should be keeping regulations and standards predictable that put Americans at the top of our priority list, not oil and gas companies, and not companies that are bad actors and violate our law by refusing to pay overtime to their workers.

We should value clean air, and we should value companies that play by the rules. We should value regulations that protect our taxpayer dollars rather than increase our deficit by $140 million. We can do all of these things by simply defeating this rule and defeating the underlying bills.

I urge my colleagues to vote "no" on the previous question, "no" on the rule, and "no" on the underlying bills. I yield back the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. COLE. Mr. Speaker, I yield myself such time as I may consume. I want to thank my friend. As always, he is always thoughtful, always a good person to hold a debate and a conversation with.

On this one, we simply disagree. My friend referenced some of the "conservative groups" that are supporting the maintenance of the flaring rule, the BLM.

Just for the record, I want to add some that I am actually more familiar with: the Americans for Tax Reform, Citizens Against Government Waste, Americans for Prosperity, and Taxpayers Protection Alliance. All of those are in support of repeal of this regulation, and all of them think it will actually save businesses money and increase activity as opposed to the regulation which we think actually discourages economic activity. Again, these are industries—in both cases, they were adopted in the final waning days of the administration. These are things that Congress had serious doubts against, but, obviously, couldn't override an administration when they were in office.

The Congressional Review Act itself is done, so we can do this sort of exercise after an administration leaves, and actually go back and undo some of the damage that I think is routinely done by both parties in their waning days, when they would actually be better off to just simply let the new people get into their jobs and actually go about their business.

We have appropriate regulatory authority in both of these areas. Again, the Environmental Protection Agency has the power under the Clean Air Act to issue whatever regulations it cares to on methane. And here, frankly, we ought to put business on the back burner and cause the production of both oil and natural gas, methane has consistently gone down dramatically and steadily over the years.

I suspect that process will continue with or without the regulation of the Federal Government because, quite frankly, it makes good business sense. And, quite frankly, most people in private business want to be good stewards to the environment. They are not out to try and damage our air or our water.

The same thing is true in terms of bad actors—and there certainly are some bad actors—that engage in activities that are inappropriate for Federal contractors who violate the law. That is why, under current law, almost 2,000 companies were disbarred in 2015; a similar number in 2014.

So, again, what we have in place appears to be working. Why we would create an additional hurdle, hire additional people, and force companies to do additional paperwork is beyond me. I don't think it is the wise thing to do; I don't think it is the necessary thing to do.

Mr. Speaker, in closing, I want to encourage all Members to support the rule.

H.J. Res. 36 and H.J. Res. 37 both undo regulations that should never had been made in the first place. By preventing the implementation of these onerous, duplicative regulations, we will relieve the burdens faced by American small business.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 74 OFFERED BY Mr. POLIS

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House recessed into the Whole for further consideration of the bill (H.R. 724) to provide that the Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017), shall have no force or effect, to prohibit the use of Federal funds to enforce the Executive Order, and for other purposes.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill (H.R. 724) to provide that the Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017), shall have no force or effect, to prohibit the use of Federal funds to enforce the Executive Order, and for other purposes.

AN AMENDMENT TO H. RES. 74 OFFERED BY Mr. POLIS

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House recessed into the Whole for further consideration of the bill (H.R. 724) to provide that the Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017), shall have no force or effect, to prohibit the use of Federal funds to enforce the Executive Order, and for other purposes.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill (H.R. 724).

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT ACTUALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To deny the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's
ruling of January 13, 1920, to the effect that
"the refusal of the House to sustain the de-
mand for the previous question passes the
control of the resolution to the opposition
in order to offer an amendment. On March
15, 1909, a member of the majority party of-
ered a rule resolution. The House defeated
the previous question and a member of the
opposition rose to a point of parliamentary
question. . . . "

The Republican majority may say "the
vote on the previous question is simply a
vote on whether to proceed to an immediate
vote on the resolution, and the resolution
has no substantive legislative or policy im-
lications whatsoever." But that is not what
they have always said. Listen to the Repub-
lican Leadership Manual on the Legislative
Process in the United States House of Rep-
resentatives, 6th edition, page 135. Here's
how the Republicans describe the previous
question vote in their own manual: "Al-
though it is generally not possible to amend
the rule because the majority Member con-
trols the time, the Speaker may order the
vote on the purpose of offering an amendment, the same
result may be achieved by voting down the pre-
vious question on the rule . . . . When the
motion for the previous question is denied,
control of the time passes to the Member
who led the opposition to ordering the pre-
vious question. That Member, because he
then controls the time, may offer an amend-
ment to the rule, or yield for the purpose of the amend-
ment."

Deschler's Procedure in the U.S. House of Represe-
ntatives, subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule (a special rule received from the Committee on Rules) opens the resolution to amend-
ment and further debate." (Chapter 21, sec-
ction 21.2) Section 21.3 continues: "Upon rejec-
tion of the motion for the previous ques-
tion on a resolution reported from the Com-
mmittee on Rules, control shifts to the Mem-
ber leading the opposition to the previous question, or to a proper assistant or
motion who controls the time for de-
bate thereof."

Clearly, the vote on the previous question on a rule does have substantive policy impli-
cations. It is one of the only available tools for those who oppose the Republican major-
ity's agenda and allows those with alter-
native views the opportunity to offer an al-
ternative plan.

Mr. COLE. Mr. Speaker, I yield back the
balance of my time, and I move the previous
question on the resolution.

Mr. Speaker. The question is on ordering the previous
question.

The question was taken; and the Speaker pro tem pro-
nounced that the question is decided a
yea, and nay.

The yeas and nays were ordered.

The Speaker pro tem. The question is on ordering the previous
question.

Accordingly (at 12 o'clock and 54
minutes p.m.), the House stood in re-
cess.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PALAZZO) at 1 o'clock and 5 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, proceedings will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.

Mr. FITZPATRICK of Pennsylvania. The Chair is in the Chair.

The SPEAKER pro tempore. Pursuant
to clause 8 of rule XX, the House will resume on questions previously
postponed.
Margaret Spellings of North Carolina changed her vote from ''yea'' to ''nay.''

Mr. MEEHAN. Mr. Speaker, on rollcall No. 74 and 75 I was unable to cast my vote in person due to an emergency dental procedure. Had I been present, I would have voted "Yes."

**RECESS**

The SPEAKER pro tempore, pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 38 minutes p.m.), the House stood in recess.

**AFTER RECESS**

The House having expired, the House was called to order by the Speaker pro tempore (Mr. PALAZZO) at 1 o'clock and 41 minutes p.m.

**PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION**

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 71, I call up the joint resolution (H.J. Res. 40) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to implementation of the NICS Improvement Amendments Act of 2007.
and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 71, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. Res. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007 (published at 81 Fed. Reg. 9702 (December 19, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their designees.

The gentleman from Virginia (Mr. Goodlatte) and the gentleman from Michigan (Mr. Conyers) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. Goodlatte. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials to H.J. Res. 40.

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

There was no objection.

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

Mr. Speaker, today I rise in strong support of H.J. Res. 40, a joint resolution providing for congressional disapproval of the rules submitted by the Social Security Administration relating to implementation of the NICS Improvement Amendments Act of 2007.

On December 19, 2016, in the waning days of the previous administration, the Social Security Administration published a rule finalizing the criteria for sending the names of certain Social Security beneficiaries to the National Instant Criminal Background Check System, NICS.

Under the rule, an individual's name will be sent to the NICS if they receive disability insurance or supplemental security income benefits based on having a mental disorder, the person is between age 18 and the full retirement age, and the SSA determines that the person needs a representative payee to manage their benefits. Individuals who meet these criteria would be prohibited from exercising their Second Amendment right to possess firearms.

This rule is a slap in the face of those in the disabled community because it paints as dangerous to society those with mental disorders with the same broad brush. It assumes that simply because an individual suffers from a mental condition, that individual is unfit to exercise his or her Second Amendment rights. No data exists to support such an egregious assertion. In fact, studies show that those who suffer from mental disorders are more likely to be victims of crime rather than perpetrators of crime.

Furthermore, there is a total absence of any meaningful due process protections under the rule. Currently, citizens lose their right to possess a firearm when they have been convicted by a judge or jury of a felony or misdemeanor crime of domestic violence, when they have been dishonorably discharged after given a hearing, or when they have been deemed a fugitive after being given an option to appear and avail themselves of their due process rights, among other reasons.

All of these have one thing in common: they all provide due process to the affected individual.

Under the SSA rule, the affected party has no ability to defend himself or to even introduce evidence before the SSA denies his right to possess a firearm. Additional time during the process during which the SSA is seeking to deny someone his Second Amendment rights must the Social Security Administration make a determination that the individual poses a risk to himself or others.

This is the standard that has long been used to determine if the right to possess a firearm should be prohibited.

Some may point to the rule's appeals process as providing a form of due process. However, the appeals process is severely flawed because it puts the burden on individuals to prove that restoring their Second Amendment rights would not pose a danger to public safety or be contrary to the public interest. In every other instance in which someone is at risk of losing his ability to possess a firearm, the burden is on the government to prove that the individual should have his right taken away. Under this flawed system, the individual bears the burden against the government. This is not what due process looks like.

During debate on the rule for this joint resolution, I heard a number of reasons from my colleagues on the other side of the aisle as to why they opposed this joint resolution. Quite frankly, I am shocked at what little regard they have for the disabled community. The gentleman from Massachusetts claimed that this joint resolution was done at the bidding of the National Rifle Association. Yes, the National Rifle Association does support H.J. Res. 40. However, what my colleague from Massachusetts failed to mention during the debate yesterday was who else supports the joint resolution.

Supporters include the American Association of People with Disabilities, the National Disability Rights Network, the Autistic Self Advocacy Network, the Bazelon Center for Mental Health Law, the Arc of the United States, the Consortium for Citizens with Disabilities, the Disability Law Center of Alaska, the National Council on Independent Living, and the National Coalition for Mental Health Recovery. Even the National Council on Disability—an independent Federal agency that makes recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families—has called on Congress to utilize the Congressional Review Act in order to repeal this rule.

It was also mentioned—and will, undoubtedly, be mentioned here later today—that this rule received over 91,000 comments. What they didn't tell you, and what I am guessing they won't tell you today, is that the overwhelming majority of the comments opposed the rule. Opposition wasn't based on small, technical issues. It was based on the fundamental concept of the rule. Many of the organizations I mentioned earlier provided comments to the agency. Rather than listen to the organizations advocating for the rights of the disabled, the previous administration decided to ignore them.

I thank the gentleman from the State of Texas (Mr. Sam Johnson) for his hard work on this important issue that affects law-abiding citizens in every congressional district in America.

I ask my colleagues to support this resolution—to stand with the disabled community and to stand with the Constitution. Support H.J. Res. 40.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent to yield the control of the balance of my time to the gentleman from Texas (Mr. Sam Johnson), the sponsor of this resolution.

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

There was no objection.

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

I rise in opposition to H.J. Res. 40, a measure that would vacate an important rule issued by the Social Security Administration to help reduce gun violence.

This resolution of disapproval is particularly problematic because, pursuant to the Congressional Review Act, it would not only invalidate this rule but prohibit the agency from substantially the same rule in the future, even an improved version of the rule. How unusual.

As we consider this resolution today, I ask my colleagues to consider, for just a moment, how we arrived at this point and, more precisely, what is at stake.

In 1968, after a decade of assassinations and gun violence, Congress worked to pass the Gun Control Act. That law lists certain categories of individuals who are prohibited from purchasing and possessing firearms, including felons, fugitives, those who
have renounced their citizenship, those who have been dishonorably discharged, and also those "adjudicated mentally defective." Today, we don't commonly use that outdated and unfortunate terminology. Instead, we refer to "the Federal mental health prohibitor," which remains an important—although challenging—feature of our Federal gun laws.

Because it was common sense that we needed a system to help prevent guns from getting into the hands of those who were legally prohibited from possessing them, Congress took bipartisan action to enact the Brady Act in 1993. That statute established a National Instant Criminal Background Check System—some call it NICS—and it requires federally licensed gun dealers to conduct checks on prospective purchasers in order to verify that they are not prohibited on the basis of the statutory categories.

Although unwisely limited only to sales conducted by licensed gun dealers, the NICS system is extremely beneficial as far as it goes. Critically, however, this background check system is only as good as the completeness of the records it includes. This fact was tragically demonstrated in 2007, when a student on the campus of Virginia Tech shot and killed 32 people. The shooter had a mental health record that was serious enough that it should have been reported to the system, but it was not.

As a result, Congress enacted the bipartisan NICS Improvement Amendments Act that same year in order to provide incentives for States to do a better job of submitting disqualifying mental health records to the system. The law also requires Federal agencies to submit any such information that they have. While some States have done a great job of complying with the law, others have not, which remains a critical challenge. As we expect States to do more to comply, we must also ensure that the agency has administrative resources available to the agency, and we have not had the chance to examine all appropriate considerations. I can say that the agency has undertaken a commendable effort in accordance with President Obama's directive—to ensure that the NICS background check system has the information that it believes, after a thorough rule-making process, corresponds to a long-standing category of firearms prohibitors.

Accordingly, we should not completely disregard the agency's efforts, and I urge my colleagues to strenuously oppose H.J. Res. 40.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Former President Obama was never a champion of the Second Amendment right to keep and bear arms. He fought to deny Americans their constitutional rights throughout his whole 8 years in office. In fact, on his way out the door, former President Obama finalized a rule that eliminates background checks for individuals with disabilities and that deprives law-abiding Americans of their Second Amendment rights. Under this rule, certain Social Security disability beneficiaries, who also need help, would be stripped of their Second Amendment rights. More specifically, their names would be reported to the National Instant Criminal Background Check System.

Mr. Speaker, just because someone has a disability does not mean he is a threat to society. Furthermore, needing help to manage your benefit does not make you dangerous; but you don't have to take my word for it as the disability community has also raised serious concerns with regard to this rule.

The National Council on Disability, which is the independent agency that is charged with advising Congress and the President on disability policy, said: "There is, simply put, no nexus between the inability to manage money and the ability to safely and responsibly own, possess or use a firearm."

In addition, Mr. Speaker, I include in the RECORD many letters of support I have received for my bill from one of the disability community's Second Amendment groups and civil rights groups and others.

 Hon. MITCH MCCONNELL, Majority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER MCCONNELL, and SPEAKER RYAN: I write on behalf of the National Council on Disability (NCD) regarding the final rule the Social Security Administration (SSA) released on December 19th, 2016, implementing provisions of the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007, 81 FR 9702. In accordance with our mandate to advise the President, Congress, and other federal agencies regarding policies with no stated position or respect to SSA, our federal partner, this rule may strain the already scarce administrative resources available to the agency, and I urge my colleagues to strenuously oppose this rule.

I would note that with no stated position with respect to SSA, our federal partner, this rule is simply a bridge too far. In fact, it is concerning that attempting to implement this rule may strain the already scarce administrative resources available to the agency.
Washington, DC.

PELOSI: I am writing on behalf of the National Coalition for Mental Health Recovery (NCMHR) regarding the final rule the Social Security Administration (SSA) released on December 19th, 2016, implementing provisions of the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007, 81 FR 9702.

NCMHR submitted comments to SSA on the proposed rule in June 2016. In our comments, we opposed the SSA's rationale for the rule and noted that the proposed rule would significantly impact individuals with psychiatric and intellectual disabilities.

Regarding the rule released in late December, we believe it was not supported by evidence or science; it imposed only after the individual has been adjudicated to lack the capacity to manage one’s Social Security disability benefits and a property interest toward gun violence.

The absence of any meaningful due process protections prior to the SSA’s transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transfer to the NICS database any individuals who have been “adjudicated” to lack the capacity to manage their own affairs, SSA’s process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage it inflicts on the disability community.

On behalf of the CCD Rights Task Force, the undersigned Co-Chairs,
H898

CONGRESSIONAL RECORD — HOUSE
February 2, 2017


DEAR REPRESENTATIVES: On behalf of the American Civil Liberties Union (ACLU), we urge members of the House of Representatives to support the resolution disapproving the final rule of the Social Security Administration which implements the National Instant Criminal Background Check System Improvement Amendment Acts of 2007.

Additionally we urge members to oppose the resolution of disapproval of the rule submitted by the Department of Defense, the General Services Administration, and NASA relating to the Federal Acquisition Regulation that implement the Fair Pay and Safe Workplaces Executive Order 13673.

In December 2016, the SSA promulgated a final rule that would require the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients—who, because of a mental impairment, use a representative payee to help manage their benefits—to be submitted to the National Instant Criminal Background System (NICS), which is used during gun purchases.

We oppose this rule because it advances the automatic per se denial of any right or privilege, including gun ownership.

The rules implementing the Fair Pay and Safe Workplaces Executive Order take an important step toward more equitable and safe work conditions by ensuring that federal contractors provide workplaces that comply with federal labor and civil rights laws.

Employers that have the privilege of doing business with the federal government must meet their legal obligations. The Fair Pay and Safe Workplaces regulations are crucial because they help ensure that federal contractors behave responsibly and ethically with respect to labor standards and civil rights laws and that they are complying with federal labor and employment laws such as the Fair Labor Standards Act (which includes the Equal Pay Act), Title VII of the Civil Rights Act, the Americans with Disabilities Act of 1990 and the Occupational Safety and Health Act, and their state law equivalents. The Executive Order also bans contractors from forcing employees to arbitrate claims under Title VII of the Civil Rights Act, mambo, sexual harassment and sexual assault.

The rule is inconsistent with the statute it implements, has no evidentiary basis, targeting individuals with representative payees and mental impairments as potential perpetrators of gun violence. In doing so, it also creates a false sense that meaningful action has been taken to address gun violence and detracts from potential prevention efforts targeting actual risks for gun violence.

Finally, the rule creates enormous new burdens on SSA without providing any additional resources. Implementation of the rule will divert scarce resources away from the core work of the SSA at a time when the agency is struggling to overcome record backlogs and prospective beneficiaries are waiting for months and years for determinations of their benefit eligibility. Moreover, SSA lacks the expertise to make the determinations about safety that it would be called upon to make as part of the relief process established by the rule.

Sincerely,

Jennifer Mathis,
Director of Policy and Legal Advocacy.
Mr. SAM JOHNSON of Texas. Mr. Speaker, we need to put a stop to this rule now. That is why I introduced H.J. Res. 40, along with Congressmen ABRAHAM, to overturn this rule and make sure the constitutional rights of individuals with disabilities are protected. I urge my colleagues to vote “yes” and pass this resolution.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I rise in opposition to H.J. Res. 40. This resolution undermines our NICS background check system.

I am a gun owner and a strong supporter of the Second Amendment, but this isn’t about denying people the right to own a gun. It is about upholding the law, and the law is very clear on who should be reported to the NICS system.

The law was passed more than a decade ago to keep guns out of the hands of people who can’t responsibly own them. These are not people just having a bad day. These are not people simply suffering from depression or anxiety or agoraphobics. These are people with a severe mental illness who can’t hold any kind of job or make any decisions about their affairs. So the law says very clearly that they shouldn’t have a firearm.

The Supreme Court in the Heller decision recognized that the Second Amendment grants Americans the right to own firearms, but they also stated that reasonable restrictions to that right can apply, such as when a person is diagnosed with a severe mental illness.

The Social Security Administration is simply obeying the law.

So what exactly is the objection here?

Passage of this resolution puts Americans at risk. It would prevent the Social Security Administration from reporting the names of those who should not have a gun and prohibit that indefinitely.

If there are concerns about the rules, let’s revise it. But the CRA process is not a revision. It would ban Social Security Administration from carrying it out. With the introduction of this joint resolution, I am pleased that Congress and the President will now have the opportunity to review and to reverse this terrible rule.

That is why I strongly urge my colleagues, in both the House and the Senate, to pass this resolution and keep the government bureaucracies from putting themselves before the Constitution.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, at a time here in America when mass shootings have become all too frequent, at a time when bullets literally rip apart human families and cause so much pain, at a time when effective groups like Moms Demand Action for Gun Sense and Texas Gun Sense and the P.E.A.C.E. Initiative are asking this Congress to act to reduce gun violence, this Congress has committed itself to doing absolutely nothing about that violence.

If you are on the terrorist watch list and you cannot fly, not to worry about buying a gun. It’s “No fly,” but you can still buy.

Today we are told the problem isn’t that there are too many guns out there causing too much harm to American families. There are not enough. A group is being left out, omitted from access to guns.

There are a group of Americans, who either from birth or by contracting some mental disability later in life, have a mental impairment that is so significant that we ask taxpayers across America to support through the Social Security disability system. They are declared to be disabled.

And within that group that is taxpayer funded, there is a much smaller group whose disability is so severe that they can’t handle their own affairs. They can’t receive a check. But these folks say don’t worry that you can’t place a check in their hand and you have to give it to someone else, it is okay to put a gun in their hands. That is what this proposal does.

Now, we have, as they have failed to point out, a system in place at the Veterans’ Administration so that if someone is a veteran and they are disabled, there is a process by which they are included within this system.

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentleman has expired.

Mr. DOGGETT. Mr. Speaker, but these folks, instead of reaching out to do something about gun violence in America, propose to make them more accessible to individuals that are so impaired they cannot take care of themselves in many ways and cannot even accept a check and are saying: Give them a gun.

There are already safeguards in this Rule. Someone can appeal being listed and say: You know, I can’t accept a check, but I do have the ability to own a gun. And they can do that through the Social Security Administration, as soon as they see their name on the list. Or if they are denied a purchase at a later time and they are someone who doesn’t belong on this list, there is a way for them to get off the list.

In short, there is due process to ensure they are not unfairly denied gun access. But the American people and the families that are being hurt day after day after gun violence, they deserve some due process, too.

Let’s uphold this Rule and reject this giant step backward that will only produce more gun violence and more families torn asunder.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield an additional 1 minute to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in support of this resolution to overturn this rule which would arbitrarily revoke the Second Amendment rights of certain Social Security beneficiaries. The inability to manage one’s Social Security benefits does not correlate with the capacity to judiciously use firearms.

By adding Social Security beneficiaries to the NICS list with no judicial review and forcing them to go through an appeals process to be removed, this rule would also violate the due process rights of these Americans.

I would also like to focus on the component of this rule which would inhibit the ability of Social Security disability beneficiaries to be approved by the Bureau of Alcohol, Tobacco, Firearms and Explosives to work with or around certain materials.

Mr. Speaker, there is bipartisan agreement we should be investing in and rebuilding our infrastructure. There is also bipartisan agreement we should be empowering people receiving benefits to live their lives like everyone else, to return to work if they are able to do so.

However, this rule will create a new barrier for beneficiaries seeking to return to work in industries like construction by forcing them to navigate a cumbersome process before they can be reemployed.

Let me say again, if we do nothing about this rule, it will prevent law-
abiding Americans who are able to do so from getting off the disability rolls and returning to work.

We can work together on constructive ways to prevent those who would do us harm from having access to firearms and explosives. This rule is not the way to do so.

I urge support for the resolution.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Higino).

Mr. HIGGINS of New York. Mr. Speaker, I rise in opposition to H.J. Res. 40 with a message, and that is: Do not repeal this rule.

The Social Security Administration rule is intended to promote and to preserve the integrity of gun ownership in America.

I have heard it said by gun owner advocates that a steady hand is the best gun control. I believe that, but a steady hand requires a rationale mind.

The Social Security Administration rule that my colleagues on the other side want to eliminate is written carefully and narrowly, affecting a very small number of people with a very severe, long-term mental disorder that makes them unable to do any kind of work in the U.S. economy, even part-time or with very low wages and, also, people not mentally capable of managing their own benefits.

The Social Security Administration rule ensures that individuals, who are already prohibited from having guns under existing Federal law, have their names included on the National Instant Criminal Background Check System.

Mr. Speaker, 93 percent of Americans support background checks and believe that systems should be in place to ensure that guns are not in the hands of individuals who have been determined already by Federal law to be unable to use them safely.

I urge my colleagues to reject H.J. Res. 40.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. Renacci).

Mr. RENACCI. Mr. Speaker, I thank Chairman SAM JOHNSON of Texas for his work on this important resolution and his many years of service to our country.

Mr. Speaker, in the final weeks of President Obama’s final term, the Social Security Administration finalized a rule that flat out discriminates against millions of individuals with disabilities by denying them their Second Amendment rights.

But it gets worse. Not only does the rule place these innocent individuals’ names on the National Instant Criminal Background Check System, it does so in a way that strips them of their due process. Specifically, it would subject these people to a very timely appeals process requiring them to prove their disabilities, a burden that no one in the country should have to face.

In other words, this rule turns due process on its head by shifting the burden of proof from the government to the individual to ensure their constitutional right is not stripped away.

Moreover, as a member of the Social Security subcommittee, I am very concerned that this rule falls way outside the bounds of the Social Security Administration’s mission. Instead of using the Social Security Administrator’s field office staff to help Ohioans manage and understand their benefits, this rule diverts resources away from that core mission toward one that is constitutionally suspect.

That is why I am proud to be an original cosponsor of Chairman SAM JOHNSON of Texas’ resolution that protects Americans’ Second Amendment rights and prevents Americans with disabilities, their constitutional right, due to this rule.

I urge my colleagues to support this joint resolution of disapproval.

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

Members of Congress have some organizational support for opposing this resolution. The first is the AFL-CIO, one of our largest unions in the country. The second is the Consumer Federation of America, and then there is this great organization, Everytown for Gun Safety across the country.

In addition, the Americans for Responsible Solutions organization is opposed to H.J. Res. 40. Finally, the Brady Center to Prevent Gun Violence is also opposed to this measure, as is the Consumer Federation of America.

If Members believe this rule needs further review, then or that it does not afford adequate due process, then we should have the conversation with an eye toward improving the rule, but that is not what has been done. Unfortunately, this is what we are not discussing today. Instead, H.J. Res. 40 could be the first step in dismantling aspects of this rule and prohibit the agency from adopting substantially the same rule.

We should not summarily dismiss this rule, which would undermine the effort to make the NICS more effective. If H.J. Res. 40 passes Congress and is signed into law, some individuals will be able to pass firearm background checks solely because Congress prevented relevant records from being submitted to the system.

The Social Security Administration’s rule is about making Americans safer from the scourge of gun violence and, unfortunately, believe me, H.J. Res. 40 would do the opposite.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mrs. Walorski).

Mrs. WALORSKI. Mr. Speaker, I rise today in strong support of H.J. Res. 40, the bills of our agenda for the American people, we are reining in the out-of-control bureaucracy in Washington. We are taking action to roll back 8 years of Obama administration overreach.

Today we are stopping an egregious violation that flies in the face of the Constitution. This regulation, finalized in the final days of the Obama Presidency, would deny certain Social Security recipients their Second Amendment rights without due process.

If you receive Social Security disability payments and someone helps you manage those payments, this regulation stops you from being able to purchase a firearm, your name gets added to a Federal database, and the burden is on you to prove it doesn’t belong there. This is absolutely outrageous.

This regulation discriminates against individuals with disabilities by denying them their Second Amendment rights and violating their rights of due process. And it gives far too much power to bureaucrats at the Social Security Administration, who should be focused on making sure people get the benefits they deserve, not deciding who can own a gun.

This is why we are standing up for the Second Amendment rights of all disabled citizens. Being disabled doesn’t mean you forfeit your constitutional rights.

Mr. Speaker, I want to absolutely thank Congressman SAM JOHNSON and Congressman RALPH ABRAHAM for their leadership on this issue. I strongly support this resolution, and I urge my colleagues to do the same.

Mr. Speaker, I include in the RECORD additional letters of support.

NATIONAL ASSOCIATION OF COUNTY BEHAVIORAL HEALTH & DEVELOPMENT DISABILITY DIRECTORS, Washington, DC, February 1, 2017.

Re NACBHDD and NARMH Letter of Support for the CRA on the SSA NICS Rule.

Hon. Paul Ryan, Speaker of the House, Washington, DC.

Hon. Nancy Pelosi, Office of the Democratic Leader, Washington, DC.

Dear Speaker Ryan and Democratic Leader Pelosi: NACBHDD and NARMH urge you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, “Implementation of the NICS Improvement Amendments Act of 2007.” This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

NACBHDD is a national organization that represents county mental health, substance use, and developmental; disability directors in Washington, DC. NARMH represents rural mental health in the Capital.

Prior to the issuance of the Final Rule, NACBHDD and NARMH conveyed our opposition to the rule through a letter to the Obama Administration and through the public comment process. We join many of our
Our specific concerns about the rule are the following:

There is no evidence supporting the proposition that people who are assigned Representative Payees with disabilities pose increased risks for gun violence or threats to public safety; although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been adjudicated to lack the capacity to manage their own affairs, the assignment of a Representative Payee to a recipient of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) is not equivalent to an adjudication. Rather, it is a unilateral determination by the SSA that a person may need help in managing his or her benefits. The SSA's determination for the beneficiary is afforded no opportunity to testify or provide evidence why he or she should not be assigned a Representative Payee, and there are no other due process protections typically associated with formal adjudications.

The new rule reinforces unfounded perceptions associating mental illness and other disabilities with violence. Studies that have assessed risk factors for violence contain no evidence linking difficulties with managing benefits with increased risks for violence. SSI and SSDI provide vital links to medical, social, and mental health services, access to mental health treatment and assistance will be impeded. The rule may deter individuals from applying for Social Security Disability Insurance or Supplemental Security Income (SSI and SSDI) or from applying for financial and medical assistance programs. The new rule will divert scarce resources away from the disability community.

Finally, the rule creates enormous new burdens on SSA without providing any additional resources. Implementation of the rule will divert scarce resources away from the core work of the SSA at a time when the agency is struggling to overcome record backlogs and prospective beneficiaries are waiting months and years for determinations of their benefits eligibility. Moreover, SSA lacks the expertise to make the determinations about safety that it would be called upon to make as part of the relief process established by the rule.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, “Implementation of the NICS Improvement Amendments Act of 2007.” This rule would require the Social Security Administration to forward the names of all Social Security and Supplemental Security Income (SSI) disability beneficiaries who use the representative payee to help manage their benefits, and who have been found eligible by meeting or equaling an SSA mental impairment listing to the National Instant Criminal Background Check System (NICS).

NAMI is the nation’s largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness, with more than 1,100 state and local affiliates nationwide. NAMI recognizes that supporting the need to prioritize reducing gun violence in the U.S. However, we are gravely concerned that the rule, as adopted, perpetuates unfounded stereotypes of individuals with mental illness and other mental disabilities that have no basis in fact. Moreover, we believe that the rule may have unintended negative consequences, including deterring individuals from seeking or receiving help when they need it.
The National Disability Rights Network (NDNR) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, “Implementation of the NICS Improvement Amendments Act of 2007.” This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

NDLA is a national cross-disability coalition that represents the authentic voice of people with disabilities. NDLA is led by 14 national disability rights organizations with people with disabilities who have been “adjudicated” to lack the capacity to manage their own affairs, SSA’s process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs. Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

We look forward to an opportunity to speak with you and your staff about our concerns.

Respectfully,

KELLY BUCKLAND,
Executive Director.


Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The National Disability Rights Network (NDNR) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, “Implementation of the NICS Improvement Amendments Act of 2007.” This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

NDLA is a national cross-disability coalition that represents the authentic voice of people with disabilities. NDLA is led by 14 national disability rights organizations with people with disabilities who have been “adjudicated” to lack the capacity to manage their own affairs, SSA’s process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs. Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Sincerely,

February 2, 2017

CONGRESSIONAL RECORD—HOUSE

H903

Sincerely,

Curt Decker,
Executive Director.

NEW YORK ASSOCIATION OF PSYCHIATRIC REHABILITATION SERVICES, INC.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: On behalf of thousands of New Yorkers with psychiatric disabilities, the New York Association of Psychiatric Rehabilitation Services (NYAPRS) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, “Implementation of the NICS Improvement Amendments Act of 2007.”

By way of reference, NYAPRS is a 36 year old statewide coalition that has brought together me to advocate for psychiatric disabilities and community recovery providers to advance policies, programs and social conditions that advance recovery, rehabilitation, rights and community inclusion.

This rule would require the Social Security Administration to forward the names of Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

The rule is inconsistent with the statute it implements, has no evidentiary justification, would wrongly perpetuate inaccurate stereotypes of individuals with mental disabilities as dangerous, and would divert already too-scarce SSA resources away from efforts to address the agency’s longstanding backlog of unprocessed benefits applications toward a mission in which the agency has little expertise.

First, there is no statutory basis for the rule. The National Instant Criminal Background Check System (NICS) statute authorizes the reporting of an individual to the NICS database on the basis of a determination that the person “lacks the capacity to contract or manage his own affairs” as a result of “marked subnormal intelligence, or mental illness or mental incapacity condition or disease.” The appointment of a representative payee simply does not meet this standard. It indicates only that the individual needs help managing benefits received from SSA. Second, the rule puts in place an ineffective strategy to address gun violence, devoid of any evidentiary basis, targeting individuals with representative payees and mental impairments as potential perpetrators of gun violence. In doing so, it also creates a false sense that meaningful action has been taken to address the violence and detracts from potential prevention efforts targeting actual risks for gun violence.

This rule perpetuates the prevalent false association of mental disabilities with violence and undermines important efforts to promote community integration and employment of individuals with representative payees and mental impairments as potential perpetrators of gun violence.

Third, the rule perpetuates the prevalent false association of mental disabilities with violence and undermines important efforts to promote community integration and employment of individuals with representative payees and mental impairments as potential perpetrators of gun violence. The rule may also dissuade individuals with mental impairments from seeking appropriate treatment or services, or from applying for financial and medical assistance programs.

Finally, the rule creates enormous new burdens on SSA without providing any additional resources. Implementation of the rule will shift responsibilities away from the core work of the SSA at a time when the agency is struggling to overcome record backlogs and prospective beneficiaries are waiting for months and years for determinations of their benefits eligibility. Moreover, SSA lacks the expertise to make the determinations about competency that it would be called upon to make as part of the relief process established by the rule.

Based on similar concerns, the National Council on Independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule. We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflict on the disability community.

Please feel free to contact me at any time.

Sincerely,

Harvey Rosenthal,
Executive Director.

SAFARI CLUB INTERNATIONAL,

Re: Safari Club International Support for House Joint Resolution 40.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.

Hon. NANCY PELOSI,
House Minority Leader,
Washington, DC.


Safari Club seeks Congressional disapproval of the rule for several reasons. It deprives an individual of the ability to receive or possess a firearm, including for recreational hunting, due to that individual’s inability to manage his or her financial affairs (Firearms Rule). Under the Firearms Rule, the prohibition would apply when the SSA designates a representative payee because of the individual’s mental impairment. A mental impairment that makes an individual incapable of handling his/her financial affairs does not necessarily equate to an inability to properly abide by the law in the use of firearms. The Firearms Rule unfairly attributes illegal conduct to law abiding citizens.

In addition, the Firearms Rule fails in its attempt to rectify its unfair treatment of individuals with mental impairments through its program for individuals to request relief from Federal Firearms prohibitions. This program places the individual with a mental impairment in the costly and burdensome task of collecting and presenting data to overcome the presumption that he or she is incapable of abiding by the law. This program forces individuals with mental impairments to confront a federal bureaucracy just to prove that they should not be unfairly treated as a criminal due to a mental impairment.

For these reasons, Safari Club supports a joint resolution stating “that Congress disapproves the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007, and such rule shall have no force or effect.”

Sincerely,

Larry Higgins,
President, Safari Club International.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARRINGTON).

Mr. ARRINGTON. Mr. Speaker, the regulatory state in America is alive and well. I wish I could say as much for our economy and personal freedoms, but I believe that is about to change thanks in large part to the recent Presidential election.

Over the last 8 years, we have replaced a free enterprise system with a regulatory bureaucracy that has crushed our economy, stifled our innovation, and quashed the great American spirit.

America has never seen such an onslaught of abusive and burdensome actions from the fourth branch of government. The cumulative cost of regulations on our American economy is almost $2 trillion. It costs almost $60 billion just to enforce all the regulations on the books.

Let me give you, though, an example of a regulation that is far worse in its effects than just simply economic burden or burden on our people.

Today, I stand with my friend and great American hero, SAM JOHNSON, in strong support of H.J. Res. 40 to strike down the Obama administration’s last-ditch effort to infringe upon our Second Amendment rights. In the 11th hour, the Obama administration quietly sneaked in a rule that threatens to deny certain Social Security beneficiaries their right to purchase a firearm.

Federal law makes it a crime already to possess a firearm if an individual has been adjudicated as a mental defective or has been committed to a mental institution. This midnight rule designates Social Security beneficiaries as having a mental impairment simply because they ask someone to manage their finances.

Just because an elderly or disabled individual chooses to delegate their financial responsibilities to another does not make them mentally incompetent, nor does it waive their right to due process. Many people, even in this Chamber, are designated to manage the finances of their parents on Social Security, and they do so because their parents may prefer not to deal with the complexities of our current financial environment.

Not only would this proposed rule be a continuation of the Obama administration’s regulatory overreach, it is irresponsible and dangerous and a breach of one of our fundamental rights. We cannot allow the Federal Government to haphazardly restrict our freedoms and the freedoms of over 4 million law-abiding Americans who would otherwise be responsible gun owners. In fact, they are many of the most vulnerable Americans who need to be able to protect themselves.

As noted by the Founders and in the plain language of our Constitution, the Federal Government shall not infringe upon our right to keep and bear arms.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume,
and I would like to emphasize several points additionally.

The degree of impairment required for reporting to the NICS is extremely high, to the extent that someone is not capable of working at any job in the economy, nor have been assigned a representative payee, would not meet the criteria for reporting to the NICS because they are not receiving benefits because of disability.

Further, the rule went into effect in January, but compliance is not required until December of this year. This would only impact claims going forward and will not involve retroactively assessing individuals already receiving Social Security disability payments based on mental impairment.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. Yoho).

Mr. Yoho. Mr. Speaker, I thank Chairman JOHNSON for standing up and defending our Nation's Constitution again, not just in his service to our country, but throughout his entire career here in Congress and his many years here.

Mr. Speaker, I rise in support of this legislation. As a tireless advocate for the protection of our Second Amendment rights, I am disappointed, but not surprised, in the Obama administration's attempt to impair Americans' right to own firearms, by fiat, in its last days of existence. It is unconscionable and unthinkable that a President would do that to the citizens of this country.

This rule claims to strengthen the National Instant Criminal Background Check but, in reality, acted as a gun grab on individuals who receive disabilities benefits or Supplemental Security Income payments. Participants in those programs should not be forced to worry that, in order to receive government assistance, they must sacrifice their constitutional liberty at the random whim of a government bureaucrat. The Second Amendment to our Constitution states very clearly that the right to keep and bear arms "shall not be infringed," and Congress cannot stand by and allow unacceptable rulemaking from a previous administration to infringe on that right.

I urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Judy Chu), my colleague, a member of the Judiciary Committee.

Ms. JUDY CHU of California. Mr. Speaker, I rise in strong opposition to this use of the Congressional Review Act to repeal the Social Security Administration's (SSA) rule strengthening the National Instant Criminal Background Check System. The rule in question implements already-existing law to establish a commonsense streamlining of information which will help improve our background check system for gun purchases.

It is important to note that individuals with disabilities are actually more likely to be perpetrators of gun violence, which is why I support more far-reaching gun safety measures like universal background checks and a ban on the most dangerous weapons.

However, when there have been instances of mass shootings committed by those with a history of mental health issues, top Republicans, including Speaker Ryan, have stood on this very floor to say that they believe we should focus on mental health issues. Well, this is their chance to prove that those were not just empty words; but, instead, they are showing their true loyalties and again resisting any attempt to strengthen basic safeguards to ensure responsible gun ownership.

This is a Commonwealth regulation that sets a high bar for referring names to the background check system. No one's rights are unduly restricted. An appeals process has been built in to allow for due process if someone can show that their Republican colleagues concerns are not about safety, but about maximizing profits for gun manufacturers, even if it costs the lives of fellow Americans.

And worse, they are using the restrictive Congressional Review Act to do so. This will not only make it easier for even those with severe mental health issues to buy a gun, but it also takes the teeth out of rules the Obama administration implemented to disprove the unfounded assumptions.

This rule is reckless. Gun deaths are a daily scourge in our country, and it is up to us to do whatever we can to mitigate the risk of the dangerous weapons in the wrong hands. I urge my colleagues to vote "no" on this resolution.

Mr. SAM JOHNSON of Texas. Mr. Speaker, having no other speakers, I reserve the balance of my time.

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

Members of the House, this is a very serious matter. This rule, and I have to emphasize this, does not run afoul of the Second Amendment. You can oppose this—well, let's put it like this: The Heller Court, in the Supreme Court case, said that “nothing in the Court's opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill.” I emphasize "and the mentally ill."

And it is in that sense that I join with the AFL-CIO, Consumer Federation of America, for Gun Safety, Americans for Responsible Solutions, the Brady Center to Prevent Gun Violence, and many thoughtful citizens who support the Second Amendment in opposing the measure that is on the floor now.

I urge Members to vote "no."

Mr. Speaker, I yield back the balance of my time.
ADAPT urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, “Implementation of the NICS Improvement Amendments Act of 2007.” This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

ADAPT is a national grass-roots community that organizes disability rights activists to engage in direct action, including civil disobedience, to assure the civil and human rights of people with disabilities to live in freedom.

We oppose the rule for a number of reasons, including:

1) The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

2) The absence of any data suggesting that there is any connection between the need for a representative payee to manage one’s Social Security disability benefits and a propensity toward gun violence.

3) The absence of any meaningful due process protections prior to the SSA’s transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been “adjudicated” to lack the capacity to manage their own affairs, SSA’s process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, have urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

We look forward to an opportunity to speak with you and your staff about our concerns.

Sincerely,

BRUCE DARLING,
National Organizer.

ASSOCIATION OF MATURE AMERICAN CITIZENS,
Hon. CHUCK GRASSLEY,
U.S. Senator, Iowa,
Washington, DC.
Hon. RALPH ABRAHAM,
5th District, Louisiana,
Washington, DC.
Hon. SAM JOHNSON,
Chairman, Social Security Subcommittee, House Committee on Ways and Means, Washington, DC.

DEAR SENATOR GRASSLEY, CHAIRMAN JOHNSON, AND CONGRESSMAN ABRAHAM: On behalf of the 1.3 million members of AMAC, the Association of Mature American Citizens, I am writing in support of the Joint Resolution to disapprove the Final Rule—which focuses on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

Aside from the fact that this regulation inaccurately equates disabled persons relying on representative payees with those who are “mentally defective,” AMAC objects to the way in which this regulation has been implemented. Over the past several years, Americans, particularly seniors, have been at the mercy of executive overreach and mandate. As millions of American seniors rely on their retirement income, the burden of this regulation has been largely concentrated in our communities. This Joint Resolution is a welcome reprieve to seniors who have had their Second Amendment rights subverted by an administration and agency with significant influence over their retirement income.

As an organization committed to representing the interests of mature Americans and seniors, AMAC is dedicated to ensuring senior citizens’ interests are protected. This midnight regulation has placed an undue burden on those requiring assistance to manage their benefits and who suffer from disability. As an organization, we thank Senator Grassley, Chairman Johnson, Congressman Abraham, and their respective staffs for their quick response and steady resolve to protect seniors and those who have been affected by this regulation. We ask Congress to quickly pass this Joint Resolution and restore the basic Second Amendment rights this rule has abridged.

Sincerely,

BRUCE DARLING,
National Organizer.

THE ARC,
The Arc of the United States (The Arc) writes to urge you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, “Implementation of the NICS Improvement Amendments Act of 2007.” This rule would require the Social Security Administration to forward the names of all Social Security Disability Income (SSDI) and Supplemental Security Income (SSI) disability beneficiaries who use a representative payee to help manage their benefits, and who have been found by SSA to have a mental disability (IDD) and their families, with over 60 state and local chapters nationwide. The Arc is devoted to promoting and protecting the human and civil rights of people with intellectual and developmental disabilities and has over 60-years of history of advocating for the rights of children and adults with disabilities. The Arc is concerned about the safety of all Americans, including through gun violence. However, The Arc—and many other members of the Consortium for Citizens with Disabilities (CCD)—opposes the rule for a number of reasons, including:

The damaging message that may be sent by an SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one’s Social Security disability benefits and a propensity toward gun violence.

The absence of any meaningful due process protections when interfering with an individual’s constitutional right, prior to the SSA’s transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been “adjudicated” to lack the capacity to manage their own affairs, SSA’s process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Respectfully Submitted,

MARTY FORD,
Senior Executive Officer, Public Policy.

THE ARC,
Hon. NANCY PELOSI, Washington, DC.

Hon. PAUL RYAN, Office of the Democratic Leader, Washington, DC.

Dear Speaker Ryan and Democratic Leader Pelosi:

The Autistic Self Advocacy Network (ASAN) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, “Implementation of the NICS Improvement Amendments Act of 2007.” This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

The Autistic Self Advocacy Network is a nationwide 501(c)(3) advocacy organization run by and for autistic people ourselves. ASAN promotes public education and public policies that are framed at eliminating stigmatizing attitudes and increasing autistic Americans’ access to all aspects of the community.

Prior to the issuance of the Final Rule, the Autistic Self Advocacy Network conveyed its opposition to the rule through a letter to the Obama Administration and through the public comment process, in addition to joining in public comments as a member of the Consortium of Citizens with Disabilities Rights Task Force. We—and many other disability rights organizations—opposed the rule for a number of reasons, including:

1) The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

2) The absence of any data suggesting that there is any connection between the need for a representative payee to manage one’s Social Security disability benefits and a propensity toward gun violence.

3) The absence of any meaningful due process protections prior to the SSA’s transmission of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals adjudicated as “mentally defectives” to lack the capacity to manage their own affairs, SSA’s process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress and federal agencies on ensuring disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to ensure that no rule now goes into place that will prevent the damage that it inflicts on the disability community.

Sincerely,

SAMANTHA CRANE, Director of Public Policy, Autistic Self-Advocacy Network.

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE, Washington, DC, February 1, 2017. House of Representatives,

Washington, DC.

DEAR REPRESENTATIVE, You will soon consider a number of resolutions that will disapprove rules offered within the last six months by federal regulatory agencies, pursuant to the Congressional Review Act. On behalf of the more than one million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I urge you to support the following resolutions:

Rep. Bill Johnson’s (R-Ohio) resolution to disapprove the Final Rule promulgated by the Department of Interior’s (DOI) Stream Protection rule. The rule requires federal coal enterprises to disclose to the public any and all violations of the rule or pay heavy fines. The rule also fails to prohibit investors and prevent caps on violations.

Rep. Sam Johnson’s (R-Texas) resolution to disapprove a rule promulgated by the Social Security Administration relating to the Implementation of the National Instant Criminal Background Check System (NICS). This rule interprets the NICS Improvements Amendment Act, and it allows disability or Supplemental Security Income beneficiaries to be deemed “mental defectives” in NICS without any due process as required by law.

Rep. Virginia Foxx’s (R-N.C.) resolution to disapprove a Final Rule promulgated by the Department of Defense, General Services Administration, and National Aeronautics and Space Administration. This rule requires employers bidding on federal contracts to disclose both violations and alleged violations of state and federal labor laws for every contract bid, and to update that information every six months during the contract. This rule unnecessarily drives up the cost of projects, violates due process, and puts small business at a disadvantage.

Rep. Rob Bishop’s (R-Utah) resolution to disapprove the Bureau of Land Management’s (BLM) Venting and Flaring rule. This rule is an example of agency overreach, as BLM lacks the statutory authority to regulate air quality. Further, the rule fails to address the BLM’s lack of permits for the pipelines, in turn forcing the methane companies to vent and flare gases wastefully.

It is critical that Congress removes as many of the “midnight regulations” as possible forced on taxpayers by the previous administration. All votes on these resolutions will be among considerations for CCAGW’s 2017 Congressional Ratings.

Sincerely,

TOM SCHATZ, President.


Congressman Don Young, Anchorage, Alaska.

Dear Senators Murkowski and Sullivan, and Congressman Young: This past summer, our office commented on Social Security’s proposal to report certain beneficiaries to the federal firearms database. A copy of these comments is attached. Despite those comments, and many others, we went ahead with its proposal. 81 Fed. Reg. 91702 (December 19, 2016). According to press reports today, you will soon have before you a joint resolution disapproving these regulations. This is to urge you carefully to consider, and, if appropriate, pass this joint resolution.

There is no situation where Congress would be asserting its political will over an agency that carefully analyzed the comments on its proposed regulations and rejected those comments. In fact, in its responses to comments, Social Security:

1) Simply failed to take into account that its disability determination process does not purport to decide whether someone is a “mental defective,” that Social Security is not the kind of “court, board, commission, or other lawful authority” that makes such findings, and that written decisions saying that someone qualifies for benefits typically mention whether these meetings or equals the mental Listings, thus omitting information necessary for people to decide whether to appeal. 81 Fed. Reg. at 91706.

2) Relied, repeatedly, for its legal analysis on a DOJ Guidance that has not been published anywhere, let alone published in the Federal Register. 81 Fed. Reg. at 91704, 91709.

3) Responded to the suggestion that people might not apply for disability benefits because they would be reported to the database by saying that the reason they were on the database would be kept private, so they would not be “stigmatized” or “embarrassed.” 81 Fed. Reg. at 91707. It’s not a matter of stigma or embarrassment. It’s a matter of wanting to own a firearm and being discouraged from applying for benefits because you know that if you get benefits you may lose your property.

4) Agreed that the process can assign someone a representative payee even though the person is competent, 81 Fed. Reg. at 91709-10, but did not see that this fact ought to keep that person from going onto the federal firearms database; and

5) Completely failed to analyze whether putting someone on the database restricts Alaskan subsistence activities as protected by ANILCA.

Our concern is agency decisionmaking that is, for want of a better word, wrong. It deserves to be analyzed and rejected under the Congressional Review Act.

Mr. SAM JOHNSON of Texas. Mr. Speaker, as the ACLU said: “We oppose this rule because it advances and reinforces the harmful stereotype that people with mental disabilities, a vast and diverse group of citizens, are violent. There is no data to support a connection between the need for a representative payee to manage one’s Social Security disability benefits and a propensity toward gun violence.”

Mr. Speaker, we must act today to protect the rights of individuals with disabilities.

Mr. Speaker, I urge the adoption of H.J. Res. 40, and I yield back the balance of my time.

Mr. HOYER. Mr. Speaker, I have always been a strong ally of the disability community and have paid close attention to the concerns many have had with this rule.

I’m proud to have been the lead sponsor of the Americans with Disabilities Act in 1990,
which opened doors of independence, access, opportunity, and equity for millions of Americans with differing abilities.

In Congress, Democrats have put forward commonsense gun safety laws that would prevent violent and dangerous individuals with mental disabilities from purchasing firearms. However, the Republican-led Congress would not allow even a vote on such legislation.

President Obama took a series of limited steps within his authority, one of which was this rule, whose aim has been to prevent those who shouldn’t have guns from obtaining them. I believe that action, which in my view effectively deny purchases to individuals who are already prohibited from buying guns.

The SPEAKER pro tempore. The gentleman from Utah (Mr. CHAFFETZ) asks unanimous consent to have the rule, the solution, to block the rule entirely. Rather, the solution is to fix it.

Therefore, I oppose this CRA because it would permanently prohibit the Social Security Administration from ever reporting individuals to this critical safety system, which is an extreme, dangerous, irresponsible, and irreparable action that threatens the safety of our communities.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

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

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

A recorded vote was ordered. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.
I want to highlight the impact of this rule on the Federal acquisition system as well as on contractors. This rule requires Federal contractors to report violations and alleged violations of 14 Federal labor laws and undefined equivalent State labor laws for the previous 3 years. Contractors must collect and report this information every time they submit a proposal for a contract and then every 6 months during the contract performance. Then Federal contract officers consult with their agency’s newly created agency labor compliance adviser before determining if a contractor is eligible for a contract award.

There are a number of reasons this rule should be revoked. The Federal acquisition system is already a very complex, inefficient system. This procurement rule is exactly the type of requirement an already complex Federal acquisition system does not need. The rule adds another contractor clause to an increasingly long list of clauses in every Federal contract. It slows down a process that already has trouble delivering goods and services in a timely manner. It increases the burden on Federal contract officers who have to review and assess the significant volume of information and take on the role of labor law experts.

The rule imposes significant costs on contractors, which means the government, which ultimately means the taxpayers. The rule itself is estimated to cost contractors and subcontractors more than $458 million in the first year and $413 million in the second year of its implementation. Some experts believe the government underestimated these costs.

The rule also establishes a new information collection, reporting, and assessment system to comply with the rule would be prohibitively expensive for most contractors, especially the small contractors. Mr. Speaker, this is where the rubber meets the road. It is these small contractors. In fiscal year 2016, the Federal Government spent more than $470 billion contracting for goods and services. We need to be looking for ways to reduce, not increase, spending in this area.

The rule discourages competition and reduces access to innovation. The last thing we need to do for the Federal acquisition system is to discourage competition and innovation, particularly for first-time participants who want to join the Federal marketplace. There are already so many barriers to entry, particularly for these small businesses. So think about the small business at home. They want to compete for these Federal contracts. They may be a very small organization. Even after we pass the resolution of disapproval, there are still rules, there are still laws, and there are still a lot of burdens that they have to deal with. But I want to cite some Bloomberg data about the number of first time Federal vendors. We have fallen to a 10-year low—down 24 percent in 2007 to only 13 percent in 2016.

This means the big are probably getting richer, but the small guy, the mom, the pop, and the woman who is starting a new business and wants to compete for these Federal contracts don’t have a fighting chance. For the Federal Government to put more burdens on them is distasteful. These Federal laws have not been substantiated, is just not fair, and it is just not right.

The rule duplicates existing labor enforcement mechanisms to hold contractors accountable and, therefore, I believe, is not necessary.

Revolving this rule will not leave Federal contractors free to violate labor laws. The Department of Labor has significant oversight and investigation resources to enforce the Federal labor law.

Further, if there is a bad-apple contractor not complying with the law, contractors already have the authority to refer contractors for suspension and disbarment.

This rule raises due process and First Amendment concerns. One of the most disturbing parts of the rule is that contractors would be required to report alleged violations—not confirmed—just the alleged violations of the 14 Federal labor laws, and the undefined equivalent of State labor laws. It deprives contractors of their legal rights to challenge such allegations. The reporting requirement covers non-final administrative merits determinations without regard to the severity of the alleged violation.

Contractors would have to disclose National Labor Relations Board complaints, OSHA citations, EEOC non-final letters of determination, even though these cases have not been adjudicated and the record is incomplete. Contractors challenged this rule in Federal Court, and the judge, in granting a preliminary injunction for the rule, found this reporting requirement could also impact contractors’ First Amendment rights. The judge said that the rule could result in compelled speech by requiring contractors to report allegations that would cause a reputational harm, particularly if after adjudication the allegation is found to be without merit.

This rule increases costs, complexity, and reduces competition in the Federal acquisition system. We are having trouble getting contractors in to compete as contractors, and, therefore, I urge the support of the passage of H.J. Res. 37.

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

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

Mr. Speaker, I rise in strong opposition to this resolution which would disapprove of the Fair Pay and Safe Workplaces rule that was finalized in August of 2016.

The Federal Acquisition Regulation requires Federal contractors to be “responsible,” to have a satisfactory record of integrity, and business ethics.

The Fair Pay and Safe Workplaces rule would require Federal contractors to self-report on violations of 14 fundamental Federal labor and nondiscrimination laws. This includes laws like the Occupational Safety and Health Act, or OSHA; the Fair Labor Standards Act; the Family and Medical Leave Act; and the Civil Rights Act.

These Federal laws apply to all businesses in the United States, and a vast majority of Federal contractors comply with them as well. Unfortunately, studies by the GAO, the Center for American Progress, and others show that there are a few bad apples that consistently violate these fundamental Federal labor laws, yet continue to be awarded Federal contracts.

That is just plain wrong. Americans’ tax dollars should not go to contractors who persistently and willfully violate such laws.

It also puts contractors who do obey the law at an unfair disadvantage because they willingly bear the cost of compliance to provide safe and fair workplaces.

The Fair Pay and Safe Workplaces rule would also improve the effectiveness and efficiency of the Federal acquisition process by promoting healthy and productive workplaces. The Fair Pay and Safe Workplaces rule would require contractors to self-report on violations of 14 fundamental Federal labor and nondiscrimination laws and, at the same time, improve the efficiency of the Federal contracting process.

I urge our Members to vote “no” on this ill-conceived disapproval resolution.

Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. B. Scott), the ranking member of the Committee on Education and the Workforce, be allowed to control the time on this side.

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield as much time as she may consume to the gentleman from North Carolina (Ms. Foxx), the lead sponsor of the joint resolution and the chair of the committee.

Ms. FOXX. Mr. Speaker, I thank the chairman of the Oversight and Government Reform Committee for yielding time.
Mr. Speaker, we are here today to stand up for workers, taxpayers, and small businesses.

We all agree employers who do business with the Federal Government should be held to high standards, and their employees deserve strong protections. That is why for decades the Federal Government has had a system in place to deny contracts to employers who violate Federal labor laws.

The Obama blacklisting rule empowers government agencies to deny employers Federal contracts for alleged violations of various Federal labor laws and similar State laws. That is right. Under this rule, bureaucrats can determine employers are guilty until proven innocent, and then deny them the ability to do business with the Federal Government.

This is one important reason why a Federal district judge recently blocked implementation of the rule because it would have a chilling effect on the due process rights of American citizens. But that is not the only reason why we are here today. Rather than streamline the procurement process to better protect taxpayers and workers, the Obama administration added new layers of red tape on to a system plagued by delays and inefficiencies. Simply put, this rule is a bureaucratic nightmare. It turns our already complex Federal procurement process into a convoluted regulatory maze.

Despite what our Democrat colleagues will claim, this rule will actually hurt workers by making a system designed for their protection less efficient. Law-abiding small-business owners, businesses that our Nation’s economy, will be less inclined to bid on Federal contracts.

As a result, we will see less competition in the Federal contracting process. With less competition, hard-working taxpayers will be forced to pay more for goods and services provided to the U.S. Government.

Perhaps most concerning is the threat this rule poses to our national security. Higher costs and a delayed contracting process will jeopardize the resources our Armed Services depend on to keep our Nation safe. With men and women currently stationed in harm’s way, this is simply unacceptable.

If workers, taxpayers, and small businesses stand to lose, then who stands to gain?

The answer is Big Labor. Union leaders often file frivolous legal complaints to gain leverage against employers. This is just one more partisan rule that stacks the deck in favor of union leaders.

The facts are clear: this rule is fatally flawed. It is not in the best interest of workers, small-business owners, our military or hardworking taxpayers. It is also unnecessary, but you don’t have to take my word for it.

Last October, our colleagues in the Congressional Progressive Caucus—Representatives KEITH ELLISON and RAÚL GRIJALVA said: ‘‘The Department of Labor has full authority under current law to hold Federal contractors accountable.’’

I could not agree more. In fact, that is what Republicans have been saying all along.

I urge my colleagues to stand up for workers, small-business owners, taxpayers, and our national security by supporting this commonsense resolution. Then let’s work together to ensure existing policies are enforced and workers have the protections they deserve.

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that the gentlewoman from North Carolina (Ms. FOXX) be permitted to control the remainder of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Before I address the disapproval resolution, I just want to acknowledge the important role Federal contractors have in meeting the needs of the Federal Government. Employment and critical services in many districts, including my own, are heavily reliant on Federal contractors, including those who serve a critical role for our Nation, supporting the needs of the military, the Coast Guard, Homeland Security, and many others.

That said, it is imperative that contractors are bidding on a level playing field when they compete for contracts. Unfortunately, this resolution would effectively reward contractors who cut corners, endanger the rights of their workers, and, studies show, compromise quality.

Although most Federal contractors obey labor laws, studies by the GAO, the Senate HELP Committee, and other documents that Federal contractors with histories of serious, willful, and repetitive violations of labor employment and nondiscrimination laws continue to be rewarded with Federal contracts.

For context, it is important to know that contracting rules already require contractors to determine whether or not a prospective contractor is responsible before awarding a contract. Amongst the criteria considered is whether or not the contractor has ‘‘a satisfactory record of integrity and business ethics,’’ and ‘‘a satisfactory performance record.’’

As previous speakers have noted, violations can already be considered. However, contracting officers don’t have access to a list of those violations until this rule is issued, nor are contracting officers required to review a bidder’s labor violations history.

The rule implementing the executive order on Fair Pay and Safe Workplaces does not add any extra layers of review. Rather, it would fill that data gap by requiring contractors to disclose whether they have violations of 14 longstanding labor laws, including the National Labor Relations Act, the Civil Rights Act, the Vietnam Era Veterans Readjustment Assistance Act, and nondiscrimination laws.

It only applies to contracts over $500,000, so we are not talking about mom-and-pop operations. But if listing those violations of fair pay and safe workplace laws constitutes an administrative burden, more the reason to make them be listed.

The resolution would simply characterize ignores the rules’ meaningful compliance provision. The reality is that this rule would, according to the nonpartisan Congressional Research Service, encourage agency contract officials to ask contractors with serious violations of fair pay and safe workplace laws to enter into labor compliance agreements rather than to disbar or suspend them.

I want to point out that a coalition of 20,000 construction contractors submitted testimony to the Small Business Committee where they wrote: ‘‘Employers—primes and subs have more rights, remedies and redress for non-responsibility determinations on lack of integrity or business ethics under the executive order than the current Federal Acquisition Regulation procedures specifically provide.’’

Now, this testimony suggests that the rules are far more contractor-friendly than the detractors have characterized.

It would be premature to dismantle this rule because it hasn’t even been put into effect because it has been under a court injunction. Further, reviewing the rule under the CRA would bar future consideration of substantively similar rules unless Congress enacts subsequent enabling legislation.
So the bottom line is that there are winners and there are losers if this legislation passes. The winners, if this legislation passes, would be companies who willfully, and repeatedly, and perversely violate labor laws. The winners would be contractors who cut corners and gain an unfair competitive advantage over law-abiding contractors.

The losers will be workers who are employed by Federal contractors. They will be more susceptible to wage theft, unfair working conditions, and unsafe workplaces run by unscrupulous contractors. Losers will be the law-abiding contractors who lose contracts because they abide by the laws protecting their workers.

This is why the Fair Pay and Safe Workplaces rule enjoys support from a widespread number of businesses, veterans, civil rights, and labor organizations from the Easterseals to Paralyzed Veterans of America, to the Leadership Conference on Civil Rights and the International Brotherhood of Teamsters. That is why I oppose this legislation.

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

Ms. FOXX. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. CHABOT), the chair of the Committee on Small Business.

Mr. CHABOT. Mr. Speaker, I rise today in strong support of H.J. Res. 37. I want to commend my colleague from North Carolina (Ms. FOXX) for her leadership in sponsoring this measure. I am proud to be a cosponsor.

The blacklisting rule is a textbook example of executive overreach that became standard operating procedure during the previous administration. Instead of using the existing suspension and debarment system to deal with bad actors, the Obama administration imposed an unnecessary regulation that placed significant burdens on all Federal contractors, even though they admitted that “the vast majority of Federal contractors play by the rules.”

This kind of action—failing to enforce existing rules and then imposing a burdensome, redundant regulatory scheme—is exactly what frustrates the American people about Washington. We all want Congress to be held accountable, but this rule is unnecessary red tape that punishes everyone for the actions of a few.

As chairman of the Committee on Small Business, I am concerned that we already have 100,000 fewer small businesses doing business with the Federal Government than we did back in 2012. So in the second term of the Obama administration, we lost 100,000 small businesses doing business with the Federal Government across the country. To have less competition, and that is bad for job creators and it is bad for taxpayers alike because, when there is less competition, we pay more, so the tax dollars that we send here to Washington are not used as efficiently as they ought to be.

The Committee on Small Business held several hearings and roundtables on this rule over the last 2 years, heard directly from contractors, and examined the Obama administration’s rule very closely. What we found was quite alarming.

The blacklisting rule would force innocent small business to suffer for unproven claims, disclose commercially sensitive information to their competitors, and report information the Federal Government already has. So we are going through this whole process, and the Federal Government has already got it; but they are not competent enough to use what they have already got, so they want to put it on the contractor to do even more. It makes no sense.

Ultimately, this rule will result in small businesses being blacklisted from participating in Federal contracting based on accusations—just accusations—where they may ultimately be found innocent. They didn’t do anything wrong, yet they are barred from doing business with the government. Again, it makes no sense.

I urge my colleagues to support H.J. Res. 37. Passage of this joint resolution will undo a duplicative and unnecessary regulation that harms small business, hurts taxpayers and prevents taxpayers from getting the best bang for their buck.

I again want to thank the chairwoman for her leadership in pushing this forward. I urge my colleagues to support it.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to congressional Republicans’ attempt to repeal the Fair Pay and Safe Workplaces protections for Federal contract workers.

We all know President Trump is no friend of transparency. He has steadfastly refused to disclose his own tax returns, so it is no surprise that he and the Republicans would oppose disclosure of labor, employment, civil rights, and nondiscrimination law violations by bidders for Federal contracts.

What I really don’t understand is why Mr. Trump would ask American taxpayers to subsidize companies that routinely violate our labor laws. Voting for this resolution actually rewards companies that discriminate, stiff their employees on pay, or cut corners on safety, and it puts responsible businesses that play by the rules at a disadvantage.

This resolution harms women. Women make up the majority of low-wage workers. Fair Pay and Safe Workplaces protections ensure that our tax dollars don’t support sexual harassment and sex discrimination on the job, regular occurrences especially for low-wage working women.

This resolution harms veterans, including disabled veterans. Repeal means that we won’t know whether a contract bidder routinely violates section 503 of the Rehabilitation Act, which Paralyzed Veterans of America, Disabled American Veterans, and Vets First say “is necessary to prevent discrimination in the workplace and during the hiring process.”

This resolution also harms older workers. To quote AARP: “Age discrimination in the workplace persists as a serious and pervasive problem. The Fair Pay and Safe Workplaces Executive Order is the first executive order since 1964 addressing the obligation of those who receive Federal contracts not to discriminate on the basis of age.”

If you don’t want your taxpayer dollars to be used to undermine Fair Pay and Safe Workplaces protections, then all Members should oppose this resolution.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to our distinguished colleague from Michigan (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I rise in strong support of the blacklisting rule. The blacklisting rule is an additional layer of Federal bureaucracy that crushes the ability of small and midsize companies to compete for Federal contracts and adversely impacts timing and efficient procurement while massively increasing costs.

The blacklisting rule requires Federal contractors to report violations, including alleged violations of 14 Federal labor laws and equivalent State laws, over the previous 3 years. Contractors have to collect that information from all of their subcontractors, and they are liable for that information, placing a huge administrative burden on those contractors. Not only when they bid for the contract, but every 6 months, they must renews that information.

Federal contract officers—by the way, there are over 37,000 of them, an amazing number—would then be required to consult with newly created labor compliance advisers. Yes, it creates more bureaucrats.

The final rule, itself, estimates costs for contractors and subcontractors of more than $458 million in the first year—a half a billion dollars—and more than $413 million in the second year. Amazing costs. This compliance cost is catastrophic for small and midsize businesses.

Those who deny workers basic protections are already protected by the suspension and debarment process. The blacklisting rule is simply another bureaucratic hoop. In 2015, nearly 1,000 suspensions and 2,300 debarments were undertaken. Push simply, the suspension and debarment system has worked to protect workers and government.
Moreover, the rule requires contractors and subcontractors to report on alleged labor law violations and violations that have not been fully adjudicated. A business could be deemed ineligible for a Federal contract, or blacklisted, because the contractor reported allegations of labor violations while still exercising their legal right to pursue adjudication. That is antithetical to our Constitution.

H.J. Res. 37 will remove a regulation that raises serious due process concerns. Misguided enforcement mechanisms, increases the cost of Federal contracting, and expands the Federal bureaucracy.

Mr. WALBERG. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Ms. BONAMICI), the vice ranking member of the Committee on Education and the Workforce.

Ms. BONAMICI. Mr. Speaker, I rise today in opposition to H.J. Res. 37.

President Obama’s Fair Pay and Safe Workplaces executive order establishes employment protections and laws that help veterans, individuals with disabilities, older Americans, minorities, and LGBTQ workers. It protects workers in our country so they receive a fair day’s pay for a day’s work.

This rule was passed in response to discovering that billions of taxpayer dollars went to companies that violated Federal workplace laws. A contractor who cheats workers out of their pay, endangers their safety at work, or engages in discriminatory practices should be required to at least disclose this information when bidding for Federal contracts. Taxpayer dollars should not support the exploitation of workers. That is just common sense.

The resolution before us would also remove critical protections for workers that allow them to access our judicial system. The Fair Pay and Safe Workplaces rule bans forced arbitration in workers’ compensation and sexual assault cases for contracts of $1 million or greater, a policy already in place at the Department of Defense that was enacted with broad bipartisan support in 2010. Workers deserve the opportunity to have their day in court to seek justice for their sexual assault and discrimination claims.

I oppose this resolution to disapprove of these protections because it gives serial law violators a free pass at the coat of workers’ safety, and it disadvantages the law-abiding contractors in Oregon and across the country who follow our Nation’s laws.

H.J. Res. 37 before us today would reward unlawful and discriminatory conduct. I urge my colleagues to oppose it.

Mr. NOBLES. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG), the chairman of the Subcommittee on Health, Employment, Labor, and Pensions.

Mr. WALBERG. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding and for introducing this legislation and supporting it. I rise today in support of H.J. Res. 37.

We all agree that bad actors who deny workers basic protections and violate the Fair Labor Standards Act should not be rewarded with government contracts funded by taxpayer dollars. However, the Department of Labor’s rule effectively blacklists Federal contractors and would require contractors to defend themselves against these allegations without being entitled to a formal hearing.

The Federal District Court has already ruled that the Department of Labor rule violates contractors’ due process rights. Additionally, this rule is unnecessary because the Department of Labor already has significant oversight and investigation capabilities to assess contractor compliance with Federal labor laws.

This rule supersedes agencies’ existing authority to hold contractors accountable under the current suspension and disbarment system. My question is why don’t they use it?

Mr. SCOTT of Virginia. Mr. Speaker, can you imagine which sides how much time is remaining.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. NORCROSS), a member of the Committee on Education and the Workforce.

Mr. NORCROSS. Mr. Speaker, I include in the Record a letter from the AFL-CIO and the International Brotherhood of Teamsters, founded in 1903, the International Brotherhood of Teamsters, represents 1.4 million working men and women throughout the United States, Canada and Puerto Rico.

Dear Representative: The AFL-CIO urges you to disapprove of the regulations implementing the Fair Pay and Safe Workplaces executive order.

The Fair Pay and Safe Workplaces regulations implement the common-sense protections the Executive Order requires for alleged violations. The regulations improve the contract system. The Fair Pay and Safe Workplaces executive order issued by President Obama in 2014 and instituted last year.

Federal government contractors receive taxpayer dollars to provide a service or product. And as part of that agreement, they should be expected to follow the law when it comes to the workplace and employees. When they don’t, they hurt working families, gain unfair advantage over companies that play by the rules, and they should be held accountable for their actions.

That’s what the Fair Pay and Safe Workplaces executive order that took effect last August ensures. There is nothing controversial about it. Lawmakers should work toward a taxpaying, fair society that supports the American dream.

Sincerely,

WILLIAM SAMUEL,
Director.

[From the International Brotherhood of Teamsters, Feb. 2, 2017]
water. But over the course of that career, three times, there were gentlemen I worked with who never went home, never clocked out, never went home to see their wife or their children.

Every day, 13 Americans are killed on the job; they didn’t go home to see their wife or their children, their husband. Sometimes accidents are unavoidable, but many, many times they aren’t, and that is what we are talking about here.

Mr. Speaker, I know my colleagues on the other side say this is just about punishing bad actors. But this rule would require Federal contractors to disclose even alleged violations of wrongdoing, regardless of whether or not there is any credibility to the claim. There are effective policies in place to prevent bad actors and contractors that break the law from receiving government contracts.

This could be especially damaging for employers who are the target of union organizing campaigns, or in a situation where a competitor files a claim in an effort to gain a competitive advantage. It elevates the risk of frivolous complaints and the loss of business.

Instead of muddying the water and making it harder for our Nation’s small- and medium-sized businesses, let’s use the current framework, not a new burdensome regulation, to enforce the law and hold any bad actors accountable.

I hope my colleagues will join me in supporting this resolution to block an overreaching and counterproductive rule.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. TAKANO), the ranking member on the Subcommittee on Workforce Protections.

Mr. TAKANO. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, I rise today in opposition to overturning the Fair Pay and Safe Workplaces rule under the Congressional Review Act. Undoing this rule would once again allow unethical Federal contractors to collect billions of dollars from taxpayers while stealing from, endangering, and discriminating against their employees.

Right outside this building, on January 20, President Trump promised to ‘Give the people and empower everyday Americans.’ I do not understand how allowing Federal contractors to hide records of wage theft, safety violations, and discrimination keeps that promise.

I am particularly concerned with what repealing this rule will mean for our Nation’s veterans. Because Federal contractors are encouraged to employ the men and women who have served, they will be greatly affected if we let companies off the hook for repeatedly violating workplace laws.

In addition, President Obama’s executive order helps to guarantee that Federal contractors comply with long-standing law that protects veterans and people with disabilities from discrimination in the workplace. It also encourages contractors to recruit, hire, promote, and retain these individuals.

This is why the Paralyzed Veterans of America wrote a letter to the Speaker and minority leaders asking that they oppose this resolution to ensure fair and safe working conditions for our veterans. PVA was also joined in a separate letter by Vietnam Veterans of America and disability advocates, including Easterseals, the American Association of People with Disabilities, and dozens more opposing the resolution we are debating today.

Mr. Speaker, I include in the RECORD both letters.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: Paralyzed Veterans of America urges you to reject the Federal Acquisition Regulation (FAR) disapproval resolution of the 2017 Federal Acquisition Regulation rule designed to reduce employment discrimination against people with disabilities and veterans, including those with service-connected disabilities.

PVA is the nation’s only Congressionally-chartered veterans’ service organization solely dedicated to representing veterans with spinal cord injuries and/or disabilities.

Disapproving this rule will weaken important nondiscrimination and affirmative hiring provisions intended for people with disabilities and veterans. For more than four decades, individuals with disabilities and veterans have been protected by federal laws against discrimination in employment with employers that do business with the federal government. In addition, these landmark laws (Rehabilitation Act of 1973 and Vietnam Era Veterans’ Readjustment Assistance Act of 1974) have required large federal contractors to take affirmative action to recruit, hire, promote, and retain these individuals, who traditionally face higher unemployment rates than their peers.

The Federal Acquisition Regulation (81 Fed. Reg. 58562)—that is being targeted by this CRA resolution of disapproval—simply ensures that companies that do business with the federal government disclose whether they have been in violation of these longstanding requirements.

Please ensure that veterans and other individuals with disabilities are not denied fair and equal employment opportunities by voting against the CRA resolution of disapproval.

Sincerely,

CARL BLAKE, Associate Executive Director.

CONSORTIUM FOR CITIZENS WITH DISABILITIES, February 1, 2017.
Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. Espaillat), a member of the Committee on Education and the Workforce.

Mr. ESPAILLAT of New York. Mr. Speaker, I would like to thank my colleague and ranking member of the Education and the Workforce Committee, Mr. Scott, for yielding.

I stand here in opposition to this resolution, which looks to undo rules that provide safety and fairness in the workplace.

The Fair Pay and Safe Workplaces rule and wage violations are egregious. Contractors entrusted with taxpayer dollars cannot exploit their workers and that repeated lawbreakers do not get a competitive advantage. This standard does not impose extra regulations on contractors, it simply requires that they follow the law.

These laws make sure women are paid the same wages for the same work. They make sure that employers are paying for overtime work. They protect employees with disabilities. And they protect workers who are victims of sexual assault or sexual harassment by ensuring those individuals have an opportunity to be heard.

A 2013 Senate report found that government contractors are often among the worst violators of the workplace safety, wage, and hour laws. Nearly one in three companies with the worst safety and wage violations are Federal contractors. Americans working for Federal contractors lose up to $2.5 billion dollars each year to violations of minimum wage laws alone. This is unacceptable and exactly why this order was executed—to protect workers.

We have a duty to our constituents, and this rule rightfully asks the Federal Government to take another look at contractors who have violated labor laws before awarding a contract. By upholding this order, we can continue to ensure that taxpayers get a fair deal for their money, something my Republican colleagues certainly should be in favor of.

Some Republicans will claim that this order creates a so-called blacklist by preventing companies from receiving Federal contracts. However, the opposite is true. The order, in fact, provides new tools for contractors to come into compliance with labor laws. This order is in the interest of the people and our constituents who we were sent here to represent. Rolling back these protections would demonstrate that we would rather side with employers who are choosing to illegally pay a fair wage than with our constituents who work day in and day out to provide for their families.

Not only will rescinding this rule hurt our constituents, but it would also hurt law-abiding companies by forcing them into unfair competition with companies that cut corners and knowingly violate the law. As we look to invest in our country's infrastructure, I urge my Republican colleagues to think of a more important time to ensure that employees working for Federal contractors are treated fairly. This rule is an important safeguard that protects employees, and its rollback will be a disgrace.

Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. Johnson), a member of the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, I rise in opposition to this resolution and the complete dismantlement of the Fair Pay and Safe Workplaces executive order.

Among other worker protection benefits, President Obama’s Fair Pay and Safe Workplaces executive order prohibits Federal contractors from using forced arbitration clauses in employment contracts involving civil, sexual assault, and harassment disputes.

This existing order built upon existing policy that was successfully implemented at the Department of Defense, the largest Federal contracting agency, and it will help improve contractors’ compliance with labor laws.

Simply put, Mr. Speaker, the Fair Pay and Safe Workplaces executive order required Federal contractors to give employees their day in court. By doing away with this order, the new administration is subjecting workers to forced arbitration, which is a private and fundamentally unfair process.

Unlike the court system, which was developed through centuries of jurisprudence, forced arbitration does not provide important procedural guarantees of fairness and due process that are the hallmark of our courts. There are no requirements to testify under oath or affirmation, rules of evidence and procedure are not relied upon, the caselaw that has been developed over centuries is not used as precedent, and arbitration proceedings are often secretive, sealed, and there is no meaningful right to appeal.

Behind closed doors and shrouded in secrecy, forced arbitration enables employers to conceal wrongdoing from the public and to undermine employee rights.

As a Congress of 2007, I have championed the Arbitration Fairness Act, which would eliminate forced arbitration clauses in their families.
In closing, Mr. Speaker, let us recall who the winners and losers are if this resolution of disapproval passes. The winners are those who are not blacklisted, the guilty are encouraged to participate in labor compliance agreements so they can continue to receive contracts while they improve their records.

☐ 1530

In closing, Mr. Speaker, let us recall who the winners and losers are if this resolution of disapproval passes. The winners are those who are not blacklisted, the guilty are encouraged to participate in labor compliance agreements so they can continue to receive contracts while they improve their records.

☐ 1530

In closing, Mr. Speaker, let us recall who the winners and losers are if this resolution of disapproval passes. The winners are those who are not blacklisted, the guilty are encouraged to participate in labor compliance agreements so they can continue to receive contracts while they improve their records.

☐ 1530

In closing, Mr. Speaker, let us recall who the winners and losers are if this resolution of disapproval passes. The winners are those who are not blacklisted, the guilty are encouraged to participate in labor compliance agreements so they can continue to receive contracts while they improve their records.

☐ 1530

In closing, Mr. Speaker, let us recall who the winners and losers are if this resolution of disapproval passes. The winners are those who are not blacklisted, the guilty are encouraged to participate in labor compliance agreements so they can continue to receive contracts while they improve their records.
The American Association for Justice, The
Worker Justice.
Sargent Shriver National Center on Poverty
tail, Wholesale & Department Store Union,
restaurant Opportunities Centers United, Re-
Public Justice, Public Justice Center, Res-
tional Partnership for Women & Families,
pa, Paralyzed Veterans of America, The Na-
Health Law Program, National Immigration
National Council of La Raza, National Dis-
Transgender Equality, National Consumer
Law and Economic Justice, National Center
Workers, National Association of Social
American Women's Forum, National Asso-
MomsRising.org, NAACP, National Alliance
New York, MassCOSH—Massachusetts Coali-
Leadership Conference on Civil and Human
Committee for Civil Rights Under Law, The
ican Advancement, Labor Project for Work-
Committee, Labor Council for Latin Amer-
plement Workers of America (UAW), Jobs
Automobile, Aerospace & Agricultural Im-
Craftworkers, International Union, United
and Technical Engineers, IFPTE, Inter-
ational Association of Machinists and Aéro-
space Workers, International Brotherhood of
Teamsters.
International Federation of Professional and Technical Engineers, IPPTE, Inter-
ternational Union of Bricklayers and Allied Craftsmen, International Union of
Automobile, Aerospace & Agricultural Im-
plement Workers of America (UAW), Jobs
With Justice, Jobs with Justice of East Ten-
nessee, Knox Area Workers’ Memorial Day
Committee, Labor Council for Latin Amer-
ican Advancement, Labor Project for Work-
ing Families in Partnership with Family Values, Lambda Legal, Lawyers
Committee for Civil Rights Under Law, The Leadership Conference on Civil and Human
Rights, Main Street Alliance, Make the Road
New York, MassCOSH—Massachusetts Coal-
ition for Occupational Safety & Health,
MomsRising.org, NAACP, National Alliance
Fair Contracting, National Asian Pacific
American Women’s Forum, National Associ-
ciation of Consumer Advocates.
National Association of Human Rights
Workers, National Association of Social Work
Association, National Black Justice Coalition, National Center for
Law and Economic Justice, National Center for
Lesbian Rights, National Center for Trans-
gender Equality, National Consumer
Law Center (on behalf of its low income cli-
ents), National Council of Jewish Women,
National Council of La Raza, National Dis-
ability Rights Network, National Education
Association, National Employment Law
Project, National Employment Lawyers As-
sociation, National Fair Housing Alliance, National Greenworker Alliance, National
Health Law Program, National Immigration
Law Center, National Organization for
Women, National Urban League
National Catholic Coalition, National Youth Employment Coalition, Oxfam Amer-
ica, Paralyzed Veterans of America, The Na-
tional Partnership for Women & Families,
People’s Action, Policy Matters Ohio, Pow-
Her New York, Pride at Work, Progressive
Congress Action Fund, Public Citizen, Public
Service, Public Justice Center, Restau-
rant Opportunities Centers United, Re-
tail, Wholesale & Department Store Union,
Santa Clara County Wage Theft Coalition,
Sargent Center on Economic & Social Justice,
Southeast Women’s Law Center, Sugar
Law Center for Economic & Social Justice,
The American Association for Justice, The
Consumer Voice, The Maryland Consumer
Rights Coalition, UltraViolet, Union of Con-
cerned Scientists, Unite Here, United Steel-
workers, UWUA—Utility Workers Union of
America, Veterans Organizations Central,
Washington State Labor Council, AFL-CIO,
WisCOSH, Inc., Women Employed, Women’s
Voices for the Earth, Workplace Fairness,
Women’s Action Fund.
Mr. SCOTT of Virginia. Mr. Speaker, I
urge my colleagues to vote “no” on this
resolution of disapproval.
I yield back the balance of my time.
Ms. FOXX. Mr. Speaker, I yield myself
the remainder of my time.
In closing, I thank my colleagues—
Chairman CHAFFETZ, Chairman CHABOT, and Representative MITCHELL—for
joining us in this important effort as well as to thank my col-
leagues who came and spoke on this resolution.
Workers deserve strong protections.
The best way to ensure fair pay and
safe workplaces is to enforce the exist-
ing suspension and debarment system.
It is also important to remind my col-
leagues of what the Congressional Pro-
gressive Caucus said:
"The Department of Labor has full author-
ity under current law to hold Federal con-
tractors accountable."
"It is clear we don’t need more layers
of red tape to prevent bad actors from
receiving taxpayer-funded contracts.
Creating a bureaucratic maze would
only make a system less efficient that
is designed to protect workers. Fur-
thermore, the blacklisting rule would
undermine the ability of small busi-
nesses to compete for Federal con-
tracts, would increase costs for tax-
payers, and would jeopardize the re-
sources of our Armed Forces—the ones
they need to keep this country safe.
I urge my colleagues to block this
harmful rule and vote “yes” on H.J.
Res. 37.
Mr. Speaker, I yield back the balance
of my time.
Mr. SMITH of Texas. Mr. Speaker, I rise
today in support of House Joint Resolution
37, which annuls a poorly-written regulation put in
place by the Obama administration.
We need to clean up the regulations that
the previous administration imposed upon
American business. We need to reform them,
and ensure that they serve a useful purpose.
This is especially important for the Depart-
ment of Defense and NASA.
The regulation in question does not allow
contractors to exercise their right of due proc-
есс. Rather than letting our legal system pro-
duce justice, American companies could be
forced to go through an absurd test.
We should protect American workers. The
regulation we strike today was poorly crafted,
and it would ultimately do America’s workforce
more harm than good.
As Chairman of the Science Committee, I
know that such a regulation would impede
NASA from carrying out its mission of explo-
ration and place an unnecessary cost on tax-
payers by diminishing competition.
A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule 2 of the House, this 15-minute vote on passage will be followed by a 5-minute vote on passage of H. J. Res. 40.

The vote was taken by electronic device, and there were—ayes 236, noes 187, not voting 9, as follows:

AYES—236

Mr. Correa changed his vote from "no" to "aye." So the joint resolution was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR H.R. 428, RED RIVER GRADIENT BOUNDARY SURVEY ACT

Mr. Sessions. Mr. Speaker, this afternoon, the Rules Committee issued an announcement outlining the amendment process for H.R. 428, the Red River Gradient Boundary Survey Act. The amendment deadline has been set for Monday, February 6, at 3 p.m. Amendments should be drafted to the bill as introduced and which can be found on the Rules Committee website.

Mr. Speaker, please be advised, if there are any questions, Members may contact me or any member of the Rules Committee staff.

Providing for congressional disapproval of a rule submitted by the social security administration relating to implementation of the NICs Improvement Amendments Act of 2007, on which a recorded vote was ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This will be a 5-minute vote. The vote will be taken by electronic device, and there were—aes 235, noes 189, not voting 17, as follows:

AYES—235

Mr. DeFazio changed his vote from "aye" to "no." So the joint resolution was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.
Mr. HARPER. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of H.R. 2, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. BACON). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Resolved, SECTION 1. ELECTION OF MEMBERS TO JOINT COMMITTEE ON CONGRESS OF THE LIBRARY AND JOINT COMMITTEE ON PRINTING.

(a) JOINT COMMITTEE ON CONGRESS OF THE LIBRARY.—The following Members are hereby elected to the Joint Committee of Congress on the Library, to serve with the chair of the Committee on House Administration and the chair of the Subcommittee on the Legislative Branch of the Committee on Appropriations:

1. Mr. Loudermilk.
2. Mr. Brady of Pennsylvania.

(b) JOINT COMMITTEE ON PRINTING.—The following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration:

1. Mr. Rodney Davis of Illinois.
2. Mr. Walker.
3. Mr. Brady of Pennsylvania.
4. Mr. Raskin.

The resolution was agreed to.

A motion to reconsider was laid on the table.

IMPACTS OF THE IMMIGRANT BAN

(Mr. CARBAJAL asked and was given permission to address the House for 1 minute.)

Mr. CARBAJAL. Mr. Speaker, today I rise to tell the story of how last week’s reckless and poorly implemented executive order indiscriminately banning immigrants from seven majority-Muslim countries directly impacted two University of California, Santa Barbara, graduate students in my district.

My office was contacted by Hassan Arbabi, a Ph.D. student in mechanical engineering at UCSB. Hassan reached out to me on behalf of his girlfriend, Maryam, an Iranian citizen, left the United States to undergo the vetting process for her F-1 student visa in order to attend graduate school in Santa Barbara. For months, Maryam interviewed and underwent an exhaustive administrative immigration process.

Maryam’s F-1 student visa was approved on Friday, January 26, the same day the President signed his executive order banning all immigrants from Iran. The order prevented Maryam from returning to the United States to undergo the vetting process for her Ph.D. program for electrical engineering.

Maryam, an Iranian citizen, left the United States to undergo the vetting process for her F-1 student visa in order to attend graduate school in Santa Barbara. For months, Maryam interviewed and underwent an exhaustive administrative immigration process.

Maryam’s F-1 student visa was approved on Friday, January 26, the same day the President signed his executive order banning all immigrants from Iran. The order prevented Maryam from returning to the United States to begin her studies.

We have in place the strictest vetting process in the world. Banning immigrants like Maryam from pursuing higher education degrees does not make us safer. It prevents people like Maryam from making important scientific advances and contributing to our Nation.

REMEMBERING THOMAS J. MAHONEY, JR.

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today to remember Mr. Thomas J. Mahoney, Jr., of Savannah, Georgia, a highly-respected local attorney and community leader. He passed away on January 20 at 80 years of age.
Mr. Mahoney graduated from Savannah’s Benedictine Military School in 1954 and earned his law degree from the University of South Carolina.

In his first career after college, he worked as an FBI Special Agent in Chicago and Washington. During this time, Mr. Mahoney met the love of his life, Judy, with whom he had four children.

After 2 years in the FBI, Mr. Mahoney returned to Savannah and joined the law firm Mahoney & Cole, P.C. Through his hard work and determination, he worked up the ranks to become its president and CEO.

He used his legal knowledge to make coastal Georgia a better place to live, serving as the Chatham County attorney, city attorney for Tybee Island, judge for Tybee Island, and assistant city attorney for Savannah. He also served as the special assistant attorney general for the Georgia Ports Authority since 1987, helping it to grow to its current, impressive size.

Thank you, Mr. Mahoney, for everything you have done for the Savannah community. You will be missed.

VICTIMS OF SEX TRAFFICKING

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

Mr. PAULSEN. Mr. Speaker, we all know that human trafficking is a major problem right here in the United States. It is happening in every one of our communities.

This week, as millions of Americans gather to watch the Super Bowl, I would like to shine a light on another troubling fact, and that is that there is an increase in the human trafficking and INTERPOL is warning in the days surrounding the Super Bowl.

Last year, in a few weeks leading up to the Super Bowl event, the Santa Clara Sheriff’s Office identified 42 potential victims of sex trafficking during a series of stings and cited 30 additional men for soliciting prostitution.

The good news is, Mr. Speaker, we are drawing attention to this fact and working hard to end this heinous practice. Next year, my home State of Minnesota will be hosting the Super Bowl, and our host committee is already working hard in collaboration with Federal and local law enforcement, with government agencies, with advocacy groups and victims’ service organizations to develop a comprehensive and coordinated plan to address the issue. That is because, Mr. Speaker, over the next year, we will continue to end the practice of human trafficking, working tirelessly, and this is a wonderful opportunity to showcase how we can have freedom from the ugliness of trafficking.

THIDWICK BOOKS

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

Mr. POE of Texas. Mr. Speaker, Thidwick Books is a small, 865-square-foot bookshop that has been in the same building since 1999, but now it is being forced to close its doors forever or move away.

Serial plaintiff Craig Yates has sued multiple other merchants, including Thidwick Books. He generally makes vague claims about the design of retail stores and claims that they violate the Americans with Disabilities Act.

These small businesses do not have the resources to contest unfounded lawsuits or, in many cases, even know what the alleged violations are. These businesses are told to either pay a settlement or get sued with further litigation. Oftentimes, small businesses choose to pay the extortion rather than to defend the expensive, unfounded drive-by lawsuits.

The bipartisan bill, the ADA Education and Reform Act of 2017, improves access to public accommodations for the disability community while preventing well-meaning businesses from falling victim to drive-by lawsuits.

Mr. Speaker, the ADA was designed to improve access for the disabled, not to enrich unscrupulous lawyers and the plaintiffs.

And that is just the way it is.

HOUSE OF REPRESENTATIVES

PROTECTS SENIORS’ SECOND AMENDMENT RIGHTS

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

Mr. LAMALFA. Mr. Speaker, I am thankful we have in the process here as elected officials the ability to hold accountable Federal agencies and new rules that will be made at midnight. I am speaking of legislation passed today to allow, in many cases, seniors who might exceed their Second Amendment rights limited or taken away by a last-minute rule that would require them to be turned in to the national background check system in this country, thereby, because they might be on SS or disability, losing their ability perhaps to own a firearm under their Second Amendment rights.

The House of Representatives took steps today to ensure their ability to not be singled out because they might be in a particular system and assumed to be a risk—unlike anybody else. So we can do good work sometimes, and we do when we strike out for protecting people’s rights.

SUPPORTING JUDGE NEIL GORSUCH’S NOMINATION TO U.S. SUPREME COURT

(Mr. GARRETT asked and was given permission to address the House for 1 minute.)

Mr. GARRETT. Mr. Speaker, I rise today to express my support of the President’s selection of Neil Gorsuch as nominee to the United States Supreme Court. Mr. Speaker, it is my sincerest hope that the Members of this body and our body down at the other end of the building will recognize just what a wonderful selection Mr. Trump has made.

In fact, candidly, Mr. Speaker, were it my selection, I probably would not pick someone who had clerked for liberal jurist Byron “Whizzer” White or the split vote on Anthony Kennedy. In fact, I wonder if the habits of the individuals in the Senate—who might have the opportunity to confirm—to resist every single thing that comes across their desks these days might not, in fact, lead to a more conservative nominee should Judge Gorsuch not be nominated.

I would again commend Mr. Trump for this middle-of-the-road selection. I think he will maintain the balance on the Court that Mr. Kennedy has here today.

I hope my colleagues on the other side of the aisle are wise enough to understand just what a benevolent and middle-of-the-road selection Mr. Gorsuch is.

LET US SHOW MERCY

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, tomorrow is going to be a devastating day for so many. For decades America has been engaged in resettling refugees. I remember the Vietnamese, the Iraqis, and the people from Afghanistan. More importantly, I remember the excitement I had in visiting the Statue of Liberty and being reminded of what a great country this is.

Tomorrow, with the 120-day suspension, we will literally devastate refugee families, some of whom waited 10, 12, 15 years, who have sold all their goods and their futures to come to this country, and, as well, their documents will expire.

I am asking the administration to have mercy and to be as the Chaplain Wren commanded us to do; to find our grounding in being able to be servants.

I would ask that we not devastate these families causing them to completely be derailed from moving toward being refugees in this country. No terrorist has been found in refugees.

I believe it is crucial that we show mercy in the spirit of prayer, as in the prayer breakfast this morning. Let us show mercy.

SUPPORT FOR BLM METHANE RULE

(Ms. MICHELLE LUJAN GRISHAM of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MICHELLE LUJAN GRISHAM. Mr. Speaker, late last
year, the Bureau of Land Management finalized its methane rule, which will reduce harmful emissions by curbing the wasteful venting, flaring, and leaking of natural gas.

Not only is methane a potent greenhouse gas, but every cubic foot of gas that is vented cheats New Mexican tax-payers out of precious royalty and tax payments which go toward public education, infrastructure, and community development programs. Considering that the Governor of New Mexico has proposed cutting money from school districts to close an estimated $70 million deficit, we simply cannot afford to let money disappear into thin air.

Unfortunately, the House of Representatives is considering legislation that will not only rescind BLM’s methane rule, but also prohibit the consideration of any similar rule to curb methane emissions and protect tax-payer interests ever again.

I strongly support efforts to work with the States, especially small, independent producers who may, in fact, have difficulties implementing BLM’s new standards, but taking a sledgehammer to our Nation’s energy policy is irresponsible and counterproductive.

I urge my colleagues to oppose this legislation and instead work to make this rule work for both producers and taxpayers alike.

NEW MEMBERS WORKING TOWARD A COMMON GOAL

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 2017, the gentleman from Georgia (Mr. Collins) is recognized for 60 minutes as the designee of the majority leader.

Mr. COLLINS of Georgia. Mr. Speaker, it is good to be back on the floor. We have had a productive week so far. Things are moving along. We are doing exactly what we promised the American people, and that is removing regulatory burden, that is beginning to move toward an economy that looks after the needs of our communities—our moms, dads, aunts, uncles, and grandkids. They come together to know we are working toward a common goal, and that is looking ahead and making sure that what we do is in the best interests of our neighbors and our communities.

Today, I want to continue in what we started, Mr. Speaker, just a week or so ago. We are introducing the folks that the country has sent from our side to be Members here, to join myself and others, to take this fight from the majority not only from their streets in the campaigns, but now onto the floor of the House.

So this afternoon, we are going to start off with one of our new Members from the 19th Congressional District, John Faso. I found out as I was looking through his background that John comes from the same hometown as President Martin Van Buren and also our former colleague Chris Gibson, who was here for a while.

I think if there is anything that sums up what I have heard from John’s heart, it is the economic condition that we are in and the fact that our debts cannot continue to grow, and that we have to put in good practices that not only take into account his district—which is a wonderful part of New York State—and the growing application there, but how we can take that all over the country.

So with that, let me introduce it is my privilege to introduce the newest Congressman from New York’s 19th Congressional District, John Faso, to tell us a little bit about why he is here and his vision for what we have.

Mr. Speaker, I yield to the gentleman from New York (Mr. Faso).

Mr. FASO. Mr. Speaker, I appreciate that, and I appreciate the gentleman from Georgia’s hospitality in yielding the floor to me today.

Mr. Speaker, indeed, I am privileged to represent the 19th Congressional District of New York State. This encompasses a wide area of the mid-Hudson Valley and the Catskill region. The district touches Vermont in the northwestern corner, New Jersey in the southeastern corner. We go out to Cooperstown, and we have great local locations like Woodstock. Many people are familiar with Woodstock, where the concert was supposed to be back in the late 1960s, but where the concert occurred in Bethel, New York, in Sullivan County. The district encompasses all or part of 11 counties.

The gentleman from Georgia referenced the fact that I have resided for the last 30, almost 34, years in Kinderhook, New York, the hometown of Martin Van Buren, our eighth President. Our district also has within it the town of Hyde Park in Dutchess County, which is the home of a President who was only very briefly well-known and recognized for his great contributions to our country, Franklin D. Roosevelt. I encourage people to come visit Hyde Park and the Roosevelt home and museum, and also Kinderhook.

I would be remiss if I did not also mention that the 19th District has the Baseball Hall of Fame in Cooperstown, New York, where I know a number of Members will be coming up later this year to play a game of baseball in a charitable fun event.

Mr. Speaker, Mr. Collins had made reference to the economic condition. The economic condition in upstate New York cannot continue to be sustained, and within 10 years we are going to be producing enough wealth and opportunity for our children and grandchildren. Indeed, Mr. Speaker, we cannot allow this generation to leave to the next generation that is immeasurably poorer and less well off than the country that we were given by our parents and grandparents.

I am privileged to serve on three committees here in Congress: the Budget Committee; the Transportation and Infrastructure Committee, where I am honored to serve as the vice chairman of the Subcommittee on Railroads, Pipelines, and Hazardous Materials; and also the Committee on Agriculture. All three of these committees are going to be vitally significant in terms of my tenure here in these 2 years of Congress, but also for the people of our district.

Agriculture, we have a robust and growing agricultural economic. It is dairy, where a lot of dairy farmers are struggling with the low price of milk, but also fruits and vegetables. We have got a remarkable number of new producers—yogurt producers, cheese producers, and beef and pork producers—because we live only 125 to 150 miles away from the city of New York and the tremendous metropolitan area and the tremendous market that entails.

On the Agriculture Committee, I will be fighting hard to protect the interests of our dairy community and small farmers and to make sure that we encourage our young people to go into agriculture. I am pleased to soon support a measure which will encourage young people to go into agriculture.

On the Committee on Transportation and Infrastructure, I mentioned the Railroads, Pipelines, and Hazardous Materials Subcommittee. Our district is blessed to have the beautiful Hudson Valley. The Hudson Empire State corridor of Amtrak—is one of the busiest in the Nation. It is also one of the profit centers for Amtrak. Many, many people ride the train between Albany and New York City on a daily basis; in fact, it is vitally important to our commerce and to our business interests in our district.

We also have a number of freight rail facilities. I will be working closely with folks out in Otsego County and Oneonta for the project that they are looking at for their rail facility in that community.

Lastly, as I mentioned, I serve on the Budget Committee. Just today, we heard a report from the Congressional Budget Office. The chief of the CBO came before us. He indicated that today we have almost $20 trillion of national debt.

That is just the on-the-books government national debt. He also said to us that within 10 years we are going to be facing another $10 trillion on top of
that. And $30 trillion, my colleagues, is not sustainable. It is, in essence, generational theft. It is saying we would spend today our children's and grandchildren's inheritance and that we are forcing, by borrowing way beyond our means, our children and grandchildren in the future to pay for our spending today.

So this, indeed, is a crisis point. It is a crisis point for our country. It is a crisis point for every man, woman, and child in our Nation. If you look at the data, right now our national debt is the equivalent of about $60,000 for every man, woman, and child in America. We have to get this under control. The way to get it under control is we have to deal with growth. We have got to get economic growth. Smart tax and regulatory changes can help us spur the private sector economy to grow this economy, to create more opportunity, to create more wealth and jobs for our families all across the Nation, but particularly, from my vantage point, in upstate New York.

But we also need to take a hard look at reforming entitlement programs. There is precedent for doing this. President Gerald Ford appointed, as I mentioned, the great former Senator from New York State Daniel Patrick Moynihan, and others came together in the early eighties and fixed the Social Security financing problem for over 40 years. Well, the time has come for fixing that problem is running out.

I encourage people at home and citizens all across this country, pull out your Social Security earnings statement. Pull out that statement that the Social Security Administration sends to you each year. If you look at it closely, it will say that, in 2034, just a mere 17 or 18 years from now, Social Security can only pay approximately 75 or 76 percent of the promised benefits.

We have it in our capacity to fix this problem to assure that all the seniors are taken care of and that those close and near retirement will not be affected. But we also have to reform the system so that our children and grandchildren have the prospect of something there for them in the future. We cannot, again, be the generation to leave our kids and our grandchildren holding the bag with a country less wealthy, with less opportunity than the one we try to leave. Our parents and grandparents gave us to.

So I am really pleased to have this opportunity to come before the House today. I am very happy that Mr. Collins of Georgia, and I look forward to working with all of my colleagues on both sides of the aisle to try to fix what is wrong with our country today, to improve on what we already have, and to create a sustainable future for all Americans. This is why I ran, and that is why I am here.

I thank the gentleman from Georgia for the opportunity to come before the House to speak with him today.

Mr. FASO. Well, I look forward to working with the gentleman from Georgia, and I look forward to working with all of my colleagues on both sides of the aisle to try to fix what is wrong with our country today, to improve on what we already have, and to create a sustainable future for all Americans. This is why I ran, and that is why I am here.

I thank the gentleman from Georgia for the opportunity to come before the House to speak with him today.

Mr. COLLINS of Georgia. We are very glad to have you here.

Mr. Speaker, as we go along, you have seen one great new Member from New York's 19th District, but then there is also a new Member who comes from the Big First out in Kansas. He is a doctor. He has been married for 32 years and has four children.

I think the coolest thing about this is we talk about a culture of life. For me, it is not just a life issue of getting up every day. I believe that you take every day as a gift that has been given to you, and you grasp and you take that joy. But life has to start. For a doctor who delivers 5,000 babies, it is pretty cool to see that life, as a husband and a family.

He has talked about his greatest role as a husband and father. That is mine and, I think, Mr. Speaker, as most, as we look at this. Seeing my kids come in was a special time. To know what that means in the life of a family, Dr. Marshall brings that personal touch to the House. He brings that personal touch from the Midwest.

Mr. Speaker, you do know I am in the Air Force Reserve. Mr. Speaker understanding that we have very well. Also, I will say that he served as well in our one-parent operation, the Army Reserve. It is good to have him here. That military background also gives us a new perspective because our world is not a safe place, and we need to understand what we are going through.

Mr. Speaker, I yield to the gentleman from the Big First, the First District of Kansas, Dr. ROGER MARSHALL.

Mr. MARSHALL. Mr. Speaker, I thank the gentleman for Georgia for yielding.

I am so proud to be here today. Before I talk about my district, I just want to say thanks to my fellow freshman class. I am so grateful to be part of the freshman class of the 115th Congress—a freshman class that includes 10 Members with military experience, a sheriff's officer, an FBI agent, two physicians, a dentist, and the rest of the group, former CEOs, business owners, and businesswomen full of real-life experiences, which helps us solve problems with some little common sense.

As my family and I traveled our district of Kansas this last 2 years, traveling 30,000 miles, we constantly identified the three common problems. They were concerned about the economy, national security, and health care.

The first 2 years of those travels, I listened a lot. The last 6 months, I focused on solutions. I thought I would share today some of the common solutions that my classmates and I have talked about, as well as my constituents back home.

First of all, as far as the economy goes, the number one problem with the economy is government overregulation. Overregulation creates uncertainty and consolidation. When there is uncertainty, businesses don't grow; they don't do the innovation that we need.

The overregulation creates consolidations. So instead of having three or four community banks in town, consolidation forces there to be only one bank. Oftentimes, those single banks charge even more than even the nearest big bank to people from their own community. Consolidation has occurred in hospitals and with physician practices as well, all too often.

I am so proud to stand up here today and hear that the Senate also approved one of the laws we have passed repealing regulations. We think, as we go down this path, repealing regulation will be a continued path for small businesses to grow. That is where 80 percent of our future job growth is going to come from: small businesses.

It is hard to believe, when I talk about national security, that men and women who live 1,300 miles inland from the nearest ocean, separated by mountains and rivers, are concerned about their own safety.

It is hard to imagine that before there was the Paris massacre or San Bernardino or Orlando that my constituents in Kansas were concerned about national security. Inside our President in making our border secure and working through immigration and refugee issues to make our Nation more secure. We think that is vitally important, and that is one of the reasons we elected this President and we want to make sure many people from my class as well.

Lastly, I want to talk about health care, something very near and dear to my heart.

For the past 6 years, I have lived the nightmare of ObamaCare. It has caused many, many physicians I know to quit, to give it up. ObamaCare has reduced us to data entry positions rather than
physicians who can listen and develop their clinical skills as we try to work with patients to solve their healthcare problems.

ObamaCare has led to consolidation of physician practices. It has led to high prices as well for insurance products. It has led to $12,000 deductibles for most families. It is no longer affordable. It is like having no insurance at all.

Eighty percent of Americans are not happy with the Affordable Care Act, but I want to assure the American public and my constituents that, for every 5 seconds I have spent thinking about repeal, I have spent 5 days thinking about replace.

Though quite often the press wants to talk about this as two separate books, this is one book in my life—a book of repealing and replacing as quickly and efficiently as possible.

I want to assure all my constituents back home that, if you are on an ObamaCare product right now, we are not pushing you off any cliff. We are going to give you a period of transition where you can have a truly affordable healthcare product that works for you without a $6,000 or $12,000 deductible.

We are a party of solutions. If you will look at Dr. Price’s bills he submitted the last 6 years, you will see great alternatives and solutions that the party has presented. We do think there are good solutions out there.

Speaking of Dr. Price, I can’t help but just stop and say we need to approve him, confirm him as quickly as possible. Dr. Price is a physician, an orthopedic surgeon from Georgia, who has served Congress in multiple ways, including leading the Budget Committee.

I have not met a man I would rather have serve as the Secretary of HHS than Dr. Tom Price, a mentor to me—a mentor to many of us—a kind man, a Godly man who cares about patients, who understands health care, but he also understands government.

Before we can take many more steps with health care, we need someone in that position. I believe with all my heart that Dr. Price will do a great job.

I look forward to continuing my next several weeks here working with the freshmen, working with the rest of Congress. We are so optimistic. We think with the fresh eyes are ahead of us.

I am going to close with a memory today that I will have forever of going to the National Prayer Breakfast. I have had the privilege of going to many, many events, but this may have been the greatest event I ever attended in my life to see men and women leaders across the world, praying for our President, praying for our Vice President.

I am just thrilled to be a part of this. I am proud to turn this country back in a positive direction.

Mr. Collins of Georgia. It is good to have Dr. Marshall here and be a part of bringing that vitality of someone in the health field, knowing and understanding that relationship between the patient and the doctor and finding the best way so that all can have that access. I think that is what we see.

He ended with something, and I will sort of end with that: the prayer breakfast. From my background as not only an Air Force chaplain but also a pastor for over 11 years, we can have disagreements. And we are going to have disagreements. But what I have found is, when you pray for each other, you can have disagreements, but you can’t be mad.

I think that is what we have got to do as a country is we have our disagreements and we move forward and we look for what is best for the individuals and not best for what is this government.

I think that is what you brought to the table today and talked about, that passion to get it back to the individual who looks to Washington, knows it is there, and doing what the Constitution said, but not overreaching into the areas of their life that take them away from the things they want to do.

So I appreciate the gentleman’s service. I appreciate him being here. It is going to be great as we go forward.

Mr. Speaker, we have gotten a fast start. There are some things going on where we are doing what we promised. I had an interview just the other day, and the reporter asked me the question: Well, what do you think about X? They named off two or three things. I said: What is surprising right now to many folks who have reported on this place for so long is the fact that things are getting done and being promised to get done, and they are happening.

Mr. Speaker, that is what we are sent here for. And as we see that through the regulatory issues we have been dealing with this week, we are going to deal with again next week, and as we look ahead to the battles of repealing and putting together access to affordable health care for all Americans and not doing the scare tactics and not doing the straw man and not trying to push anybody off a cliff but saying: let’s talk about this together; let’s listen and work together, as opposed to the way it was done.

Then, we look into tax reform. We look into energy development. It is a time in America to be smiling. It is a time when we can look around and the rest of the world is saying: that is the country that we know. That is the shining light that we know. That is the place that the world looks to. Because we are the freest country in the world, and we gave our spirit to others.

So it is exciting for me, as part of my work for the Republican Conference, to bring our freshmen Members here to let them tell about their areas. And as we do so, it just shows you, I believe, that America, in many of these districts, saw promise. And we are looking forward to continuing with our new Members and continuing to introduce them over the next weeks.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a joint resolution of the House of the following title:

H.J. Res. 38. Joint resolution disapproving the rule submitted by the Department of Interior known as the Stream Protection Rule.

The message also announced that pursuant to sections 42 and 43 of title 20, United States Code, the Chair, on behalf of the Vice President, re-appoints the Senator from Vermont (Mr. Leahy) as a member of the Board of Regents of the Smithsonian Institution.

RUSSIAN AGGRESSION AGAINST UKRAINE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, the day after our new President spoke to the President of Russia, Vladimir Putin, we saw a surge in Russian aggression and attacks in eastern Ukraine. Every American must realize, Russia is testing our new administration’s resolve to stand up for liberty.

Since Russia invaded Crimea in February 2014, 10,000 innocent Ukrainians have been killed by Russian aggression, and this has increased over the past week. Dozens more have been displaced—17,000, in fact.

These actions violated the 1994 Budapest Memorandum on Security Assurances that stated: the Russian Federation would respect the independent sovereignty and existing borders of Ukraine.

Russia’s new aggression is another step in its campaign to undermine the democratic order that has existed in our Transatlantic Alliance since the end of World War II and cold war.

America must stand up for the people of Ukraine and our European alliances and denounce the actions of President Putin. We have to stand up or we face—Russia will face condemnation by the world community. Russia should withdraw its heavy weapons from that region. They should stop financing separatists. They should allow repairs for critical infrastructure and fulfill all of their agreements under the Minsk accord.

What is happening is a global shame.

THE AMERICAN PHILOSOPHY

The Speaker pro tempore, Under the Speaker’s announced policy of January 3, 2017, the gentleman from Maryland (Mr. Raskin) is recognized for 60 minutes as the designee of the minority leader.
Mr. RASKIN. Mr. Speaker, I am delighted to be here with my colleague Pramila Jayapal from Seattle, Washington. We wanted to talk about what has been happening over the last week with the executive orders on immigration and asylum that have taken place, and we wanted to talk about the multiple Federal judicial rulings imposing injunctions on enforcement of those orders.

But I wanted to begin, actually, by stepping back from the heat of the current crisis and looking, instead, at the idea of America.

Well, what is the idea of America? America was created, as the great Tom Paine said, as a haven of refuge for people fleeing political and religious repression from around the world.

Remember the radicalism of the American Revolution and our Declaration of Independence and our Constitution. We were the first Nation on Earth conceived in revolutionary insurgency against dictatorship, autocracy, theocracy, and the merger of church and State.

The American colonists were rebelling against, not just the king and all of the whimsical depredations and abuses of the crown, but also against centuries of religious warfare in Europe between the Protestants and the Catholics, holy inquisition, holy crusades, witchcraft trials, endless wars between the Catholics and the Protestants.

Our forefathers and foremothers wanted to break from that history and put into our Constitution the separation of church and state—as Jefferson called it, the wall of separation between church and state, the establishment clause, the idea of free exercise of religion, freedom of speech, the right to petition for redress of grievances, the right of people to assemble, freedom of thought, freedom of conscience in the United States.

But it would be a land that would be open to people who were fleeing authoritarianism, who were trying to get away from repressive regimes, and kings, and monarchs, and princes, and tyrants who imposed dictators, and despots everywhere. That was the idea behind America.

Well, then in this Presidential campaign, then candidate Donald Trump said that he wanted to impose a Muslim ban, a ban on Muslims coming to America, which would cause our forefathers and foremothers to turn over in their graves to hear that somebody running for President of the United States wanted to impose a ban on the immigration of people based on their religious faith, in a country that was designed on the principle of no establishment of religion, designed on the principle of no religious tests for public office or political participation that suddenly we would say we are not going to accept people—
in the 21st century—based on their religious heritage.

And obviously, anybody can make up their religion anyway. Anybody can say what they are. So it is as futile and as silly as it is anathema and apathetical to our basic constitutional ideals.

Well, that Muslim ban has, in its bizarre way, become law now in the United States of America. The President issued an executive order as one of his first actions on people coming to our country from Iran, Iraq, Libya, Syria, Somalia, Sudan, and Yemen, those seven countries. And we have got to interrogate what exactly the logic of this is.

The President and his chief strategists of the alt-right, named Steve Bannon, have defended this order on the grounds of national security. The idea is that somehow we are defending the national security and the defense by banning people from those countries.

All right, we all support national security. If that would advance our national security, it is something we should look at.

Well, what is the evidence that that is going to benefit our national security? Our country now is no stranger to terrorism. All of us remember that shocking, fateful day, 9/11, back in 2001, when America changed forever.

Those 19 hijackers came from three countries. And which three countries on this list of seven did they come from? None of them. Those hijackers came from Saudi Arabia. The overwhelming majority of them came from Saudi Arabia, then Egypt then United Arab Emirates.

None of those three countries is on this list of seven. Why not? Well, a couple of different theories are out there. One is that President Trump has business interests in those countries. He is doing business with corporations in Saudi Arabia, in Egypt, and in the United Arab Emirates. So that is one leading theory that is out there. The other is that these are rich and powerful countries. So despite the fact that they were the lead exporters from this prism of terrorism to the United States, they get a pass.

And instead, we pick on Yemen, and Somalia, and Iraq—our presumed ally—that another Republican President sunk hundreds of billions of dollars into waging a war based on the mythology that there were weapons of mass destruction in that country, but now they are on our side. Yet, we have imposed a ban of people coming in as refugees from Iraq. But Saudi Arabia gets a pass; Egypt gets a pass; United Arab Emirates gets a pass because they are on the rich side.

So what exactly do these seven countries have in common if it doesn't have anything to do with our national security? Because if you look at the other terrorist events that have taken place in our country, for example, the Boston Marathon bombers, those young men who were implicated in that crime against the people of Boston were from Chechnya. The people of the United States came from Russia originally.

Is there a ban on Russia being imposed here? Quite the contrary. Earlier today, President Trump relaxed sanctions on Russia, made it easier for American businesses to export information technology to Russian companies, according to news reports.

I haven’t seen the exact order yet, but there is an executive order that is lessening sanctions on Russia, despite the fact that two of the most infamous terrorists against the United States originally came from there. So what do those seven countries have in common? They are poor countries. They are poor Muslim countries. They are poor Muslim countries that Donald Trump doesn’t do business with. And so maybe that is it. Maybe the idea is, we are going to wage a worldwide war on the poorest, most poorest, Muslim countries, even if they don’t pose any special threat to us, because that will conform to Steve Bannon’s ideological world view of a major contest between the Christian west and radical Islamic terror.

I think that would be it. But President Trump, of course, puts his business interests even above the racism and the White nationalism of Steve Bannon, because the business interests have to come first in all cases.

So that is the best that we can make of what has been imposed on the country, an Orwellian policy imposed with Kafkaesque incompetence all over the United States of America. So the airports are in an uproar, families have been dislocated, children agonized over the situation, panic spreading across America. And part of me wants to think, well, this is just the misfortunes of the beginning Presidn. Maybe this is part of a design by Steve Bannon who has proclaimed himself a Leninist who wants to tear the system down, tear the government down; to start over again.

Maybe that is what is going on. Who knows? But all of this brings us back to the emoluments clause. Now the emoluments clause, Article I, section 9, clause 8 of the Constitution was inserted by our great Founders because they feared foreign monetary dominance of the United States Government.

They knew that kings and princes, dictators and despots, traitors and saboteurs were disloyal to their own country to use their money to compromise the integrity of Republican government, Republican democracy.

Remember, we were trying something new here, what our great Republican President Abraham Lincoln would later come to call the “government of the people, by the people, and for the people.”
February 2, 2017

CONGRESSIONAL RECORD—HOUSE

H923

That was the experiment that we launched then, and they knew that there was a basic problem, which is, the room will not hold all. We can't have a New England town meeting every time we need to make a decision, so we have got to elect people to go be our Government.

But when you elect them, now you have got an agent. And the problem all of you lawyers know out there—in principal agent law—is how do you make sure the agent actually serves the ones rather than the interests of the agent himself or herself?

And the Founders understood that, and they were afraid that the people who we elected might go to Washington and be corrupted by foreign money, by all of the diplomats and spies running around offering gifts, and gold, and snuffboxes, and diamonds, and so on. And so what they said was that no official in our government, no official could accept any gifts, or emoluments of any kind at all from a foreign government, a king, a prince, or a foreign government. No foreign payments.

And that is something that has been observed scrupulously for more than two centuries by our Presidents. Nobody has even come close to the line of violating that.

When Benjamin Franklin was Ambassador to France, he received a snuffbox from the people of France. He came back, and he brought it to Congress and asked Congress to approve, because it is up to this body to decide whether or not a foreign payment is acceptable or not.

And Congress said: Mr. Franklin, because of your extraordinary reputation for integrity, for decency, and for honesty, we understand you have not been compromised by that snuffbox, and it is just a snuffbox, and you can keep it.

But today, what we have got now is a President who has hundreds of millions of dollars of interest all over the world—in Russia, in the Philippines—millions of dollars of loans from the Government of China, the Trump Hotel, which is renting out banquet rooms, dining halls, floors, hotel rooms, to foreign governments and embassies all over the world who come here to try to influence our government. And what do we hear about the emoluments clause? Has the President come to ask us whether or not at approval of these arrangements? Nothing. Nothing has happened. Is it affecting policy? Every single day.

And I come back—before I turn it over to my colleague—to what we are talking about, which is these executive orders which has this very bizarre quality, my fellow Americans.

Mr. Speaker, what happened then for me, when I went to the Sea-Tac Airport at 1 in the afternoon on Saturday, I found a Somali family who had been waiting to be reunited, a U.S. citizen woman who had been waiting to be reunited with her husband. She believed that finally she was going to get to hold him in her arms. Instead, Mr. Speaker, what happened is that he was put on a flight to Heathrow, but in a room in London, perhaps somewhere else. We were not given any information about what was going to happen to that gentleman.

We found out that there were two additional individuals who were already put on a plane ready to be deported. We, along with the ACLU, the Northwest Immigrant Rights Project, and our governor, were able to file for a temporary restraining order. We were able to take that restraining order on and get him off of the plane to say: Stop this plane.

That literally, Mr. Speaker, is how we were able to get those two people off the plane. We were able to then get them legal counsel after much intervention.

Mr. Speaker, it should not be this way. This is a country that was built by immigrants. It is a country that has welcomed people from across the world to come here as a refuge, as a sanctuary. My State of Washington is one of the top States in the country for refugee resettlement. The reality is we are destroying the very principles of compassion, of humanity, of being a refuge, of building this country with immigrants and refugees.

Literally thousands of people came to the airport to say: We welcome refugees; we welcome immigrants.

This is not the America that we know and love. We are better than this. This is not the America that we have got to fight against these illegal deportations. After 9/11, we had similar situations, not as bad as this, but we had the National Security Entry-Exit Registration System, NSEERS. It required that men from 25 Muslim and Arab countries were going to be fingerprinted and registered. This was under the Bush administration. At the time, Attorney General John Ashcroft said: You are either with the terrorists or we are with them.

That is a false choice, Mr. Speaker. The reality is that security and liberty do not oppose each other. They go hand in hand, and we cannot sacrifice one for the sake of the other.

Mr. Speaker, we were able to fight that, and we finally did end that special registration program, but now here we are again. We know the shame of history when we have not been on the right side of it. We know that in 1942, 125,000 Americans of Japanese ancestry were sent to internment camps, and it took us a very long time to come back and apologize. Mr. Speaker, when we did, we said we will never do that.

Mr. Speaker, when we did, we said we will never do that.

Mr. Speaker, when we did, we said we will never do that.
Mr. RASKIN. Mr. Speaker, I yield to the distinguished gentlewoman from California (Ms. BARRAGÁN).

Ms. BARRAGÁN. Mr. Speaker, last Saturday night, I was at Los Angeles International Airport. I went out to see the details and to make sure that we stand against this ban. I think it is wrong. I think it is unconstitutional and un-American. But what I saw there was startling.

I want to tell you the story of Faten Fatema, an Iranian resident. She got a notice in the mail that she was about to be sworn in to become a U.S. citizen on February 13. She was traveling with her 1-year-old son who is an American citizen. She was detained. Reports from lawyers on the ground were that she was being pressured to sign away her right to be a legal permanent resident right after they had sent somebody back, a student, who had a visa to be here.

I was there, along with one of my colleagues, Judy Chu, fighting, trying to get the details and to make sure that she had access to an attorney. I asked to go to CBC, the Customs and Border Protection. Conveniently, they were shut down. They had closed the office.

So I asked somebody: Can you walk me down to the arrivals so I could talk to somebody? They wouldn't do it. I got a telephone number. I called. None of my questions were answered. They wouldn't answer a single question: Were any of my constituents being detained? Could I get a lawyer to somebody? They wouldn't even say yes or no. All I was told was I had to call this Washington, D.C., number—a 202 number. Now it was Saturday night. It was 7 p.m. on the Pacific Coast.

I called. I left a message, asking for a return call. I didn't get one. I demanded, with my colleague, that we got a briefing privately, behind closed doors, outside the press. We didn't get one.

As a matter of fact, when I called back, I asked: Who is your manager? Who are you answering to? She said: The President. Oh. You have talked to Donald Trump?

It was really disturbing. And then she hung up on me—and I am a Member of the United States Congress. I couldn't get any answers to try to protect the very constituents that we fight for, the constituents whom we represent. It was very disturbing.

These immigration orders are unsettling, but they are not the first time we have had contact to the Customs and Border Protection when you don't give a heads-up, when you don't have a warning on how things are going to be carried out. This led to mass confusion not just at LAX, but at airports across the country. I hear often that this affected just a small number of travelers, but it affected a lot more than that. We saw the
masses of people coming out. We saw lawyers who had to go down there and give their time. A shout-out to the ACLU and to the attorneys at public counsel and to so many other attorneys who went down there and gave their evenings, their time, to try to have some actions put forward and fighting for people in court to get people to come back.

Just today, at Los Angeles International Airport, there was a press conference held to welcome back the one who was allowed to come back—an Iranian citizen who was deported and sent back, who was forcibly removed on Friday night even though he had a legal right to be here. Hopefully we are going to hear more of these stories, but it shouldn't be that way. People should not show up at the airport and get on a flight in a country in which they have a right to be just to have to turn around and be sent back after being detained for hours on end.

As a Member of Congress, I will work to ensure that the Federal Government obeys the Constitution, respects our history as a nation of immigrants, and does not unlawfully target anyone because of one's national origin or faith.

Mr. RASKIN. I thank the gentlewoman.

Mr. Speaker, I yield to the distinguished Congresswoman from New York, YVETTE CLARKE.

Ms. CLARKE of New York. I thank the gentleman from Maryland and the gentlewoman from Washington State for hosting this very important Special Order hour.

Mr. Speaker, I rise to voice my outrage over Donald Trump's unconscionable, ill-conceived, horribly executed and implemented executive order that limits Muslim immigration and travel into the United States.

This order is an appalling affront to America's traditions. It is contrary to our ideals and values as a nation, and it flies in the face of our history and the core conviction of freedom from religious persecution that this Nation was built upon. It provides the fuel to our enemies and makes a mockery of our democracy and Constitution. Most importantly, it tears families apart by denying people the ability to have an economy that works for everybody. Absolutely true. We also believe that we have to have an economy that works for everybody. Absolutely true. Yes, we believe that we have to have an economy that works for everybody. Absolutely true.

Mr. Speaker. The truth is that the House of Representatives has tremendously benefited by these two awesome freshmen who have come in here like gangbusters. I am sure that my classmate and friend of many years from New York, Ms. Yvette Clarke will agree with me that we are always trying to welcome these folks who have come straight off the campaign trail, because you really know how people are feeling and what they want off the campaign trail—fresh. I am sure the Congressman from Rhode Island, David Cicilline, agrees.

The people of this country are fundamentally fair folks. Our countrymen and women believe that everybody ought to be treated with dignity and respect. Yes, we believe that we have to have an economy that works for everybody. Absolutely true. We also believe that people should be treated based on their behavior, based on who they are, based on what they bring, not based on their race, their sex, their gender, their religion. In fact, this idea is enshrined in the Constitution.

The first clause of the First Amendment reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” Later on in the Constitution, it reads that Congress shall not impose any religious test for participating—serving—in public office, and it reads that in America we don’t have to have one religious belief or another. In America, you can be a Christian, a Muslim, a Jew, a Hindu, or of no faith whatsoever. You can be Baptist; you can be Methodist; you can be whatever you want to be. That is up to you, and it is a private matter. Americans basically understand that this is right because the Framers of the Constitution, people like Thomas Jefferson and others looked over some of the Colonies and even looked at some of the conflicts in Europe and said that we don’t need to be mixed up—fighting—with each other over religion.

Now, the Framers got a lot of things wrong. They got women’s rights wrong; they got race wrong; they got Native American rights wrong. There were many things that they needed to correct in this Nation.

As the great Thurgood Marshall said, we were defective from the start, and we needed to have civil wars and civil rights movements and other movements to make this country the country that it is today.

Yet one thing we did decently in the beginning is with regard to religious freedom—until now. Donald Trump is introducing a religious test for whether or not people can be a part of this American story.

Donald Trump claims: Oh, I don’t have a Muslim ban.

Wait a minute, President Trump. Wasn’t it you who, on December 7, 2015, said that you were calling for a ban on all Muslims who enter into the United States? Wasn’t it you who said it multiple times throughout your campaign? Didn’t you say you wanted to have a Muslim database for all of the Muslims who were in the country? Didn’t you say you wanted to shutter mosques? You said these things, and now, all of a sudden, you are shy about saying that you are running a Muslim ban.

These people who say, oh, it is not a Muslim ban surprise me because I am, like, I thought you all were proud of it. I thought you were bragging about it. I thought it was how you rode your way into office—by appealing to people’s fears and trying to whip up animosity among different American different faiths and traditions. Yet now, all of a sudden, you are shy about saying what you are doing, which is a Muslim ban. Yes, it is a Muslim ban. Just because it doesn’t ban every Muslim everywhere does not mean that the people who are banned are not banned because they are Muslim. That is exactly why they are banned. That is why they are banned.

He was asked on a TV program: Would you give preferential treatment to people of another faith? He said: Yes, I would give preferential treatment to another faith.

He said it. It is on the record. So don’t come telling me how there is no Muslim ban. There is one, and these people who bragged so much about it—I mean Trump and Bannon and all of the rest of them—should not act like there is not a Muslim ban now. There is a Muslim ban and test for entry into this country. It is unconstitutional; it is immoral; and it is wrong.
I just want to say to all of my fellow Americans right now, if they can ban Muslims, they can ban Jews; if they can ban Jews, they can ban Seventh-day Adventists; if they can ban Seventh-day Adventists, they can ban Mormons; and if they can ban Mormons, they can ban Catholics. It is wrong, and we should stand up and say that it is wrong and immediately demand that it be repealed right away. I think this is absolutely critical that we do so.

I want to share a story for a moment longer, if the gentleman doesn’t mind, because I know we have some really excellent speakers coming right behind me, and I want to yield to them as quickly as I can. I want to share a story about one of the families that has been affected in my own home State of Minnesota.

One person who was prevented from flying to United States this week is a little girl from Somalia whose mother came to this country as a refugee in 2003. This child was stuck in Uganda without her family because she hadn’t been born by the time her mother was granted refugee status. When her mother, Samira, was given permission to come to the United States 4 years ago, she was told to leave her daughter behind with her friends of the family in Uganda and apply for reunification in the United States. This little girl was supposed to fly to Minnesota and rejoin her family on Monday. Instead, her flight was canceled because of the Muslim ban.

President Trump is not making our country safer. President Trump is reinforcing the narrative of the people who don’t like our country.

What does ISIS ultimately say? That America is at war with Islam.

I am here to tell everybody on the planet that America is absolutely not at war with Islam or with any other religion. The American people are of a peaceful nation. The people who live in the United States want to live in harmony with all of the other people of the world; but this particular person who happens to occupy the Presidency doesn’t reflect the values that we represent. He doesn’t reflect who we are.

The thing that he is doing is actually reinforcing the narrative of the people who would mean to do all of us harm no matter what religion we may be.

I just want to sit down now and say: For the sake of this young woman and for the sake of Samira’s daughter, who is languishing in Uganda right now and who wants to be reunited with her family, may we please get rid of this ban and get rid of this unlawful executive order?

Mr. RASKIN. Mr. Speaker, I yield to the distinguished gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN) and the gentlewoman from Washington State (Ms. JAYAPAL) for organizing tonight’s Special Order hour on this very important topic.

I join my colleagues in expressing my strong opposition to the President’s Muslim ban, a religious test. It is the first time we have seen this in modern times.

We have been at war since 9/11 against terrorism, and our most urgent responsibility is to keep America safe, but President Trump’s Muslim ban makes it harder to do this. The Muslim ban makes it harder to work with our allies. The President’s Muslim ban makes it harder to recruit intelligence assets. The Muslim ban makes it harder to enlist allies in our fight against ISIS.

We need to help people who are fleeing ISIS rather than slam the door in their faces. Instead, President Trump’s Muslim ban likens these individuals to terrorists. This isn’t a plan, and it won’t keep America safe.

We need a real plan, a plan that honors our values and the values that do not discriminate based upon a person’s religion. We need a plan that keeps our country safe and respects freedom of religion, whether people are White, Black, Brown, Christian, Muslim, Jewish, young, or old. Immigrants and refugees have contributed to our great country, and it is time for our President to say this.

In my home State of Rhode Island, like so many places around the country, we have watched on television news reports of an executive order that ends the Syrian refugee program and bars people from being issued and people who are lawfully authorized to return home to the United States being held in detention and being prevented from coming back into America, we were sick to our stomach.

People in Rhode Island rallied, like people did all across this country, to express their outrage, to say this is not America and these are not our values. This is inconsistent with our Constitution. We are a nation that is based on the idea of working to undo basic constitutional rights and civil liberties—including, most importantly, freedom of religion—people all across America spoke out.

In addition to recognizing that this didn’t comport with our deeply held beliefs and faith and confidence in our Constitution, we also knew that these were families fleeing unspeakable violence as part of the refugee program who are stranded—people who live in the United States. People were fleeing ISIS and then coming to America only to have the door slammed in their faces.

As has been said, the refugee program that we have in place is the single most difficult way for someone who wants to be allowed to enter the United States. People were fleeing ISIS and then coming to America only to have the door slammed in their faces.

I am here tonight to speak out as longtime friends of these families. There have been, I think, four courts of appeal to date that have considered this: the Ninth Circuit, which has really brought the scorn of the world, as people have seen an America that has always stood for values of welcoming people and of diversity and of freedom of religion—people all across America spoke out.

Do you know how many the United States accepted last year? About 16,000. So, Mr. Speaker, we have a lot more to do to meet our responsibilities with respect to accepting refugees who go through this very rigorous process.

I am here tonight to speak out as long-term friends of these families. There have been a number of Republicans who have knowledge that this is making us less safe. Senator LINDSEY GRAHAM and Senator JOHN MCCAIN said this may well do more to help terrorist recruitment than it does to improve our security.

There are a number of other national security experts who have said this will not make us safer. There are a number of veteran organizations that have said the same. Business leaders have said the same.

This will not make us safer, and it has really brought the scorn of the world, as people have seen an America that has always stood for values of welcoming people and of diversity and of freedom of religion—people all across America spoke out.

I want to just ask the gentleman from Maryland (Mr. RASKIN), who is not just an ordinary lawyer, but a scholar, a professor of law, whether or not he has done an analysis as to the constitutionality of the President’s Muslim ban.

There have been, I think, four courts now who have, in fact, entered orders invalidating key parts of these orders based on their assessment that they don’t comport with our Constitution.

I ask the gentleman to share his assessment as to whether or not my view of this—and, I think, the view of these courts—is the correct one.

Mr. RASKIN. Mr. Speaker, I will be very brief here because a number of our colleagues from around the country are waiting to weigh in.

Let me just say that this executive order is like a bad issue spotter on a constitutional law final exam. It
is riddled with so many constitutional errors and violations, starting with the ban on religious free exercise, equal protection of the laws. The way it has been implemented has been draconian and Kafkaesque around the country. Violating due process and the right to counsel, which has been the source of a lot of the successful constitutional litigation that has already taken place.

It hasn’t even been on the street for a week, and I think five or six Federal courts have struck different aspects of it. So it is a Pandora’s box, and it is going to be the gift that keeps giving to constitutional lawyers across the country.

Again, we are urging the President just to withdraw it at this point.

Mr. CICILLINE. Mr. Speaker, I join my colleagues in urging President Trump to rescind both of these unconstitutional executive orders.

Mr. RASKIN. Mr. Speaker, I yield to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN) as well as the gentlewoman from Washington State (Ms. JAYAPAL) for hosting this important Special Order hour. Congressman RASKIN and Congresswoman JAYAPAL are two of the newest members of the Congressional Progressive Caucus, and I want to express my gratitude for their leadership.

Mr. Speaker, last week, President Trump issued an executive order that violated America’s basic commitment to projecting hope and tolerance around the world. With a stroke of his pen, he turned his back on a humanitarian crisis and shut the door on desperate families fleeing unspeakable violence. It has taken just 2 weeks for this administration to undermine our moral authority and weaken our role in promoting peace and stability in a volatile world.

In airports across the country, in streets of coastal cities and midwestern towns, in States that voted for Secretary Clinton and in States that voted for President Trump, the American people are expressing their outrage at the Muslim ban. Patriotic men and women are standing up for the compassionate, exceptional country we strive to be.

Religious leaders are standing up to say: This is not who we are.

Veterans are standing up to say: This is not what we fought for.

There was a time when Republican leaders stood with the same people. These tweets to my right are a memorial to a time when Vice President PENCE and Speaker RYAN were prepared to publicly oppose policies they called un-American. Now, when faced with the reality of this policy, Speaker RYAN is choosing to support the ban. Our Vice President deleted his tweet. We had to search around to find the original tweet, and it is right over there.

The American people deserve better. Let’s be clear, The President’s executive order makes America less safe. The only threat to America posed by Syrian refugees is to our conscience. Instead of protecting the homeland from terror, the President has gifted wrapped powerful propaganda for our enemies.

This is not just my opinion or the opinion of Democrats in Congress. This is what we have heard from dozens of national security experts from both parties. They warn that this executive order is a stain on our reputation and a setback for counterterrorism efforts around the world. Yet congressional Republicans remain silent.

Mr. Speaker, our democracy has endured and prospered for more than two centuries because of our system of checks and balances. Congress has a responsibility to act when the executive branch advances reckless and ill-conceived policies. Mr. Speaker, I yield to Mr. POCAN. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN) and the gentlewoman from Washington State (Ms. JAYAPAL) for the Progressive Caucus’ Special Order hour.

Mr. RASKIN. Mr. Speaker, we have four more speakers. We have had an overwhelming response to the Progressive Caucus’ Special Order on the executive orders here.

I yield to the gentleman from Wisconsin (Mr. POCAN).

Mr. POCAN. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN) and the gentlewoman from Washington State (Ms. JAYAPAL) for the Progressive Caucus’ Special Order hour.

I was on the floor earlier today talking about my concerns very specifically around this, as it relates to the countries that were selected and the fact that these were not countries that were selected for any reason other than the fact that they are Muslim countries and that Mr. Trump has decided that they should be included.

What I want to talk about tonight is my district and how this affects it. We saw the crowds in New York, California, Chicago and other big cities that have international airports and the activities this weekend; but in Madison, Wisconsin, we have had a very direct impact. We have 115 faculty, students, and staff right now, impacted by this decision. In fact, there is one joint master Canadian-Iranian student who is in Brazil who has been advised not to come back.

What I want to do is read into the RECORD this statement. We are working on a case of someone who is a translator in a small 12-man military training team I led. The recent executive order curtailing immigration from Iraq, along with six other countries, has halted his plan to emigrate with his family.

And he and his fellow translators provided an invaluable service to the team. They bravely rode in the same vehicles, walked the same streets, and met with the same people. The only difference is they were unarmed and, after missions when we returned to secure POBs, they had to return to live in their communities unprotected.

John was wounded while working with the U.S. Army, and he provided honorable service to the country for years.

This is who is the target of President Trump’s executive order banning Muslims. This is wrong, and we need it to stop.

President Trump, rescind your order.

Mr. RASKIN. Mr. Speaker, I thank the gentlewoman from Washington State (Ms. JAYAPAL) and I thank all of the Members who have come pouring out in response for this Progressive Caucus Special Order.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, refugees that are fleeing for their lives are not the enemy. Look at this 3-year-old Syrian boy, Aylan Kurdi, who washed up on a beach in Turkey. He and his older brother and his mother drowned. They were among, literally, thousands of people who drowned escaping the violence that was certain in their home country of Syria.

Now the President is trying to keep them out of our country. He is condemning more children like Aylan to their death with this executive order. And in face of this immoral action by the administration, I have witnessed the bravery and resolve of people in my district. I was proud to join people of all faiths in rallies to support our refugees and our Muslim neighbors.

I was with lawyers who rushed to O’Hare Airport to offer assistance to those who suddenly are detained under the executive order.

I have received hundreds of letters. One was from a couple who had joined with 13 friends to welcome and provide assistance to a family that wanted to return to Syria from where they had collected money. They had collected furniture. They had worked for over a year in order to make this happen, and they finally got word that they were actually going to get a family to come.

Then, on January 27, the President gave the official word that the family would not be allowed to enter. And now they don’t know what happened to that family.

Let me just read the end of that letter:

"Now we don’t know what happened to the family. Because they are Syrian, they are indefinitely banned from the United States.

"I am contacting you regarding John, an Iraqi national who earned a special immigration visa for his work with the U.S. Army over two different 3-year periods in Baghdad and another region of Iraq."

My personal acquaintance with him, where he is a translator in a small 12-man military training team I led. The recent executive order curtailing immigration from Iraq, along with six other countries, has halted his plan to emigrate with his family.

And his fellow translators provided an invaluable service to the team. They bravely rode in the same vehicles, walked the same streets, and met with the same people. The only difference is that they were unarmed and, after missions when we returned to secure POBs, they had to return to live in their communities unprotected.

John was wounded while working with the U.S. Army, and he provided honorable service to the country for years.
Meanwhile, we have a warm apartment and $12,000 waiting for them. We have rooms full of furniture stockpiled, and no way to get to them.

As a group of Chicanoaans, as a second-gener-

ation American myself, we came together to aid a family in dire need and to affirm the quintessential American values of openness and inclusion.

I can’t stop thinking about that couple, what they are telling their children right now, and where they will sleep tonight.

Turing families and children who are fleeing a war is not our best stra-

tegic interest as a nation, nor is it in our best interest as decent human beings.

Thank you from Maria Demopolis, Chica-

noan IL.

Mr. RASKIN. Mr. Speaker, I yield to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Speaker, I rise here to protest the deaths that are oc-

curring, to protest the horrible situation that our President has put upon us.

I include in the RECORD a letter that I have received from the University of California at Davis, and the Mayor of the City of Davis, that has so clearly laid out the impact that the immigration ban and the ban on refugees has put upon the university and the community.

[From Ralph J. Hexter, Interim Chancellor, University of California Davis, and Robb Davis, Mayor of Davis]

We have over 5,000 international students and scholars at UC Davis, many of whom are actively questioning what future actions by this administration can point to. These students and scholars are already having impacts on people in our community.

Here are some specific cases that illustrate challenges that students and scholars all over the country are facing at this time. These are specific to our community. (Note: as you know, F-1 status is for students at any degree level authorized to study in the US at accredited universities. J-1 can refer to students or scholars in the US Visitor Exchange Program)

1. An Iranian PhD student who started at UC Davis from Iran is in the US arranging the move of his wife and son, while awaiting green card processing. He was to have left the US for final interviews and processing, but that interview has now been canceled. He is already here from Iran, was counting on him to share expenses. This person now finds himself in a difficult situation.

2. An Iranian PhD student who was to have started at UC Davis this spring (he was accepted), recently obtained his visa, was to arrive in March, 2017, to start classes April 4. His wife and daughter, who had ready here from Iran, was counting on him to share expenses. This fact that scholars must ask this shows the fear that exists.

3. Scholar advisors at UC Davis are being asked by scholars of these countries if it is safe to travel within the USA. The fact that Iranians are the main nationality represented comes as no surprise. UC Davis and the City of Davis are home to many Iranians and have been for a generation at least. The fact that the Trump Admin-

istration can point to NO attacks by Iran can make their exclusion seem particularly arbitrary and cruel to us.

MAYOR DAVIS’ LETTER TO GARAMENDI ON MUSLIM BAN

(By Vanguard Administrator)

REPRESENTATIVE GARAMENDI: Thanks for your interest in the challenges the City of Davis is facing. We are facing the effects of the President’s recently signed executive order (F–1 status) to severely curtail the ability of students and scholars from predominantly Muslim countries currently at UC Davis. While these countries are not covered by the current Executive Order, students and scholars from these countries are very concerned about their future status and ability to travel home or receive visitors from home.

1. Bangladesh: 11 students, 9 scholars
2. Egypt: 14 students, 7 scholars
3. Indonesia: 147 students, 1 scholar
4. Malaysia: 49 students, 6 scholars
5. Morocco: 4 students, 1 scholar
6. Nigeria: 4 students, 2 scholars
7. Pakistan: 18 students, 14 scholars
8. Turkey: 31 students, 9 scholars

Beyond these numbers we have over 5,000 students and scholars at UC Davis, many of whom are actively questioning what future actions by this administration can point to. These students and scholars are already having impacts on people in our community.

5. The spouse of an F-1 student (F-2 status) is currently stuck outside the US and unable to return to campus.

6. An Iranian Ph.D. student, who started in Fall 2016 quarter had invited his father to visit. This student has a sister with two children in the US and she and they are American citizens. The father/grandfather had a visa interview scheduled in Yerevan, Arme-

nia for February 8th so he could come on a tourist visa to visit the student son and daughter and grandchildren. His visa inter-

view has now been canceled. Attached are responses to humanitarian abuses in his country. Because of the order, UC Davis was not permitted to provide him with documentation necessary to obtain a visa. These stories were gathered in the past 5 hours WITHIN the City of Davis and the University.

FASTER ORDER THAT RESTRICTS THE ABILITY OF STUDENTS AND SCHOLARS TO ENTER THE USA.

The fact that Iranians are the main na-

tionality represented comes as no surprise. UC Davis and the City of Davis are home to many Iranians and have been for a generation at least. The fact that the Trump Admin-

istration can point to NO attacks by Ira-

nians can make their exclusion seem particularly arbitrary and cruel to us.

A MESSAGE TO THE COMMUNITY ON THE IMMIGRATION EXECUTIVE ORDER:

Our city and campus are home to over 5,000 international students, faculty members, and scholars, as well as their families. Many of them come from nations with majority Mus-

lim populations. Their children, as well as their friends and colleagues, have faces and stories we know well. They contribute in myriad ways to our community and our uni-

versity, and we are very concerned by the impact of the recent executive order that restricts the ability of students, faculty, staff and other members of the community from these countries to return to the United States if they are currently traveling or plan to travel abroad.

The threat of the order and the order itself have made it impossible for many of us to return to our lives in our town and university, on our academic, pro-

fessional and personal lives.
We understand it is the federal government’s role to maintain the security of the nation’s borders. However, this executive order’s impact on our friends and colleagues is incongruent with the values of our community. It has created uncertainty and fear that hurts the University of California, Davis, and the city of Davis.

We have long been deeply enriched by students, faculty, scholars and health care professionals from around the world—including the affected countries—coming to study, teach, research and make our lives richer and better. Any effort to make these valuable members of our community feel unwelcome is antithetical to our mission of expanding learning and generating new knowledge. Nothing, however, will cause us to retreat from the shared principles of community we have developed together, and to all of our friends from here and abroad, you have our commitment to welcome you.

Sincerely,

RALPH J. HENTER, President
ROB DAVIS, Mayor, city of Davis.

Mr. GARAMENDI. It is a terrible situation, but I do want to—

The SPEAKER pro tempore (Mr. BANKS of Indiana). The time of the gentleman from Maryland has expired.

Mr. RASKIN. Could we allow the gentleman to complete his statement just with 1 minute?

The SPEAKER pro tempore. The gentleman may ask unanimous consent to address the House for 1 minute.

Mr. RASKIN. If the gentleman has a request?

The SPEAKER pro tempore. The Speaker’s announced policy of January 3, 2017, the Chair recognizes the gentleman from Iowa (Mr. KING) for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, I do not object so the gentleman can complete his statement.

The SPEAKER pro tempore. The gentleman may ask unanimous consent to address the House for 1 minute.

Mr. RASKIN. If the gentleman has a request?

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

Mr. KING of Iowa. Mr. Speaker, I do now object because I have been waiting for a half hour.

The SPEAKER pro tempore. Objection is heard.

The PRESIDENT’S EXECUTIVE ORDER IS NOT A MUSLIM BAN

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2017, the Chair recognizes the gentleman from Iowa (Mr. KING) for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, I regret I wasn’t able to work with all of the speakers here tonight they wanted to pack within that hour. I understand that they have prepared themselves to give this speech tonight, and there will be opportunities succeeding every day. I just wanted to recognize their right to speak on this floor under the rules and be as lenient as I can, and also, of course, defending my own rights at the same time.

But I would acknowledge that we did have a discussion before the Judiciary Committee today, and I want this Congress to have the level of comity so that we can exchange ideas and bounce them off of each other. And I have long believed that if I can’t sustain myself in debate, I have got two choices. One of them is go back and do more research and build enough information that I can to sustain myself; and the other is adopt the other fellow’s position. I am not very inclined to do that, but I am inclined to listen to their positions.

So, as I have listened to these positions here for more than an hour here on the floor, things come to me and I hear these words recurring over and over again. I didn’t get a full count on it, but I know I heard 7, 8, 10, or maybe even more, times saying that the President’s executive order is a Muslim ban.

Now, looking through that executive order—and I haven’t read it thoroughly word by word—but these were vetting that executive order, to use that term, tell me the word “Muslim” is not used in that executive order. I am going to assert that is the case, that President Trump did not use the word “Muslim” in his executive order, and that the executive order is not a Muslim ban, but is a ban on travel from seven countries that are Muslim-majority.

If it was his intention to try to block Muslims from coming into America, he would have started with Indonesia rather than Iraq and Syria and the war-torn countries.

So I will assert it is not a Muslim ban, except that the words “Muslim ban” are in the talking points of the Democrats, and they will repeat it over and over and over again, as if somehow they could amend the executive order to have the words “Muslim ban” in there so they can have their grievance to the executive order.

I saw this unfold on Friday, when the President issued his executive order. It was a big day, I admit. He has had a lot of executive orders, and they have been raining down pretty fast on this country, and I am glad of that.

We should objectively deal with the directive that is there. It is a temporary travel ban that focuses on the seven countries that President Barack Obama identified as the most dangerous countries—countries that are terrorist-spawning countries. It is a prudent thing on the part of the President to temporarily suspend travel from those countries. I would have added a few more countries in the suspension of the travel to the United States.

It is his intention, and I think it is clearly stated within his executive order to evaluate the security circumstances coming from each of these countries and determine how we can have a better policy, especially to do extreme vetting on the travel people that are coming from not only those seven countries, but other countries that do send terrorists to us. And I won’t start down that list, but we know it is extensive.

I will say some of the countries that are not on this list are Saudi Arabia, Pakistan, Afghanistan, and other countries that would be listed as Arab countries, but including Indonesia, which is the most populous of Muslims, but the lowest concentration of terrorist production per Islamic society that I know of in the world.

So I think this reflects the danger and the risk to Americans and a prudent approach to this. It is not only the ban on travel that is not a Muslim ban, not a Muslim ban—if I had to say that enough times to negate the times that that has been asserted here on the floor, I suppose I could; but we are going to hear it in the news every day because that seems to be what pays off politically.

The argument that it was a religious test; this executive order is not a religious test. It doesn’t reference religion. In fact, when I have asked questions of the officials of the Obama administration, I have said to them: Why is it that Christians don’t seem to be allowed into the United States as refugees under the Obama administration? I saw one group that was 1,500—some strong that had some Christian in there. So I traveled to Geneva, Switzerland, and sat down with the lead on UNHCR, the United Nations Council on
Refugees. And there, I believe her name is Kelly Clements, I asked: Do you determine when you are vetting refugees, what their religious is?

She says: Yes, we do.

And she said they had 115,000 refugees that they had run through their process that they had vetted.

And of those 115,000, I said, how many of them are Christians?

And she said: 15,000.

So the rest of them, roughly the 100,000, she said almost all of them would be Muslim.

But they fill out a form. They attest to their religion. They are in the database. We can identify Christians. They are the ones that are persecuted. They are the ones that are being targeted because of their religion. The Assyrian Christians, the Chaldean Christians, and then not Christians, but the Yazidis, they are the three groups that are targeted the most. We should establish an international safe zone for them in their neighborhood.

When the word comes out that these countries have accepted a list of refugees, such as Lebanon or Jordan, there are also countries that haven't accepted any significant number, like Saudi Arabia.

Why shouldn't the neighbors accept refugees, Mr. Speaker?

They are the ones that have the most security at stake. They are the ones that are most invested in trying to establish stability in that part of the world.

Don't we want people who have lived, say, in the Nineveh Plains region since antiquity to be close to home so that when security circumstances and economic circumstances settle down, they can come back to their homes where they have lived since antiquity?

Of course we do.

We see data from last year that says $64,000 is about the typical cost of resettling one refugee in the United States; $64,000. But that same amount of money will take care of a dozen people over in their neighborhood.

Why shouldn't we get a 12-to-1 return on the taxpayers' investment and help people in the region where they live so that they can go back to their homeland again and grow their families and grow their population and their industry and re-establish their roots rather than the Christians out of the Middle East and push the versions of Islam out that they hate the most?

If we take people out of there and resettle them in large numbers, we are giving them the region that they would like to have ethnically cleansed of the people they disagree with. So we are helping out their war effort by pulling people out of the way and bringing them here.

They need to stay close to home. Especially the young men need to take up arms and defend their own country.

I went over to the Middle East and I walked in that river of epic migration, that river of humanity that is flowing into Europe and has been flowing into Europe for 2 years, nearly solid. As I walked in that river of humanity, I asked them a lot of questions and I was able to communicate with them; sometimes an interpreter, sometimes hand signals, sometimes English, sometimes Arabic, Greek, or something else.

Here is what I asked them: Where are you going?

This was in Serbia. In my mind, as I watched them board the trains in Serbia—100 at a time and day and night, I might add—I would say: Where are you going?

Germany.

Do you have family there?

No.

Do you have friends there?

No.

Do you have a job there?

No.

What will you do?

I don't know.

How will you live?

Germany will take care of me.

That is the answer that I got over and over again. Eighty-one percent of that human river were, let's say, military-age males.

They leave their family? They leave their family in Syria and Iraq to go into Europe? What responsible father does that when he should be home defending his country and defending his family?

They are not going because they are war refugees, for the most part. That wave is over. They are going primarily because they are economic refugees. They are economic refugees because we hang the carrot out in front of them and we say: Come to the United States.

We will bring you over here and we will make sure that we take care of all of your needs. You don't have to worry about anything.

☐ 1800

We are competing with countries like Germany, Austria, Sweden, and the Netherlands because they offer a standard of living. The law in Germany is that there is a baseline standard of living that every human being receives, work or not.

Angela Merkel says: Come to Germany, and we will take care of you.

I recall a 10-minute-and-49-second videotape of her in a townhall meeting speaking to a blonde German lady who stood up and said: Why are you doing this? They are killing us. They are raping us. They are taking German jobs. Why do you do this?

Chancellor Merkel's answer was: We cannot be ruled by fear, and your voice is a voice of fear.

So she just devalued or denigrated the voice of the grief-stricken German woman.

She said: We cannot stop them. We must take care of them. The violence that they are perpetrating against Germans is not going to be as great as that which we have perpetrated against others in our most recent history.

That is the statement, Mr. Speaker. The constitution in Germany says they have to accept refugees. We put that in there post-World War II. Because they had created so many, we required that they take them. In their law that they have written there is a baseline standard, and if a heart was Nazi guilt. So Chancellor Merkel opened that all up because of those roughly four reasons that I have given you, and 1.6 or so million poured into Germany.

New Year's Eve in Cologne, migrant men came and rape German women there. That is the last 2 years, and you hardly find that in the news unless you know where to look. I do look, and I talk to people over there.

This is not a Muslim ban. This is not a religious test. You can read the executive order and determine that. The difference is my constituents will check to see if I am telling them the truth. Others' constituents apparently don't hold them accountable. It has no reference to whatever color people are, whatever race they are, whatever ethnicity, or whatever the national origin—I guess in a way because it says if you are coming from these nations, I will agree, we have Iraqis who have helped us and saved American lives, they have Afghans who helped us and saved American lives. But, on balance, this has been blown completely out of proportion.

Here is another statement that was made about the refugees. This is a quote from the gentleman who spoke here, "an executive order banning Muslims." Again, it is an executive order, and it bans travel from seven Muslim countries—primarily Muslim countries—but it bans Christians as well as Muslims coming in the future. As for the Christians, I think we should have been allowed in because they are the ones who were targeted.

By the way, Egypt is not on this list, but the Christians were targeted there. They blew up the church where the Coptic Pope resides. I visited him there. They killed 50 or so Christians, and they have blown up churches all over the place. That is, by the way, Muslims attacking Christians, just for the record.

When the gentlewoman spoke here of the 3-year-old who washed up on the beach, that is the one that troubles me a lot. I saw that image. I watched that picture, and it went right into my heart like it did most everybody else in this country. There has been several weeks ago that America was mobilized by that little boy lying face down on the shores of the Mediterranean after the boat had capsized and many of them had drowned, including his father.

But it came out a couple of days ago that that family had been living in Turkey for 3 years, and that the father
of that little boy’s sister had been sending money to them so that they could slip into Europe because the fa-
ther needed a new set of teeth. They were motivated so the father could get
dental work perhaps most likely in
Germany. It wasn’t because they were running away. They had stabil-
ized themselves in Turkey for 3 years. They were going to Germany for
the dental work of the father. That is a
matter now of public record that has
been exposed by Kerry Pickett who did the re-
isearch back on this and corrobo-
rated by a number of other news out-
lets as well.
So it isn’t always what we see. It isn’t always what it seems. The people
who speak into the megaphone in the
airports aren’t always telling us the
truth. We find out sometimes it is any-
thing but the truth.
What is the truth is that there has been a
tragic war in the Middle East, and
it continues. The civilian popu-
lation has been decimated in Syria
and Yemen, and there are refugees going in all di-
rections. A lot of it is because we have
created and we have allowed for a
power vacuum—a power vacuum in
Syria. That brought Putin into that
power vacuum. He was able to inser-
t himself and, so far, at least, pro-
tect al-Assad. In doing so, we see the
operations of the invasion that has
come out of Baghdad and gone up to-
wards Mosul and taken the east side of
the city in that Mosul. The west side is
still held by ISIS.

I think that is a shortsighted strat-
egy to have Shia militia, Iranian-sup-
ported Shia militia going in to take
Mosul when Mosul is populated by
Kurds in the suburbs and Sunni Mus-
lims in the inner city. How are the
Shias going to govern a city that
doesn’t, in any substantial way, in-
clude their population? So I am trou-
bled by shortsighted decisions that
don’t seem to take into account the
tribal connections that we know have
been so much a part of the sectarian
strife that has been a part of Iraq,
Syria, and also Iran in the Middle East.

I want people to be self-determin-
ing. I want people to be able to determine
their own government and rule their
own countries. This is going to take a
prudent knowledge of those tribes, and
it is going to take input from them. We
need to build alliances in the Middle East
with the countries that will join with us in bringing
out stable governments that respect
the autonomy of the populations that live
within the various regions. That is
the best solution that can come about,
and it doesn’t put a lot of American
boots on the ground.
So I hope we can step back, Mr.
Speaker, and take a deep breath and
recognize it is not a Muslim ban, and it
is not a religious test. But I want this
statement to go into the Record with
clarity, and that is that the President
of the United States not only has the
constitutional authority to bring about
this suspension of travel from these
seven countries because of security
reasons, he is specifically authorized to
do so by the United States Code, by
Federal Law. So he is operating within
the law; he is operating within the
Constitution; and he is operating within
the realms of prudence, at least on a
temporary basis.

I am hopeful that the input that we
have is an input that will help bring
about the dialogue in this country. The
debate we have here on the floor hope-
fully causes people to think about this,
go back and read the executive order,
look for the word Muslim or Muslim
ban, look for any kind of religious test.
There is none. But I think we ought to
know:
I mentioned and didn’t go deeply
even into this that when the execu-
tive branch of government, the USCIS
in particular, and ICE included, when I
asked them: When you have these ap-
licants for refugees that you say you
are vetting, then do you know what
religion they are?
They say: No.

Do we ask them? No. We don’t ask,
but the information is there in the database at UNHCR, at the United Na-
tions. They had vetted 15,000 Chris-
tians for refugee status in a list of
1,500. I think that was probably a mis-
take. I think there was a religious test
for refugees under Obama, and I think
it was a preference for Muslims, and it
was discriminating against Christians.

I believe it is a stable pow-
ery that brings people relief, but I
think the prudent one is to find a place
to live in the Middle East, pro-
tect them, and create an international
safe zone so that they can live in peace
where they have lived since antiquity.

Mr. Speaker, I have addressed
the topic of what I heard as I sat on the
time tonight. I really came to the floor
here to speak in favor of Judge Neil
Gorsuch.

Mr. RASKIN. Will the gentleman
yield?
Mr. KING of Iowa. I yield to the gen-
tleman from Maryland and welcome
him to the United States Congress.

Mr. RASKIN. Thank you for your
thoughtful comments tonight, and I
think you made some good points. I
think you effectively made the point
that this is not, strictly speaking, a
Muslim ban. It is not a ban on all Mus-
lims entering the country. In the pop-
culture it has taken up basically what was the current Presi-

dent’s language that he used dur-
ing the campaign. So people are using
it for kind of a shorthand.
But I want to ask you about the ban.
It is not the case that there is no reli-
gious reference in the executive order
because it does say that the religious
minorities from those countries are
given preference, and that would be the
Christians in those countries.

One thing I think that those need to
be interpreted is thousands of Christians
were admitted from the Muslim world
under the Obama administration, and
there was no discrimination. In fact, I
think there were almost as many
Christians admitted as Muslims.

But here is my real question for you.
The 9/11 hijackers—which was the
worst terrorist atrocity ever com-
mitted on our shores, thousands of
Americans were killed, the country
plunged into chaos—came from three
countries: Saudi Arabia, Egypt, and
the United Arab Emirates. All three of
those countries where Trump Indus-
tories does business were exempted
from the ban on the seven countries.

Why? What is the policy justification
for not including that?

None of the countries that are in-
cluded in the ban produced any of the
terrorist attacks that we saw in Or-
lando, in San Bernardino County, or
any of the other ones. So how were
those chosen and the source countries
for the 9/11 attack exempted?

Mr. KING of Iowa. Reclaiming my
time, I want to address my remarks
on topics, the gentleman’s data that says
that more Christians than Muslims
have been brought in as refugees, I
have heard that as an Obama admini-
stration information that has come out.

That doesn’t match the data that
I have seen when I traveled to
places like Geneva and looked at that or
looked at the data that came out be-
fore that release. The data up to that
release indicated entirely the opposite
which I have identified. And the data
that came out in the last weeks of the
Obama administration asserted that
they had a significant number of Chris-
tians who were part of that.

I appreciate the gentleman’s point
that the executive order references
religious minorities, and I appreciate
that it does, because I think they are
the ones that are targeted. But the
gentleman’s point about the origin of
the terrorists who attacked us on 9/11
is an accurate point, and the largest
number of them came from Saudi Ara-
bia.

I would just assert that because Don-
ald Trump has done business in three
of those countries, I am not surprised
if he didn’t do business in a place like
Dubai where they have developed a
wonderland out of the desert, and his
business in each of those countries.

How many other countries has he done
business in? I don’t think we can cor-
relate that. But what we can correlate
is that these seven countries are the
countries identified by the Obama ad-
ministration.

So maintaining my time, we can
have conjecture on this back and forth.
But the facts are that it is the Obama
administration that identified these
seven countries, and it is the Trump
administration that brought them for-
to the floor. The gentleman’s data tell
me: No. The data tell me it is a coinci-
dence that these other countries are places among many
countries that Donald Trump has done
business in.

I believe it it is a coincidence that
these other countries are places among
many countries that Donald Trump has done
business in.

I think that I only have about 7 min-
utes remaining to take up Judge
Gorsuch, but I would yield to the gen-
tleman briefly, simply out of the com-
ity that we discussed earlier today.
Mr. RASKIN. Again, that is very gracious of you, and I appreciate the spirit with which you engage in this dialogue. I think it is something we really do need to get to the bottom of. To my knowledge, Trump Industries is not doing business in the poor Muslim countries—it may be logical as a matter of business practice, but I don’t think that can become the basis for American foreign policy. I think that is the reason why this policy has created such outrage in America and around the world because it doesn’t seem to have any national security logic to it. It is not about terrorism unless you can convince me that those seven countries actually generated terrorism.

Mr. KOCH. Original question. Reclaiming my time, it is conjecture that any of the Trump businesses had anything to do with this decision. It is pure conjecture. If the argument is that Donald Trump didn’t do business in Somalia, I wouldn’t blame him one bit. If anybody watched “Black Hawk Down” then they would know a good reason. It is essentially a terrorist state in Somalia.

So I will thank the gentleman for his comments, and I am going to turn them to Judge Neil Gorsuch and see if I can make that point yet this evening, and it is this: We had this vacancy in the Supreme Court. It is a vacancy that is brought about by the tragic death of Justice Antonin Scalia, a man whom many of us have admired for a long time and enjoyed his friendship, his company, his sense of humor, his gregariousness, and also especially his dissenting opinions that were written for the law school students whom he always would have had to read the dissent when they studied the cases. He wanted to write them in such a way that they would read them, hopefully enjoy them, and remember them. He has been a speaker before the Conservative Opportunity Society which I have chaired for some time, and he has done it a number of times. We really enjoyed his company. We had very engaging debates and discussions. There is a huge hole in the United States Supreme Court created by the loss of Justice Scalia. I am grateful that we have taken serious time in filling that hole and seeing a nominee come forward that has the chance to grow into the shoes of Justice Scalia.

As I went to the White House a couple of nights ago to be there to witness the nomination of Judge Neil Gorsuch, we were all briefed on a long list of qualifications that had to do with his bio. I am just quickly going to touch on some of the high points in Judge Gorsuch’s bio.

His undergraduate school was Columbia University, with honors. Phi Beta Kappa; Harvard Law School, cum laude; a Truman Scholar, where he received his juris doctorate; then went to Oxford as a Marshall Scholar and received another doctoral degree, a Ph.D., in philosophy, where he clerked for Justice White, and then, later on, for Justice Kennedy.

If he is confirmed, it will be, we think, the first time that there has been a clerk that became a Justice on the Supreme Court serving with the Justice whom he clerked for. So that is a unique component of Judge Gorsuch.

He is a man of the West. He has a strong work ethic and common sense. He is an outdoorsman. He loves to fly-fish, and he raises animals in his barn at home. His background, he was not born with a silver spoon in his mouth, but worked blue-collar jobs and worked his way up. We know that he accelerated his education very much.

For his 10 years on the bench, he clerked for the judge on the D.C. Circuit, and then from there, clerking for the Supreme Court Justices, whom I mentioned, White and Kennedy.

It is pretty clear that he thinks that the Constitution is the original intent and that you should anchor it back to the Constitution and read the letter of the Constitution or the case may be, That is the strongest and most profound.

I asked the question what is his level of respect for stare decisis, the people who know him and studied him say he has more respect for the text of the Constitution than the decisions that have been made along the way. I think that he will recognize those decisions.

I asked that question, would he look into them to determine if that rationale has helped his rationale but always anchor it back to the Constitution and original understanding. This is secondhand of the people that know him, but the best answer I can get from that is yes.

The next one is the Chevron doctrine. He has written about the Chevron doctrine. It is pretty clear that he thinks that the Chevron doctrine is unjustly created by the courts and that you shouldn’t give administrators of undue legislative authority the benefit of the doubt.

I asked him to tell those things sound really good to me. I am looking forward to the confirmation hearings. Hopefully, an expeditious confirmation of Judge Gorsuch. I am very, very happy with the selection that President Trump has made, and I really appreciate what I saw there that night as I watched Judge Gorsuch.

In the middle of his speech, he turned and looked at his wife, Marie Louise, and there was that significant eye contact that told me that they are a bond—two people that are a team together. The friends of the family tell me she is more conservative than he is.

So I look forward to his confirmation. I think the President of the United States has made a terrific choice. Let’s get the judicial branch of government up and running again, along with the executive branch, and let’s keep up pace here in the House. We have got some work to do, too.

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

OPPOSITION TO MUSLIM BAN

(Ms. JAYAPAL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JAYAPAL. Mr. Speaker, I want to just conclude our earlier Special Order where many of my colleagues spoke out in strong opposition to the Muslim ban that was just signed by President Trump.

I would like to read a short paragraph from the letter that we have now
submitted to Secretary Kelly. It has been signed by over 110 of my colleagues in the House. It requests that we have an immediate emergency meeting and briefing. I include in the Record the entire letter, and I will just read a short portion.

"The Executive Order is both controversial and confusing. For example, the International Rescue Committee called the Order "harmful and hasty" noting "America has the strongest, most successful resettlement program in the world." Over 4,000 academics, including 25 Nobel Laureates, have signed a petition denouncing the Order, writing "this measure is fatally disruptive to the lives of these immigrants, their families, and the communities of which they form an integral part. It is inhumane, ineffective, and un-American."

Hon. JOHN F. KELLY, Secretary of Homeland Security, Department of Homeland Security, Washington, DC.

Since we write to strongly condemn the President's executive order issued January 27, 2017, titled "Protecting the Nation From Foreign Terrorist Entry into the United States," and the executive actions taken by the U.S. Department of Homeland Security (DHS) and its agencies, in particular Customs and Border Protection (CBP), to implement the order, and to request an urgent briefing regarding the same. We hope you will urge the President to immediately rescind the Executive Order, which has created profound chaos and fear among refugees and immigrants who have been admitted to the United States, as well as their families. As a nation of immigrants that has been, and for people fleeing persecution from around the world, these actions are contrary to who we are as a nation.

We understand that you met yesterday at 4:30 PM with Chairs and Ranking Members of relevant Committees to discuss "recent executive actions." You should understand that such a time limited meeting with a subset of the Members in no way fulfills the need for the briefing we are requesting for all Members. Such full Member briefings are a frequent occurrence on Capitol Hill that support such events as the issuance of the January 27 Executive Order. They allow all Members to benefit from the knowledge and experiences of the executive branch so that we may be well informed in our legislative and oversight affairs and serve our constituents best. The full Member briefing regarding this Executive Order, particularly needed given the unsettling events of last evening—the abrupt firing of Acting Attorney General Sally Yates and the terminal explanation of David Ragsdale as acting Director of Immigration and Customs Enforcement (ICE). The need to brief the full Democratic Caucus is also necessary as we now understand that guidance concerning the January 27 Executive Order has been provided to Members of the Republican Conference, but not the Democratic Caucus. According to yesterday's Washington Post, "substantive guidance [concerning the Executive Order was given] to congressional Republicans ... late Saturday."

The Executive Order harms our families, economy, and national security. Over the weekend, some of whom have been lawful permanent residents for decades—were found stranded outside the United States, leaving families in turmoil. Technology companies, including industry leaders like Microsoft, Google, and Apple, report that the Executive Order could directly impact their employees and their ability to attract the best talent from around the world. In addition, the policy reflected in the Executive Order is counterproductive to a short-term policy that will not achieve its aim of making our country safer" and will instead result in a "drop in international goodwill towards Americans and a threat to our capacity to develop relationships with Muslim countries and others seeking to combat terrorism. Unfortunately, the Order alienates many of the groups we need to have working alongside us.

The Executive Order is both controversial and confusing. For example, the International Rescue Committee called the Order "harmful and hasty" noting "America has the strongest, most successful resettlement program in the world." Over 4,000 academics, including 25 Nobel Laureates, have signed a petition denouncing the Order, writing "this measure is fatally disruptive to the lives of these immigrants, their families, and the communities of which they form an integral part. It is inhumane, ineffective, and un-American." The Order has resulted in widespread confusion as hundreds of individuals have been improperly detained at our airports, at least four federal courts have issued stays concerning the Order, and protests have broken out at airports and other venues nationwide. At the time this letter was sent, 16 State Attorneys General have condemned the Executive Order.

In the interest of exercising proper Congressional oversight of DHS and CBP and of holding agencies accountable, we write to urgently request an emergency briefing this week with you and others at DHS and the Administration concerning the Executive Order. Among other things, we would like to receive the following, either at or in advance of the briefing:

Any DHS guidance, directive, or policy regarding interpretation and implementation of the Executive Order, specifically it pertains to current visa holders seeking entry into the United States, visa applicants, lawful permanent residents, dual citizens, and U.S. citizens concerning the status of the individuals from the seven designated countries in the Order who are applying for or renewing immigration benefits. Details on individuals who have been prevented from entering the country, including the airport at which they arrived, location of detention, number provided with interpretation services to number who have been released and broken down by airport, number of individuals who were sent back broken down by nationality, and a breakdown of the immigration status of those being detained and those who were sent back.

The manner in which DHS is complying with the various court-issued stays of removal, including the number of individuals who have been provided access to counsel.

What, if any, accommodations are being considered for the Interpreters and translators from the seven designated nations who have worked with our military and intelligence, as well as notable academics coming to do research in the United States, leaving families in turmoil.

The manner in which the exceptions to the Executive Order's application with respect to "religious minorities" will be applied, particularly given Mr. Trump's series of statements concerning his preference for Christian refugees.

In addition, and among other things, we would like to be briefed by you on the accuracy of President Trump's assertion that the Executive Order can be justified because the then-president Obama had "banned visas for refugees from Iraq for six months" in 2011. It is our understanding that in 2011 the Iraqi resettlement program was subject to a simple security measures were added. In stark contrast, Mr. Trump's Executive Order calls for a suspension of all refugees, not just one category, in addition to suspending the Syrian program indefinitely.

For decades both Democratic and Republican Presidents have supported granting families fleeing persecution, violence, terror, sexual slavery, and torture. At a time of unprecedented forced migration across the world, the need for American leadership in these areas has not subsided.

Given the urgency, widespread confusion and dangerous impact of the Executive Order, we would appreciate hearing from you as quickly as possible so that we may ensure the briefing occurs by no later than Friday, February 3. The lives and well-being of many individuals, as well as our ability to partner with foreign governments to fight terrorism, depend on it.

Sincerely,

John Conyers, Jr.,
Member of Congress,

Zoe Lofgren,
Member of Congress,

Pramila Jayapal,
Member of Congress.

(Appand an additional 111 Members of Congress.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Jones (at the request of Mr. McCarthy) for today on account of personal reasons.

Mr. Hastings (at the request of Ms. Pelosi) for today and February 3.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON AGRICULTURE FOR THE 115TH CONGRESS


Hon. Paul Ryan, Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: I am pleased to submit for printing in the Congressional Record, pursuant to Rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the Committee on February 1, 2017.

For a short time prior to the submission of the Committee Rules will include excerpts from the Rules of the House relevant to the operation of the Committee. Appendix B will include relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

Sincerely,

K. Michael Conaway,
Chairman.
RULE I.—GENERAL PROVISIONS

(a) Applicability of House Rules.—(1) The Rules of the House shall govern the procedure of the Committee and its subcommittees, and the Rules of the Committee on Agriculture so far as practicable shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day, and a motion to dispense with the reading of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees. (See Appendix A for applicable Rules of the U.S. House of Representatives.)

(2) As provided in clause 1(a)(1) of House Rule XI, any request to the Committee and is subject to the authority and direction of the Committee and its Rules so far as applicable. (See also Committee Rules III, IV, V, VI, VII, VIII and XI infra.)

(b) Authority to Conduct Investigations.—The Committee and its subcommittees, after consultation with the Chairman of the Committee, may conduct such investigations and studies as they may consider necessary or appropriate in the exercise of their responsibilities under Rule X of the Rules of the House in accordance with clause 2(m) of House Rule XI.

(c) Authority to Print.—The Committee is authorized by the Rules of the House to print in public print any and such data presented at hearings held by the Committee and its subcommittees. All costs of stenographic services and transcripts in connection with any hearing before the Committee and its subcommittees shall be paid from applicable accounts of the House described in clause 1(k)(1) of House Rule X in accordance with clause 1(e) of House Rule XI. (See also paragraphs (d), (e), and (f) of Committee Rule IX.)

(d) Vice Chairman.—The Member of the majority party who is present shall preside. If the Chairman and vice chairman of the Committee or Subcommittee is not present at a Committee or Subcommittee meeting or hearing the ranking Member of the majority party who is present shall preside in accordance with clause 2(d) of House Rule XI.

(e) Presiding Member.—If the Chairman of the Committee or Subcommittee is not present at any Committee or Subcommittee meeting or hearing, the vice chairman shall preside. If the Chairman and vice chairman of the Committee or Subcommittee is not present at a Committee or Subcommittee meeting or hearing the ranking Member of the majority party who is present shall preside in accordance with clause 2(d) of House Rule XI.

(f) Publication of Rules.—The Committee’s Rules shall be published in electronic form and published in the Congressional Record not later than 30 days after the Chair is elected in each odd-numbered year as provided in clause 2(a) of House Rule XI.

(g) Reports of Investigation or Study.—A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each committee complying with its rule contemplates proceeding with the investigation or study independently with all requirements for approval and filing of the report.

RULE II.—COMMITTEE BUSINESS MEETINGS—REGULAR, ADDITIONAL AND SPECIAL

(a) Regular Meetings of the Committee, in accordance with clause 2(b) of House Rule XI, shall be held on the first Wednesday of every month to transact its business. A notice is given pursuant to clause 2(g)(3) of House Rule XI. The Chairman shall provide each Member of the Committee, as far in advance of the day of the regular meeting as practicable, an agenda of such meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. (See paragraph (f) of Committee Rule XI for provisions that apply to meetings of subcommittees.)

(b) Additional Meetings.—(1) The Chairman may call a meeting as he considers necessary, which may not commence earlier than the third day on which Members have notice thereof after consultation with the Members of the Committee or after concurrence with the Ranking Minority Member, additional meetings of the Committee for the consideration of any bill or resolution before the Committee or for the conduct of other Committee business. The Committee shall meet for such additional meetings pursuant to the notice from the Chairman or by a majority vote in the presence of the Members required under the Rules of the Committee for the transaction of business.

(2) A hearing or meeting may begin sooner than specified in clause (1) (in which case, the chair shall make the announcement specified at the earliest possible time) if the Committee so determines by majority vote in the presence of the number of Members required under the Rules of the Committee for the transaction of business.

(c) At least 24 hours prior to the commencement of a meeting for the markup of a measure or matter the Chair shall cause the text of such measure or matter to be made publicly available in electronic form.

(d) Special Meetings.—If at least three Members of the Committee shall in writing request that a special meeting of the Committee be called by the Chairman, those Members may file in the offices of the Committee their written request to the Committee for such special meeting. Such request shall specify the measure or matters to be considered. Immediately upon the filing of the request, the Majority Chairman or, upon request of the Ranking Majority Member, the clerk of the Committee for such purpose shall notify the Chairman of the filing of the request. If, within 5 calendar days after the filing of the request, a majority of the Members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at such meeting. If the Committee schedules a meeting pursuant to the written request, the time of the meeting shall be specified in accordance with clause 2(g)(2) of House Rule XI.

(e) Meetings to Begin Promptly.—Subject to the presence of a quorum, each meeting or hearing of the Committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) Consideration of Amendments and Motions.—A Committee or Sub-committee shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present. Such amendment or motion shall not be placed before the Committee or Subcommittee on any bill, motion, or matter under consideration on a question or action shall be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

RULE III.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) Open Meetings and Hearings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing by the Committee or a Subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House Rule XI.

(b) Broadcasting and Photography.—Whenever a Committee or Subcommittee meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, the following shall apply:

1. To the maximum extent practicable the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business that allows the public to easily listen to and view the proceedings and shall maintain the record of such coverage in a manner that is easily accessible to the public.

2. Be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI. When such audio and visual coverage is conducted in the Committee or Subcommittee written notice to that effect shall be provided to each Member present. The Committee or Subcommittee shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each of the objects or safety considerations, in which case pool coverage shall be authorized.

(c) Closed Meetings—Attendees.—No person other than Members of the Committee and Subcommittee and such congressional staff and department representatives as the Committee or Subcommittee may authorize shall be present at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House Rule XI.

(d) Addressing the Committee.—A Committee or Subcommittee Member may address the Committee or a Subcommittee on any bill, motion, or matter under consideration on a question or action shall be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

(e) Meetings to Begin Promptly.—Subject to the presence of a quorum, each meeting or hearing of the Committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) Consideration of Amendments and Motions.—A Member, upon request, shall be recognized by the Chairman to address the Committee or a Subcommittee on any bill, motion, or matter under consideration on a question or action shall be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

RULE IV.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) Open Meetings and Hearings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing by a Committee or a Subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House Rule XI.

(b) Broadcasting and Photography.—Whenever a Committee or Subcommittee meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, the following shall apply:

1. To the maximum extent practicable the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business that allows the public to easily listen to and view the proceedings and shall maintain the record of such coverage in a manner that is easily accessible to the public.

2. Be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI. When such audio and visual coverage is conducted in the Committee or Subcommittee written notice to that effect shall be provided to each Member present. The Committee or Subcommittee shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each object or safety considerations, in which case pool coverage shall be authorized.

3. An announcement of the presence at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House Rule XI.

4. Addressing the Committee.—A Committee or Subcommittee Member may address the Committee or a Subcommittee on any bill, motion, or matter under consideration on a question or action shall be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

5. Consideration of Amendments and Motions.—A Member, upon request, shall be recognized by the Chairman to address the Committee or a Subcommittee on any bill, motion, or matter under consideration on a question or action shall be considered, and only the measure or matter specified in that notice may be considered at that special meeting.
proposition on which proceedings were post-
poned shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(5) Discharge of Consideration of Amendments or Amendments in Advance of Business Meetings.—The Committee and Subcommittee Chairman may request and Committee and Subcommittee Members should, insofar as practical, cooperate in providing copies of proposed amendments or motions to the Chairman and the Ranking Minority Member of the Committee and Subcommittee twenty-four hours before a Committee or Subcommittee meeting.

(6) Time for Filing. Unless an express point of order against the hearing or meeting procedures of the Committee or Subcommittee shall be entertained unless it is made in a timely fashion.

(1) Limitation on Committee Sessions.—The Committee or subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(2) Prohibition of Wireless Telephones.—Use of wireless phones during a Committee or Subcommittee hearing or meeting is prohibited.

RULE IV.—QUORUMS.

(a) Working Quorum.—One-third of the Members of the Committee or Subcommittee hearing or meeting shall constitute a quorum for taking any action, other than as noted in paragraphs (b) and (c).

(b) Majority Quorum.—A majority of the Members of the Committee or Subcommittee shall constitute a quorum for:

(1) the reporting of a bill, resolution, or other measure (See clause 2(h)(1) of House Rule XI, and Committee Rule IX);

(2) the closing of a meeting or hearing to the public (See clause 3(b)(3) or clause 4(b) of House Rule XI, and Committee Rule IX);

(3) the authorizing of a subpoena as provided in clause 2(m)(3) of House Rule XI (See also Committee Rule VII); and

(c) Quorum for Taking Testimony.—Two Members of the Committee or Subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE V.—RECORDS.

(a) Main Office Records.—The Committee shall keep a complete record of all Committee and Subcommittee action which shall include:

(1) the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved, and

(2) written minutes, which shall include a record of all Committee and Subcommittee action, a record of all votes on any question, and a tally on all record votes.

The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee and by telephone request and also made publicly available in electronic form within 48 hours of such record vote. Not later than 24 hours after adoption of an amendment to a measure or matter on the agenda of a Committee hearing of a Subcommittee, as appropriate, shall request the Majority Staff Director to make a public announcement of the date, place, and subject matter of such hearing at least 1 week before the Committee hearing at least 1 week before the commencement of the hearing. The Chairman of a Subcommittee shall schedule a hearing only after consultation with the Chairman of the Committee and the Ranking Minority Member of the Subcommittee. After such consultation, the Chairman of the Subcommittee shall consult the Chairman of the other subcommittees and shall request the Majority Staff Director to make a public announcement of the date, place, and subject matter of such hearing at least 1 week before the commencement of the hearing.

(b) Access to and Correction of Records.—Any public witness, or person authorized by such witness, during Committee office hours in the Committee offices and within 10 calendar days after a meeting held during such office hours in the Committee offices, may obtain a transcript copy of that public witness’s testimony and make such technical, grammatical, and typographical corrections to the transcript as authorized by the person making the remarks involved as will not alter the nature of testimony given. There shall be prompt renewal of such corrected copy of the transcript. If determined by the Committee or Subcommittee shall receive copies of transcripts for their prompt review and retention. The Committee or Subcommittee may order the printing of a hearing record without the corrections of any Member of the Committee or Subcommittee, and such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is subject of the hearing. The record of a hearing shall be closed 10 calendar days after the last oral testimony, unless the Committee determines otherwise. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record is closed, unless the Committee or Subcommittee determines otherwise. The Committee or Subcommittee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

(c) Property of the House.—All Committee and Subcommittee records (including hearings, reports, and files) shall be kept separate and distinct from the congressional offices of the Committee or Subcommittee. Such records shall be the property of the House, and all Members of the House shall have access thereto. The Majority Staff Director shall promptly notify the Chairman and the Ranking Minority Member of any request for access to such records.

(d) Written Statement; Oral Testimony.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House Rules. The Committee shall notify the Ranking Minority Member of the Committee, after consultation with the Ranking Minority Member, determines there is need for such a record. The proceedings of the Committee or Subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the Committee or Subcommittee.

(e) Special Rules for Certain Records and Proceedings.—A stenographic record of a hearing or meeting of the Committee or Subcommittee may be kept, and thereafter may be published, if the Chairman of the Committee, after consultation with the Ranking Minority Member, determines there is need for such a record. The proceedings of the Committee or Subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the Committee or Subcommittee.

(f) Electronic Availability of Committee Publications.—To the maximum extent feasible, the Committee shall make its publications, reports, and other products in electronic form available for public use in accordance with House Rules. The Majority Staff Director of the Committee shall distribute such written statements to all Members of the Committee or Subcommittee as soon as they are received, as well as any reports or documents from administrative agencies on such subject matter. All witnesses may be limited in their oral presentations to
brief summaries of their statements within the time allotted to them at the discretion of the Chairman of the Committee or Subcommittee, in light of the nature of the testimony. At the time available, the Chair
(2) As noted in paragraph (b) of Committee Rule VII, the Chairman of the Committee, or any Member designated by the Chairman, may administer an oath to any witness.
(3) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall, to the extent practicable, make available to the Committee or Subcommittee (a) a curriculum vitae; (b) a list of all persons and sources (by agency and program) of any Federal grant (or grant thereof) or contract (or subcontract thereof) received during the current calendar year or either of the 2 preceding calendar years by the witness or by an entity represented by the witness; and (c) disclosure of the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government received during the current calendar year or either of the 2 preceding calendar years by the witness or by an entity represented by the witness.
Such statements, with appropriate redaction of the privileged or confidential informa-
tion, shall be made publicly available in electronic form not later than 1 day after the witness appears.
(e) Selection of Witnesses.—Committee or Subcommittee Members may question witnesses only when they have been recog-
nized by the Chairman of the Committee or Subcommittee pursuant to paragraph (f). Each Member so recognized shall be limited to ques-
tioning a witness for 5 minutes until such time as each Member of the Committee or Subcommittee who so desires has had an op-
portunity to question the witness for 5 minutes; and thereafter the Chairman of the Committee or Subcommittee may allocate the time of a further round of questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless a majority of the Committee or Subcommittee determines otherwise, no Committee or Subcommittee staff shall interrogate witnesses.
(f) Extended Questioning for Designated Members.—Notwithstanding paragraph (e), the Chairing Minority Member or the Chairing Majority Member designated by the Committee may designate an equal number of Members from each party to question a witness for a period not longer than the Joint Committee on Printing may designate an equal number of Members from each party to question a witness for a period not longer than 2 hours.
(g) Witnesses for the Minority.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the minority party Members on the Committee or Subcommittee shall be entitled, upon request of the Chairman by a major-
ity of those minority Members before the committee, to call as witnesses selected by the minority to testify with re-
spect to that measure or matter during at least 1 day of hearing thereon as provided in clause (b) of House Rule X; (h) Summary of Subject Matter.—Upon an-
nouncement of a hearing, to the extent practic-
able, the Committee shall publish immediately to all Members of the Com-
mittee a concise summary of the subject matter (including legislative reports and other pertinent statements). In addi-
tion, upon announcement of a hearing and subsequently as they are received, the Chair-
man of the Committee or Subcommittee shall publish to the Members of the Committee any official reports from departments and agen-
cies on such matter. (See paragraph (f) of Committee Rule VII.)
(i) Open Hearings.—Each hearing con-
ducted by the Committee or Subcommittee shall be open to the public, including radio, television, and still photography coverage, except as provided in clause 4 of House Rule XI (See also paragraph (b) of Committee Rule III). In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall au-
dorize the Committee to exclude such Member for purposes of a particular series of hearings on a particular bill or resolution or on a par-
ticular subject of investigation, to close its hearings to Members by means of the above procedure.
(j) Hearings and Reports.—(1) The Chair-
man of the Committee or Subcommittee a concise summary of the subject
shall, to the extent practicable, make avail-
(j) Hearings and Reports.—(1) The Chair-
man of the Committee or Subcommittee shall make available to the Committee a concise summary of the subject matter (including legislative reports and other pertinent statements). A copy of the Committee Rules (and the applicable provisions of clause 2 of House Rule XI, regarding hearing procedures, an excerpt of which appears in Appendix A thereto) shall be made available to each witness upon re-
quest. Witnesses at hearings may be accom-
panied by their own counsel for the purpose of advising them concerning their constitu-
tional rights. The Chairman of the Com-
mittee or Subcommittee may punish for contempt of the Committee or Subcommittee, and of profes-
sional ethics on the part of counsel, by cen-
sure and exclusion from the hearings; but only the full Committee may cite the of-
fender to the House. (i) Whenever it is asserted by a Member of the Committee that the evidence of testimony given at a hearing may tend to defame, degrade, or incriminate any person, or it is as-
serted by a witness that the evidence or testi-
mony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, such testimony or evidence shall be presented in executive ses-
Sion, notwithstanding the provisions of para-
graph (g) of House Rule X; (ii) a curriculum vitae; (iii) a statement of the intent or purpose of the measure or matter, including the total number of Members voting for and against such amendment or motion (See clause 3(b) of House Rule XIII); (j) Hearings and Reports.—(1) The Chair-
man of the Committee or Subcommittee shall make available to the Committee a concise summary of the subject matter (including legislative reports and other pertinent statements). A copy of the Committee Rules (and the applicable provisions of clause 2 of House Rule XI, regarding hearing procedures, an excerpt of which appears in Appendix A thereto) shall be made available to each witness upon re-
quest. Witnesses at hearings may be accom-
panied by their own counsel for the purpose of advising them concerning their constitu-
tional rights. The Chairman of the Com-
mittee or Subcommittee may punish for contempt of the Committee or Subcommittee, and of profes-
sional ethics on the part of counsel, by cen-
sure and exclusion from the hearings; but only the full Committee may cite the of-
fender to the House. (i) Whenever it is asserted by a Member of the Committee that the evidence of testimony given at a hearing may tend to defame, degrade, or incriminate any person, or it is as-
serted by a witness that the evidence or testi-
mony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, such testimony or evidence shall be presented in executive ses-
Sion, notwithstanding the provisions of para-
graph (g) of House Rule X; (ii) a curriculum vitae; (iii) a statement of the intent or purpose of the measure or matter, including the total number of Members voting for and against such amendment or motion (See clause 3(b) of House Rule XIII); (j) Hearings and Reports.—(1) The Chair-
man of the Committee or Subcommittee shall make available to the Committee a concise summary of the subject matter (including legislative reports and other pertinent statements). A copy of the Committee Rules (and the applicable provisions of clause 2 of House Rule XI, regarding hearing procedures, an excerpt of which appears in Appendix A thereto) shall be made available to each witness upon re-
quest. Witnesses at hearings may be accom-
panied by their own counsel for the purpose of advising them concerning their constitu-
tional rights. The Chairman of the Com-
mittee or Subcommittee may punish for contempt of the Committee or Subcommittee, and of profes-
sional ethics on the part of counsel, by cen-
sure and exclusion from the hearings; but only the full Committee may cite the of-
fender to the House. (i) Whenever it is asserted by a Member of the Committee that the evidence of testimony given at a hearing may tend to defame, degrade, or incriminate any person, or it is as-
serted by a witness that the evidence or testi-
mony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, such testimony or evidence shall be presented in executive ses-
Sion, notwithstanding the provisions of para-
graph (g) of House Rule X; (ii) a curriculum vitae; (iii) a statement of the intent or purpose of the measure or matter, including the total number of Members voting for and against such amendment or motion (See clause 3(b) of House Rule XIII); (j) Hearings and Reports.—(1) The Chair-
man of the Committee or Subcommittee shall make available to the Committee a concise summary of the subject matter (including legislative reports and other pertinent statements). A copy of the Committee Rules (and the applicable provisions of clause 2 of House Rule XI, regarding hearing procedures, an excerpt of which appears in Appendix A thereto) shall be made available to each witness upon re-
quest. Witnesses at hearings may be accom-
panied by their own counsel for the purpose of advising them concerning their constitu-
tional rights. The Chairman of the Com-
mittee or Subcommittee may punish for contempt of the Committee or Subcommittee, and of profes-
sional ethics on the part of counsel, by cen-
sure and exclusion from the hearings; but only the full Committee may cite the of-
fender to the House. (i) Whenever it is asserted by a Member of the Committee that the evidence of testimony given at a hearing may tend to defame, degrade, or incriminate any person, or it is as-
serted by a witness that the evidence or testi-
mation, of which the House is not in session) after the day on which there has been filed with the Majority Staff Director of the Committee a written request signed by the Chairman of the Committee, for the reporting of that bill or reso-
lution. The Majority Staff Director of the Committee shall notify the Chairman imme-
diately upon receipt of such a request, no later than 5 days after the filing of the request. Notice shall be given the Majority Staff Director of the Committee and the Minority Staff Director of the Committee that the bill or measure has been timely submitted prior to the filing of the report and included in the report);
shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the Com-
mittee or Subcommittee, except by a majority of the Committee, unless a majority of the Committee is actually present. A Committee report on any bill, resolution, or other measure approved by the Committee shall be filed within 7 cal-
endar days of its consideration (unless the House is not in session) after the day on which there has been filed with the Majority Staff Director of the Committee a written request signed by the Chairman of the Committee, for the reporting of that bill or reso-
lution. The Majority Staff Director of the Committee shall notify the Chairman imme-
diately upon receipt of such a request, no later than 5 days after the filing of the request. Notice shall be given the Majority Staff Director of the Committee and the Minority Staff Director of the Committee that the bill or measure has been timely submitted prior to the filing of the report and included in the report);
shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the Com-
mittee or Subcommittee, except by a majority of the Committee, unless a majority of the Committee is actually present. A Committee report on any bill, resolution, or other measure approved by the Committee shall be filed within 7 cal-
endar days of its consideration (unless the House is not in session) after the day on which there has been filed with the Majority Staff Director of the Committee a written request signed by the Chairman of the Committee, for the reporting of that bill or reso-
lution. The Majority Staff Director of the Committee shall notify the Chairman imme-
diately upon receipt of such a request, no later than 5 days after the filing of the request. Notice shall be given the Majority Staff Director of the Committee and the Minority Staff Director of the Committee that the bill or measure has been timely submitted prior to the filing of the report and included in the report);
(10) a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member, Delegate, or Resident Commissioner requesting to be notified of any proposed change in each committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

(11) the changes in existing law (if any) shown in accordance with clause 3 of House Rule X.

(12) the determination required pursuant to section 5(b) of P.L. 92–463, if the legislation reported establishes or authorizes the establishment of any Federal program known to be duplicative of another Federal program. The Statement shall at a minimum explain whether:

(i) the program was included in any report from the Government Accountability Office to Congress pursuant to section 21 of P.L. 110–28.

(ii) the most recent catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (P.L. 95–220, as amended by P.L. 98–189), identified other programs related to the program established or reauthorized by the measure; and

(iii) a statement estimating the number of directed rule makings required by the measure.

(c) Supplemental, Minority, Additional, or Dissenting Views.—If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, additional, or dissenting views, all Members shall be entitled to not less than 2 subsequent calendar days (excluding Saturdays, Sundays, and legal holidays except when such session is on such day in which to file such writing and signed views with the Majority Staff Director of the Committee. When time guaranteed by this paragraph has expired, or when separate views have been received, the Committee may arrange to file its report with the Clerk of the House not later than 1 hour after the expiration of such time. All such views (in accordance with clause 2(1) of House Rule XI and clause 3(a)(1) of House Rule XIII), as filed by one or more Members of the Committee, shall be reprinted, and made a part of the report filed by the Committee with respect to that bill or resolution.

(d) Printing of Reports.—The report of the Committee on the measure or matter noted in paragraph (a) above shall be printed in a single volume, which shall:

(1) include all supplemental, minority, additional, or dissenting views that have been submitted by the time of the filing of the report;

(2) bear on its cover a recital that any such supplemental, minority, additional, or dissenting views (and any material submitted under section 22 of House Rule XIII) are included as part of the report.

(e) Immediate Printing; Supplemental Reports.—Nothing in this rule shall preclude—

(1) the filing of a supplemental report by the Committee unless timely request for the opportunity to file supplemental, minority, additional, or dissenting views has been made as provided by paragraph (c) or (d);

(2) the filing by the Committee of any supplemental report on any bill or resolution that is not within the jurisdiction or the Committee, and that contains any technical error in a previous report made by the Committee on that bill or resolution.

(f) Availability of Printed Hearing Records.—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the transcripts prepared and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing record shall be made a part of the report of the Committee.

(g) Committee Prints.—All Committee or Subcommittee prints or other Committee or Subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

(h) Post Adjournment Filing of Committee Reports.—(1) After an adjournment of the last regular session of Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk of the House. Any such report filed after a notice at the time of approval of intention to file supplemental, minority, additional, or dissenting views, that Member shall be entitled to not less than 7 calendar days in which to submit such views for inclusion with the report.

(2) After an adjournment of the last regular session of Congress sine die, the Chairman of the Committee may file at any time with the Clerk the Committee’s activity report for that Congress pursuant to clause 1(d)(1) of House Rule XI. The Committee may file the report prior to public distribution provided that a copy of the report has been available to each Member of the Committee for at least 7 calendar days and the report includes any supplemental, minority, additional, or dissenting views submitted by a Member of the Committee.

(i) Conference.—The Chairman is directed to offer a motion under clause 1 of House Rule XXII whenever the Chairman considers it appropriate.

RULE X.—OTHER COMMITTEE ACTIVITIES

(a) Authorization and Oversight Plan.—(1) Not later than February 15 of the current year, the Chairman shall convene the Committee in a meeting that is open to the public for the purpose of submitting for approval its authorization and oversight plan for the current Congress. Such plan shall be submitted simultaneously to the Committee on Oversight and Government Reform of the House and to the Committee on House Administration, and the Committee on Appropriations.

(2) Each such plan shall include, with respect to progress within the committee’s jurisdiction, to the maximum extent practicable—

(A) a list of such programs or agencies with lapse of funding that remained in the prior fiscal year, and, in the case of a program or agency with a permanent authorization, which has not been subject to a comprehensive review by the Committee in the prior three Congresses;

(B) a description of each such program or agency to be authorized in the current Congress;

(3) a description of each such program or agency to be authorized in the next Congress, if applicable;

(D) a description of any oversight to support the authorization of each such program or agency in the current Congress; and

(E) recommendations for changes to existing law for moving such programs or agencies from mandatory funding to discretionary appropriations, where appropriate.

(b) Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review and study, from time to time, the continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether it would be feasible to modify such appropriations so that appropriations thereof would be made annually.

(c) Budget Act Compliance: Views and Estimates.—Not later than 6 weeks after the President submits his budget under section 1104(a) of Title 31, United States Code, or at such time as the Committee on the Budget may request, the Committee shall, submit to the Committee on the Budget the views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974) that are the responsibility of the Committee, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(d) Budget Act Compliance: Recommended Changes.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in any bills, or resolve the concurrence in any such bill, it shall complete its determination and recommendations in a timely manner after receiving, filing, and considering any views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year.
and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

e) Conference Committees.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall, after consultation with the Ranking Minority Member, determine the number of conferees the Chairman deems most suitable and then recommend to the Speaker as conferees known to him or her, and who were primarily responsible for the legislation. The Chairman shall, to the fullest extent feasible, include those Members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Members of the majority party as the Chairman may designate in consultation with the Members of the majority party. Such recommendations shall provide a ratio of majority party Members to minority party Members to the House majority party than the ratio of majority party Members to minority party Members on the Committee. If for any subject matter the Majority and Minority Party Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

1. Bills, Resolutions, and other Matters.—(1) The Committee, or a Subcommittee, shall hold at least one hearing during each 120-day period following the establishment of the Committee in the current session. From any witnesses who do not appear at a hearing at the Committee’s request, the Chairman may authorize (a) to forward a written statement to the Committee; (b) to use any evidence or testimony obtained during the hearing in the Committee’s deliberations; and (c) to make recommendations to the Committee on the basis of the information obtained. (2) The Chairman, by a majority vote of the Committee, may proceed to hearings or meetings of their subcommittees without further action by the Committee. (3) Unless the Committee, a quorum being present, decides otherwise by a majority vote, the Chairman may refer bills, resolutions, legislation, or other matters not specifically within the jurisdiction of a Subcommittee, or that is within the jurisdiction of more than one Subcommittee, jointly or exclusively as the Chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), recommend recommendations to the subcommittees with jurisdiction, or to an ad hoc subcommittee appointed by the Chairman for the purpose of considering the matters referred to the subcommittee (or make such other provisions deemed appropriate).

2. Reporting Hearings.—Voting shall be taken under subparagraph (3), unless permitted to do so by the Subcommittee Chairman in consultation with the Majority Member or a majority of the Subcommittee, a quorum being present, in accordance with clause 2(g)(2) of House Rule XI. Such Member may not: (i) vote on any matter; (ii) be counted for the purpose of establishing a quorum; (iii) participate in questioning a witness under the 5-Minute Rule, unless permitted to do so by the Subcommittee Chairman in consultation with the Majority Member or a majority of the Subcommittee; and (iv) raise points of order or offer amendments or motions.

3. Subcommittees Having Jurisdiction of Bills.—(1) Each Subcommittee is authorized to meet, hold hearings, receive evidence, and make recommendations to the Committee on all matters referred to its jurisdiction after consultation by the Subcommittee Chairman with the Subcommittee. (See Committee Rule VIII.) (2) After consultation with the Subcommittee Chairman, Subcommittee Chairmen shall set dates for hearings and meetings of their subcommittees and shall request the Majority Whip to make arrangements relating thereto. (3) Unless the Committee, a quorum being present, decides otherwise by a majority vote, the Chairman may refer bills, resolutions, and other matters referred to the Committee relating to foreign agriculture, foreign food or commodity assistance, and foreign trade and marketing issues will be considered by the Committee.

4. Amendments.—(a) In order to consider bills, resolutions, and other matters referred to the Committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks after consulting with the Majority Member, the Chairman shall determine that the Committee will consider certain bills, resolutions, or other matters referred to a Subcommittee. (b) Trade Matters.—Unless action is otherwise taken under subparagraph (3), bills, resolutions, and other matters referred to the Committee relating to foreign agriculture, foreign food or commodity assistance, and foreign trade and marketing issues will be considered by the Committee.

5. (2) The Chairman, by a majority vote of the Committee, may discharge a Subcommittee from further consideration of any bill, resolution, or other matter considered by the Committee. The Committee, the Chairman, and the Ranking Minority Member shall have the right to vote on any matter by a majority vote of the Committee. The Committee, a quorum being present, decides otherwise by a majority vote, the Chairman may refer bills, resolutions, legislation, or other matters not specifically within the jurisdiction of a Subcommittee, or that is within the jurisdiction of more than one Subcommittee, jointly or exclusively as the Chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), or make such other provisions deemed appropriate.

6. (e) Participation and Service of Committee Members on Subcommittees.—The Chairman and the Ranking Minority Member shall serve as ex officio Members of all subcommittees and shall have the right to vote on matters before the subcommittees. The Chairman and the Ranking Minority Member may not be counted for the purpose of establishing a quorum.

7. (2) Any Member of the Committee who is not a Member of the Subcommittee may have the privilege of sitting and participating in the proceedings of the Subcommittee, or to an ad hoc subcommittee appointed by the Chairman for the purpose of considering the matters referred to the subcommittee (or make such other provisions deemed appropriate).

8. (3) To that extent practicable.
(3) Notice of all Subcommittee meetings shall be provided to the Chairman and the Ranking Minority Member of the Committee by the Majority Staff Director.

(4) The Chairman may hold meetings or hearings outside of the House if the Chairman of the Committee and other Subcommittee Chairmen and the Ranking Minority Member of the Committee is consulted in advance to ensure that there is no scheduling problem. However, the majority of the Committee may authorize such meetings or hearings.

(5) The provisions regarding notice and the agenda of Committee meetings under paragraph (a) of Committee Rule II and special or additional expenses authorized by (b) of Committee Rule II shall apply to Subcommittee meetings.

(b) A vacancy occurring in a Subcommittee chairmanship, the Chairman may set the dates for hearings and meetings of the Subcommittee during the period of vacancy. The Chairman may also appoint an acting Subcommittee Chairman until the vacancy is filled.

(g) Subcommittee Action.—(1) Any bill, resolution, recommendation, or other matter forwarded by a Subcommittee shall be promptly forwarded by the Subcommittee Chairman or any Subcommittee staff member authorized to do so by the Subcommittee.

(2) Upon receipt of such recommendation, the Majority Staff Director of the Committee shall advise all Members of the Subcommittee of the Committee action.

(3) The Committee shall not consider any matters recommended by subcommittees until the time of adjournment of the Committee and the Subcommittee shall be promptly forwarded by the Subcommittee Chairman or any Subcommittee staff member in connection with the attendance of hearings conducted by the Committee and its subcommittees and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(i) The purpose of the official travel.

(ii) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made.

(iii) The location of the event for which the official travel is to be made; and

(iv) The names of Members and Committee staff seeking permission to travel.

(2) In the case of official travel of Members and staff of a Subcommittee to hearings, meetings, conferences, facility inspections, and investigations involving activities or subject matter under the jurisdiction of such Subcommittee to be paid for out of funds allocated to the Committee, prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the recommendation of the Subcommittee Chairman in writing setting forth those items enumerated in clause (1).

(3) Within 60 days of the conclusion of any official travel covered under this rule, there shall be submitted to the Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection, or investigation attended pursuant to such official travel.

(4) Local currencies owned by the United States shall be made available to the Committee Members for their use in the performance of their duties and responsibilities. The Chairman and Ranking Minority Member of the Committee may authorize such expenditures as he or she determines appropriate. (See clause 9 of House Rule X)

(5) In the absence of the Ranking Minority Member of the Committee, the Chairman shall appoint and determine the renumeration of, and may remove, the professional and clerical employees of the Committee not assigned to the minority. The professional and clerical employees of the Committee not assigned to the minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate such authority as he or she determines appropriate. (See clause 9 of House Rule X)

(6) From the funds available for the appointment of Committee staff pursuant to any primary or additional expense resolution, the Chairman shall ensure that each Subcommittee is separately funded and staffed to discharge its responsibilities and that the minority party is fairly treated in the appointment of such staff. (See clause 6(d) of House Rule XI, unless written notice of the proposed change has been provided to each Committee Member 2 legislative days in advance of the date on which the matter is to be considered. Any amendment in the Rules of the Committee shall be published in the Congressional Record within 30 calendar days after its approval.

ENDNOTE

1 The Chairman and Ranking Minority Member of the Committee serve as ex officio Members of the Subcommittees. (See paragraph (e) of this Rule).

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS FOR THE 115TH CONGRESS


Hon. Paul D. Ryan, Speaker of the House, Washington, DC.

Dear Mr. Speaker: I respectfully submit for publication, the attached copy of the Rules of the Committee on Veterans' Affairs for the 115th Congress which were approved via voice vote by the Full Committee on January 31, 2017.

Sincerely,

David P. Roe, M.D., Chairman.

JURISDICTION OF THE HOUSE COMMITTEE ON VETERANS' AFFAIRS

Rule X of the Rules of the House of Representa-

tives establishes the standing committees of the House and their jurisdiction. Under that rule, all bills, resolutions, and other matters relating to the subjects within the jurisdiction of any standing committee shall be referred to such committee. Clause 1(s) of Rule X establishes the jurisdiction of the Committee on Veterans' Affairs as follows:

(1) Veterans' measures generally.

(2) Cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad (except cemeteries administered by the Secretary of the Interior).

(3) Compensation, vocational rehabilitation, and education of veterans

(4) Life insurance issued by the Govern-

ment on account of service in the Armed Forces.

(5) Pensions of all the wars of the United States, general and special.

(6) Readjustment of servicemen to civilian life.

(7) Servicemen's civil relief.

(8) Veterans' hospitals, medical care, and treatment of veterans.

RULE I—GENERAL PROVISIONS

(a) APPLICABILITY OF HOUSE RULES.—The Rules of the House are the rules of the Committee on Veterans' Affairs and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies

February 2, 2017
CONGRESSIONAL RECORD — HOUSE
H939
are available, are non-debatable privileged motions in Committees and subcommittees.

(b) SUBCOMMITTEES.—Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) EXTEORATION OF HOUSE RULE ON COM-
MITTEE PROCEDURE.—Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made part of the rules of the Committee to the extent applicable. Pursuant to clause 24(a) of Rule XI of the Rules of the House, the Chairman of the full Committee is directed to offer a motion under clause I of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(d) VICE CHAIRMAN.—Pursuant to clause 2(b) of Rule XI of the Rules of the House, the Chairman of the full Committee shall designate the Vice Chairman of the Committee.

Rule 2—Regular and Additional Meetings

(a) Regular Meetings.—The regular meeting day for the Committee shall be at 9 a.m. on the second Wednesday of each month in such place as the Chairman may designate. However, the Chairman may dispense with a regular Wednesday meeting of the Committee.

(b) Additional Meetings.—The Chairman of the Committee may call and convene, as he shall determine, any additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) Notice.—The Chairman shall notify each Member of the Committee of the agenda of each regular and additional meeting of the Committee at least 24 hours before the time of the meeting, except under circumstances determined to be of an emergency nature. Under such circumstances, the Chairman shall make an effort to consult the Ranking Minority Member or, in such Member's absence, the next ranking minority party member of the Committee.

Rule 3—Meetings and Hearings Generally

(a) Open Meetings and Hearings.—Meetings and hearings of its subcommittees shall be open to the public unless closed in accordance with clause 2(g) of Rule XI of the Rules of the House.

(b) Announcements of Hearing.—The Chairman, in the case of a hearing to be conducted by the Committee, and the subcommittee Chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at such time as the Chairman may designate. The Chairman shall promptly notify the Daily Clerk of the Congressional Record and the Committee scheduling service of the House of the Committee and of such meeting or hearing after such public announcement is made.

(c) Wireless Telephone Use Prohibited.—No person shall use wireless telephones during a Committee or subcommittee meeting or hearing.

(d) Media Coverage.—Any meeting of the Committee or its subcommittees that is open to the public shall be open to coverage by radio, television, and still photography in accordance with clause 4(f) of Rule XI as follows:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as it occurs, such coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the questions or the number of television cameras permitted by a committee or subcommittee chair in a hearing or meeting room shall be in accordance with fair and equitable procedures established by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that Member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television media may not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobe lights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the visibility of the witnesses and to make the hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) If requests are made by more of the media than will be permitted by a committee or subcommittee chair for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and theMicrophones at any hearing during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited by the Standing Committee of Press Photographers.

(11) Personnel providing coverage by still photography shall be currently accredited by the Standing Committee of Press Photographers.

(12) Personnel providing coverage by the television and radio media and by still photographers shall not participate in any television or hearing coverage activities in an orderly and unobtrusive manner.

(e) Requirements for Testimony.—Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 48 hours (exclusive of weekends and holidays) before the time set for his appearance, or at such other time as designated by the Chairman, a statement of his or her full name, address, and title and such other data as the Chairman may require.

(f) Call and Questioning Witnesses.—No Member shall question a witness for a period not less than 30 minutes. In no event shall the Chairman allow a Member to question a witness for a period not longer than 30 minutes. Only for a 5-minute period, may a Member question a witness for a period not longer than 30 minutes.

(g) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(h) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(i) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(j) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(k) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(l) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(m) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(n) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(o) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(p) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(q) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(r) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(s) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(t) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(u) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(v) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(w) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(x) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(y) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(z) Call and Questioning Witnesses.—In recognizing members to question witnesses in both Committee and subcommittee hearings, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.
RULE 5—SUBCOMMITTEES

(a) ESTABLISHMENT AND JURISDICTION.

(1) There shall be the subcommittees of the Committee as follows:

(A) Subcommittee on Disability Assistance and Memorial Affairs, which shall have legislative, oversight, and investigative jurisdiction over compensation; and general and special pensions of all the wars of the United States; life insurance issued by the Government on behalf of members of the Armed Forces; cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior; burial benefits; the Board of Veterans' Appeals; and the United States Court of Appeals for Veterans Claims.

(B) Subcommittee on Economic Opportunity, which shall have legislative, oversight, and investigative jurisdiction over veterans of the Vietnam Era education and training of veterans, vocational rehabilitation, veterans' housing programs, transition of service members to civilian life, civil service reform, and related issues at the Department of Veterans Affairs, and service members civil relief.

(C) Subcommittee on Health, which shall have legislative, oversight, and investigative jurisdiction over the Veterans Health Administration (VHA) including medical services, medical support and compliance, medical facilities, medical research, homeless programs, and major and minor construction.

(D) Subcommittee on Oversight and Investigations, which shall have oversight and investigative jurisdiction over veterans' matters generally, and over such matters as may be referred to the subcommittee by the Chairman of the full Committee for its oversight or investigation and for its appropriate recommendations. The subcommittee shall have legislative jurisdiction over information technology generally, and over such bills or resolutions as may be referred to it by the Chairman of the full Committee.

(2) Each subcommittee shall have responsibility for such other measures or matters as the Chairman deems appropriate. In referring such matters to the full Committee, the Chairman shall specify a date by which the subcommittee shall report to the Committee.

(b) REVIEW OF LAWS AND PROGRAMS.—The Committee, its subcommittees, shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee or subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and its subcommittees shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the Committee and its various subcommittees, consistent with their jurisdiction as set forth in the Rules of the House, shall carry out such oversight responsibilities as provided in subsection (b).

(c) OVERSIGHT PLAN.—No later than February 15 of the first session of a Congress, the Committee shall submit to the Speaker of the House of Representatives each year an oversight plan for that Congress for submission to the Committee. The plan shall include a description of the Committee's or subcommittee's jurisdiction, and forecasting on matters within the jurisdiction of the Committee or subcommittee.
to the Committee on House Administration and the Committee on Oversight and Government Reform, in accordance with the provisions of clause 2(d) of Rule X of the Rules of the House.

(d) OVERSIGHT BY SUBCOMMITTEES.—The existence and activities of the Subcommittee on Oversight and Investigations shall in no way limit the ability of the other standing committees of the Committee on Veterans' Affairs for carrying out oversight duties.

RULE 7—BUDGET ACT RESPONSIBILITIES

(a) BUDGET ACT RESPONSIBILITIES.—Pursuant to clause 2(e)(1) of Rule X of the Rules of the House, the Committee shall submit to the Committee on the Budget not later than six weeks after the President submits its budget request, such as the Committee on the Budget may request:

(1) Its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year that are within its jurisdiction or function; and

(2) An estimate of the total amounts of new budget authority and outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during the fiscal year.

RULE 8—RECORDS AND OTHER MATTERS

(a) TRANSCRIPTS.—There shall be a transcript made of each regular and additional meeting and hearing of the Committee and its subcommittees. Such transcript shall be substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

(b) RECORDS.—

(1) The Committee shall keep a record of all actions and proceedings of each of its subcommittees. The record shall contain all information required by clause 2(e)(1) of Rule XI of the Rules of the House and shall be available for public inspection at reasonable times in the offices of the Committee.

(2) There shall be kept in writing a record of the proceedings of the Committee and each of its subcommittees. Such record shall indicate the time of the record vote on any question on which a recorded vote is demanded. The result of each such record vote shall be made available for public inspection at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the question, order, or proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(c) AVAILABILITY OF ARCHIVED RECORDS.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3 or clause 4 of Rule VII of the Rules of the House, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

(d) AVAILABILITY OF PUBLICATIONS.—Pursuant to clause 2(e)(4) of Rule XI of the Rules of the House, the Committee shall make its publications available in electronic form to the maximum extent feasible.

RULE 8—TRAVEL

(a) REQUIREMENTS FOR TRAVEL.—All requests for travel, funded by the Committee, for Members and staff in connection with activities or subject matters under the general jurisdiction of the Committee, shall be submitted to the Chair for approval or disapproval. All travel requests should be submitted to the Chair at least five working days in advance of the proposed travel. For all travel funded by any other source, notice shall be given to the Chair at least five working days in advance of the proposed travel. All travel requests shall be submitted to the Chair in writing and include the following:

(1) The purpose of the travel.

(2) The dates during which the travel is to occur.

(3) The names of the locations to be visited and the length of time to be spent in each.

(4) The names of members and staff of the Committee for whom the authorization is requested.

(b) TRIP REPORTS.—Members and staff shall make a written report to the Chair within 15 working days on all travel approved under this subsection. Reports shall include a description of their itinerary, expenses, and activities, and pertinent information gained as a result of such travel.

RULE 9—FACILITY NAMING

(a) FACILITY NAMING.—No Department of Veterans Affairs (VA) facility or property shall be named after any individual by the Committee unless:

(1) Such individual is deceased and was:

(A) A veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(B) A Member of the United States House of Representatives or Senator who had a direct association with such facility;

(C) An Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(D) An individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans.

(2) Each Member of the Congressional delegation representing the State in which the designated facility is located must indicate in writing whether or not the Committee's joint final rule — Community Reinvestment Act Regulations (RIN: 3064-A090) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

452. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Interstate Transport for Wyoming (Docket No. AP-08-OAR-2016-0588) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

453. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality State Implementation Plans; Interstate Transport for Utah (Docket No. AP-08-OAR-2016-0589) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

454. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality State Implementation Plans; Interstate Transport for Nebraska (Regulation 8) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

455. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality State Implementation Plans; Interstate Transport for Idaho (Regulation 8) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.
465. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Office of Sustainable Fisheries, NMFS, Office of Commercial and Recreational Fisheries, NMFS, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Standardized Bycatch Reporting Methodology (Docket No.: 1502-0199-6969-02) (RIN: 0648-BF51) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

466. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Prohibition for the Common Pool Fishery; Georges Bank Cod Trimester Total Allowable Catch Area Closure and Possession Prohibition for the Common Pool Fishery (Docket No.: 120627194-3657-02) (RIN: 0648-XF02) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

467. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; adjustment of fishing seasons — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2016 (Docket No.: 16030167-6658-02) (RIN: 0648-BF90) received January 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

468. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Georges Bank Cod Trimester Total Allowable Catch Area Closure and Possession Prohibition for the Common Pool Fishery (Docket No.: 152125999-6343-02) (RIN: 0648-XF13) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

469. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of Connecticut (Docket No.: 150903814-5999-02) (RIN: 0648-XF01) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

470. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fishery of the Exclusive Economic Zone (EEZ) of the Northeast United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of Connecticut (Docket No.: 150903814-5999-02) (RIN: 0648-XF01) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

471. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2017 (Docket No.: 160531477-6658-02) (RIN: 0648-BF51) received January 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

472. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2017 (Docket No.: 160531477-6658-02) (RIN: 0648-BF51) received January 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

473. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Department’s final rules — Adjustment of Civil Penalties for Inflation for FY 2017 (NRC-2016-0163) (RIN: 3150-AJ82) received January 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

474. A letter from the Director, Office of External Affairs, Economic Development Administration, Department of Commerce, transmitting the Department’s final rule — Rural Regional Innovation Program (Docket No.: 160615526-6999-02) (RIN: 0661-A96B) received January 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Science, Space, and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CALVERLY (for himself, Mr. ROYBAL-ALLARD, Mr. COHEN, Mr. BUTTERFIELD, Mr. CAVETT, Mr. ROYCE of California, Mr. BUCHANAN, Mr. BUTTERFIELD, Mr. CAVETT, Mr. ROYCE of California, Mr. CICILLINE, Ms. CLARKE of New York, Mr. COHEN, Mr. COURTNEY, Mr. DANNY K. DAVIS of Illinois, Mr. DeLAURO, Mr. GALLEGO, Mr. GARAMendi, Mr. GENE GREEN of Texas, Mr. GRISALVA, Mr. HASSANIS, Ms. KELLY of Illinois, ...
Ms. Langevin, Ms. Lee, Mr. Lewis of Georgia, Mr. Lipinski, Ms. Lofgren, Ms. Moore, Mr. Nadler, Ms. Norton, Mr. Pocan, Ms. Schakowsky, Mr. Thompson, Mr. Conyers, Ms. Eshoo, Mr. Espaillat, Mrs. Lawrence, and Ms. Sheata-Porter: H.R. 817. A bill to amend title XVIII of the Social Security Act to prevent fraud and to ensure appropriate billing practices, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. Collins of Georgia (for herself, Mr. Gottheimer, Mr. Carter of Georgia, Mr. Farenthold, Mr. Jody B. Hice of Georgia, Mr. Allen, and Mr. Costa):

H.R. 818. A bill to safeguard the Crime Victims Fund; to the Committee on the Budget, and in addition to the Committees on Rules, and in the case for consideration of such provisions as fall within the jurisdiction of the committee concerned, to the Committee on Ways and Means.

By Mr. Poe of Texas (for himself and Mr. Costa):

H.R. 818. A bill to safeguard the Crime Victims Fund; to the Committee on Ways and Means, and in addition to the Committees on Rules, and in the case for consideration of such provisions as fall within the jurisdiction of the committee concerned, to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. Collins of Georgia (for himself, Mr. Gottheimer, Mr. Carter of Georgia, Mr. Farenthold, Mr. Jody B. Hice of Georgia, Mr. Allen, and Mr. Costa):

H.R. 818. A bill to safeguard the Crime Victims Fund; to the Committee on Ways and Means, and in addition to the Committees on Rules, and in the case for consideration of such provisions as fall within the jurisdiction of the committee concerned, to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. Collins of Georgia (for himself, Mr. Gottheimer, Mr. Carter of Georgia, Mr. Farenthold, Mr. Jody B. Hice of Georgia, Mr. Allen, and Mr. Costa):

H.R. 818. A bill to safeguard the Crime Victims Fund; to the Committee on Ways and Means, and in addition to the Committees on Rules, and in the case for consideration of such provisions as fall within the jurisdiction of the committee concerned, to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCaul (for himself, Ms. Speier, Mr. Butterfield, and Mr. Kelly of Pennsylvania):

H.R. 820. A bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and to address liability concerns involving consumer financial products and services in connection with arbitration and bankruptcy proceedings in certain disputes involving consumer financial products and services: to the Committee on Transportation and Infrastructure.

By Mr. Gosar (for himself, Mr. Polis, Mr. Frank of Arizona, Mr. Thompson of California, Mr. Amodei, Mr. Biggs, Mr. Car夫right, Mrs. Comstock, Mr. Cook, Mr. Costa, Mr. DeFazio, Ms. DelBene, Mr. Grijalva, Mr. Huffman, Mr. Labrada, Mr. LaMalfa, Mr. Lowenthal, Mr. Perlmutter, Mr. Schadler, Mr. Schweikert, Mr. Sinema, Mr. Tipton, and Ms. Trahan):

H.R. 820. A bill to promote the development of renewable energy on public land, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. Davidson (for himself and Mr. Stumpf):

H.R. 820. A bill to require the head of each executive agency to relocate such agency outside of the Washington, D.C., metropolitan area, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. Vergas:

H.R. 827. A bill to establish certain conservation and recreation areas in the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. Gohmert, Mr. Kind, Mr. Meehan, Mr. Neal, Mr. Renacci, Mr. Aguilar, Mr. Smith of Missouri, Ms. Sewell of Alabama, Mr. Paulsen, Mr. Westcott, Mr. Cooper, Mr. Jenkins of Kansas, Mr. Moulton, Mr. Stivers, Mr. Larson of Connecticut, Mr. Lance, Mr. Polis, Ms. Seiler, Mr. Jode, Mr. Kind, Ms. DelBene, Mr. Deutch, Mr. Ellsberg, Mr. Murphy, Mr. Cuellar, Mr. Cummings, Ms. Blumenauer, Mr. Upton, Mr. Himes, Mr. Collins of New York, Mr. O'Halleran, and Mr. Perry:

H.R. 828. A bill to amend the Internal Revenue Code of 1986 to provide for the deferral of inclusion in gross income for capital gains reinvested in opportunity zones; to the Committee on Ways and Means.

By Mr. Upton:

H.R. 829. A bill to amend title XIX of the Social Security Act to clarify the treatment of lottery winnings and other lump sum income for purposes of income eligibility under the Medicaid program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. Engel (for himself, Mr. Kinzinger, Mr. Pascrell, Mr. Brendan F. Boyle of Pennsylvania, Mr. Burgess, Mr. Cicilline, Mr. Cohen, Mr. Connolly, Mr. Costa, Mr. Delaney, Ms. DelBene, Mr. Fitzpatrick, Mr. Harris, Mr. Kaptur, Mr. Keating, Ms. Kelly of Illinois, Mr. Levin, Mr. Lipinski, Mr. Meehan, Mr. Pascrell, Mr. Rush, Mr. Shimkus of Illinois, Mrs. Wagner, and Mr. Werner of Texas):

H.R. 830. A bill to contain, reverse, and deter Russian aggression in Ukraine, to assist Ukraine's democratic transition, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. Bost (for himself, Mr. Costa, Mr. Marshall, Ms. Kelly of Illinois, Mr. King of Iowa, Mr. Comer, Mr. Soto, and Mr. Allen):

H.R. 831. A bill to amend the Agricultural Act of 1961 to modify the limitations applicable to qualified conservation loan guarantees, and for other purposes; to the Committee on Agriculture.

By Ms. Capuano:

H.R. 832. A bill to amend title 9 of the United States Code to prohibit expenditure of certain transportation infrastructure funds for a project located in a sanctuary jurisdiction, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. Frankel of Florida (for herself, Mr. Currie of Florida, Ms. Ros-Lehtinen, Mr. Mast, Ms. Wasserman Schultz of Florida, Mr. Diaz-Balart, Mr. McTigue, Mr. Crist, and Ms. Wilson of Florida):

H.R. 833. A bill to amend the Water Resources Development Act of 1986 with respect to the acquisition of beach fill, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. Eddie Bernice Johnson of Texas:

H.R. 834. A bill to authorize the President to award the Medal of Honor posthumously to Doris Miller for acts of valor during the World War II while a member of the Navy; to the Committee on Armed Services.

By Mr. Lamborn (for himself, Mr. Polis, and Mr. Tipton):

H.R. 835. A bill to update the map of, and modify the maximum amount available for inclusion in, the Florissant Fossil Beds National Monument; to the Committee on Natural Resources.

By Ms. Michelle Lujan Grisham of New Mexico:

H.R. 836. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Ways and Means.
By Ms. MICHELLE LUIJAN GRISHAM of New Mexico (for herself, Mr. CORREA, Mr. EVANS, Mr. BLUMENTHAL, Mr. GALLAGHER, Ms. MENG, Mr. RUIZ, Mr. BARRAGAN, Ms. ROSCEN, Mr. CLARK of Massachusetts, Mr. POSEY, Mr. SOTO, Mr. TAKANO, Mr. CARDENAS, Mr. GRIJALVA, Mrs. WINTER, Mr. VARGAS, Mr. NASPETTI, NAPOLITANO, Mr. ESPAILLAT, Mrs. TORRES, Mr. CASTRO of Texas, Mr. GONZALEZ of Texas, Mr. SWALWELL of California, Mr. PALLONE, Mr. KIERNAN, Ms. HANABUSA, Mr. VELA, Mr. MCCGOVERN, Mr. KHANNA, Mr. FOSTER, Mr. CUMMINGS, Mrs. CAROLYN B. MALoney of New York, Mr. GREEN of Texas, Mr. RASKIN, Mr. LEWIS of Georgia, Mr. CARBAJAL, Mr. O’ROURKE, Mr. VIASNY, Mr. CLARK of New York, Mr. GARAMENDI, Mr. NADLER, Mr. NORTON, Ms. PINGREE, Mr. CUELLAR, Mr. JOHNSON of Georgia, Ms. MOORE, Ms. COLLUM, Mr. LEE, Ms. VELÁZQUEZ, Mr. WELCH, Ms. SÁNCHEZ, Mr. BARRAGAN, Ms. HANABUSA, Mr. HERNÁNDEZ, Mr. TENBERRY, Mr. COOK, Ms. TITUS, Mr. BIGGS, and Mr. Vela):

H. R. 837. A bill to prohibit construction of a continuous wall or fence between the United States and Mexico, and for other purposes; to the Committee on the Judiciary, in addition to the Committees on Homeland Security, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUIZ:

H.R. 838. A bill to amend the Federal Election Campaign Act of 1971 to prohibit a candidate for election for Federal office from using amounts contributed to the candidate’s campaign to make payments to vendors owned or controlled by the candidate or by an immediate family member of the candidate; to the Committee on House Administration.

By Mr. RUIZ:

H.R. 839. A bill to prevent the enriching of certain Government officers and employees or their families through Federal funds, or by contracting, and for other purposes; to the Committee on Ethics for the expenses of the Committee on Ethics for a period to be subsequently determined by the Committee on Oversight and Government Reform.

By Ms. STEFANIK (for herself, Mr. MESSER, Mr. WELCH, Mr. TONKO, and Mr. YOUNG of Iowa):

H.R. 842. A bill to direct the Librarian of Congress to expedite, in a version of a bill or resolution which is made available for viewing on the Congress.gov website, the process of permitting the viewer to follow and track online, within the same document, any changes made from previous versions of the bill or resolution; to the Committee on Oversight and Government Reform.

By Mr. NEWHOUSE (for himself, Mr. PEARCE, Mr. GOSAR, Mr. GOHMIERT, Mr. CRAMER, Mrs. RADWENGEN, Mr. SESSIONS of Arizona, Mr. BIGGIO):

H.J. Res. 60. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the United States Fish and Wildlife Service relating to the use of compensatory mitigation as recommended or required under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. WOOMACK (for himself, Mr. AMODEI, Mrs. BLACKBURN, Mr. JENKINS of West Virginia, Mr. ADERHOLT, Mr. FRANKS of Arizona, Mr. BYRNE, Mr. OLSON, Mr. PALAZZO, Mr. TENERIETY, Mr. COOK, Mr. ABRAHAM, Mr. WITTMAN of South Carolina, and Mr. JOHNSON of Ohio):

H.J. Res. 61. A joint resolution proposing an amendment to the Constitution of the United States giving Congress power to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Con. Res. 19. Concurrent resolution expressing the sense of Congress regarding the reissues in consideration of the merits of awarding the Medal of Honor posthumously to Doris Miller for acts of valor during World War II for which he was originally awarded the Navy Cross; to the Committee on Armed Services.

By Mr. HARPER:

H. Res. 82. A resolution electing Members to the Joint Committee of Congress on the Library and the Joint Committee on Printing; to the Committee on House Administration; to the Committee on Administration; to the Committee on Rules.

By Mrs. BROOKS of Indiana (for herself and Mr. DEUTCH):

H. Res. 83. A resolution providing for the expenses of the Committee on Ethics in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mrs. BRICK of Missouri (for herself, Mrs. COMSTOCK, Mr. GARAMENDI, Mr. BISHOP of Georgia, Ms. HANABUSA, Mr. RYAN of Ohio, Ms. BROWNLEY of California, Mrs. BRATTON, Mr. HAS- TINGS, Ms. NORTON, Mrs. MURPHY of Florida, Ms. LOFVERN, Ms. ENY, Mr. SERRANO, Ms. WILSON of Florida, and Mr. KENNEDY):

H. Res. 84. A resolution expressing support for designation of February 4, 2017, as National Cancer Prevention Day; to the Committee on Energy and Commerce.

By Mr. KRISHNAMOORTHI (for himself, Mr. SMITH of Washington, Mr. POLI, Mr. LEI, Mr. CARSTENHOF, Mr. LANGKIN, Mr. NORTON, Mr. SCHWARTZ, Mr. WASSERMAN SCHULTZ, Mr. GARAMENDI, Mr. KIND, Mr. SCHIFF, Mr. MURPHY of Pennsylvania, Mr. DELANEY, Ms. SHA-PORTER, Mr. CARDENAS, Ms. MCCOLLUM, Ms. PINGREE, Ms. MATSU, Mr. BLUMENTHAL, Mr. MYERS, Mr. WELCH, Mr. QUOILEY, Ms. HANABUSA, Mr. GHIRALVA, Ms. NORTON, Mr. MEKES, Ms. LOPVERN, Mr. TITUS, Mr. TONKO, and Mr. RUA):

H. Res. 85. A resolution expressing the commitments of the House of Representatives to continue to support pledges made by the United States in the Paris Agreement; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted to the Congress regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CALVERT:

H.R. 816. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States

By Mr. DOUGGETT:

H.R. 817. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States

By Mr. POE of Texas:

H.R. 818. Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 2 of article I of the Constitution which states that Congress has the power to make all laws necessary and proper for carrying out the powers vested in Congress.

By Mr. COLLINS of Georgia:

H.R. 819. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and the Sixteenth Amendment

By Mr. McCaul:

H.R. 820. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. DELAURO:

H.R. 821. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and the Sixteenth Amendment

By Mr. NEAL:

H.R. 822. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, and the Sixteenth Amendment

By Mr. DOUGGETT:

H.R. 823. Congress has the power to enact this legislation pursuant to the following:

Article One, Section 8 and the 16th Amendment

By Mr. SMITH of Missouri:

H.R. 824. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution provides with the power to establish “uniform rule of naturalization.”

By Mr. SCARPARO:

H.R. 825. Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2. (The Property Clause).

The Property Clause gives Congress the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.
United States; and states that nothing in the constitution shall be so construed as to prejudice any claims of the United States, or of any particular state. Currently, the federal government possesses approximately 1.5 billion acres of land. The U.S. constitution specifically addresses the relationship of the federal government to land. The power given Congress plenary power and full-authority over federal property. The U.S. Supreme Court has described Congress's power to legislate under this clause as "without limitation." This Act falls squarely within the express constitutional power set forth in the Property Clause.

By Mr. DAVIDSON:
H.R. 826. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8:
The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. MICHELLE LJUJAN GRISHAM of New Mexico:
H.R. 836. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. VARGAS:
H.R. 827. Congress has the power to enact this legislation pursuant to the following:
Clause 17: To exercise exclusive Legislative power in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acquiescence of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenal and other needful Buildings; And Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. EDDIE BERNICE JOHNSON of Texas:
H.R. 834. Congress has the power to enact this legislation pursuant to the following:
Article I, section 8 of the Constitution of the United States.

By Mr. LAMBORN:
H.R. 835. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. MICHELLE LJUJAN GRISHAM of New Mexico:
H.R. 836. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. RUIZ:
H.R. 838. Congress has the power to enact this legislation pursuant to the following:
Article I, section 8, Clauses 1 and 18 of the United States Constitution, to provide for the general welfare and make all laws necessary and proper to carry out the powers of Congress.

By Mr. RUIZ:
H.R. 839. Congress has the power to enact this legislation pursuant to the following:
Article I, section 8, Clauses 1 and 18 of the United States Constitution, to provide for the general welfare and make all laws necessary and proper to carry out the powers of Congress.

By Ms. STEFFANIK:
H.R. 840. Congress has the power to enact this legislation pursuant to the following:
Article I, section 8, Clauses 1 and 18 of the United States Constitution, to provide for the general welfare and make all laws necessary and proper to carry out the powers of Congress.

By Ms. SPEIER:
H.R. 841. Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Ms. STEFFANIK:
H.R. 842. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the Constitution of the United States.

By Mr. BOST:
H.R. 843. Congress has the power to enact this legislation pursuant to the following:
Clause 1 of Article Section 1 of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purpose in taxing and spending.

By Mr. CAPUANO:
H.R. 832. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. FRANKEL of Florida:
H.R. 833. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. EDDIE BERNICE JOHNSON of Texas:
H.R. 834. Congress has the power to enact this legislation pursuant to the following:
Additional Spawns
Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 34: Mr. COMER, Mr. BABIN, Mr. JODY B. HICE of Georgia, and Mr. AMASH.
Ohio, Mr. Mullin, Mr. Gibbs, Mr. Langevin, Mr. Woodall, Ms. Titus, Mr. Cramer, Mr. Joyce of Ohio, Mr. Barletta, Mr. Tiberi, Mr. Barr, Mr. Walz, Mr. Paulsen, and Ms. Wasserman Schultz.

H.R. 761: Mrs. Dingell.

H.R. 772: Mr. Lance.

H.R. 778: Mr. Peterson.

H.R. 786: Mr. Pittenger and Mr. Duncan of South Carolina.


H.R. 800: Mr. O’Halleran, Mr. Conyers, Mr. Hastings, Mr. Thompson of California, and Mr. McGovern.

H.R. 804: Mr. Deutch, Ms. Jayapal, Mrs. Dingell, Mr. Nolan, Mr. Sarbanes, Mrs. Carolyn B. Maloney of New York, Mr. Ryan of Ohio, Mr. Scozzie, Mr. Clay, Mr. Danny K. Davis of Illinois, Mr. Grijalva, and Mrs. Napolitano.

H.J. Res. 27: Mr. Palmer, Mr. Collins of Georgia, Mr. Barr, Mr. King of Iowa, Mrs. Roy, Mr. Huizenga, Mr. Jordan, Mr. Bridenstine, Mr. Hultgren, Mr. Kelly of Pennsylvania, and Mr. Mooney of West Virginia.

H.J. Res. 37: Mr. Sessions, Mr. Palmer, Mr. Gosar, Mr. Parenteau, Mr. Grothman, Mr. Rothfus, Mrs. Radewagen, Mr. Knight, Mr. Gohmert, Mr. Meadows, Mr. Roe of Tennessee, Mr. Walberg, Mr. Byrne, and Mr. Wilson of South Carolina.

H.J. Res. 53: Mr. Espaillat, Ms. Jayapal, Mr. Soto, Mr. McNearney, and Mr. Scott of Virginia.

H.J. Res. 55: Mr. Newhouse.

H.J. Res. 58: Ms. Foxx and Mr. Sessions.

H.J. Res. 59: Mrs. Wagner, Mr. Grothman, Mr. Bridenstine, and Mr. Marchant.

H. Con. Res. 16: Ms. Fudge.

H. Res. 15: Mr. Meehan, Mrs. Noem, Mr. Thompson of California, Mr. Denham, Mr. Lance, Mr. Higgins of New York, Mr. Foster, Mr. Ryan of Ohio, Mr. Bishop of Georgia, Mr. Pocan, Mr. Lynch, Mr. Michael F. Doyle of Pennsylvania, Mr. Norcross, Mr. Clay, Mr. Johnson of Georgia, Ms. Tsongas, Mr. Deutch, Mr. Rodney Davis of Illinois, Mr. Kildee, and Mr. Garamendi.

H. Res. 66: Mr. Carson of Indiana, Mr. Polis, and Mr. Langevin.

H. Res. 78: Ms. Slaughter, Mrs. Demings, Ms. Hanabusa, Ms. Moore, Mr. Gallkoo, Ms. Shea-Porter, Mr. Welch, Mr. Sherman, Mrs. Watson Coleman, Mr. Doggett, Mr. Pallone, Mr. Lynch, Ms. Blount Rochester, Mr. Garamendi, Ms. Maxine Waters of California, Mr. Kind, Mr. Clyburn, Mr. Delaney, and Mr. Jeffries.
The Senate met at 11 a.m. and was called to order by the Honorable DAN SULLIVAN, a Senator from the State of Alaska.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.
O God, who remains the same when all else fades, thank You for loving and using us for Your glory.

Guide our Senators in the footsteps of those who were willing to risk all for freedom, who transformed dark yesterdays into bright tomorrows.

Lord, uphold our Nation with Your wisdom and might, enabling it to continue to be a city of refuge for those whose hearts yearn for freedom. Keep us all from untimely and self-made cares, as we continue to look to You, the Author and Finisher of our faith.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE
The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The bill clerk read the following letter:

U.S. SENATE.
PRESIDENT PRO TEMPORE.

To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAN SULLIVAN, a Senator from the State of Alaska, to perform the duties of the Chair.

OREN G. HATCH,
President pro tempore.

Mr. SULLIVAN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—S. 274
Mr. McCONNELL. Mr. President, I understand there is a bill at the desk due a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (S. 274) to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

Mr. McCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

NOMINATION OF NEIL GORSUCH
Mr. McCONNELL. Mr. President, I was surprised by a statement my friend the Democratic leader made right here yesterday. I am glad he came back to the floor to correct himself, though. I think we all appreciated the Democratic leader making clear that Republicans did not—let me repeat, did not—insist on 60-vote thresholds for either of President Obama’s two first-term Supreme Court nominees. Did not. We thank the Democratic leader for clearing that up. His statement also reminds us that both of the Supreme Court Justices President Clinton nominated got straight up-or-down votes as well. There is no reason someone like Judge Gorsuch, who has received widespread acclaim from both sides of the aisle, should be treated differently now.

When he was nominated to his current seat on the court of appeals, Judge Gorsuch received the American Bar Association’s highest possible rating—unanimously “well qualified.” At his confirmation hearing, no one had a single negative word to say about him—not a single negative word. At his confirmation vote, no one cast a negative vote against him—not then-Senator Obama, not then-Senators Clinton, Biden, or Kennedy, and not my good friend Senator SCHUMER, either. Judge Gorsuch was confirmed in exceptionally fast time for a court of appeals nominee—just 2 months. So you have to wonder, if this nominee was so non-controversial in 2006 that a rollcall vote was not even required, what could possibly have changed since to justify threats of extraordinary treatment now? What has happened in the last 10 years? If the Democratic leader or anyone else in his conference did not raise a concern in committee or cast a single negative vote then, let alone even ask for a rollcall vote, what could possibly justify these so-called grave concerns—grave concerns—he claims to have now?

Professor Laurence Tribe, President Obama’s law school mentor, called Judge Gorsuch a “brilliant, terrific guy who would do the Court’s work with distinction.” This is Laurence Tribe, the President’s constitutional law professor, one of the best-known liberal professors in the country.

Neal Katyal, President Obama’s top Supreme Court lawyer, lauded Judge
Gorsuch as “one of the most thoughtful and brilliant judges to have served our nation over the last century.” Over the last century. That is President Obama’s Supreme Court lawyer.

The left-leaning Denver Post recently highlighted Judge Gorsuch’s reputation as a “brilliant legal mind” who applies the law “fairly and consistently.”

I am happy to report that we have even been assured by liberal talk show host Rachel Maddow that Gorsuch is “a relatively mainstream choice.” Rachel Maddow.

Turns out, in the years since Judge Gorsuch’s unopposed Senate confirmation, he has shown himself to be the very kind of judge everyone hoped he would be, one who demonstrates a “sense of fairness and impartiality” that Democratic then-Senator Salazar lauded him for in 2006, which Salazar called a “keystone for being a judge.” That was the Democratic Senator from Colorado when he was confirmed in 2006.

That was Judge Neil Gorsuch’s reputation back then, and it is his richly deserved reputation still, as those in both parties who have known and worked with him continue to tell us. As one Democrat and Denver attorney put it, Judge Gorsuch is “smart [and] he’s independent.” The things we have heard from so many about Judge Gorsuch—smart and independent, fair and impartial, thoughtful and brilliant—are just the qualities we should expect in our next Supreme Court Justice. They are the same qualities I am confident Judge Gorsuch will bring to the Court.

CONGRESSIONAL REVIEW ACT RESOLUTIONS

Mr. MCCONNELL. Mr. President, this Republican-led Congress is committed to fulﬁlling our promises to the American people. That work continues now as we consider legislation to push back against the harmful regulations from the Obama administration. On its way out the door, the Obama administration forced nearly 40—major and very costly regulations on the American people. Fortunately, we now have the opportunity to work with a new President to begin bringing relief from those burdensome regulations. Last week, the House sent us two resolutions under the Congressional Review Act—one of the best tools at our disposal to undo these heavy-handed regulations.

This afternoon, the Senate will have the opportunity to pass the first of these resolutions, a measure to overturn the stream buffer rule. The resolution before us now is identical to the one I introduced earlier this week, and it aims to put a stop to the former administration’s blatant attack on coal mining and the State of Kentucky and others across the Nation, the stream buffer rule will cause major damage to communities and threaten coal jobs. One study actually estimated that this regulation would put as many as one-third of coal-related jobs at risk. That is why the Kentucky Coal Association called it “a regulation in search of a problem.” They joined with the United Mine Workers of America and the state of 14 States on both sides of the aisle urging Congress to act. We should heed their call now and begin bringing relief to coal country. Today’s vote on this resolution represents a good step in that direction.

Once our work is complete on this legislation, we will turn to another House-passed resolution that will protect American companies from being at a disadvantage when doing business overseas. Although the Securities and Exchange Commission may have had good intentions, the resource extraction rule costs American public companies up to nearly $600 million annually and gives foreign-owned businesses in Russia and China an advantage over American workers. We all want to increase transparency, but we should not raise costs on American businesses, only to benefit their international competition. Let’s send the SEC back to the drawing board to promote transparency without the high costs or negative impacts on American businesses. These CRA resolutions keep the interests of American families and workers in mind. Today, we will continue to chip away at the regulation legacy of the Obama years, with more CRA resolutions in the coming days as well.

Let’s pass these two resolutions without delay so we can send them to the President’s desk and continue giving the power back to the people.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Mr. President, I spoke at length about the Supreme Court nomination yesterday, but I want to underscore a few points. We in the Senate have a constitutional duty to examine the record of Judge Gorsuch robustly, exhaustively, and comprehensively, and then advise and consent. We have a responsibility to reject if we do not.

We Democrats will insist on a rigorous but fair process. Part of that process entails 60 votes for confirmation. Any one Democrat can require it. Many already have. It was a bar met by each of Obama’s nominations; each received 60 votes. Most importantly, it is the right thing to do. And I would note that a 60-vote threshold was reached by each of them either in cloture or in the actual vote.

On a subject as important as a Supreme Court nomination, bipartisan support is essential and should be a prerequisite. That is what a 60-vote threshold does; 60 votes produces a mainstream consensus candidate greater now than ever before because we are in major new territory in two ways.

First, because the Supreme Court, under Chief Justice Roberts, has shown increasing drift to become a more and more pro-business Court—siding more and more with corporations, employers, and special interests over working and average Americans—we need a mainstream nominee to help reverse that trend, not accelerate it. I will remind my colleagues, that is how President Trump campaigned, but his nominee seems not to be in that direction at all—not for the average working person but, rather, for special business interests.

Second, given that this administration—at least at its outset—seems to have less respect for the rule of law than any in recent memory and is testing the very fabric of our Constitution with the first 20 days, there is a special burden on this nominee to be an independent jurist, someone who approaches the Court without ideological blinders, who has a history of operating outside and above politics, and who has the strength of will to stand up to a President who has already shown a willingness to bend the Constitution.

Requiring 60 votes has always been the right thing to do on Supreme Court nominations, especially in these polarized times. But now, of the Court, in this new administration, there is an even heavier weight on this tradition. And if the nominee cannot gain the 60 votes, cannot garner bipartisan support of some significance, then the answer is not to change the rules; the answer is to change the nominee and ﬁnd someone who can gain those 60 votes.

Changing the rules for something as important as the Supreme Court gets rid of the tradition, eliminates the tradition of mainstream nominees who have bipartisan support. It would be so, wrong to do. I know many of my colleagues on the other side are hesitant to do it, and I hope they will remain strong in that regard.

NOMINATIONS OF BETSY DEVOS AND ANDREW PUZDER

Mr. SCHUMER. Now, on another matter, the pending nominations of the President’s Cabinet, again, we are in
unchartered waters with this administration. They have not proposed a normal Cabinet. This is not even close to a normal Cabinet.

I have never seen a Cabinet this full of bankers and billionaires, folks with massive conflicts of interest. They have no little experience or expertise in the areas they will oversee. Many of the nominees have philosophies that cut against the very nature of the Department to which they were nominated.

Let me give you two examples this morning: Betsy DeVos, the nominee for the Department of Education, and Andrew Puzder, nominee for the Labor Department.

First, Betsy DeVos. When you judge her in three areas—conflicts of interest, basic competence, and ideology, views on education policy—it is clear that Betsy DeVos is unfit for the job of Education Secretary.

In all three areas, ideology, competence, and conflicts of interest, the rates among the lowest of any Cabinet nominee I have ever seen. At her hearing, she didn’t seem to know basic facts about Federal education law that guarantee education to students with disabilities. She didn’t seem to know the basic financial questions that are debated in education policy measuring growth proficiency. And in her ethics agreement, which was delivered to the committee after her first hearing, it was revealed that she would keep interests in several companies that benefit from millions of dollars in contracts from the Department of Education, which she would oversee.

There was a rush to push her through—one round of questions, 5 minutes each. Why? Why did someone generally as fair as the chairman of that committee do that? My guess, an educated guess: He knew how incompetent this nominee was, how poorly she fared under normal questions, and the idea was to rush her through.

Well, that is not what we should be doing on something as important as this. And if the nominee can’t withstand a certain amount of scrutiny, they shouldn’t be the nominee.

The glaring concerns have led two of my Republican colleagues, the Senators from Maine and Alaska, to pledge a vote against her confirmation, leaving her nomination deadlocked at 50 to 50. I believe both of them cited the fact that in the home State, charter schools are not the big issue; it is public schools. How are we going to treat public schools? Particularly in rural areas, as I am sure my friend the President’s Secretary knows, there is not a choice of schools outside the major metropolitan areas in the major cities. If you don’t have a good public school, you have nothing. So particularly people from the rural States should be worried, in my judgment, about our nominee’s commitment to public education.

For the first time ever, we have the chance that the Vice President and a pending Cabinet nominee, the nominee for Attorney General, Senator Sessions, are casting the deciding votes on a controversial Cabinet position for Betsy DeVos. Mr. President, this has never happened before.

The White House will, in effect, get two deciding votes in the Senate on a major Cabinet nominee: the Vice President and the nominee for Attorney General, our friend Senator Sessions.

It highlights the stunning depth of concern this nominee has engendered in Republicans and Democrats alike. It is clear now that Senators of both parties agree she is not qualified to be Secretary of Education. And I would hope that my colleagues on the other side of the aisle—this is such an important position; the nominee is so laddered on issue after issue after issue that we could get someone better. I don’t think it will be that hard. It will be President Trump’s nominee. It will not be us deciding, but it will be someone who has basic competence, fewer conflicts of interest, and, above all, a commitment to public education.

So I urge my Republican colleagues, friends, to stand up and reject Betsy DeVos, as the Cleveland Plain Dealer urged in an editorial this morning.

This is not a normal nomination once again. In my view, when I dipped into her record and how she performed in her brief hearing, she has not earned and should not receive the Senate’s approval.

Second, the nominee for the Department of Labor, Andrew Puzder. The hearing for his nomination has now been delayed four times because he still hasn’t submitted key paperwork laying out his disclosures and detailing a plan for divesting, if necessary, to avoid conflicts of interest. But that might be the least of the Senate’s concerns.

This is a nominee who is being sued by dozens of former employees due to working conditions. This is a nominee who has repeatedly attacked the minimum wage, opposed the overtime rule, and advocated for more automation and fewer jobs. He talked about—I think in very positive terms—robots and how they may run the fast food industry. This is a nominee for Secretary of Labor who not only wants workers to earn less, he wants fewer workers.

For several of these Cabinet positions, it seems the President has picked candidates whose philosophies are diametrically opposed to the very purposes of their Departments. For Education, pick someone with no experience in public schools and has spent her career advocating against them. For Labor, pick someone who has spent his career trying to keep the wages of his employees low and advocated against policies that benefit workers.

Again, I repeat: This is not your typical Cabinet. This is highly, highly unusual.

So when my Republican colleagues come to the floor every day to complain about delays and holdups, I would remind them that this is very serious. These Cabinet officials will have immense power in our government and wield enormous influence over the lives of average Americans: their wages and the education of their children, for instance.

To spend a few more days on the process is well worth it. And if they prove unfit for the austere and powerful roles they are about to take up, then it is our responsibility, as Senators, who advise and consent, to reject their nomination.

Mr. Mr. DURBIN. Mr. President, I listened carefully this morning to the statement made by the Republican majority leader, and I was a little bit curious as to what he was trying to say because he talked about a judicial nominee who rated unanimously “well qualified” by the American Bar Association, who received kudos from Republicans and Democrats alike, including Members of the Senate, who went

UKRAINE

Mr. SCHUMER. One final point: I want to take a moment to mention Ukraine. Yesterday Rex Tillerson was sworn in as Secretary of State. In addition to dealing with the fallout from the President’s first engagements with Australia and Mexico, I want to call the Secretary’s attention to the situation in Ukraine.

Since President Trump’s call with Mr. Putin last weekend, there has been a significant increase in violence. I hope Secretary Tillerson will ensure that there is a strong statement from the Trump administration condemning these escalatory actions by the Russians.

I also hope my Republican counterparts will start doing what they did last year every time this happened: Come to the floor and demand that the Senate act on tough sanctions against Russia. As I have said before, Russia remains a strategic threat to our Nation, and countering them needs to remain a deeply bipartisan effort.

Mr. President, I yield the floor.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR

The Acting President pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 36, which the clerk will report.

The bill clerk reads as follows:

A joint resolution (H.J. Res. 36) disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

The Acting President pro tempore. Under the previous order, there will now be 6 hours of debate, equally divided in the usual form.

The Democratic whip.

NOMINATION OF NEIL GORSUCH

Mr. DURBINS. Mr. President, I listened carefully this morning to the statement made by the Republican majority leader, and I was a little bit curious as to what he was trying to say because he talked about a judicial nominee who rated unanimously “well qualified” by the American Bar Association, who received kudos from Republicans and Democrats alike, including Members of the Senate, who went
through the Senate without a hitch, and then he couldn’t understand why there would be more questions asked now for another appointment.

I was puzzled. I thought he was talking about Merrick Garland. We remember Merrick Garland was, of course, President Obama’s nominee to fill the vacancy on the Supreme Court. Senator McConnell this morning said repeatedly: So what has changed since the first time Judge Gorsuch came before the Senate? Senator McConnell, what has changed is you, what you did when Merrick Garland’s name was sent up. For the first time ever in the history of the U.S. Senate, Senator McConnell denied a hearing and a vote to a Presidential nominee to the Supreme Court. It never happened before, not once in history. And if you think, well, maybe the Democrats didn’t have a chance to show the same steel before the political determination, in the last year of his Presidency, Ronald Reagan nominated Anthony Kennedy to fill a vacancy on the Supreme Court. He sent the nomination down to the Senate. I believe Senator Biden was the chairman of the Judiciary Committee at the time. There was a Democratic majority. In the last year of Reagan’s Presidency, a so-called lameduck year by Senator McConnell’s description, the Democratic minority in the Senate gave President Reagan the respect of honoring his constitutional responsibility to fill the vacancy and sent Anthony Kennedy to serve on the Supreme Court. So Senator McConnell has asked what has changed. He has changed. He has changed the Senate.

And here is the good news for him. We are not going to forswear our own demands that a Presidential nominee for the Supreme Court is deserving of a hearing and a vote. I said that over and over again when Merrick Garland was being stonewalled by Senator McConnell and the Republicans in the Senate, I will say it again. I do believe the President’s nominee has a right to a hearing and a vote. That nominee also has a responsibility to show us that he is not only qualified to serve on an important appellate court but to serve with a lifetime appointment to the highest Court in the land.

On Tuesday night, President Trump announced he would nominate the Tenth Circuit Court Judge Neil Gorsuch to the Supreme Court. It is important to put that nomination in context. This is not a run-of-the-mill nomination. It is an extraordinary time in America’s history. President Trump’s announcement was actually supposed to happen today. Why was it sped up? Why did they hurry it up? Well, because of the avalanche of criticism being heaped on the Trump administration for its Executive orders on regulation, we need to change the subject. After dozens of legal immigrants were detained at airports over the weekend solely because of their country of origin, including children, seniors, interpreters who helped our troops, Federal courts stepped in to block the President’s Executive order.

We have done some research, and we are ready to report. We think this is the first time in the history of the United States that a new President within the first 10 days had an Executive order stopped in the Federal courts. It shows how controversial that order was, that the Federal courts would stop this brand new President and say: Stop. This has to be weighed as to whether it is legal or constitutional.

Then on Monday there was the unprecedented firing of an Attorney General who refused to defend President Trump’s unlawful Executive order in court. President Trump moved up his Supreme Court announcement to try to change the headlines. In doing so, he made it even more clear how critical it is that we have a independent judicial system, not a rubberstamp for the President. It’s especially vital at this moment in our history.

President Trump and his agenda are likely to come before the Supreme Court far more than any other Supreme Court nominee to fill the vacancy on the Constitution’s emoluments clause to his unprecedented Executive actions. President Trump is likely to keep the High Court busy. We need Justices on the Supreme Court who are truly independent. We need Justices on the Supreme Court who are truly independent. We need Justices on the Supreme Court who are truly independent.

President Trump announced his Supreme Court nominee to fill the vacancy on the Supreme Court. It is an extraordinary moment in America’s history. President. It’s especially vital at this moment in our history.

Merrick Garland was subjected to unprecedented obstruction by Senate Republicans and Senator McConnell. Republican Senators simply ignored their constitutional responsibility to consider this nomination, for political reasons. It was worse than a filibuster.

Do you remember the time when Senator McConnell and a number of others in the leadership said they would not support the President’s nominee—would not even give him the courtesy of a meeting? Merrick Garland was the first Supreme Court nominee in our Nation’s history to be denied any consideration by the Senate—no hearing, no vote—nothing. It was shameful.

I took an oath of office to support and defend the Constitution—every Senator does—and to bear true faith and allegiance to it. I take it seriously. Even though my Republican colleagues chose to ignore their responsibilities when it came to filling that Supreme Court vacancy in an election year, I know we have a constitutional responsibility to give Judge Gorsuch a hearing and a vote. I will do my due diligence as a Senator and give his nomination fair consideration. That is what the advise and consent responsibility of article I, section 8 of the Constitution requires.

If my Republican colleagues complain about the process for Judge Gorsuch, just remember that no one ran a worse process on a Supreme Court nominee than my Republican colleagues themselves did for Merrick Garland. They really have no right to complain.

Now that President Trump has nominated Judge Gorsuch, Senators will embark on a thorough review of his record. He was confirmed to the Tenth Circuit in 2006, but the level of scrutiny is far higher for Supreme Court nominees and lifetime appointments to the High Court. He now has a lengthy judicial record which we will review carefully.

There are parts of his record that already raise questions and concerns. In recent years, we have watched the Supreme Court transform into a corporate Court, where all too often cases seem to break for the big corporations, against the little guy. We need a Supreme Court that gives the American people a fair shot against corporate elites, corporate special interests. Judge Gorsuch’s record as a judge and advocate raises concerns as to whether he would hang that trend toward a corporate court.

I note that yesterday, Reuters published an article entitled “As Private Lawyer, Trump High Court Pick Was Friend to Business.” The article said that while Judge Gorsuch was in private practice, he “often fought on behalf of business interests, including efforts to curb securities class action lawsuits, experience that could mould his thinking if he is confirmed as a [Supreme Court] justice.”

During his time on the bench, Judge Gorsuch appears to have a consistent pattern of favoring companies over workers in cases involving employment discrimination, worker safety, and other matters. That is why we need to carefully review his record.

Judge Gorsuch must also answer important questions about his views on issues of fundamental importance to American people, such as our right to protect our products and to categorize us as Americans. We also believe—I think there are even some Republicans who
believe—that individuals have a right to privacy when it comes to the overreach of the Federal Government and when it comes to critical decisions so important to our personal lives. At that last heartbreaking moment when a family faces the loss of a beloved son or daughter, and the medical care for someone who is nearing death, is that going to be subject to a court order or is that going to be a decision made privately by a family? At that moment when a family faces the loss of a teenager in the household, is that a family decision or is that a decision where government has the last word? The Supreme Court decides this, and we need to ask Judge Gorsuch what he thinks and understand clearly what he says.

We also believe that when it comes to our security—not just our privacy but our security—the Supreme Court time and again will have the last word. When it comes to the issue of safety, health, and environmental protection, where will this public health? Where will this environmental protection? If he is going to rule consistently for the corporate interests and look the other way as we face climate change, the pollution of streams, the contamination of our drinking water, and dangers will public health? If he is going to rule for the corporate interests no matter what, he certainly doesn’t, as far as I am concerned, represent the values we need on the Supreme Court. He needs to answer questions about immigration, campaign finance, and voting rights.

Like Justice Scalia, Judge Gorsuch professes to be an originalist. Let me address that for a moment. I have been with the Judiciary Committee for quite a few years. Time and again, whether it is the nominee for Attorney General or nominees for the High Court, here is the cliche we are given: We are just going to apply the rule of law, whatever the law says. That is what we do. We are going to apply the rule of law. I call that the robotic view of justice; that if you just plug in the facts, a computer can tell you the answer because a computer compares it to the law. Yet we know better. We know judges make decisions based on a variety of concerns, and they give some facts more strength than others. This rule of law by robotic justice is a fiction. We know that each nominee, whether from a Democrat or Republican, brings views to the Court that will decide how many cases will lean.

Judge Gorsuch has to answer the questions forthrightly. There is a cottage industry of teaching nominees to give thoughtful nonanswers to important questions. That won’t cut it for me or many of my colleagues. The American people want honest, candid candidates for the bench.

We know Judge Gorsuch is the hand-picked nominee by President Trump and has been lashed by rightwing organizations all over the United States. They hope he will be a dependable vote in their favor, but he has to demonstrate—to me and to many other Senators—that he will be prepared to disappoint the rightwing if the Constitution and law require it.

Since the confirmation of Justice Clarence Thomas in 1991, Supreme Court Justices have had to show they can pass the test of 60 votes to get confirmed. I expect nothing less from this nominee. Justice Elena Kagan, nominated by President Obama, received 63 votes; Justice Sonia Sotomayor, nominated by President Obama, received 68 votes; Justice Samuel A. Alito had a cloture vote where he received 72 votes and subsequently received 58 votes for his actual confirmation; Justice Roberts, 78 votes; Justice Breyer, 87, Justice Ginsburg, 86.

Judge Gorsuch has a burden to bear. He has to demonstrate that he is a nominee who will uphold and defend the Constitution for the benefit of all of us, not just for the advantage of a privileged few.

If I take my constitutional responsibility very seriously when it comes to the Supreme Court. As a member of the Judiciary Committee, I am reviewing the record and preparing questions to ask the nominee. It is going to take some time. It usually does, a few months. But my Republican colleagues have kept this seat vacant since February of last year, so they don’t have any basis for arguing and complaining that we just have to move on this real fast.

I am sorry we are not considering the nomination of Merrick Garland, an eminently qualified mainstream judge who deserved better treatment than he received from Senate Republicans and Senator McConnell. No one deserved the treatment Merrick Garland received.

With my oath to support and defend the Constitution in mind, I will consider Judge Gorsuch’s nomination pursuant to the Senate’s “advice and consent.” I will strive to be thorough, fair, and focused on the important principles I have discussed today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from the great State of Alaska.

Ms. MURKOWSKI. Thank you, Mr. President.

I come to the floor this morning to speak on the resolution of disapproval that is before us. I want to make just a few comments following my colleague, the minority whip.

I am pleased to hear him say that he does look forward to the opportunity for a hearing on Judge Gorsuch and the opportunity for a vote. I think we recognize that we have in front of us an individual who has truly a stellar legal reputation, who has committed himself to the law in a remarkable way. When he was before this Senate for confirmation leading up to the Tenth Circuit, he acknowledged that he would like to think that on yet further review of this very strong individual, our colleagues will do the due diligence that is necessary as we perform our constitutional role of advise and consent.

There is so much that I will respond to at a later time when I go into more detail about my support for Judge Gorsuch and why I think he is exactly the type of individual we want to see named to the Supreme Court, but the comment has been made, not only by my colleague from Illinois but from others, that somehow or other Judge Gorsuch is for Big Business and not the little guy. It seems that the criticism is based on this viewpoint that courts should not defer to Federal agency interpretations of their own rules, and certainly Big Business is a frequent challenger of government overreach. But, as the Presiding Officer and I both know, so are ordinary Americans—people like John Sturgeon, an Alaskan who took on the Federal Government, took on the agencies, and took on the Park Service because he was told he could not use a hovercraft in an area where he had operated one for decades. John Sturgeon, with the help of a few friends, who did everything from garage sales to fund his litigation, and with just the generosity of their pocketbooks, took all the way to the Supreme Court the question of whether or not the Park Service’s regulation had exceeded its legal authority.

I happen to believe very strongly that Judge Gorsuch is clearly on the right track here when he questions the deference that courts give to our government agencies. I think most Alaskans would probably agree with us on this point—that when we are talking about the scales of justice, they should not be tipped in favor of our Federal agencies.

Again, I am pleased to hear that the minority whip agrees that a filibuster is not appropriate, is not the way to proceed with this fine nominee. I look forward to hearing what my colleague from Illinois but from the Senate and Judge Gorsuch but also to be able to share more of my observations at a later point in time.

Mr. President, I wish to join my colleagues in support of H.J. Res. 38 to disapprove and nullify the Department of Interior’s so-called stream protection rule. I wish to begin my comments by thanking Majority Leader McConnell and Senator Capito of West Virginia for sponsoring the Senate version of this resolution. I also wish to note that this number goes far beyond the Presiding Officer as a cosponsor on this bipartisan measure with 28 colleagues in support.

Now, by name alone, the stream protection rule may sound pretty innocuous, back here intentioned, but as we have heard and as we will hear throughout this debate, the reality is really different. This regulation will have severe economic impacts. It will cost us jobs. It will cost us revenues as we afford energy all across our country.

By way of background, the rule reverts longstanding regulations for coal
mining under the Surface Mining Control and Reclamation Act, something around here we simply call SMCRA. Now this rule was finalized in December of 2016, and it took effect 2 weeks ago, making more than 400 changes to existing regulations.

Now, 400 is just a number that shows the scope of the changes that the Obama administration has made, but it hardly does justice to the sweeping substance of the changes or the deliberately designed obfuscation that the Obama administration followed to make them.

SMCRA is supposed to be an example of cooperative federalism, and many States have approved programs that allow them to regulate coal mining within their own borders. But beyond that, the law explicitly directs the Federal Government to work with States to engage with them whenever any changes are made. So it requires a high level of cooperation and collaboration. Consequently, the collaborative spirit intended by SMCRA, the Obama administration chose to draft the stream protection rule behind closed doors. It ignored the input and recommendations that were provided by States and other stakeholders. It subverted the law, thus, it subverted its own intent. Its own objective, which was to keep the coal in the ground. Ultimately, that is what they wanted to do, and it finalized a rule that will shut down coal mining in several regions in our country, including possibly in Alaska, if it is allowed to stand.

Now, the Obama administration claimed that this rule would cost only $81 million a year and that it did not qualify as what is considered “economically significant” as a rule, as a result of that. We will likely hear that number touted by some of the opponents of this resolution and probably some who will claim that we are exaggerating the impact. But I don’t think we should forget how the Obama administration determined that the rule was insignificant in the first place.

In January of 2011, the Associated Press obtained documents showing that this rule was projected to eliminate 7,000 direct jobs across the country. So instead of going back and fixing the rule to avoid these potential job losses, what happened? The Department of Interior fired the independent contractor that had made the projections. Now, our legislation, we have a provision where the Department essentially cooks the books instead of fixing the rule. It then took steps to rebrand the rule, changing the name from the “stream buffer zone rule” to the “stream protection rule” making the rule sound rather innocuous.

So what the American people should know is that there is a real discrepancy between the economic impacts the Obama administration estimated and what other sources project will happen if the rule is left in place. The projection is that up to 30 percent of the direct jobs in coal mining will be lost, and domestic coal production will fall 20 to 65 percent, with anywhere from $15 billion to $29 billion in lost annual coal resource value and $3.3 billion to $6.5 billion in lost State and Federal revenue.

So with estimates like this, it is no wonder that this rule has drawn such strong opposition from Alaskans all the way to Appalachia. If you are doubting the statistics—if you are saying, well, I am hearing certain things on one side and others on another—you need to talk to people out there. And that is what the Obama administration said, we went out and we asked people.

Last March, I held a field hearing of the Energy and Natural Resources Committee, and we held the field hearing up in Fairbanks, AK. Among our witnesses was a woman by the name of Lorali Simon. The occupant of the Chair knows her well. She works for Usibelli Coal Mine, an initially family-owned and operated coal mine—which has been very successful—and provides us with coal and power to the residents of the Interior, and has been for a long time. Ms. Simon spoke about how coal resources contribute significantly to our State by providing jobs and a reliable energy source and how usability has helped to create business for others like our Alaska railroad. She also highlighted the broader picture on how coal strengthens our national and energy security. So those are all good things, in my book.

But Lorali also testified about the stream protection rule. She said that, if the rule was finalized as it was proposed—which it has been—it will likely kill all coal development in Alaska. She also noted that Congress passed SMCRA, but during the Obama administration, instead of just looking at the substance of the changes or the deliberations that were provided by States and other stakeholders, it ignored the input and recommendations. It subverted the law, essentially to meet its own policy objectives, which was to keep the coal in the ground. Ultimately, that is what they wanted to do, and it finalized a rule that will shut down coal mining in several regions in our country, including possibly in Alaska, if it is allowed to stand.

Now, Lorali Simon is not alone in her criticisms or her opposition to this rule. Our Governor in Alaska, an Independent by the name of Governor Bill Walker, recently noted that it was one of the worst of many different actions the Obama administration took to limit resource development in our State of Alaska.

The attorneys general of 14 different States wrote:

The rule would have a disastrous effect on coal miners, their families, workers in affected industries, and their communities. It would also impose very significant costs on American consumers of electricity, while undermining our Nation’s energy supply.

That is pretty tough—not only a disastrous effect on the coal miners but the cost on American consumers of electricity, while undermining our Nation’s energy supply.

The Interstate Mining Compact Commission described this rule as a “bureaucratic and unlawful rule that usurps states’ authority as primary regulators of coal mining as intended by Congress under SMCRA” while also seeking to impose “an unwarranted top-down, one-size-fits-all approach that does not take into account important regional and ecological differences.”

Then, finally, the U.S. Chamber of Commerce noted that the rule “exceeds the Department’s authority, will cause significant economic harm and job losses, and interferes with longstanding and successful state efforts to protect water quality.”

It is very clear to me that this rule simply cannot stand. We have an opportunity here to make sure that this is the case. So if you are concerned about families paying more for their heating and their electricity bills, you should support this resolution. If you are worried about job losses due to access restrictions and rising energy costs, you should support this resolution. And, if you are concerned about States doing what so many of us do, or overregulation by the Federal Government, which we clearly do, you should support this resolution.

I have noted to a couple of people today that this is a pretty good day to be a Republican. In fact, it is Groundhog Day, and it is exactly what the last 8 years have felt like for anyone who has paid attention to the regulations that were just churned out by the Obama administration. The SAP rules are a perfect place to start as we sort through the major burdens that the last administration imposed through its relentless regulatory actions.

So, again, I wish to thank Leader McConnell and Senator Capito for sponsoring and leading this legislation, and know that I intend to vote for it. I urge my colleagues to do the same. With that, I yield the floor.

I suggest the absence of a quorum. The Acting Sergeant at Arms will now walk the floor. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Ms. Cantwell. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. Fischer). Without objection, it is so ordered.

Ms. Cantwell. Madam President, I see my colleague from Texas. Did he want to make remarks in leader time?

Madam President, I come to the floor to talk about the action today in the Senate, which is to try to overrun the clean water rule as it relates to the mining industry. The bottom line is, polluters should pay for the pollution, and that is what the rule says, and that is what is trying to be overrun today after a very short debate in the Senate.

Some of my colleagues on the other side of the aisle would like to say it is about the coal industry and a war on coal. If they are so concerned about the coal industry, I would suggest to them...
and coal workers that they take up the pension bill they promised to take up in the last Congress and have failed to take up.

Last December, thousands of coal miners came to Washington, DC, and asked to live up to their promise that was made and put their health on the line and make sure that they had a pension program. More than 20,000 retired coal miners are at risk of losing their health care if we do nothing by April, and they have a very small living on about $530 a month—that is also at risk.

I know some of my colleagues would like to believe this is somehow entirely related to a war on coal, but that narrative ignores the facts. In 2008, right before the financial crisis, the United Mine Workers’ pension plan was 93 percent funded—in 2008, 93 percent funded. Its actuaries projected it was on track to reach full funding in several years.

So this notion that somehow the discussion occurs by the Interior Department or the EPA caused an implosion in the mining industry and thereby they didn’t have resources is not the case. What is the case is that the financial crisis hit, and Wall Street speculators blew up our economy, costing it $14 trillion—according to the Dallas Fed—and many in this body bailed them out. But we did nothing to bail out the miner pension program.

Those pensions were thrown into crisis. By 2009, the United Mine Workers’ plan had dropped from the 93-percent funded level down to the low seventies—a 20-percent drop in a single year. So despite the fact that the plan was well managed, the investment returns continued to be problematic. Wall Street—not the Department of the Interior or EPA—is the reason mine workers have so much change today.

If they care so much about the mining industry and the workers, then bring it on forward floor of the Senate today instead of trying to overturn a rule that says polluters should pay.

These safe drinking water issues and fishing issues are so important to an outdoor economy that employs a million-plus workers and is a vital part of practically every State’s economy. The notion that somehow this is a jobs issue—if they want to protect jobs in the outdoor industry, then please allow us to fish in rivers where they don’t have to worry about selenium.

This is a big issue, whether talking about Montana, Colorado, Washington, or the State of Alaska.

I will say that the Alaskan issues of salmon and habitat far outweigh the 113 jobs that the U.S. coal industry produces. Both can be seen as valuable jobs, but if we want to know about an economic impact to the State, it is dwarfed by the issue of making sure salmon have clean rivers and streams to move more firmly to protect health and the environment.

We are right to defend this rule and law and say that polluters should pay. Madam President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORKYN. Madam President, yesterday the Senate took up legislation to block the stream buffer rule, which is a job-killing regulation from the Obama administration. Today, the Obama administration will be long remembered for—a regulatory overreach that strangled the growth of our economy and the jobs that come along with it. This is a prime example of a misnomer, though. It is not really about protecting streams, as it was sold, but about killing the coal industry and energy production in our country.

One of the things that have caused our economy to grow historically has been access to low-cost energy, but unfortunately the Obama administration made that not possible in coal country, taking many jobs along with it and I think in part, at least, responsible for the vote President Trump got in many parts of the country that felt left behind by the economy and because of job-killing regulations like the stream buffer rule.

NOMINATION OF NEIL GORSUCH

Madam President, yesterday I had the chance to meet with Judge Gorsuch personally, the man President Trump nominated to serve on the U.S. Supreme Court.

It is plain to me now why President Trump selected him to be the nominee for the seat vacated by the death of Justice Scalia. Judge Gorsuch's experience, intellect, and qualifications make him uniquely qualified and qualify him as a mainstream nominee. That seems to be the nomenclature that has been embraced by our colleagues across the aisle. They said they hope President Trump nominates a mainstream nominee. Well, he did. But I fully expect our colleagues across the aisle to try to paint him as some sort of extremist, which they can’t do based upon his distinguished record on the Tenth Circuit Court of Appeals for the last 12 years as a Federal judge or his previous life. They are going to have to make things up in order to cause people to believe this nominee is not a mainstream nominee.

I am forward to working with my colleagues on the Judiciary Committee to do our job of advice and consent and to see the nomination come to the floor, where I hope he will be confirmed. I trust he will be confirmed one way or the other.

Finally, Senate Democrats—particularly their leader, the Senator from New York—have already announced that they will fight tooth and
nail against any nominee put forward by President Trump. Predictably, the minority leader has made clear that he will try to filibuster the President's nomination. It has been ironic to watch him come here and extol the virtues of the 60-vote cloture requirement for confirming Supreme Court justices when he and the rest of his colleagues invoked the so-called nuclear option to change the Senate rules by breaking those rules and reducing the cloture requirement for lower Federal court judicial nominees.

We see what happened as a result of that action. Now they find themselves on the receiving end of that 51-vote requirement caused by the nuclear option. So much for immediate gratification and not so much for taking the long view in terms of how the Senate ought to operate.

This sort of resistance mentality that has grown up among our colleagues on the other side of the aisle ignores the fact that we had an election on November 8. The American people made their choice, and it is plain that our Democratic colleagues are simply not happy about the choice they made and are going to undermine and delay the President no matter what, particularly when it comes to staffing his Cabinet with the people he has chosen to serve the Nation as part of his administration.

The American people also indicated they wanted us to move forward, away from the bickering, away from the gridlock, away from the crass partisanship that we were here to serve someone else other than the American people. They want results, not politics as usual. I think that is the lesson we all should have learned from this last election. The sad reality is that it is increasingly clear to me that my Democratic colleagues didn’t learn the right lesson last November and are trying to bring us back to a standoff.

Thanks to the nuclear option that then-Majority Leader Senator Reid championed and which all of our Democratic friends voted for, they are not going to be able to stop President Trump’s nominees to the Cabinet because all it requires is 51 votes. Yes, they can slow it down, but they can’t stop it. My question is, What purpose is to be served from keeping the President fully staffed with the Cabinet that he has chosen, knowing that you are ultimately going to lose the fight? Unfortunately, this is not about the Senate alone. This is about the American people. For 2 days in a row, Senate Democrats on the Finance Committee, which has been one of the most bipartisan committees in the U.S. Senate—our Democratic colleagues, each and every one of them, boycotted the meetings to consider President Trump’s nominees.

I sit on the Finance Committee. As I said, it has historically been a bipartisan committee, but our Democratic colleagues chose to relinquish their responsibility and ignore their duties to their constituents. Unfortunately, this type of behavior has become par for the course throughout the first days of President Trump’s administration. We have seen other examples of slow-walking nominations, invoking every procedural rule that is to deny unqualified nominees the sort of normal courtesies that go along with working in the Senate on technical or procedural matters.

We have seen countless examples of their slowing down the nomination process intentionally, even for highly qualified candidates.

On the Judiciary Committee, on which I also sit, there is another example with respect to the nomination for Attorney General of Senator Jeff Sessions, a well-respected colleague in this Chamber. I am glad we were finally able to move his nomination out of the committee yesterday. But the truth is that even though many Democrats on the committee had worked side by side with Jeff and had cosponsored legislation with him, they themselves said what a good man he was. They voted against him after slowing down this obvious choice to lead the Justice Department.

President Trump was correct about draining the swamp in Washington, DC. The biggest swamp in Washington, DC, has been a Justice Department headed by Eric Holder and, sadly, by his successor Loretta Lynch. They have refused to enforce the law and instead turned that into a political outpost for the Obama administration. Attorney General Jeff Sessions is going to change that. He is going to enforce the law, and he will respect the law no matter who wins and who loses because his duty is to the Constitution and laws of the United States and to enforce those laws as Attorney General and, yes, to defend those laws.

Some of our Senate colleagues were shocked when Deputy Attorney General Sally Yates—although the Office of Legal Counsel said that the Executive order issued by the President was legal and proper in its form—wrote a letter saying she was instructing the line attorneys in the Department not to defend it in court. President Trump fired her, and he should have. That is political grandstanding by somebody who should know better, considering her distinguished career at the Department of Justice for the last 30 years.

I don’t know who gave her the bad advice, but I am glad that President Trump decided to fire someone who basically defied their duties to the Department of Justice and to the U.S. Government and preferred to take the side of politics and misinformation.

We know that the Senate is continuing with other nominations as well. I see this morning that the Environment and Public Works Committee today finally voted out the nomination of the attorney general of Oklahoma, Scott Pruitt, for Director of the Environmental Protection Agency. Unfortu-
February 2, 2017

CONGRESSIONAL RECORD — SENATE

S617

I am proud to say that we do our very best to make sure that the 28 million people I have the privilege of representing get the very best help possible to help navigate the very real and very personal issues that involve the Federal bureaucracy. That way, our office—officially my constituent services or whatever we call our casework team—can help ensure that no Texan who reaches out to us slips between the cracks.

In some circles, apparently, we have a reputation for bragging in Texas, but I have to say that my staff are some of the absolutely best in the field when it comes to getting responses for Texans from Federal agencies. I like to say that if it can be done, it will be done. In that way, we play an important role in holding the bureaucracy accountable and reminding the Federal Government who their customer really is. It is the taxpayers to whom they ought to be responsive. They shouldn’t need to call their senator or their congressman or Congresswoman in order to get responses from the Federal Government, but, in fact, sometimes they do, and sometimes—well, it is our privilege to help.

As I indicated, the person who has led this effort in my office for the last many years is Linda Bazaco, someone whom I came to know after she worked for my predecessor, Senator Phil Gramm. Linda fervently believes in the concept of government accountability and has developed a way to get the answers that Texans need and deserve. As I indicated, she started working for my predecessor, Senator Phil Gramm, about 27 years ago. Today, Linda’s system has become the gold standard for other elected officials to get results on behalf of their constituents and, in doing so, has impacted constituents’ lives in profound ways: benefits, checks, expedited passports, medical care, fast business return phone call from an agency. All the while, Linda has done this with enthusiasm and with an eye toward quality and getting results for the people of Texas.

Linda, along with the team she has built, has pushed the government to be more accountable and responsive to the tens of thousands of Texans who have reached out to my office and, in most cases, will never know she was their secret weapon.

Soon Linda will be taking on another challenge. After serving the 28 million people of Texas for nearly 27 years now, she will take up an even more important role; that is, a full-time grandmother extraordinary. I couldn’t be prouder of having someone of one caliber as a leader on my team, and I wish her and her husband Val and her three children and her five beautiful grandchildren the absolute best in the next chapter of their lives.

On behalf of all the generations of Texans you have helped over the decades, the staff members you have led along the way, and at least two U.S. Senators, Linda, thank you for your service.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I know we are going back and forth, even if my colleague seeks to speak. Go ahead because we are expecting someone on our side.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Madam President, I ask to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF NEIL Gorsuch

Mr. ROUNDS. Madam President, I rise today to discuss President Trump’s Supreme Court nominee, Judge Neil M. Gorsuch. As you know, the vacancy exists because last year Supreme Court Justice Antonin Scalia unexpectedly at the age of 79, leaving an unexpected vacancy on our Nation’s highest Court.

As I said at the time of his passing, replacing Justice Scalia, one of the Court’s strongest defenders of our Constitution, is not going to be easy. For nearly three decades, with his brilliant legal mind and animated character, Justice Scalia fiercely fought against judicial activism and legislating from the bench. To say our next Justice has big shoes to fill would be an understatement. That is why the decision was made early on by Leader McConnell and others to give the American people a voice in this process, to postpone the confirmation of the next Justice until the 45th President was in office and able to nominate someone him or herself. We held that belief, even when it looked like our party would not win the Presidency.

As we have been reminded before, elections have consequences. The American people chose to elect President Trump, who throughout his campaign said that he would nominate someone in the mold of the late Justice Scalia. With his pick of Judge Gorsuch, President Trump made an excellent choice in fulfilling that promise. We believe Judge Gorsuch espouses the same approach to constitutional interpretation as Justice Scalia and has a strong understanding of federalism upon which our country is built.

I have pictures I showed last night of scientific information about the great degradation of the environment that are polluted. I have pictures I showed last night of destroyed fish, pictures of river streams that are polluted. I have pictures of obvious degradation of the environment around them.

The real issue is, the rule is now in place, and my colleagues want to exempt the coal industry from such regulation. Why would you want to exempt anybody from cleaning up their mess? Polluters should pay. I know my colleagues are starting to chorus on some rules and about the economy, which makes no sense. Natural gas has driven a very competitive market to consuming more natural gas than coal,
and Wall Street blew up the pension program of the miners, and now it is in jeopardy. If you want to help miners, then come address their health and safety and their pension program. If you want to make natural gas more expensive, then you could make it competitive again, but I don’t think that is what we really want in America.

My colleagues somehow ignore the fact that the people of the United States of America are going to demand clean water one way or another. You can protect the coal industry here with special interests and the amount of lobbying they do, or you can step up this process and have a regulation that works for the United States of America so the outdoor industry, sportmen and fishermen—who have many more jobs—can continue to thrive. Why do I say that? Because my colleague from Texas brought up the EPA nominee, Mr. Pruitt, who is coming to us from Oklahoma. He is one of those great examples of the same arguments that the other side of the aisle is trying to make, they tried to make in Oklahoma. “Oh, my gosh. It is environmental regulation that is stopping us from producing a greater, more robust economy. We need to do something to stop those antward regulations.”

What did they do? They had a big initiative for the ballot that basically said: Let’s make it really hard for anybody to regulate in regard to farming, fisheries, safety and their pension program. If you come here and argue about clean water, I think that is what we really want in America. It is also about whether we are going to live in that kind of environment.

The notion that this kind of “let us make sure the coal industry doesn’t have to play by the rules, they get an exemption from clean water” is some sort of economic strategy for the future of coal country, it is absolutely not. Saying that AGs are going to do the job, we have many examples of where they haven’t. There are also examples from Ohio and Pennsylvania, where the degradation is so bad it is nearly impossible to clean up.

Let us talk a little bit about the comparison of jobs from outdoor industry and the coal industry. It is not to demean the jobs of the coal industry and the individuals who have worked their whole lives in that sector or to say that one job is better than the other. There are over 6 million jobs directly in the outdoor industry. They generate $80 billion in tax revenue, but if you come to Montana and there is a huge runoff of a stream and people don’t want to go there to fish and recreate anymore then you have caused damage. What are we talking about by State? Let’s look at it. Montana, there are 64,000 jobs linked to outdoor recreation. Why? Because Montana is beautiful. It has so many streams. I mentioned last night that wonderful movie called “A River Runs Through It.” It doesn’t say, “A River Runs Through It and a Mountaintop Mine Sits on Top Of It.” That is not what that movie was about. It was about the beauty of the great outdoors. There are 122,000 recreation jobs in Utah. There are 125,000 in Colorado, 50,000 in Wyoming. There are 28,000 in Montana. Are they hearing here defending those jobs? I am defending them because a clean stream is a great source of recreation for people. I don’t want to fish or hike in a stream with selenium that could poison me or poison other people. What is wrong with polluters paying? I say nothing.

The economic cost of this legislation is very minimal. The industry would be responsible for less than .01 percent of the economic cost; that is, the pollution and the individuals who have worked from this type of effort would be minimal to the industry. So what are they complaining about? What are they complaining about? They don’t want to measure selenium in the water. They don’t want to be responsible for mitigating it. Why?

The economic challenges that the industry faces from natural gas have nothing to do with this issue. This issue is about whether polluters should pay and whether we as a body are going to not only overlook this but also that is about clean water and safety for our communities by having streams protected. It is also about whether we are
going to preclude another administrative approach to fixing this issue.

The Congressional Review Act is a very large cannon blowing a hole in the clean water requirements for the coal industry. Once you turn this down, you cannot insist on something else. So our colleagues on the other side of the aisle, if they truly wanted to do something about this, could come to the floor today and say: I propose something different. President Trump, if he wanted to propose something different—let’s guarantee clean water and moved us forward, he could propose something. Instead, they simply want to repeal this.

So this chart shows just what I have been referring to; that coal basically now in 2016 is getting beat by natural gas. It is getting beat by natural gas because it has become a cheaper source. We are not going to get into the details of how that happened, but we are going to say here today that the notion that you want to let them off the hook from meeting environmental rules and regulations as a way to be competitive is a dangerous, dangerous precedent for the United States to be setting.

We will not win, and our economy will not win from that situation. What we have to do instead is make sure that we are taking care of our environment and being competitive in all sorts of industry issues. For example, this story of coal miners in West Virginia, how mountaintop mining caused a fish species to disappear. “We are seeing significant reductions of the species of abundant fish downstream from mining operations.”

To me, that would be an anathema in the Pacific Northwest. Fishing is everything. If somehow we were involved in a mining process that was killing fish, that would be the worst thing that could happen to our economy. There is no reason for the federal government to set rules and regulations to make sure the mining industry cleans up its mess.

I hope our colleagues will understand how detrimental this rule is. Do not give the mining companies an exemption from cleaning up messes in their streams. Let’s say that we are going to do the public interest and not special interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Madam President, today we are going to be voting on the first of what will be many resolutions of disapproval under the Congressional Review Act to roll back the avalanche of Federal regulations that the Obama administration placed on the U.S. economy and, most importantly, the working men and women of this great country.

Nowhere have these regulations been more of a burden than on the energy industry of America, which employs millions, millions of Americans—Democrats, Republicans, good, hardworking Americans, and thousands of coal workers. Many of my colleagues—all of whom I respect highly—and on the other side of the aisle, my Democratic colleagues, came down to the floor. They were saying how coal miners of America were under siege, how they needed help. They were talking about my good friend, the colleague from West Virginia, this bill, with regard to protecting coal miner pensions, which, by the way, I am a cosponsor of.

So I agree about protecting our coal miners, but I watched a lot of those resolutions. My colleagues were down on the floor for several hours, but what I found very ironic was that I looked at a lot of these Senators and asked: Where were you during this 8-year war against coal miners? What were you doing? I hate to say it, but a lot of them were allies in the Obama administration’s assault on hard-working families and coal miners.

I am not saying that about my good friend from West Virginia. Joe Manchin and I truly want to help the coal miners. We will not win, and our economy will not win from that situation. What we have to do instead is make sure that we are taking care of our environment and being competitive in all sorts of industry issues. For example, this story of coal miners in West Virginia, how mountaintop mining caused a fish species to disappear. “We are seeing significant reductions of the species of abundant fish downstream from mining operations.”

To me, that would be an anathema in the Pacific Northwest. Fishing is everything. If somehow we were involved in a mining process that was killing fish, that would be the worst thing that could happen to our economy. There is no reason for the federal government to set rules and regulations to make sure the mining industry cleans up its mess.

I hope our colleagues will understand how detrimental this rule is. Do not give the mining companies an exemption from cleaning up messes in their streams. Let’s say that we are going to do the public interest and not special interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I think my colleague from Massachusetts is here on the floor to speak. I will let him have some time.

I would say to my colleague from Alaska, the real bait-and-switch is the side of this aisle that allows the Finance Committee to pretend like it is going to do something on the pension program and votes a month before the election, and then after the election, fails to act on such an important issue. I hope people are not advocating pollution as an economic strategy because it will not work.

The PRESIDING OFFICER. The Senator from Washington.
country for the first time in a generation.

TRIBUTE TO BILL BONNAVILLIAN

Before I turn to the resolution the Senate is debating, I want to take a minute to recognize the contributions of Bill Bonnavillian to advancing American science and technology policy. Last month, Bill stepped down as the head of the Washington office of the Massachusetts Institute of Technology after 11 years.

Bill’s leadership of the office continued MIT’s historic role of providing a vision for advancing science policy and ensuring that knowledge generated at MIT was relevant and available for policymakers in Washington, DC. His leadership will be missed at the MIT Washington office, but I am glad to know he will be staying engaged with the MIT community. I hope he will continue to provide guidance to this body since now, more than ever, we need science to inform the decisions we are making on the Senate floor.

Today, Madam President, congressional Republicans are beginning the process of going one by one to overturn commonsense rules that have long been opposed by the oil and gas, coal, and other industries in the United States of America. The majority is trying to undo these rules by deploying a rarely used procedural tool known as the Congressional Review Act.

In fact, the majority is talking about using the CRA, so often that it could actually get hard to keep track of which industries is benefitting from week to week from the Republicans’ use of the CRA. I brought down a helpful tool so the viewers at home can keep track of which industries are benefitting each week from Republicans using the CRA to roll back protections for public health, for clean air, for clean water, for clean soil, for the health of the families in our country.

So let’s coal our wheel to see who is the big winner of the GOP giveaway this week.

Up first are the mining and the coal industries. They are the first big winners of the GOP Congressional Review Act wheel of giveaways. That is right. First up for repeal by the Republican Congress are public health protections against the toxic practice of mountaintop removal coal mining.

These rules were put in place by the Obama administration because a Bush-era rule was thrown out by the courts. These commonsense rules to monitor and ultimately restore streams impacted by coal mining are despised by the coal industry. Those that created the problem despise any rules that would require remedying the problem, as it affected public health—no surprise.

Mountaintop removal mining is one of the most environmentally destructive practices on Earth. Mountains are turned into barren plateaus. Streams in the bottoms of nearby valleys are filled with debris and buried. Heavy metals destroy water quality for nearby residents and ruin ecosystems.

The rule that the Republicans are attempting to repeal today protects the public health and drinking water of millions of American citizens in Appalachia and elsewhere across our country.

The rule requires that lead, arsenic, selenium, and other toxic pollutants are monitored. It requires that streams that are damaged or destroyed must be restored.

Now, the majority likes to say that there is a war on coal, but the only war that coal is losing is in the free market to natural gas, to wind, to solar. These are the sources of electricity that the utilities of our country, that the citizens of our country have been moving to over the last 10 to 15 years. There is a war going on in the marketplace.

Adam Smith is spinning in his grave as he listens to the Republicans trying to protect an industry from market forces. Adam Smith is actually spinning so fast in his grave that he could qualify as a new energy source for our country. That is how shocked he would be about this attempt to undermine the public health and safety in our country on behalf of an industry that is losing a battle in the marketplace.

It is the free market that ultimately is causing these changes, and the coal industry is saying: Please protect us from having to protect the public health and safety. Adam Smith is saying: Please protect families affected by our industries.

A few years ago, we generated roughly 50 percent of our electricity from coal. Now it is down to 30 percent of all electricity generated in our country from coal—50 percent to 30 percent of all electricity in a handful of years.

Coal has been replaced in the free market by natural gas, which has skyrocketed from 5 percent of U.S. electricity generation a decade ago to 35 percent today. That is coal’s big problem—natural gas, another fossil fuel, but one that emits one-half of the greenhouse gas pollutants as does coal.

Coal has also been replaced by clean energy, by wind, especially, which has grown by 5 to 6 percent of our generation, and by solar, which is now 1 percent of our generation.

In other words, if you go back to 2005 and you look at your country, natural gas was a relatively small percentage of electrical generation, and so were wind and solar. As we debate this issue here today, wind and solar are now up to 7 percent of all electricity generated in our country, up from 1 percent just a little bit more than 10 years ago. It is growing so fast as a preference for American industry, American utilities, and American homes, that it poses a marketplace threat.

So what we need to do now, finally, is to have the big debate out here as to what are the implications for public health and safety and what do we have to do in order to maintain the high standards that we have created for the protection of families over the last generation.

Last year, electricity generation from natural gas surpassed that from coal for the first time since 1938, when water collection began. Why? To quote the Department of Energy:

The recent decline in the generation share of coal, and the rise in the share of natural gas, was a market-driven response to lower natural gas prices that have made natural gas generation more economically attractive.

Between 2000 and 2008, coal was significantly less expensive than natural gas. However, beginning in 2009, large amounts of natural gas produced from shale formations changed the balance.

While the cost of coal has risen by 10 percent since 2008, the cost of natural gas has fallen by more than 60 percent. For a power producer considering new generation capacity, the lifetime cost of electricity from a new coal-fired powerplant is 67 percent higher than from new natural gas plant and 17 percent than from a newly constructed wind farm, according to the National Academy of Sciences.

The reason no one is building coal-fired powerplants is very clear: It is the free market. Coal cannot compete in the free market. In 2016, we added more than 14,000 new megawatts of solar. We are going to add 7 to 8,000 new megawatts of wind. We are going to add nearly 9,000 new megawatts of natural gas, and we added a virtually no new megawatts of coal-fired generation in our country. We are projected to add no new coal generation this year as well. It will be more natural gas, more wind, and more solar.

The marketplace is rejecting coal as a source of electricity. The marketplace is doing that. This isn’t a conspiracy. It is competition in the free market.

Let my colleagues think that this is just happening in the United States, it is not. More than half of all electrical generating capacity added in the world last year was renewable.

Let me say that again. More than half of all new electrical generating capacity added in the world last year was from renewable energy—wind and solar—across the planet.

China recently announced that it intends to invest $360 billion on renewable energy by 2020. They intend to create an additional 13 million Chinese jobs in renewable energy in that time.

This isn’t a conspiracy. It is competition, and the competition for those clean energy jobs is global.

When we started carrying iPhones, it wasn’t a war on black rotary dial phones; it was a technological revolution. When we started using Macs and PCs, it wasn’t a war on typewriters; it was a technological revolution. The horseless carriage wasn’t a war on horses; it was a technological revolution that moved us to automobiles.

The move away from coal and oil toward clean energy and natural gas isn’t
February 2, 2017

CONGRESSIONAL RECORD — SENATE
S621

a war; it is a revolution—an American-made free market revolution.

We now have more than 400,000 Americans employed in the solar and wind industries. By 2020, there are projected to be 600,000 Americans working in these clean energy industries. It is not a war; it is a revolution.

Now, next there is going to be another industry to win in the CRA, the Congressional Review Act giveaway game. That is right. The next winner will be the coal industry.

Republicans intend to move to overturn a bipartisan requirement under the Dodd-Frank bill that publicly traded oil, gas, and mining companies disclose to their investors when they make payments to foreign governments, but that requirement is vigorously opposed by ExxonMobil, the American Petroleum Institute, and the oil and gas industry.

Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act was a bipartisan provision authored by Senators CARDIN and LUGAR. It requires oil, gas, and mining companies to disclose payments to foreign governments, and that is now in jeopardy.

The Dodd-Frank disclosure rule goes to the core of the Securities and Exchange Commission’s mission of investor protection. Secret payments can easily be expropriated by corrupt governments. They can also be a signal that a company is involved in risky business overseas—risks that investors need to know about when making investments.

By eliminating this disclosure requirement, using the Congressional Review Act, we are potentially allowing for oil companies to make secret, undisclosed payments to foreign governments. Those could include payments intended to gain an advantage over other companies or even bribes to foreign officials.

Eliminating this disclosure requirement could allow for oil companies to make secret payments to foreign nations that could have serious implications for these nations and for investors.

I urge my fellow Senators to reject these resolutions and keep in place the commonsense protections for public health, clean water, and financial disclosure.

Earlier today, the Republicans on the Environment and Public Works Committee reported out the nomination of Oklahoma Attorney General Pruitt.

Democrats on the committee have grave concerns about his ability to uphold the EPA’s mission to “protect human health and the environment.”

So what we are talking about here is the totality of a picture. The use of the CRA to—one by one by one—go after these environmental protections that have been put in place to increase the health and safety of our country, to reduce their exposure to arsenic, to lead, and to other dangerous chemicals. This first one that we are debating goes right to the heart of that issue.

What the coal industry is doing is using the justification of their need to be competitive with the natural gas, wind, and solar industries, a battle they are losing in the financial marketplace, as a justification for undermining the public health of our country so they can be more competitive.

In other words, the price to be paid to make the coal industry more competitive with other industries to which they are losing market share in the electric power sector is that the public health has to be compromised and we have to turn a blind eye to the impact on the children and the families in our country who are being exposed to these dangerous chemicals.

That is the price we have to pay as a nation? It is unacceptably high.

So Adam Smith looks on, and Adam Smith judges us here today.

This marketplace defeat of coal by natural gas, wind, and solar is one that is being used to hurt children and hurt families in our country. I do not think it is an acceptable position for our Nation to take. I urge a rejection of that amendment.

I yield back to the leader of this effort on the Senate floor, the great Senator from Washington.

The PRESIDING OFFICER (Mr. Sasse). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I appreciate the opportunity to get wedged in here. There are a number of very interesting things happening today. One is the CRA that I am very much concerned about. I know that my good friend from Massachusetts did not misrepresent something intentionally; however, this is a little bit more complicated than people think it is.

I spoke earlier this week on our need to roll back a lot of these regulations that were handed down during the Obama administration. They are all a part of that war on fossil fuels, and as you hear, that war is still going on with some of those individuals. However, President Obama is gone, and now we have to look at some of these over-regulations.

For a number of years, I chaired the Environment and Public Works Committee. During that period of time, that particular committee had the jurisdiction over the EPA, which is where most of these regulations came from. When I say “bad regulations,” I am talking about the over-regulations that make it very difficult for our companies to compete with foreign companies that don’t have these types of regulations.

Let me say something that is not very well understood, and that is what a CRA really is. There are a lot of people of the liberal persuasion who would like very much to have everything they could regulate regulated. Washington. For example, one of the fights we had was the WOTUS fight. If you ask any of the farmers and ranchers in America—not just in my State of Oklahoma but Nebraska and many other States—what is the most serious problem they have, they would say it is the overregulation of the EPA. If you ask them, of all the regulations, which ones are the most difficult for the farmers out there trying to scratch a living, they will say it is the regulations on water.

Historically, the jurisdiction of water is a State jurisdiction. Now, a liberal always wants that jurisdiction to be with the Federal Government in Washington. That is their nature. I don’t criticize them for that. They believe that. But if you ask the farmers in my State of Oklahoma, they will say they don’t want that to happen. Historically, water has always been the State’s jurisdiction, with the exception of navigable water. We understand that navigable water should have a Federal jurisdiction. In fact, I would have to say there was a real effort 6 years ago by a Senator who at that time was representing the State of Wisconsin and a House Member who was representing a district in Minnesota. Those two individuals introduced legislation to take the word “navigable” out of water regulations so the Federal government would have jurisdiction over all of the water in the States as opposed to the State having that jurisdiction. Not only did we defeat the legislation, but both of those Members were defeated in the polls when they came up for reelection the following year. The people are clearly on our side.

Where does a CRA come in? A CRA is something that has been used to shed light on what we are doing here. I am talking about with respect to our elected representatives. If there are regulations that are punitive to the businesses back home, when the Senator goes back to his or her State, they can say: Well, that wasn’t I, that was an unelected bureaucrat who did that. I and my colleagues in the Senate adopted a CRA and the people don’t really know where they stand. A CRA takes away that shield because the CRA challenges a regulation, and it has to be voted on, forcing Members of the Senate and the House to be responsible for how they are really voting. It is a way of shedding light.

We have a lot of CRAs coming. One is going to be a CRA that I sponsored having to do with a regulation in the Dodd-Frank bill, in section 1504. As I pointed out, most of the millions of dollars come from the EPA, but this particular regulation didn’t come from the EPA. It came from the Dodd-Frank banking legislation having to do with financial services. It is in a section that had nothing to do with financial services. Section 1504 requires all information to be made public that would come from a bid. In the United States of America, our oil and gas companies are in the private sector, but in China it is run by the government. If we are competing against a company that be in Tanzania and we are competing with China, China would be competing as a government, and we would be doing it
in the private sector. Section 1504 requires the private sector to disclose all elements of their bid when they are competing for a contract with China. The reason for this initially was to preclude a country’s leaders from attempting to bribe foreign officials. The courts told us to do this in 2013, and that is to use the CRA to knock out this section 1504 and go back and rewrite it to take out merely the requirement for a breakdown of all the individual elements of a contract. That is something we intend to do.

I see my good friend from West Virginia, who I think would understand just as well as anyone that when I go back to my State of Oklahoma, they say to me: You have a President—this was back when President Obama was President—who has a War on Fossil Fuels. Fossil fuels are coal, oil, gas, and I would include nuclear. Coming from my State, they ask: Explain how, if 89 percent of the power that is generated in America comes from fossil fuels and nuclear and they are successful in doing away with it, how do we run this machine called America? The answer is, we can’t. We have to have it.

I think we all understand what we want to do is have this rule changed so we are not put at a competitive disadvantage so we are able to go ahead and compete with countries that have a government-run system. To be able to do that, we need to rewrite this particular act. Again, the courts have already agreed to that and that is what we are attempting to do.

For those concerned about the timing and the speed of the CRA, I have good news. The actual rule is not set to go into effect until 2018 anyway. The more swiftly we can enact the CRA, the more time is on us and the SEC to rework it. This is something that is perfectly acceptable.

Some of my critics say we can’t come back with a rule that is substantially the same. This will not be substantially the same. Actually, this is what the court recommended in 2013.

In closing, I want to ask this question: If we put forth a rule that makes it harder for U.S. companies overseas, who will fill the void? The U.S. companies have the best environmental standards, the best labor practices, and the least corruption of many of the other countries. However, if this vacuum is there, the business will go to companies in Russia and Mexico that don’t care about pollution and don’t care about labor standards. That is not what we want to happen. What we need to do is foster a strong competitive environment, with reduced corruption overseas, for the benefit of those living under these governments.

So I invite my colleagues to join me in this effort to do away with this regulation through the CRA and to repeal section 1504 of Dodd-Frank and rewrite it so it accomplishes the goal of stopping corruption and at the same time is not going to put us at a competitive disadvantage.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise also to speak about the rule. I want everyone to know that the State of West Virginia has been a heavy-lifting State. We are a construction State. We mined the coal that made the steel that built the guns and factories that enabled our Nation to defend us and gave us the great country we have.

We have done everything. There is no one in West Virginia, Oklahoma, or any extraction State who wants dirty water or dirty air. Pittng people against each other is just wrong. The way this comes down is that this is a duplicative rule, this stream protection rule that was put in place.

My colleagues know that last year the Department of Interior Office of Surface Mining and Reclamation Enforcement basically decided to send the duplicative rule to the White House without fulfilling their obligations or even a request by myself to contact and work with the local authorities and to work with the States that are involved. They did nothing. They would not reach out to us, whatsoever.

This was just one of many of President Obama’s administration’s regulations that absolutely crippled West Virginia families and businesses with no plan to replace or create new jobs or help these communities.

Not only is this rule very alarming in its scope and potential impacts, the rulemaking was executed in a very flawed way. The rules by the Department of Interior and Office of Surface Mining and Reclamation must be based on comprehensive and available to stakeholders, particularly when those rules threaten to eliminate thousands of jobs. All we have asked was to come to the DEP, the West Virginia Department of Environmental Protection, and tell us what is not working, tell us what you want us to do differently, work with us and help us strengthen where there is a flaw.

Not once did we ever get that type of courtesy. States critical to the implementation of this rule find out of the process in any meaningful way. The Office of Surface Mining failed to work with States throughout this process, despite the clear congressional intent. Furthermore, agencies should not be assuming duplicative rules that overlap regulations under other environmental laws such as the Clean Water Act.

This rule is excessive and duplicative. It has over 400 changes to the Surface Mining Control and Reclamation Act—which is what we refer to as SMCRA—that duplicate existing practices and protections that the EPA and the Army Corps already oversaw.
So, basically, we already have two agencies that have to do with any type of permitting that goes through the EPA, in conjunction and in alliance with the Army Corps. This overstepped and took all the powers away from them completely. Why would they, if they are supposed to do that? I've got an agency that is not doing its job, either change the personel or get rid of the agency; don't just create another duplicative role and another agency to oversee it.

During my time in the Senate, and I have been committed to policies that protect our coal-mining communities and economies, and that is why I introduced this resolution of disapproval to undo this harmful, duplicative regulation. I am a firm believer in the balance between the economy and the environment. I believe that everything we do in life should have a balance, and we should try to find that balance. But when you are trying to basically use overly prescriptive, one-size-fits-all—what do they call that, an interstate compact—which does nothing but create havoc and make it almost impossible to go forward, you can't hire enough lawyers and enough accountants to get through the paperwork the government can pile on you. But never once, from any of us—from West Virginia or any other State that does the heavy lifting—none of us think that we should discard the Clean Water Act or the Clean Air Act. Those are the laws we need to protect our water and air, and those came about by Republicans and Democrats working together—Republican administractions. We are all for that; we are just not for beating us over the head with a hammer when we can work to fix things if we think there is an error.

The consequences of this regulation will have far-reaching impacts on the future of coal mining and therefore all other things we can count on. I think, as the Senator from Oklahoma, just said, in West Virginia, we have what we call “all of the above” energy. We want all of the above to be used, and use it in the cleanest fashion, and design and develop new technologies that we can use and depend on. We depend on coal, we depend on natural gas, and we depend on nuclear power for the majority of our energy.

The other thing I have said is that I believe we should be developing renewable sources that are doing things like wind, solar, biomass—we do everything. But if you believe that is going to run the country in the energy you use every day and take for granted, then tell me what 4 hours of the day you want your refrigerator to stay cold? What 4 hours of the day do you want to heat your home? Tell me what 4 hours of the day you take for granted that anything and everything you want works 24 hours a day, because you can't afford to lose the load. Think about the facts. If you don't like it, then let's continue to work to make it better, but don't just put your head in the sand and say: I am going to have whatever I have. This will work fine. And I have no fossil. I don't need fossil.

I am sorry, the world doesn't work that way. This country doesn't work that way. The grid system—your light switch—doesn't work that way.

So today once again I am standing on behalf of West Virginians and commonsense people all over this country, and we have a lot of them in West Virginia. I ask my colleagues to hear their voices loud and clear. I am opposed to this resolution that gets rid of these overreaching, duplicative rules that do nothing but create havoc on the economy and the wellbeing of the citizens of our great country.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota, Ms. HEITKAMP. Mr. President, I think all of us understand the gravity of this rule. It moves forward on a CRA. It is not a usual procedure; it is limited in terms of filibuster rules, and it is extraordinary. In this case, unfortunately, it is necessary. Had the previous administration actually listened and worked constructively with Sen- ators on both sides of the aisle on coal, oil, gas and utilities—a one-size-fits-all rule applicable to those two different land- scapes—the logic of that completely escapes me.

A rule that requires enhancements to the land, including trees and perma- neces—the logic of that completely escapes me.

The consequences of this rule are far-reaching impacts on the future of coal mining and therefore all other things we can count on. I think, as the Senator from Oklahoma, just said, in West Virginia, we have what we call “all of the above” energy. We want all of the above to be used, and use it in the cleanest fashion, and design and develop new technologies that we can use and depend on. We depend on coal, we depend on natural gas, and we depend on nuclear power for the majority of our energy.

The other thing I have said is that I believe we should be developing renewable sources that are doing things like wind, solar, biomass—we do everything. But if you believe that is going to run the country in the energy you use every day and take for granted, then tell me what 4 hours of the day you want your refrigerator to stay cold? What 4 hours of the day do you want to heat your home? Tell me what 4 hours of the day you take for granted that anything and everything you want works 24 hours a day, because you can't afford to lose the load. Think about the facts. If you don't like it, then let's continue to work to make it better, but don't just put your head in the sand and say: I am going to have whatever I have. This will work fine. And I have no fossil. I don't need fossil.

I am sorry, the world doesn't work that way. This country doesn't work that way. The grid system—your light switch—doesn't work that way.

So today once again I am standing on behalf of West Virginians and commonsense people all over this country, and we have a lot of them in West Virginia. I ask my colleagues to hear their voices loud and clear. I am opposed to this resolution that gets rid of these overreaching, duplicative rules that do nothing but create havoc on the economy and the well-being of the citizens of our great country.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.
Our coal industry and our utilities are always willing to work with the Federal Government on regulations that focus on actual results, on improvements in safety and standards. They are willing to do that again. They have never had an issue with updating this regulation. All that was asked was that the former administration listen to them, actually believe their eyes when they see the work we are doing and understand the impact of that rule.

It was done in haste, it was done hurriedly, and it was done so they could check a mark and say: See, we really are leaving it in the ground.

If you want to be leave-it-in-the-ground, then have the courage to come here and say that this country, in the next 20 years, will not extract one fossil fuel from the ground.

I have great respect for Senator MANCHIN. He was just here talking about how we have made progress because of the conversion from coal mining to natural gas. It is a little disingenuous, I would say, because the whole while, we are talking about how this conversion could not have been made possible if it weren’t for industry practices of utilizing fracking to extract natural gas.

This is a structured movement using bogus regulations to promote a national policy without having the courage to just advance that national policy forward, which is to leave it in the ground.

We heard from Senator MANCHIN. I want everyone who says: We are going to pursue a leave-it-in-the-ground national policy—I want them all to think about what that does to women and children who live on fixed incomes. I want you to think about what that means for reliable, redundant, and affordable power generation in our country. We are going to let the market decide.

We have moved toward wind energy, which, ironically, the big movement of wind energy was facilitated by a compromise we reached over a year ago that dealt with allowing for the export of crude oil out of this country—the lower 48—in exchange for more permanency and for production tax credits and investment tax credits. We can, in fact, reduce our dependence on crude oil and create employment, as we are doing in Bowman, ND, and creating jobs.

My friend and colleague from North Dakota, fight for our good-paying jobs, and fight for commonsense regulation, as we are being asked to do in this instance, also prevents us from implementing any kind of other rule that is similar in nature.

Regardless of whether you voted for Donald Trump or Hillary Clinton, nobody wants to live in a dirty environment where we don’t have clean water, clean rivers, clean streams, or clean air. Once again, we are being told to choose between a clean environment and creating jobs.

In Hawaii, we have one of the lowest unemployment rates in the country and some of the most robust protections for our environment. Today’s debate over the stream buffer rule and future debates under the Congressional Review Act are not about States’ rights. Today’s debate is not about regulations for the sake of regulation. It is not about a war on coal; it is about preventing fossil fuel companies from creating unhealthy communities by polluting the water we drink and the air we breathe.

The Department of the Interior has been working on this rule for 7 years—7 years. It replaces an outdated regulation that was written during the Reagan administration in 1983.

Science has come a long way in 34 years. In that time, we have learned a lot about the detrimental impacts of coal mining on clean water and public health. Clean water is essential, and policymakers know that slurry ponds that are contaminating this beautiful resource by what we are doing, is wrong on so many levels. It is costly to our consumers. It costs us jobs, and it is wrong on so many levels.

With that, I would say, please—this is a process that should only be used very rarely but I think is being used appropriately in this situation with the stream rule. So, stand with my friend Joe Manchin and the more than a million people in Wyoming who are against this CRA. We will continue to fight for our industry, fight for our good-paying jobs, and fight for commonsense regulation that actually achieves the purpose of protecting this beautiful resource we all love in Wyoming.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I am deeply concerned about efforts underway to use the Congressional Review Act to eliminate protections that have saved lives and cleaned up our environment. I certainly respect the views of my colleagues, but I do not believe it does this. I will tell my colleagues who have a different perspective on what we are being asked to do today, I urge my colleagues to join me in defeating this resolution.

Mr. President, I yield the floor.

Mr. CARDIN. Mr. President, I wish to oppose the resolution of disapproval on the stream protection rule. Each Congress has an opportunity to promote having cleaner air and cleaner water. Our job description shouldn’t include hollowing out the protections for clean air and clean water which previous Congresses have provided.

Clean air and clean water are vital not just to human health and the environment, but to our economy as well. The number of premature deaths due to poor water quality affects our economy. The number of school or work days missed due to health problems affect our environment and public health and force us to make a false choice.

Again, while I respect the views of my colleagues who have a different perspective on what we are being asked to do today, I urge my colleagues to join me in defeating this resolution.

Mr. President, I yield the floor.

With the previous resolution of disapproval, I wish to oppose the stream protection rule. Each Congress has an opportunity to promote having cleaner air and cleaner water. Our job description shouldn’t include hollowing out the protections for clean air and clean water which previous Congresses have provided.

Clean air and clean water are vital not just to human health and the environment, but to our economy as well. The number of school or work days missed due to health problems affect our environment and public health and force us to make a false choice.

Again, while I respect the views of my colleagues who have a different perspective on what we are being asked to do today, I urge my colleagues to join me in defeating this resolution.

The stream rule that we are being asked to undo requires coal companies to monitor water for contaminants. Communities have a right to know what is in their drinking water. They have a right to know that their water is clean. They have a right to know that the kind of people who are in their water. I don’t think this is an unreasonable expectation. Why are we making this debate a fight between supporting jobs for coal miners and clean water?

Divide and conquer is a time-tested tactic that ends up hurting vulnerable populations and communities. Let’s not fall prey to such divisive tactics. This is why I am perplexed as to why we are voting to undo the progress we have made. I will be voting against the CRA and any other CRAs that harm our environment and public health and force us to make a false choice.

Again, while I respect the views of my colleagues who have a different perspective on what we are being asked to do today, I urge my colleagues to join me in defeating this resolution.

Mr. President, I yield the floor.

We have moved toward wind energy, which, ironically, the big movement of wind energy was facilitated by a compromise we reached over a year ago that dealt with allowing for the export of crude oil out of this country—the lower 48—in exchange for more permanency and for production tax credits and investment tax credits. We can, in fact, reduce our dependence on crude oil and create employment, as we are doing in Bowman, ND, and creating jobs.

In Hawaii, we have one of the lowest unemployment rates in the country and some of the most robust protections for our environment. Today’s debate over the stream buffer rule and future debates under the Congressional Review Act are not about States’ rights. Today’s debate is not about regulations for the sake of regulation. It is not about a war on coal; it is about preventing fossil fuel companies from creating unhealthy communities by polluting the water we drink and the air we breathe.

The Department of the Interior has been working on this rule for 7 years—7 years. It replaces an outdated regulation that was written during the Reagan administration in 1983.

Science has come a long way in 34 years. In that time, we have learned a lot about the detrimental impacts of coal mining on clean water and public health. Clean water is essential, and policymakers know that.

The stream buffer rule that we are being asked to undo requires coal companies to monitor water for contaminants. Communities have a right to know what is in their drinking water. They have a right to know that their water is clean. They have a right to know that the kind of people who are in their water. I don’t think this is an unreasonable expectation. Why are we making this debate a fight between supporting jobs for coal miners and clean water?

Divide and conquer is a time-tested tactic that ends up hurting vulnerable populations and communities. Let’s not fall prey to such divisive tactics. This is why I am perplexed as to why we are voting to undo the progress we have made. I will be voting against the CRA and any other CRAs that harm our environment and public health and force us to make a false choice.

Again, while I respect the views of my colleagues who have a different perspective on what we are being asked to do today, I urge my colleagues to join me in defeating this resolution.

Mr. President, I yield the floor.

We have moved toward wind energy, which, ironically, the big movement of wind energy was facilitated by a compromise we reached over a year ago that dealt with allowing for the export of crude oil out of this country—the lower 48—in exchange for more permanency and for production tax credits and investment tax credits. We can, in fact, reduce our dependence on crude oil and create employment, as we are doing in Bowman, ND, and creating jobs.

In Hawaii, we have one of the lowest unemployment rates in the country and some of the most robust protections for our environment. Today’s debate over the stream buffer rule and future debates under the Congressional Review Act are not about States’ rights. Today’s debate is not about regulations for the sake of regulation. It is not about a war on coal; it is about preventing fossil fuel companies from creating unhealthy communities by polluting the water we drink and the air we breathe.

The Department of the Interior has been working on this rule for 7 years—7 years. It replaces an outdated regulation that was written during the Reagan administration in 1983.

Science has come a long way in 34 years. In that time, we have learned a lot about the detrimental impacts of coal mining on clean water and public health. Clean water is essential, and policymakers know that.

The stream buffer rule that we are being asked to undo requires coal companies to monitor water for contaminants. Communities have a right to know what is in their drinking water. They have a right to know that their water is clean. They have a right to know that the kind of people who are in their water. I don’t think this is an unreasonable expectation. Why are we making this debate a fight between supporting jobs for coal miners and clean water?

Divide and conquer is a time-tested tactic that ends up hurting vulnerable populations and communities. Let’s not fall prey to such divisive tactics. This is why I am perplexed as to why we are voting to undo the progress we have made. I will be voting against the CRA and any other CRAs that harm our environment and public health and force us to make a false choice.

Again, while I respect the views of my colleagues who have a different perspective on what we are being asked to do today, I urge my colleagues to join me in defeating this resolution.

Mr. President, I yield the floor.
miles of streams and 52,000 acres of forests over the next two decades, preserving community health and economic opportunities, while meeting the Nation’s energy needs.

The stream protection rule includes reenacting forward-looking measures to revise three-decades-old coal mining regulations to avoid or minimize harmful impacts on surface water, groundwater, fish, wildlife, and other natural resources. There are a number of very positive, reasonable, and economically feasible alternatives that the proposed stream protection rule that make it an improvement over the existing regulations.

The rule incorporates the best available science, technology, and modern mining practices to safeguard communities from the long-term effects of pollution and environmental degradation that endanger public health and undermine future economic opportunities for affected communities.

The rule would require companies to avoid mining practices that permanently pollute streams, destroy drinking water sources, increase flood risk, and threaten forests.

It would also require companies to restore streams and return mined areas to their previous condition.

The final rule gives regulators more tools to measure whether a mine is designed to prevent damage to streams outside the permit area.

The rule would require companies to avoid mining practices that permanently pollute streams, destroy drinking water sources, increase flood risk, and threaten forests.

The rule would require companies to restore streams and return mined areas to their previous condition.

Using the Congressional Review Act, CRA, to attack a rule that protects people and communities from harmful impacts of irresponsible coal mining operations, such as buried streams, floods, and subsidence, will benefit coal companies that cut corners at the expense of the people who live in Appalachia. And if the resolution is passed, agencies will be prohibited from promulgating any other “similar” rule, unless Congress passes enabling legislation.

Opponents of the rule call it a “job killer.” That is myth. The regulatory impact analysis, RIA, for the rule estimates that, overall, employment will impact analysis, RIA, for the rule estimation. The majority of Americans do not agree that laws will be dismantling protections that ensure clean air and clean water.

The stream protection rule shields communities from toxic pollution from coal mining regulations that are more than 30 years old. These protections bolster those in the Clean Water Act and establish a long-overdue monitoring requirement for water pollutants—including lead, arsenic, and selenium—known to cause birth defects and other severe human health impacts. The rule was updated to better protect public health and the environment from the adverse effects of surface and underground coal mining.

This rule would protect or restore about 6,000 miles of streams and 52,000 acres of forest over two decades. It would prevent water pollution by authorizing approval of mountaintop removal mining operations only when mining before, during, and after their operations to provide baseline data that ensures operators can detect and correct problems and restore mined areas to their previous condition.

The rule would require companies to avoid mining practices that permanently pollute streams, destroy drinking water sources, increase flood risk, and threaten forests.

It would also require companies to restore streams and return mined areas to their previous condition.

Using the Congressional Review Act, CRA, to attack a rule that protects people and communities from harmful impacts of irresponsible coal mining operations, such as buried streams, floods, and subsidence, will benefit coal companies that cut corners at the expense of the people who live in Appalachia. And if the resolution is passed, agencies will be prohibited from promulgating any other “similar” rule, unless Congress passes enabling legislation.

Opponents of the rule call it a “job killer.” That is myth. The regulatory impact analysis, RIA, for the rule estimates that, overall, employment will increase by an average of 156 full-time jobs. According to the RIA, the rule will create more than twice as many jobs as it will eliminate by requiring operators to perform more duties for reclamation, including stream monitoring. Likewise, the impact on an average household’s monthly electricity bill is slight: just 20 cents per month.

Coal miners and their families need jobs, and they need clean water. The two aren't mutually exclusive. What they don't need is this attempt to gut a reasonable rule designed to protect them from an environmental disaster, which is much more likely to occur if the Senate passes this resolution of disapproval.

Mr. SANDERS. Mr. President, I oppose the Republicans' current efforts to gut environmental protections that put industry profits before public health. In repealing the stream protection rule, Republicans are again choosing to put the health and well-being of average Americans in jeopardy in favor of the interests of the Big Coal industry.

This bill seeks to unravel clean drinking water protections implemented by the Obama administration. The last time I checked, no one voted to pollute the environment in the last election. The majority of Americans do not agree that laws will be dismantling protections that ensure clean air and clean water.

The stream protection rule shields communities from toxic pollution from coal mining regulations that are more than 30 years old. These protections bolster those in the Clean Water Act and establish a long-overdue monitoring requirement for water pollutants—including lead, arsenic, and selenium—known to cause birth defects and other severe human health impacts. The rule was updated to better protect public health and the environment from the adverse effects of surface and underground coal mining.

This rule would protect or restore about 6,000 miles of streams and 52,000 acres of forest over two decades. It would prevent water pollution by authorizing approval of mountaintop removal mining operations only when mining before, during, and after their operations to provide baseline data that ensures operators can detect and correct problems and restore mined areas to their previous condition.

Using the Congressional Review Act, CRA, to attack a rule that protects people and communities from harmful impacts of irresponsible coal mining operations, such as buried streams, floods, and subsidence, will benefit coal companies that cut corners at the expense of the people who live in Appalachia. And if the resolution is passed, agencies will be prohibited from promulgating any other “similar” rule, unless Congress passes enabling legislation.

Opponents of the rule call it a “job killer.” That is myth. The regulatory impact analysis, RIA, for the rule estimates that, overall, employment will increase by an average of 156 full-time jobs. According to the RIA, the rule will create more than twice as many jobs as it will eliminate by requiring operators to perform more duties for reclamation, including stream monitoring. Likewise, the impact on an average household’s monthly electricity bill is slight: just 20 cents per month.

Coal miners and their families need jobs, and they need clean water. The two aren't mutually exclusive. What they don't need is this attempt to gut a reasonable rule designed to protect them from an environmental disaster, which is much more likely to occur if the Senate passes this resolution of disapproval.

Mr. SANDERS. Mr. President, I oppose the Republicans' current efforts to gut environmental protections that put industry profits before public health. In repealing the stream protection rule, Republicans are again choosing to put the health and well-being of average Americans in jeopardy in favor of the interests of the Big Coal industry.

This bill seeks to unravel clean drinking water protections implemented by the Obama administration. The last time I checked, no one voted to pollute the environment in the last election. The majority of Americans do not agree that laws will be dismantling protections that ensure clean air and clean water.

The stream protection rule shields communities from toxic pollution from coal mining regulations that are more than 30 years old. These protections bolster those in the Clean Water Act and establish a long-overdue monitoring requirement for water pollutants—including lead, arsenic, and selenium—known to cause birth defects and other severe human health impacts. The rule was updated to better protect public health and the environment from the adverse effects of surface and underground coal mining.

This rule would protect or restore about 6,000 miles of streams and 52,000 acres of forest over two decades. It would prevent water pollution by authorizing approval of mountaintop removal mining operations only when mining before, during, and after their operations to provide baseline data that ensures operators can detect and correct problems and restore mined areas to their previous condition.

Using the Congressional Review Act, CRA, to attack a rule that protects people and communities from harmful impacts of irresponsible coal mining operations, such as buried streams, floods, and subsidence, will benefit coal companies that cut corners at the expense of the people who live in Appalachia. And if the resolution is passed, agencies will be prohibited from promulgating any other “similar” rule, unless Congress passes enabling legislation.

Opponents of the rule call it a “job killer.” That is myth. The regulatory impact analysis, RIA, for the rule estimates that, overall, employment will increase by an average of 156 full-time jobs. According to the RIA, the rule will create more than twice as many jobs as it will eliminate by requiring operators to perform more duties for reclamation, including stream monitoring. Likewise, the impact on an average household’s monthly electricity bill is slight: just 20 cents per month.

Coal miners and their families need jobs, and they need clean water. The two aren't mutually exclusive. What they don't need is this attempt to gut a reasonable rule designed to protect them from an environmental disaster, which is much more likely to occur if the Senate passes this resolution of disapproval.
The tool that they are using, the Congressional Review Act, is a particularly blunt instrument. The Congressional Review Act allows the majority to rush a resolution of disapproval through the Senate with limited debate and only a limited opportunity for Americans to see what Congress is doing. But a resolution of disapproval under the Congressional Review Act does not just send a rule back to the drawing board. Instead, the resolution repeals the rule and prohibits the Agency from ever proposing anything like it again. An analysis in the Washington Law Review reported that it is “conceivable that any subsequent attempt to regulate in any way whatsoever in the same broad topical area would be barred.”

The rule before us today, the stream protection rule, begins with how waste from surface mining, also called “mountaintop mining,” is handled. The rule prevents this waste from being dumped near streams. The waste from these mining operations includes toxic pollutants like lead and arsenic. And these pollutants can cause serious health problems in surrounding communities. A 2008 study in the Journal of the North American Benthological Society found that 98 percent of streams downstream from mountaintop mining operations were damaged. This rules limits pollution near streams, requires monitoring of water quality, and creates standards to restore streams after a mining operation ends.

The Reagan administration first put forward stream protections in 1983, exercising authority under the Surface Mining Control and Reclamation Act of 1977. Today more than 30 years later, we better understand the effects of surface mining, and it makes sense to update our standards to protect public health. The Bush administration revisited the issue in 2008, but a Federal court vacated the Bush administration rule because they failed to fully consider effects on wildlife.

Under the Obama administration, in 2009, the Office of Surface Mining Reclamation and Enforcement, or OSMRE, began considering options to bring these stream protections up to date with the current scientific understanding. In the course of developing the updated rule, OSMRE shared information and solicited comment from State regulatory authorities and incorporated their feedback. The Office of Management and Budget’s Office of Information and Regulatory Affairs continued the stakeholder engagement process. The Obama administration considered the issue deliberately, for 7 years, before publishing the final rule in December.

OSMRE acted appropriately with the Stream Protection Rule. But the question before us today is not whether the rule is perfect. Today we are considering whether the Agency should be permitted to update the old 1983 rule at all. I believe that it was right for the government to update this outdated regulation and use the best available science to protect drinking water and safeguard public health. Therefore, I urge my colleagues to join me to vote today and uphold this resolution to disapprove the rule.

Ms. HIRONO. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold her suggestion? Ms. HIRONO. Yes, I will.

The PRESIDING OFFICER. The Senator from Nebraska.

NOMINATION OF NEIL GORSUCH

Mrs. FISCHER. Mr. President, I rise to address the nomination of Judge Neil Gorsuch to serve on the Supreme Court of the United States.

I will address Mr. Gorsuch’s qualifications and his extensive legal experience in a moment, but first, I invite my Senate colleagues to consider: what does the American people deserve from our Nation’s highest court?

Maybe it is easier to say what we don’t want. We do not want a lawmaker. Washington has plenty of those. 100 Senators and 435 Members of Congress, working in this chamber for a cause. Most of all, we do not want a trailblazer.

What we want is a follower of the Constitution. We want a Supreme Court Justice who will follow the laws, as written, and uphold the rule of law. This demands discipline; it requires the rarest of virtues: humility. There is no room for hubris on the Supreme Court.

We do not want a Justice who believes he knows better than our Founders. That is not his job. A Supreme Court Justice should neutrally apply the laws as written by Congress and as understood by the Framers of our Constitution. They must not impose their personal preferences upon the law or usurp the role of Congress.

I want to say again that we want someone who will follow the law and uphold the rule of law.

We also seek a keen legal mind. A nominee must possess the sharpest intellect and only the most rigorous academic qualifications. This person may be one of nine human beings who will resolve questions affecting the freedoms and the rights of millions. Therefore, in addition to ironclad commitment to our laws and our Constitution, this person must be a known quantity. There must be a reliable record for us to carefully assess.

In exercising our constitutional power of advice and consent, we don’t make guesses here in the U.S. Senate. We hold hearings; we ask probing questions. This is how we will determine if Mr. Gorsuch is the legal disciple, brilliant mind, and known quantity the American people need and the person the American people deserve. The evidence so far suggests that he is.

As a judge on the U.S. Court of Appeals for the Tenth Circuit, Mr. Gorsuch has served 10 years in extraordinary fashion. He was confirmed by a voice vote here in the U.S. Senate. His opinions reflect a history of upholding the rule of law. His conduct on the bench demonstrates an exemplary judicial temperament. He is enormously well qualified.

His educational background is impressive: an undergraduate degree from Columbia, a law degree from Harvard, and a Ph.D. from Oxford University. Judge Gorsuch clerked for the Supreme Court. Further, he is well within the mainstream.

Among his many impressive academic distinctions, he is a Truman Scholar. This sizeable financial award is given by the Harry S. Truman Scholarship Foundation to young people pursuing a career in public service. I note that my colleague from Delaware, Senator COONS, is a Truman Scholar. Former Secretary of State Madeleine Albright serves as president of the Truman Foundation. Senator McCaskill of Missouri is a board member. All are respected Democrats. It should not be told that the organization, now headed by Secretary Albright and Senator McCaskill, helped Mr. Gorsuch fund his graduate studies.

Jeffrey Rosen of the nonpartisan National Constitution Center wrote about the judge: “He sometimes reaches results that favor liberals when he thinks the history or the text of the Constitution or the law require it, especially in areas like criminal law or the rights of religion.”

Norm Eisen, Special Counsel for Ethics and Government Reform in the White House for President Barack Obama, attended law school with Mr. Gorsuch. He called him, simply, “a great guy.”

There is much more that can and will be said about the nominee in the days to come. Much of it will contribute to a vigorous confirmation process. Sadly, I suspect much of it will not. Many, including some in this Chamber, have said they will oppose any nominee, no matter how qualified.

Americans deserve better than this bitter feud in the U.S. Senate. The Presidential campaign is over. As the Washington Post recently editorialized, “A Supreme Court nomination isn’t a forum to refight a presidential election.” The newspaper’s editors urged against “a scorched-earth” response.

Senate Republicans gave President Bill Clinton an up-or-down vote on his first two Supreme Court nominees. Senate Republicans gave President Obama an up-or-down vote on his two first Supreme Court nominees. This is a chance for my colleagues in the U.S. Senate to show how high-minded they can be. They can permit a similar up-or-down vote on this President’s first Supreme Court nominee.

I invite them to engage with me in a respectful, civil dialogue as we carry out our duty of advice and consent. We need a vigorous confirmation process, and I will work for that vigorous, open, respectful, and transparent process.
hope all of my colleagues on both sides of the aisle will join me in that. Mr. President, I yield back the remaining proponent debate time. The PRESIDING OFFICER. The proponent’s time is yielded back.
The Senator from Delaware.

NOMINATION NEIL Gorsuch

Mr. CARPER. Mr. President, I would just remind my colleagues that a lot of folks in my State and people I talk to around the country believe it is outrageous that the last President nominated a candidate for the Supreme Court for almost a year—a full 10 months—before stepping down before his term ended, and that nominee never got a hearing.

We had a National Prayer Breakfast this morning, as our Presiding Officer knows. One of the occurring themes of the speakers at the Prayer Breakfast was the Golden Rule, the obligation to treat other people the way we want to be treated. I think that should apply to this resolution of this President, alike. I also believe it should have applied to the last nominee from the last President. I think the way Merrick Garland was treated was outrageous, and he was roundly praised by Democrats and Republicans alike. The fact that he never got a vote I think is appalling. It runs against everything I was taught to believe.

Perhaps the Presiding Officer’s parents raised him the same way. My parents raised me to believe the golden rule, that two wrongs don’t make a right. Two wrongs don’t make a right. Folks on our side believe—although deeply troubled by the way the last nominee for the last administration was treated—this nominee deserves a hearing. My hope is that he gets one and there is time set aside to prepare for that hearing. My hope is that he will take the time to come and meet with us, particularly those of us who have concerns about his nomination.

I think he should be subject to the same 60-vote margin the last several Supreme Court nominees were subjected to and passed; I think in one case it was 62 votes, and in another case, 63 votes.

I just want to let my friends on the other side—and they are my friends—know that we and, frankly, a lot of people in this country are still troubled, looking back. We are going to look forward with the Golden Rule in mind, knowing that our colleagues will do the same in the future.

Mr. President, I rise on a subject that some of my colleagues have talked about here today. It is one that we have been discussing for almost the last 24 years. It is a Congressional Review Act resolution to disapprove the stream protection rule.

People may wonder, What does this mean? There once was a Senator from Nevada named Harry Reid. He once wrote a law that said: If Congress doesn’t like a particular rule that has been approved and has gone through the process—drafting, all the approval processes—published in the Federal Register, and something like 60 days on the legislative calendar have run, then that rule is official; it is in full effect. However, if a Member of this body or the House wants to use the Congressional Review Act authorized by Senator Bennett, an act of Congress, to disapprove a rule for which the 60-day legislative clock has not run since that rule or regulation was published in the Federal Register.

In this case, 60 legislative days have not passed since the stream protection rule was promulgated in the Federal Register, and one or more of our colleagues has said: Let’s use the CRA—Congressional Review Act—to see if we can block or repeal it.

I spoke on this yesterday, and I am happy to have a chance to talk a little bit about it again today.

A prevailing argument in favor of this resolution to kill the rule is the significant negative economic implications of managing mining operations under the Clean Water Act and the Endangered Species Act with a way that life and economy continue along with and after extraction ends.

Let’s take a few minutes to reflect on the other side of the coin. I can assure you that hunters, fishermen, birders, and nature enthusiasts of all ages, sorts, and varieties in my home State of Delaware—and I am sure in every State in our Nation—value an environment that supports the places they treasure and the species they see. And I believe that they are entitled to this type of respect.

Because of historically weak reclamation and restoration requirements, Appalachia now has more than a million acres of economically unproductive grasslands that cannot support farming, ranching, or the hardwood forest products sectors. That is one of the reasons for and one of the many strengths of this rule: to focus on post-mining economic uses of land, which could include ranching, forestry, tourism, birdwatching, hunting, fishing, and the list goes on.

In America today, there are 47 million men, women, and children who hunt and fish. We all represent them. According to a 2014 report from the National Wildlife Federation, these activities deliver an astonishing $200 billion to the country’s economy, and they support one and a half million jobs.

I wish to also point out that mining impacts on headwaters are particularly important, as they represent the very foundation of our water system that supports all these activities and generates all of these benefits. Just to illustrate this point, Appalachia—a region in which I grew up—is the world’s leading hotspot of aquatic biodiversity. I was born in Beckley, WV, and we lived there for 6 years or so after I was born and I came back a whole lot over the years to hunt and fish with my grandfather, but I had no idea there was this kind of biodiversity in that region.

There are more species of freshwater fish in one river system in Tennessee than in all of Europe. Think about that—more species of freshwater fish in one river system in Tennessee than all of Europe. Yet surface coal mining has destroyed more than 2,000 miles of streams in this region alone. Cutting the heart out of our ecosystems is no way to do business.

The question is, Would mining companies respect and consider these values and benefits as part of their operations and reclamation efforts without the surface mining and clean water laws and the effective protections provided by the stream protection rule? I would say probably not. It is no surprise, then, that conservation and fisher- men’s organizations, such as Trout Unlimited, the American Fly Fishing Trade Association, the Izaak Walton League of America, and Theodore Roosevelt Conservation Partnership, so strongly support this rule and robust and support their families. In the end, this is a much more valuable and sustainable future for everybody concerned.

These truths hold in their unique ways in mining States across our country, whether they involve ensuring salmon runs in Alaska or ranching in Wyoming.

I will close by repeating a point I made previously in support of this stream protection rule. This past year, the Office of Surface Mining Reclamation and Enforcement and the Fish and Wildlife Service completed consultation under the Endangered Species Act, resulting in what is known as the 2016 Biological Opinion. Biological Opinion smooths the way for more efficient Endangered Species Act compliance and provides some important protections to industry and State regulators regarding possible impacts of more operations on more species.

I think it is important to note that if we kill this rule—and I hope we will not—that protection for industry and State regulators will go away, and those players will have to resort to a more cumbersome case-by-case review under the Endangered Species Act for all activities that might affect protected species. That would be a shame.
That would be a shame, especially for a struggling industry.

For this and for so many other reasons, this is a job-creating, economy-expanding rule. Why wouldn’t we support it? Once again, I urge a “no” vote on this resolution.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, yesterday I had the chance to come to the floor and talk about the changes I have seen in streams and rivers in my home State of Oregon as we worked to clean them up, restore them for wildlife, restore them for swimming, restore them for boating, and restore them for drinking water, and how terrible it was to see this occur.

We are now considering a parallel provision—a provision designed really to protect the streams near intense mining zones. I had a chance yesterday to go through the details of the regulation and how it made, for example, the coal slurries ponds more secure so they wouldn’t rupture. As I pointed out, one ruptured and killed over 100 people and injured more than 1,000 people, not to mention the damage it did to the ecosystem for an extended length downstream. I talked about the toxic chemicals that are leaching out of improperly developed piles, as they are called. Today I want to share a few more of the stories of folks who live in the area and how important it is for them.

Sam who lives near Appalachia, VA, talks about the changes he has seen in rivers near his home since he moved there in 1978. Sam said that when they first moved there, “Callahan Creek that runs near our house . . . was full of different kinds of fish. Now I don’t see any fish in the water. I wish it could be like it was in the 70’s and 80’s, but with all the runoff from sediment ponds and mines, I don’t think it will ever be like that again.” Sam supports the stream protection rule. He said: “To see regulations to protect our waters and maybe one day be able to fish in Callahan Creek again.” He is not asking for a tremendous amount.

Chad Cordes of Charleston, WV, said that he has “been concerned about the impacts of mountaintop coal mining and the draining of beautiful valleys and streams of my home state being buried under hundreds of feet of ruble.” He said he wants “strong, science-based protections for the creeks, streams, and rivers that are the lifeblood of our state,” and he noted that “attacking the Stream Protection Rule isn’t the way to build strong, healthy, resilient communities or a strong, stable economy.”

John Kinney of Birmingham, AL, said:

I have lived most of my life in Jefferson County, Alabama, enjoying the outdoors, particularly canoeing and fishing on the Black Warrior River.

While it seems that many folks in regulatory agencies don’t consider Alabama to be part of Appalachia, and don’t understand the extent of coal mining in our state, I have seen the devastating impact of coal mining in our state . . . first hand.

He goes on:

I have seen lakes turned gray downstream of mine operations. I have seen streams turned bright orange downstream of coal preparation plants. I have seen sloughs that once formed deep channels (perfect spots for largemouth bass) filled in with sediment.

John wants to see Federal protections “that help protect water quality for all uses downstream of coal mines and associated industries” and wants to see the stream protection rule stay where it is.

Here is a final story. It is from Chuck Nelson, a fourth-generation coal miner from West Virginia who dug coal underground for 30 years. He became an advocate for environmental rules like the stream protection rule after a coal processing plant was built near his home. Thick, black coal dust was always coating his home inside and out.

His wife developed very bad asthma problems, and his kids couldn’t use the swimming pool because of a thick black skin always on the top of the water. He heard this story, and he came to DC from West Virginia 25 times to talk to lawmakers and regulators. He was a regular citizen. He saw a problem impacting his wife, and he wanted us to work to fix it. He finally succeeded when the stream protection rule was finalized in December.

It amounts to this: The way that one conducts mountaintop coal mining has a huge impact, just as it does with other industries. Having basic rules about how that work is done ensures sustainability of the nearby streams. This was done with a tremendous amount of involvement of stakeholders, tremendous number of meetings, 6 years of coordination, trying to find a way that doesn’t paralyze coal mining but does protect the streams.

That is the balance which was being searched for, discovered, and implemented with this rule, and we should leave it in place. We shouldn’t destroy these years of work to protect our beautiful streams with just a few hours of debate, with no public notice or awareness of what is going on. If we want to review this thoughtfully and seriously, let’s have it done in committee. When the Senate and the House of Representatives can take a deliberate stand and not destroy this work to protect these thousands of miles of streams in a blink of an eye.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, there is a provision in the law which allows the Congress to review regulations within 60 days after they are written and decide up or down. That is what we are doing here.

This is about the stream rule that has a direct impact on mining operations, particularly coal mining operations. This has been a battle that has been going on for decades—decades—trying to establish a fair environmental standard for those in mining operations. Efforts have been made, some with limited success. Courts have thrown out earlier versions. So the Obama administration decided they would tackle this. They spent 6 years rewriting 380 pages of rules. Over 150,000 public comments were solicited and received.

This is a pretty controversial matter, as you can tell. I have been bombarded by the critics of this rule who said: Well, Obama just did that as he was going out the door. No. They worked on it for years. There were, as I said, over 100,000 public comments. It is not easy. It is tricky and it is challenging, but they produced it. Now today the Republicans in the Senate and the House want us to wipe it away.

What difference would it make? If you don’t live next to a coal mine, do you think, well, what difference does it make in my life?

I listened to Jeff Merkley, my friend from Oregon, talk about the streams and the rivers. Maybe I don’t fish, and I don’t care. I don’t go out camping, either, and I haven’t been in a coal mine. I don’t see any dead or dying water. Whether the fish are alive or dead or the streams are polluted or not, who cares? I guess some people feel that way. I don’t, even though I don’t use our natural resources as much as some. But there is a bigger issue here. This is not just about whether there will be fish alive in the stream or the lake.

Let me tell you what that issue is. The issue is the safety of our drinking water. Do you know what is going on when these mining operations dump all of this debris into the streams? It rains. Water is flowing. The stream water goes downstream. Now follow the water from the dumping of the mining operations to the chemicals included in them. It goes downstream. Now follow the water as it goes downstream. Now follow the water as it flows through the lakes and rivers and finally into the taps of the people. Is it too much to ask the mining operations not to dump their trash into the streams? It is ultimately flowing into the taps where we drink it, into our water. Shame on us. Is it too much to ask the mining operations not to dump their trash into the streams? Is it too much to ask...
February 2, 2017

CONGRESSIONAL RECORD — SENATE

S629

them to restore vegetation after they have chopped off the top of a mountain in West Virginia? In Illinois, I can tell you the strip mining, which went on for years and decades left a lot of areas of beautiful farmland in Illinois forever blighted.

Whatever happened to the coal companies that stripped off that land, took the coal, and left the mess behind? Long gone. You couldn’t find them if you wanted to.

What Senator CANTWELL has said, and we ought to remember, we believe polluters should pay. We believe that the ultimate responsibility, when it comes to keeping our environment clean, our drinking water safe, is on the polluter. The Republicans disagree. They say: Well, it is just Obama’s War on Coal.

All right. If you want to bring it down to that level, then it is Trump’s War on Clean Drinking Water. That is what this vote is all about. That is all that is all about. Shame on us if we decide to eliminate this protection for families and run the very real risk that the pollution in those streams could cause public health issues, as well as the death of wildlife and fish downstream. That is why I think this vote is so important.

This is a first. You heard what Republicans have said is the reason American business is not growing—overregulation. You get this picture of some mettlesome, busybody bureaucrat dreaming up some other way to make life more difficult for people who own businesses. I will tell you there is some of that, and I am not going to defend it, but there is also a conscientious effort by people who are scientists to try to make sure that those of us who are not scientists live in a world that is safe, safe for the air we breathe, safe for the water we drink. If we start sweeping that away, rejecting the science that proves overwhelmingly that we are going through global warming and climate change, rejecting the science that says the runoff in these streams and rivers could ultimately hurt not only wildlife but ultimately hurt the American people and the water they drink, shame on us.

Well, we will get rid of regulations, coal mining operations will make more money, and maybe they will continue on—I am sure they will in some respect—but will we be better off as a nation?

This is day 14 of the Trump Presidency. It seems like a lot longer to some of us. Republicans in the Senate and the House have decided to strike a blow for eliminating science-based regulations to protect the public health. It is a shame, but it is going to happen. They have the votes on the Senate floor. They are in control and now the American families are going to ask us: Were you there? Were you standing up for us? I know that a lot of our drinking water was at stake?

I will be voting no on this effort to repeal this legislation.

The PRESIDING OFFICER (Mr. Cassidy). The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank my colleague from Illinois for being on the floor to speak. He is right. We are going to keep score. There are 60 votes going in the Trump administration and the other side of the aisle to level the score against clean water; that is to say, polluters don’t have to pay. So if we pass this override of existing clean water rules—yes, this will be the start. Trump 1, clean water 0.

Unfortunately, it is probably not going to the end because what is happening now is, Republicans control everything in Congress. They want to use their ability to have very little debate and to then override rules that are on the books to protect streams in the United States of America.

I so appreciate my colleagues coming to the floor to explain this issue, as this is critical. It is critical because the impacts of mining destroy headwaters. Between 1992 and 2000, coal mines were authorized to destroy about 1,200 miles of headwater streams, and this resulted in the loss of 4 percent of our upper headwater streams in areas of Appalachia in a single decade.

The surface mining impact on water from fractured rocks above coal seams react chemically with the air and water and produce higher concentrations of minerals, iron and trace metals; and those headwaters in West Virginia typically measure with electricity conductivity on an order of magnitude of those downstream. What that is saying is, these chemicals react in the water to create problems. Understanding what has been going on with that level of conductivity is one of the big advances in science in the last 10 years. That is why we want to update the rule because we now know what goes on when selenium is in the water. The conductivity is highly correlated with the loss and the absence of various species that are very pollution sensitive.

This level of stream degradation comes from the various fractured rock. When sulfate is present, you get acid mine drainage. That acid mine drainage then mobilizes metals toxic to fish—such as iron and aluminum and zinc—and that is where we start to have problems. A 2006 study found that 93 percent of the streams of surface mining operations in Appalachia were impaired, and our colleagues don’t want to make sure that the mining companies monitor that and do stream restoration?

Another study found that adverse impacts of Appalachian mines extended on an average of 6 miles downstream; that is, this acid mine drainage is flowing 6 miles downstream. Why not have the mines measure this at the top of the stream, understanding what the sediment impact is, and doing something to minimize the impact on our streams that we are going to have to live with forever.

What is wrong with selenium? It causes very serious reproductive problems, physical deformities, and at high concentration it is toxic to humans. Basically, it is the similar effect to arsenic poisoning.

Coal mines are transforming our landscape, lowering our ridges, and raising our valley floors. One study in 2013, in Central Appalachia, found that mining lowered these ridgetops by an average of 112 feet. What we are trying to say is, you are impacting wildlife downstream; that the deforestation of these sites allows the flow of these rivers to increase flooding. The effects are worsened because the compacted soil on these sites also causes a problem. It is not much better than just plain old asphalt; that is, it means that plants and forests cannot grow back, it means that it impairs these various species, and it causes problems.

Mr. President, I ask unanimous consent to have printed in the Record an article from the Pittsburgh Post-Gazette.

There being no objection, the material was ordered to be printed in the Record, as follows:

(From the Pittsburgh Post-Gazette, Jan. 31, 2017)

A PLUME OF POLLUTION DISCOLORS PART OF MONONGAHELA RIVER

(Reached by Don Hopey)

An iron-orange acid water discharge from a long-abandoned coal mine discolored the Monongahela River for a four-mile stretch along the Allegheny County-Washington County border over the weekend, raising public concern but causing no problems for public water suppliers downstream.

The discharge from the Boston Gas Mine, its volume boosted by recent rains, enters the river in the small Sunfish Run tributary at Sunnyside, in Forward, 34 river miles from Pittsburgh’s Point. Beginning Saturday evening and continuing through Sunday, it was visible flowing downstream in a 75-foot-wide plume that hugged the east bank until blending into the river near New Eagle.

“It was orange, and it had to be an enormous amount of water to color the Mon,” said Janet Rosland, a resident of Monongahela, where she viewed the plume.

“Something about that is just not right.”

Neil Shader, a spokesman for the Pennsylvania Department of Environmental Protection, said the plume likely contained iron, aluminum and manganese, and the department is continuing to take water samples.

“At this time there is no concern for drinking water, and water systems have systems in place to remove the contaminants,” he said.

The Ohio River Valley Water Sanitation Commission notified all downstream water suppliers on the Allegheny and Ohio rivers, but the West Drift, Pennsylvania Water, with intakes 10 miles down the Mon in Elrama and 18 miles downstream at Becks Run, reported no water quality problems.

“We’ve been monitoring the intakes for the past 40 hours and have found no impacts to the water supply,” Gary Lobaugh, a water company spokesman said Monday. “We’ve trialed our sampling system water to every hour but seen nothing impacting our water quality.”

According to Joe Donofrio, a geologist at West Virginia University who works with abandoned mine discharges in the Mon Valley, the abandoned Boston Gas Mine is a large
The mine fire. “We have so much need. It’s where wells are polluted. Shored up and new water lines are needed and caverns beneath homes also need to be hazardous holes that attract children. Tunnelseral officials have only one-third of West Program. among the 28 states and Indian tribes in the count for the lion’s share of unfinished work history that extends back two centuries—ac- Program. He said Pennsylvania, Kentucky, and Alabama’s efforts and past president of the Na- needs,’’ said Chuck Williams, head of Ala-eral mining complex that has approximately eight outcrop discharges along the river be- tween Donora and Monongahela. The one on Sunfish Run that created the orange plume in theCuenty has been described as “a real fire” and “a real fire.” It has caused significant problems for the local community, including contamination of water supplies and the displacement of wildlife. The federal government and West Virginia have provided financial assistance to the state for the remediation of the mine. The mine fire has been declared a federal emergency by the U.S. Environmental Protection Agency, and the West Virginia Department of Environmental Protection has been working to remediate the area. However, the long-term effects of the mine fire and the cleanup efforts are still ongoing. In addition to the immediate threats posed by the mine fire, there are ongoing efforts to address other environmental issues in the area, including the remediation of acid mine drainage and the restoration of degraded lands. Despite these challenges, the local community remains committed to finding solutions and restoring the area to its natural state. The mine fire has also raised awareness about the impacts of mining activities on the environment and the importance of conservation and responsible mining practices. It serves as a reminder of the need for continued efforts to address these issues and to ensure the protection of our natural resources. Mr. President, I ask unanimous consent to have printed in the RECORD another article from the Columbus Dispatch. There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON.—In West Virginia, Appalachian Mountains, fish are vanishing. The decline of fish species has fallen, the populations of those that remain are down, and some fish look a little skinny.

A new government study traces the decline in numbers and species to mountaintop mining—a controversial coal-mining practice of clear-cutting trees from mountains before blowing them off their tops with explosives.

When the resulting rain of shattered rock hits the rivers and streams that snake along the base of the mountains, minerals released from within the stone change the water’s chemistry, the study said, lowering its quality and causing tiny prey such as insects, worms and invertebrates to die.

“We’re seeing significant reductions in the number of fish species in the Monongahela River downstream of fish from mining operations,” said Nathaniel Hitt, a research fish biologist for the U.S. Geological Survey’s office in Kearneysville, W.Va., and one of the study’s two authors.

Hitt and his co-author, Doug Chambers, a biologist and water-quality specialist in the Charleston, W.Va., office of the USGS, took a 1999 study of the Gandyotte River basin’s fish populations by Penn State researchers to compare them over time.

Several years after 2010, they sampled the populations in waters downstream from an active mountaintop coal-mining operation. In one of the sample areas, the Mud River watershed, which contains the largest tributary of the Gandyotte River, at least “100 point-source pollution-discharge permits associated with surface mining have been issued,” the study said.

North America’s central Appalachian Mountains, where the basin lies, are consid- ered a global hot spot of freshwater-fish bio- diversity, but few researchers have investi- gated the impact of mountaintop strip mining on stream fish, and the effects “are poorly understood,” the study said.

Chambers and Hitt found that the number of species was cut in half and the abundance of fish fell by a third. The silverjaw minnow, rosayface shiner, silver shiner, bluntnose minnow, spotted bass and largemouth bass, plus at least two other species detected before their study, were no longer there.

Another fish species—the small and worm- like least brook lamprey, never before de- tected—had moved in.

In areas of the river basin where there was no mountaintop mining involved. In addition to species that had been in those waters previously, seven new ones were found, including the spotted snail, the spruce shiner and the spottail shiner.

“If we only focus on the fact that it’s fish . . . some people will say, ‘So what?’” Chambers said. But fish and the minnows they eat are the canaries in a coal mine for researchers, “indicators of the water quality,” he said.

The USGS looks “at the nation’s water re- sources,” their significance to the nation, and tries to understand processes that are degrading water quality. Tainted water may not be suitable for additional uses.

The USGS also leads a study of mountaintop mining, published online this month by the Society for Freshwater
Science, is viewed with suspicion in coal country, where mining operations provide thousands of jobs.

"The people opposed to the coal industry are trying to tie us on with more studies," said Bill Raney, president of the West Virginia Coal Association. "It sounds like this is one of those studies that seems out to show there's harm done. It sounds like perhaps more of the same."

Raney said he has not seen the USGS study and cannot strongly criticize its methods or conclusions, but people “don’t just wake up in the morning and decide they are going to mountaintop mining,” he said. “It takes three and a half years to get a permit. Every aspect of the operation is analyzed.”

Mountaintop removal as a way of extracting coal has been in practice since the 1960s, but it has expanded in the past two decades, and it now takes place in the Appalachian regions of Ohio, Kentucky and Virginia in addition to West Virginia.

"The coal that the process produces provides power to hundreds of thousands of homes, industry advocates say, and creates about 14,000 jobs that pay middle-income salaries in regions where work is hard to find.

"The average mining wage is more than $60,000 a year, which is 45 percent higher than the average for industrial jobs," according to the National Mining Association. "Mountaintop mining accounts for approximately 45 percent of the West Virginia’s coal production in West Virginia."

Raney’s association disputes allegations that mining destroys streams and mountaintops, arguing that permits and enforcement regulations require the land to be restored after use.

But the Sierra Club Eastern Missouri Group called the practice “quite possibly the worst environmental assault yet” because of the amount of landscape it removes and the effects on plants and animals.

Homeowners in one West Virginia community, Lindytown, were bought out by a company before the town essentially disappeared after mountaintop removal. Homes and a grave site were left behind. Cascading debris has buried streams, affecting a diversity of wildlife, a major concern raised by the U.S. Environmental Protection Agency.

Often, companies are granted exemptions that ease requirements to restore land. Conservationists call the practice a plunder, and protesters are fighting it as malicious and a direct violation in setting a miles per gallon for automobiles and just leave it up to the States instead.

Well, we are saying we should have fuel efficiency but let’s just leave it up to the people of the States to do that. They have the expertise in setting a miles per gallon for automobiles. If we did that, how many regulations do you think we would have? Do you think we would have the same fuel efficiency we have today?

What is happening is these coal companies are going into States, going into their areas, and lobbying lawmakers there against regulation, and in a couple of cases I have discussed today they even went so far as to fall asleep at the switch so the citizens brought the lawsuits to clean up the mines. They were successful because they finally caught the attention of people who should have been doing their job.

This rule, as it has been put in place, does give States flexibility. Its key definition says States get discretion to establish an objective criteria for measuring standards and restoring the streams. It basically says the final rule has several options to demonstrate compliance on the area of fish-and-wildlife. States can use their judgment about the types, scope, and location of enhancements. It says on groundwater, States can choose their sampling, protocol, subsequent analysis, and baseline. On rain measurements, States can choose whether to require mines to prepare a hydrologic model about the mine, and States can choose to allow mining companies to manage their drainage patterns as they look at rebuilding ephemeral streams.

There is a lot of flexibility for the States. A lot of them haven’t been doing as good a job, we would like, but you have to have a Federal standard. Your Federal standard is decades old. Science is telling us we have a problem. Please, please, do not pass this override of an important clean water law. Instead, if we want to fix it, let’s sit down and do that legislatively. Let’s not allow the polluters to get away with having their way on so many streams across America.

Mr. President, my comments here reflect my understanding as ranking member of the Senate Interior and Related Agencies, as Chairman of the Interior and Transportation Subcommittee, and as Deputy Majority Whip. I hope that you will consider the record of the States. A lot of them haven’t been doing as good a job, we would like, but you have to have a Federal standard. Your Federal standard is decades old. Science is telling us we have a problem. Please, please, do not pass this override of an important clean water law. Instead, if we want to fix it, let’s sit down and do that legislatively. Let’s not allow the polluters to get away with having their way on so many streams across America.

Mr. President, my comments here reflect my understanding as ranking member of the Senate Interior and Related Agencies, as Chairman of the Interior and Transportation Subcommittee, and as Deputy Majority Whip. I hope that you will consider the record of the States. A lot of them haven’t been doing as good a job, we would like, but you have to have a Federal standard. Your Federal standard is decades old. Science is telling us we have a problem. Please, please, do not pass this override of an important clean water law. Instead, if we want to fix it, let’s sit down and do that legislatively. Let’s not allow the polluters to get away with having their way on so many streams across America.

Mr. President, my comments here reflect my understanding as ranking member of the Senate Interior and Related Agencies, as Chairman of the Interior and Transportation Subcommittee, and as Deputy Majority Whip. I hope that you will consider the record of the States. A lot of them haven’t been doing as good a job, we would like, but you have to have a Federal standard. Your Federal standard is decades old. Science is telling us we have a problem. Please, please, do not pass this override of an important clean water law. Instead, if we want to fix it, let’s sit down and do that legislatively. Let’s not allow the polluters to get away with having their way on so many streams across America.

Mr. President, my comments here reflect my understanding as ranking member of the Senate Interior and Related Agencies, as Chairman of the Interior and Transportation Subcommittee, and as Deputy Majority Whip. I hope that you will consider the record of the States. A lot of them haven’t been doing as good a job, we would like, but you have to have a Federal standard. Your Federal standard is decades old. Science is telling us we have a problem. Please, please, do not pass this override of an important clean water law. Instead, if we want to fix it, let’s sit down and do that legislatively. Let’s not allow the polluters to get away with having their way on so many streams across America.

Mr. President, my comments here reflect my understanding as ranking member of the Senate Interior and Related Agencies, as Chairman of the Interior and Transportation Subcommittee, and as Deputy Majority Whip. I hope that you will consider the record of the States. A lot of them haven’t been doing as good a job, we would like, but you have to have a Federal standard. Your Federal standard is decades old. Science is telling us we have a problem. Please, please, do not pass this override of an important clean water law. Instead, if we want to fix it, let’s sit down and do that legislatively. Let’s not allow the polluters to get away with having their way on so many streams across America.

Mr. President, my comments here reflect my understanding as ranking member of the Senate Interior and Related Agencies, as Chairman of the Interior and Transportation Subcommittee, and as Deputy Majority Whip. I hope that you will consider the record of the States. A lot of them haven’t been doing as good a job, we would like, but you have to have a Federal standard. Your Federal standard is decades old. Science is telling us we have a problem. Please, please, do not pass this override of an important clean water law. Instead, if we want to fix it, let’s sit down and do that legislatively. Let’s not allow the polluters to get away with having their way on so many streams across America.

Mr. President, my comments here reflect my understanding as ranking member of the Senate Interior and Related Agencies, as Chairman of the Interior and Transportation Subcommittee, and as Deputy Majority Whip. I hope that you will consider the record of the States. A lot of them haven’t been doing as good a job, we would like, but you have to have a Federal standard. Your Federal standard is decades old. Science is telling us we have a problem. Please, please, do not pass this override of an important clean water law. Instead, if we want to fix it, let’s sit down and do that legislatively. Let’s not allow the polluters to get away with having their way on so many streams across America.

Mr. President, my comments here reflect my understanding as ranking member of the Senate Interior and Related Agencies, as Chairman of the Interior and Transportation Subcommittee, and as Deputy Majority Whip. I hope that you will consider the record of the States. A lot of them haven’t been doing as good a job, we would like, but you have to have a Federal standard. Your Federal standard is decades old. Science is telling us we have a problem. Please, please, do not pass this override of an important clean water law. Instead, if we want to fix it, let’s sit down and do that legislatively. Let’s not allow the polluters to get away with having their way on so many streams across America.
for fish and wildlife; and guarantee that adequate financial assurances are put into place to provide for full and complete reclamation. I expect any Secretary of the Interior to follow the law and fully implement the ongoing obligations under SMCRA.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. BURR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—53

Alexander
Barrasso
Blunt
Boozman
Burr
Capito
Cassidy
Cochran
Collins
Corker
Coryn
Cruz
Daines
Donnelly
Enzi
Ernst
Fischer

Markowski
Paul
Perdue
Portman
Risch
Rounds
Rubio
Sasse
Scott
Sherrod Brown
Shelby
Sullivan
Thune

NAYS—45

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Corker
Durbin
Franken
Gillibrand

Nelson
Peters
Peters
Reed
Sanders
Schatz
Schumer
Shaheen
Stabenow
Stabenow
Van Hollen
Van Hollen
Whitehouse
Wyden

NOT VOTING—1

Sessions

Carper

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of JEFF SESSIONS, of Alabama, to be Attorney General. The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk. The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

[Cloture Motion]

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of JEFF SESSIONS, of Alabama, to be Attorney General.


MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. Mr. McCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 45 Ex.]

YEAS—51

Alexander
Barrasso
Blunt
Boozman
Burr
Capito
Cassidy
Cochran
Collins
Corker
Cindy 
Cruz
Daines
Donnelly
Enzi
Ernst
Fischer

Fletcher

YEAS—47

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Corker
Durbin
Franken
Gillibrand

Nelson
Nelson
Nelson
Peters
Peters
Reed
Sanders
Schats
Schumer
Shaheen
Stabenow
Stabenow
Van Hollen
Van Hollen
Whitehouse
Wyden

NOT VOTING—2

Sessions

Carper

The motion was agreed to.
EXECUTIVE SESSION

The PRESIDING OFFICER. The clerk will report the nomination. The senior assistant legislative clerk read the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services. The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk. The PRESIDING OFFICER. The cloture motion has been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services. Mitch McConnell, David Perdue, Johnny Isakson, Tom Cotton, Mike Crapo, James E. Risch, Jerry Moran, Pat Roberts, Roy Blunt, Lamar Alexander, John Barrasso, Orrin G. Hatch, Jeff Flake, John Coryn, Shelley Moore Capito, John Thune, Richard Burr.

The motion was agreed to.

MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session, and I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll. The bill clerk called the roll. Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS). The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—51

Alexander Fischer Mark Warner
Barrasso Flake Paul
Blunt Gardner Perdue
Boozman Grassley Portman
Burr Grassley Risch
Capito Hatch Roberts
Cassidy Heller Rounds
Cooper Hoeven Rubio
Collins Inhofe Sashe
Corker Isakson Scott
Cornyn Johnson Shelby
Cotton Kennedy Sullivan
Crapo Lankford Thune
Cruz Lee Tills
Daines McCain Toomey
ERNST Moran Young

NAYS—48

Baldwin Gillibrand Murray
Bennet Harris Nelson
Blumenthal Hassan Peters
Booker Heinrich Reed
Brown Harkin Sanders
Cantwell Hirono Schatz
Cardin Kaine Schumer
Carter King Young
Coons Klobuchar Shaheen
Cortez Masto Manchin Udall
Donnelly Mark Warner
Duckworth Menendez Warren
Feinstein Merkley Whitehouse
Franken Murphy Wyden

NAYING—1

Sessions

The motion was agreed to.
The motion was agreed to.

EXECUTIVE SESSION

The legislative clerk read as follows:

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The motion was agreed to.

EXECUTIVE CALENDAR

The clerk will call the roll.

The motion was agreed to.

LEGISLATIVE SESSION

The motion was agreed to.

Providing for congressional disapproval of a rule submitted by the Securities and Exchange Commission—motion to proceed

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 41.

The PRESIDING OFFICER. The clerk will report the motion.

The motion was agreed to.

The legislative clerk read as follows:

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The clerk will call the roll.

The motion was agreed to.

Providing for congressional disapproval of a rule submitted by the Securities and Exchange Commission

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 41.

The PRESIDING OFFICER. The clerk will call the roll.

The motion was agreed to.

The legislation clerk read as follows:

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The motion was agreed to.

The legislative clerk read as follows:

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The motion was agreed to.

The legislative clerk read as follows:

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The motion was agreed to.

The legislative clerk read as follows:

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The motion was agreed to.

The legislative clerk read as follows:

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The motion was agreed to.

The resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to “Disclosure of Payments by Resource Extraction Issuers.”

The motion was agreed to.

The resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to “Disclosure of Payments by Resource Extraction Issuers.”

The motion was agreed to.

The resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to “Disclosure of Payments by Resource Extraction Issuers.”

The motion was agreed to.

The resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to “Disclosure of Payments by Resource Extraction Issuers.”

The motion was agreed to.

The resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to “Disclosure of Payments by Resource Extraction Issuers.”

The motion was agreed to.

The resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to “Disclosure of Payments by Resource Extraction Issuers.”

The motion was agreed to.

The resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to “Disclosure of Payments by Resource Extraction Issuers.”

The motion was agreed to.

The resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to “Disclosure of Payments by Resource Extraction Issuers.”

The motion was agreed to.
additional costs each year. We cannot view these costs as affecting only the largest companies, but must consider the plight of the smaller ones.

Just under half of all companies covered by this rule are considered smaller companies, and they would be disproportionately impacted by millions of dollars in fixed costs—money that could be better spent on jobs and growth.

Finally, the President’s statement of admiring Alinsky’s book also endorses this resolution. Some of the reasons it highlights include:

- In some cases, the rule would require companies to disclose information that the host nation of their project prohibits from disclosure or is commercially sensitive.
- The rule would impose unreasonable compliance costs on American energy companies that are not justified by quantifiable benefits.
- Moreover, American businesses could face a competitive disadvantage in cases where their large competitors are not subject to similar rules.
- I have repeatedly stressed the need for the U.S. financial system and markets to remain the preferred destination for investors throughout the world, and this rule harms this status. I urge you to withdraw this resolution and to preserve the integrity of our securities laws and capital markets.

Mr. President, I ask unanimous consent to have in the record a statement by my colleague from Georgia, Senator ISAKSON.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ISAKSON. Mr. President and chairman of the Banking Committee, I appreciate the time and the recognition. As the chairman knows, I am a member of the Foreign Relations Committee and a former chairman of the African Subcommittee, and I have traveled to those continents for many years. I have seen resource-rich and poverty-poor countries where they have a natural resource investment and wealth, but they never reinvest in their people.

I think transparency is important in seeing to it that the resources they receive for selling those natural resources are made available to their people so that the resources go to the benefit of the people and not the government.

Are you also aware that I am not a big supporter of the Dodd-Frank disclosure bill, but I also have concerns that simply vacating the rule implementing the Lugar-Cardin amendment without providing for a replacement would create a setback for U.S. leadership in anti-corruption efforts around the world?

Because of what we have done in transparency and anti-corruption, countries like the United Kingdom, the ET, Norway, and Canada have followed our lead, and I do not want to lose that. Therefore, I wish to ask the chairman of the Banking Committee a couple of questions to ease my fears about this question.

First, I would like to direct a couple of questions to the chairman. It is my understanding that this joint resolution does not—underscore not—repeal section 1504 of Dodd-Frank law; is that correct?

Mr. CRAPO. Yes, that is correct. What this resolution does is to cause the current SEC rule to not take effect. As it was characterized yesterday on the Senate floor and will be characterized further today on the Senate floor, what the SEC will need to do is to go back to the drawing board and come up with a better rule that complies with the law of the land.

Mr. ISAKSON. I thank the chairman for that answer.

I would like his commitment to work with me and other members of the caucus who are concerned and who want to be assured that the SEC will move forward with the implementation of this replacement provision as soon as possible.

Mr. CRAPO. I thank my colleague. I will work to ensure that the SEC implements all of its congressional mandates.

Mr. ISAKSON. I thank the Chair.

Mr. CRAPO. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President—

Mr. INHOFE. Will the Senator from Ohio yield for a request?

I ask unanimous consent that at the conclusion of the remarks of the Senator from Ohio, I be recognized for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Up to 5 minutes?

Mr. GRASSLEY. OK, as long as I get to speak after this issue is over.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I rise in opposition to the resolution before us, which really ought to be titled the “Kleptocrat Relief Act.”

My Republican colleagues today are trying to repeal a critical bipartisan rule initiated by Senator Lugar, a Republican from Indiana, and Senator CARDIN, a Democrat from Maryland. It is a critical bipartisan rule to prevent corruption.

This transparency rule is part of the Dodd-Frank Wall Street reform law. It is one of the anti-corruption tools that President Trump now has to keep his promise to, in his words, “drain the swamp” in Washington and around the world.

But now, in just week 2 of his Presidency, Republicans are racing to use an obscure law called the Congressional Review Act to wipe it out. The CRA was not intended to hand a new President the power to roll back regulations that protect workers, protect the environment, and protect investors, and protect consumers.

In this case, Republicans are using the CRA to target rules that have gone through extensive years-long administrative and public review, including on issues that agencies were specifically ordered by this Congress to study and address.

Republicans’ unprecedented use of the CRA is not about Congress performing due diligence or agency oversight; it is a gross abuse of power to make their big corporate allies happy. I heard my friend from Idaho talk about the Chamber of Commerce and the American Petroleum Institute.

That is just a start.

The rule they are trying to repeal protects U.S. citizens and investors from having millions of their dollars vanish into the pockets of corrupt foreign oligarchs. It does that by requiring all oil, gas, and mineral companies listed on U.S. stock exchanges to disclose the royalties and the bonuses and the fees and the taxes and other payments they make to foreign governments.

This kind of transparency is essential to combating waste, fraud, corruption, and mismanagement, as Senator ISAKSON talked about the poverty he sees in these resource-rich countries.

As Rex Tillerson, former CEO of ExxonMobil—and we will talk about that in a moment—strongly opposed this rule, almost by himself, with ExxonMobil as the head of that company.

At Rex Tillerson’s confirmation hearing, Senator Kaine from Virginia introduced into the record a 2008 report by Republican Senate Foreign Relations Committee staff. That report was the basis—Republican staff, I assume at the behest of Senator Lugar and others—that reportedly was the basis for what eventually became section 1504 of Dodd-Frank, known as the bipartisan Cardin-Lugar amendment to fight corruption in mineral-rich developing countries. That report concluded that mineral-resource-rich states often breed corruption. That corruption lines the pockets of the kleptocrats—read “thieves”—increases poverty, increases hunger, and increases instability.

As Senator Lugar said:

Paradoxically, history shows that rather than a blessing, energy reserves can be a bane for many poor countries, leading to failed states, wasteful spending, military adventurism and instability. Too often, oil money that should go to a nation’s poor ends up in the pockets of the rich or is squandered on the trappings of power and massive showcase projects instead of being invested productively and equitably.

That is called the resource curse. It prevails all over the world today. For example, oil-rich Venezuela is running out of oil and money, and we will talk about resource-rich Nigeria is in an economic mess wrecked by terrorism and poverty. Armed groups have fought for years...
over mineral wealth in the Congo and elsewhere in Africa.

Resource-rich countries in Asia have similar problems. The natural resource sector in so many countries is famously corrupt—the world’s single most important export industry in the country of Equatorial Guinea, the country both were used to make suspicious transactions. The United States then investigated the President-for-life’s family finances. Prosecutors noted that President-for-life Obiang’s son received an official government salary of less than $100,000 a year but used his position and influence as a government minister to amass more than $300 million worth of assets through corruption and money laundering. He paid himself $100,000 but found a way to amass $300 million more—all in violation of the laws of the United States.

In 2014, the son settled a case brought by Federal prosecutors. He agreed to sell his $30 million mansion in Malibu, his Ferrari, and various items of Michael Jackson memorabilia he had collected.

The New York Times reported earlier this month that he is still working to delay his trial on corruption charges in France, where prosecutors say he used his influence over the timber industry—to line his pockets.

When he served as Agriculture Minister of Equatorial Guinea, prosecutors say he used his influence over the timber industry—to oil, the most important export industry in the country—to line his pockets.

Last November, prosecutors in Switzerland seized luxury cars belonging to him, and an insane amount of cash. After the Swiss, the Dutch authorities seized his 250-foot, $100 million yacht named the “Ebony Shine” as it was about to sail to Equatorial Guinea. He said the yacht belonged to his country’s government. All the while, his people are starving.

You can’t make this stuff up. If the bill before us were adopted, the Obiang family would be celebrating. They would be celebrating in Washington, in California, and in Equatorial Guinea.

In Nigeria, again according to Global Witness, a major oil deal struck by surprise—ExxonMobil with the Nigerian Government is being investigated by the Financial Times. The Nigerian Government and the Nigerian Parliament’s Oil & Gas and the Oil and Gas Commission, a law enforcement agency that investigates high-level corruption. The probe centers on a protracted and controversial deal agreed to by ExxonMobil and the Nigerian Government in 2009 to renew three lucrative oil licenses, which at the time were controlled by a dictator and a dictator. Instead of paying the national government, the oil companies made payments into this account in another country, controlled by a dictator and his relatives. I can’t believe we are in this body and that is what we should do. This Congress wants to undo that. This is now required under the laws of the United States and 30 other countries, as well as international initiatives. In other words, what we did here was followed by 30 other countries, and a number of multinational energy companies would say, passed this language and began to implement these laws.

The Extractive Industries Transparency Initiative is a global standard that aims to put information about governances from natural resource deals into the public domain in 51 countries, including ours. This includes telling us what taxes the companies pay, which is key to ensuring citizens know what benefits they get from their own natural resources.

Let me offer some concrete examples of the kind of corruption we are talking about. This just turns your stomach.

In Equatorial Guinea, according to anti-corruption groups, oil companies, including Exxon, have had a long history of problems on this front. The regime of President-for-life Obiang, who executed his brutal uncle to gain power years ago, has been tarnished with allegations of corruption, cronyism, brutal political repression, routine human rights violations, and drug trafficking for years and years.

Years ago, the Senate Permanent Subcommittee on Investigations released a report and held a public hearing which revealed that a number of oil companies—again, ExxonMobil; they keep coming up in this—are making direct payments into an account in the name of a public entity in Equatorial Guinea located at Riggs Bank in Washington, DC. Virtually all of the money in the account, tens of millions of dollars, consisted of royalties and other payments from oil companies, primarily—surprise—ExxonMobil, to the country of Equatorial Guinea for the right to explore and produce oil in that country. But instead of paying the money to the government or the national treasury of Equatorial Guinea, the company sent the money to the account at Riggs Bank. That account was controlled by President-for-life Obiang and two of his relatives. The account signatories were the President-for-life, his son, and his nephew. Imagine that. Instead of paying the national treasury, the oil companies made payments into this account in another country, controlled by a dictator and his relatives. I can’t believe we are in this body and that is what we should do. This Congress wants to undo that. This is now required under the laws of the United States and 30 other countries, as well as international initiatives. In other words, what we did here was followed by 30 other countries, and a number of multinational energy companies would say, passed this language and began to implement these laws.

The Extractive Industries Transparency Initiative is a global standard that aims to put information about governances from natural resource deals into the public domain in 51 countries, including ours. This includes telling us what taxes the companies pay, which is key to ensuring citizens know what benefits they get from their own natural resources.

Let me offer some concrete examples of the kind of corruption we are talking about. This just turns your stomach.

In Equatorial Guinea, according to anti-corruption groups, oil companies, including Exxon, have had a long history of problems on this front. The regime of President-for-life Obiang, who executed his brutal uncle to gain power years ago, has been tarnished with allegations of corruption, cronyism, brutal political repression, routine human rights violations, and drug trafficking for years and years.

Years ago, the Senate Permanent Subcommittee on Investigations released a report and held a public hearing which revealed that a number of oil companies—again, ExxonMobil; they keep coming up in this—are making direct payments into an account in the name of a public entity in Equatorial Guinea located at Riggs Bank in Washington, DC. Virtually all of the money in the account, tens of millions of dollars, consisted of royalties and other payments from oil companies, primarily—surprise—ExxonMobil, to the country of Equatorial Guinea for the right to explore and produce oil in that country. But instead of paying the money to the government or the national treasury of Equatorial Guinea, the company sent the money to the account at Riggs Bank. That account was controlled by President-for-life Obiang and two of his relatives. The account signatories were the President-for-life, his son, and his nephew. Imagine that. Instead of paying the national treasury, the oil companies made payments into this account in another country, controlled by a dictator and his relatives. I can’t believe we are in this body and that is what we should do. This Congress wants to undo that. This is now required under the laws of the United States and 30 other countries, as well as international initiatives. In other words, what we did here was followed by 30 other countries, and a number of multinational energy companies would say, passed this language and began to implement these laws.

The Extractive Industries Transparency Initiative is a global standard that aims to put information about governances from natural resource deals into the public domain in 51 countries, including ours. This includes telling us what taxes the companies pay, which is key to ensuring citizens know what benefits they get from their own natural resources.

Let me offer some concrete examples of the kind of corruption we are talking about. This just turns your stomach.

In Equatorial Guinea, according to anti-corruption groups, oil companies, including Exxon, have had a long history of problems on this front. The regime of President-for-life Obiang, who executed his brutal uncle to gain power years ago, has been tarnished with allegations of corruption, cronyism, brutal political repression, routine human rights violations, and drug trafficking for years and years.

Years ago, the Senate Permanent Subcommittee on Investigations released a report and held a public hearing which revealed that a number of oil companies—again, ExxonMobil; they keep coming up in this—are making direct payments into an account in the name of a public entity in Equatorial Guinea located at Riggs Bank in Washington, DC. Virtually all of the money in the account, tens of millions of dollars, consisted of royalties and other payments from oil companies, primarily—surprise—ExxonMobil, to the country of Equatorial Guinea for the right to explore and produce oil in that country. But instead of paying the money to the government or the national treasury of Equatorial Guinea, the company sent the money to the account at Riggs Bank. That account was controlled by President-for-life Obiang and two of his relatives. The account signatories were the President-for-life, his son, and his nephew. Imagine that. Instead of paying the national treasury, the oil companies made payments into this account in another country, controlled by a dictator and his relatives. I can’t believe we are in this body and that is what we should do. This Congress wants to undo that. This is now required under the laws of the United States and 30 other countries, as well as international initiatives. In other words, what we did here was followed by 30 other countries, and a number of multinational energy companies would say, passed this language and began to implement these laws.
or copper mines who want to keep their payments a secret. It is working for them. It is working for the autocrats. It is working for Exxon. Apparently it is working for Republicans in the House and Senate too. I am not sure exactly how it is working.

More than 30 countries—mostly the United States, Canada, and European nations—have adopted similar anti-corruption standards. Senator Lugar, Senator Leahy, and Senator Cardin’s law passed as part of Dodd-Frank, and the reason why this is working. More than 30 other countries in the world followed our lead, and some of the more responsible oil companies were prepared to comply. So to be clear, with Europe and Canada in the same disclosure system, the playing field is now level. It is working.

Many companies already report such payments under European rules and are doing just fine, so this is hardly causing them undue burdens in the regulation that my colleagues like to talk about. That is why many in industry support the rule, despite the actions of Exxon, the bad actor here, and the CEO of Exxon—now, amazingly, our Secretary of State.

BP, two major, large oil companies—have publicly endorsed payment reporting and lining up U.S. rules with those in other markets. Foreign and state-owned oil companies from China and Brazil, including CNOOC, PetroChina, Sinopec, and Brazil’s Petróbras, are required to disclose under U.S. rules, leveling the playing field for U.S. companies. Gazprom, Rosneft, BP, and Shell already report under UK rules. The largest mining companies in the world, including Newmont Mining, BHP Billiton, and Rio Tinto, have supported similar reporting. Oil, gas, and mining workers unions, such as United Steelworkers, back the rule.

None who doesn’t back the rule: Exxon, the American Petroleum Institute, and autocrats in Iran, Russia, and Venezuela.

Investors also support it—including investor groups with $10 trillion under management—so they can better understand and manage the reputational, expropriation, sanction, and other risks facing firms in which they invest. It is supported by the American Catholic bishops, the Presbyterian Church—all kinds of religious groups.

When again? Republicans in the House, Republicans in the Senate, the President of the United States, ExxonMobil, the Secretary of State, who used to be CEO of ExxonMobil, and autocrats in Iran and Venezuela. We get the picture.

All these groups who care about justice, who care about fair play, who care about doing business with predictable and fair rules, like BP and Shell, all of them support it—Global Witness, the ONE Campaign, Oxfam, and Publish What You Pay.

We need to be clear on one other thing my friend from Idaho said: This rule won’t cost a single American job. Everything oil companies can legally do today is still allowed under the anti-corruption rule. They only have to do one more thing: They have to report their numbers to the Securities and Exchange Commission. How can that cost millions of dollars?

The Cardin-Lugar rule makes Big Business and government more transparent, fights corruption, and does it all without hurting taxpayers. It is a creative approach to global problems that our leaders did embrace until we had a President who wants to ‘drain the swamp,’ he says—should be embracing, not rejecting at the behest of just a few actors.

Again, who is lobbying to overturn this rule? It is autocrats around the world. It is Exxon. It is the American Petroleum Institute. It is a very small number of companies, when so many people in industry support the rule, despite the actions of Exxon, the bad actor here, and the CEO of Exxon—now, amazingly, our Secretary of State.

If we repeal this measure today, shareholders, investors, and poor communities around the world will continue to see their money and natural resources stolen by crooked oligarchs. We will be compromising leadership. This is in so many ways a moral question that Senator Cardin, Senator Lugar, and Senator Leahy brought to us bipartisanly, with broad support by both parties. We will be turning a blind eye to corruption, we will be betraying our principles, and we will be undercutting our allies in Europe and Canada who followed our lead and crafted their own rules based on ours.

Under the terms of the Congressional Review Act, any future ‘substantially similar’ rule will be forever prohibited from being written by the SEC. That makes no sense.

I hope this effort fails. I know my Republican colleagues understand this because enough of my colleagues recognize the merits of this anti-corruption measure and they refuse to kowtow to the dinosaur wing of Big Oil. It is not even all of Big Oil; it is the dinosaur wing of all. It is the autocrats, the American Petroleum Institute. It is the Chamber of Commerce. It is ExxonMobil.

I thank Senator Cardin and Senator Leahy for their work, and I thank former Senator Lugar from Indiana for the important work he did on this measure.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know that President Obama is gone now, but his War on Fossil Fuels is alive and well. However, they are not winning that.

Back in Oklahoma, they ask me the question sometimes: If all of the liberals are concerned and if they are all opposed to fossil fuels—and to nuclear, I might add; coal, oil, gas, and nuclear—if coal, oil, gas, and nuclear are responsible for 89 percent of the power it takes to run this country, how do you run the country without those? Those are the kinds of questions we get.

I appreciate and—I know it is a very popular statement that was made by my friend from Ohio; unfortunately, it has nothing to do with the issues we are looking at right now.

Back during the time Dodd-Frank was considered, it was dealing with banks and financial institutions. It had nothing to do with energy. Yet section 1504 was put in there. Part of section 1504 required that information be provided during the course of a competitive negotiation for some kind of a project.

I will give you an example. We have a private sector in our oil and gas. For China, that is a government project. If we are competing with them—let’s say for some cause that is in Tanzania or someplace—they said, so that there is a safeguard and there can’t be corruption, so that if we should win—I say ‘we,’ but I am talking about the private sector in the United States of America—then they had to report the information to the SEC, which in turn makes it publicly available. Their intent was not to have to break down everything that was in that offer. It is the bottom line.

What is the total cost that goes to these countries? What are the total costs? That is all they care about because if that money went to Tanzania—and there are some corrupt officials there and they might steal some of the money, but to keep that from happening, we want to report what the cost was in the winning party. You don’t have to have all that information.

In fact, in 2013, the court struck this down because they said that was not the intent. The intent was to have the total figure, so they said, even suggested—and our intent at that time was to vacate that rule and send it back and have the SEC redo it in such a way that it would affect only the amount of money that would go that might cause some corruption at some time. That is what we were all about.

I would like to correct something on the CRA that the Senator from Ohio said. The CRA is there because when an unelected bureaucrat comes out with some kind of an unreasonable rule that is very costly to the people of this country and it is done by someone who is not an elected official, the elected official says: Let’s sit down for a minute. This is something that people are complaining about when I go home.

They love that because they can say: This wasn’t me. This wasn’t me. This was an unelected bureaucrat that put these rules in.

What a CRA does is makes us in the House and in the Senate more accountable because we have to then stand up and vote on something, saying that we endorse this rule or we don’t endorse this rule. That is what it is all about.

Anyway, we have an opportunity here to go ahead, and I am certainly
honing that we will do this and change this rule so that it would make as a requirement nothing but the amount of money that is paid by the winning party in a situation where they are competing with each other.

If that happens, then we will know how much money that was, and we will be able to go to the party and find out if they are stealing some of this money. Why is it necessary to have all of the components of competition when you have the private sector in the United States of America competing with countries like China?

That is all this is about. All we want to do is to be able say we want to report so that the public knows how much the total bid or, in this case, the total amount was, not all the components that went into the calculation of that. That is all it is about.

My time has expired. I yield.

The PRESIDING OFFICER (Mr. YOUNG). The majority leader.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I wish to lay out the schedule for everyone. I know they are interested in knowing where we are going to go. I have discussed with the Democratic leader where we go from here.

The Senate is going to debate the pending joint resolution tonight for as long as there is interest in debate. Tomorrow there will come the vote at 6:30 a.m. and immediately proceed to two rollover votes: passage of the joint resolution of disapproval and cloture on the nomination of Betsy DeVos.

Restating that, debate tonight as long as our friends on the other side would like to debate, and tomorrow we will convene at 6:30 a.m. and immediately turn to two rollover votes: passage of the joint resolution of disapproval and cloture on the nomination of Betsy DeVos.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, has the distinguished majority leader finished?

Mr. MCCONNELL. Yes.

Mr. LEAHY. Mr. President. Republicans in both Chambers have introduced a resolution to permit oil, gas, and mining companies to continue making secret payments—invoking billions of dollars—to corrupt foreign governments to compete for access to their countries' natural resources.

This resolution would overturn legislation on which I worked closely with former Republican Senator Richard Lugar and Senator CARDIN and was included as section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act to provide greater transparency when such payments are made and help better inform investors and combat massive corruption in the process.

One would think that everyone here would support a commonsense rule that will protect investors and make it a lot harder to get away with the theft of billions of dollars in public funds in some of the poorest countries of the world. But apparently, that is not a concern, at least not to the sponsors of this resolution or those who intend to support its passage.

Some Republicans and their friends in the oil and gas industry say this rule creates unacceptable burdens. That is utterly without merit, as I will explain in a moment.

But even assuming there were a grain of truth to that, rather than proposing to amend the underlying legislation, which would require bipartisan support, this resolution is being advanced under the Congressional Review Act, to enable a simple majority vote to completely dismantle the rule with minimum debate.

Keep in mind that the rule is simply the product of the U.S. Securities and Exchange Commission, SEC, implementing bipartisan congressional intent and will not take effect until the end of 2018. Despite what some have claimed, the SEC has not twisted the statute in any way when they developed this rule. But if this rule is overturned, the SEC will be prevented from issuing any substantially similar rule, potentially in our lifetimes.

In other words, what we are doing here is, for all practical purposes, the death knell for global efforts—invoking many of our closest allies—to combat massive corruption resulting from the extraction of natural resources and help investors assess risk in the often murky and unstable oil, gas, and mining sectors. This is an issue on which the United States, until now, has been a global leader.

I mention this because the sponsors of this resolution have said that they support the goals of this rule, and all they want to do after overturning it is make some minor adjustments to it. That is the epitome of disingenuous.

The rule was to take effect until the end of 2018. If that was what they really wanted to do, they would propose an amendment, and we could discuss it. Their real purpose, even if they are reluctant to say so, is to prevent disclosure.

This rule has two primary purposes. First, it is to protect investors. Investors whose combined net worth exceeds $1 trillion, support this rule and its equivalency with the rules adopted by other countries. Second, to protect the public.

The practical effect of overturning this rule is that U.S. and foreign companies will be able to continue to make secret payments to corrupt foreign autocrats like Vladimir Putin and kleptocracies in Africa like the governments of Angola and Equatorial Guinea. By doing so, these companies will be aiding and abetting those kleptocrats when they pocket the proceeds for their personal use. We have seen this happen. The people of those countries barely survive on $1 or $2 per day, while their leaders drive Mercedes, fly private jets to vacation homes on the French Riviera or in Santa Monica, and pay off the armed forces to keep themselves in power.

And where does the money come from that pays for that grotesque flaunting of wealth? From the royalist oil and gas companies to U.S. and other foreign companies.

Do we really want to be complicit in that kind of thievery and immorality by shielding it from public scrutiny? I really think that if American people want to be tarred with it indirectly through the shady activities of American companies? Do we really want to hide important information from investors who are trying to assess risks in the companies they invest in? Of course not.

Anyone who reads this rule and pays the slightest attention to the estimated $1 trillion lost to crime, corruption, and tax evasion in these countries will support this rule and its equivalent.

The sponsors of this resolution claim that this rule punishes American businesses at a competitive disadvantage. What are they talking about? The rule applies to both U.S. and foreign companies and complements existing laws elsewhere in the world. In fact, Chinese state-owned companies, like PetroChina and Sinoptic, are covered by the U.S. law. Great Britain, the EU, Canada, and Norway are just four examples of governments that have adopted similar rules, with Russian state-owned companies like Rosneft and Gazprom covered in the U.K.

I challenge the sponsors of this legislation to provide any objective facts to support the argument that U.S. companies are disadvantaged by this rule. That is a pernicious myth.

The sponsors have also repeated the self-serving claims of the petroleum industry that complying with this rule would unacceptably increase their cost of doing business, to become the predictable complaint of the business community whenever such a rule is promulgated, in this instance, they base it on an outdated and discredited analysis. The irony is that, even if one were to agree with their most farfetched, worst-case scenario, it pales compared to their immense profits.

If we overturn our rule, what prevents others from doing the same? And then we are right back where we started. Once again, we will have paved the way for secret payments and billions of dollars stolen from the public treasuries and squirreled away in Swiss bank accounts by the Robert Mugasbes of the world.

There is another aspect to this that no one has talked about, and that is the connection between corruption and terrorism, particularly in Africa. Terrorist groups flourish where government corruption contributes to incompetent, corrupt military forces. Terrorists benefit when revenues from these
activities are kept in the dark, enabling them to radicalize and recruit an impoverished and resentful population. By overturning this rule, Senators should know that violent extremists, terrorists, and other criminal enterprises profit at the expense of the beneficiaries. Corruption is among the most corrosive forces that breed instability and violence, and then countries like ours end up trying to feed and shelter the innocent people who bear the brunt of it.

It not only wreaks havoc on the people of those countries; it hurts American companies trying to do business there, and it hurts Americans who invest in these risky companies. If the norm is non-disclosure, then bribery becomes an unavoidable and accepted way of doing business.

That is what companies from countries like Russia and China that compete in transparency and good governance would prefer because corruption is what they are best at. But this rule requires those foreign companies and others to similarly disclose their profits. Are the sponsors of this resolution even aware of this? We will enhance U.S. competitiveness. This rule protects investors and the public.

When it was first passed, section 1504 put the United States at the forefront of transparency in government and accountability efforts. And as I have already said, that leadership paid off. Other countries have followed our example. This resolution will jettison a decade of work here and abroad. There is no need for it. If there are legitimate concerns about section 1504, then let’s talk about ways to amend it and improve it.

But let’s not, by overturning this rule, tell the world that we don’t believe in transparency and good governance. That we will turn our backs on the theft and misuse of payments made by U.S. companies, that we do not care about the people of those countries who suffer the consequences, and that we do not support American investors who deserve this critical information so they can have confidence in the companies they invest their hard-earned money in. This resolution is an affront to the values and to the citizens of our great and good Nation.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me thank Senator Leahy for his comments. I was pleased to be elected by the people of Maryland to represent them in the U.S. Senate. I came to the Senate with Senator Brown at that time. It was our first year. Senator Brown had the opportunity to serve on the Senate Foreign Relations Committee, and I had the opportunity to serve on the Senate Foreign Relations Committee. Today I hold the position on the Senate Foreign Relations Committee that Senator Lugar held when I first went on the committee; that is, the ranking member of the committee. I remember one of the very first hearings we had in the Senate Foreign Relations Committee on resource, curse or blessing. It was a matter of concern to every single member of the Senate Foreign Relations Committee, Democrats and Republicans. We saw the faces of people from nations in Africa and Latin America and the Middle East. They have the resource curse. The people were living in horrible poverty. Yet the country had mineral wealth—gas and oil—that was being exploited but not for the benefit of the people. It was being sold to obtain income for their leaders to funnel corrupt practices. Senator Lugar, in October of 2008, authored a committee report of the Senate Foreign Relations Committee entitled “The Petroleum and Poverty Paradox: Assessing U.S. And International Community Efforts To Fight The Resource Curse.”

We went through the regular legislative process as to how we could deal with the circumstance that we knew the United States and the International Community should have leadership. As Senator Brown has pointed out the whole history and the importance of it—and all of the details—I just want to fill in some of the details as to how this came about because we were living with a system which we could turn the wealth of a nation to its people and cut off the corruption that it funded. The corruption was not just the obscenity of wealth being used by their leaders—as Senator Brown pointed out the other day—but it was also the fact that this wealth that was coming to these leaders was also being used for criminal activities, to finance illegal drug activities and to finance terrorism.

I take issue with my friend from Oklahoma and his comments. There has never been an effort in this legislation to affect the supply of any source of energy here or anywhere around the world. That is being done. The question is, Who defines what is being done and who gets that? Do they go to the people of the country where the resource is located or do they go for corruption? That is what we attempted to do—Senator Lugar and I and others. I thank Senators Leahy and Durbin, who was on the floor earlier and was one of our early leaders, Senators Menendez and Wicker. We did this not only in the Senate Foreign Relations Committee at the time I was chairman of the Senate United States must exercise leadership. As Senator Brown has pointed out, the Helsinki Commission, and Senator Wicker was helping, we worked in that organization to see how we could deal with transparency and how the American leadership could help the international effort to end the resource curse. As a result, legislation was authored and introduced in order to try to deal with this issue. Senator Lugar and I authored a bill, a bill that said we want to know where the money is going so we can track the money. We want to know what people of that nation, to say: We know money is coming in now. Our leaders show us where the money is going.

That legislation was introduced. It was debated. It became part of the Dodd-Frank law. Quite frankly, it was supported in a rather bipartisan way, and it became law. Ever since its enactment, it has been fought by the American Petroleum Institute. And I am not sure why because today other countries have adopted similar standards. This information is readily available as far as the way it is compiled by companies. Many oil and mineral companies today are publishing this information with no complaints, no problems, but it was fought.

Tonight we are debating the use of the Congressional Review Act. It was pointed out earlier tonight that before today, it had only been used once since its 1996 enactment. The reason is because it is a sledgehammer approach to dealing with issues that should be dealt with by a scalpel, but here is the real abuse. We are using the Congressional Review Act—which has been used when an agency goes rogue, when they start to do things that were never intended by Congress, were never authorized by Congress. Section 1504 was passed by Congress, and it has taken the SEC almost a decade to get the rules out. And we are saying, have they abused their power? Maybe they abused their power by delay, but they certainly haven’t abused their power with what they have come forward with. They are carrying out congressional mandate as they should, and it is never the intent of the CRA to be used for this type of a process. So I just urge my colleagues to recognize that this is not the right way we should be proceeding.

In September 2009, with Senator Lugar’s help, I introduced legislation. It was bipartisan. Senators Merkley, Wicker, Schumer, Leahy, Durbin, Feinstein, Menendez, and others joined in that effort. The SEC was directed to develop rules on oil, gas, and mining companies as to how the disclosures could be made on the U.S. stock exchange so they could disclose their rights and payments made to foreign governments. That is what we mandated. Why do we want to know that? Because these royalties and payments were basically bribes to government leaders because it never went to the people. It was in the U.S. interest, not only because of how those funds were used against our interests, but not only did it finance illegal activities, but it could have been a source for stable governments, which was important for U.S. interests that we have stable governments. It helps us in our foreign policy and national security. It also gives us a stable source of oil, gas, and minerals. Investors have the right to know. They have the right to know in what countries their companies are investing their stockholder investments.

It was a reasonable request by Congress. One of my colleagues indicated that it was held to be inappropriate by our courts. That was on a process issue. It was not on a substantive issue. That
was corrected. A new rule has come out, and now we are using a CRA in order to block it. The rule, as it is currently worded, provides for a reasonable period for enforcement. So it is not even going into effect immediately because we are allowing the companies to have ample time in order to comply with the rule.

I just want to make this point. It creates a level playing field. It does not put American companies at a disadvantage. This is a level playing field. Thirty countries already require this. The EU requires this. Canada requires this. Do you want to know why they did it? Because the United States led. We passed the law. We met with the Europeans. I met with the Canadians. They said: This is a good bill. You are our leaders. You are doing it. We are going to do it also so they did it. It is in effect in these countries. Oil companies and mineral companies have complied with it. They are fine. Guess what. It wasn't difficult. Shell, BP, France's Total, Russian’s Rosneft, Lukoil, Gazprom—their huge giant—all have reported. It has not caused any competitive problems. They are not losing any proprietary rights, as has been suggested. There has been no harm done.

When I listen to the cost-benefit analysis and listen to our distinguished chairman talk about the data is not really available, the reason the data is not available because we do not require disclosure. If we get the information, then we will be able to tell exactly how we can deal with the problems in Ghana or Nigeria or in Equatorial Guinea or problems in so many countries where the people are hurting with some of the worst poverty rates in the world. We will be able to find that information, but if we don’t know what is being paid by U.S. companies, how do you do a cost-benefit analysis? I don’t know how you could possibly do it.

I heard the numbers, the cost of compliance, and I would challenge that. I would challenge the cost of compliance numbers because this information is already available. Companies know where their money is going. It is a normal business issue. I heard it is going to cost hundreds of millions of dollars of contracts. I don’t want to minimize the cost, but as a percentage of the business doing, it is a very small fee. The benefit we get if the money can go to the people and deal with these horrible conditions that we see in these resource-wealthy countries, then it is certainly worth the effort. That is part of our effort in dealing with other countries, to try to lift up the standard of living in so many of these countries.

So when we look at, again, what is at stake—what is at stake? And that is to allow the wealth of a country to go to its people for its stability. I have heard my colleagues say: Well, we are not against this. The law is still there. All we are talking about is this regulation. Once we pass this CRA, we are going to go back to work with the SEC and bring in a new rule. Do you really believe that? Do you really believe that if we pass this CRA, that we are going to see a new rule come out of the SEC? It has taken us 9 years to get to where we are right now. Do you really believe that even if the SEC cannot bring out a rule that is substantially the same in form, unless authorized by a subsequent law of Congress—do you really believe that will not be challenged in the courts with lengthy litigation and will we ever see another rule take effect?

Let us be clear about this. I am going to continue to do everything I can to make sure that the people of these nations get the wealth of their country. I am going to do everything I can. I am going to work with all my colleagues on both sides of the aisle. I really do believe in the sincerity of my colleagues, that they believe in this transparency. It is going to be tested. I am going to find out where we can make sure that 1504 is enforced because if I heard my chairman—and I respect him greatly, we work on a lot of issues together—when the chairman says that he is going to make sure the SEC complies with all congressional mandates—that is a congressional mandate—and it is our responsibility to make sure the SEC complies with Section 1504. If our colleagues pass this CRA—and I hope you don’t—it is our responsibility to make sure the SEC complies with 1504, and I am going to be here urging in every way I can to make sure that happens.

Mr. President, I ask unanimous consent that the statement from Publish What You Pay, which talks about a lot of the different aspects and myths that have been said, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**Myth Busting: The Truth about the Cardin-Lugar Anti-Corruption Provision**

The Cardin-Lugar Provision requires US-listed oil, gas and mining companies to publicly disclose the project-level payments they made to the U.S. and foreign governments for the extraction of oil, gas and minerals.

The Cardin-Lugar provision is a landmark piece of bipartisan legislation. The final anticorruption rule implementing the Cardin-Lugar provision passed by the SEC in June 2012 promotes transparency and advances international efforts to curb corruption and has been applauded by investors, companies and governments around the world. However, a great deal of misinformation has been spread about the rule. Below you will find evidence correcting the most glaring inaccuracies put forward.

But before getting into the myths, here are some hard facts:

Research concludes that increased transparency might reduce the size of foreign bribery payments required by the Cardin-Lugar Rule could lower the cost of capital for covered companies by $6.3 billion to $12.6 billion.

The implementation of resource sector payment transparency, built on strong American leadership, is estimated to have increased predicted global GDP by $1.1 trillion.

Investors representing nearly $10 trillion in assets under management support the Cardin-Lugar Rule.

Between 2011-2014 conflict linked to corruption in Libya led to five U.S.-listed companies missing out on an estimated $17.4 billion in oil, gas and mineral exports. The myth is so high is because API claimed that there were countries that prohibited disclosure and if companies were forced to disclose they would have to hold a ‘fire-sale’ of all of their assets in that country—this number comes from the assumption that every company would lose their assets in these countries because disclosure was prohibited.

Myth 1: Compliance costs for disclosure could reach as high as $591 million per year. The only company cost analysis submitted to the SEC concluded that the aggregate compliance cost to industry in the first year would amount to $181M and would not exceed $74 million per annum in subsequent years. The $591 million number comes from an outdated SEC estimate from the 2012 version of the rule. The myth is so high is because API claimed that there were countries that prohibited disclosure and if companies were forced to disclose they would have to hold a ‘fire-sale’ of all of their assets in that country.

Myth 2: U.S. companies are at a competitive disadvantage because non-U.S. companies do not have to make the same disclosures and, the rule applies only to public companies.

Facts: The U.S. law covers all oil, gas and mining companies listed on U.S. stock exchanges not simply companies based in the United States. Thus, the rule covers all companies filing an annual report with the SEC both foreign and domestic. This includes foreign oil majors BP, Shell, and Total as well as leading state-owned oil companies from China and Brazil, such as PetroChina and Petrobras. But a significant number of foreign companies are already required to make the same type of disclosures under the rules in other jurisdictions.

Since the passage of Cardin-Lugar in 2010, important U.S. allies have followed our leadership in payment transparency and now 30 countries have adopted their own mandatory disclosure rules for companies listed on their stock exchanges. And while in many ways, the Canadian and EU requirements are more stringent (and also cover private companies), the laws in all jurisdictions have been deemed equivalent by the SEC. Companies are allowed to submit the same reports in all jurisdictions. These laws already cover the vast majority of companies competing with American firms including Russian’s state-owned companies, Gazprom and Rosneft which are required to report in the UK.

Myth 3: The SEC rule is burdensome.

Facts: The Cardin-Lugar Provision is a reporting requirement, which is not onerous and does not limit the operations of oil, gas, and mining companies; the rule simply requires companies to publicly report payments that companies would track in the normal course of doing business. The rule is a straightforward requirement to make data transparent and usable by investors and civil society. Leading global oil and gas majors such as Shell, BP and Total, along with Russian state-owned companies, are entering their second year of reporting under EU rules. Two new reporting rules were introduced by the Nigerian oil ministry and the government of Equatorial Guinea in 2010. The rule is not onerous and does not limit the operations of oil, gas, and mining companies; it simply requires companies to publicly report payments that companies would track in the normal course of doing business. The rule is a straightforward requirement to make data transparent and usable by investors and civil society.

Facts: Leading global oil and gas majors such as Shell, BP and Total, along with Russian state-owned companies, are entering their second year of reporting under EU rules. Two new reporting rules were introduced by the Nigerian oil ministry and the government of Equatorial Guinea in 2010. The rule is not onerous and does not limit the operations of oil, gas, and mining companies; it simply requires companies to publicly report payments that companies would track in the normal course of doing business. The rule is a straightforward requirement to make data transparent and usable by investors and civil society.
and have called on the U.S. to ensure our rules are harmonized with those other markets.

Myth 4: The rule requires companies to disclose confidential information that could help foreign competitors.

Facts: The SEC rule requires companies to disclose public information. It does not mandate the disclosure of proprietary, confidential or commercially sensitive information by companies. Numerous companies are already reporting on the similar rules in other markets, such as Shell and BP, and none have reported any competitive harm from payment transparency. However, the SEC's rule retains some exemptions. To the extent a company legitimately believes that disclosure will risk exposing proprietary information, they can apply to the SEC for exemptive relief on a case-by-case basis.

Furthermore, a competitor cannot use payment data to "reverse engineer" a company's return on investment or the contract terms of a specific project. Complex factors such as access to technology and finance determine a company's success in winning bids with host governments—not transparency of payments. Extractive companies that are covered by payment disclosure requirements in other jurisdictions have continued to win bids.

Myth 5: This rule was not properly vetted by Congress.

Facts: The Cardin-Lugar Amendment enjoyed bipartisan support and was subject to extensive review in both the House and Senate, and it was unanimously supported in conference. It is based on underlying legislation with a long Congressional history that was the subject of multiple hearings in both the House and Senate. In fact, the first precursor, the 2001 House resolution on oil and mining transparency from 2006. For this reason, propositions to repeal the rule signify an inappropriate use of the CRA. The intent of the CRA is to address midnight rules, not rules like 1504 that have undergone years of extensive regulatory development.

Myth 6: The SEC rule will cause companies to lose out on foreign contracts.

Facts: Opponents of the Cardin-Lugar anti-corruption provision have claimed that companies could be placing themselves at odds with host governments—or transparency of payments. Extractive companies that are covered by payment disclosure requirements in other jurisdictions have continued to win bids.

Facts: The American Petroleum Institute filed suit to challenge the original rule issued by the SEC in 2012, despite its largest member companies claiming to support transparency. The earlier version of the rule was vacated by the court and sent back to the SEC in 2013. The new final rule was published without public consultation and internal analysis, resulting in an even more robust record with substantial evidence supporting each aspect of the 2016 rule. That evidence includes increasing transparency in the billions of dollars paid by extracted companies to foreign governments. The SEC's final rule addresses the concerns that indexing the Cardin-Lugar rule is minimal; companies are already required to collect information more than other countries as part of the books and records provision of the FCPA. In this way, the two laws work very well together in creating a strong regulatory foundation.

Myth 9: This rule is the same as the one Congress intended, while also accommodating concerns.

Facts: The American Petroleum Institute filed suit to challenge the original rule issued by the SEC in 2012, despite its largest member companies claiming to support transparency. The earlier version of the rule was vacated by the court and sent back to the SEC in 2013. The new final rule was published without public consultation and internal analysis, resulting in an even more robust record with substantial evidence supporting each aspect of the 2016 rule. That evidence includes increasing transparency in the billions of dollars paid by extracted companies to foreign governments. The SEC's final rule addresses the concerns that indexing the Cardin-Lugar rule is minimal; companies are already required to collect information more than other countries as part of the books and records provision of the FCPA. In this way, the two laws work very well together in creating a strong regulatory foundation.

Myth 10: Sections 1504 (extractives transparency) and 1502 (conflict minerals) are the same law.

Facts: Section 1504 requires U.S.-listed oil and mining companies to annually disclose the company's major payments made to the government of any country where the company extraction activities occur. Section 1502 requires U.S.-listed companies to annually disclose the company's major payments made to the government of any country where the company extraction activities occur. The SEC's rule on Section 1504 has been estimated to lower the cost of capital and increase access to technology and finance development with corruption and poor governance. All too often, it is the legal payments made to governments and big companies that are used in their products and whether the minerals are sourced in conflict areas. The law was passed, no company has reported any competitive harm from payment transparency. However, the SEC's rule retains some exemptions. To the extent a company legitimately believes that disclosure will risk exposing proprietary information, they can apply to the SEC for exemptive relief on a case-by-case basis.

Myth 11: The Cardin-Lugar rule poses a security risk for American companies and their employees working abroad.

Facts: There is no evidence justifying the claims that the Cardin-Lugar rule would have any negative impacts on security. In fact, all available evidence points to the contrary. The United States explicitly argue that the Cardin Lugar anti-corruption rule will enhance employee safety. Generally, 1504 helps protect U.S. national security interests by promoting transparency, which contributes to increased operating risks, waste, inefficiency, and delays. In the context of the conflict in Libya fueled by citizens’ frustration with corruption and poor governance controlled five U.S.-listed oil companies to miss over $2.6 billion in revenue due to production disruptions in the country.

Mr. CARDIN. Let me conclude, for years, Congress has been fighting to shine a light on the billions of dollars paid by extracted companies to foreign governments. By the time we were able to celebrate one of the only tools we have to shine a light on extracted payments’ associated corruption, we are sending a message to corrupt leaders around the world that the United States does not care about corruption; that we won’t hold them accountable, and that they should continue with business as usual: Exploiting their own people, and perhaps even funding terrorist organizations with some of their secret proceeds. It is not in our national interest to stop an act of corruption. The United States’ national security, advances our humanitarian and anticorruption goals, and demonstrates U.S. moral leadership.
how the minority has treated the President's Cabinet nominees so far. It is not exactly surprising that they would say this before the President even nominated somebody for the Court.

This, of course, this week the President announced his nominee. Judge Gorsuch, of course, was confirmed by the Senate in 2006 without a single "no" vote and is universally respected as one of the finest and most fair-minded judges in the country. In that get this—one of President Obama's Solicitors General called him "one of the most thoughtful and brilliant judges to have served our Nation over the last century.''

Now, if an Obama Solicitor General says that and that is not mainstream enough, I don't know what is. After the President's announcement, something very interesting happened. Right out of the gate, there were a number of Senate Democrats calling for "a hearing and a vote." Well, that certainly sounds very encouraging. The press picked up on these comments, and one newspaper even reported that after learning where the nominee was, there were already seven Senate Democrats opposed to filibustering this nominee.

Now, isn't that a nice trick, a new trick. Take, for example, one of my colleagues, who last year said: "The Constitution says the Senate shall advise and consent, and that means having an up-or-down vote." But oddly, just yesterday, that same colleague said: "I support a 60-vote margin for all Supreme Court nominees....'

That is a very nice sleight of hand. But most of the Senators are not that gullible. The Washington Post Fact Checker certainly took notice of their wordplay. In fact, it has earned them two Pinocchios. When you look at the facts, a 60-vote threshold has never been a standard, as the minority leader said yesterday. Otherwise, we would not have two of the current justices sitting on the Supreme Court.

Of course, my colleagues tried unsuccessfully to filibuster Justice Alito. The Senate voted 72 to 25 to invoke cloture. He was then confirmed 58 to 42 on an up-or-down vote.

Justice Thomas, now on the Supreme Court for 25 years, was confirmed 52 to 48. There was no cloture vote on Justice Thomas's nomination. In fact, the Senate did not set any sort of a requirement or practice in the Senate on Supreme Court nominees, it has, in fact, been that the nominee does not need 60 votes, although many of them received that kind of support.

We already know some Members have pledged to filibuster the nominee. This minority leader stated that part of the "fair process" is a 60-vote threshold. I suppose that if you are already committed to attempting a filibuster on a Supreme Court nominee before you even know who that person might be, then you might consider that part of a fair process.

Of course, we all know—all Republicans and Democrats know—that launching a filibuster against a Supreme Court nominee is not part of a fair process. It has never been, But I suppose that is an argument for some members of the left. They are having a hard time figuring out how to make good on their promise to attack the nominee no matter who it is, when they have now been presented with a nominee with impeccable credentials as well as broad bipartisan support.

This brings me to the second brief point that I want to make. Judge Gorsuch had barely finished speaking at the White House, and there were already absurd comments by some members on the left. Some of my colleagues on the other side of the aisle had already taken to the Senate floor to attack and mischaracterize Judge Gorsuch's record. Though we expected it, these scurrilous attacks were obviously misplaced. After all, those on the left trot out the same tired arguments against every Republican nominee.

Now, you know, going back a few years—maybe, too far for some of you younger Members—they attacked Justice Stevens because he "revealed an extraordinary lack of sensitivity to problems that women face.

They called Justice Kennedy a sexist who "would be a disaster for women." They said there was "ample reason to fear" Justice Souter. Of course, you know what turned out. Justices Stevens and Souter turned out to be favorites of the left, and too often Justice Kennedy had the final say.

This morning, the Washington Post editorial board noted that, while we argued last year—meaning the paper argued last year—that the President should not fill a Supreme Court vacancy that occurs during a Presidential election year, Senate Republicans—quoting the Post—"refrained from tarring Mr. Garland personally."

Now, in contrast, the paper noted that this dissent is unwarranted this year by labeling his<List:items><item>opposing Mr. Gorsuch as an outlandish radical, despite his impeccable credentials, the wide respect he commands in his field, his long service as an appeals court judge and the unanimous voice vote he received the last time the Senate considered him for the Federal bench is, at the very least, premature."

Our friends on the other side of the aisle would do well to take note of the Washington Post's observation. So I would like to make this point. If the President's Cabinet nominees are any guide, I am quite confident that we will hear all manner of reasons and arguments about why we should delay a hearing on Judge Gorsuch.

But as my friend and former chairman of the Judiciary Committee, Senator Leahy, often noted, Supreme Court nominees don't have the opportunity to respond to these attacks before the committee. So I am going to consult with the ranking member on timing for the hearing. But I can tell you what we are not going to do. We are not going to delay this hearing, especially in the face of all of these attacks on his record and character, which, both for the record and for his character, are unjustified.

So I will conclude with this. I had the good fortune of meeting one-on-one with Judge Gorsuch yesterday. He is as impressive a person in person as he is on paper. I expect that as my friends on the other side of the aisle meet Judge Gorsuch and actually review his record, they will find him to be an impossibly qualified and universally respected judge, whose decisions faithfully applying the law place him well within the judicial mainstream.

Now, maybe people that say they want mainstream justice wanted an activist judge who will read the text the way the judge wants it read for their own personal views, as opposed to the intent by Congress. But Judge Gorsuch is doing what any judge should do—reading the law. He said: If any judge likes every decision he makes, then he is not a very good judge.

Now, this is what we are going to do. We are going to do our due diligence, and we are going to send a questionnaire to Judge Gorsuch in the next day or so. I will expect he will answer that questionnaire promptly, and then we will do what I said before the election, before we knew who was going to be the next President.

So I thought it was going to be Secretary Clinton. When I say we, the country as a whole had that in their mind. There was no doubt about it. So I said before the election, as the one responsible for not having a hearing on the confirmation hearing, I would take my good fortune of meeting one-on-one with Judge Gorsuch if he had been elected President, this process was going to move forward.

So we will have that hearing where Members can ask this nominee any questions they deem appropriate. We will judge him in committee, and the full Senate will vote on his nomination. But given his exemplary record and the facts as we know them, I expect this nominee to be confirmed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. Kaine. Mr. President, I am going to try to be very brief.

I am rising to return to the topic of the effect of the CRA on roll back transparency in the oil and gas industry, and I will speak briefly. I know my colleague from Arizona is here and wants to speak too.
The issue has been described. It is an SEC rule requiring energy companies to disclose the payments they make to foreign governments for natural resources. The reason is that many countries with abundant natural resources are run by dictators, and there has been a long history of payments by oil companies—American and others—to those dictators that don’t get to the people and actually further the corruption of the country.

Just one example: An IMF report stated that in just 1 year, 1998, the Government of Equatorial Guinea received $1.300 million in oil revenue, and $96 million of that went directly into the personal bank account of the dictator. Meanwhile, hunger in that country is rampant, and that is what led to this.

I am on the Foreign Relations Committee. In preparation for our hearing on this nomination of Rex Tillerson, the former CEO of ExxonMobil, for Secretary of State, I read a wonderful report that was done by Senator Lugar when he was the ranking member of the Senate Foreign Relations Committee.

October 2008: Report to members of the Foreign Relations Committee from the ranking member. The title was “The Petroleum And Poverty Paradox: Assessing U.S. And International Community Efforts to Fight The Resource Curse.” I read this. I read the book “Private Empire,” a recent history of ExxonMobil written by journalist Steve Coll, to prepare for my examination of Rex Tillerson for Secretary of State.

This particular report was the basis for the 2010 law that was described by Senator CARDIN, and it was sponsored in a bipartisan way. It didn’t prohibit any company from doing anything. It only required companies that pay foreign governments to disclose those payments.

I voted yesterday against Rex Tillerson for Secretary of State because I believe a public official’s loyalty to ExxonMobil has to be to the country. I was worried, based on three areas of his testimony, that Rex Tillerson could not set aside his loyalty to ExxonMobil.

He refused to answer questions that I asked him about ExxonMobil’s knowledge of climate science, yet their efforts to convince the public that the science was not settled. He told me he wouldn’t answer my questions.

He did not demonstrate to the committee’s satisfaction, in my view, that he could be independent in Russia. For example, he said that ExxonMobil had not lobbied against sanctions against Russia, when we actually have the lobbying that they had. In both of those areas, I found his responses wanting, and I voted against him.

I will be honest. I asked him about the resource curse question, and today I kind of feel like I got snookered.

I said: There is a lot of concern about these countries that let resource wealth go to dictators and further corruption. What are you going to do about it, as the Secretary of State, working on development, for example, of some of these poor nations? And he talked about high-minded values and statutes of the things the United States could do that would battle corruption and increase transparency.

He didn’t tell me that he had been personally involved in an effort to defeat the legislation that passed Congress to get ExxonMobil out of Russia, suggesting that is the case, and he didn’t tell me that apparently there was an effort underway to undermine the transparency statute that was so important.

I have to put it on the record. Within 1 day—with 1 day of the Senate approving Mr. Tillerson for Secretary of State, the Trump administration has relaxed sanctions on Russia. That happened today. And now, apparently, we are going to remove a law that requires transparency among companies like ExxonMobil.

I kind of feel like I got snookered at the hearing. What public interest is at stake in this back? I don’t think there is any.

Some say: Well, look, it is about leveling the playing field. The United States shouldn’t be at a competitive disadvantage, but U.S. companies are at a disadvantage. Companies listed on the U.S. stock exchange—wherever they are from—are required to do this transparency, these disclosures, and many are already doing it. Because we have led the European Union and Canada have said this is a great idea, and they are doing it too.

It would be a horrible thing if the United States pulled away from its leadership.

In conclusion, I am concerned that in the opening 2 weeks of the Trump administration—despite a lot of promises about what they would do in the economy—what has the administration done about corruption?

On day one, they entered an Executive order retracting an FHA mortgage reduction, thereby requiring homeowners with FHA loans to have to pay more for their monthly mortgages. They have done a Federal hiring ban that falls disproportionately on veterans because the Federal workforce is a veteran-heavy workforce. They have done the immigration rules that we have discussed which not only affect immigrants but create a negative effect on America’s technology industry.

And then in the first two uses of the CRA procedure since the 1990s, they have eliminated a rule to allow more pollution of streams in poor areas where coal is produced, and now this—allowing companies to escape transparency and make the very kinds of payments that lead to corruption in foreign governments, corruption so severe that a former Republican Member of this body was compelled to write a superb report in 2008 and have bipartisan legislation passed.

I urge my colleagues to vote against the CRA repeal of this rule.

Mr. DURBIN. Mr. President, during my time in the Congress, I have had the privilege of visiting many other nations, often fragile or new democracies struggling to meet the needs of growing numbers of youth and emerging middle classes.

For example, many of the fastest growing economies are in the developing nations of Asia and Africa. In 2009, a few years ago, the World Bank said Africa was on “the brink of an economic take-off.”

Such economic gains should be welcomed for lifting millions out of poverty, providing better basic services such as education and health care, and improving the lives of women. They are also opportunities to create more markets for our goods and services, to add to our global allies, and to reverse the conditions that lead to violent extremism.

But for those of us who have visited many such nations, we are also aware of a major impediment to realizing these improvements —namely effective and clean government.

You see, too often, endemic corruption—frequently around lucrative extractive oil and minerals—robs untold sums from generation after generation in many of these nations.

Just look at such oil rich nations as Angola, Venezuela, Nigeria, or Equatorial Guinea, where government after government squandered and stole the oil wealth from its own people, too many of whom still live in terrible squalor.

Some of you may remember the devastating column Nicholas Kristof wrote in 2013, “Deadliest Country for Kids.” Here is how he describes Angola: “This is a country laden with oil, diamonds, Porsche-driving millionaires and toddlers starving to death. . . . this well off but corrupt African nation is ranked No. 1 in the world in the rate at which children die under the age of five. . . .

Under the corrupt and automatic president, Jose Eduardo dos Santos, who has ruled for 35 years, billions of dollars flow to a small elite—as kids starve.”

He continues: “There are many ways for a leader to kill his people, and although dos Santos isn’t committing genocide he is presiding over the systematic looting of his state and neglect of his people. . . . Let’s hold dos Santos accountable and recognize that extreme corruption and negligence can be something close to a mass atrocity.”

In 2008, Republican Foreign Relations Committee staff, under then-Senator Richard Lugar, released a report on the country’s “The Petroleum and Poverty Paradox.”

The report from Lugar discussed the “resource curse” which is a “phenomenon whereby large reserves of oil or other resources often negatively affect a country’s economic growth, corruption level and stability.”

Why is this important? Let me quote from the report: “This ‘resource curse’
affects us as well as producing countries. It exacerbates global poverty which can be a seedbed for terrorism, it dulls the effect of our foreign assistance, it empowers autocrats and dictators, and it can crimp world petroleum supplies by breeding instability. ...This report argues that transparency in revenues, expenditure and wealth management from extractive industries is crucial to defeating the resource curse.

Wise words from a wise man.

And so, this report became the basis for a very thoughtful, bipartisan law that I was proud to support which tried to tackle this issue in a very common-sense manner.

It simply required that the SEC issue a rule requiring all oil, gas, and mineral companies listed on the U.S. Stock Exchange to disclose royalties, bonuses, fees, taxes, and other payments made to foreign governments as a transparency tool for fighting corruption.

The U.S. law became the catalyst for others: all 28 European Union member states have enacted similar legislation, followed by Norway and then Canada, who makes up a large share of extractive industries—further establishing an international norm.

Moreover, a study conducted by business professors at George Washington University and Catholic University found that increased transparency resulting from disclosures required under the rule lowers the cost of capital for covered U.S. listed firms by up to $12.6 billion.

So claims that this is burdensome and will result in competitive harm to American firms are unfounded and simply untrue.

So here we are, 4 months since our intelligence services disclosed that a former NSC official led a cyber act of war on our Nation and democracy—and what is the priority of the Republican majority?

Establishing an independent commission to look into the Russian attack?

No.

Taking up bipartisan legislation to tighten sanctions on Russia for its attack on our Nation?

No.

In fact, not a single Republican has even come to the Senate floor to discuss these grave matters of national security.

Ronald Reagan, who understood the Russian mentality so well, must be turning in his grave to see this abdication by his party.

Instead, what is the majority party’s priority?

Well, repealing health care from millions without an alternative—and, now, trying to strip this good governance anticorruption law—one led by a member of their own party and subject to years of debate and input—aimed at addressing corruption that robs so much from the world’s poor—not exactly draining the swamp.

This isn’t an onerous rule. It is simply a matter of disclosure, transparency, and good governance. It is hard to understand opposition to greater transparency.

As such, I will vote against his measure and I urge my colleagues, especially my Republican colleagues who have made helping the world’s poorest one of the top priorities of the same, don’t vote to put more money in the pockets of the world’s worst autocrats at the expense of the world’s most vulnerable.

Mr. UDALL. Mr. President, President Trump made bold claims about his intention to “drain the swamp.” But here we are, debating a measure that would do the exact opposite. The Senate is actually voting to kill an anticorruption regulation.

This regulation was the result of bipartisan effort led by Senator Dick Lugar. Senator Lugar was my mentor when I first joined the Senate. He helped me better understand the role and traditions of this body; and he showed me what it meant to be a statesman.

Senator Lugar was one of the most thoughtful foreign policy experts to serve in the Senate. He chaired the Foreign Relations Committee, and he was deeply respected on both sides of the aisle.

He understood the “resource curse.” How developing countries with billions of dollars in oil, gas, or other valuable minerals often had the worst poverty, how those governments made deals with huge corporations to sell their resources, but the citizens of those countries never saw the benefits. Instead, corrupt leaders enriched themselves, rather than use the funds to pay for healthcare, education, infrastructure, or housing.

Senator Lugar, with Senator CARDIN, developed legislation to address the resource curse, to bring transparency to an opaque system. The result was section 15d of the Dodd-Frank Act. It directed the SEC to issue a rule requiring all oil, gas, and mineral companies listed on U.S. stock exchanges to disclose the payments they make to foreign governments.

This allows the citizens of those countries to hold their leaders accountable. It shines a light on corruption. And when citizens can demand that this money is used for their benefit, it reduces their need for foreign aid.

Opponents of this rule claimed it would put American companies at a disadvantage. In fact, it made the U.S. a leader. Other countries followed suit and passed similar requirements.

The Cardin-Lugar rule became the global standard for transparency. Today, 80 percent of the world’s largest publicly listed oil, gas and mining companies—including state-owned companies from Russia, China, and Brazil—are subject to disclosure rules.

This resolution of disapproval is just one of many mandates to require Republ icans to use the Congressional Review Act to kill regulations that protect the most vulnerable.

The CRA was enacted in 1996 as part of the radical deregulatory and anticounteraction actions by shepherded by Newt Gingrich. Before now, the CRA has successfully been used to overturn only one rule.

This flawed process can undo years of careful work by stakeholders and Federal agencies. Work done through an open, thoughtful rulemaking process. The Cardin-Lugar rule took years to finalize. Republicans want to kill it in a day.

And let’s be clear—it does kill the regulation. Earlier today, Leader MCCONNELL mischaracterized this effort. He said, “Let’s send the SEC back to the drawing board to promote transparency.”

But that is not what the CRA does. It doesn’t send the agency “back to the drawing board.” What it does do is prohibit the agency from issuing another regulation that is “substantially the same,” unless Congress specifically authorizes the agency to do so through subsequent legislation.

The courts have not yet determined how different a new regulation must be so that is not “substantially the same.” This discourages an agency from issuing a new regulation once a rule has been blocked. This is not going back to the drawing board. This is going back to corruption.

Mr. VAN HOLLEN. Mr. President, with this resolution, the Senate majority is continuing its rush to overturn Obama administration consumer and investor protections, this time by targeting a bipartisan anticorruption measure.


They traveled to some of the most resource-rich countries in the world and explored how government corruption, fraud, and instability prevented those countries’ people from profiting from their oil, gas, and mineral reserves. Rather than spurring national economic development, benefits were concentrated among government and military elites and organized crime. According to the nonprofit research organization Global Financial Integrity, in 2012, developing countries “lose roughly $1 trillion per year to crime, corruption, and tax evasion.”

The 2008 Foreign Relations Committee report led to the bipartisan Cardin-Lugar amendment to direct the Securities and Exchange Commission to require that all oil, gas, and mineral
companies listed on U.S. stock exchanges disclose their payments to foreign governments, including royalties, fees, taxes, and bonuses. Congress enacted the Cardin-Lugar amendment as section 1504 of the Dodd-Frank Act. Transparency provisions of this act are critical to combatting corruption in resource-rich nations. And these provisions are critical to protecting investors by ensuring that they have a clear picture of companies' interactions with foreign nations.

As the Foreign Relations Committee report noted: "transparency in extractive industries abroad is in our interests because mineral wealth breeds corruption, which dulls the effects of U.S. foreign assistance; inequitable distribution of mineral revenues creates civil unrest, threatening political and energy instability and adding a price premium to commodities such as oil and gas; and energy rich countries can become emboldened militarily."

The Cardin-Lugar amendment continued American leadership in anticorruption efforts, and has established a new global standard. Similar rules already exist in Europe, Norway, and Canada and apply to 80 percent of the world's largest publicly listed oil, gas, and mining companies, including state-owned oil companies in Russia, China, and Brazil.

While many of the world's largest extractive businesses have expressed support for transparency, including BP, Shell, and Newmont Mining, the SEC rule has been strongly opposed by a narrow constellation of corporations led by ExxonMobil. I am concerned to see the Senate acting to repeal this rule and prohibit the SEC from ever establishing a similar anticorruption and investor-protection measure in the same week that it voted to confirm Rex Tillerson, former CEO of ExxonMobil, to be Secretary of State.

There is no logical reason to go against international norms and repeal a rule supported by much of the regulated community, and advocates for transparency and government reform in favor of a narrow opposition led by ExxonMobil. I urge my colleagues to reject this special-interest favor to ExxonMobil and maintain this important tool to fight corruption and protect investors.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

(The remarks of Mr. FLAKE pertaining to this hearing are printed in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Chairman GORSUCH is an accomplished, mainstream jurist with a judicial philosophy worthy of Judge Scalia's seat. We can be confident that he will read the law as written and not attempt to legislate from the bench, but if we allow rigid partisan and ideological conclusions to drive the interpretation of the Constitution, I fear that no President will ever be able to get a Cabinet or Supreme Court pick confirmed.

A favorite line of our former President is that "elections have consequences." Indeed, they do. Like it or not, the winning party governs. That is democracy, and we have a responsibility now to govern.

My hope is a return to the long-standing traditions of bipartisan cooperation. Mr. Gorsuch is experienced. He is qualified, and he deserves a fair hearing. He deserves an up-or-down vote on the Senate floor. I am confident that when he receives that up-or-down vote, he will fill the vacancy on the Supreme Court.

I yield back.

Mr. SCHATZ. Mr. President, back on the topic of the evening: the Congressional Review Act action to overturn the SEC's rule. I am just kind of at a loss for words. There are people back home asking how politics is going, and they have a certain set of assumptions about the way Congress works. They watch "House of Cards." They watch movies about politics. They have watched other TV shows on Hulu and Netflix, whatever it may be. I submit to you that we are doing right now is so corrupt, so grotesque, so obvious, so trite that it wouldn't even make the cut as a plot for a TV show about politics because who would believe that the Republican Congress, as one of their first acts, would pass a law prohibiting the implementation of a rule that required oil companies to disclose what kind of foreign payments they are making for the privilege of extracting resources.

So what does that mean? You have oil companies that in order to extract resources in places like Africa and elsewhere—mostly poor countries around the globe—they have to cut a deal with whoever is in charge of the government in order to have access to that resource. Whether it is in Equatorial Guinea, Indonesia, Africa, Myanmar, or elsewhere, they cut a deal with the governing despot, usually. That money very often makes it directly into the pockets of the family of the people who run the country. This is what Senator CARSTEN was elucidating, as was Senator LEAHY and the ranking member, Senator BROWN.

But this issue was new to me, and I came to the floor not as a member of the Senate Foreign Relations Committee but as a citizen. I can't believe we are doing this. This is one of the stinkiest pieces of legislation that I have seen in my now 5 years in the Senate and my 8 years in the Hawaii State Legislature, in my life in politics. I can't believe that we would have the gall to put a bill on the floor to prevent us from disclosing what kinds of foreign payments—that is a euphemism—are being made to despot and corrupt leaders and leaders of foreign countries. These are American companies traded on the stock exchange, American companies making foreign payments, euphemistically, for the privilege of extracting primarily oil. Our ability as a nation to assert our economic power—as Madeleine Albright called us, "the indispensable nation."—to be the superior country when it comes to money, morals, and might is now in question.

Everywhere you look, it seems like America is ceding global leadership.

China is set to outshine the United States on climate change policy—
China. Germany’s Prime Minister is explaining international conventions on refugees to the President of the United States. We have insulted some of our closest allies in the fight against ISIS with a Muslim ban.

Now, we are asking ourselves from Australia, a country that has stood with the United States in every major conflict since the beginning of the 20th century. It is hard work to offend Australia. You have to go out of your way in a phone call between the United States and Australia to have it go sideways.

So the world is asking if the United States will still lead in the fight against ISIS. The world is asking if the United States will still keep its word, and they are asking if the United States is still the moral leader for the world.

I think everyone in the Congress would agree that the answers to these questions should be a resounding yes, but some of the first order of business in this Republican Congress is not a bill that demonstrates American leadership but one that conceives it, because that is exactly what we would do if we overturn the Cardin-Lugar amendment.

If we diminish our moral compass, the rest of the world stops looking at the United States as the leader among nations. The law we are voting to repeal set a new international standard in the fight against corruption. It requires oil and mining companies that are listed on the U.S. Stock Exchange to report any payments they may make to foreign governments. The idea is that the companies won’t bribe dictators in mineral rich countries because they know they will have to disclose the payments.

After the United States passed this law in 2010, some 30 countries followed our lead, but we never got to implement it. Today, more than a third of the world’s oil and gas companies have strong legal incentives to do business the right way. If Republicans get rid of this disclosure requirement, it will be bad for American consumers.

In 2004, a Senate subcommittee uncovered that oil companies, including ExxonMobil, have paid hundreds of millions of dollars to the President of Equatorial Guinea, which is an oil-rich country in Africa. That money didn’t go to the government, but to the president of that country. The permeability of the law is a result of the Cardin-Lugar amendment.

He could see this from his considerable experience. He was on foreign relations for a very long time, and he served on his own committee, as a result, he was able to see much of the world on the ground. Mr. MERKLEY, Mr. President, I appreciate my colleague from Hawaii, both on the substance of the issue and on the Congressional Review Act and the challenge we have. This is one of the situations we have, this is a situation like this because of how it bars the door for a simple way to replace or modify a regulation.

I am coming to the floor tonight to share my concerns about a basic challenge we have in the world. This basic challenge is that when you get a ruler of a country who is corrupt, they forge contractual relationships, particularly if they are rich in minerals or oil, and they pocket the money and they spread the corruption. It makes it virtually impossible for the interests of the people of that country to be represented by their government because whatever government body is making decisions based on those corrupt payments.

Now, we are a nation that values government by the people—of, by, and for the people. That is the vision of our Nation, but that vision would not be fulfilled if the Members of this body were being paid by foreign companies to serve the interests of the foreign companies instead of the interests of the people. We can understand from our own perspective our own desire to have a government that serves our citizens and that other nations want to have a government that serves their citizens.

That is why Congress passed Dodd-Frank, the resource extraction disclosure and the Cardin-Lugar amendment, that went into effect this last year. Unfortunately, we are about to strike that down.

I was thinking about how one of the champions for this was Senator Dick Lugar of Indiana. I was so impressed by his thoughtfulness when I came to the Senate. He had been here quite a while, and he worked to really understand our own problems. He didn’t work to obstruct an administration. He didn’t work to sabotage the work of this body because one party or the other was in the majority. He worked to solve problems. He had a real deep understanding of the challenges in the world.

He could see this from his considerable experience. He was on foreign relations for a very long time, and he served on his own committee, as a result, he was able to see much of the world on the ground. Mr. MERKLEY, Mr. President, I appreciate my colleague from Hawaii, both on the substance of the issue and on the Congressional Review Act and the challenge we have. This is one of the situations we have, this is a situation like this because of how it bars the door for a simple way to replace or modify a regulation.
It was a tremendous provision, but the American Petroleum Institute wasn’t happy about it because it has worked really well for oil companies to not disclose and to make deals with ruling dictators and ruling families or ruling governing groups, whether they be in a so-called elected form or unelected form.

Well, finally, last year the rule was completed in June. They crafted a rule that, for the most part, made various stakeholders happy and it won broad international support. Dozens of other countries—including Canada, Norway, and countries of the European Union—followed American leadership. They adopted similar laws. So our particular law made it clear that if a company was listed on our stock exchange—or any of our exchanges—and it made a significant payment—$100,000 or more—it had to disclose that payment. That wasn’t just U.S. companies. It wouldn’t just have been U.S. companies. It was any company listed on our exchange, no matter where it was based. Other companies followed suit. So companies based in other countries were affected. So, basically, it was a vision that in short order took over the entire world, with those countries coming together and saying that we are going to stop this process that destroys governments for the people in so much of the world.

It isn’t just kind of a theoretical question of some liberal vision of how governments work. We are talking about the difference between the decisions of dictators to stash billions of dollars overseas or build health care clinics. We are talking about the difference between dictators buying hundreds of the world’s most expensive diference between dictators buying hundreds of the world’s most expensive

asylum for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-
tunity for “we the people,” a govern-
ment that helps create an oppor-

It is well known that the CEO of ExxonMobil traveled to Washington to personally lobby Senator Lugar on this section. He wanted this provision scapped, and that individual is now our Secretary of State. That certainly disturbed me, that the day of the new Secretary of State, the provision he lobbied for as an oil executive is being accomplished here on the floor.

Because of his testimony in committee, there was some hope that he would be fighting for the fundamental values and principles of our country, and if so, he would be sending out information right now saying: Stop what you are doing because I know how this works around the world and how it destroys “we the people” governments, and we shouldn’t be doing it; that is, we should keep the provision we have right now.

Nigeria is another nation that has had a resource curse or oil curse. Last year, the world saw the ExxonMobil and the Nigerian Government—or it came under investigation last year by that country’s anti-corruption and law enforcement agency, the Economic and Financial Crimes Commission. They found that around a 2009 agreement where an Exxon subsidiary and the Nigerian Government agreed to renew a 40-percent share in three new oil licenses. Exxon reached a deal to pay $600 million for those licenses, and it built a powerplant at a cost of $900 million, so it made a $1.5 billion investment. So a $1.5 billion investment—that sounds like a pretty high sum for a contract.

However, an outside group who was investigating corruption found that the Nigerian Government had valued those contracts at $2.15 billion—in other words, $1 billion more than what Exxon was paying. Furthermore, they found that wasn’t just in theory because another $3.75 billion in payouts that is more than twice what Exxon paid. But the Exxon deal was chosen.

Isn’t there some sense that something is wrong when a government rejects a payment that is $2.25 billion more than the offer that was accepted? That is what happens with corrupt payments between powerful companies and dictators. That is what destroys government of, by, and for the people around the world.

It appears that over time—that is, since 1960, so after the last 57 years—$400 billion of Nigerian oil revenues have disappeared due to corruption—$400 billion disappeared. What would $400 billion do to improve the lives of Nigerians?

That is why transparency in these payments is so important. It affects impoverished people all over the world. We can have all of our aid programs, we can have our Food for Peace Program, we can have our Millennium Corporation. This type of deal does so much more damage than all the good we do through our programs that we budget for and put money into.

If we enable, if we promote corruption around the world, we do enormous damage. That is why a bipartisan group of Senators, including Dick Lugar leading it, took this on.

How about Equatorial Guinea? It is one of many nations that are the largest oil producers, and it, like many other oil countries, has the oil curse. President Obiang has been in power since he ousted his uncle in a military coup in 1979 and declared himself President for life. Let’s just say what he is: He is a dictator. His government has been known to detain arbitrarily and torture critics, to disregard elections. It has been prosecuted for using oil profits for financial gain of the President’s family. The result is, although this country is one of the wealthiest African nations per capita, the majority of the Nation’s citizens survive on less than $2 a day. Let me clarify that. It is, and properties right here in the United States, but a large percent of the citizens survive on less than $2 a day because President Obiang and his extended network—his extended corrupt network—are stealing the resources of the country. We are financing that. Often through contracts with oil companies like Exxon, which happens to be a major partner in exploiting the resources of Equatorial Guinea.

Less than half of Equatorial Guinea has access to clean drinking water, a fundamental need and a fundamental factor in health. Twenty percent—that is one out of every five children—die before reaching the age of 5. This is because of the issue that is facilitated by undisclosed sums, reinforcing a dictator—a dictator whose family owns fleets of fancy sports cars, luxury yachts, private jets, massive properties in Europe, massive properties in Brazil, and spreads out all across the United States. But one-fifth of the children die before age 5. That is why this is so important.

Let me conclude by saying that what we are doing here tonight in putting this forward is debate because my colleagues are not here—a few colleagues are here to give speeches like I am giving to say “Stop, this is wrong,” but our colleagues are not here to hear us. What is happening to this is an American tragedy. It is an enormous blight on the United States. Which led the world in taking on this problem and now is abandoning not just that leadership but is abandoning the principle. The world is worse off for it.

I hope that my colleagues will somehow come to an inspiration or a revelation, that those who are not here listening to this will come to an understanding and they will oppose this effort to repeal this very important provision. But I know that the heavy hand of corporate lobbying is behind the fact that this is on the floor tonight, and I am not optimistic. That saddens me a great deal.

Let us strive to have a process that honors the importance of the issues before us. This short debate, with virtually no one present, does not honor it and does enormous damage, and it is just wrong.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, for the first time in more than a decade, the Republican Party controls the House, the Senate, and the White House. This week they are starting to roll out their legislative agenda.

So to that they have complete control of the agenda, what do the Republicans have in store? Something to bump up wages for working families or something to create more jobs? Something to tackle the student debt crisis? Maybe something to deal with all the jobs that get shipped overseas? No, one of the Republican Party’s first orders of business is a giveaway to ExxonMobil that will help corrupt and repressive foreign regimes and make it easier to funnel money to terrorists around the world.

Here is the problem. Big corporations like Exxon—or other oil, gas, and mining companies—often pay millions of dollars to foreign governments to access natural resources located in those countries. Many of these regimes are corrupt, and Exxon’s massive payouts regularly end up in the pockets of government officials rather than in the hands of the people. These corrupt officials get filthy rich while their countries face punishment and dangerous working conditions. Worse still, some of these undisclosed payments can end up financing terrorists.

Just over 6 years ago, Congress passed a bipartisan provision to help tackle this problem. With the strong support of Senator Dick Lugar, the leading Republican on the Senate Foreign Relations Committee, Congress required oil, gas, and mining companies to disclose any payments they make to governments to extract natural resources. Republicans and Democrats agreed that shining a light on these payments would help combat corruption and terrorism around the globe and help citizens in some of the very poorest nations in the world hold their own governments accountable.

Disclosing these foreign payments also helps investors right here in the United States so they can make more informed investment decisions. Some investors may want to stay away from companies that could face expensive lawsuits for violating the Foreign Corrupt Practices Act or other anti-corruption laws. Other investors, quite frankly, may just prefer not to invest in companies that could be helping prop up corrupt foreign governments or indirectly financing terrorism.

Congress directed the Securities and Exchange Commission to write the rule, and the SEC spent years soliciting input from investors, from human rights advocates, from anti-corruption experts, and from oil, gas, and mining companies. The agency ultimately issued a ruling last year, and it
worked. The rule gained the support of faith groups, human rights groups, development organizations, and anti-corruption advocates all around the world. The rule also earned the support of investors who collectively controlled more than $10 trillion in assets, and—unfortunately—oil and gas companies have been after this requirement from the start, and Exxon has been leading the pack on this. In fact, Rex Tillerson, the CEO of Exxon at the time, personally lobbied against the requirement back in 2010. His reason? What was his objection? The foreign payments rule would undermine Exxon’s ability to do business in Russia. Listen to that again. If Exxon has to tell the world about the millions of dollars it hands over to the Russian Government, Exxon wouldn’t be able to do as much business in Russia. So now the Republican Congress wants to rush in to help out poor Exxon so they can keep the secret money flowing to these Russian officials.

This Exxon giveaway shows just how bankrupt the Republican agenda is. They don’t have any ideas for helping working families. It is just one corporate giveaway after another—making their big business donors happy and keeping big contributors flowing for the next election. But the economic lives of our working families, our moral leadership in the world, the safety of our financial system, and the water we drink and the air we breathe—all of those are just afterthoughts to the corporate wish list.

If you are a corrupt foreign dictator, Republicans rolling back the rules is great for you. If you are an oil company executive, Republicans rolling back the rules is great for you. If you are anyone else, you should be outraged that the Republican Congress is so willing to throw you under the bus because of their foreign oil and gas companies in their own countries.

But it didn’t go down well with everyone. There are powerful oil and gas companies in the world. There are those States hardest hit. My State has been one of those States hardest hit. Some think that Ohio now has the highest number of overdoses when we add prescription drugs, heroin, and synthetic heroin, like fentanyl.

Second, last summer Congress took what I think is the biggest step we have taken in decades in terms of fighting this issue when we passed the Comprehensive Addiction and Recovery Act. The President signed it into law. It is already helping with regard to providing prevention efforts, treatment, and long-term recovery. It is also helping our law enforcement and other first responders to be able to handle this growing crisis.

We fully funded this Comprehensive Addiction and Recovery Act—and called CARA—this year, and now we need to ensure that the new administration that has just come in continues to effectively implement this program as quickly as possible.

Just in the last few weeks, three of CARA’s grant programs got up and running. One is funding for drug courts. Those who are involved with drug courts back home already know this, but it is a very effective way to take those who are in the criminal justice system because of a drug issue—prescription drug and heroin issues in particular—and get them into a diversion program where they can get treatment, with the risk of going back to incarceration if they do not stay clean. This is really helping our communities in Ohio. They are also using interesting new techniques, including a medication called VIVITROL, to keep people off of their addiction.

Second, we have just put in place for the first time ever programs for recovery support services. Again, in this legislation, CARA, we funded long-term recovery. So it is not just a detox center where people might be short-term recovery, including getting people into sober housing, providing them with people who will support them and encourage them.

Unfortunately, we have found out, keeps people from relapsing and is incredibly powerful.

Third, there has been a grant to empower States and local governments to help fight this epidemic.

This is all-important. It is real progress. But our work is far from done. In fact, there are five more CARA grant programs yet to be implemented.

Again, I call on the new administration to do so urgently. I know they are focused on this issue. We just need to get these programs up and going to help our communities fight this epidemic.

Near my hometown of Cincinnati, OH, the Winemiller family of Wayne Township had a pretty tough Christmas. They were missing a son and a daughter because of heroin. Over Easter weekend last year, Roger Winemiller found his daughter Heather dead of a heroin overdose in their bathroom. She left behind an 8-year-old son. Then, just 5 days before Christmas, Heather’s brother Gene—a father of three children under 18—died of a heroin overdose. Gene started abusing painkillers when he was in his early twenties. He became addicted, and when the pills were too expensive, he switched to heroin, which is cheaper and, really, more accessible.

Unfortunately, this is a fairly common story in my home State and around the country. We are told this is how four out of five heroin addicts in the United States started on heroin—prescription drugs.

Heather and Gene both got clean several times. Heather was clean for 3 years before she relapsed and died. These were vibrant people; they loved life. Heather loved gardening, and she was a huge Ohio State Buckeyes fan. Gene loved rock music, hunting, and fishing. But they both made the tragic mistake of trying these drugs, and it changed their lives forever.

Gene Winemiller’s funeral took place at Blanchester Church of Christ in Blanchester, OH. I know Blanchester, OH, pretty well. It is a small community of about 4,000 people. The very next day, there was another funeral in that same church in this small town of 4,000 people for a heroin overdose. As Gene’s dad Roger puts it, “I can’t emphasize enough: No one—no one—is immune from this epidemic.”

Unfortunately, he is right. It knows no zip code. It is in the rural areas. It is in the suburban areas. It is certainly in our inner cities. It is everywhere.
Take Cleveland, in Northeast Ohio, for example. Cleveland medical examiner Thomas Gilson said that “2016 was an unprecedented year.” The number of overdoses in Cleveland doubled in 2016 compared to 2015—doubled. Overdoses are happening all over the Cleveland area. In 2016, heroin deaths in the city and another 150 happened in the suburbs, kind of evenly split. It is everybody, every group, every age group—African American, White, Hispanic, etc. Dayton, OH, in Southwest Ohio, as another example. In Dayton last year, there were more than 2,500 overdoses, about 7 a day. About half of the victims were men, and about half were women—some in the cities and some in the suburbs, with 60 percent in their thirties and forties and 40 percent who were either younger or older than that. So this is happening all over our State and all over our country—in cities, suburbs, inner cities, and rural areas as rich and poor, old and young alike.

In 2015, Ohio statewide experienced a record 3,050 drug overdose deaths, which is a 20-percent increase from 2014, and more than quadruple the number of overdose deaths in 2000. In 2015, we lost an Ohioan every 3 hours to this epidemic. Sadly, the toll was even higher in 2016. We don’t have the final numbers yet.

One of Ohio’s economic assets, of course, is our location. We are centrally located. It is great for transportation. They say half of America’s consumers are within 1 day’s drive from Cincinnati, Cleveland, and Columbus. Unfortunately, that central location also makes us very vulnerable to drug traffickers.

Last year, Ohio State troopers confiscated nearly 160 pounds of heroin. Depending on the potency, that could be equivalent to more than $50 million—190,000 injections of heroin. That is nearly triple the amount of heroin seized the year before. The Ohio State Highway Patrol also confiscated a record-level number of illegal painkillers and methamphetamines last year.

We have to thank our law enforcement officers because they are saving lives every day by keeping this poison out of our communities, certainly, but also helping to reverse the overdoses with a drug called naloxone or Narcan. In 2015, the last year we have numbers for, Narcan was administered 16,000 times. Think about that: 16,000 people were saved who could have died of an overdose, thanks to our first responders and their professionalism. We don’t have numbers yet for 2016, but, again, it is going to be, unfortunately, far higher than that.

The Washington Post recently published a report on the heroin epidemic in Chillicothe, OH, where there were more than 300 overdoses last year, and where a single police officer, Officer Ben Rhodes, says that he used naloxone to reverse an overdose more than 50 times. One church in Chillicothe, Zion Baptist Church, recently had funerals for three overdose victims in 1 week. I know Chillicothe. It is a small town of about 21,000 people.

Heroine and prescription drug painkillers are flooding our communities to meet a rise in demand. CARA, this legislation I talked about, will reduce that demand by increasing access to treatment for those who need it and preventing new additions from starting in the first place through better prevention. CARA’s focus is incredibly powerful.

After CARA became law, I introduced bipartisan legislation to take another step. This is called the Synthetics Trafficking and Overdose Prevention Act, or the STOP Act. Again, it builds on CARA because it helps reduce the supply of drugs coming into our communities.

Some of the deadliest drugs coming into Ohio are synthetics—drugs such as fentanyl, carfentanil, or U4, essentially white heroin that is made in a laboratory somewhere. Guess where these drugs are coming from: overseas. Boy, they are incredibly powerful. Fentanyl can be more than 50 or even 100 times as powerful as heroin. According to the Drug Enforcement Agency, it takes about 2 milligrams to kill you. Carfentanil is even more powerful than that—up to 10,000 times as powerful as morphine. It is so powerful that it is used primarily as a tranquilizer for large animals like elephants.

Drug enforcement. It is about crime. It is aboutsequences are hard to even think about because it is about the overdose deaths, but it is far more than that. It is about people not being able to live out their dream. It is about higher costs for law enforcement. It is about about opioid. It is about our workforce and people not being able to go to work and not being able to find workers who are drug free.

Yet there is hope. We have to work here in Congress to continue to promote legislation and policies that will help us to achieve the dream of turning this tide around. The STOP Act that I talked about is going to help keep some of that poison out of our communities.

These synthetic heroin increases are really concerning. Treatment is incredibly important, and it can work. I have met so many people across Ohio who have beaten their addiction—people who are now back on their feet, back with their kids, back with their families. It is hard, but with treatment and a supportive environment, particularly this longer term recovery, it can be done.

Last year I met with Aaron Marks in Columbus, OH, at a conference held by the Ohio Association of County Behavioral Health Authorities. Aaron is from Cleveland, a suburb called Beachwood. He began using prescription painkillers as a freshman at Beachwood High School. He was just 13 years old.

Again, it is a story that is all too common. Often because of an accident or injury, people start using these pain pills.

He was smart, had good grades. He got into the University of Cincinnati, a great school. One day at UC he ran out of his prescription painkillers. He didn’t know what to do. He didn’t know where to turn. He didn’t like the idea of just not being able to get this medicine that he had been using all his life. He was desperate.

Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment. Thankfully, Aaron was able to get into treatment.
Senator PORTMAN said. I believe we work together on this issue, but we have hope, as opening is something we all have to solve.

Mr. President, in the last few weeks I have come to the floor to recognize an exceptional Alaskan—someone who spends his time giving back to our community.

The opioid epidemic that is happening is something we all have to work together on, but we have hope, as Senator PORTMAN said. I believe we have hope because of communities, because of brave Americans like those who are talking about.

We also have hope because of guys like Rob PORTMAN, and we would be a lot less further along in this country in turning around this epidemic and highlighting it for Americans if it weren’t for him. I want to commend my colleague from Ohio. He has done such a great job and is so passionate about this issue.

TRIBUTE TO ANDREW KURKA

Mr. President, in the last few weeks I have come to the floor to recognize an exceptional Alaskan—someone who spends his time giving back to our community.

He tried it. Soon, he had sold virtually everything he owned to buy more. Finally, with the help of the Glenbeigh treatment center in Cleveland, OH, Aaron got clean and has stayed that way for more than a decade. Aaron is now a successful manager of business development at American Express.

We can have a lot more success stories like Aaron’s if we all engage—all of us. Washington, DC, is not going to solve this problem. It will be solved in our communities. It is going to be solved in our families. It is going to be solved in our hearts.

Washington, DC, can play a more constructive role. In passing this legislation, it makes sense to give people the tools they need to be able to fight this scourge. The role is put the right policies in place, like the STOP Act, like fully funding CARA in the coming months. We can then bring down the demand for these dangerous drugs, and we can keep these poisons from coming into our community and build on the progress that Congress has made over the past year. Let’s not let up until we finally turn the tide of this epidemic and begin to save lives.

I yield back.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to begin by complimenting my colleague, the Senator from Ohio, Mr. PORTMAN. He has been the leader in the Senate on this. He is the one who introduced the STOP Act.

The opioid epidemic is one of our States—whether it is Ohio or Alaska or Indiana where the problem is. They do so much for people, of course, in my great State, and I would love to recognize every single one of them. They do so much for all of us.

We Senators are not humble about our States. I certainly believe my State is the most beautiful place in America. It is probably the most beautiful place in the world. I ask anyone who is watching to come visit us, you will love it—guaranteed.

It is the people that make our State so special. Kind, generous people, full of rugged determination, full of patriotism, full of compassion. Many of them are willing to go the extra mile, literally, in some of the most difficult terrain and extreme conditions of the world to help friends and neighbors and use their strength and skills to inspire us all.

I wish to tell you a little bit about Andrew Kurka, an exceptional Alaskan from Palmer, which is a beautiful community about 45 miles outside of Anchorage. In his younger years, Andrew was a wrestler. He put his heart into it. For his efforts, he was very successful. He was a six-time Alaska State champion in freestyle and Greco-Roman wrestling.

When Andrew was 13, he suffered a spinal cord injury in a four-wheeler accident. His physical therapist urged him to keep going, to keep trying, to stay active, and actually paid for his first skiing lesson with a group called Challenge Alaska, a nonprofit Paralympic sports club.

According to an article in the Alaska Dispatch News, Andrew is “willing to give just about anything a try—bodybuilding, water-skiing, ultra-marathon, handbikes.” He even raced in the Arctic Man ski and snow machine race in Alaska—a race that is not for the faint of heart. It is one tough race. It is in sit skiing where he truly excels. He has been a longtime member of the U.S. Paralympic team and has won numerous medals. Just last month, he won three medals, including the Gold for the men’s downhill race at the World Para Alpine Championships in Italy—the Gold for the whole world.

His accomplishments are amazing enough, but his willingness to serve and be a role model for others is what makes him a true Alaska treasure. He is involved in numerous organizations for great causes, and he travels all across Alaska and the country, visiting with children with medical problems and urging them to dream big the way he has.

“I have spent my life hoping to be an example to others,” Andrew said. “Having the chance and being put in a position where I can make a difference means the world to me.” That is Andrew.

For his determination against all odds, for his accomplishments, for his compassion, and for making the United States and Alaska proud last month in Italy at the World Para Alpine Championships, Andrew Kurka is this week’s Alaskan of the Week.

Congratulations, Andrew, from all of your supporters. You are a great inspiration to all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.
rules were carefully considered and reflected investors' substantial interest in oil, gas and mining industry payment transparency. The SEC's leadership encouraged the development of a global disclosure framework that includes the European Union Transparency Directive and regulation under development in Canada.

On July 2, the U.S. District Court for the District of Columbia made a ruling in American Petroleum Institute et al. vs. Securities Exchange Commission vacating the rules for the implementation of Section 1504 and requiring the Commission to review them. We encourage the SEC to continue its vigorous defense of the Section 1504 rules as it responds to the U.S. District Court's decision.

It is in the interest of investors and companies subject to both the U.S. and EU requirements that the reporting obligations in these jurisdictions are as uniform as possible. Consistent and predictable regulations may lower compliance costs and enhance the salience of disclosures. Therefore, we hope that the SEC will take all necessary steps to ensure that the rules go into effect as early as possible and that they maintain continuity with other regulations in other jurisdictions. In doing so, the SEC should have due regard to the lengthy deliberations it conducted before the promulgation of the rules, and the substantial financial interests of many investors including many mining companies.

Payment disclosure regulations, such as Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Extractive Industries Transparency Initiative (EITI), require a critical role in encouraging greater stability in resource-rich countries, which benefits both the citizens of those countries and investors. The Extractive Industries Transparency Initiative (EITI) Board Chair Clare Short has stated that mandatory payment disclosure regulations in those countries that adopt the Extractive Industries Transparency Initiative (EITI) standard provide a critical role in encouraging greater stability in resource-rich countries, which benefits both the citizens of those countries and investors. The Extractive Industries Transparency Initiative (EITI) Board Chair Clare Short has stated that mandatory payment disclosure regulations in those countries that adopt the Extractive Industries Transparency Initiative (EITI) standard provide a critical role in encouraging greater stability in resource-rich countries, which benefits both the citizens of those countries and investors.

In line with the principles of the EITI, we also highlight that we regard the mandatory project-level reporting provision contained in Section 1504 as entirely consistent with, and complementary to, the goals of the EITI. As such, we wish to underscore the important revisions made in 2013 to the EITI Standard that aim specifically to ensure transparency in the extractive sector, and see the steady progress being made as a critical factor in helping to reduce volatility in the oil and other vital hard commodity markets, with beneficial impacts on global financial markets and the real economy.

In short, Section 1504 started a process that has now been embraced by the world’s other key jurisdictions: where initially it could have placed US listed companies at a commercial disadvantage, this risk has been reduced. As institutions based in numerous jurisdictions, with both customers and assets spread around the globe, we welcome this virtuous development, and are confident the SEC will continue to act in the interest of investors as it responds to the U.S. District Court’s July 2 ruling in API vs. SEC.

APRIL 28, 2014
MARY Jo WHITE, Chair, U.S. Securities and Exchange Commission, Washington, DC.

Re: Section 1504 of the Dodd—Frank Wall Street Reform and Consumer Protection Act

Chair White: We write on behalf of the 50 undersigned diverse global institutional investors to convey our strong support for the leadership of the U.S. Securities and Exchange Commission (SEC) in preparing final rules for the implementation of Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Section 1504 of the Securities Exchange Act of 1934). This letter follows our submission made to the SEC on August 14th 2013 on this subject and signed by many of the institutions below.

By way of introduction, the signatories of this submission include assets that in aggregate total more than US$ 6.40 trillion, and our mandate is to deliver sustainable long-term returns to our pensions, insurance and savings clients. It is in this spirit that we wish to highlight the value of the views on the value to investors of improving transparency in the extractive sector through the implementation of regulations such as Section 1504. We also welcome the parallel submission by Calvert Investment Management et al., and note the common objective of signatories share in promoting high standards of transparency in the extractive sector.

We wish to highlight that we have only belatedly become aware of the detailed submission made on April 15, 2014 by the American Petroleum Institute (API) on this subject. Inasmuch as we had produced this statement, and secured approvals from our undersigned institutions, well before having received an initial draft of the API submission, we wish to draw your attention to a brief supplementary comment that several of our signatories will shortly be submitting by way of parallel submission in order to address any additional points that are relevant to the API’s arguments.

The undersigned signatories strongly support the Transparency and Anti-Corruption (EITI) as a framework for the de facto global standard for transparency in the extractive sector. Following the U.S. District Court’s decision in API vs. SEC, it is therefore specifically with a view to safeguarding the effective functioning of fair, orderly, and efficient markets, and facilitating capital formation. We commend the SEC for its role in containing behaviours related to extractive sector activity that contribute to damaging levels of financial and economic instability.

As you know, Section 1504 calls for the provision of detailed publicly-available information regarding payments to governments. The purpose of such disclosure is to: a) defuse suspicions by civil society; b) curb the incurrence of corruption and fiscal mismanagement; and thereby reduce potential and political risk factors that drive high levels of operating risk in resource-dependent emerging nations. The latter notably exacerbates the complexity and cost burden, particularly in resource-dependent multiple jurisdictions. As such, it is imperative that the disclosure regulations introduced by Section 1504 are simplified for extractive industry issuers. Firstly, this would comply simplicity for extractive companies, particularly for those that already have disclosure obligations. Secondly, it would allow governments to set transparency standards while deterring less scrupulous issuers from actively seeking out jurisdictions that lack transparency. Such ‘forum-shopping’ would not only harm well-governed companies through unfair competition, but expose investors to higher risk, and thereby public and private investment risk.

Our strong interest as investors is therefore to achieve both consistency across competing jurisdictions and high standards, rather than regarding them as necessarily mutually exclusive. In this regard, the moves by the EU and Canada to follow in Dodd Frank Act’s footsteps signal a clear trend that is now very difficult to reverse: transparency has firmly taken hold, and it would be a mistake to roll backwards. A large group of global institutional investors, we acknowledge that different investors may have greater or lesser use of the granular data produced through such disclosure, depending on the nature of their portfolios and investment processes. However, while individual investment strategies may differ, we are strongly of the view that disclosure of the type called for by Section 1504 affords the following benefits to investors:

It is precisely because of its role in helping to counteract these damaging pressures that we regard Section 1504 as very much in the interests of investors, and consistent with the basic mission of the SEC.

Nevertheless, as investors, we are sympathetic to the concerns surrounding the practical impacts of any new legislation in terms of potential administrative complexity and cost burden, particularly in resource-dependent jurisdictions. As such, it is imperative that the disclosure regulations introduced by Section 1504 reflect alignment between the US, EU and Canada—keyjurisdictions for extractive industry issuers. Firstly, this would simplify compliance for extractive companies, particularly for those that already have disclosure obligations. Secondly, it would allow governments to set transparency standards while deterring less scrupulous issuers from actively seeking out jurisdictions that lack transparency. Such ‘forum-shopping’ would not only harm well-governed companies through unfair competition, but expose investors to higher risk, and thereby public and private investment risk.

Our strong interest as investors is therefore to achieve both consistency across competing jurisdictions and high standards, rather than regarding them as necessarily mutually exclusive. In this regard, the moves by the EU and Canada to follow in Dodd Frank Act’s footsteps signal a clear trend that is now very difficult to reverse: transparency has firmly taken hold, and it would be a mistake to roll backwards. A large group of global institutional investors, we acknowledge that different investors may have greater or lesser use of the granular data produced through such disclosure, depending on the nature of their portfolios and investment processes. However, while individual investment strategies may differ, we are strongly of the view that disclosure of the type called for by Section 1504 affords the following benefits to investors:

It is precisely because of its role in helping to counteract these damaging pressures that we regard Section 1504 as very much in the interests of investors, and consistent with the basic mission of the SEC.

We would like to highlight that we have only belatedly become aware of the detailed submission made on April 15, 2014 by the American Petroleum Institute (API) on this subject. Inasmuch as we had produced this statement, and secured approvals from our undersigned institutions, well before having received an initial draft of the API submission, we wish to draw your attention to a brief supplementary comment that several of our signatories will shortly be submitting by way of parallel submission in order to address any additional points that are relevant to the API’s arguments.
the likelihood of contract rescissions. An anonymous compilation of the submissions required by Section 1504 would likely not provide the information necessary to serve this purpose.

The value of such a standard lies in its consistent application across all global markets. Much country experience should not be granted in cases where foreign jurisdictions wish to impose secrecy—otherwise, such exemptions, often referred to as the “all or merely secret test” for encouraging such governments to introduce anti-transparency standards, thereby undermining the very object of this regulation. The disclosure on competitiveness has been overstated, as demonstrated by the strong support afforded to Section 1504’s Canadian equivalent by the leading financial institutions in the Canadian mining sector (Mining Association of Canada and Prospectors and Developers Association of Canada), and the more nuanced position of the Canadian Association of Petroleum Producers relative to the American Petroleum Institute. We also note that this information can be easily obtained by purchasing specialized research—which merely ensures that it is available to competitors who can afford to pay, but not to citizens who cannot. More importantly, we stand to benefit from more efficient, competitive markets that enable ethical behaviour than we do from isolated instances of companies gaining a temporary negotiating advantage through secrecy.

The impact on companies’ compliance costs should be given due consideration, and we would therefore argue that with regard to the definition of ‘project’, the disclosure framework in Section 1504 be consistent with best practice for disclosing disaggregated production information that references the legal relationship between individual projects and host governments. Such an approach may be modeled on the project-level disclosures that have been developed under the EU Directives and also made by Statoil, the large Norwegian-based international oil company, as well as Tullow Oil, the FTSE100 UK oil company. These base their definition, either implicitly or explicitly, on economic rather than geological entities (so-called ‘payment liability’), which we regard as a cost-efficient way of mirroring internal corporate reporting. We recommend a single consistent standard in preference to allowing issuers to self-define project boundaries to establish mandatory payment transparency Directives and Canada’s commitment requiring issuers to disclose information on risk profiles and company performance. Delay in implementation of these rules would continue to deny investors this valuable information.

The opportunities and challenges of both operating and investing in the oil, gas and mining industries have changed significantly in recent decades as companies have been increasingly compelled to explore and produce in countries with challenging governance and business environments, including some with pervasive corruption. We believe that Section 13(q) creates a chance for disclosure regulations that reflect the changing dynamics of these industries.

Investors’ decisions regarding the oil, gas and mining industries and the efficient functioning of markets in general rely on the public disclosure of relevant information from issuers that is comprehensive and consistent. Therefore, we agree with the Commission’s August 2012 rules for Section 13(q) that require issuer-by-issuer, government-level, annual reporting and believe that these are beneficial to investors.

Issuers’ annual public Exchange Act report is an indispensable factor for investment decision-making. It must be done on a basis that allows investors to make decisions about the securities of individual issuers. An anonymous compilation of the submissions required by Section 13(q) would likely not provide the information necessary to serve this purpose. It is in the interest of both issuers operating in volatile global markets and individual countries to ensure that public disclosure of relevant information on risk profiles and company performance is consistent with these reporting mandates requires paying attention to the definition of ‘project’.

Section 13(q) creates a chance for disclosure regulations that reflect the changing dynamics of these industries.

Investors’ decisions regarding the oil, gas and mining industries and the efficient functioning of markets in general rely on the public disclosure of relevant information from issuers that is comprehensive and consistent. Therefore, we agree with the Commission’s August 2012 rules for Section 13(q) that require issuer-by-issuer, government-level, annual reporting and believe that these are beneficial to investors.

Issuers’ annual public Exchange Act report is an indispensable factor for investment decision-making. It must be done on a basis that allows investors to make decisions about the securities of individual issuers. An anonymous compilation of the submissions required by Section 13(q) would likely not provide the information necessary to serve this purpose. It is in the interest of both issuers operating in volatile global markets and individual countries to ensure that public disclosure of relevant information on risk profiles and company performance is consistent with these reporting mandates requires paying attention to the definition of ‘project’.
TRIBUTE TO JOHN SALAMONE

Mr. BOOKER. Mr. President, today I wish to honor the life and service of New Jersey's own John Salamone. John is a World War II veteran, a beloved member of the Lyndhurst community, and an inspiration to many.

A native of Hoboken, John Salamone began his service upon enlistment in the U.S. Navy in 1943 at the age of 17. After basic training, he was assigned to the medical corps and deployed to the Pacific Theater on the hospital ship the U.S.S. Haven. John’s service in the Pacific took him to the Battle of Okinawa, to the liberation of POWs in the Philippines, and to the destroyed city of Nagasaki.

John’s experiences during the war changed him. For several years following his return, he used his training to assist others as a volunteer emergency medical technician in his community. After seeing the devastation of the atomic bomb released over Nagasaki, John became passionate about sharing his war experiences with others in the hopes that the United States might never again deem atomic war necessary. To this day, he still prays for peace.

John is treasured by all who have been fortunate enough to meet him, and thanks to his outgoing and affable nature, almost everyone in the township of Lyndhurst knows him. John is a fixture there: he was a Little League coach, a member of the Elks Lodge and the Knights of Columbus, and a member of St. Luke’s Roman Catholic Church, where he still attends mass every Sunday, just as he has for more than 50 years. For 68 years, until her death, John was the loving husband of Mary Salamone, and he is the proud father of Robert Salamone, Maureen Salamone, and he is the proud father of St. Luke’s Roman Catholic Church, where he still attends mass every Sunday, just as he has for more than 50 years. For 68 years, until her death, John was the loving husband of Mary Salamone, and he is the proud father of Robert Salamone, Maureen Salamone, and he is the proud father of St. Luke’s Roman Catholic Church, where he still attends mass every Sunday, just as he has for more than 50 years. For 68 years, until her death, John was the loving husband of Mary Salamone, and he is the proud father of Robert Salamone, Maureen Salamone, and the Crazy Mountain Inn in Martinsdale. From 2013-2015, Ally was recognized as the Wheatland County 4-H “Grand Champion” for her sheep project. Ally meticulously cross-bred Suffolk sheep into her family’s Targhee flock, making the prize a treasured one.

The Dearings were so kind to my daughter who was showing cows through 4-H. We spent countless hours with Joe and Dennie taking care of this cow at the fair. The superintendent of Harlowton Public Schools said of Ally, “I have known Ally for her whole life and she has yet to disappoint me.” Ally is the oldest of four siblings on the ranch while ranking first in her class academically, earning all-State athletic honors in basketball and track, and participating in student government. Ally commits to whatever she sets her mind to, from ranching to school to sports.

Ally broke new ground as the first person from Harlowton High School appointed to the U.S. Military Academy at West Point. The number of cadets at West Point will be more than the population of Wheatland County. Ally won’t flinch at this. She is not one to seek out comfort, make excuses, or look for shortcuts. She will do what she has always done—wake up when everyone else is still sleeping, focus on the tasks at hand, and simply get the job done. Her exemplary hardwork and leadership will serve our Nation well in the military. Good luck, and Godspeed, Ally; the people of Montana support you.

TRIBUTE TO ALLY MARTIN

Mr. DAINE. Mr. President, this week, I have the distinct honor of recognizing Ms. Ally Martin of Wheatland County, a tough ranch hand with a very bright future. This young lady has flat out excelled in her community. The superintendent of Harlowton Public Schools said of Ally, “I have known Ally for her whole life and she has yet to disappoint me.” Ally is the oldest of four siblings on the ranch while ranking first in her class academically, earning all-State athletic honors in basketball and track, and participating in student government. Ally commits to whatever she sets her mind to, from ranching to school to sports.

Ally broke new ground as the first person from Harlowton High School appointed to the U.S. Military Academy at West Point. The number of cadets at West Point will be more than the population of Wheatland County. Ally won’t flinch at this. She is not one to seek out comfort, make excuses, or look for shortcuts. She will do what she has always done—wake up when everyone else is still sleeping, focus on the tasks at hand, and simply get the job done. Her exemplary hardwork and leadership will serve our Nation well in the military. Good luck, and Godspeed, Ally; the people of Montana support you.

REMEMBERING JOE BILL DEARING

Mr. BOOZMAN. Mr. President, today I wish to remember Joe Bill Dearing, an Arkansan with a big heart who loved to tell a good story and was a legend in Hereford cattle breeding. He passed away on Monday, January 30, 2017, at the age of 87.

Joe was born in Harrison, AR. He married his high school sweetheart, Dennie, in 1947, and the couple pursued a career in farming at their Red Robin Farm.

Joe came from a family of farmers so his passion for the industry and dedication to his craft came as no surprise. He established a nationally recognized herd of Polled Hereford cattle and became an internationally recognized Hereford cattle breeder.

This success also earned them the recognition of “Boone County Family Farm of the Year” in 1973. He took his expertise to Montana in 1978 to work in the cattle industry and was active on the national cattle show circuit, winning the award for national champion bull in 1994 and 1995.

After his decades of raising cattle, he could still remember in detail his prized animals. He was more than happy to share pictures and stories of his cattle.

Joe was a longtime member of the Union Baptist Church where he served as a deacon, church secretary, and treasurer.

The Dearings were so kind to my daughter who was showing cows through 4-H. We spent countless hours with Joe and Dennie taking care of this cow at the fair. The superintendent of Harlowton Public Schools said of Ally, “I have known Ally for her whole life and she has yet to disappoint me.” Ally is the oldest of four siblings on the ranch while ranking first in her class academically, earning all-State athletic honors in basketball and track, and participating in student government. Ally commits to whatever she sets her mind to, from ranching to school to sports.

Ally broke new ground as the first person from Harlowton High School appointed to the U.S. Military Academy at West Point. The number of cadets at West Point will be more than the population of Wheatland County. Ally won’t flinch at this. She is not one to seek out comfort, make excuses, or look for shortcuts. She will do what she has always done—wake up when everyone else is still sleeping, focus on the tasks at hand, and simply get the job done. Her exemplary hardwork and leadership will serve our Nation well in the military. Good luck, and Godspeed, Ally; the people of Montana support you.

TRIBUTE TO ALLY MARTIN

Mr. DAINE. Mr. President, this week, I have the distinct honor of recognizing Ms. Ally Martin of Wheatland County, a tough ranch hand with a very bright future. This young lady has flat out excelled in her community. The superintendent of Harlowton Public Schools said of Ally, “I have known Ally for her whole life and she has yet to disappoint me.” Ally is the oldest of four siblings on the ranch while ranking first in her class academically, earning all-State athletic honors in basketball and track, and participating in student government. Ally commits to whatever she sets her mind to, from ranching to school to sports.

Ally broke new ground as the first person from Harlowton High School appointed to the U.S. Military Academy at West Point. The number of cadets at West Point will be more than the population of Wheatland County. Ally won’t flinch at this. She is not one to seek out comfort, make excuses, or look for shortcuts. She will do what she has always done—wake up when everyone else is still sleeping, focus on the tasks at hand, and simply get the job done. Her exemplary hardwork and leadership will serve our Nation well in the military. Good luck, and Godspeed, Ally; the people of Montana support you.

250TH ANNIVERSARY OF THE MATTATUCK DRUM BAND

Mr. MURPHY. I would like to congratulate the Mattatuck Drum Band, the oldest continually operating marching band in the Nation, on its 250th anniversary. The Mattatuck Drum Band’s performances have captivated audiences in Connecticut since before the founding of our Nation and deserve recognition for continuing this important musical tradition over so many years.

During the marching band’s formative years in the early 1770’s, it was known as the Farmingbury Drum Band. The group performed at Farmingbury church events, where churchgoers were called into services by drumbeat—a common practice for churches without a bell. During the American Revolution, many members of the band served as wartime fifers and drummers, providing military field music for soldiers fighting for American independence. Shortly after returning home from war, the band grew in popularity and changed their name to the Wolcott Drum Band.

In the 19th century, many band members continued their service to the military during the War of 1812 and in the Civil War, participating in rallies and recruiting events to “drum up” support for the militia. Following the Civil War, however, many band members relocated, and interest in the band waned. The band dissolved in 1881, when the remaining active members of the band moved the group to Waterbury and renamed it the Mattatuck Drum Band. The uniform first donned by this group in 1884 is still worn by the Mattatuck Drum Band today.

As the band continued into the 20th century, their main purpose shifted from rallying support for the militia to bolstering the morale and feelings of patriotism amongst the public. Although many Mattatuck Drum Band members enlisted to serve their country during World War I and World War II, the band continued to perform, adapting its repertoire to the changing needs of its audience.
II. the musicians still found ways to practice and keep the group active. In 1961, the Mattatuck Drum Band travelled to Washington to participate in the inaugural parade of President-Elect John F. Kennedy. They received a standing ovation and applause for their performance.

Today the Mattatuck Drum Band performs at many parades and celebrations, using their powerful drum beats to continue the patriotic tunes and traditions that have inspired so many Americans over generations. I would like to congratulate the Mattatuck Drum Band on their incredible history of service and inspiration. It is my hope that the band continues this incredible musical tradition for many more years to come.

MESSAGE FROM THE HOUSE

At 4:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res 37. Joint resolution disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation.


MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 274. A bill to nullify the effect of the restructuring of certain industries from certain countries from entering the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARRASSO, from the Committee on Environment and Public Works, without amendment:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BARRASSO for the Committee on Environment and Public Works, Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs, Nick Mulvaney, of South Carolina, to be Director of the Office of Management and Budget.

By Mr. ENZI for the Committee on the Budget, of Oklahoma, to be Director of the Office of Management and Budget.

*Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. HETT KAMP (for herself, Mr. BOOZMAN, Mr. UDALL, Mr. LEAHY, Mr. DURBIN, Ms. KLOBUCHAR, Mr. KING, Ms. COLLINS, Ms. STABENOW, Mr. DONELLY, Ms. BALDWIN, Mr. WYDEN, Mr. WARNER, and Mr. COCHRAN):

S. 276. A bill to amend title 28, United States Code, to extend the judicial circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. DAINES (for himself and Mr. McCAIN):

S. 277. A bill to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. RUBIO:

S. 279. A bill to amend the Water Resources Development Act of 1986 to modify a provision relating to the best available technology, to the Committee on Environment and Public Works.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 280. A bill to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEE:

S. 281. A bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. HELLER (for himself, Mr. HENRICH, Mr. GARDNER, Mr. TESTER, Mr. RISCH, Mr. DANIS, Mr. BENNET, and Mr. UDALL):

S. 282. A bill to promote the development of renewable energy on public land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN (for himself, Mr. TILLIS, Mr. COONS, Mr. MEKLEY, Mr. HIRONO, and Ms. HARRIS):

S. 283. A bill to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of mesothelioma-affected veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. BROWN:

S. 284. A bill to amend title XVIII of the Social Security Act to prevent surprise billing practices, and for other purposes; to the Committee on Finance.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 285. A bill to ensure adequate use and access to the existing federal lands to mitigate and dredge and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 286. A bill to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 287. A bill to update the map of, and modify the boundary of, the National Fossil Fuel Monument to include the Florissant Fossil Beds National Monument; to the Committee on Energy and Natural Resources.

By Mr. DAINES (for himself, Mr. LANKFORD, Mr. BLUNT, and Mr. HATCH):

S. 288. A bill to require notice and comment for certain interpretative rules; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNET (for himself and Mr. GARDNER):

S. 289. A bill to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL (for himself and Mr. BOOZMAN):

S. 290. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. LEAHY, Mr. MERELEY, Mr. HENRICH, Mrs. FEINSTEIN, and Mr. HARRIS):

S. 291. A bill to amend the Federal Security Act of 1947 to modify the requirements for membership in the National Security Council and cabinet-level policy forum, and for other purposes; to the Select Committee on Intelligence.

By Mr. REED (for himself, Mrs. CAPITO, Mr. VAN HOLLEN, and Mr. ISAKSON):

S. 292. A bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT (for himself, Mr. BOOKER, Mr. BLUNT, Mr. BENNET, Mr. GRAHAM, Mr. COONS, Mrs. CAPITO, Mrs. GILLIBRAND, Mr. PETERS, Mr. GARDNER, Mr. YOUNG, and Mr. WARNER):

S. 293. A bill to amend the Internal Revenue Code of 1986 to provide for the deferral of inclusion in gross income for capital gains reinvested in opportunity zones; to the Committee on Finance.

By Mr. NELSON (for himself, Mr. RUBIO, Mr. MANCHIN, Mr. DAINES, Mr. CASEY, Mr. GARDNER, Mr. BOOZMAN, Mr. TESTER, Mr. HIRONO, and Mr. HELLER):

S. 294. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration’s jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars; to the Committee on Health, Education, Labor, and Pensions.
By Mr. DAINES (for himself, Mr. SULLIVAN, and Ms. MURKOWSKI):
S. 295. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.
By Mr. DAINES (for himself, Mr. DAINES, and Ms. MURKOWSKI):
S. 296. A bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals; to the Committee on the Judiciary.
By Ms. COLLINS (for herself and Mrs. McCASKILL):
S. 297. A bill to increase competition in the pharmaceutical industry; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BARRASSO:
S. Res. 42. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Homeland Security and Governmental Affairs.
By Mr. ISAKSON (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. BROWN, Ms. CAPITO, Mr. CORNYN, and Mr. HAYES):
S. Res. 43. A resolution recognizing January 2017 as National Mentoring Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 54
At the request of Mr. BOOKER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 54, a bill to prohibit the creation of an immigration-related registry program that classifies people on the basis of religion, race, age, gender, ethnicity, national origin, nationality, or citizenship.

S. 56
At the request of Mr. SULLIVAN, the names of the Senator from Kentucky (Mr. PATE), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. KENNEDY), the Senator from Missouri (Mr. BLUMENTHAL), the Senator from Georgia (Mr. ISAKSON), the Senator from Arkansas (Mr. JOHNSON), the Senator from South Dakota (Mr. ROUND), the Senator from Indiana (Mr. YOUNG), the Senator from Oklahoma (Mr. INHOFE), the Senator from Montana (Mr. DAINES), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. PERDUE), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from North Carolina (Mr. BURRE) were added as cosponsors of S. 56, a bill to require each agency to repeal or amend 2 or more rules before issuing or amending a rule.

S. 58
At the request of Mr. HELLER, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. 58, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

S. 59
At the request of Mr. CRAPPO, the names of the Senator from Idaho (Mr. Risch) and the Senator from South Dakota (Mr. Rounds) were added as cosponsors of S. 59, a bill to provide that silencers be treated the same as long guns.

S. 94
At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. Murphy) and the Senator from Colorado (Mr. Gardner) were added as cosponsors of S. 94, a bill to impose sanctions in response to cyber intrusions by the Government of the Russian Federation and other aggressive activities of the Russian Federation, and for other purposes.

S. 109
At the request of Mr. GRASSLEY, the name of the Senator from New York (Mrs. Gillibrand) was added as a co-sponsor of S. 109, a bill to amend title XVIII of the Social Security Act to provide for a new program under the Medicare program of pharmacist services.

S. 182
At the request of Ms. KLOBUCAR, the name of the Senator from Nevada (Ms. Cortez Masto) was added as a cosponsor of S. 182, a bill to provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

S. 206
At the request of Mr. KING, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 206, a bill to amend the Internal Revenue Code of 1986 to make the Child and Dependent Care Tax Credit fully refundable, and for other purposes.

S. 212
At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 212, a bill to develop a United States strategy for greater human space exploration, and for other purposes.

S. 224
At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 224, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 241
At the request of Mrs. ERNST, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 241, a bill to prohibit Federal funding of Planned Parenthood Federation of America.

S. 244
At the request of Mr. LEE, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Idaho (Mr. Risch) were added as cosponsors of S. 244, a bill to repeal the wage requirement of the Davis-Bacon Act.

S. 251
At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHUTZ) was added as a cosponsor of S. 251, a bill to repeal the Independent Payment Adviser Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 255
At the request of Mr. SCHUTZ, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 255, a bill to increase the rates of pay under the General Schedule and other statutory pay systems and for prevailing rate employees by 3.2 percent, and for other purposes.

S. 264
At the request of Mr. LANKFORD, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 264, a bill to amend the Internal Revenue Code of 1986 to allow charitable organizations to make state payments relating to political campaigns if such statements are made in ordinary course of carrying out its tax exempt purpose.

S. 272
At the request of Mr. SCHUTZ, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Michigan (Mr. Peters) were added as cosponsors of S. 272, a bill to enhance the security operations of the Transportation Security Administration and the stability of the transportation security workforce by applying a unified personnel system under title 5, United States Code, to employees of the Transportation Security Administration who are responsible for screening passengers and property, and for other purposes.

S. 274
At the request of Mrs. FEINSTEIN, the names of the Senator from Montana (Mr. Tester), the Senator from Indiana (Mr. DONNELLY), the Senator from Florida (Mr. Nelson) and the Senator from North Dakota (Mr. BERNSTEIN) were added as cosponsors of S. 274, a bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

S. J. RES. 1
At the request of Mr. BOOZMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S.J. Res. 1, a joint resolution approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

S. J. RES. 5
At the request of Mr. CARDIN, the names of the Senator from Hawaii (Ms. HIRONO) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S.J. Res. 5, a joint resolution removing the deadline for the
ratification of the equal rights amendment.

S.J. RES. 9

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S.J. Res. 9, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to the disclosure of payments by resource extraction issuers.

S.J. RES. 11

At the request of Mr. BARRASSO, the name of the Senate from Idaho (Mr. RISCH) was added as a cosponsor of S.J. Res. 11, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to “Waste Prevention, Production Subject to Royalties, and Resource Conservation”.

S.J. RES. 13

At the request of Mrs. ERFINDST, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S.J. Res. 13, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting beneficiaries.

S.J. RES. 14

At the request of Mr. GRASSLEY, the names of the Senator from Georgia (Mr. PERDUE), the Senator from Montana (Mr. DAINES) and the Senator from Kansas (Mr. MOHAN) were added as cosponsors of S.J. Res. 14, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to implementation of the Federal Improvement Amendments Act of 2007.

S.J. RES. 15

At the request of Ms. MURKOWSKI, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S.J. Res. 15, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Director of the Bureau of Land Management relating to resource management planning.

S.J. RES. 16

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S.J. Res. 16, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

S.J. RES. 19

At the request of Mr. PERDUE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 19, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to accounts under the Electronic Fund Transfer Act and the Truth in Lending Act.

S. CON. RES. 6

At the request of Mr. BARRASSO, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from Colorado (Mr. CORCORAN) were added as cosponsors of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 278. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

Mr. FLAKE. Mr. President, one of the most important elements of the rule of law is the promise of swift access to the courts, but that promise has been broken in my home State of Arizona. That is because Arizona falls under the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit, a circuit that is both oversized and overworked.

With the jurisdiction encompassing 13 districts spread across nine States and 2 U.S. territories, the Ninth Circuit covers 1 in 5 Americans. It hears roughly 12,000 appeals each year. The next busiest circuit doesn’t even hear 9,000, and for the thousands of cases under its consideration, the average turnaround time exceeds 15 months. Now, if it weren’t bad enough, it turns out the Ninth Circuit is overturned by the Supreme Court 77 percent of the time the Supreme Court grants cert—77 percent of the time that is obviously higher than any other court. So not only is the court excruciatingly slow, but in many instances it is simply wrong.

The court, itself, is unusually large. It has 29 authorized judgeships. That is 12 more than the next largest circuit.

The Ninth Circuit is so big that it can’t even rehear cases as a whole body, like every other appeals court does. Instead, cases are reheard with limited en banc; these are panels of 11 judges each. That means that only one-third of its judges are deciding law for the entire court—only one-third.

Of the States suffering under the weight of the Ninth Circuit’s crushing backlog, Arizona shoulders an uniquely heavy burden. Per capita, Arizona has the busiest Federal docket in the circuit. That puts Arizonans at the back of an already long line just to get their day in court.

As if the deluge of cases continues to fill the Ninth Circuit’s docket, the line keeps getting longer and longer if you happen to live in Arizona.

With problems like these, we are left to ask: Is the Ninth Circuit simply too big to succeed? If you are an Arizonan, the answer is unquestionably yes. Arizonans deserve better, and that is why today I am introducing a bill to break up the Ninth Circuit.

With the support of my colleague from Arizona, JOHN MCCAIN, and the support of Gov. Doug Ducey, I have introduced the Judicial Administration and Improvement Act. This bill would create a new Twelfth Circuit by moving Arizona, as well as Alaska, Idaho, Montana, Nevada, and Washington, out of the Ninth Circuit. Doing so would create two smaller appellate courts where one dysfunctional court stood, all the while establishing stronger local, regional, and cultural ties. This would help alleviate the Ninth Circuit’s enormous caseload and ensure a more timely and accurate judicial process for both circuits.

Now, importantly, the bill would also free the new circuit from the Ninth Circuit’s precedent. That means States like Arizona would be able to chart their own legal course, consistent with their local needs and cultural values.

A fair and functioning judiciary is one of the pillars of our democracy. Geography shouldn’t limit a citizen’s access to the courts.

The Judicial Administration and Improvement Act will right this wrong by restoring faith in our judicial system and securing the access to Justice that Americans deserve.

By Mr. DAINES (for himself and Mr. WARNER):

S. 278. A bill to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAINES. Mr. President, in recent years we have seen the inability of the Federal Government to quickly adapt to changing technology and emerging threats. In June of 2015 the Office of Personnel Management, OPM, was infiltrated with a major cyber breach, affecting more than 22 million current and former Federal employees, including myself. In January of 2016, another nearly half a million Americans had their social security numbers stolen when the Internal Revenue Service was hacked.

I spent 28 years in the private sector, 12 years with a global cloud computing company. We faced cyber threats daily, and our customers expected security of their data. We delivered, not once was our data compromised. Until I came to the Federal Government and received letters from OPM, my data had been secured too.

I know firsthand that industry has the talent and incentive to keep their information systems secure. The Federal Government should continue to innovate and utilize industries’ expertise and learn from their best practices.

That is why I am introducing the Support for Rapid Innovation Act.
legislation will extend the authorization for the Secretary of Homeland Security to carry out innovative research and development projects that will enhance our Nation’s cyber security. It will focus efforts on developing more secure information systems, technologies for detecting and containing attacks in real-time, and develop cyber forensics to identify perpetrators. This will be done by leveraging private sector’s innovation and ingenuity.

I want to thank Senator Warner for being an original cosponsor of this bill and Representative Ratcliffe of Texas for leading introduction of companion legislation in the House of Representatives. I ask my Senate colleagues to join us in support of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, as follows:

S. 278

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 “Support for Rapid Innovation and Development of 2017.”

SEC. 2. CYBERSECURITY RESEARCH AND DEVELOPMENT PROJECTS.

(a) CYBERSECURITY RESEARCH AND DEVELOPMENT.

(1) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

S. 321. CYBERSECURITY RESEARCH AND DEVELOPMENT.

“(a) IN GENERAL.—The Under Secretary for Science and Technology shall support the research, development, testing, evaluation, and transition of cybersecurity technologies, including fundamental research to improve the sharing of information, information security, analytics, and methodologies related to cybersecurity risks and incidents, consistent with current law.

“(b) ACTIVITIES.—The research and development supported under subsection (a) shall serve the components of the Department and shall—

“(1) advance the development and accelerate the deployment of more secure information systems;

“(2) improve and create technologies for detecting and preventing attacks or intrusions, including real-time continuous diagnostics, real-time analytic technologies, and full lifecycle information protection;

“(3) improve and create mitigation and recovery methodologies, including techniques and processes to improve the prevention and containment of attacks, and development of resilient networks and information systems;

“(4) support, in coordination with non-Federal entities, the review of source code that underpins critical infrastructure information systems;

“(5) assist the development and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies;

“(6) assist the development and support of technologies to reduce vulnerabilities in industrial control systems;

“(7) not use the development and support cyber forensics and attack attribution capabilities;

“(8) assist the development and accelerate the deployment of full information lifecycle security technologies to enhance protection, control, and privacy of information to detect and prevent cybersecurity risks and incidents;

“(9) assist the development and accelerate the deployment of information security measures, in addition to perimeter-based protections;

“(10) assist the development and accelerate the deployment of technologies to detect improper information access by authorized users;

“(11) assist the development and accelerate the deployment of cryptographic technologies to protect information at rest, in transit, and in use;

“(12) assist the development and accelerate the deployment of methods to promote greater software assurance;

“(13) assist the development and accelerate the deployment of tools to securely and automatically update software and firmware in use, with limited or no necessary inter-vention by users and limited impact on concurrently operating systems and processes; and

“(14) assist in identifying and addressing unidentified or future cybersecurity threats.

“(c) COORDINATION.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with—

“(1) the Under Secretary appointed pursuant to section 103(a)(1)(H);

“(2) the heads of other relevant Federal departments and agencies, as appropriate; and

“(3) industry and academia.

“(d) TRANSITION TO PRACTICE.—The Under Secretary for Science and Technology shall support projects carried out under this title through the full life cycle of such projects, including research, development, testing, and evaluation. The Under Secretary shall identify mature technologies that address existing or imminent cybersecurity gaps in public or private information systems and networks of information systems, protect sensitive information within and outside networks of information systems, identify and support necessary improvements among commercial and government programs and testing and evaluation activities, and introduce new cybersecurity technologies throughout the homeland security enterprise through demonstration and specialization. The Under Secretary shall target Federally funded cybersecurity research that demonstrates a high probability of successful transition to the Federal market within two years and that is expected to have a notable impact on the public or private information systems and networks of information systems.

“(e) DEFINITIONS.—In this section:

“(1) CYBERSECURITY RISK.—The term ‘cybersecurity risk’ has the meaning given such term in section 103(a)(1)(H).

“(2) HOMELAND SECURITY ENTERPRISE.—The term ‘homeland security enterprise’ means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and tribal government officials, private sector representatives, academics, and other policy experts.

“(3) INCIDENT.—The term ‘incident’ has the meaning given such term in section 227.

“(4) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given such term in section 392(g) of title 44, United States Code.

“(5) SOFTWARE ASSURANCE.—The term ‘software assurance’ means confidence that software—

“(A) is free from vulnerabilities, either intentionally designed into the software or ac-

S. 288. A bill to require notice and comment for certain interpretive
rules; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAINES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 288

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 “Regulatory Predictability for Business Growth Act of 2017.”

SEC. 2. REQUIRING NOTICE AND COMMENT FOR CERTAIN INTERPRETATIVE RULES.

Subchapter II of chapter 5 of title 5, United States Code, is amended—

(1) in section 551—

(A) in paragraph (13), by striking “and” at the end;

(B) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(15) ‘longstanding interpretative rule’ means an interpretative rule that has been in effect for not less than 1 year; and

“(16) ‘revise’ means, with respect to an interpretative rule, altering or otherwise changing any provision of a longstanding interpretative rule that conflicts, or is in any way inconsistent with, any provision in a subsequently promulgated interpretative rule.”;

and

(2) in section 553—

(A) in subsection (b)(A), by striking “interpretative rules” and inserting “an interpretative rule of an agency, unless the interpretative rule revises a longstanding interpretative rule of the agency”; and

(B) in subsection (b)(2), by striking “interpretative rules” and inserting “an interpretative rule of an agency, unless the interpretative rule revises a longstanding interpretative rule of the agency.”.

By Mr. REED (for himself, Mrs. CAPTO, Mr. VAN HOLLEN, and Mr. ISAKSON):

S. 292. A bill to maximize discovery, and improve development and availability, of promising childhood cancer treatments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined by Senators CAPTO, VAN HOLLEN, and ISAKSON in the introduction of the Childhood Cancer Survivorship, Treatment, Access, and Research, STAR, Act of 2017. This legislation is an extension of ongoing bipartisan efforts to improve childhood cancer treatments by leveraging new research and developing innovative new therapies.

In recent years, we have seen many advancements in treating pediatric cancers. However, there are still critical issues that need to be addressed to ensure that children and adolescents with cancer have access to the best possible care.

Unfortunately, even after beating cancer, many children and adolescents who survive childhood cancer are at a higher risk for late effects of treatment. These late effects can be serious and life-threatening, including secondary cancers and organ damage.

Furthermore, many children and adolescents with cancer are unable to effectively communicate information about their disease, the treatment they receive, and the potential long-term effects so they can live a long, healthy, and fulfilling life.

Lastly, we must continue to ensure that children have access to the latest treatments and clinical trials.

This bill is supported by the American Cancer Society, the National Cancer Institute, the Children’s Oncology Group, and other organizations.

I believe this bill will make a significant difference in the lives of children and adolescents with cancer.

I urge my colleagues in the Senate to support this important legislation.

Thank you.
(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed $5,247,000: 

(1) not to exceed $3,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i)));

and

(2) not to exceed $2,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed $2,150,000, of which amount: 

(1) not to exceed $3,335 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i)));

and

(2) not to exceed $831 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS. (a) EXPENSES OF THE COMMITTEE.— 

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for— 

(A) the disbursement of salaries of employes paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stock holdings and dividends paid by the Office of the Sergeant at Arms and Doorkeeper; 

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper; or 

(G) the payment of fixed and mail mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee: 

(1) for the period January 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.


WHEREAS, in 2002, the Harvard T.H. Chan School of Public Health and MENTOR: the National Mentoring Partnership established National Mentoring Month; 

WHEREAS 2017 is the 15th anniversary of National Mentoring Month; 

WHEREAS the goals of National Mentoring Month are: 

(1) to raise awareness of mentoring; 

(2) to recruit individuals to mentor; and 

(3) to encourage organizations to engage and integrate quality in mentoring into the efforts of the organizations; 

WHEREAS young people across the United States make everyday choices that lead to the big decisions in life without the guidance and support on which many other people rely; 

WHEREAS a mentor is a caring, consistent presence who devotes time to a young person to help that young person: 

(1) discover personal strength; and 

(2) achieve the potential of that young person through a structured and trusting relationship; 

WHEREAS quality mentoring— 

(1) encourages positive choices; 

(2) promotes self-esteem; 

(3) supports academic achievement; and 

(4) introduces young people to new ideas; 

WHEREAS mentoring programs have shown to be effective in combating school violence and discipline problems, substance abuse, incarceration, and truancy; 

WHEREAS research shows that young people who were at risk for not completing high school but who had a mentor were, as compared with similarly situated young people without a mentor— 

(1) 55 percent more likely to be enrolled in college; 

(2) 81 percent more likely to report participating regularly in sports or extracurricular activities; 

(3) more than twice as likely to say they held a leadership position in a club or sports team; and 

(4) 78 percent more likely to pay it forward to someone; 

WHEREAS mentoring can play a role in helping young people attend school regularly, as research shows that students who meet regularly with a mentor are, as compared with the peers of those students— 

(1) 52 percent less likely to skip a full day of school; and 

(2) 37 percent less likely to skip a class; 

WHEREAS youth development experts agree that mentoring encourages smart daily behaviors, such as finishing homework, having healthy social interactions, and saying no when it counts, that have a noticeable influence on the growth and success of a young person; 

WHEREAS mentors help young people set career goals and use the personal contacts of the mentoring to help young people meet industry professionals and train for and find jobs; 

WHEREAS all of the described benefits of mentors serve to link youth to economic and social opportunity while also strengthening the fiber of communities in the United States; and 

WHEREAS, despite the described benefits, 9,000,000 young people in the United States feel isolated from meaningful connections with adults outside their homes, constituting a “mentoring gap” that demonstrates a need for collaboration and resources: Now, therefore, be it

Resolved, That the Senate— 

(1) recognizes January 2017 as National Mentoring Month; 

(2) recognizes the caring adults who— 

(A) serve as staff and volunteers at quality mentoring programs; and 

(B) help the young people of the United States find inner strength and reach their full potential; 

(3) acknowledges that mentoring is beneficial because mentoring encourages educational achievement and self-confidence, reduces juvenile delinquency, improves life outcomes, and strengthens communities; 

(4) promotes the establishment and expansion of quality mentoring programs across the United States to equip young people with the tools needed to lead healthy and productive lives; and 

(5) supports initiatives to close the “mentoring gap” that exists for the many young people in the United States who do not have meaningful connections with adults outside their homes.

A M E N D M E N T S  S U B M I T T E D  A N D  P R O P O S E D

S A 1 9 0 .  M r . C R A P O ( f o r M r . C R U Z ( f o r h i m s e l f  a n d M r . N E L S O N ) ) proposed an amendment to the resolution S. Res. 27, honoring the life and achievements of Eugene A. “Gene” Cernan.

T E X T  O F  A M E N D M E N T S

S A 1 9 0 . M r . C R A P O ( f o r M r . C R U Z ( f o r h i m s e l f  a n d M r . N E L S O N ) ) proposed an amendment to the resolution S. Res. 27, honoring the life and achievements of Eugene A. “Gene” Cernan; as follows: 

In the 12th whereof clause of the preamble, strike “2016” and insert “2017”.

P R I V I L E G E S  O F  T H E  F L O O R

M r . M E R K L E Y . M r . P r e s i d e n t , I a s k unanomous consent that my team member, Patrick Drupp, be granted privileges of the floor.

T H E  P R E S I D I N G  O F F I C E R . Without objection, it is so ordered.


M r . C R A P O . M r . P r e s i d e n t , I a s k unanomous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 27.

T H E  P R E S I D I N G  O F F I C E R . Without objection, it is so ordered.

The clerk will report the resolution by title.

The clerk read as follows:

A resolution (S. Res. 27) honoring the life and achievements of Eugene A. “Gene” Cernan.

There being no objection, the Senate proceeded to consider the resolution.

M r . C R A P O . M r . P r e s i d e n t , I a s k unanomous consent that the resolution be agreed to; that the Cruz amendment to the preamble be agreed to; that the preamble, as amended, be agreed to; and that the motions to reconsider be
considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 27) was agreed to.

The amendment (No. 190) was agreed to, as follows:

(Purpose: To amend the preamble)

In the 12th whereas clause of the preamble, strike “2016” and insert “2017”.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 27

Whereas Gene Cernan was born on March 14, 1934, in Chicago, Illinois, was raised in the suburban towns of Bellwood and Maywood, and graduated from Proviso Township High School;

Whereas Gene Cernan began his career as a basic flight trainee in the United States Navy;

Whereas Gene Cernan was one of fourteen astronauts selected by NASA in October 1963 to participate in the Gemini and Apollo programs;

Whereas Gene Cernan was the second American to have walked in space having spanned the circumference of the world twice in a little more than 2 1/2 hours in 1966 during the Gemini 9 mission;

Whereas Gene Cernan served as the lunar module pilot for Apollo 10 in 1969, which was referred to as the “dress rehearsal” for Apollo 11’s historic landing on the Moon;

Whereas Gene Cernan was commander of Apollo 17 in 1972, during the last human mission to the Moon;

Whereas Gene Cernan maintains the distinction of being the last man to have left his footprints on the surface of the Moon;

Whereas Gene Cernan was one of the three men to have flown to the Moon on two occasions;

Whereas Gene Cernan logged 566 hours and 15 minutes in space, of which more than 73 hours were spent on the surface of the Moon;

Whereas Gene Cernan and the crew of Apollo 17 set records that still stand today, for longest manned lunar landing flight, longest lunar surface extra vehicular activities, largest lunar sample return, and longest time in lunar orbit;

Whereas Gene Cernan retired from the Navy after 20 years and ended his NASA career in July 1976; and

Whereas, on January 16, 2017, Gene Cernan passed away in Houston, Texas, leaving behind a vibrant history of space exploration and advocacy for NASA, a legacy of inspiring young people to “dream the impossible”, and a documentary that encourages continual human space exploration: Now, therefore, be it

Resolved, That the Senate honors the life of Gene Cernan, a Naval aviator, fighter pilot, electrical engineer, and the last astronaut to walk on the Moon.

NATIONAL MENTORING MONTH

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 43, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 43) recognizing January 2017 as National Mentoring Month.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, FEBRUARY 3, 2017

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 6:30 a.m., Friday, February 3; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of H.J. Res. 41, with no debate time remaining; finally, that following the disposition of H.J. Res. 41, the Senate vote on the motion to invoke cloture on the DeVos nomination, rule XXII notwithstanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 6:30 A.M. TOMORROW

Mr. CRAPO. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:06 p.m., adjourned until Friday, February 3, 2017, at 6:30 a.m.
EXTENSIONS OF REMARKS

100TH BIRTHDAY OF DOLORES BELLUCCI CONTES

HON. DANIEL M. DONOVAN, JR., OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. DONOVAN. Mr. Speaker, I rise today to recognize the 100th Birthday of Brooklyn’s Do- lores Bellucci Contes.

Dolores was born on February 19, 1917, and has been a resident of Bay Ridge, Brook- lyn for over 80 years. In fact, she has lived at the same address since 1950. In 1951, after her husband’s sudden death, she was wid- owed at the age of 33. Despite her grief, she demonstrated strength and temper- any by becom- ing a working mother in order to support her children. Dolores got remarried in 1961 to her late husband, George Contes, with whom she spent 50 joyous years.

I cannot emphasize enough Dolores’ deter- mination and wisdom. She owned a local small business, “Nail Elegance,” for many years. Moreover, the fact that she worked until the age of 91 is simply astounding. It takes a special kind of person to have the kind of dedication and work ethic that Dolores has had her entire life.

Mr. Speaker, I wish Dolores Bellucci Contes a very happy 100th birthday. Simply put, peo- ple like Dolores are what make Brooklyn great. She has truly lived a life worth living, and I am honored to represent her in Con- gress.

HONORING THE PASSING OF MCCABE, MARSHALL EDWARD, MD, MG, U.S. ARMY (RETIRED)

HON. ROBERT J. WITTMAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. WITTMAN. Mr. Speaker, I rise today to honor the passing of Marshall Edward, MD, MG, U.S. Army (Retired). MG McCabe passed peacefully at his home in Richmond, VA on January 29, 2017 at the remarkable age of 93. He is survived by his wife of 70 years, Alice Keshian McCabe, and their three children, Melanie McCabe, Dr. Marshal E. McCabe and Allison McCabe O’Brien, their grandchildren, Kathryn O’Brien Holder, Gregory Boeing O’Brien, their great grandchildren, Taylor Alice Holder, Cooper Ian and Callan Edward Cox, and Baby O’Brien arriving in 2017.

MG McCabe was a highly decorated Army Doctor who was first called to active duty in 1948 at the 97th General Hospital in occupied Germany. In 1953, he applied for and was tendered a Regular Army commission where he completed his residency in Internal Medi- cine at Walter Reed General Hospital. In 1964, he was assigned as Chief Medical Con- sultant in the office of the Surgeon General U.S. Army (OTSG) Washington. In 1972, he

was promoted to Brigadier General and as- signed as the first chief of staff of the newly established U.S. Army Health Services Com- mand, which assumed operation control of most Army medical personnel for the Western hemisphere. In 1975, he was promoted to Major General and assumed Command of the U.S. Army Medical Command, Europe in Ger- many. Before he retired in 1980 after serving 35 illustrious years in the Army, MG McCabe served as Commander of the U.S. Army Health Services Command where he com- manded over 49,000 personnel and over 80 direct reporting subordinate commands. MG McCabe or “Pard” as he was known by those close, was a loving husband, father, grandfather and great-grandfather who loved spending time with his family. I am grateful to have known MG McCabe and am thankful for his loyal patriotism and selfless service to his country. MG McCabe will be dearly missed by his family and friends and the Country sends its greatest gratitude for his time to the U.S. Army.

HONORING THE LIFE OF THE HONORABLE LIZETTE PARKER

HON. JOSH GOTTHEIMER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. GOTTHEIMER. Mr. Speaker, I rise today to honor the life and legacy of the Hon- orable Lizette Parker—a fearless community leader and a devoted public servant. She is greatly missed by the people of Teaneck, New Jersey, who benefitted immeasurably from her involvement in the community and dedication as their mayor and people across Bergen County and the state whose lives she im- proved.

Mayor Parker was committed to a life of service to those around her. She began her career as a social worker, and she eventually earned seats on the Bergen County Board of Social Services and the Teaneck Town Coun- cil. In 1989, she became the first African-American to serve as Mayor of Teaneck—a watersheded accomplishment for the community. As a tena- cious advocate for the people of Bergen County, Mayor Parker earned recognition from the Girl Scouts of America, the NAACP, and the Urban League, among other impressive honors.

Mayor Parker’s passion and leadership inspired residents young and old, and her life left a lasting impact on the Teaneck commu- nity. I am grateful that the scholarship program her family— a fitting testament to her admi- rable efforts to improve the lives of young peo- ple in Bergen County.

Mr. Speaker, I am grateful for Mayor Park- er’s contributions to our community, and I am optimistic that her spirit will continue to live on in the hearts of those who she served.

CONGRATULATING CAPTAIN BILL PFISTER ON HIS RETIREMENT

HON. BRADLEY BYRNE
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. BYRNE. Mr. Speaker, I rise today to congratulate Captain William “Bill” Pfister on his retirement and honor him for his over fifty years of service to our country as a member of the U.S. Navy and a key leader in our na- tion’s shipbuilding industry.

Bill Pfister graduated from the United States Naval Academy in 1962, and he went on to serve in the Navy for 27 years. Among his many honors, he is a recipient of the U.S. Navy Legion of Merit Award and several Meriti- tuous Service Medals. He retired from the Navy in 1989 and continued to support the Navy through his work on various shipbuilding projects.

He was “employee negative one” for Austal USA and helped select the Mobile, Alabama site. During his years at Austal, he has over- seen the impressive construction and expan- sion of a first-class shipbuilding operation. To put it simply: Bill took a green field and built it into the Austal of today.

Austal USA is now the largest private sector employer in Alabama’s First Congres- sional District, employing over 4,000 people. Much of the success and growth at Austal is because of Bill Pfister’s hard work, vision, dedication, and leadership.

Bill has also taken an active role in our local community through involvement in civic clubs and organizations including the Partners for Environmental Progress, the local Navy League chapter, Mobile Baykeeper, Propeller Club, and the Military Officers Association of America. Like a true sailor, Bill also enjoys spending time boating on Mobile Bay.

Mr. Speaker, Bill Pfister has poured his heart and soul into the success of Austal USA and the overall mission of the United States Navy. So, on behalf of Alabama’s First Congres- sional District, I wish Bill and his wife, Sally, all the best upon his retirement. Our na- tion will be forever grateful for his service and sacrifice.

TRIBUTE TO HONOR RAYMOND LAWRENCE SULLIVAN, JR., M.D. ON THE OCCASION OF HIS RE- TIREMENT

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Ms. ESHOO. Mr. Speaker, Raymond Law- rence Sullivan, Jr., was born in San Francisco
on October 4, 1942. He was the second of six children and grew up in San Francisco and Hillsborough. He has three living siblings, Philip Sullivan, Mary Sullivan Ward and Mother Agnes of the Cross, C.J.M.

Larry was educated at St. Catherine’s Grammar School, Burlingame, Bellarmine College Prep in San Jose, the University of San Francisco, and the UCSF Medical School. He did his residency in Anesthesiology at Stanford, and served our country in the U.S. Navy Medical Corps from 1968 to 1970.

Larry married Margaret Crowney on August 13, 1966. Together they have raised three magnificent children: Larry Sullivan III; Kasey Sullivan Bradstreet, JD; Loretta Sullivan Chang, MD; Brian Sullivan; and Jason Lally, their foster child who is part of their extended family. Their four grandchildren, Liam, Andrew and Thomas Chang, and Oscar Bradstreet bring them untold joy.

Dr. Sullivan joined the medical staff of O’Connor Hospital as an anesthesiologist in 1975 and has served there until his retirement. From 1982 to 1988 he served as Clinical Assistant Professor of Anesthesia at Stanford University School of Medicine. At O’Connor Hospital he was Anesthesia Department Chair, a member of the Critical Care Committee, President of the Medical Staff, Member of the Hospital’s Board of Directors, and Chair of the Medical Staff Advisory Committee. He was honored in 2011 with the Vincentian Spirit Award given by O’Connor Hospital.

Dr. Sullivan has given generously of his time and talents to his professional community as a member of the Santa Clara County Medical Association, the American Medical Association, The California Society of Anesthesiologists, the American Society of Anesthesiologists (CSA) and the California Medical Association. From 1997 to 2006 he served on a Specialty Delegation to the CMA House of Delegates and received the Distinguished Service Award from the CSA in 2009.

Larry served as a referee and coach of the American Youth Soccer Association in Palo Alto, and was Scoutmaster of Troop 57, Stanford Area Council, where he guided 35 Scouts to Eagle Scout rank.

Mr. Speaker, I ask my colleagues to join me in honoring an extraordinary physician, a de-
She began her career in Loudoun County in 1999 as an Assistant County Attorney. In this position, she was responsible for handling a wide range of legal affairs and provided legal guidance to county attorneys and council members. Given her strong work ethic and dedication to her community and the law, Mrs. Plowman became the Town Attorney for the Middleburg Town Council in 2012. In this role, she worked in close collaboration with the town council and represented Middleburg's interests thoroughly.

In addition to practicing law, Mrs. Plowman has exemplified her dedication to our Loudoun County community by serving in a leadership role as a board member of the Loudoun Habitat for Humanity—an organization that builds homes for those who are in need in the 10th District.

Mrs. Plowman lives in Loudoun along with her husband Jim, our Commonwealth Attorney for Loudoun County, and their three children. She will continue to practice law in the area and plans to remain very involved in local affairs.

Mr. Speaker, I now ask that my colleagues join me in recognizing Mrs. Plowman’s years of public service. Today, we honor and celebrate the contributions she has made to the town and all its citizens. I wish her all the best in her future endeavors.

HONORING WILTON A. LANNING

HON. BILL FLORES
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. FLORES. Mr. Speaker, I rise today to honor Wilton A. Lanning of Waco, Texas, who upon his retirement from the Waco Business League, received the Waco Business League Lifetime Achievement Award. This award was established in 2009 to honor individuals in the Waco community that embody the exemplary ideals and values of society, and have had a substantial impact on the community.

As Executive Director of the Waco Business League, Wilton Lanning utilized his wealth of experience and his love for the city of Waco to support local businesses, grow the economy, and foster opportunity. He also serves as a member of the Board of the Brazos Higher Education Service Corporation, where he furthers their goal of providing students and families with resources they need to make informed decisions about financing their higher education and building a better life.

Some of Wilton’s notable past contributions to the Waco business community include serving on the boards of Hillcrest Baptist Medical Center, the Waco Industrial Foundation, and the Waco Mammoth Foundation. Wilton is a past Chairman of the Greater Waco Chamber of Commerce, member of the Board of the Vanguard College Preparatory School, and past Chairman of the Board of the YMCA.

Though transcending his influence in the business community, Wilton has built his life on a foundation of serving and giving back to others—a value he learned as an Eagle Scout and certainly reinforced by his father, who served as a captain in the U.S. Army. Wilton has been a life-long supporter of Baylor University and an active member of the Baylor Alumni Association. In fact, his family has received the Baylor Alumni Association’s First Family of Baylor Award. He has received the National Philanthropy “Lifetime Achievement Award” and the Waco Junior Chamber of Commerce has recognized him with their “Distinguished Service Award.”

Mr. Speaker, Wilton A. Lanning worked tirelessly to better the Waco community. From his 40 years at Waco’s then-oldest business, Padgitt’s, to his time with the Business League, Wilton has certainly left an enduring impression on Central Texas. He will always be known as a great philanthropist and businessman; but I am confident that above all else he would want to be known first as a husband to LaNell, father to Bill and Robert, and servant of Christ through his leadership at Columbus Avenue Baptist Church.

Today, I have requested that a United States flag be flown over the United States Capitol to honor the many contributions of Wilton A. Lanning. As I close, I urge all Americans to continue praying for our country during these difficult times, for our military men and women who protect us from external threats, and for our first responders who protect us here at home.

IN RECOGNITION OF JOSH AIRHEART’S SERVICE TO BOY SCOUT TROOP 59

HON. RICHARD HUDSON
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. HUDSON. Mr. Speaker, I rise today to recognize Mr. Josh Airheart for his service to Boy Scout Troop 59 in Concord, North Carolina. Mr. Airheart has served as Scoutmaster of Troop 59 for 15 years and will soon be retiring from the position.

Having lived in Cabarrus County his entire life, Mr. Airheart has established himself as a staple of our community. He is a lifetime member of New Gilead Church, home of Troop 59, where he began his own scouting career many years ago. In 1987, Mr. Airheart earned the rank of Eagle Scout, showcasing his own commitment to service.

Beginning in 2002, Mr. Airheart returned to Troop 59 as Scoutmaster. Recognizing the significant impact scouting had on his own life, he began to share his passion with the young men of the troop. The troop then continued to blossom under his guidance as he helped an impressive 26 members achieve the rank of Eagle Scout. In 2015, he was recognized for his efforts by the Central North Carolina Council as Scoutmaster of the Year.

Along the way, Mr. Airheart has been a living embodiment of the Scout Oath, showing the young men of the troop how to integrate it in everything they do. While he may be leaving his official capacity with Troop 59, I know he will continue to be a role model for all of those in our community.

Mr. Speaker, please join me today in recognizing Mr. Josh Airheart for his dedication and commitment to service as Scoutmaster of Troop 59.

CONGRATULATIONS TO MRS. LUZ GAMBOA RANGEL

HON. WILL HURD
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. HURD. Mr. Speaker, I rise today to recognize the 107th birthday of Luz Gamboa Rangel of Crystal City, Texas.

Luz was born on the Texas-Mexico Border on February 8, 1910 and moved to Texas with her mother and brother in 1914. She has lived in South Texas for the past 103 years. Most of those years have been spent on the same piece of land in Crystal City, Texas—a gift from her husband after they married. Today Luz loves spending time with family and making use of her good sense of humor. Luz has seen more in her lifetime than many of us likely ever will and I have no doubt that we could all learn a thing or two from her. Luz’s family and community are blessed to have her as part of their lives.

On behalf of the Twenty-third Congressional District of Texas, congratulations to Mrs. Luz Gamboa Rangel on turning 107 years old, and may she celebrate many more.

INTRODUCTION OF THE JOINT RESOLUTION PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE FINAL RULE OF THE UNITED STATES FISH AND WILDLIFE SERVICE RELATING TO THE USE OF COMPENSATORY MITIGATION AS RECOMMENDED OR REQUIRED UNDER THE ENDANGERED SPECIES ACT OF 1973

HON. DAN NEWHOUSE
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. NEWHOUSE. Mr. Speaker, I rise today to introduce legislation disapproving of the Compensatory Mitigation Policy (CMP) rule finalized in the final days of the Obama administration. On December 27, 2016, the U.S. Fish and Wildlife Service (USFWS) released its final Endangered Species Act (ESA) CMP, which violates existing environmental law and puts future economic development across the country at risk. This rule establishes policies that are a significant departure from existing practices regarding compensatory mitigation and limits private-sector, voluntary involvement in developing compensatory mitigation plans. My legislation utilizes the Congressional Review Act to block this dangerous rule and will prevent the potential catastrophic impacts it would have on our nation’s economy.

The CMP exceeds USFWS’ statutory authority by adopting the mitigation goals of “net conservation gain” and “net gain” criteria that are not grounded in federal statute. This directive is a significant departure from existing practice and runs counter to current law. The policy will lead to an extensive, time-consuming valuation process in which development projects are required to initiate an advance mitigation,” that could tie up many economic projects in burdensome, costly procedures.
This overbroad policy could jeopardize an extensive range of economic development activities in every corner of the U.S., while also impacting a wide-range of industries, including: agriculture, forestry, mining, natural resource development, energy production, conservation projects, and building and road construction. This final CMP will also have significant strategic, legal, and financial implications for development projects large and small, while ensnaring future economic growth in a maze of permitting setbacks and bureaucratic red-tape.

We must protect our country’s economic future and ensure burdensome rules and regulations promulgated by a bloated bureaucracy do not threaten desperately needed job creation and economic growth. The integrity of the law is threatened by misguided federal policies like the USFWS’s CMP rule, and I urge all members to join me in supporting this legislation to block yet another oppressive and overreaching regulation promulgated by the previous administration.

RECOGNIZING THE WORK OF THE METROPOLITAN POLICE DEPARTMENT

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing the work of the Metropolitan Police Department, in particular the Second District, and the Office of the Attorney General for the District of Columbia. Representatives from these agencies worked closely with D.C. residents on Belmont Road NW and the leadership of the Islamic Center of Washington to forge a remedy to a life-threatening situation that had hate-crime implications.

These individuals provided extraordinary guidance and intervention in bringing closure to a situation that had exposed D.C. residents to racial and homophobic slurs, as well as threats of bodily harm, for more than five years.

I therefore rise with pride to salute police officers Lt. Jerome M. Merrill, Sgt. Brian H. Brown, Sgt. Miguel Rodriguezgil, and Mr. James T. Towns, Community Engagement Director, with the Office of the Attorney General. In particular, I applaud the leadership efforts of Dr. Khouj, Imam, and Abassie Jarr-Koroma of the Islamic Center of Washington, and A. Mario Castillo, a resident of Belmont Road, who coordinated the teamwork on this matter.

This civic success story brings to mind a fitting quote attributed to the great American poet and writer Maya Angelou, “It’s good to remember that in crises, natural crises, human beings forget for a while their ignorance, their biases, their prejudices. For a little while, neighbors help neighbors and strangers help strangers.”

Mr. Speaker, I ask the House of Representatives to join me in applauding my constituents and the law enforcement officers.

HONORING MILTON BRONSTEIN
HON. JAMES R. LANGEVIN
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. LANGEVIN. Mr. Speaker, there are so many ways to describe Mr. Milton Bronstein. He is a kind and generous person, who is always willing to lend a hand when he sees a friend in need. He is a committed and hardworking public servant who puts service above self. He is a capable and respected labor leader who dedicated much of his life to improving conditions for Rhode Island workers.

He was a devoted husband to his late wife, Claire. He is a wonderful father to Harvey, Andrew, and Cindy.

And to me and to so many other Rhode Islanders, Milton—who today turns 100 years old—is a steadfast and dependable friend.

Milton’s career started in the Department of Treasury, where he would remain for three decades. He is perhaps best known, however, for his work as a labor organizer, serving as the first president of Rhode Island’s AFSCME Council 94 chapter. Council 94’s laborers in my home state of Rhode Island are better off thanks to his tireless work, and when you speak to labor organizers today, it is clear that Milton has set the gold standard of how to effectively lead.

After stepping down as Council 94 president, Milton jumped right back into action, serving as the retiree chapter’s vice president until he retired just last year at the age of 99. Even today, at 100 years old, Milton remains a trusted mentor and adviser to many in the labor movement and in public service.

I want to wish a very happy birthday to Milton as he celebrates 100 years of a life well lived. Milton, has been a changemaker in our state and in the lives of those of us who have been lucky enough to know him and work with him. I cannot think of him too much for his service and for his support through the years. Rhode Island owes him a debt of gratitude. Happy birthday.

HONORING THE CENTENNIAL MILESTONE OF MR. JOHN FIORE, DISTINGUISHED RESIDENT OF SCHENECTADY IN THE STATE OF NEW YORK

HON. PAUL TONKO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. TONKO. Mr. Speaker, I rise today to honor the centennial celebration of John M. Fiore of Schenectady, New York, who turns 100 years old today, February 2nd 2017.

John was born on February 2, 1917 to Vito Fiore of Schenectady, New York, who turns 100 years old today, February 2nd 2017.

John is also a sports fan. He is a longtime fan of the New York Yankees and New York Knicks. One of his greatest joys is rooting for Union College, Notre Dame, and the University of Connecticut, all schools attended by members of his family.

John’s greatest role has been that of doting father. He took an active role in his son Nicholas’ activities, including Carmen Little League, Babe Ruth, CYO Basketball and Pop Warner Football. Later, he watched his grandson Nicholas, Jr. play recreational basketball. He was also a player agent for Carmen Little League and later served as Commissioner of Rotterdam Babe Ruth.

NATIONAL RIGHT TO WORK

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. WILSON of South Carolina. Mr. Speaker, I was grateful yesterday to join my friend, Congressman STEVE KING, to introduce the National Right to Work Act.

At least 80 percent of Americans favor barring the forcing of employees to pay dues as a condition of their employment, and this bill would protect workers by eliminating the forced-dues clauses in federal statute. It still allows workers to unionize if they chose to do so—but makes membership voluntary, not mandatory.

Right-to-work states, like South Carolina, have seen first-hand that job creation and economic growth comes from expanded freedoms. Right-to-work states, like South Carolina are becoming the leading manufacturer and exporter of tires, with Michelin, Bridgestone, Continental, and Goodyear, while also being America’s largest exporter of cars with BMW and soon Volvo.

I appreciated joining Congressman STEVE KING, with Mark Mix, President of the National Right to Work Committee, on this important issue that will positively promote jobs.

In conclusion, God Bless Our Troops and we will never forget September 11th in the Global War on Terrorism.

BOND COUNTY BICENTENNIAL

HON. RODNEY DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. DAVIS of Illinois. Mr. Speaker, this year, beautiful Bond County, located in the southeastern part of Illinois, celebrates its bicentennial—200 years as a county is a great honor.

Bond County was one of the state’s original 11 counties when Illinois applied for statehood.
in 1818. It was named after the first governor of Illinois, Shadrach Bond who helped develop the first big transportation and infrastructure project for Illinois.

Bond County has witnessed many moments in our nation’s history. Both Abraham Lincoln and Stephen Douglass gave speeches there in 1858 for their Senatorial election and the Liberty Bell made its way through the county in 1915. Additionally, President Ronald Reagan appeared there in 1980 for a campaign speech.

Bond County is also home to Greenville College, a 4-year Christian university founded on prayer that focuses on the pillars of faith and community to advance students’ learning. Greenville facilitated multiple mission trips, study abroad programs, and home-service projects in 2016.

There is much for the citizens of this county to be proud of. A county with such a rich history of beauty, politics, and pride deserves to be recognized after 200 fantastic years.

IN RECOGNITION OF MARGARET MARY CANTY, RSCJ AS SHE CELEBRATES HER 50TH JUBILEE AS A RELIGIOUS OF THE SACRED HEART

HON. DEBBIE DINGLE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Mrs. DINGLE. Mr. Speaker, I rise today to recognize Margaret Mary Canty, RSCJ for her life and service and work on behalf of the southeast Michigan community. As a former headmistress and current member of the Academy of the Sacred Heart’s Board of Trustees, Sister Canty has served the school and community at large through her tireless efforts and service.

As Headmistress of the Academy of the Sacred Heart in Bloomfield Hills from 1988 through 2000, Sister Canty’s leadership played a critical role in helping the school grow and evolve to meet the needs of the students, staff, and community at large. Under Sister Canty, the school established the Early Childhood Program and oversaw a successful capital campaign that allowed it to expand its science facilities and build a new After School Learning Center. These actions helped the Academy of Sacred Heart modernize and serve a new generation of students. After she left Sacred Heart in 2000, Sister Canty worked with the Kenwood Academy (now Doane Stuart) in New York, in a variety of positions to help the school restructure and serve its retired RSCJs. Today, Sister Canty serves on the Academic and the Sacred Heart’s Board of Trustees, where she provides guidance and advice to the school.

Sister Canty’s life of service and leadership has inspired a new generation of thoughtful and community-minded students and educators. Her tenure at both Sacred Heart and Doane Stuart was transformative, and the initiatives that she has championed continue to help cultivate a new generation of Sacred Heart leaders. It is my hope that these institutions will build on Sister Canty’s legacy of excellence in the coming years.

Mr. Speaker, I ask my colleagues to join me in recognizing Margaret Mary Canty, RSCJ on her 50th Jubilee for her lifetime of service and accomplishments. Sister Canty has served the southeast Michigan community well through her work with the Academy of the Sacred Heart and the critical role her involvement played in its growth and development.

TRIBUTE TO EDGAR AND NANCY MUENZER AND THE PARK RIDGE CIVIC ORCHESTRA

HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2017

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize the work of the late Edgar and Nancy Muenzer, co-founders of the Park Ridge Civic Orchestra. To honor their hard work and tireless commitment, the Park Ridge Civic Orchestra will be presenting a “Founders Memorial Concert” on Wednesday, February 8, 2017 featuring Chicago Symphony Orches-
Millions of them, from the first generation of Americans until the present time.

Louise Epting was one of these. She was a beloved mother, daughter, sister and grand- mother. Born in New York City, the former bookbinder and Frank Sinatra devotee became a nurse before settling down to raise three children with her then-husband Ted. Following their divorce in the 1970s, Louise continued to work hard to support her children and ensure their needs were met. Later in life, Louise followed her children to California in order to be closer to them and her future grandchildren. Louise embraced her role as the family’s matriarch.

Known by her nickname “Sugar,” Louise was also a dedicated volunteer for many Republican causes. She worked tirelessly for everything she believed in, dedicating time and energy to a wide variety of candidates and issues. Working to better her community, she spent countless hours volunteering at the schools her grandchildren attended in Huntington Beach, California.

A fiercely proud American, Louise “Sugar” Epting represents true patriotism, and is among the best our country has produced. A devout Catholic, she departs this world to enter the realm of heaven where we know she joins so many of her loved ones. Compassionate, caring, and cherished by many, Louise leaves behind a lasting legacy of love for her faith, family, friends, and country.

PERSONAL EXPLANATION

HON. SCOTT TAYLOR
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. TAYLOR. Mr. Speaker, due to my attendance of the dignified transfer ceremony of Chief Special Warfare officer Ryan Owens at Dover AFB, I was unable to vote yesterday. Had I been present, I would have voted YEA on Roll Call No. 72; and YEA on Roll Call No. 73.

TRIBUTE TO THE DALLAS CENTER-GRIMES MIDDLE SCHOOL MOCK TRIAL TEAMS IN THE FIRST SESSION OF THE 115TH CONGRESS

HON. DAVID YOUNG
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate the members of the 2016 Dallas Center-Grimes Middle School Mock Trial teams on their success at the 33rd Annual Iowa Middle School Mock Trial State Competition in Des Moines, Iowa, which took place from November 14 through November 16, 2016.

The state competition featured 34 teams from around the state of Iowa. The two teams representing Dallas Center-Grimes defied expectations when both teams placed among the top ten. The members of the Green team, which placed 8th, were Garrett Bond, Audrey Frett, Dante Chittenden, Megan Grimes, Rachel Becker, Madison Stone, Josh Ward, and Huston Halverston. The members of the Purple Team, which placed 10th, were Molly Patterson, Sierra Sonberg, Alex Romig, Cale Schmitz, Elizabeth Vance, Sierra Mason, Emma Wagner, and Jordan Smith. The coaches of the two teams were Shannon Wallace, Jill Altringer, Kim Cross, Kathryn Pagel, and Jessica Schmitz.

Mr. Speaker, the success of these students and coaches exemplifies the rewards of determination, commitment, and team work. I am proud to represent these young leaders in the United States Congress. I ask my colleagues in the United States House of Representatives to join me in congratulating them for their success in the state competition and in wishing them nothing but continued success in school and beyond.

FINANCIAL SERVICES COMMITTEE RULES

HON. BRAD SHERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mr. SHERMAN. Mr. Speaker, on Thursday, I voted for the Rules Improvement Package suggested by the Ranking Member even though there are elements of the package that would not be needed by the Committee in normal circumstances.

TRIBUTE TO TERI HYUCK

HON. GWEN MOORE
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Ms. MOORE. Mr. Speaker, Planned Parenthood of Wisconsin (PPPW) President and CEO Teri Huyck will retire on February 3, 2017, after leading Wisconsin’s largest most trusted nonprofit health care organization for nine years.

Teri Huyck came to Planned Parenthood of Wisconsin during a difficult time as interim director in 2008. She had been the Vice President and Chief Operating Officer of Planned Parenthood Chicago. Upon her arrival, the morale and financial stability of the Wisconsin Chapter of Planned Parenthood improved and eight months later, Teri Huyck dropped “interim” from her title and officially took over as president and CEO. She began an aggressive fundraising campaign that raised an additional $500,000 and reorganized the organization.

Currently, Planned Parenthood of Wisconsin employs about 200 people and has a $21 million annual budget that comes from state and federal funding, Medicaid and private-pay patients and private donations. Planned Parenthood provides health care to about 70,000 men and women a year across the state providing services that include: annual exams, cancer screening, colonoscopies, pregnancy testing and counseling, sexually transmitted disease testing and treatment, and abortions. Family planning and prevention accounts for more than 95 percent of the services Planned Parenthood of Wisconsin performs. The organization provides about 200,000 cycles of birth control pills per year. The majority of the women and men who come here are not seeking an abortion.

Ms. Huyck has made it her mission to be transparent and tells the unvarnished truth to everyone she meets. A self-proclaimed “farm girl from Ohio,” she joined the Planned Parenthood organization following a career as a hospital administrator in Ohio and Illinois who wanted to combine her love of the healthcare field with her passion for women’s issues. Teri remembers when Roe v. Wade was decided and learned her passion for women’s issues from her mother. Teri’s childhood friend was raped and as a result became pregnant in the mid-1970s. The friend chose abortion and was immediately left with a lasting impression on her as well.

Teri has a Bachelor’s degree in Psychology with high honors from Ohio State University and a Master’s degree in Hospital and Health Administration from Xavier University in Cincinnati.

I am grateful to have had the opportunity to know and work with Teri since she assumed her role at Planned Parenthood of Wisconsin. We have stood together on many issues to ensure both women and men in Wisconsin have access to healthcare. I join with her family, friends and colleagues to congratulate her on her retirement. I wish her much success as she transitions into a different phase of her life with her husband, Perry who recently retired, as well. Mr. Speaker, I am proud to honor Teri Huyck. The citizens of the Fourth Congressional District and the state of Wisconsin are privileged to have someone of her ability and dedicated service working on their behalf for so many years. I am honored for these reasons to pay tribute to Ted Huyck.

IN RECOGNITION OF JEFF DUBE

HON. BARBARA COMSTOCK
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 2, 2017

Mrs. COMSTOCK. Mr. Speaker, I rise to acknowledge Lieutenant Jeff Dubé who recently departed from the Leesburg Police Department after 23 years of service. Throughout Lt. Dubé’s impressive career at the department, he always maintained a strong attitude and a willingness to embrace new roles and responsibilities. Additionally, before joining the Leesburg Police Department, Lt. Dubé served eight years on active duty in the U.S. Marine Corps. During his tenure at the Leesburg Police Department, Lt. Dubé served in many roles, including field training officer, shift supervisor, training officer, civil disturbance unit commander, recruitment and hiring, property and evidence and the accreditation manager. Additionally, Lt. Dubé enjoyed liaising with the media, as he tried to keep the community informed about human interest stories as well as emergencies as they unfolded.

Police officers come from all walks of life to serve and protect their fellow citizens. Officers, like Lt. Dubé, place their lives in jeopardy so that the rest of us may rest easy and the constituents of the 10th District are indebted to their dedication. The work he has done to selflessly serve our community and our country is an inspiration, and it is an honor to represent him.

Mr. Speaker, I ask my colleagues to join me in applauding Lt. Jeff Dubé for his dedication to
serving our community and country for so many years. I wish him the best in retirement and in all of his future endeavors.

**BOND COUNTY’S HEALTH DEPARTMENT 50TH ANNIVERSARY**

**HON. RODNEY DAVIS**

_OF ILLINOIS_

IN THE HOUSE OF REPRESENTATIVES

_Thursday, February 2, 2017_

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, this year, Bond County’s Health Department celebrates fifty years of serving the community.

For five decades, healthcare professionals at Bond County Health Department have provided citizens with important health services such as immunizations, dental clinics, maternal and child health education, and much more. Their mission to promote good health, safety, and sanitation has helped thousands of people across the area.

The Bond County Health Department has excelled at meeting the needs of the population it serves. Whether it be assisting seniors with home healthcare, inspecting the food safety of community restaurants, or helping new parents with infant and child resources, Bond County Health Department has been an important part of southwestern Illinois. For half a century, they have worked to improve public health in the region and have provided valuable education to the citizens of Bond County.

I understand the important role of institutions like Bond County Health Department and I commend its staff for all of their hard work over the years. Congratulations on your 50th anniversary, and I wish you all the best in the years to come.
**Daily Digest**

**Senate**

**Chamber Action**

*Routine Proceedings, pages S609–S661*

**Measures Introduced:** Twenty-three bills and two resolutions were introduced, as follows: S. 275–297, and S. Res. 42–43.  

**Pages S655–56**

**Measures Reported:**

S. Res. 42, authorizing expenditures by the Committee on Environment and Public Works.  

**Page S655**

**Measures Passed:**

*Stream Protection Rule:* By 54 yeas to 45 nays (Vote No. 43), Senate passed H.J. Res. 38, disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.  

**Pages S611–32**

*Honoring the Life of Eugene A. “Gene” Cernan:* Committee on the Judiciary was discharged from further consideration of S. Res. 27, honoring the life and achievements of Eugene A. “Gene” Cernan, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto:  

**Pages S660–61**

Crapo (for Cruz/Nelson) Amendment No. 190, to amend the preamble.  

**Pages S660–61**

*National Mentoring Month:* Senate agreed to S. Res. 43, recognizing January 2017 as National Mentoring Month.  

**Page S661**

**Measures Considered:**


**Pages S634–53**

By 52 yeas to 48 nays (Vote No. 48), Senate agreed to the motion to proceed to Legislative Session.  

A unanimous-consent agreement was reached providing for further consideration of the joint resolution at approximately 6:30 a.m., on Friday, February 3, 2017, with no debate time remaining; and that following disposition of the joint resolution, Senate vote on the motion to invoke cloture on the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education, Rule XXII notwithstanding.  

**Page S661**

*Sessions Nomination—Cloture:* Senate began consideration of the nomination of Jeff Sessions, of Alabama, to be Attorney General.  

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.  

Prior to the consideration of this nomination, Senate took the following action:

By 53 yeas to 45 nays (Vote No. 44), Senate agreed to the motion to proceed to Executive Session to consider the nomination.  

**Page S632**

*Price Nomination—Cloture:* Senate began consideration of the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.  

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Jeff Sessions, of Alabama, to be Attorney General.  

Prior to the consideration of this nomination, Senate took the following action:

By 51 yeas to 47 nays (Vote No. 45), Senate agreed to the motion to proceed to Legislative Session.  

By 51 yeas to 48 nays (Vote No. 46), Senate agreed to the motion to proceed to Executive Session to consider the nomination.  

**Page S633**
Mnuchin Nomination—Cloture: Senate began consideration of the nomination of Steven T. Mnuchin, of California, to be Secretary of the Treasury.

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

Prior to the consideration of this nomination, Senate took the following action:
By 52 yeas to 47 nays (Vote No. EX. 47), Senate agreed to the motion to proceed to Legislative Session.
By 51 yeas to 48 nays (Vote No. 48), Senate agreed to the motion to proceed to Executive Session to consider the nomination.

Messages from the House:

Messages from the House:

Measures Placed on the Calendar:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Record Votes: Eight record votes were taken today. (Total—50)
Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007: The House passed H.J. Res. 40, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007, by a recorded vote of 235 ayes to 180 noes, Roll No. 77.

Pages H894–H907, H916–17

H. Res. 71, the rule providing for consideration of the joint resolutions (H.J. Res. 40) and (H.J. Res. 41) was agreed to yesterday, February 1st.

ELECTING MEMBERS TO THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY AND THE JOINT COMMITTEE ON PRINTING: The House agreed to discharge from committee and agree to H. Res. 82, electing members to the Joint Committee of Congress on the Library and the Joint Committee on Printing.

Page H917

Senate Message: Message received from the Senate today appears on page 921.

Quorum Calls—Votes: One yea-and-nay vote and three recorded votes developed during the proceedings of today and appear on pages H893–94, H894, and H916–17. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:23 p.m.

Committee Meetings
BUSINESS MEETING

Committee on Armed Services: Full Committee held a business meeting for consideration of the committee oversight plan for 115th Congress. The committee adopted its oversight plan.

THE CONGRESSIONAL BUDGET OFFICE’S BUDGET AND ECONOMIC OUTLOOK

Committee on the Budget: Full Committee held a hearing entitled “The Congressional Budget Office’s Budget and Economic Outlook”. Testimony was heard from Keith Hall, Director, Congressional Budget Office.

HELPING STUDENTS SUCCEED THROUGH THE POWER OF SCHOOL CHOICE

Committee on Education and the Workforce: Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing entitled “Helping Students Succeed Through the Power of School Choice”. Testimony was heard from public witnesses.

PATIENT RELIEF FROM COLLAPSING HEALTH MARKETS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “Patient Relief from Collapsing Health Markets”. Testimony was heard from J.P. Wieske, Deputy Commissioner of Insurance, State of Wisconsin; and public witnesses.

REAUTHORIZATION OF NTIA

Committee on Energy and Commerce: Subcommittee on Communications and Technology held a hearing entitled “Reauthorization of NTIA”. Testimony was heard from public witnesses.

ORGANIZATIONAL MEETING

Committee on Financial Services: Full Committee held an organizational meeting for the 115th Congress. The committee adopted its rules for the 115th Congress.

ISRAEL, THE PALESTINIANS, AND THE UNITED NATIONS: CHALLENGES FOR THE NEW ADMINISTRATION

Committee on Foreign Affairs: Subcommittee on the Middle East and North Africa; and Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, held a joint hearing entitled “Israel, the Palestinians, and the United Nations: Challenges for the New Administration”. Testimony was heard from public witnesses.

THE FUTURE OF THE TRANSPORTATION SECURITY ADMINISTRATION

Committee on Homeland Security: Subcommittee on Transportation and Protective Security held a hearing entitled “The Future of the Transportation Security Administration”. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee held a markup on H.R. 720, the “Lawsuit Abuse Reduction Act of 2017”; and H.R. 725, the “Innocent Party Protection Act”. H.R. 720 and H.R. 725 were ordered reported, without amendment.

IMPROVING SECURITY AND EFFICIENCY AT OPM AND THE NATIONAL BACKGROUND INVESTIGATIONS BUREAU

Committee on Oversight and Government Reform: Full Committee held a hearing entitled “Improving Security and Efficiency at OPM and the National Background Investigations Bureau”. Testimony was heard from Kathleen McGettigan, Acting Director, Office
of Personnel Management; Cord Chase, Chief Information Security Officer, Office of Personnel Management; Charles Phalen, Director, National Background Investigations Bureau; David DeVries, Chief Information Officer, National Background Investigations Bureau; and Terry Halvorsen, Chief Information Officer, Department of Defense.

MISCELLANEOUS MEASURES
Committee on Oversight and Government Reform: Full Committee concluded a business meeting on the committee’s oversight and authorization plan; and markup on H.R. 194, the “Federal Agency Mail Management Act of 2017”; H.R. 702, the “Federal Employee Antidiscrimination Act of 2017”; H.R. 679, the “Construction Consensus Procurement Improvement Act of 2017”; and H.R. 657, the “Follow the Rules Act”. The committee adopted its authorization and oversight plan. The following bills were ordered reported, as amended: H.R. 679 and H.R. 657. The following bills were ordered reported, without amendment: H.R. 194 and H.R. 702.

Joint Meetings
No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 3, 2017
(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
No hearings are scheduled.
Next Meeting of the SENATE
6:30 a.m., Friday, February 3

Senate Chamber
Program for Friday: Senate will vote on passage of H.J. Res. 41, SEC Resource Extraction Resolution of Disapproval.

Following disposition of H.J. Res. 41, Senate will vote on the motion to invoke cloture on the nomination of Elizabeth Prince DeVos, of Michigan, to be Secretary of Education.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Friday, February 3

House Chamber
Program for Friday: Consideration of H.J. Res. 36—Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to “Waste Prevention, Production Subject to Royalties, and Resource Conservation”.

Extensions of Remarks, as inserted in this issue

HOUSE
Byrne, Bradley, Ala., E129
Comer, James, Ky., E130
Comstock, Barbara, Va., E130, E133, E134
Davis, Rodney, Ill., E132, E135
Dingell, Debbie, Mich., E131
Donovan, Daniel M., Jr, N.Y., E129
Eshoo, Anna G., Calif., E129
Flores, Bill, Tex., E131
Gotttheimer, Josh, N.J., E129
Hudson, Richard, N.C., E131
Hurd, Will, Tex., E131
Langevin, James R., R.I., E132
Moore, Gwen, Wis., E134
Newhouse, Dan, Wash., E131
Norton, Eleanor Holmes, The District of Columbia, E132
Rohrabacher, Dana, Calif., E133
Roskam, Peter J., Ill., E130
Schakowsky, Janice D., Ill., E133
Sherman, Brad, Calif., E134
Taylor, Scott, Va., E134
Tenko, Paul, N.Y., E132
Wilson, Joe, S.C., E132
Wittman, Robert J., Va., E129
Young, David, Iowa, E134

The Congressional Record (USPS 087-390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. Public access to the Congressional Record is available online through the U.S. Government Publishing Office, at www.govinfo.gov, free of charge to the user. The information is updated online each day the Congressional Record is published. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office, Phone 202-512-1800, or 866-512-1800 (toll-free). E-Mail, contactcenter@gpo.gov. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, or phone orders to 866-512-1800 (toll-free), 202-512-1800 (D.C. area), or fax to 202-512-2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record. POSTMASTER: Send address changes to the Superintendent of Documents, Congressional Record, U.S. Government Publishing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.