The House met at 9 a.m. and was called to order by the Speaker.

PRAAYER

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

Merciful God, we give You thanks for giving us another day.

Bless the Members of this assembly as they return to their districts to listen to and communicate with their constituents about the issues and affairs currently being considered in Congress.

It is the weekend our Nation remembers its veterans, upon whom we ask Your blessing. May our Nation be faithful to those still with us, providing whatever their needs may be after they gave years of their lives in service to our country rather than dedicated to personal gain. They are an inspiration to us, and we should not forget nor neglect our responsibility to them.

As the Nation pauses to show its respect, may we be forever grateful for the blessings You have bestowed upon the United States of America. May our Nation continue to be a beacon of hope for the world, and may all we do be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. WESTERMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. WESTERMAN 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.

Chief Petty Officer Adam Lee Brown, deceased (Killed in Action), Hot Springs, U.S. Navy, Iraq (two tours), Afghanistan (two tours). Awards include the Silver Star Medal for Gallantry in Action, the Bronze Star Medal with Valor, the Purple Heart Medal, the Defense Meritorious Service Medal, and three Navy Achievement Medals.

Specialist Four Roger K. Hollinger, Sr., deceased, Prattsville, U.S. Army, Vietnam. Awards include the Silver Star Medal with First Oak Leaf Cluster for Gallantry in Action, the Bronze Star Medal for Exceptional Meritorious Combat Achievement, and the Army Commendation Medal for Valor.

Major General Billie (Bill) Branham Lefler, deceased, Hot Springs Village, U.S. Army, Vietnam. Awards include two Distinguished Service Medals, the Legion of Merit Medal, and the Army Commendation Medal.

Major General Sidney Sanders McMath, Deceased, Magnolia, U.S. Marine Corp, World War II. Awards include the Silver Star Medal for Gallantry in Action, and the Legion of Merit Medal for Valor.

Colonel Billie Ray Wood, Mena, U.S. Army, Vietnam. Awards include the Legion of Merit Medal, the Distinguished Flying Cross, the Army Soldier’s Medal, the Bronze Star Medal (for exceptionally meritorious combat achievement, two Meritorious Service Medals, 22 Air Medals, and three Army Commendation Medals.

Technician Fourth Grade Doyle Ray Collie, deceased, New DeRoe, U.S. Army, World War II. Awards include the Purple Heart Medal, Presidential Unit Citation, and the European African Middle Eastern Theater Ribbon with four Bronze Service Stars.

Lieutenant Colonel Mary Virginia Erdman, Hot Springs Village, U.S. Army Reserves, Desert Storm. Awards include two Army Commendation Medals, Army Reserve Components Achievement Medal. Erdman has been very active in several veteran’s service organizations, and was the commander of the Arkansas State Legion Department from 2012 to 2013.

Lieutenant Commander John Roger Rickard, Alma, U.S. Navy, Vietnam. Awards include the Meritorious Service Medal, three Navy Commendation Medals, and the Navy Achievement Medal. During the Vietnam War, Rickard served three cruises as a torpedome mate on fast frigates. Upon retiring from the Navy, Rickard founded the Alma High School JROTC program and served 17 years.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
SUPPORTING IMMIGRANTS GRANTED TEMPORARY PROTECTED STATUS

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

Mr. BROWN of Maryland. Mr. Speaker, I rise today in support of every immigrant who has been granted temporary protected status in my district and across the Nation. We have nearly 23,000 in Maryland, the sixth highest in the country, and 4,000 in my district, one of the top five districts in the country.

Many people with TPS fled countries such as Haiti, El Salvador, Somalia, and Syria, ravaged by armed conflict or environmental disasters. For over 20 years, they have raised their families here in the United States. They are our neighbors and our coworkers. Their kids attend our schools. TPS holders have been woven into the fabric of our communities.

Earlier this week, those from Nicaragua were told they will be deported. Those from Honduras are next. Departing people and giving them mere months to pack their bags after 20 years in the United States is cruel and isn’t who we are as Americans.

Mr. Speaker, as the Trump administration puts the lives of thousands in legal limbo, I urge my colleagues to ensure TPS holders can stay and pursue an earned path to citizenship.

WE NEED TO PUSH FORWARD ON TAX CUTS

(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, as the House passes the Tax Cuts and Jobs Act, a lot of misinformation is getting around the country on that.

The intent here is to make the Tax Code simpler; the ability for Americans to spend instead of billions of hours and billions of dollars combined in dealing with their taxes, to get it down to a simple form, perhaps a postcard for many Americans, and the ability for people to spend instead of billions of hours on this.

What our plan does is put approximately $1.2 trillion into the average middle-income family’s pocket, leaves it there instead of taking it out; also, restoring more opportunity on Main Street for small businesses, medium businesses, and also helping that we want to come back home to this country, those trillions of dollars we can reappropriated back to this country and help the middle class, help middle-income Americans, help everybody to have a stronger, more vibrant economy, which helps everyone to be a complicated Tax Code put together by lobbyists.

We need to push forward on this and have a success for the American people.

THE TRICK TRICK TRICK ACT

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

Mr. BUTTERFIELD. Mr. Speaker, I rise today in opposition to the Tax Cuts and Jobs Act, also known as the “Trick Trick Trick Act.”

This bill, Mr. Speaker, includes a $1.5 trillion cut to Medicare and Medicaid, raises taxes on middle-income families, and gives the biggest tax cuts to corporations and the wealthiest Americans.

This bill eliminates personal deductions for medical expenses, creating further hardship for people facing illnesses; eliminates deductions for State and local income taxes, resulting in higher taxes for people who can’t afford it; and eliminates deductions for interest paid on student loans, making quality education less accessible.

Proponents of the bill, Mr. Speaker, will have you believe that these tax cuts will benefit working families, grow our economy, and decrease the Federal deficit. That is fake news. This bill does nothing more than destroy the hopes and dreams of middle Americans seeking a stable career, a fulfilled life, and a brighter future.

The American people deserve better.

I remain willing and able to work across party lines to achieve responsible tax reform.

I say to my Republican colleagues: Do not pass this bill as a Republican bill. It must be bipartisan. If you do it, you will regret it.

HONORING L. STEPHEN GAITHER

(Mrs. HARTZLER asked and was given permission to address the House for 1 minute.)

Mrs. HARTZLER. Mr. Speaker, I rise today to honor and thank Mr. Stephen Gaither for his dedication and service to our Nation’s veterans.

After over 40 years of service, Mr. Gaither is retiring as the public affairs officer at the Harry S. Truman Memorial Veterans Hospital in Columbia, Missouri.

Mr. Gaither has spent his entire life serving this great Nation. In addition to his numerous years serving our veterans at the Truman VA, Mr. Gaither served in the United States Air Force, the Utah Air National Guard, and the Army Reserve.

Since 1989, he has been an active volunteer for the Heart of Missouri United Way, a nonprofit organization that works to improve the economic and social conditions of those who reside in our local community. His passion for serving others will forever leave a mark on the Truman VA and the city of Columbia.

So, Mr. Gaither, this week, as we celebrate Veterans Day, I want to thank you for your devotion and your work on behalf of our Nation’s veterans and our community, and I want to wish you the very best in your retirement.

COMMEMORATING VETERANS OF THE U.S. VIRGIN ISLANDS AND THROUGHOUT THE UNITED STATES

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

Ms. PLASKETT. Mr. Speaker, on behalf of my family and staff, I want to salute and commemorate the veterans of the U.S. Virgin Islands and throughout the United States on this Veterans Day.

The Virgin Islands along with the other territories send more men and women per capita to serve in the U.S. military than anywhere else in this Nation.

I would like to personally recognize Task Force Alpha on St. Croix, Task Force Bravo on St. Thomas, and St. John Responders.

On Veterans Day, we salute the men and women who have proudly worn the uniform and the families who have served alongside them. We affirm our sacred duty as citizens to express our enduring gratitude, both in words and actions, for their service.

As part of Veterans Day this year in the Virgin Islands, we will be honoring female veterans in the territory. Being honored as parade marshal and guest speaker on the island of St. Croix is Major Kathleen Parris; on St. Thomas, Sergeant First Class Laurel Maloon-Francis, serving as parade marshal; and serving as guest speaker on the island of St. Thomas will be former military spouse, Monique Y. Ferrell, director of the Army Sexual Harassment/Assault Response and Prevention Program.

Mr. Speaker, just as we vow to leave no soldier behind on the battlefield, we vow not to forget any veteran when they return home.

A MESSAGE FOR THE MEDIA

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

Mr. SMITH. Mr. Speaker, I have a message for the liberal so-called mainstream media.

You are essential to democracy. You have an almost sacred responsibility to inform the American people, but they don’t believe you anymore.

Your coverage of the President and conservative Republicans is now obviously so slanted, so biased, that you have lost your credibility; in fact, polls show that it is at a record low.

In trying to destroy this President, you are destroying yourself. Is that what you want?

Remember the Chinese proverb: “When you set out on a journey of revenge, carry an ax to bury two graves.”

Why not trust the American people with the facts and let them make up their own minds rather than telling them what to think? I don’t know of
any other way you can restore your credibility.

NATIONAL DIABETES AWARENESS MONTH

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

Ms. ADAMS. Mr. Speaker, each November, communities across the country observe National Diabetes Awareness Month. We come together to educate our neighbors and to bring attention to the impact that diabetes has in the lives of millions of Americans.

As a diabetic, I know the challenges faced by people with this condition.

In 2015, diabetes was the seventh leading cause of death for Americans, and diagnosis rates continue to grow each year.

To live a long and prosperous life with this disease, it is imperative that people take the steps to receive proper nutrition and access to healthcare. Thanks to the Affordable Care Act, preexisting conditions such as diabetes are covered by health insurance. Thanks to SNAP, the poorest in our communities have access to nutrition.

My life is a living testament to the opportunities that exist when diabetes is properly treated. We must ensure these opportunities are available for the next generation.

NOVEMBER IS DIABETES AWARENESS MONTH

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

Mr. BILIRAKIS. Mr. Speaker, November is Diabetes Awareness Month.

Over 30 million children and adults, including myself, suffer from diabetes. Another 84 million have prediabetes, and 90 percent of them don’t even know it.

Diabetes can cause stroke, blindness, kidney disease, heart disease, loss of toes, feet, or even legs.

In addition to the personal toll this disease takes on the lives of those affected, healthcare costs for diabetic patients are 2.3 times greater than for those without diabetes. This awful disease costs the healthcare system an estimated $322 billion.

Rates of diabetes have risen dramatically, unfortunately, in recent years. We must do something to stop it. The U.S. Congress is working towards that end.

I was proud to have worked on the 21st Century Cures Act, which invests in research for a cure. The bill streamlines the FDA approval process and provides more money for research to the NIH.

There is much more we can do. Mr. Speaker, to tackle this serious public health issue.

# 0915

MICRO OFFERING SAFE HARBOR ACT

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 609, I call up the bill (H.R. 2201) to amend the Securities Act of 1933 to exempt certain micro-offerings from the registration requirements of such Act, and for other purposes, which was considered yesterday in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ROGERS of Kentucky). Pursuant to House Resolution 609, the bill is considered read.

The text of the bill is as follows:

H.R. 2201

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 ‘‘Micro Offering Safe Harbor Act’’.

SEC. 2. EXEMPTIONS FOR MICRO-OFFERINGS.

(a) IN GENERAL.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended—

(1) in subsection (a), by adding at the end the following:

‘‘(8) transactions meeting the requirements of subsection (f),’’; and

(2) by adding at the end the following:

‘‘(f) CERTAIN MICRO-OFFERINGS.—The transactions referred to in subsection (a)(8) are transactions involving the sale of securities by an issuer (including all entities controlled by or under common control with the issuer) that meet all of the following requirements:

‘‘(1) PRE-EXISTING RELATIONSHIP.—Each purchaser has a substantive pre-existing relationship with an officer of the issuer, a director of the issuer, or a shareholder holding 10 percent or more of the shares of the issuer.

‘‘(2) 35 OR FEWER PURCHASERS.—There are no more than, or the issuer reasonably believes that there are no more than, 35 purchasers of securities from the issuer that are sold in reliance on the exemption provided under subsection (a)(8) during the 12-month period preceding such transaction.

‘‘(3) SMALL OFFERING AMOUNT.—The aggregate amount of all securities sold by the issuer, including any amount sold in reliance on the exemption provided under subsection (a)(8), during the 12-month period preceding such transaction, does not exceed $500,000.’’. 

(b) EXEMPTION UNDER STATE REGULATIONS.—Section 16(b)(4) of the Securities Act of 1933 (15 U.S.C. 77t(b)(4)) is amended—

(1) in subparagraph (F), by striking ‘‘or’’ at the end;

(2) in subparagraph (G), by striking ''or'' at the end of the subsection; and

(3) by adding at the end the following:

‘‘(H) section 4(a)(8).’’.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in House Report 115–401, if offered by the gentleman from Minnesota (Mr. EMMER) or his designee, which shall be considered read and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Speaker, we know that, unfortunately, after 8 years of bad economic policies from the Obama administration, working people did not receive a pay increase. We know that we had one of the lowest labor participation rates in modern history. We know that the economy was limping along at 1½ to 2 percent economic growth.

But, fortunately, Mr. Speaker, a new day has dawned and now, all of a sudden, we see that, with the policies of Republicans in Congress, with the policies of the Trump administration, we are seeing promising signs. What we are seeing all of a sudden now is 2 quarters. Mr. Speaker, of 3-plus percent economic growth. This means a difference to working families. They are finally seeing increases in their paychecks, increases in their take-home pay.

That is why one of the most exciting policies that are being worked upon today that we hope to see soon is fundamental, pro-growth tax reform for the entire American economy; one that would grow our economy and that makes a Tax Code fairer, flatter, simpler, more competitive; one that would lower rates for families and allow 90 percent of Americans to fill out their forms on something akin to a postcard; something that would help our small businesses and entrepreneurs.

I look forward, Mr. Speaker, to having that legislation on the floor soon. But we have legislation today that is also important to our small businesses and our entrepreneurs.

Mr. Speaker, purSUANT TO HOUSE RESOLUTION 609, I CALL UP THE BILL, H.R. 2201, BY THE GENTLEMAN FROM MINNESOTA.

What is so important about this legislation, Mr. Speaker, is that it would allow our entrepreneurs and our small businesses to more effectively be able to reach out to family and friends to get the needed capital to start their businesses.

A 2014 survey by the Kaufman Foundation found out that over 28 percent of startups raise their funding from their personal network. Mr. Speaker, we have a challenge, and that is that the Securities Act does not clearly define what is a public offering or, conversely, a nonpublic offering. So this makes it very difficult for our early-stage entrepreneurial growth companies to go out and do any kind of private placement to raise funds from their friends and family.

Now, we know that a private placement is already something that is established in law. But what isn’t established is a bright line, safe harbor for these business enterprises to go out and raise these funds.

So what we also know, unfortunately, from our Securities and Exchange Commission is that a registered offering is simply not economically
feasible for a small business, an entrepreneur, an issuer who is seeking to raise less than $1 million.

So too often, Mr. Speaker, we have a number of these enterprises that, frankly, just never get jump-started because they don't have the opportunity for a private offering. That is why it is so important.

I want to thank the gentleman from Minnesota (Mr. EMMER) for his leadership in bringing this legislation to the House floor today.

So it is a simple piece of legislation. Again, it simply allows a bright line, safe harbor for very small offerings. It requires that each purchaser has a substantive preexisting relationship with an officer, director, or shareholder of the issuer.

The issuer must reasonably believe that there are no more than 35 purchasers of the securities, and the aggregate amount of all securities sold by the issuer cannot exceed $500,000 in a 12-month period.

So, Mr. Speaker, we are talking about a very small portion of startups, but a very vitally important section of our startups that need capital.

Mr. Speaker, a few decades ago there was a gentleman who borrowed money from his father to import Japanese sports shoes, and he purchased 200 pairs of these Japanese sports shoes. He started a business called Blue Ribbon Sports, and today we know it as Nike.

A few decades ago there was an investor out in Omaha, Nebraska, who borrowed money from seven friends and family members, including his sister Doris and Aunt Alice. Over the next 9 years, this initial investment grew, and this gentleman purchased something called Berkshire Hathaway, the textile company that has now led to the Berkshire Hathaway empire.

In 1994, there was a gentleman who took $1,800 from his parents and moved to a two-bedroom, small apartment, and launched a company called Amazon.

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

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while government isn't meant to create jobs, with the help of the President, Congress can set Federal policies that establish a pro-worker, pro-business environment that lifts people out of poverty, helps families, and drives our country forward.

One problem today that is impeding job growth is access to capital for small and emerging businesses. Americans, men and women are often unable to get the loans they need to start a new enterprise or to grow an existing one.

Additionally, if a firm would like to publicly sell stock to raise money, it must register with the Securities and Exchange Commission, which costs $2.5 million, on average; an amount most small businesses simply cannot afford.

Small and emerging businesses are a key to the economic engine in America. The Small Business Administration found that these businesses create over half of the new jobs on an annual basis in this country. More importantly, today's small businesses are tomorrow's success story.

Just think of all the great businesses in this country that started with a dream in a garage: Amazon, Apple, Microsoft, Disney, Harley-Davidson, and Minnesota's own Medtronic. We want to empower the entrepreneurs in this country to dream, innovate, and create jobs that grow our economy.

That is why I introduced the Micro Offering Safe Harbor Act. This bill will make it easier for entrepreneurs and
small businesses to raise money from family, friends, and their personal network without running afoul of the vague and undefined “private offering” safe harbor provisions in the Securities Act of 1933.

Thus, the Micro Offering Safe Harbor Act helps bring clarity to existing law so that our current and future job creators can easily raise capital within the confines of an easy-to-understand provision without the help of an expert.

□ 0930

This legislation requires three specific criteria to be met simultaneously in order to trigger a safe harbor exemption for a security offering instead of just one or more. These criteria ensure that: one, each purchaser has a substantive preexisting relationship with an owner; two, there are no more than 35 purchasers of securities from the issuer that are sold in reliance on the exemption during the 12 months preceding; and, three, the aggregate amount of all securities sold by the issuer does not exceed $500,000 during the 12-month period preceding the offering is exempted and the aforementioned security offerings from blue-sky laws, while maintaining antifraud provisions at the Federal and State level.

These provisions protect Americans from criminals trying to swindle them out of their hard-earned money, while making capital more accessible to businesses by investors from around the country.

In fact, I will be offering an amendment to enhance these antifraud provisions. This amendment, which incorporates the suggestions made by my colleagues on the other side of the aisle during a legislative hearing in the last Congress, will ensure that individuals who have been disqualified under the “bad actor” disqualification standard, as is listed under current law, are prohibited from using the exemption provided under H.R. 2201, establishing yet another additional layer of investor protection.

Entrepreneurs and small-business owners need access to capital in order to achieve the American Dream. Although small businesses accounted for 99.7 percent of all the businesses in the United States last year, only half of them will survive longer than 5 years, according to the Bureau of Labor Statistics.

Lack of capital or difficulty accessing capital is one of the main causes of failure for many of these small businesses. A 2015 survey conducted by BlueVine found that 75 percent of small and emerging businesses reported their primary source of funding comes from their own personal finances, followed by banks at 16 percent and family and friends at 6 percent.

While credit unions do their best to offer the funding these businesses need to grow and thrive, there are still 3 million fewer small business loans made annually today, than there were before the 2008 financial crisis. H.R. 2201 seeks to build off the success of the Jumpstart Our Business Startups Act of 2012, better known as the JOBS Act, and will continue to spur capital formation for the true job creators and drivers of our country’s economy.

The Micro Offering Safe Harbor Act helps small and emerging companies add another tool to the toolkit, enabling them to find alternative ways of raising these funds without having to pay for costly securities experts and without the fear of lawsuits if they operate within these easy-to-understand parameters.

That is why the Micro Offering Safe Harbor Act is endorsed by the National Small Business Association; the Small Business & Entrepreneurship Council; the National Federation of Independent Business; the Chamber of Commerce; Heritage Foundation; and Empower, “The Voice of Startups in Government.”

The House approved an identical version of this legislation during the 114th Congress as part of the Accelerating Capital Formation Act, and language similar to H.R. 2201 was included in the Financial CHOICE Act, which was adopted by this Chamber in June.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ENENSARLING, Mr. Speaker. I yield an additional 30 seconds to the gentleman from Minnesota.

Mr. EMMER. Mr. Speaker, the time has come for Congress to come together and help small businesses help themselves by making this important update and improvement to the Securities Act of 1933.

I want to thank Chairman HENSARLING; Capital Markets, Securities, and Investment Subcommittee Chairman HUIZenga; and all of the staff on the Financial Services Committee for their hard work on this legislation.

Mr. Speaker. I urge my colleagues to support this bill and hope that both parties will use H.R. 2201 as a way to show their support for more opportunities and better lives for our job creators.

Ms. Speaker, I include in the Record letters from the National Small Business Association, the Small Business & Entrepreneurship Council, the United States Chamber of Commerce, Heritage Action for America, and Engine.

NATIONAL SMALL BUSINESS ASSOCIATION. Hon. Tom Emmer, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE EMMER: On behalf of the National Small Business Association (NSBA), the nation’s first small-business advocacy organization, with more than 65,000 small-business members spanning every state and every industry across the country, I commend your leadership for introducing the Micro Offering Safe Harbor Act (H.R. 2201) as it strikes a balance between facilitating and direct impact on small businesses looking to raise capital. NSBA has long supported the kind of simplification this legislation would bring for small businesses.

Capital is the lifeblood of any small business, and often small-business owners need capital at various stages; some at their startup and others later when they are looking to expand. Despite this ongoing need, small-business lending from banks has decreased over the last decade, and small businesses have few options for obtaining capital. According to NSBA’s 2016 Year-End Economic Report, small-business access to capital remains stubbornly low since the previous year, with just 69 percent of small firms reporting they are able to get adequate financing. This drop has real-world implications: 41 percent said lack of capital is hindering their ability to grow their business or expand operations, and 20 percent said they had to reduce the number of employees as a result of tight credit.

Therefore, raising capital though securities is an attractive alternative option for many small-business owners. However, the current regulatory requirements are quite onerous for small businesses, often requiring expensive specialized counsel for even very small securities offerings.

NSBA supports this targeted legislation that creates a safe harbor for small securities offerings which meet requirements clearly identified in the legislation. Under the legislation, these exemptions include offerings in which each purchaser has a substantive pre-existing relationship with the owners, where the issuer has less than 35 purchasers utilizing the exemption in the preceding 12 month period, or where the total amount raised during the preceding 12 month period does not exceed $500,000. These three safe harbor exemptions for “non-public offerings,” businesses can operate with clarity and a clear conscience knowing that they would be exempted from registering with the Securities and Exchange Commission (SEC). Additionally, the legislation also exempts transactions meeting the safe harbor requirements from state registration requirements, commonly referred to as “blue sky laws.”

Raising capital for small businesses from friends and family already takes place on a regular basis, except those transactions often lack the legal protections and structure of securities law. In addition to expanding access to capital for small businesses, this legislation will bring those transactions under a recognized legal framework, and make resolving disputes that arise much more efficient. Finally, bringing these existing transactions under an existing legal framework will provide a sound legal basis for subsequent larger offerings requiring registration with the SEC.

Access to capital continues to be one of the most pressing issues facing the small-business community. All small businesses need an injection of capital at one point or another, unfortunately in the past several years it has become difficult for small businesses to get the funds they need to grow and expand. NSBA is pleased to support the Micro Offering Safe Harbor Act as it will help small businesses around the country expand and create new jobs in their communities.

Sincerely,

TODD MCCracken,
President & CEO.

SMALL BUSINESS & ENTREPRENEURSHIP COUNCIL.

DEAR REPRESENTATIVE EMMER: On behalf of the Small Business & Entrepreneurship Council (SBE Council) and our nationwide membership of entrepreneurs and small business owners, I am writing to support the Micro Offering Safe Harbor Act, H.R. 2201.
When it comes to raising capital, the existing regulatory system is onerous and complex. Even for small securities offerings, compliance and navigating the rules are very expensive. H.R. 3587 is a needed solution that would exempt small businesses from the most burdensome federal securities laws and unlock economic growth.

In addition to providing Main Street households with more opportunities to build wealth, H.R. 1356 would expand the pool of capital available to our nation's small businesses, which in turn will provide another practical option for entrepreneurs to raise the capital they need to start or grow their firms.

The United States has much work to do when it comes to fostering capital formation and encouraging investment and entrepreneurship. The Micro Offering Safe Harbor Act is a smart solution that will help many entrepreneurs successfully start and grow their businesses. Thank you for your leadership.

Sincerely,

Karen Kerrigan, President & CEO.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA

Hon. Jen Hensarling,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

Hon. Maxine Waters,
Chairwoman, Committee on Financial Services, House of Representatives, Washington, DC.

Dear Chairman Hensarling and Ranking Member Waters: The U.S. Chamber of Commerce strongly supports several bills the Committee is scheduled to markup on October 11, 2017. The Chamber appreciates the Committee’s ongoing work to enhance capital formation, hold regulators accountable, and reduce red tape burdens upon American businesses and consumers. The Chamber supports each of these bills.

H.R. 477, the “Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act of 2017,” would simplify Securities and Exchange Commission (SEC) registration requirements for certain mergers and acquisitions (M&A) brokers who perform services related to the transfer of ownership of smaller private companies. The legislation properly balances regulatory relief for brokers and businesses involved in such transactions with important investor protections to prevent abuse. H.R. 477 would require disclosure and transparency to prevent conflicts and would not exempt M&A brokers from existing rules designed to prevent those who violate the law from continuing to work in the securities business.

H.R. 1116, the “Taking Account of Institutions with Low Operation Risk (TAILOR) Act of 2017,” would direct federal banking regulators to scale rulemakings in order to properly reflect the various risk profiles of financial institutions. One of the unfortunate developments in recent years has been “one size fits all” regulation in the banking sector. This legislation would ensure that community and regional financial institutions are not forced to comply with regulatory regimes more suited for global, inter-connected institutions.

H.R. 1565, the “Fair Investment Opportunities for Professional Experts Act,” would expand the definition of “accredited investor” under securities laws by allowing those who can demonstrate relative education or work expertise to invest in certain private offerings. This change would make investing in private capital much more affordable. In addition to providing Main Street households with more opportunities to build wealth, H.R. 1356 would expand the pool of capital available to our nation’s small businesses, which in turn will provide another practical option for entrepreneurs to raise the capital they need to start or grow their firms.

H.R. 1645, the “Fostering Innovation Act of 2017,” would extend the Sarbanes-Oxley 404(b) internal controls exemption for certain Emerging Growth Companies (EGCs) from five years to ten. This change would prevent the premature phase out of one of the more popular provisions of the 2012 Jumpstart Our Business Startups (“JOBS”) Act, and would provide a much-needed incentive for companies to enter public markets.

H.R. 2201, the “Micro Offering Safe Harbor Act,” would provide a means for businesses to solicit and raise limited amounts of capital without running afoul of securities laws. Private businesses would be permitted to seek community-based financing of up to $500,000 per year in order to expand or hire new employees. Importantly, the bill includes a number of robust investor protections that would help prevent fraud and abuse in the market.

H.R. 2396, the “Privacy Notification Technical Clarification Act,” would amend the 1999 Gramm-Leach-Bliley Act by clarifying that financial institutions only required to send customers annual privacy notices if there have been changes in the institution’s privacy policies. It also clarifies that such notices only needed to be physically provided to a customer if they are made available online at the customer’s request. These provisions would save costs for consumers and mitigate confusion related to privacy notices.

H.R. 2706, the “Financial Institution Custodian Protection Act of 2017,” will help prevent another “Operation Chokepoint” by prohibiting federal agencies from directing a financial institution to terminate an account without a material, documented reason for doing so. This bill would ensure that agencies do not unjustifiably discriminate against certain industries. The bill would also clarify liability under the Financial Institutions Reform, Recovery, and Enforcement Act. A House investigation of Operation Choke Point revealed the Obama administration Department Of Justice had arbitrarily and inappropriately interpreted the law.

H.R. 3299, the “Protecting Consumers Access to Credit Act of 2017,” would codify the “valid-when-made” doctrine, which states that the characteristics of a loan are valid at origination, and are not unenforceable when assigned to another party. The recent Second Circuit decision in the Madden vs. Midland case further clarified this doctrine and threatens to impose a chilling effect on credit markets nationwide. H.R. 3299 would restore the longstanding “valid-when-made” protection for lenders and protect consumers and businesses that rely on robust credit markets.

H.R. 3312, the “Systemic Risk Designation Improvement Act of 2017,” would replace the Dodd-Frank’s arbitrary asset threshold for labeling a bank “systemically important” with a multi-factor, tailored assessment that considers size, business model, cross-jurisdictional, complexity, and cross-jurisdictional. Mid-size and regionals banks do not generate systemic risk and are critical to small business lending. By tailoring regulation and reducing unnecessary compliance burdens on these institutions, the bill would promote Main Street access to credit and unlock economic growth.

H.R. 3587, the “Protecting Advice for Small Savers (PASS) Act of 2017,” would repeal the misguided “fiduciary rule” issued by the Department of Labor (DOL) in 2016. The DOL’s rule was built upon a fundamentally flawed and theoretical analysis that has been refuted by real life experience. A recent Chamber survey demonstrated the harm that DOL’s rule is already inflicting upon investors and we have long called for the SEC to assert its jurisdiction regarding standards for conduct for broker-dealers and investment advisers. H.R. 3587 would rightly direct SEC to craft a rulemaking under the securities laws to protect investors and preserve access to investment choice.

H.R. 3903, the “Encouraging Public Offerings Act of 2017,” would allow any company—regardless of size or EGC status—to take advantage of the popular provisions under Title I of the 2012 JOBS Act, which include allowing investors to submit confidential draft registration statements with the SEC and to “test the waters” before filing an IPO. Title I of the JOBS Act has proven to be a true policy success, and Congress and the SEC should continue to ensure more companies can take advantage of its provisions.

H.R. 3911, the “Risk-Based Credit Examinations Act of 2017,” would direct the SEC to utilize “risk-based” examinations of Nationally Recognized Statistical Rating Organizations (NRSROs), which would allow the SEC to focus its limited resources and prioritize its examination agenda, while reducing unnecessary compliance burdens on regulated entities.

H.R. 3946, the “Protection of Source Code Act,” would amend the Securities Act of 1933 to require that the SEC actually issue a subpoena before requiring a person or entity to produce trading “source code.” Source code is the intellectual property of financial market participants, and there is no reason for the SEC to put into place a broad collection mechanism for such sensitive information. This legislation is necessary after past attempts by the Commodity Futures Trading Commission (CFTC) to collect source code without a subpoena.

H.R. 3972, the “Family Office Technical Clarification Act of 2017,” would provide certainty for “family offices” defined under securities laws by clarifying that such offices are accredited investors. This bill would preserve the ability of family offices to invest in certain private offerings and help them remain an important source of capital for growing businesses.

H.R. 3973, the “Market Data Protection Act of 2017,” would delay any reporting to the consolidated audit trail (CAT) until the SEC, Financial Industry Regulatory Authority (FINRA), and CAT operators develop sufficient cybersecurity protocols to protect the information that is set to be collected under the CAT. Recent cyberattacks have demonstrated that vulnerabilities exist within our capital markets, and H.R. 3973 would help safeguard the personal and sensitive information of market participants. The SEC should also explore alternatives to using personal and identifiable information as part of its data collection efforts under the CAT.

Collectively, these bills would modernize capital markets, preserve consumer choice and access to credit, and require more transparent and accountable financial regulators. We look forward to working with the Committee and Congress as these bills advance through the legislative process.

Sincerely,

Neil Bradley.
Subject: Micro-Offering Safe Harbor Act

From: Heritage Action for America

Dear Chairman Hensarling,

Heritage Action supports this legislation. The Micro-Offering Safe Harbor Act (H.R. 2201) would remove unnecessary regulatory impediments to smaller businesses seeking to raise capital to launch, to grow and to create jobs. It would create an exemption to the Securities Act registration requirements for fundraisers that make a securities offering to 35 or fewer people with whom they have a pre-existing relationship and that raise $500,000 or less.

This will reduce the need for main street businesses to retain sophisticated securities counsel and improve their access to capital. Heritage Action supports this legislation.

Sincerely,

Evan Engstrom, Director

Heritage Action for America

Mr. CICILLINE.

Mr. Speaker, I thank the gentlewoman for yielding.

Ms. MAXINE WATERS of California.

Mr. Speaker, I rise, in addition to Mr. Hensarling, to express my strong opposition to H.R. 2201, the Micro-Offering Safe Harbor Act.

In light of the devastating 2008 financial crisis and the regulatory weaknesses revealed by the Wells Fargo and Equifax scandals, we should be considering legislation that will bolster consumer and investor protections; but today, instead, we are considering H.R. 2201, which will enable abusive financial practices.

Generally, a company that seeks to make public offerings must register them with the Securities and Exchange Commission or must fit into one of several exceptions that are designed to balance investor protections with regulatory burdens on smaller companies.

The legislation would allow so-called microcap offerings, offerings valued at $500,000 or less in a single year to be sold to 35 or fewer investors, subject only to the requirement that each investor have a substantive pre-existing relationship with the issuer.

Despite the similarity of these provisions to some restrictions currently imposed on unregistered security offerings, H.R. 2201 omits several critical investor protections that characterize existing exemptions. In particular, microcap offerings would be exempt from important regulatory protections set up in the 1933 Securities Act, including registration, disclosure, and fraud protections.

Over the past five years, the SEC has found fraud in the microcap stock market more of increasing concern to regulators, as such markets have proven to be fertile grounds for fraud. But we did not hear the gentlewoman lay a single example of fraud.

Without core protections, H.R. 2201 would leave investors vulnerable to an array of investment scams and abuses, with unsophisticated investors particularly at risk. For example, the bill has no restriction on resale. In the past, failure to restrict the resale of unregistered securities has exposed secondary investors to fraudulent pump-and-dump schemes, as the gentlewoman from California mentioned.

H.R. 2201 would create three bright line safe harbor exemptions for non-public offerings.

Mr. Speaker, I rise, in addition to Mr. Hensarling, to express my strong opposition to H.R. 2201, the Micro-Offering Safe Harbor Act.

First, H.R. 2201 would create three bright line safe harbor exemptions for non-public offerings.

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Given existing exemptions for smaller companies would provide ample opportunity for companies to raise capital while also protecting investors, H.R. 2201 is, at best, unnecessary. This bill would simply create a loophole that undermines protections against the kind of financial abuses and recklessness that we have already seen damage our financial system and hurt people.

Mr. Speaker, I urge my colleagues to oppose H.R. 2201. I thank the gentlewoman again for yielding.

Mr. HENSARLING. Mr. Speaker, I yield myself 30 seconds, just to say, as I listen to the gentleman from Rhode Island and the ranking member, their comments are very interesting, but everything they described is already illegal. Their remarks acknowledge that the SEC can and does bring actions to enforce the securities laws and shut down fraud when they discover the fraud.

Nothing in H.R. 2201 eliminates the DOJ’s ability to pursue criminal prosecutions or fraud. Nothing in it impacts the SEC’s ability to pursue civil actions against issuers who engage in fraud. Section 17(a) of the Securities Act of 1933. It is just a red herring. It is one of the reasons we have had such poor economic growth under the Democratic regime.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. LUETKEMEYER), chairman of the Financial Institutions and Consumer Credit Subcommittee of our committee.

Mr. LUETKEMEYER. Mr. Speaker, I thank Chairman HENSARLING for his leadership on this issue. I also want to thank the gentleman from Minnesota (Mr. EMMER) for taking a lead on this important legislation.

As an elected official, I have the opportunity to interact with individuals across our country who are striving to create new or expand existing small businesses. These are folks who work hard to provide for their families and serve as the backbones of their communities.

Unfortunately, for many entrepreneurs, overregulation has stifled their ability to innovate and grow. The National Federation of Independent Business published a recent study showing that 30 percent of small business respondents cited taxes, regulations, and fees as their most significant business problem.

While certain sectors are reaping the benefits of a strong economy, the reality is that startups and small businesses are sitting on the sidelines with limited access to credit. It is something I hear about from businessmen and -women every single day, be they bankers, retailers, farmers, doctors, and every profession in between.

We also know that many startups and businesses have historically turned to local finance institutions for initial financing. In the years after passage of Dodd-Frank, small bank lending is down dramatically, leaving many commercial customers scrambling to find other forms of reasonably priced financing.

Across the board, we are enabling a burdensome system that penalizes entrepreneurship. We need to reverse course. If we want to see a resurgence of small business creation and growth H.R. 2201 is commonsense legislation that seeks to reverse one impediment to entrepreneurship. Mr. EMMER’s bill offers a thoughtful approach to a problem that has hindered and, in some cases, halted the ability of small businesses to access the capital necessary for growth.

More specifically, this legislation will exempt certain nonpublic micro offerings from the SEC requirements. The bill features guardrails that allow for investor protection and subjects any and all exempted micro offerings to the full suite of Federal and State antifraud laws.

The result will be a less burdensome regulation that stifles innovation and increases access to capital for startups and small businesses that comply with the parameters included in the bill. This bill is about Main Street, about the small-business men and women in each of our districts.

Mr. Speaker, I want to again thank and applaud the gentleman from Minnesota for his hard work on this legislation, and I ask my colleagues to join me in voting in favor of the legislation.

Ms. MAXINE WATERS of California. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentlewoman has 18½ minutes remaining. The gentleman from Texas has 16 minutes remaining.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week I had out this morning exactly how vulnerable groups and individuals can be taken advantage of with legislation like this. I don’t know exactly where this legislation originated, but I can almost guarantee you that we are creating opportunities for individuals who don’t have the best interest of our constituents at heart to literally get small groups together, 35, I guess, or less, and sell them on ideas where they are raising funds that probably will not result in profits as expected by those who are investing in these schemes.

No, there are no protections. There is no notice. The SEC will not know when and where these schemes are arising. So I would say to my colleagues on the opposite side of the aisle: When are we going to act as if we have the best interests of our constituents at heart? When are we thinking about protecting consumers rather than opening up opportunities for them to be the victims of fraud?

We have fraudulent schemes that are directed at the most vulnerable people. I know where those people who are organizing these schemes will go. They will go to our churches where well-meaning ministers and parishioners will be taken advantage of.

In these vulnerable communities that are always taken advantage of, we have people who are the victims of payday loans where they are paying 400 percent for moneys that they are borrowing when they are desperate in between paychecks. We are taking advantage of our own schemes. We have all kinds of schemes where these convenience stores, in places where we have food deserts, are charging extremely high prices for food that is basically being sold for regular, ordinary, good prices in other communities.

In some communities, even in California, the gas taxes are rising. We have the rental market that is going off the scale all over this country with not being able to find a decent lease or a decent rental space, and so here we are just opening up another opportunity for folks to be ripped off.

It is going to happen; I can guarantee you that. When you have something like that, that is passing through the Congress of the United States, it is going to be taken advantage of, and the way that this is constructed, it almost begs to be taken advantage of.

So do you know what happens when this kind of things takes place and Members of Congress put their reputations on passing this kind of legislation? When the rip-offs start and people are harmed a few years later, then they are going to come back with legislation talking about how they are correcting the fraud and the rip-offs that we ensured in the first place.

When is this going to stop? We have a Consumer Financial Protection Bureau that is struggling every day to protect our consumers. Prior to Dodd-Frank, we had our oversight agencies with the responsibility of protecting consumers, but they didn’t have any real protection. So Dodd-Frank reforms helped to create opportunities for Members of Congress to be able to protect their consumers and not to be involved in these kinds of schemes.

But the opposite side of the aisle has spent an inordinate amount of time trying to kill off the Consumer Financial Protection Bureau and they have done it in so many ways. Not only do they come up with amendments time and time again to try and shut down the Consumer Financial Protection Bureau, they treat the Director of the Consumer Financial Protection Bureau so badly that they almost deny him the opportunity to come before our committee and to be heard.

So I don’t know whose side legislators are on who create this kind of crap. I don’t understand why it is done. Member of the Consumer Financial Protection Bureau so badly that they almost deny him the opportunity to come before our committee and to be heard.

So I don’t know whose side legislators are on who create this kind of crap. I don’t understand why it is done. Member of the Consumer Financial Protection Bureau so badly that they almost deny him the opportunity to come before our committee and to be heard.
kind of disclosures, and to have the kind of oversight that would protect the most vulnerable people in our society.

Mr. Speaker, yes, this legislation will probably pass today. The Republicans have a majority votes in this Congress, and I suppose they are going to get all of their people to vote for this bill that is going to rip off some of their constituents, and, again, we won’t be able to stop it because, again, they have majority votes. But I want the people of this country to know and understand what is happening, who is doing it to them, and why they are having a difficult time. At a time when the rental market is going off the scale and they can’t afford to pay the first and the last month’s rent to get into a place, I want them to know who is creating the difficulties in their lives when their jobs have not increased their pay, they are still paying a decent quality of life for their families, despite the fact that the pay does not match the job that they are doing, and they haven’t had the pay increases.

Why are we waiting to show that we stand up for the least of these? When your churches get ripped off—and we are working on some of those schemes now where, even with the responsibilities that the SEC has, we have people who are getting ripped off, and here we come with another piece of legislation. Then what we do is we shade it in terms of this is for small business development. Then we hear from the opposite side about all the other companies who started as little-hitty companies in their garage. Well, they all started without this bill. They didn’t need this bill to start.

So why are you doing this? Yeah, you are right; there are a lot of companies, and you have named them, particularly in the high tech industries that started, and they had some of their own money to get started with, and maybe the family helped them, I don’t know, but we have this legislation. They didn’t need this legislation. Nobody needs this legislation.

This legislation is harmful, and I would ask my colleagues to vote against the bill. If there are any Members on the opposite side of the aisle who really are concerned about their constituents, I would ask them to defy their leadership and vote against this bill.

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

Mr. HENSAWLING. Mr. Speaker, number one, I was very pleased to hear one of the most compelling indictments of 8 years of the Obama administration. I have ever heard on the House floor, and I thank the ranking member for it.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS), who is the vice chairman of the Financial Institutions and Consumer Credit Subcommittee.

Mr. ROTHFUS. Mr. Speaker, I thank the chairman for yielding.

Jobs, jobs, jobs. That is why. Mr. Speaker, I rise today to express my support for the Micro Offering Safe Harbor Act.

Whose side am I on? The tens of millions of folks who don’t have jobs out there who want job opportunities. We know from the independent that, over the last 8 years of wrong regulation, 650,000 small businesses have not been created. That means 6 million jobs, 6 million people who are not paying Medicare tax, and 6 million people who are not paying Social Security tax. We need policies that allow these people in the game, Mr. Speaker, and this act can help them get into the game.

This is an important piece of pro-jobs legislation, and I thank my colleague, Mr. EMER, for introducing it.

We all want our economy to become vibrant once again so it can generate opportunity and prosperity for all Americans. Unfortunately, regulatory burdens—both new and preexisting—often get in the way of raising capital and building a business.

At hearing after hearing at the Financial Services Committee, we have heard from financial institutions that are unable to lend to small businesses and are at risk of losing deposits. We have also heard from businesses that cannot find the capital they need to expand or to retool. All of this has an impact on jobs and wages as well as on our overall economy.

The Micro Offering Safe Harbor Act is a targeted, commonsense bill that will make it easier for small businesses to access capital that they need to grow.

Specifically, H.R. 2201 will permit businesses to issue a limited number of securities to individuals with whom principals have a preexisting relationship. This would include family and friends who are often early investors in startups.

Businesses will only be able to issue a small amount of securities—$500,000 a year—but that is a step in the right direction toward helping businesses that need funding.

This is good policy that will make it easier for small businesses to get off the ground, grow, and add jobs.

At the same time, this bill ensures that our regulators can continue to police fraud and abuse, and to do so aggressively. On that point, there is no ambiguity. Fraud is illegal, and it will not be tolerated.

Again, I strongly support the Micro Offering Safe Harbor Act. It is good for the economy and good for hardworking Americans. It is good for jobs, jobs, jobs.

Mr. Speaker, I urge my colleagues to support this legislation.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, by allowing entities to sell unregistered securities based solely on a preexisting relationship with the investor, H.R. 2201 would create a road map for affinity fraud. Affinity fraud is a type of investment scam where swindlers prey upon members of identifiable groups such as ethnic or religious communities or the elderly. Often, affinity fraudsters take advantage of preexisting relationships to engender trust and convince victims that a dubious investment is legitimate.

The Securities and Exchange Commission has found that such frauds pose heightened risks to investors because they can be difficult for regulators or law enforcement officials to detect, particularly where the fraudsters have used respected community or religious leaders to convince others to join the investment.

The following cases represent a sampling of recent affinity fraud actions from around the United States.

In August 2013, the SEC halted an offering fraud scheme where Steven Bruce Heinz, a Utah resident purporting to be an investment adviser, sold fake investment contracts to more than 15 of his former clients, family members, and friends. According to the SEC’s complaint, Heinz raised $4 million in investor funds he used to engage in high-risk trading of future contracts and to pay his personal expenses such as family vacations to Mexico and a $600,000 loan.

Among the investors taken in by Heinz was “the recent widow of a church associate of Heinz who invested with Heinz after he helped her to assist her with her finances and investments after her spouse died.”

In 2012, the SEC stopped a $7.5 million fraud operation targeting the Persian-Jewish community in Los Angeles. The SEC’s assistant regional director stated that Shervin Neman “deceived members of his own community to raise money in this fraudulent Ponzi scheme. By exploiting investors’ trust in him, Neman was continually able to raise more money to pay back existing investors and finance an extravagant lifestyle.”

According to the SEC’s complaint, among other things, Neman spent investor funds to pay for his wedding and honeymoon, his wife’s engagement ring, luxury cars, and VIP tickets to entertainment venues.

In 2015, the SEC permanently barred John Allan Russell from the securities industry after Russell pled guilty to securities fraud in state court. The SEC’s administrative law judge found that Russell obtained almost $300,000 by selling debt securities to an elderly victim who suffered from dementia and Alzheimer’s disease. The ALJ also determined that “Russell’s scheme may have been an affinity fraud because the misconduct began a few years after the victim acted as Russell’s godfather at his baptism.”

These cases demonstrate that H.R. 2201’s preexisting relationship requirement would not provide an meaningful deterrent against abuse. On the contrary, it would encourage opportunistic conduct targeting communities.
Mr. Speaker, I urge my colleagues to join me in voting “no” for this bill. Given all that the SEC is able to do, they can’t keep up with these schemes, and now you are going to open up the door for them to have to wrestle with trying to help people who are victims of these kinds of schemes.

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

Mr. HENSAHLING. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado, Mr. Tipton, who is the vice chairman of the Oversight and Investigations Subcommittee.

Mr. TIPTON. Mr. Speaker, I rise today to join my colleagues in support of the gentleman from Minnesota’s legislation, the Micro Offering Safe Harbor Act. As I have traveled through my district back in Colorado, I have often been dismayed by the ever-increasing number of storefronts, once thriving businesses, which now have “for sale” and “for lease” signs out front. Small businesses are essential to job creation and job innovation, but they have been so hamstring by the burden of compliance with regulations intended for large public companies that their ability to be able to create jobs and innovate has been stifled.

The Micro Offering Safe Harbor Act will exempt certain micro offerings from the registration requirements of the Securities Act of 1933, thereby removing obstacles to obtaining funding in capital markets for Main Street businesses. It is hard for capitalism to work, Mr. Speaker, without capital.

This legislation tackles that problem and creates opportunities for hardworking small businesses to be able to go public to raise that initial capital in the early stage and to be able to develop that seed capital that is needed. Growth is often contingent on capital. Without investment, it is easy for small capital to falter.

By defining the “nonpublic offering” exemption under the Securities Act, this legislation will provide small businesses with much-needed clarity and a renewed confidence in what the proper procedure is for a nonpublic offering that does not violate the law and helps to be able to grow businesses. Removing this confusion will provide small businesses with much-needed certainty and allow them to be able to focus their resources on growth, rather than on compliance.

For this reason, I support the measure that is before us today, and I would encourage my colleagues to do the same. I commend Mr. Emmer for introducing this legislation to alleviate the burdensome compliance environment that is imposed on small businesses. Again, I encourage my colleagues to support this legislation.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the North American Securities Administrators Association sent this letter of concern. They said that H.R. 2201 would result in an overly broad Federal exemption that would allow public solicitation and sales to any investor, regardless of sophistication or financial wherewithal, subject only to the requirement that there be a previously existing relationship standard that is not difficult to establish.

In practical terms, this means that Main Street investors could be solicited up to $500,000 in private security by bad actors, including persons having been convicted of crimes or subject to one or more previous State enforcement actions, without any disclosure to the investor and without any notice to State or Federal regulators.

There is no valid basis for Congress to prevent State officials charged with protecting their constituents from making decisions about purely local or regional issues to rely on the exemption established by H.R. 2201.

Further, preemption of State review or even notification for the type of small, localized offerings contemplated by H.R. 2201 would effectively handcuff the regulators best positioned to oversee such offerings.

Public Citizen said this bill “would permit small offerings with no investor protections, such as notice of the offerings. It will enable a type of affinity fraud, where the seller can unload dubious securities, provided there is some relationship between seller and purchaser. This bill assumes that a pre-existing relationship will deter abuse, which is a tenuous foundation, at best. Further, the relationship can begin with the offer.”

They don’t have to have a previous relationship. It would start when the offer takes place.

Public Citizen further stated that “the bill says the relationship must only exist before the purchase.” Mr. Speaker, I include in the RECORD letters from these groups, as well as a letter from Americans for Financial Reform.


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

Hon. NANCY PELOSI, Democratic Leader, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN AND LEADER PELOSI: On behalf of the North American Securities Administrators Association (“NASAA”), I write to express concern and raise specific objections to certain provisions of H.R. 2201, The Micro-Offering Safe Harbor Act, which is scheduled to be considered by the House of Representatives this week. The legislation would amend securities laws in ways that could be problematic for small investors, and detract from the viability of the marketplace for offerings from new or smaller issuers that are compliant with securities law.

The Micro-Offering Safe Harbor Act amends Section 4 of the Securities Act of 1933 to create a new exemption from registration. To qualify for the exemption, an offering would have to meet certain criteria regarding the number of purchasers, their reliance on the importance of capital raised. However, as more fully discussed below, the legislation fails to include critical investor protection measures and would preempt state regulatory authority. State securities regulators understand the need of small businesses to efficiently raise capital and the role strong investor protection plays in facilitating this goal. Unfortunately, the changes embodied in H.R. 2201, while well intended, are ill-advised and potentially quite dangerous. For example, unregistered securities purchased under the exemption established by H.R. 2201 would not be “restricted,” and could thus be sold immediately, exposing investors to classic “pump and dump” schemes. Furthermore, NASAA is aware of no evidence to support the proposition that Congress should create federal securities offerings to be offered and sold, including through general solicitation, regardless of investor sophistication or financial wherewithal. Even as the bill would induce new and totally unnecessary risk into securities markets—falling to even disqually “bad actors” from these markets of the legislation remains unclear and its necessity is, at best, not well-established. It is clear, however, from the terms of the exemption, and its failure to implement a rigorous standard of regulatory oversight that exists for similar “private” offerings under SEC Regulation D Rule 506, that offerings made under the new federal exemptions established by the JOBS Act, and exemptions adopted in many states to permit intrastate crowdfunding. Without effective investor protection measures a potentially adverse effect of H.R. 2201 is to cause investors to abandon the markets for smaller issues.

In closing, NASAA reiterates strong opposition to the preemption of state regulation and notice filing authority in H.R. 2201. There is no valid basis for Congress to prevent states from making decisions about the local or regional issues that H.R. 2201 seeks to encourage. Failure to register or at the very least, to notice file with state regulators results in unknown sales, by unknown actors of unknown enterprises and result in no gatekeeper function to protect retail investors whose only source of recourse for fraudulent sales are the state securities regulators. At a minimum H.R. 2201 should:

1) Include bad actor disqualifications;

2) Establish a holding period to reduce the likelihood of “pump and dump” schemes;

3) Provide at least notice filing with state regulators so that in the event of a fraudulent offering, the investor can begin an investigation to try and protect retail investors;

4) Limit the sale amount to retail investors that are not “encouraged” to place all their eggs in one basket; and

5) Prohibit or restrict general solicitation of what are clearly high risk securities.

Thank you for your consideration of NASAA’s views.

Sincerely,

JOSEPH P. BORG, NASAA President and Alabama Securities Director.
Some investors closest to potential problems is unwise. This bill would allow the Securities and Exchange Commission (SEC) to sell information to them for $500,000 or less in a single year. This legislation would remove crucial protections that the association had cautioned against failures that could become economic contagions.

H.R. 391, RISK-BASED CREDIT EXAMINATIONS

This bill would allow the Securities and Exchange Commission (SEC)’s Office of Credit Ratings (OCR) to reduce its oversight of nationally recognized statistical rating organizations (NRSROs), also known as credit rating agencies. Credit rating agencies essentially sold their high marks to large banks that were securitizing loans, a major factor leading to the financial crash of 2008. In response to the inflated credit ratings for otherwise toxic securitizations, Congress mandated creation of the OCR and directed it to conduct statistical examinations of each NRSRO and make its reports public. It must examine eight areas: (i) whether the NRSRO conducts business in accordance with its policies, procedures, and rating methodologies; (ii) the management of conflicts of interest by the NRSRO; (iii) the implementation of ethics policies by the NRSRO; (iv) the internal audit and examination of the NRSRO; (v) the governance of the NRSRO; (vi) the activities of the Designated Compliance Officer (DCO) of the NRSRO; (vii) the processing of complaints by the NRSRO; and (viii) the policies of the NRSRO governing the post-employment activities of its former personnel. This bill would allow the SEC to reduce these categories of inspection to save staff resources. The answer is not to reduce inspections, but to increase the funding for the SEC.

The House Financial Services Committee will consider at today’s markup a bill that would undermine our ability to protect your constituents. It is the North American Securities Administrators Association (NASAA) to reduce state regulatory authorities. This legislation does not include any plans to purchase sophisticated investors (e.g., the securities of accredited investors), measures to prevent offerings by bad actors, restrictions on secondary sales, or prohibition on general solicitation. This disturbing lack of protections would permit bad faith actors to direct shady private securities to investors.

Affinity frauds and Ponzi schemes are typically carried out by individuals who are members of the group or community they are trying to defraud—i.e., those with a pre-existing relationship with others in their community. Similarly, the SEC’s red flags for Ponzi schemes include secretive investments and “investments that are not registered with the SEC or state regulators.” By permitting the sale of unregistered securities not subject to state regulation within groups of investors with a “pre-existing relationship,” H.R. 2201 would facilitate affinity fraud and Ponzi schemes.

Congress should not support statutory exceptions that lessen restraints on fraudsters. We urge you to reject this bill.

Sincerely,

PUBLIC CITIZEN.

AMERICANS FOR FINANCIAL REFORM

Ms. MAXINE WATERS of California.

Mr. Speaker, I don’t understand why Members of Congress would disregard what the State regulators are saying. State regulators are saying: Don’t do this. Don’t preempt us. Don’t pass legislation that would undermine our ability to protect your constituents.

Yet they are ignoring those altogether. Frankly, I believe this information. I know that they know that the association had cautioned against this legislation. Let me just make sure that everybody knows. It is the North American Securities Administrators Association (NASAA) to require the States to say. Do not preempt us. Do not pass legislation that would undermine our ability to protect your constituents.

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

Mr. HENSARLING. Mr. Speaker. I yield myself 10 seconds just to say I heard the word “protection” often used by my friend, the ranking member, but she and her friends on the other side of the aisle had 10 years to protect paychecks, protect savings, and protect the opportunity to dream the American Dream, and they failed miserably.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. DAVIDSON), a member of the Financial Services Committee.

Mr. DAVIDSON. Mr. Speaker, I thank Mr. EMMER for his leadership on this bill.

As a small businessman, prior to coming to Congress, I have raised capital for startups, and I can tell you that one option is no option. I can tell you that the regulatory framework, particularly made worse by Dodd-Frank, is crippling access to capital for small- and medium-sized businesses. This is a very important thing.

One option is no option, and it is great to have this for small, early-stage companies that are trying to raise capital in private placements. Right now, most of this is done for accredited investors.

This bill would allow the Securities and Exchange Commission (SEC) to sell information to them for $500,000 or less in a single year. This legislation would remove crucial protections that the association had cautioned against failures that could become economic contagions.

H.R. 391, RISK-BASED CREDIT EXAMINATIONS

This bill would allow the Securities and Exchange Commission (SEC)’s Office of Credit Ratings (OCR) to reduce its oversight of nationally recognized statistical rating organizations (NRSROs), also known as credit rating agencies. Credit rating agencies essentially sold their high marks to large banks that were securitizing loans, a major factor leading to the financial crash of 2008. In response to the inflated credit ratings for otherwise toxic securitizations, Congress mandated creation of the OCR and directed it to conduct statistical examinations of each NRSRO and make its reports public. It must examine eight areas: (i) whether the NRSRO conducts business in accordance with its policies, procedures, and rating methodologies; (ii) the management of conflicts of interest by the NRSRO; (iii) the implementation of ethics policies by the NRSRO; (iv) the internal audit and examination of the NRSRO; (v) the governance of the NRSRO; (vi) the activities of the Designated Compliance Officer (DCO) of the NRSRO; (vii) the processing of complaints by the NRSRO; and (viii) the policies of the NRSRO governing the post-employment activities of its former personnel. This bill would allow the SEC to reduce these categories of inspection to save staff resources. The answer is not to reduce inspections, but to increase the funding for the SEC.

These bills fail to advance investor interests or the safety of the market. Instead, they move in the opposite direction, ignoring the financial crisis from which Main Street is still recovering.

Sincerely,

PUBLIC CITIZEN.

AMERICANS FOR FINANCIAL REFORM

Ms. MAXINE WATERS of California.

Mr. Speaker, I don’t understand why Members of Congress would disregard what the State regulators are saying. State regulators are saying: Don’t do this. Don’t preempt us. Don’t pass legislation that would undermine our ability to protect your constituents.

Yet they are ignoring those altogether. Frankly, I believe this information. I know that they know that the association had cautioned against this legislation. Let me just make sure that everybody knows. It is the North American Securities Administrators Association (NASAA) to require the States to say. Do not preempt us. Do not pass legislation that would undermine our ability to protect your constituents.

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

Mr. HENSARLING. Mr. Speaker. I yield myself 10 seconds just to say I heard the word “protection” often used by my friend, the ranking member, but she and her friends on the other side of the aisle had 10 years to protect paychecks, protect savings, and protect the opportunity to dream the American Dream, and they failed miserably.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. DAVIDSON), a member of the Financial Services Committee.

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Mr. HOLLINGSWORTH. Mr. Speaker, I thank the chairman for yielding. I, too, stand in strong support of this legislation.

A recent poll out by Ernst & Young showed that millennials are starting businesses at a rate that is only one-third of prior generations. When asked why they are not starting businesses, those millennials responded that they have insufficient financial means in order to start businesses, despite a deep desire and will to start businesses. Over 78 percent said that they wanted to start a small business eventually, but they had insufficient means to do so. This bill starts to rectify that problem.

Those millennials could go to expensive and fancy investment bankers, but that is prohibitively expensive. Who are they going to turn to are their friends and family, those who most believe in the product, but in themselves.

As a member of the House Small Business Committee and a businessman myself, I understand the need of the number of challenges faced by small businesses, especially if that business wants to grow through tapping into the capital markets. Due to onerous SEC regulations, the cost of registration is expensive and out of reach for so many of the businesses wanting to expand.

We all know that the SEC provides an important function, which is to prevent securities fraud and protect the integrity of our markets. However, we must be wary of a regulatory regime that fails to provide sufficient flexibility for businesses to raise capital while not providing any additional protection for investors.

The central purpose of H.R. 2201 is to strike the proper balance between protection and investment. The bill achieves this objective through empowering businesses to sell a limited number of securities to a limited number of investors without needing to comply with a number of SEC registration requirements.

Also, it is important to note that this narrowly tailored exemption only applies to investors that have substantive preexisting relationships with businesses.

Finally, nothing in this bill undermines existing investor protections. Fraud is still illegal and the SEC and the Department of Justice has the authority to prosecute bad actors.

I urge my colleagues to support this important legislation to implement a commonsense solution and stimulate small business growth.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. DUFFY), the chairman of the Housing and Insurance Subcommittee.

Mr. DUFFY. Mr. Speaker, I thank the gentleman for yielding.

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Mr. DUFFY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank Mr. EMMER, my colleague and friend from the neighboring State of Minnesota, for offering such a commonsense piece of legislation.

I frequently hear horror stories of fraud and abuse. All of us stand against fraud and abuse. I have a news flash for everybody: This law doesn’t change the fact that small businesses don’t have access to capital, that create jobs in our community and tell you what is common sense. Common sense is not to place vulnerable people in a position where they are going to get ripped off.

Mr. Speaker, H.R. 2201 is a harmful bill that would simply serve as an invitation for investment scams. The bill fails to take into account the numerous other exemptions we have for small-dollar offerings, including under regulation D, regulation A, and crowdfunding rules. These exemptions already permit small businesses to raise capital while also protecting against fraud.

In light of these exemptions, there seems to be no reasonable explanation for the amount of legislative effort that has been wasted on this bill. Instead of H.R. 2201, which is unwarranted and may actually harm investors and the integrity of our markets, the House should be focused on passing legislation that can actually improve the lives of the Americans whom we serve.

Mr. Speaker, I urge my colleagues to vote “no” on H.R. 2201. Don’t be a part of enacting one more scheme that is going to rip off our constituents, and then, you know, a few years later, come back and talk about what a terrible thing it is that people are being ripped off by these investors, some of them who are criminals, but nobody knows it. The disclosure does not have to take place. They don’t know that they have people who have been involved in all of these who are coming to them talking about: let me help you earn some profits on this investment.
We know better. Common sense tells us better. If, in fact, we are committed to the proposition that we have a responsibility to protect our constituents from rip-offs, from fraud, from being taken advantage of, we will not support this bill. And I would hope that my friends on the opposite side of the aisle, despite how far they have gone in trying to represent that this bill is something that it is not, would at least change their minds today and support their constituents and vote “no” on this bill.

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

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

Mr. Speaker, as always, I listen very carefully to my friend, the ranking member. I know that she started off her closing remarks by saying: We don’t need this bill, H.R. 2201, because the big banks can loan to the small businesses.

Well, that is fascinating to me, Mr. Speaker, because of the Dodd-Frank Act, which she so jealously supports, all of a sudden, the risk-based capital standards say that the banks have to reserve more for small business loans than they do for sovereign debt and municipal debt.

So all of a sudden, it is because of Dodd-Frank. In addition, we know that the ranking member supports the Federal Reserve policy of paying interest on excess reserves where the Federal Reserve takes taxpayer money to pay the big banks not to loan money. So if the ranking member was curious why the big banks aren’t loaning to the small businesses, which they aren’t—and prior to the Trump administration, we know that small business lending by banks was at a 25-year low—it is the very reason, Mr. Speaker, that we need the bill, the legislation of the gentleman from Minnesota (Mr. EMMER) so that we can unlock this.

Again, there is no surprise why, after 8 years of Obamanomics and the thinking from my friends on the other side of the aisle, small businesses have languished and why the economy has dropped down to a 1½ to 2 percent GDP growth. In fact, I think President Obama is one of the few Presidents in American history never to enjoy a year of 3 percent economic growth.

Now, he may personally have enjoyed it, but the people didn’t, Mr. Speaker. But the good news is that there is a change in administration and a change of attitude. That is why it is so important that we be able to get capital to our entrepreneurs, to our small businesses. Let them thrive again in Main Street.

We hear so often from my friend, the ranking member, decree the fact that someone might be able to raise capital under this particular set of circumstances. Well, I have a news flash for all my colleagues. Already the SEC can grant a private offering for exactly the set of circumstances that my friend, the gentleman from Minnesota, puts into his bill. All the gentleman is doing is creating a bright line, safe harbor, so that the next Nike or the next Amazon isn’t stopped from launching their enterprise by having to spend a million dollars on lawyers and accountants to navigate this uncertain murky labyrinth of SEC waters trying to determine what is a private offering and what is a public offering. That is all he is doing.

Again, this is already legal. It simply is discretionary to decide what is a private offering and what is a public offering by the Securities and Exchange Commission.

We now, Mr. Speaker, have had two quarters of 3-plus percent economic growth. We are seeing working Americans. We are seeing their paychecks increase yet again. We are seeing hope and resilience in the American Dream yet again, but we have so much more work to do, and that is why H.R. 2201 is so critical.

It takes small businesses today to be the big businesses of tomorrow. They are the creators. They are the job engine of America. They are the drivers of increased paychecks, greater economic opportunity, and a bigger, boldier American Dream. I thank the gentleman from Minnesota for this great legislation. I encourage all of my colleagues to adopt it.

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

The SPEAKER pro tempore. The time for debate on the bill has expired.

AMENDMENT OFFERED BY MR. EMMER

Mr. EMER. Mr. Speaker, I have an amendment at the desk. The SPEAKER pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows:

Page 3, line 14, strike “The transactions” and insert the following:

“(i) In general.—The transactions”.

Page 3, line 19, strike “(1)” and insert “(A)” and adjust the margin 2 ems to the right.

Page 3, line 24, strike “(2)” and insert “(B)” and adjust the margin 2 ems to the right.

Page 4, line 5, strike “(C)” and insert “(Y)” and adjust the margin 2 ems to the right.

Page 4, line 10, strike the quotation mark and final period and insert after such line the following:

“(Y) Any director, executive officer, other officer participating in the offering, general partner, or managing member of the issuer.

(C) Any beneficial owner of 20 percent or more of the issuer’s voting equity securities, calculated on the basis of voting power.

(M) Any promoter connected with the issuer in any capacity at the time of such sale.

(U) Any investment manager of an issuer that is a pooled investment fund.

(Y) Any person to whom or will be paid (directly or indirectly) remuneration for solicitation of purchasers in connection with such sale of securities.

(X) Any general partner or managing member of any such investment manager or solicitor.

(X) Any director, executive officer, or other officer participating in the offering of any such investment manager or solicitor or general partner or managing member of such investment manager or solicitor .”.

The SPEAKER pro tempore. Pursuant to House Resolution 609, the gentleman from Minnesota (Mr. EMER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

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

Mr. Speaker, the amendment I am offering today will enhance antifraud and consumer protections for small businesses and startups seeking to take advantage of the micro offering exemption outlined in the underlying bill.

While the legislation itself requires three specific criteria to be met simultaneously in order to trigger a safe harbor exemption for a security offering, my amendment adds an additional layer of protection to further safeguard investors from bad actors.

Specifically, my amendment prohibits the exemption from being available for those who have been disqualified under the bad actor disqualification standard established by the SEC. This language was included with the support of my colleagues from both sides of the aisle during consideration in committee in the 114th Congress, and I am hopeful they will support its inclusion again in the 115th.

I want to reiterate that nothing in the base text of this bill erodes or limits the ability of Federal or State regulators to prosecute fraud, nor would it prevent private common law causes of action for fraud or breach of contract between the interested parties.

This amendment builds upon these existing protections and drives home the point that the Micro Offering Safe Harbor Act is purely focused on helping our small businesses and entrepreneurs access the tools they need to grow and create jobs in an orderly and legal manner.

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

Ms. MAXINE WATERS of California. Mr. Speaker, I claim the time in opposition to the amendment, even though I am not opposed to it.

The SPEAKER pro tempore. Without objection, the gentlewoman is recognized for 5 minutes.
There was no objection.

Ms. MAXINE WATERS of California. Mr. Speaker, under the current language of H.R. 2201, investors could be sold private securities by persons who have committed fraud or have violated security laws. Representative EMMER’s amendment would put in place a layer of investor protections by adding a provision to so-called disqualify certain bad actors from utilizing the exemption.

While I applaud Mr. EMMER’s attempt to add this most basic guardrail to a bill that otherwise creates an unmitigated safe harbor for fraudsters, I wonder why this provision was dropped from a similar bill that Mr. EMMER introduced last Congress.

Unfortunately, this amendment is woefully inadequate to address the otherwise dangerous new exemption created by H.R. 2201. Because the underlying bill requires no disclosure to investors and imposes no obligation to notify regulators of the offering, even if amended, H.R. 2201 would leave convicted fraudsters and lawbreakers to police themselves.

Moreover, the bill ties the hands of State securities regulators, who are the primary watchdogs over small, local offerings. If enacted, H.R. 2201 would leave a gaping hole in oversight of the very offerings it permits.

H.R. 2201 is a misguided attempt to support small businesses that is not meaningfully improved by the meager protections of this amendment. For these reasons, I continue to oppose this bill, and I urge all of my colleagues to vote “no” on H.R. 2201.

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

Mr. EMMER. Mr. Speaker, I will close at this point.

Mr. Speaker, I want to thank the ranking member for her encouragement and her compliments, and I want to just point out that the Micro Offering Safe Harbor Act was actually improved as a direct result of the ranking member’s suggestions.

So, again, I want to thank her for her compliments here today, her encouragement in helping us make this an even better bill for entrepreneurs and small businesses across the country. At this point, I would encourage support for the amendment.

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

Ms. MAXINE WATERS of California. Mr. Speaker, I would like to warn the Members of this House not to take the compliments seriously that are being given by the gentleman who would have you believe that somehow I have totally embraced this amendment because I think it is going to change the fact that there is no disclosure to those who would be investing and no notice to the SEC.

So don’t take him seriously when he talks about thanking me for encouraging and embracing. I have not done that. I am going to tolerate this amendment. It is late. It doesn’t do what he says it is going to do. The bill is still a bad bill. It is a bill that targets the most vulnerable people in our society. It is a bill where fraudsters are going to go into churches and convince ministers and parishioners that they are out to help them.

Members of Congress, do the right thing. Today, stand up against another attempt by misguided folks who would have you believe that they are helping people when, in fact, they are opening up opportunities for ripped off one more time, ripped off in ways that could have been avoided.

Mr. Speaker, I oppose this bill. I ask everybody to vote against this bill.

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

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill and on the amendment offered by the gentleman from Minnesota (Mr. EMMER).

The question is on the amendment by the gentleman from Minnesota (Mr. EMMER).

The amendment was agreed to.

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

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

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

The question was taken; and the ayes appeared to have it.

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 194. An act to ensure the effective processing of mail by Federal agencies, and for other purposes.

H.R. 3243. An act to amend title 40, United States Code, to eliminate the sunset of certain provisions relating to information technology, to amend the National Defense Authorization Act for Fiscal Year 2015 to extend the sunset relating to the Federal Data Center Consolidation Initiative, and for other purposes.

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 10 o'clock and 30 minutes a.m.), the House stood in recess.
Mr. DIAZ-BALART changed his vote from "nay" to "yea." So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

H.R. 2201, the Fiscal Year 2018 National Defense Authorization Act for Fiscal Year 2018

Mr. THORNBERRY submitted the following conference report and statement on the bill (H.R. 2810) to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes:

"I would like the record to reflect how I would have voted. Rollcall No. 621—"Yes." Rollcall No. 620—"No.""

CONFERENCE REPORT ON H.R. 2810, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018

Mr. THORNBERRY submitted the following conference report and statement on the bill (H.R. 2201) to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes:

"(For conference report and statement, see proceedings of the House of November 9, 2017, published in Book II.)"

LEGISLATIVE PROGRAM

Mr. HOYER asked and was given permission to address the House for 1 minute.

Mr. HOYER. Mr. Speaker, I yield to the gentleman from California (Mr. MCCARTHY) for the purpose of the majority leader telling us the schedule for the week to come.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for his remarks.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on Monday, the House will meet at noon for regular order, where it gets introduced to the issues at hand, and then we will move to the consideration of legislation. We will be sure to inform all Members.

Lastly, Mr. Speaker, additional legislative items are possible in the House. If anything is added to our schedule, I will be sure to inform all Members.

Mr. Speaker, I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

I am going to have some specific questions about the tax bill, but before I do that, it is our understanding that substantial changes are being made in the tax bill that was put on the floor last Thursday, a week ago.

Does the gentleman know whether that is accurate or not?

I yield to the gentleman from California.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

I would not use that term, "substantial," because, as you know, we have gone through this process for quite some time. We are all writing to the same number: $1.5 trillion. But, as you know, any bill, when it moves through regular order, where it gets introduced in committee and we have a markup, just as Ways and Means has done all week long—they will come to the final vote today—whatever amendments pass will be added.
You will then see that bill posted. You will then, next week, see the Rules Committee take it up, and then you will see that bill on the floor, just as with any other regular order bill in the process.

Mr. HOYER. Mr. Speaker, regular order is having hearings and witnesses, is it not?

I yield to the gentleman from California.

Mr. MCCARTHY. Mr. Speaker, for the last three decades, we have done that, and I don’t think the American people want to continue to wait.

I know we go through this every week, time and again, and so I can quote you back the number of hearings. I can quote you back what people even ran a campaign on and put out to the American public. But what is most important that I can quote to you is the lack of growth that has happened, how much people have to pay in taxes, the trillions of dollars that are sitting overseas.

What I have found time and again, and I know we have talked about this before, but just by the introduction of our bill, I was sitting in the Oval Office last week and there was a company there, Broadcom, that was created in America, but because of our Tax Code, they were forced to leave America to try to be competitive.

They looked at this bill, and they told me a couple of days before: If you really believe this bill is going to pass, we will come back.

When they come back, that is $20 billion in revenue each year. They will spend another $3 billion each year on R&D. Then they will spend $6 billion in manufacturing.

The gentleman and I have had so many discussions about how to bring manufacturing jobs back. That is why I am斗 against this bill coming to the floor the next week.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his remarks.

I don’t share his enthusiasm for this bill, which I think will be very harmful, will explode the debt, and be a bail-and-switch on the middle class whether it will get a tax cut early and a tax increase later on.

Is the gentleman aware, when he talks about growth, that in the comparable 9 months of 2016 to the same months in 2017 under Trump, that there were 326,000 more jobs created in 2016 than have been created in 2017 in those analogous months?

Mr. Speaker, I yield to the gentleman.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am a little confused that the gentleman is not enthusiastic about this bill. I have read what some people on the other side of the aisle have said about this bill. I heard one phrase that the gentleman recently used about the middle class. I would just caution my friend in inferring any-

thing negative to the middle class with this bill because there were some on the other side of the aisle that made some comments.

Like most things we say, we get fact-checked. The Washington Post, to a few Senators and my own Senator from California tried to claim this was poor for the middle class.

Do you know what happened?

She did not receive one Pinocchio, she did not receive two Pinocchios, and she did not even receive three Pinocchios. She received four Pinocchios on that statement. That is the most Pinocchios you can get.

Mr. Speaker, if I may, I wanted to do the research. I wanted to look. Is this tax bill good for all of America? Especially because I want the gentleman to be enthusiastic about it, I looked at Maryland’s Fifth District. Now here are just a few facts:

Currently, in the Fifth Congressional District of Maryland, 47 percent of the filers take the standard deduction. So not only will they be better off, it will actually double, and they will see the increase in their pay on day one, January 1.

Another 11 percent have itemized deductions. They will no longer with our new higher standard deduction, so they will also save more money, not to mention the time and confusion by not having to itemize. That means, before we even look at lowering tax rates, 58 percent of my friend’s district is better off on day one.

Now, how about the median family of four?

A median family of four in Maryland’s Fifth Congressional District earns $123,000. For the 20 percent of those families that don’t itemize today, they will receive a tax cut of $5,000. For the 80 percent who are itemizing today, they will get, on average, $2,200 in a tax cut.

But those are not the only people I am worried about. How about the single mother who is earning $30,000 in your district?

Well, she will no longer have to pay any tax under this plan. In fact, she will receive a refund of about $500 to $700.

How about the small business, the entrepreneur, the factory creating jobs?

The small-business owner making about $500,000 in Maryland’s Fifth Congressional District will see a savings of nearly $19,000.

So what is my friend about is: How can’t you be excited about this bill?

In short, Mr. Speaker, to the people not just in my friend’s district, but all of America, let me state this: under our plan, the average family of four earning $55,000 a year will not pay any tax.

For so many days and so many years, I have heard from the other side of the aisle and the gentleman talking about the middle class. We have a bill that is on the floor that is going to help the middle class, the single mother not to pay any tax and making money back: the median family there getting $5,000 back; the small business getting 19—I don’t know how much more we have to do to get my friend excited, but next week he will have the opportunity.

Mr. HOYER. Mr. Speaker, a lot more is the answer.

Why is the NFIB, Mr. Speaker, against this bill if it is so good for small business? Why is the AARP against this bill if it is so good for small business? Why is the Peter G. Peterson Foundation, which is worried about the national debt, against it?

Mr. Speaker, since I have been here, my Republican friends have been talking about we have got to balance the budget. The President said he is going to balance the budget in 9 years. That was hooey.

Our Republican friends have said they are going to balance the budget. They said it in the Price budget. They said it in the Ryan budget. The budget deficit keeps getting bigger, and they have been in charge of economic policy for a long time.

The fact of the matter is, Mr. Speaker, I have got a list of 50 groups that are against this bill because they think it hurts both the debt and middle-income people.

The distribution, according to fact-checkers but the Joint Committee on Taxation, $1 trillion of the tax cuts go to business, $230 billion to individuals, and $170 billion on estates essentially. Now, that doesn’t add up to the $1.7 or $1.8 trillion that has been computed to be the deficit created—the additional debt—by this bill.

In fact, that is why this bill is being rewritten right now. I guarantee my friend—and he can call me this next week—that the bill that was introduced last Thursday will not look like the bill that we will consider on the floor. It won’t.

It won’t because, first of all, the debt is a problem for, apparently, some people. It is a big problem for me. We ought to pay for what we buy. That is what the chairman of the Ways and Means Committee, Mr. Camp, did: a bill that was paid for—an honest bill that was paid for, as was the 1986 tax reform bill. It did not add to the debt.

This adds an extraordinary amount to the debt. As a matter of fact, it adds in one fell swoop the debt that was created on the Reagan administration approximately $1.7 trillion. It is being rewritten now.

My presumption is, as we have done 49 times this year, that this bill will be presented under a closed rule in a transparent Congress, where everybody’s views are going to be considered. I stand here and say that the gentleman is not going to bring this bill to the floor with an open rule where amendments can be offered, where people can discuss options, and we can see what the ramifications are to our class tax.

The Joint Committee on Taxation also pointed out that, of this figure, individuals are going to get a tax cut of
which Mr. RYAN talks about of $1,182—
a typical family, he refers to them—but
that figure will start to go down in
2019 and will go down further in 2020 so
that it is a bait-and-switch. You get it
up front, but we are going to take it away.

In the Ways and Means Committee,
one of the reasons, Mr. Speaker, I tell
the majority that I am not very enthu-
siastic is because they asked: Do we
also do this for businesses? Do we also
do it for the estate tax? Do we also do
it for the state tax? Do we also do it
for the adoption tax credit?

The answer to that question is no.
Only the middle-income worker has
their tax cut reduced over the next 5
years, but not so with business, not so
with the wealthiest taxpayers in Amer-
ica, and not so, obviously, with the es-
teate tax. So that, I can tell the gen-
tleman, is why I am not nearly as en-
thusiastic about it as some others
would be.

We exempt State and local tax deduc-
tions, which the middle class takes. We
limit the mortgage interest deduction
used by homeowners. We eliminate the
student loan deduction and we elimi-
nate the medical expense deduction. So
if you have a major medical expense, you
are going to lose under this bill.

It eliminates the deduction for mov-
ing expenses if your employer wants
you to go more than 50 miles from your
home. It eliminates the deduction for
the adoption tax credit. That could be
a credit of $13,570 per eligible child that
you will lose. It eliminates the deduc-
tion for teachers that helps them pur-
chase pencils, papers, rulers, and other
materials for students.

It eliminates the deduction for de-
dependent care assistance—a substantial
challenge for many of our families in
America. It eliminate personal exempt-
tions, which Americans can currently
deduct for themselves, a spouse and de-
dpendents that grows to the size of the
family. If you have a large family, you
lose under this bill. If you have one
child, the majority leader may be
right. When you get to two children,
three children, and four children with
no deductions, you are going to lose
under this bill. That is why I am not
very enthusiastic about it.

I tell this leader, Mr. Speaker, per-
haps the changes will make me more
enthusiastic. Perhaps there will be
a recognition that this is not the bill
that is going to do what it is purported
to do.

Mr. Speaker, I yield to the gen-
tleman.

Mr. McCARTHY. Mr. Speaker, I
thank the gentleman for yielding.

I just caution the gentleman on some
of the things that he says because I do
not want him to end up with any
Pinocchios. The gentleman knows my
fondness for him. Just today in The
Washington Post we had a joint edi-
torial about our trip down to Puerto
Rico, which included the Virgin Islands, and to the
Keys in Florida.

The one thing I do want to say to the
gentleman is I know he mentioned a
few people in the very beginning. NFIB,
whether they support the bill or not, I
say: Just stay tuned.

When the gentleman talks about will
there be changes in the bill, this is the
process. When you go through com-
mitee, do you ever want to have the
committee to have input?

So there will be some changes. Sub-
stantially? No. But I do want to also
advise my good friend—maybe I could
refer the gentleman to clause 5(a) of
rule XXI of the rules. That will tell
my friend how a bill comes to the
floor coming out of the Ways and
Means Committee when it deals with
taxes.

Now, I know the gentleman talks
about debt. I know the gentleman
brought up teachers, that it is a $250
tax credit. The only concern I have is
that it is only in Washington that they
could be opposed to a bill because they
think we are eliminating a $250 tax de-
duction while we are giving somebody
$12,000 more. There is a lot
more there going around, and I think
that is a much bigger gift. If you ask
the American public what they wanted,
I will guarantee you which side they
would pick.

Now, the gentleman talks about
debt—and I have great respect for my
friend—but just a few weeks ago, the
gentleman voted for a budget that
called to raise taxes by $3.9 trillion.
That same budget would also increase
the debt—and I disagree strongly on this
issue. I am against the creation of
debt—and I disagree strongly on this
issue. I am against the creation of
debt.

Now, we had a budget on our side. A
budget lays out the framework for the
future. The Republican budget resulted
in a $197 billion surplus in 2027 and a
$3.6 trillion deficit over 10 years. So
I am concerned about the budget, and
my votes show that. I want to put us
on a path where we balance.

We had this debate just a couple
weeks ago, and that debate set up the
mechanism to go to tax. And the one
thing I have learned time and again—
and my friend and I have had this dis-
CUSSION—we have got to protect the en-
terprises for the future, but we know
that is what is going to break us if we
don’t do something about it.

We have got to grow the economy. As
we have watched the history of Amer-
ica, every generation has improved on
the generation before it. But 75 percent
of Americans believe this generation
will not.

Why? Because of the last 10 years. It
has been our lowest growth that we have
seen in decades. We have always aver-
aged more than 3 percent GDP, but we
didn’t then. We have just gone through
two quarters at 3 percent where we had
five hurricanes.

I watched the Atlanta Fed look at
this and say that we could be above 4
percent.

Do you know what opportunities we
have?

So it just won’t be the Maryland
Fifth District that is getting that
money back or the small businesses
that are hiring more with that $19,000.
But imagine what that family will do
with that $3,000. They will get to deter-
mine that. They will buy more than
just a pencil. They will invest in their
kids’ future.

So I think that it is an opportunity
for all of us to come together, put peo-
ple before politics, and let’s make sure
this bill goes out in a very strong vote.

MR. HOYER. Mr. Speaker, I thank
the gentleman for his remarks.

Mr. Speaker, I heard almost word for
word the majority party intone that vi-
sion and prediction when we passed
the 2001 and 2003 tax cuts—almost word for
word. That economic policy stayed in
place until 2009.

Why?

Because the Republicans controlled
the House, the Senate, and the Presi-
dency.

And what did it bring us?

An almost Hoover-like depression.
Not quite, because when we came into
office, we invested in bringing back a
decaying economy.

Mr. Speaker, the majority leader
didn’t respond when I said the growth
of jobs was better in 2016, under Barack
Obama, than it has been under Donald
Trump.

We are going to have an opportunity
to debate this bill, but I will tell my
friend, when he says this is the process,
the process is going to be that the
chairman of the committee will come
in with a major amendment to this bill
that none of us on this side will have
seen, and the bill will be brought to
the floor next week.

My friend, the majority leader—and I
want to say something: he is my friend,
and we do cooperate in a positive fash-
ion—and I disagree strongly on this
issue. I am against the creation of
debt.

He mentions the budget. Okay. That
is a fair point. But I have been pretty
consistent throughout my career to
join with the Peterson Foundation that
says we have got to get a handle on
this debt. We have a growing economy
and 4.4 percent unemployment. The
stock market is going up.

So what do we have here?

An extraordinary stimulus bill with
$1.5 trillion, $1.6 trillion, $1.7 trillion,
$1.8 trillion of debt, presumably, as the
majority leader admits, to stimulate the
economy. Very frankly, if Demo-
crats were doing this, we would be sav-
ged by the other side.

We will debate this, and we will look
forward to seeing how the bill is going
to be when it comes to the floor. Hope-
fully, we might get the manager’s amend-
ment, or, better said, the chair-
man’s amendment, prior to its coming
to the floor. I should hope we would
have, at least, maybe even 48 or 24
hours’ notice of what that amendment
is going to look like so that not only

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we, but the American people, who will have no opportunity to come in and give their opinions or testify, at least they will know what we are voting on. We will try to make sure they know.

One other issue I would like to speak about before we adjourn, and that is the request that the President of the United States made to us. He talked about the order issued by President Obama dealing with childhood arrivals who came here as minors, not through voluntary action, called DACA, or Deferred Action for Childhood Arrivals. There were a number of Republicans who had a press conference today, and they said we ought to pass that bill before the end of this year. I urge the majority leader to pass this bill by the end of next week, before the Thanksgiving break.

This, Mr. Speaker, I believe is an issue on which, as Mr. Barton said, who is one of the senior Members on the Republican side of the aisle, if it is brought to the floor, it would have over 300 votes.

Representative Barton said that, not me. I said that last week. I am glad that Mr. Barton agrees with me.

We need to take care of this issue at the same time that we see President Trump of the United States, who said: I love these kids. He didn’t follow that with: I am not going to send them out of the country. What he said was that they were not protected the proper way and asked the Congress to take care of this.

I have urged the majority leader, Mr. Speaker, for the last 2 months, to bring this to the floor. I know that a task force has been appointed. I don’t know that the task force has reached a conclusion, but I would urge the majority leader and Speaker Ryan, who urged the President not to rescind the protection of these young people, urged him not to rescind President Obama’s order. But when he did, the President said: we are going to do it because it wasn’t done properly. It is the Congress’ responsibility.

Mr. Leader, I would urge you to bring to the floor the Dream Act, which is the manifestation of the response to that. There are other options as well. We understand that. But something ought to be brought to the floor so that these young people are not twisting in the wind through Thanksgiving and Christmas. This is the country they know, this is the country in which they have been brought up.

When Rush Limbaugh says, “We are not going to send these kids home,” I can’t believe that any of us on this floor are going to vote to send these young people home. We need legislation to pass to protect them and to give them the confidence.

There is a wonderful editorial—I urge all of you to read it—from Bob Gates, our former Secretary of Defense under both Presidents Clinton and Obama. He wrote an editorial about the thousands of, essentially, DACA children, young people, who have served in our Armed Forces valiantly. As a matter of fact, he said the attrition rate is a lot less with DACA-protected individuals than it is with others.

Bob Gates is right. We ought to act. President Trump, in this instance, is right. It is our responsibility. We ought to act. Fred Upton said that today in the press conference. Joe Barton said that in the press conference. The gentleman from Washington State, who led the press conference, said that.

Mr. Leader, this is an issue I think on which we agree. The tax bill is going to be an issue on which we are in contention. Let’s give the American people another example, as we have in the past, of a place where we can work together, get something constructive and positive done for our country and for these young people.

Mr. Speaker, I yield to my friend.

Mr. McCarthy. Mr. Speaker, I thank the gentleman for yielding.

The gentleman does know that we have put a task force together. I happen to speak on that task force. We have met over a half dozen times. It is true that when the President made his decision, he made it based upon whether it was legal or not for an action the executive branch took. The courts said it was not. So it was, rightfully so, moved back into this body, which is the legislative body.

He gave us 6 months to get the job done. That is what we are continuing to work on. I look forward to coming to the gentleman made prior. I do know that he is concerned about this.

As the gentleman does know, if we just get 1 percent of growth in the GDP, that will add over a trillion dollars of extra revenue. The Atlanta Fed is already saying we are going to get 1½ percent. When you know how high we can go, but I would never want to put a ceiling on America. I will always bet on America. I just want to unshackle the things that hold us back.

You are correct; you talked about how we now have the lowest unemployment in decades. For the 58th time since the election a year ago, the stock market broke a record. Business confidence is at an all-time high.

Most of that is happening because America has the anticipation of us passing a tax bill. That is why I think this is a moment that will be significant for every Member.

They will look back on their vote for next week as one of the most important votes they would ever take. What is the future you want to have for your children; what is the opportunity you want to give them?

Did you put the rhetoric aside; did you look at the bill based on constituencies, or did you look at the bill based upon your own constituents?

Take your partisan hat off, and when you look at that at the end of the day, if it empowers your small businesses, if it gives every American more money in their own pocket, if the projections are that it is going to grow the economy, do what is right. Do what is right for America, and I believe, at the end of the day, history will treat you well.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his remarks.

I will say on this floor—the fact-checkers check me—millions and millions and millions of middle class taxpayers will get a tax increase under this bill. Check me. Millions of people. Why do I say that?

The Joint Committee on Taxation tells me that. Other think groups tell me that from the conservative side of the ledger.

So we will argue this bill, but I will repeat again that I have heard that argument over and over and over again. I heard it in 1981, and we exploded the debt. I heard it in 2001 and 2003, and we exploded the debt. We had the deepest recession anybody on this floor who is sitting here now has experienced. I hear it today.

The reason the Peter G. Peterson Foundation is against this is because they believe exploding the debt by another $1.5 trillion will be an extraordinary detriment to our country.

I want to say to every Member, Mr. Speaker, when you get up and say: I don’t want to hurt my children, there may be people who get a tax cut under this bill, but I guarantee you the people who are getting a tax increase, in addition to the middle class I have just talked about, are the children. They are going to have to pay off this debt. We will not pay it off.

When you speak on this floor and say it is an immoral act to put our children more deeply into debt, if you believe that, you will not be able to vote for this bill.

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

HONORING THE LIFE, SERVICE, AND HEROISM OF JACK HENLEY

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

Mr. GIANFORTE. Mr. Speaker, with Veterans Day approaching, I want to recognize the life, service, and heroism of Jack Henley from Hamilton, Montana.

Jack was on the front lines in the Second World War. During the battle in the Philippines, he led a squad of men through heavy fire to fill a gap in the line, without losing a single man. He twice reentered the field of fire to save the lives of two wounded comrades.

For his actions, Jack earned the Silver Star and the Purple Heart. He reenlisted in 1948, training troops for the Korean war. Jack continued to serve in the Army Reserve until 1984.

During his 28 years of service, he was awarded 18 medals and decorations. His name is included in the Hall of Valor here in Washington, D.C.
I am proud to have this man as a fellow Montanan, and I am honored to recognize his extraordinary life. May we always remember Jack’s story and those of all our Nation’s veterans.

HONORING THE LIFE OF DARREN DRAKE

(Mr. GOTTHEIMER asked and was given permission to address the House for 1 minute.
Mr. GOTTHEIMER. Mr. Speaker, I rise today in memory of 32-year-old Darren Drake from New Milford, New Jersey, whose promising life was cut short in last month’s tragic and senseless act of ISIS-inspired lone-wolf terrorism in Manhattan.

Darren was one of our best and brightest, and a son of New Jersey through and through. A hardworking project manager at Moody’s and a lifelong Jets fan, Darren earned more than three degrees from New Jersey universities. Not only was he driven and accomplished, Darren was also a committed public servant, serving as president of the New Milford School Board.

Darren was beloved. It was intensely moving to see so much of the North Jersey community come together at his wake and funeral last week and this week.

To his parents, Jimmy and Barbara, and everyone whose life he touched, I want to express my deepest condolences. Darren’s death is our profound loss. He packed more into his years than most do in a lifetime. His life enriched our lives beyond measure.

No act of terror will ever be able to diminish the bright and burning love he had for his home, my State, and our country. I will spend my days here fighting terrorism at home and abroad in Darren’s honor.

May God rest his soul.

Happy birthday.

PROTECTING ELECTORAL INTEGRITY

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

Mr. PAYNE. Mr. Speaker, study after study has shown that illegal voting is extraordinarily rare and voter fraud is almost nonexistent.

Instead of spending taxpayer money chasing after mythical claims of voter fraud, the Federal Government must address actual threats to our electoral system. It is imperative that the Federal Government protect the integrity of our elections, but the administration seems interested in only chasing voter fraud unicorns.

The real threats to our democracy are voter suppression, cybersecurity, weaknesses, and foreign meddling.

To protect the integrity of our elections, we must expand voting rights for all Americans, we must modernize our voting systems, and we must appoint an independent commission to investigate foreign meddling in the electoral system before the 2018 Federal election.

SALUTING ALL WHO DEFEND OUR GREAT NATION

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

Mr. FITZPATRICK. Mr. Speaker, on Veterans Day, we salute all those who have defended our great Nation and served in uniform. We say a profound thank you for so bravely offering yourself and your services for the betterment of our Nation.

Whether part of the Army, Navy, Air Force, Marines, or Coast Guard, you have served and sacrificed greatly to secure the freedom we enjoy here at home. Your commitment to duty and to service is a cause bigger than yourself and commands our respect. You continue the greatest traditions of responsible citizens in this Republic, and you are a role model for younger generations of Americans.

To the families who have sacrificed alongside our veterans, we say thank you. You provide the love and care necessary for our servicemen and -women to continue their honorable work.

I am honored to serve the veterans in my hometown community, in Bucks and Montgomery Counties, and across the Nation. Our gratitude is enduring, our support for you steadfast. We have your back.

OPPOSING REPUBLICAN TAX PLAN

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

Ms. BARRAGÁN. Mr. Speaker, I rise today to oppose the Republican tax plan and to highlight another devastating proposal in it.

The Republican tax plan proposes to eliminate the medical expense deduction. Eliminating this deduction could raise taxes on nearly 9 million people, including cancer patients and their families, seniors, and those with disabilities and chronic health plans.

Currently, people with high healthcare costs can deduct medical expenses that exceed 10 percent of their total income. Let me give you an example.

If you are a retiree living in southern California suffering from multiple sclerosis and you live on $75,000 a year annual pension, you could write off $70,000 a year in medical expenses, giving that person a tax break of about $20,000. Removing the itemized medical deduction would spell financial disaster for that person.

Now, half of those claiming the deduction have an income below $50,000 per year. So just think about how devastating losing this deduction will be.

I can’t stand idly by while my Republican colleagues put forth a tax plan that takes money from the sickest and neediest among us in order to give tax cuts to corporations and the top 1 percent of earners. This is a bad bill.

SALUTING VETERANS

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

Mr. TAYLOR. Mr. Speaker, I rise to salute all veterans on this day.

As veterans, you may forever and eternally take your place amongst the unbroken line of patriots who have stepped forward, whether voluntarily or drafted, with youth and rigor and bravery for your Nation, for your family, and for the soldier on your left or right.

On this day, we bestow honor upon you for once standing the watch.

Because of the standard you have set, future generations will continue to serve with pride in our American heritage and be willing to fulfill our providential promise, willing to uphold our God-given inheritance as free people, and they shall fight for freedom, whatever the cost, with dogged persistence and with an iron will hallowed down from your legacy.

Happy Veterans Day, and may God lift you up, and may He always bless these United States.

HONORING OUR NATION’S VETERANS

(Mr. PANETTA asked and was given permission to address the House for 1 minute.)
Mr. PANETTA. Mr. Speaker: “Let us strive to bind up our Nation’s wounds, to care for him who has borne the battle, his widow, and his orphan.”

These words were declared by President Abraham Lincoln at his second inaugural address where he set out our Nation’s obligation to our veterans.

On the eve of Veterans Day, I rise to honor our heroes, the men and women who served our Nation, and remind us of our responsibility to those, our veterans.

Now, in my district, on the central coast of California, nearly 30,000 veterans live in that area, an area imbued with military history, from the former Fort Ord to the many military installations that are on Active Duty now, to the men and women who have served in our community and kept the security of the country free.

It has been those servicemembers and their families who have not only served, but stayed in our community, who have fulfilled that obligation by serving those who served us. Now we have one healthcare clinic, the VA–DOD General Gurley health clinic; we have the Central Coast Veterans Cemetery; we have the Veterans Transition Center; and we have a Veterans Treatment Court.

On this Veterans Day, we not only want to thank our veterans for their service, but we recommit ourselves to serving those who served us.

IN HONOR OF VETERANS DAY

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

Mr. KUSTOFF of Tennessee. Mr. Speaker, I rise today in honor of Veterans Day, which is Saturday, November 11. On this Veterans Day, I know all Tennesseans join me in honoring the brave men and women who have served in our Armed Forces.

There is no greater sacrifice than to lay your life on the line for your family, friends, neighbors, and country. We must remember the great debt that we owe our veterans and members of the armed services who fight to maintain our freedom.

To all those who have lost loved ones to war, we join you in honoring their remarkable service. Their courage is what makes the United States of America the greatest nation on Earth. Our veterans have sacrificed so much on our behalf, so it is our duty to ensure that their sacrifice ends when they come back home. I promise to always fight to protect our veterans and active servicemembers.

REPUBLICAN TAX BILL GIVING TAX BREAKS TO MILLIONAIRES AND BILLIONAIRES

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

Mr. ENGEL. Mr. Speaker, let’s put rhetoric aside when it comes to the Republican tax bill. This is a bill that gives tremendous tax breaks to millionaires and billionaires while it hits the middle class.

The facade of it may look like middle class people getting a tax break, but when you add on all the deductions that they will no longer have to allow to take, it is a negative for the middle class.

The government is always accused of giving you something in one hand and taking it back in the other hand. A classic bait and switch, that is what this bill is about.

In my home State of New York, which is a high tax State, people will no longer have the ability to deduct State and local taxes or deduct mortgage interest to the degree that they have now.

So when you add it all up, what does it do?

Higher taxes for the middle class, lower taxes for millionaires and billionaires like our President—a classic bait and switch.

When you talk about New York, New York is a donor State. We give more money to the Federal Government than we get back, and this is just hitting New York in the head again.

We should be protecting the middle class and letting people who can afford to pay more, millionaires and billionaires, pay more, not the other way around.

Finally, whatever happened to the fiscal responsibility of the Republican Party? This blows a hole in the deficit—$1.75 trillion.

OPPOSING SEISMIC TESTING AND OFFSHORE DRILLING IN GULF OF MEXICO AND WEST COAST OF FLORIDA

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

Mr. FRANCIS ROONEY of Florida. Mr. Speaker, I have been in the oil and gas business for many, many years, and the drilling business. I have been out to drill rigs offshore, and I have been to platforms offshore. I have interests, now, in several countries that do oil and gas, but I must vigorously and relentlessly oppose any move towards seismic testing or offshore drilling in the eastern Gulf of Mexico and along the west coast of Florida.

Our west coast of Florida is highly developed with residential development and so are our bays. We can’t tolerate the kinds of work boat, tank farm, and infrastructure necessary to service offshore rigs, because it is not just about the rigs.

This is a picture of work boats going from Grand Isle, Louisiana, out to the many, many rigs offshore the south Louisiana coast. This is a picture of work boats. This is what goes back and forth to offshore rigs every day.

FOREVER GRATEFUL FOR OUR VETERANS

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

Mr. BERGMAN. Mr. Speaker, as a nation, we find ourselves in seemingly uncertain times: instability in North Korea, terrorism throughout the world, and divisiveness on so many fronts. Yet across our Nation, young men and women continue to step up to serve when their country needs them most. They serve our great Nation willingly, honorably, and without bias.

In the 1940s, when an unprecedented attack on American soil led us into the Second World War, our brave men and women in uniform stood up to defend our Nation.

In the 1950s, when our country faced the spread of communism to Korea, it was our veterans who were there. In the 1960s and 1970s, when the United States was brought into the war in Vietnam, knowing there would be no hero’s welcome when they came home, our men and women were steadfast.

HONORING THE LIFE OF JACK BEATON

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

Mr. KIHUEN. Mr. Speaker, today I rise to remember the life of Jack Beaton, a loving husband and father from Bakersfield, California.

Jack traveled to the Route 91 music festival with his wife, Laurie, to celebrate their 23rd wedding anniversary. Jack died a hero, shielding Laurie from the gunfire.

Laurie said Jack made her feel loved every single day. He was also a loving father to his two children. He always had a smile on his face and was a kid at heart.

Jack was known as a hard worker who was always willing to give someone a helping hand. He was the type of person who had literally given someone the shirt off his back. His children’s friends said that he, Jack, was a role model to them both as a father figure and as a best friend.

I would like to extend my condolences to Jack Beaton’s family and his friends. Please know that the city of Las Vegas, the State of Nevada, and the whole country grieve with you.

Here is another one.

We don’t have room for these things in our bays. We don’t have time to see these things going off our coast, ruining the view that our tourists get.

Here is one last one. That is a cable tower putting down moorings, the big round offshore moorings the big boats tie off on. We don’t have room for those moorings in our rivers and bays. So, for that, I again want to oppose any move towards offshore drilling in the southwest Florida coast.

FOREVER GRATEFUL FOR OUR VETERANS
In the first Gulf War, Operation Enduring Freedom, Operation Iraqi Freedom, and the many missions they have faced in the past two decades, our soldiers, sailors, airmen, marines, and coastguardsmen have defended our great Nation from those who wish to do us harm.

On this Veterans Day, I submit to our men and women: Your service is not over and your mission is not complete. Now, more than ever, your country needs you. Stand up. Tell your story. We generation needs to hear from you. We are forever grateful for your service.

TRIBUTE TO VETERANS OF THE ARMED FORCES OF THE UNITED STATES

(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, I, too, rise to salute our veterans and to indicate to all of them that they are truly heroes walking amongst us. I want to thank all of the armed servicemen and -women for their selfless dedication to the protection of this Nation every day, putting on the uniform unselfishly and standing in the gap. I think it is also important to note the many families who are also a part of this freedom.

And let me acknowledge the 21.6 million brave men and women who are veterans of our Nation’s military service: 30,000 of them in the 18th Congressional District.

But I want to take a moment—and I will be speaking about this tomorrow and on Saturday, Veterans Day, about POWs and MIAs. I want to salute Congressman SAM JOHNSON from Texas and Senator John McCain from Arizona, both of whom suffered injuries, whom you can even see now in the United States Congress, during their time as a POW. I honor them, and I hold them in high esteem.

And to the families of the MIAs from all of the wars, I want to say to them that we continue to pray for your loved ones.

As a sponsor of eight pieces of legislation and 35 pieces of legislation that I cosponsored to make lives of veterans better, today I salute you and say happy Veterans Day. God bless all of you, and God bless this free Nation, the United States of America.

Mr. Speaker, I rise to pay tribute to all the men and women who have served in the Armed Forces of the United States and risked their lives to defend our freedoms and way of life.

Veterans are truly heroes walking among us.

I want to thank all of our armed servicemen and women for their selfless dedication to our protection every day.

Each Veterans Day, Americans come together to remember those who have served our country around the world in the name of freedom and democracy.

The debt that we owe to them is immeasurable.

Their sacrifices, and those of their families, are freedom's foundation.

Without the brave efforts of all the soldiers, sailors, airmen, marines, Coast Guardsmen and women, and the National Guard and their families, our country would not live so freely.

I offer my deepest gratitude to our nation’s troops and reservists, their families, and the 21.6 million veterans, including 29,126 here in the 18th Congressional District.

21.6 million brave men and women are veterans of our nation’s military service.

Nine in ten military families believe the public does not understand or appreciate their sacrifices.

We use Veterans Day to show our veterans and military families how important they are to us and how grateful we are for them each and every day.

November is National Caregivers Month to show our caregivers how grateful we are for their service.

It is only fitting that we thank those caregivers who serve our military today. 5.5 million spouses, parents, children, and other loved ones care for our wounded warriors, and 15 percent of caregivers spend 40 plus hours a week providing care for our military families.

As a Senior Member of the House Committees on Judiciary and Homeland Security, Ranking Member of the Subcommittee on Terrorism, Homeland Security, and Investigations, I care deeply about our veterans.

In this Congress alone, I have sponsored 8 pieces of legislation and cosponsored 35 pieces of legislation that will positively benefit our veterans and their families.

On the battlefield, the military pledges to leave no soldier behind. As a nation, let it be our pledge that when they return home, we leave no veteran behind.

This day and every day, let us honor their sacrifices with actions that fulfill our commitment to our troops, their families, and our veterans—and that are worthy of our grateful nation.

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There are different strategies to try to accomplish fairness in a free country. If it is truly free, people are going to have to have the opportunity to fail as well as succeed. The only other alternative is the government telling everybody across the board, no matter how much you produce.

We have seen, over and over through-out history, that never works. Income redistribution never works. You kill the incentives. And, as I was told back in the summer of 1973, in an exchange program at the Soviet Union, by a bunch of farmers who were sitting in the shade mid-morning in the middle of the summer, I asked—and I tried to use my best Russian: When do you work out in the field? I couldn’t tell what was cultivated and what wasn’t. It all looked terrible.

They all laughed, I thought maybe I had translated something wrong. But one of the farmers, in Russian, said: I make the same number of rubles if I am out there in the field, or in the Sun, or here in the shade, so I am here in the shade. That is why socialism doesn’t work.

There are many different strategies that have been utilized.
throughout this Nation’s history, and throughout the history of the world, to try to create—sometimes it is not an effort to create fairness in this country. It has normally been, thank God. But under the Obama administration’s efforts to redistribute income, it brought about for the first time in our Nation’s history, that the top 1 percent of our Nation made 95 percent of the income.

I just was staggered. But that happened under the Obama administration. That told me that the strategy for encouraging success, financial success, was an abysmal failure. Under the 8 years of Commander in Chief Obama, as he commanded over the economy, he made sure—I don’t think it was intentional—but his efforts made sure that the very richest in the country became much richer and the rest of the country suffered.

And those on food stamps skyrocketed to the highest level ever. I think they got to 45 million Americans, for the first time in our history, who got so tired of applying for jobs, unsuccessfully, they quit even applying.

And so how does the Obama administration respond? They responded by not counting those 45 million in the unemployed numbers because they were no longer looking for jobs. The economy, it really hasn’t recovered. People have been flatlined, or less, when compared for the little inflation we have had.

So it is time to try something different than the Obama efforts that put 95 percent of the Nation’s income in the top 1 percent’s pockets. We are already seeing that change, and I am hoping that our efforts, especially in creating tax cuts, will cause the economy to just skyrocket, the way it did after the 30 percent tax cut kicked in under President Reagan by 1983.

I do not like something that came out in the last week. This article from The Hill says: “Early Comey draft accused Clinton of gross negligence on emails.” It turns out—we find out now—that FBI Director Comey started drafting months before Hillary Clinton was interviewed, and months before discussion with Cheryl Mills and the other potential targets of the criminal investigation over the destruction of Hillary Clinton’s emails.

It was the opinion that there was obstruction of justice. That is not gross negligence when you tell somebody to go destroy your phone with a hammer, and you have them use BleachBit to take out everything in your phone or in your computer. That is not gross negligence, that is intentional obstruction of justice, when you know that there is a subpoena after the things you are destroying.

But FBI Director Comey decided to play politics instead of law and order. Maybe that would make a good new series on television or Netflix—not “House of Cards,” but “House of Injustice”—where we play politics with justice, instead of trying to do justice, trying to fulfill the oath to pursue justice.

In any event, he had “gross negligence,” as the term he attributed to Hillary Clinton, in that first draft. But, apparently, when he realized that gross negligence would be a crime, he eliminated what would clearly have been a complete accusation of a crime having been committed by Hillary Clinton.

So, interesting, just more information coming out about why James Comey should not—well, he should be considered someone worthy of investigation himself. He admitted to leaking information in order to manipulate the Justice Department, not by being up front and recommending a special counsel—oh, no. He wanted to create a special counsel, just like he did when he told John Ashcroft to recuse himself.

Ashcroft, obviously, not knowing what Comey had in mind, but he was going to try to find Jill Stein, godfather to be special counsel—Patrick Fitzgerald—and let him go on a witch hunt trying to get Karl Rove or Vice President Cheney—unsuccessful. So he manipulated and creates a case against Scooter Libby. At least he should have a scalp to show for the millions and millions of dollars that were wasted.

But from Comey’s standpoint, his child’s godfather made a lot of money, and he was up at the Bush administration, so probably from their standpoint it worked out real well.

But it also points to the fact that since James Comey has been involved up to his eyeballs in what is going on as FBI Director, whoever were to be special counsel, if anyone, they would need to be someone who is not close friends with James Comey. And, as Comey apparently pointed out to the Washingtonian, when they were doing it, that justice will be done, basically, Bob Mueller—if the world were on fire, Bob Mueller would be the one standing there with him to defend him at the end.

So, clearly, Mueller, if he were interested in ethics, would have refused—and actually interested in following the law himself—he would have refused to be appointed special counsel. But we now know that since Mueller, as FBI Director, was involved in the investigation of Russia’s efforts to gain United States uranium, to try to corner the market on uranium, and they were apparently committing crimes in their efforts paying bribes, whatever is necessary, to try to acquire United States uranium, the investigation went on apparently for 3 to 4 years, as an undercover person.

Well, Mueller and the U.S. attorney in charge of the investigation, named Rod Rosenstein, actually the guy who appointed Mueller, was special counsel, they ended up ensuring that the records of that long-term investigation would be sealed, and they even went to court and got a court order to seal it.

And whose name was on the motion to seal those documents? Rod Rosenstein. He did have a deputy sign on his behalf, but Rod Rosenstein was sealing the records so people couldn’t know that Russia was committing crimes while they were trying to acquire U.S. uranium.

If people saw that the FBI and the Justice Department knew that Russia was committing crimes, paying bribes trying to acquire U.S. uranium, then they would have been complicit with the effort to approve the sale of uranium to a country that was committing crimes to get it. If they had not approved that, then it is doubtful that the Clintons would have struck the megamillions Russian lottery the way they did, and their foundation.

So the last two people in the country that should have been involved in an investigation into potential Russian collusion should be a person named Rod Rosenstein and another person named Robert Mueller.

So I am still hoping—and, yes, I believe in prayer, so I am hoping and praying that justice will be done, that those who should not be investigating will step out of the picture or be forced to step out of the picture, and we can have a fair investigation into potential crimes.

Another very important piece of information that has come out about the shooter in the Sutherland Springs massacre has been this scream, this cry for more gun control, and that is immediately after we had a radical Islamist terrorist screaming “Allahu Akbar.” Even on FOX they said that means “praise be to God.” No. It means “praise be to Allah.”

If you want to look for “praise be to God,” you can look for somebody to actually say in English. “Praise be to God;” or you could look on top of the Washington Monument, where American leaders had inscriptions on all four sides of the metal capstone on top of the Washington Monument; but on the side facing the U.S. Capitol, they have great English. “Praise be to God.”
The reason they had “Praise be to God” facing the Capitol is that this is east of the Washington Monument, and what they aspired to have was the first rays of God’s sun every morning striking “Praise be to God,” enlightening those things else in the Nation’s Capital was lit; “Praise be to God,” then the rest of the Capital City would be lit. That is why it is there.

It turns out that the New York killer, the radical Islamist, he came to the U.S. under the diversity visa lottery program. It started because apparently some Senators and a few Democratic House Members believed that we were having too many Hispanics come in and we were not having enough Irish come in. So they created this program so immigrants like Irish, who were not being properly represented in the numbers, could have a chance to come into the U.S. the way so many Hispanics were.

Well, I didn’t think we cared about nationality. But we needed a special program to give some other countries a chance that Hispanic countries would not have, but apparently some thought that was going to be appropriate. It is a high time to get rid of the program. We have known for years terrorists have been trying to win the lottery, and terrorists have won the lottery.

My friend, the chairman of the Judiciary Committee, BOB GOODLATTE, had a terrific op-ed in The Hill, entitled: “Visa lottery program is too much of a gamble for our nation and needs to end.”

Republicans in the House voted to end the diversity visa lottery back in 2005. The Senate wouldn’t take it up. Senators were still there that helped start the program, like Senator SCHUMER. Then Democrats had the majority for the next 4 years after 2006. They certainly going to end the diversity visa lottery program. They are the ones who wanted it.

Then, in 2012, in the session after we got the majority back, we voted again to end the lottery, but the Senate, again, wouldn’t take it up.

In the last session, we didn’t get it voted out, but I am grateful to the chairman of the Judiciary Committee, BOB GOODLATTE, for pushing, as he has, and I am hoping we can get that bill to the floor that will allow us to end it.

In that op-ed, Chairman GOODLATTE says: “The visa lottery, which was enacted 10 years prior to 9/11, is foolish in the age in which we live. Those in the world who wish us harm can easily engage in this statistical gamble with nothing to lose. The Office of the Inspector General at the State Department has found that it poses significant national security risks. In fact, Saipov”—the New York City radical Islamic—is the fifth person who has been accused of conspiring in connection with terrorism plots to have come here through the visa lottery.

“In another instance, Hesham Hadayat, an Egyptian terrorist who killed two and wounded several others at Los Angeles International Airport on July 4, 2002, was a lawful permanent resident who received his green card through the program—the diversity visa lottery program—’since his wife was a visa lottery winner.’’

So this Egyptian terrorist was a lottery winner, or his wife was, and the two people who he killed in L.A. Airport and those wounded were the losers of that lottery.

Chairman GOODLATTE goes on to say: “Additionally, in August of 2002, Pakistani national Imran Mandhali pleaded guilty to conspiring to wage jihad by plotting to destroy electrical power stations, the Israeli consulate, and other south Florida targets. He entered the United States with his parents, who had won the visa lottery, in 1998. Similar to, in August’s lottery diversity lottery winners from Morocco—Ahmed Hannan and Karim Koubriti—were indicted as members of an alleged terrorist ‘sleep’ cell in Michigan. In June 2003, a jury convicted Koubriti of conspiring to provide material support or resources to terrorists, and Hannan of possessing false documents.”

So visa lottery applicants, some of them—many of them submit several applications under different names in order to increase their chances of winning the visa lottery.

Chairman GOODLATTE continues: “And marriage fraud is rampant in the program. ‘Pop-up’ spouses often appear in between the time that the applicant registers for the lottery and the time when the applicant is interviewed by the State Department. These ‘spouses’ pay the applicant in order to be part of the applicant’s green card winnings.”

Winning from the visa lottery:

Chairman GOODLATTE continues: “The United States has the most generous immigration system in the world, admitting more than 1 million legal immigrants each year.”

There is no country in the world that allows that many people to come into their country legally. We are far from being the largest country either geographically or population-wise, yet we are the most generous country in the world in allowing people into our country legally.

Chairman GOODLATTE goes on: “Eliminating the visa lottery does not negatively impact our immigration system, but makes our immigration system smarter and safer for the age in which we live. Our immigration policy should be based primarily on our national needs, security, and economics, as opposed to an arbitrary system. The visa lottery is too much of a gamble for our Nation to make with today’s ongoing threat of terrorism and must come to an end.”

There is no other country in the world that is so stupid regarding its own national security and national interests that it allows a lottery to determine who would get a visa to come into our country. It, hopefully, will be ending soon.

That is why there was this article in The Daily Caller: “GOP Senators Distance Themselves from Diversity Visa Program They Helped Create.”

There are some who helped create the diversity visa lottery program in the Senate who are saying: You know what? Maybe it is time to get rid of it. I hope we will.

Yesterday, though, in the House Judiciary Committee, we did have a bill come up. It is being urged by law enforcement, Federal law enforcement, by the Justice Department, FBI, the National Security Administration, CIA, our intelligence folks. They are saying: We have got to have this 702 for the watchlist, that will end on December 31 of this year.

Well, we know that the system has been abused. We were assured when I was here early on in Congress that: Gee, just reauthorize this, because there are so many Americans who are going to be harmed by allowing these warrantless wiretapping situations. The only way an American could be caught up in this wiretapping would be if they are talking to a known foreign terrorist, or a known foreign terrorist organization.

So that gave me some security. And back then—some years back when we were authorizing the program, I said to my friends that were against the program because they were afraid an American would be caught up: Well, if they are afraid of being caught up in this wiretapping or this tapping into phone calls, then just make sure that the American terrorist hands call on somebody else’s phone.

That was glibly said. Little did I know that it is not just known foreign terrorists and it is not members of known terrorist organizations; It has gotten so far afield that even if a Memorial Congress has an innocent visit with a diplomat or an ambassador from a foreign country, that can be—and apparently, we are told, has been—used to listen in and monitor conversations.

But we were assured of a great safeguard, because if an American is picked up under this monitoring of foreign terrorists, then the American name will be masked so nobody will know who it was; And through the Fourth Amendment, we will protect them from having a warrantless search of a conversation without a warrant from a judge, which requires that they are proving probable cause to believe that the individual is involved in a crime, and to commit a crime. And then with that probable cause being proved—as a judge, I signed felony warrants for searches, for seizures, for arrests, but you had to have probable cause.

□ 1245

But you had to have probable cause. This allows them to grab those conversations without probable cause.

So with all that we have only learned to learn, and especially when we found out how liberal the Obama administration was with unmasking American
names and that we had people who have shown themselves to be extremely political in their decisions and activities, even being willing to go on Sunday morning television shows six times in 1 day and lie intentionally to the American people about the Benghazi incident. That is the political matter, that that same political person would be unmasking American names right and left, and although I know there is one Republican who said, “Oh, I talked to her, and I’m convinced that she’s telling the truth.” We need that being thoroughly investigated, as well as the other unmaskings being properly and thoroughly investigated by people who are not so gullible.

This is serious stuff. When we in Congress allowed this loophole around the Fourth Amendment requirement for warrants in order to seize or obtain evidence, we anticipated that it would be carefully and strictly adhered to. And then we see the unmasking has been so liberally done, and there certainly is no facilitation, when you look at who unmasked and the people who were unmasked, that you have one political party in power investigating their political opponents for political gain. And, once again, thank God it didn’t end up the way they hoped.

But this is still quite serious, and that is why I applauded my friend, another fellow felony judge in our background, former Judge Tim Pate and Zoe Lofgren, from California Democrat, had a good amendment in my opinion, and it was going to require that before law enforcement—one they obtained these American names and numbers, well, law enforcement, apparently, once they have obtained these American names and numbers and phone numbers and conversations, and obtained them without probable cause in compliance with the Fourth Amendment, there are countless numbers of phone numbers made into the database on that individual or on the phone number just doing phishing expeditions, and then, if they find something, seeing if they can use that information to help prosecute them on another matter. Those are truly phishing expeditions. They should not be allowed without a warrant.

Okay, we will say you obtained the information legally, even though you did it in violation of the Fourth Amendment, there are countless numbers of phone numbers made into the database on that individual or on the phone number just doing phishing expeditions, and then, if they find something, seeing if they can use that information to help prosecute them on another matter. Those are truly phishing expeditions. They should not be allowed without a warrant.

My friend and neighbor—office neighbor, that is—agreed to accept my friendly amendment, to add those other two laws, to ensure that when the U.S. Government went after and examined all of a person’s material—the warrantless wiretapping, as The Hill calls it—that these laws would apply to those queries to hopefully increase the concern by those making the queries that they could be punished.

But this article goes on and says: “The current law allows Federal investigators to search collected data belonging to American citizens, an authority critics say circumvents Fourth Amendment protections against unlawful search and seizure.”

“The Liberty Act would require criminal investigators to obtain a court order before viewing the content of any American’s communications collected under the NSA program—but would not require a warrant to search the database in the first place.”

So the Liberty Act it is referring to actually was used as the amendment to that bill.

Anyway, I know Mr. Conyers is quoted in the article, saying: “We have been assured in explicit terms that if we adopt this amendment today”—talking about the Poe-Lofgren amendment—“leadership will not permit this bill to proceed to the House floor.”

And that was also a concern mentioned by our friend from New York, Jerry Nadler.

But I would submit that we should not be afraid of Republican leadership doing exactly what they are going to do. It’s just that it doesn’t hurt, I guess, to have a healthy fear because that certainly has happened. But we still ought to be pushing to do everything we can to ensure that the U.S. Constitution is properly followed and we don’t continue to have loopholes and it.

So that is an ongoing fight, and the Senate has got to take it up. But there are concerns that the Senate is just going to rubberstamp what the NSA wants. They are not going to have any of the safeguards that we put in the bill as it is already, which I still don’t feel is enough, and that is why I voted against it, as did the man who sits next to me in the Judiciary Committee. Jim Jordan. Andy Biggs voted against it as well.

So there were a number of us who voted against the bill because the proper protections, in our opinion, are not there. We have just got to continue to advocate for that.

I also want to mention a bit of fake news that came from the Huffington Post.

I have met Ms. Huffington. She could not have been more congenial. When I was at ABC, going to be on the Stephanopoulos show Sunday morning, she was a delight to talk to, but the stuff coming out of her publication sometimes is rather astounding.

We had a debate in the Natural Resources Committee. We were voting on some bills, and a comment I made that was not necessarily central to the discussion but I thought might be interesting if they would look at my full comments and I have made and continue to make, as I have said before, British Petroleum should never have been allowed to keep operating their drilling platform in the Gulf of Mexico called Deepwater Horizon. They had hundreds of egregious safety violations when other companies had one or two.

The only reason we can find that the Obama administration allowed British Petroleum to continue to drill with such egregious safety violations, with such complete, utter disregard for the safety and well-being of those on the platform and of wildlife in the Gulf of Mexico, and those beyond the Gulf of Mexico, all we can find is they were about to come out and endorse the President’s cap-and-trade program, something that Speaker Pelosi desperately wanted.

I had read an article that indicated they even had BP representatives in the office of Senator John Kerry trying to work out when they would do the big roll out of this big oil company that was going to support cap-and-trade. Basically, they would have an inside deal and would have made billions of dollars that other oil companies would not have made because they didn’t have the inside track like the Obama administration was going to give BP.

But that is when the Deepwater Horizon blew, from what I understood, and so that is why the Obama administration was so slow to respond. They kept hoping this was going to go away and it wasn’t going to be as serious, because BP was assuring them: Oh, it’s not that bad. We have got it under control.

They didn’t have it under control. They should never have been allowed to have been drilling when that blowout occurred. It had a negative effect on the Gulf. It did have a very adverse effect on so many things.

But the comment that the Huffington Post wanted to create some fake news, latched onto, is was really upset and concerned about the damage that BP had caused.

I have to go back and look. It wasn’t that long after this happened, but I
drew hundreds of miles along the beach, and I kept getting out with my high-def camera expecting to be able to find a lot of oil on the beaches. I know I had read and seen there was a spot south of New Orleans, and, apparently, I didn’t see any. So I kept going up, looking for this big oil spill on the beach. And I knew there were people who were undertaking heroic efforts, you know. I had seen those on the news. I had talked to people who were doing it.

Kevin Costner had a great idea, it appeared, for sopping up the oil to keep it from getting to the coast. So there were Herculean efforts being made to stop the oil. But there should have been a lot more oil on the beach.

So they want to make it sound like I am just oblivious to any oil ever coming ashore because I did say what is absolutely true, that it is amazing how nature seems to take care of problems, and we know that because there is ongoing oil seepage every day.

I don’t want oil on our beaches. I hate oil on the beaches.

Really, it is infuriating when you are walking along the beach and you step on an oil bubble and then you have to spend a bunch of time trying to get that oil off your foot, even a small drop. But you could go to southern California, off the coast, and find drops of oil here and there from natural seepage.

The National Oceanic and Atmospheric Administration, you can go to their website, and they talk about natural oil seeps. They said: “A 2003 report from the National Research Council estimates that, on average, approximately 160,000 tonnes” — and it is spelled t-o-n-n-e-s; apparently metric tonnes—“of petroleum enter North American waters through natural seeps each year.”

Apparently, 1 ton is about 7.33 barrels per ton, or 357.96 U.S. gallons per metric ton. So if you multiplied 307—or 308, if you want to round it: multiply 160,000 tons by 308, then you could get an idea of how many gallons of oil seep out just through cracks in the Earth’s surface and come up through the water.

They are hard to find, although sometimes you can see them from satellites or from aircraft. You can see the oil shimmering on top of the water since it is lighter than water. It floats up to the seawater and comes to the surface.

Anyway, just more fake news trying to create a big deal where there wasn’t any. But you can go online to Woods Hole Oceanographic Institution. They have a good article on the natural oil seeps. It says: “As much as one-half of the oil that enters the coastal environment comes from natural seeps of oil and natural gas. These geologic features are found in clusters around the world, such as off the southern coast of California and in the Gulf of Mexico, but are still relatively unstudied. In recent years, advances in remote sensing have enabled more accurate detection of natural oil flows into the ocean.”

“…oil flows slowly up through networks of cracks, forming springs of hydrocarbon similar to the La Brae tar pits on land. Lighter compounds rise buoyantly to the water’s surface and evaporate or become entrained in ocean currents; others fall the seafloor and collect over hundreds or thousands of years.”

So if you multiply 308 times 160, tons, and then multiply that times thousands of years, you will get an idea as to how much natural seepage there has been of crude oil into the ocean.

But at least the Huffington Post article points out that—and this was from the Denver Post Horizon blowout—“About 24 percent is believed to have evaporated or dissolved. The remaining 35 percent was ‘naturally dispersed’ or persisted in the environment.” And it says only 41 percent was directly or chemically recovered, burned or skimmed.

So they only got 41 percent. That is pretty good. It is not good enough. We need to be better at doing that. But it really is amazing how nature seems to respond to catastrophes, but we are supposed to tend the garden, and that means we do the best we can to keep the garden clean.

Mr. Speaker, I want to return to the issue about the shooting down in Sutherland Springs. I think, appropriately pointed out when he was asked about it. He said: I think that mental health is your problem here.

People are screaming for more gun control. Yet every time it seems that more gun control is pled for, our people that mean well stand up and scream: Oh, you got to do something. I don’t care if it is wrong. Just do something. Well, it may be well-intended, but that is extremely foolish. You can do more harm by doing something even if it is wrong. It is often tragedies that lead to the worst legislation because people in Congress feel like we have got to do something. We have got to do something quick, even if it is wrong, so that the American people think we are dealing with it.

Jefferson was not at the Constitutional Convention, but I understand he suggested that potentially a good amendment would be that you could not pass a bill here in Congress until it had been dead for a year.

Obviously, that has never made its way into the law, but some of our worst legislation comes too quick as an overreaction to some tragedy, some failure when we don’t have adequate time to see what would be the best thing to do.

As it turns out in the Texas shooting, the gun laws were entirely adequate to prevent that from happening, but for the one who put their faith in the government keeping us protected, which our Founders did not do—that is why we have a Second Amendment—you have to look no further than this tragic massacre to understand the government is not likely going to be there to protect you.

It turns out the shooter, a man full of evil, was convicted of a crime that should have prevented him from even having a gun. Yet the Air Force failed to get the conviction into the databank so that when searches were done, background checks didn’t pick it up.

So when the government fails, the Founders expected that by having a Second Amendment where, not the military of the United States, but actually militia groups that form up, they would be able to have weapons. Those were rank and file citizens who were not hired by the government. They were simple citizens of the United States who would respond to suppress any outrage that the government might try to impose.

That is what happened when Patrick Henry got 5,000 people to come out when the British Government, that was the law of the land, started forcing through their homes and taking whatever they wanted.

They responded with guns, citizens coming out of their homes. No, I am not advocating for those who want to create more fake news. I am not advocating for a revolution. We have, fortunately, a Constitution in place that they didn’t have in 1775, that allows us to fix things without having to have a revolution.

Your answer is not more gun control laws. This guy was full of evil. He had mental health problems. The system should have prevented him from having a gun. The laws that were in place should have prevented that, and I am grateful that the State of Texas did its part.

He applied for a concealed carry permit, and even though the Air Force conviction wasn’t there, there was enough evidence to prevent him from getting a concealed carry permit in the State of Texas. But the other laws, where the Federal Government is supposed to protect us, failed to work because the government often fails to do its job.

The thing that really, to me, became an outrage—and it is something that our Founders feared perhaps more than anything else when they were trying to set up a good governing document—was persecution of Christians. That is why so many people came to this country in its earliest days.

Christians were being persecuted, as has happened for over 2,000 years. They thought if they came to America and
they could have a country where they could be free to practice their Christian beliefs without government pros-ecuting and persecuting them, that it would be just a little slice of heaven on Earth, as much as you could get while there is still so much evil in the world.

Now, as this country, led by its Su-
mere Court, others like the ACLU, and Freedom From Religion groups, they—they have already been told, you can’t mention God. You can’t pray. You can’t display religious symbols, that is certainly not what was the feel-
ing of those who were the predominant Founders and those who made the best improvements in America.

It was a Great Awakening, a huge re-
vival in America. Before the mid-1700s, so much of the country turned to God, had Christian beliefs, Biblical beliefs, and their children—children like Sam Adams—grew up having such profound faith in God, profound faith in the Bible.

I was looking down the hall in what is right below the rotunda and one of the signs up there mentioned Sam Adams. Sam Adams was called the Fa-
ther of the American Revolution. He was a product of the Great Awakening in the 1700s.

He was so moral. I guess many people knew that he knew how to make good beer. But he also had profound belief in the Bible, in God, in nature’s God, and that is why he drove him to push for a country where there could be equality; where people could practice their reli-
gious beliefs, whether they were athe-
ists, Buddhists, Confucianists, Ortho-
dox Jews, Muslim, only so long as they did not believe that their religion should overtake and supplant the U.S. Constitution, which is what radical Islamists believe.

We have now come to a place where Christians are being so vilified and be-
lieved by some that this coun-
try is beginning to look like the places that the Christians that fled to Ame-
rica had to leave to avoid persecution.

So we get these Twitter comments that say—an article from the Huff-
ington Post; naturally—playing up the ridicule of Christians.

One tweet from Rosanne Cash says: “They were in a church that was full of prayers. They need a government that will allow common sense gun laws.”

Karen Tulmulty says: “Thoughts and prayers for people who were mowed down in a church sounds especially hol-
low.”

Michael McKeen said: “They were in church. They had the prayers shot right out of them. Maybe try some-
thing else.”

Keith Olbermann said: “Thoughts and prayers again . . . idiot? These people were in CHURCH. They WERE taking it.”

David French, dated November 6: “In a great article in National Review by Mr. Speaker, it just goes on and on and on and on and on about how important it is to try a legislative solution now?”

Mr. Speaker, it just goes on and on and on and on and on about how important it is to try a legislative solution now?

Mr. Speaker, I want to thank the Speaker for recognizing me and indicating that I can speak for an hour. We get caught up in so many issues here that we sometimes don’t explore them in depth, and with 1 hour, I plan to look in depth first at the President’s trade policy toward China, and then toward the Republican tax bill.

The President is meeting again with President Xi from China. They will pose for photographs, and there will even be a business deal or two to announce.

TAX REFORM

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2017, the gentleman from Cali-
ifornia (Mr. SHERMAN) is recognized for 60 minutes as the designee of the mini-

Mr. SHERMAN. Mr. Speaker, I want to thank the Speaker for recognizing me and indicating that I can speak for an hour. We get caught up in so many issues here that we sometimes don’t explore them in depth, and with 1 hour, I plan to look in depth first at the President’s trade policy toward China, and then toward the Republican tax bill.

The President is meeting again with President Xi from China. They will pose for photographs, and there will even be a business deal or two to announce.
These are the two largest economies in the world. They involve tens of trillions of dollars. So every month, a few big things happen that are bad, and one or two big things happen that are good. There is always a particular business deal that you can package and wrap as a photo op. But the fact is that we have to look at the overall trading relationship. The trading relationship is this: we run hundreds of billions of dollars of trade deficit, and every billion dollars of trade deficit cost us 10,000 jobs.

So let’s look at what has happened while President Trump has been in office. We look each month at our trade and goods with the People’s Republic of China, and we start with a deficit of just a bit over $22 billion, and for the most recent statistics available, August of this year, we are up to almost $35 billion.

What is interesting about this chart is that every month Trump has been in office, our trade deficit with China has grown. Now, he can say that he doesn’t have the power to do anything about that; he just wants to be a pretend President, a pretense President, a positing President. He can pose for a picture, but he doesn’t have the authority to do anything.

That is completely wrong. Look at section 338 of the Tariff Act of 1930, and you will see that the President acting alone could eliminate this deficit by imposing Chinese goods never. But he won’t do that because his plan—what he has done over the last 2 years is he campaigns like he is BERNE SANDERS at least on these issues, and he governs like he is from Goldman Sachs which, of course, many of his advisers actually are.

Even after the campaign was over in November of last year, the campaign continues, and he continues to pretend to be in favor of the trade policies associated with SANDERS and others, and he continues to govern in the interests of Goldman Sachs.

Now, this chart does not reflect services because services trade between the United States and China is not available on a monthly basis, but the trend would be exactly the same: huge growth in the deficit month after month after month—February, March, April, May, June, July, and August of this year—and likely to continue for the other months that the President continues to serve and the statistics become available.

Now, we are told perhaps that it is okay to give away all these American jobs because we would need Chinese help to deal with North Korea. Let’s see how that is working out. The President, prior to this trip, had met with President Xi twice, and now we have a third meeting.

After those first two meetings, North Korea explodes a hydrogen bomb and tests a missile capable of reaching major cities in the mainland of the United States all with the acquiescence of the Chinese Government. So whether you are concerned with our national security or whether you are concerned with jobs and trade policy, we can no longer have a President who poses and pretends and ignores the statutory authority that he has on laws that have been on the books since the 1930s.

Now let’s talk about the Republican tax bill. This is a bill which will raise taxes on millions of middle class families. Now, it gets worse in a few years. There is a bit of a bait-and-switch. They will warn you: Just look at how this bill will affect your tax return in 2019. If you plan to still be alive in 2027, take a look at the effect it is going to have then.

Let’s look at middle class families—not the poorest 20 percent in our country, not the richest 20 percent—that middle 60 percent. Roughly 30 percent of those families in the middle class are prime in the next 5 years, their 2027 tax return, and that tax increase is calculated at an average of $1,300 per family.

Let’s look at the individual provisions to see more to middle class families. First, right off the bat, they take away the personal exemption which, on next year’s tax return, the first year that this new bill would be effective, is worth $1,150 per person in your family. That is $2,300 for a family like mine of five.

They take away $21,000 of deductions even from the poorest families in America and from every middle class family as well. Now, they say they are going to replace that with a child tax credit. But if your children are over age 16, that credit is limited to a few hundred dollars next year, and then they make it zero 5 years from now. So if your kids are going to turn age 17 sometime in the next 5 years, they have got your name on this bill.

They also do increase the standard deduction. But tens of millions of Americans don’t even take the standard deduction; they choose to itemize their deductions.

So one replacement is inapplicable in a few years to kids of a few years old, and the other is inapplicable to the millions of families that don’t itemize their deductions. But even if it is applicable to you, you are losing for a family of five $2,100 roughly. What about a family of six, a family of seven, a family of eight? Another $1,150 per child, and they replace it with an increase in the child tax credit of $1,200 and a per-child credit of $600 or $300 or absolutely zero if your kids are over age 16 and it is a few years from now.

Next, let’s talk about moving expenses. The current code says that if what do they leave? If you own a factory, you shut it down, and you move it to China, then all of the moving expenses are tax deductible.
CNN cameras are there, then your congressional delegation can come beg for a special tax rule for those affected by that disaster.

Well, first, what if your home burns down and CNN isn’t there? It is not part of an enormous disaster? It is just some homes in a couple of neighborhoods?

You will never get a special tax provision. We are not going to write one for three or four people, or 30 or 40 people, or 80 or 90 people affected by a small brush fire.

But what if you are part of the next enormous catastrophe?

Your congressional delegation will be here, having to decide whether to bargain to give you a chance to take the same deduction that has been in the Tax Code since the 1950s, or whether to bargain to try to get disaster relief to rebuild the infrastructure and the public assets in your community.

Your congressional delegation probably doesn’t have enough clout to do both. So which are they going to do?

It is clearly wrong and unfair to tax people on that portion of their income that they have to use to deal with a truly extraordinary casualty loss. But there is a provision. This one hasn’t been talked about much. That is the way in which they index Tax Code provisions for inflation.

There are some of the provisions they don’t index at all. So they say that you can take a property tax deduction and itemize it—only the portion up to $10,000. Well, $10,000 sounds like a lot of money, but they don’t index it.

So what about 10 years from now?

What about 20 years from now?

You say: Well, I won’t be in my house 20 years from now.

Yes, but the person you sell your house to will be there. If they say, “My God, all the prices are higher, all the wages are higher, all the taxes are higher” they have got 20, 25 percent equity in their home. Maybe they can retire because they have got 20, 25 percent equity in their home.

What effect is this going to have on the ability to sell your home, which, in many parts of the country, is your whole nest egg?

People pay a big mortgage payment every month and they have equity in their home. Maybe they can retire because they have got 20, 25 percent equity in their home.

Well, yesterday, before the Financial Services Committee, we had Mark Zandi testify, who is one of the leading economists in this country, the head of the economics operation at Moody’s analytics. He said that in major metropolitan areas, like the one I represent, we are going to see a double-digit decline in home values as a result of this bill. A lot of that is the limit on home mortgage deduction and the property tax. There are other elements of this bill that also adversely affect home prices. A double-digit decline?

Well, yesterday, before the Financial Services Committee, we had Mark Zandi testify, who is one of the leading economists in this country, the head of the economics operation at Moody’s analytics. He said that in major metropolitan areas, like the one I represent, we are going to see a double-digit decline in home values as a result of this bill. A lot of that is the limit on home mortgage deduction and the property tax. There are other elements of this bill that also adversely affect home prices. A double-digit decline?

What does that do to the community?
economic growth and increase the deficit by even more than the $1.7 trillion that the Congressional Budget Office, during Republican control of Congress, is currently estimating.

Why is this? We end up here because incentives to invest in the Tax Code have little or no effect on privatization, according to a Congressional Research Service report. The empirical evidence in numerous reports shows that the 2003 tax cuts had little impact on investment or employment.

Now, I speak with a little bit of experience here because I lived 20 years of my life in the tax world, most of it right at the intersection of investment and tax law.

I sat with families and charged them a large amount per hour to describe what the latest tax law said and what effect it would have on different investments. And my experience as a CPA and tax attorney and certified tax law specialist by my State bar was identical to that of Warren Buffett, who said:

I have worked with investors for 60 years, and I have yet to see anyone, not even when capital gains rates were 39.9 percent or when they were 15 percent, as they are now, I have never seen anyone shy away from a sensible investment because of the tax rate on the potential gain. People invest to make money, and potential taxes have never scared them off.

Now, that is why, when you look at the effect of this bill, you come to the conclusion, as the Congressional Budget Office did in looking at the Bush tax cuts and whether to extend them or allow them to expire, that, if you have taxes and you use that money to pay the deficit, that does more to help the economy. It is more important to fight the deficit than it is to tell various families, often at the very high end, that they get a tax cut.

Well, let's look at American economic history. I designed this chart here, and I focused it only after the 1986 tax cut for which Ronald Reagan is famous. There were many things about our economy back in the early 1980s, in the 1970s, and in the 1960s that aren't relevant today. We didn't have the trade policies back in the 1970s that we have today.

So we look at the Ronald Reagan 1986 tax cut, slightly adapted by George H.W. Bush. We look at the policies that we had—I know the 1986 tax law. You think, well, that must have affected 1986. No, it really became effective in 1988. So you look at 1988 to 1990 and you see that we have economic growth.

Then, in 1994, you see the effect of the Clinton tax policies adopted in 1993, and we see economic growth of well over 4 percent. And these figures here are real economic growth per year adjusted for inflation, 4 percent.

So then George W. Bush gets elected, and starting in 2001, his tax policies are adopted by this Congress and enacted into law, and we see that economic growth is only 1.7 percent.

Now, those Bush tax policies continued in force until 2013 because Democrats allowed them to stay in force until we finally adopted Obama tax policies effective in 2013. Those policies continue to be in force right up to today.

The most recent statistics we have are up through September 30 of this year. The economy under those policies has been 2.2 percent.

So what we have seen here is that, when we adopt Republican economic policies and they become effective, we have substantially lower economic growth than when we adopt Democratic tax policies and when Democrats actually pass those policies and have the guts to pass those policies and put them into law.

So you have got to admire the Republican Party. They are able to get Member after Member after Member to say, without any proof, that trickle-down economics works, that if you just cut taxes, you somehow help the economy.

It doesn't matter if you can line up 100 Members to say the same falsehood at the same lectern in the same congressional Hall on the same House floor. What matters is the real history. And the real history is that the higher rates imposed under Democratic administrations have not just led to higher tax revenues, they have led to higher rates of economic growth.

Well, why is this?

Well, first, and perhaps most important, is having money available for business investment. There is a pool of savings capital available in our markets and in our economy, and the Republican proposal would come in and scoop $2.1 trillion of that—take it out of the markets, take it out of the banks where it could be lent to small businesses, take it out of the bond markets where it can be used for expenditures by big businesses and just use it to pay for the tax cuts.

No wonder tax cuts that increase deficits hurt business investment and hurt the economy.

But there is more. We then add to our national debt, and the national debt is forever. Not only do we have the increase in the debt of $1.5 trillion to $1.7 trillion, but that debt will be here not just 10 years from now; it is there forever. Your great-grandchildren are going to be paying interest on that debt.

Then we have the international impact. You see, their proposal provides for a zero percent U.S. tax on any money made by any factory as long as the factory money made overseas the last 10 or 20 years, no U.S. tax, and at least the money gets repatriated.

Democrats are anxious to work with Republicans on repatriation. They could probably get a more Republican plan adopted than one that I would endorse in this speech, but why not tax the repatriated money? That way we would be saying, bring that money home, don't do it abroad. You pay the same tax, so you might as well bring it back.

What we can also do is move to worldwide unitary apportionment: eliminate all the tax gains, and most of them are international; eliminate all the reasons to move factories abroad and generate another $1 trillion every 10 years for our Treasury. That is the system that we ought to be moving to.

But in addition, what is an area of economic activity where Americans excel? It is the creation of intellectual property.

Well, manufacturing might be done abroad: the design, the patents, the trade secrets, the marketing plans, the trade secrets, the intellectual property is created here. Under this bill, not only the profit you make on the foreign factory, but the profit you make from all that intellectual property can pay a zero percent American tax if you just take that patent and put it in a file in the Cayman Islands.

Now, I don't want to say that our current system for taxing international transactions is anything that we can be proud of. The present system, if you make money in a U.S. factory, there is a tax of 35 percent; you make it in a foreign factory, we also have a tax of 35 percent, but you can defer it. So, right now, if you are just trying to decide where to put the factory, you have got a tax in the United States that you actually have to pay and a tax on a factory abroad that you will pay eventually.

Well, what do they do? That take that 35 percent “eventually” tax and turn it into a zero percent “forever” tax. How much more incentive could they provide to move American factories overseas?

Now, the present system also has a problem in that you can defer tax only on the money you keep offshore. So their solution is to say, well, bring it onshore. We will provide a little tiny tax on it, and then all the money you made overseas the last 10 or 20 years, no U.S. tax, and at least the money gets repatriated.

Democrats are anxious to work with Republicans on repatriation. They could probably get a more Republican plan adopted than one that I would endorse in this speech, but why not tax the repatriated money? That way we would be saying, bring that money back, don't bring it back, you pay the same tax, so you might as well bring it back.

What we can also do is move to worldwide unitary apportionment: eliminate all the tax gains, and most of them are international; eliminate all the reasons to move factories abroad and generate another $1 trillion every 10 years for our Treasury. That is the system that we ought to be moving to.

But in addition, what is an area of economic activity where Americans excel? It is the creation of intellectual property.
Another economic harm is touted by the conservative supporters of this policy. They say that by cutting taxes, we will get the Federal Government and State and local governments to spend less money on infrastructure and education. Well, if you cut to ask what is it that makes a country wealthier than others, it is, first and foremost, the education of its workers, and then, second, the infrastructure that is available to productive activity.

In addition, as I mentioned before, they are going to cut the value of homes nationwide, most pronounced in the major metropolitan areas. What does that do to middle class spending, which drives our economy? It drives that middle class spending down. Who is going to go out to a restaurant if you have just been told that you have had a double-digit decline in the value of your home?

This bill will also cause higher interest rates because the Federal Government is going to be borrowing another $1.5 trillion to $1.7 trillion.

Now, so there is a difference between me and my party leadership. They say that the main reason to vote against this bill is that it is unfair by giving huge tax breaks to the top 1 percent and increasing taxes for millions of American families. I say you should vote against this bill because it is a deficit-exploding, outsourcing-promoting, job-killing, economic growth-depressing bill. But I think we will agree. No, you vote against this bill because it is unfair or you vote against this bill because it is bad for our economy, you will be performing an important service to our country.

Let me not neglect the fact that if you vote—that the bill isn't totally without being useful to somebody. It will reduce taxes for the Donald Trump family by over $1 billion in estate tax and tens of millions of dollars in income tax.

Maybe that is not enough for you. Look at what it will do for the Koch brothers—far more than it will do for the Trump family. So if that is important to you, if that is the result you want to achieve, then vote for the bill.

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

**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted to:
Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today.

**ENROLLED BILLS SIGNED**

Karen L. Haas, Clerk of the House, reported that the following bills, which were thereupon signed by the Speaker:

H.R. 194. An act to ensure the effective processing of mail by Federal agencies, and for other purposes.

H.R. 3263. An act to amend title 40, United States Code, to eliminate the sunset of certain provisions relating to information technology, to amend the National Defense Authorization Act for Fiscal Year 2015 to extend the sunset relating to the Federal Data Center Consolidation Initiative, and for other purposes.

**BILL PRESENTED TO THE PRESIDENT**

Karen L. Haas, Clerk of the House, reported that on November 7, 2017, she presented to the President of the United States, for his approval, the following bill:

H.R. 394. To amend the Controlled Substances Act with regard to the provision of emergency medical services.

**ADJOURNMENT**

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 p.m.), the House adjourned until tomorrow, Friday, November 10, 2017, at 9 a.m.

**EXECUTIVE COMMUNICATIONS, ETC.**

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

3316. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department’s direct final rule — Black Stem Rust; Additions of Rust-Resistant Species and Varieties [Docket No.: APHIS-2017-0049] received November 3, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3317. A letter from the Acting Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department’s final rule — Imposition of Special Measure Dazzle as a Financial Institution of Primary Money Laundering Concern (RIN: 1566-A138) received November 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3318. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department’s final rule — Clarifications to the Export Administration Regulations for the Use of License Exceptions [Docket No.: 16030318-6318-01] (RIN: 0969-A060) received November 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

3319. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department’s final rule — Rule on Attorney-Client Privilege for Trials Before the Patent Trial and Appeal Board [Docket No.: PTAB-2016-0029] (RIN: 20185-AD16) received November 7, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Judiciary.

3320. A letter from the Executive Analyst (Political), Department of Health and Human Services, transmitting a notification of a nomination, pursuant to 5 U.S.C. 3341(a); Public Law 104-121, Sec. 251; (110 Stat. 868-611); to the Committee on Oversight and Government Reform.

**REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS**

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THORNBERY: Committee of Conference.

Conference report on H.R. 2810. A bill to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. 115–404). Ordered to be printed.

Mr. HENSARLING: Committee on Financial Services.

Report of the Committee on Financial Services, H.R. 3017. A bill to amend the Securities Exchange Act of 1934 to require certain entities to develop internal risk control mechanisms to safeguard and govern the storage and use of market data (Rept. 115–405). Referred to the Committee of the Whole House on the state of the Union.

**DISCHARGE OF COMMITTEE**

Pursuant to clause 2 of rule XII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 3017 referred to the Committee of the Whole House on the state of the Union.

**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. BRADY of Texas (for himself, Mr. Neal, Mr. Reichert, Mr. Pascarella, Mr. Sam Johnson of Texas, Mr. Smith of Nebraska, Ms. Jenkins of Kansas, Mr. Paulsen, Mr. Reid, Mr. Renacci, Mrs. Noem, Mr. Holden, Mr. Rice of South Carolina, Mr. Curbelo of Florida, Mr. Blackburn, Mr. Bilz, Mr. Walker, and Mrs. Walorski):

H.R. 3138. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty; to the Committee on Ways and Means.

By Mr. FITZPATRICK (for himself and Ms. Speier):

H.R. 3139. A bill to amend the FAST Act to improve contracting opportunities for veteran-owned small business concerns, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Small Business, for consideration of the Committee on Small Business, 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. VELÁZQUEZ (for herself, Mr. Díaz-Balart, Ms. Jeffries, Ms. Clarke of New York, Mr. Lance, Mr. Pascarella, Mr. King of New York, Mr. Smith of New Jersey, Mr. Brown of Maryland, Mr. Sean Patrick Maloney of New York, Miss González-Colón of Puerto Rico, Mr. Pallone, Mr. Khanna, Mr. Soto, Mr. Evans, Mr. Kelly, Mr. Jackson Lee, Ms. Wilson of Florida, Ms. Radewagen, Mr. Jones, Mr. Sires, Mr. Pearce, Mr. Loesak, Mr. Quigley, Mr. Crowley, Mr. Carol of Indiana, Mr. Encin, and Mr. McEachin):

H.R. 3139. A bill to amend title 38, United States Code, to establish a presumption of service connection affecting commerce shall exist when a petitioner establishes that fewer than 50 percent of the current bargaining unit members had the opportunity to vote in a certification election covering their bargaining unit or no certification election was conducted, and for other purposes; to the Committee on Education and the Workforce.

By Ms. GABBARD (for herself, Mr. Clay, Ms. Hanabusa, Ms. Jayapal, and Mr. Poe of Texas):

H.R. 3138. A bill to authorize the Secretary of Veterans Affairs to make grants for the rehabilitation of World War I memorials; to the Committee on Veterans’ Affairs.

By Mr. WALDEN:

H.R. 3129. A bill to amend the Klamath Basin Water Supply Enhancement Act of 2000 to improve infrastructure, and for other purposes; to the Committee on Natural Resources.

By Mr. JOHNSON of Georgia (for himself, Ms. Moore, Mr. Clay, and Mr. Lynch):

H.R. 3130. A bill to provide that any State or local law enforcement agency that has in effect a cooling-off period is ineligible to receive Federal funds pursuant to a Department of Justice law enforcement grant program, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Georgia (for himself, Mr. Clay, Ms. Norton, Mr. Cummings, Mrs. Watson Coleman, Mr. Ellison, Mr. Hastings, Mr. Gruwell, and Mrs. Gravelle):

H.R. 3131. A bill to amend title 18, United States Code, to provide a penalty for assault or homicide committed by certain State or local law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Georgia (for himself, Mr. Clay, Ms. Norton, Mr. Cummings, Mrs. Watson Coleman, Mr. Ellison, Mr. Hastings, Mr. Gruwell, and Mrs. Gravelle):

H.R. 3132. A bill to promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. WILLIAMS:

H.R. 3124. A bill to require the Secretary of the Treasury to make certifications with respect to United States financial institutions’ aircraft-related transactions involving Iran, and for other purposes; to the Committee on Financial Services.

By Mr. ROYCE of California (for himself and Ms. Correa):

H.R. 3132. A bill to provide that in the case of a law enforcement officer who uses deadly force against a person, and thereby causes the death of that person, a hearing shall be conducted before a judge to determine whether there is probable cause for the State to bring criminal charges against the law enforcement officer relating to the death of the person, and for other purposes; to the Committee on the Judiciary.

By Mr. PASO (for himself, Mr. Petersen, Mrs. Comstock, Ms. Shea-Porter, Ms. Pingree, Mr. Moulton, Ms. Norton, Mr. Barletta, Mr. Lance, Ms. Stefanik, Mr. Sean Patrick Maloney of New York, Mr. Cohen, Mr. Keating, Mr. Pocan, Mr. Lofgren, Ms. Esplilit, Mr. Katko, Mr. Smith of Colorado, Mr. Courtneay, Mr. Collins of New York, Mr. Zeldin, and Mr. Donovan):

H.R. 3334. A bill to provide for the issuance of a Lyme Disease Research Semipostal Stamp; to the Committee on Oversight and Government Reform, 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 Mr. CORREA (for himself, Ms. Brownley of California, Mr. Ryan of Ohio, Ms. Moore, Mrs. Torres, Mrs. Davis of California, Mr. Courtney, Mr. Aguilar, Mr. McEachin, Mr. Gephardt of Texas, Ms. Lofgren, Mrs. Carolyn B. Maloney of New York, Mr. Boustany, Mr. Loesask, Mr. Schakowsky, Mr. Gallego, Ms. Hanabusa, Mr. Peterson, Mr. O’Halleran, Mr. Gomez, Mr. Vargas, Mr. Walz, Mr. Tipton, Mr. Ruiz, Mr. Espalliat, Mr. Carrajal, Mr. Caron of Indiana, Ms. McCollum, and Mr. Evans):

H.R. 3134. A bill to provide for certain reporting requirements relating to medical care for veterans conducted by the Department of Veterans Affairs and through contracts entered into by the Secretary of Veterans Affairs with non-Department medical providers, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. LEWIS of Minnesota (for himself, Mr. Ferguson, Mr. Garriott, and Mr. Smucker):

H.R. 3336. A bill to amend the institutional refunds provision of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. ROYCE of California (for himself and Ms. Carolyn B. Maloney of New York):

H.R. 3337. A bill to amend the Defense Production Act of 1950 to require national security considerations carried out by the Committee on Foreign Investment in the United States to take into account the potential effects of
covered transactions on personally identifiable information; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, to authorize the Secretary of Veterans Affairs to furnish urns for the remains of certain veterans whose remains are placed in non-traditional resting sites; to the Committee on Veterans' Affairs.

By Mr. BOST (for himself, Mr. LAWSON of Florida, Mr. KINZINGER, Mr. ROONEY Davis of Illinois, Mr. SIMEKUS, Mr. GUSWELL, Mr. COHEN of New York, and Mr. CARBAJAL):

H.R. 4339. A bill to establish a Department of Agriculture loan program to support mentorship and apprenticeship opportunities for veterans of the Armed Forces to become farmers or ranchers; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, and in addition to the Committee on Veterans’ Affairs.

By Mr. BRAT (for himself and Mr. SMITH of Texas):

H.R. 4349. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program, to focus family-sponsored immigration on spouses and minor children, to eliminate the mandatory and permanent requirements relating to use of an electronic employment eligibility verification system; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Education and the Workforce, 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. CARTWRIGHT (for himself, Mr. DEPAZZO, Mr. GENE GREEN of Texas, Ms. KAPTUR, and Mr. SCHIFF):

H.R. 4341. A bill to amend the Federal Election Campaign Act of 1971 to require corporations, labor organizations, and labor unions to substantially report the amounts disbursed for certain political activity, and for other purposes; to the Committee on Ways and Means, and in addition to the House Administration, 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. CICILLINE (for himself, Mr. SWALWELL of California, Mr. NADLER, Mr. KHANNA, Mr. MCGOVERN, Ms. LOEFGREN, Ms. NORTON, and Mr. BLUMENAUER):

H.R. 4342. A bill to amend chapter 44 of title 18, United States Code, to restrict the ability of a person whose Federal license to import, manufacture, or deal in firearms has been revoked, whose application to renew such a license has been denied, or who has been revoked, whose application to renew import, manufacture, or deal in firearms has been revoked, or whose application to renew import, manufacture, or deal in firearms has been determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H.R. 4344. A bill to incentize State reporting of the law, to prohibit health professionals to submit information on certain individuals deemed dangerous for purposes of prohibiting firearm possession by such individuals; to the Committee on the Judiciary, 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 Mr. CRIST (for himself and Mr. DEÑASSA):

H.R. 4345. A bill to direct the Attorney General to establish and carry out a Veteran Treatment Court Program; to the Committee on the Judiciary.

By Mr. FOSTER (for himself, Mrs. MCMORRIS RODGERS, and Mr. TAKANO):

H.R. 4346. A bill to amend title 38, United States Code, to include veterans in the military adaptive sports program of the Department of Defense; to the Committee on Armed Services.

By Mr. KRISHNAMOORTHI (for himself, Ms. JACKSON LEE, and Ms. SHEA-PARKER):

H.R. 4348. A bill to direct the Director of National Intelligence to produce a National Intelligence Estimate on Russian political intentions, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on 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. LEWIS of Georgia:

H.R. 4349. A bill to require the Secretary of Education on missed opportunities, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia:

H.R. 4350. A bill to amend the Workforce Innovation and Opportunity Act to require the Secretary of Labor to submit to Congress an annual report relating to the amount of funds requested and awarded through Workforce Innovation and Opportunity Act programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia:

H.R. 4351. A bill to require reporting by the Department of Education on requests for funding projects or programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia:

H.R. 4352. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to require reporting by the Secretary of Health and Human Services regarding the children to whom entitlement to educational assistance may be transferred. For the purpose of prohibiting firearm possession by such individuals, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia:

H.R. 4353. A bill to require the use of macroeconomic analysis in estimating the budgetary effects of major revenue legislation; to the Committee on the Budget, and in addition to the Committee on 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. O’HALLORAN (for himself, Mr. GALLIKO, and Ms. SINEMA):

H.R. 4356. A bill to amend title 49, United States Code, to require reporting by the Department of Transportation on requests for funding projects or programs through the Airport Improvement Program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia:

H.R. 4357. A bill to amend title 49, United States Code, to require certain additional budgetary information to be included in the annual report submitted to Congress on the Department of Veterans Affairs; to the Committee on Veterans’ Affairs.

By Mr. LEWIS of Georgia:

H.R. 4358. A bill to require the Commission of Internal Revenue to report on applications for tax credits under the low-income housing tax credit program that, in the preceding fiscal year, were approved but not allocated; to the Committee on Ways and Means.

By Mr. BEN RAY LUJÁN of New Mexico (for himself and Mr. RUIZ):

H.R. 4359. A bill to provide for rental assistance for homeless and at-risk Indian veterans; to the Committee on Financial Services.

By Mr. BEN RAY LUJÁN of New Mexico (for himself and Mr. GOMEZ, Mr. BROWN of Maryland, Ms. MICHELLE LUIJAN GRISHAM of New Mexico, Ms. NORTON, Mr. KHANNA, Mr. KRISHNAMOORTHI, Mr. SARGENT, Mr. BROWN of Alaska, Ms. DESaulnier, Ms. Velázquez, and Mr. SMITH of Washington):

H.R. 4360. A bill to amend title 38, United States Code, to include local government minimum wage requirements in determining the hourly minimum wage applicable for purposes of the work-study allowance under the educational assistance programs administered by the Secretaries of Veterans Affairs; and to the Committee on Veterans’ Affairs.

By Mr. MESSER:

H.R. 4361. A bill to require the use of macroeconomic analysis in estimating the budgetary effects of major revenue legislation; to the Committee on the Budget, and in addition to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 4362. A bill to amend section 111 of title 38, United States Code, to provide for priority in the housing of veterans in State home, nursing homes, and domiciliaries from States that the Secretary determines have a great...
or significant need for beds and which are located at least 100 miles away from the nearest existing State home facility; to the Committee on Veterans' Affairs.

By Mr. POLIS (for himself; Mr. RUIZ, Mr. GARAMENDI, Mr. NOLAN, Mr. HUFFMAN, Mr. MCGOVERN, Mr. POCAN, Mr. CARTWRIGHT, Mr. KHIUEN, and Mr. SIUH:)

H.R. 4363. A bill to require the Secretary of Veterans Affairs to establish a veterans conservation corps, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Science, Space, and Technology, 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. SENSENIBRENNER:

H.R. 4364. A bill to authorize the Administrator of the Environmental Protection Agency, at the request of a Governor of a State, to waive the reformulated gasoline prohibitions and requirements under section 211(k) of the Clean Air Act with respect to the State or a portion of the State if the Administrator determines that the price of gasoline is excessively high; to the Committee on Energy and Commerce.

By Mr. TAYLOR (for himself and Ms. GARBARD):

H.R. 4365. A bill to require the prompt reporting for national instant criminal background checks of purposes of members of the Armed Forces convicted of domestic violence offenses under the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, 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 Mrs. TORRES:

H.R. 4366. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to make payments to individuals entitled to educational assistance under the Post-9/11 Educational Assistance program who pursue a program of education solely through distance learning to be used to purchase computers; to the Committee on Veterans' Affairs.

By Ms. VELAZQUEZ:

H.R. 4367. A bill to amend the Small Business Act to provide guaranteed disaster loans for small businesses, and for other purposes; to the Committee on Small Business.

By Ms. VELAZQUEZ:

H.R. 4368. A bill to amend the Small Business Act to require that community development block grant funds provided for the same purpose as assistance under certain disaster relief programs of the Small Business Act be used to repay such assistance, and for other purposes; to the Committee on Small Business and in addition to the Committee on Financial Services, 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. MAXINE WATERERS of California (for herself, Mr. EVANS, Mrs. BEATTY, Mr. STEWART, Mr. PATRICK MOLONEY of New York, and Mr. PAYNE):

H.R. 4369. A bill to amend title 38, United States Code, to codify the authority of the Secretary of Veterans Affairs to assign a disability rating of total to a veteran by reason of unemployment, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GOSAR (for himself; Mr. GOSAR, Mr. FRANCIS ROONEY of Florida, Mr. PERRY, and Mr. PEARCE:)

H.R. 4370. A bill to amend the National Gas Act to expedite approval of exports of small volumes of natural gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina:

H. Res. 612. A resolution recognizing and reaffirming the critical relationship between the United States and the Republic of Korea since the establishment of the Republic of Korea in 1948; to the Committee on Foreign Affairs, and in addition to the Committee on 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. CARTER of Texas (for himself; Mr. BISHOP of Georgia, Mr. LOGERACK, Mr. WILLIAMS, Mr. COLE, Mr. HECK, Mr. ZELDIN, Mrs. LOVE, Ms. KAPTUR, Mr. MARSHALL, Mr. BRADY of Texas, Mr. SCHRADER, Mr. THOMPSON of Pennsylvania, Mr. GARRETT, Mr. ROGERS of Kentucky, Mr. O'TOOLE, Mr. COSTA, and Mr. PALAZZO:)

H. Res. 613. A resolution supporting the goal of ensuring that members of the Armed Forces have access to receive career technical education training and credentialing opportunities during their term of service to ensure they can transition directly into in-demand civilian careers; to the Committee on Armed Services, and in addition to the Committee on Veterans' 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 Ms. KAPTUR (for herself, Mr. LIPINSKI, Mr. SCHAKOWSKY of Illinois, Mrs. WALORSKI, Mr. FRANKS of Arizona, Mr. HIGGINS of New York, Mr. ROBENFELD of Connecticut, Mr. DENDERS, Mr. MCGOVERN, Mr. TONKO, Mr.あり、Mr. ADERHOLT, Mr. COHEN, Mr. quigley, Mr. PRICE of North Carolina, Mr. CARTWRIGHT, Mr. EDWARDS BUTCH JOHNSON of Texas, and Mr. BISHOP of Georgia:)

H. Res. 614. A resolution celebrating the 99th anniversary of Polish independence; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII.

145. The SPEAKER presented a memorial of the State of Michigan, relative to Senate Resolution No. 163, congratulating the government and people of the Republic of China (Taiwan) on their 106th National Day on October 10, 2017, which was referred to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII.

Mr. PELMUTTER introduced a bill (H.R. 4371) for the relief of Moelecio Andazola-Moraes; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BRADY of Texas:

H.R. 4318. Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, § 8, cl. 1 and 3

“To Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; and”

“To regulate commerce with foreign nations, and among the several States, and with the Indian Tribes.”

By Mr. FITZPATRICK:

H.R. 4319. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .

By Ms. VELAZQUEZ:

H.R. 4320. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .

By Mr. CARBAJAL:

H.R. 4321. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

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 of Officer thereof.

By Mr. WILLIAMS:

H.R. 4324. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (“To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes”)

By Mr. HIGGINS of New York:

H.R. 4325. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

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 of Officer thereof.

By Mr. LAHOOD:

H.R. 4326. Congress has the power to enact this legislation pursuant to the following:

The Congress shall have power To establish Post Offices and post Roads

By Mr. FRANCIS ROONEY of Florida:

H.R. 4327. Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

By Ms. VELAZQUEZ:

H.R. 4328. Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

By Mr. BRADY of Texas:

H.R. 4318. Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, § 8, cl. 1 and 3

“To Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; . . .” and

“To regulate commerce with foreign nations, and among the several States, and with the Indian Tribes.”
By Mr. WALDEN: H.R. 4329.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 14 of the United States Constitution (relating to the power of Congress to make rules for the government and regulation of the land and naval forces), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. JOHNSON of Georgia: H.R. 4330.

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. JOHNSON of Georgia: H.R. 4332.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Cl. 18

By Mr. FASO: H.R. 4333.

Congress has the power to enact this legislation pursuant to the following:
(1) The U.S. Constitution including Article 1, Section 8.

By Mr. CORREA: H.R. 4334.

Congress has the power to enact this legislation pursuant to the following:
(1) The U.S. Constitution including Article 1, Section 8.

By Mr. LEWIS of Minnesota: H.R. 4336.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 and Clause 18 of the United States Constitution.

By Mr. HOYCE of California: H.R. 4337.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8.

By Mr. TENNEY: H.R. 4338.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18: 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 Mr. BOST: H.R. 4339.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18: 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 Mr. LEWIS of Georgia: H.R. 4340.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18: 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 Mr. LEWIS of Georgia: H.R. 4341.

Congress has the power to enact this legislation pursuant to the following:
American immigration law stems from Congress's "establish a uniform Rule of Naturalization" (Article 1, Section 8, Clause 4). By Mr. CARTWRIGHT: H.R. 4341.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3

By Mr. CICILLINE: H.R. 4342.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution

By Mr. CICILLINE: H.R. 4343.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution

By Mr. CRIST: H.R. 4346.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the Constitution.

By Mr. FOSTER: H.R. 4346.

Congress has the power to enact this legislation pursuant to the following:
Clauses 12, 13, 14, and 18 of Section 8 of Article I of the U.S. Constitution.

By Mr. GAEPZ: H.R. 4347.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8.

By Mr. KRISHNAMOORTHI: H.R. 4348.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8: '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. LEWIS of Georgia: H.R. 4349.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia: H.R. 4350.

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 of the United States Constitution, its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia: H.R. 4351.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia: H.R. 4352.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia: H.R. 4353.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia: H.R. 4354.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia: H.R. 4355.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia: H.R. 4356.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia: H.R. 4357.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia: H.R. 4358.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LEWIS of Georgia: H.R. 4359.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. BEN RAY LUJÁN of New Mexico: H.R. 4360.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section VIII

By Mr. BEN RAY LUJÁN of New Mexico: H.R. 4360.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section VIII

By Mr. MESSNER: H.R. 4361.

Congress has the power to enact this legislation pursuant to the following:
Article I, section 9, clause 7 of the United States Constitution.

By Mr. O’HALLERAN: H.R. 4362.

Congress has the power to enact this legislation pursuant to the following:
Article I, section 9, clause 7 of the United States Constitution.

By Mr. POLIS: H.R. 4362.

Congress has the power to enact this legislation pursuant to the following:
Under Article I, Section 8, Clause 12 & Clause 18 of the Constitution, Congress has the power "to make all laws which shall be necessary and proper" for carrying out power including the power "to raise and support armies".

By Mr. SENSENBRENNER: H.R. 4364.
Congress has the power to enact this legislation pursuant to the following:

**Article I, Section 8**

- **Clause 1**
  - 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. VELÁZQUEZ.
  - H.R. 4367

**Clause 18**

- Congress has the power to enact this legislation pursuant to the following:
  - Article I, Section 8, Clause 1
  - The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .
  - By Ms. VELÁZQUEZ.
  - H.R. 4368

Congresses have the power to enact this legislation pursuant to the following:

**Article I, Section 8, 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. TAYLOR.
- H.R. 4369

**ADDITIONAL SPONSORS**

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

- H.R. 44: Mr. COOK, Mr. SCHAKOWSKY, Mr. GRAVES of Georgia, and Mr. CARTER of Texas.
- H.R. 173: Mr. MAST and Mr. SWALWELL of California.
- H.R. 176: Mr. FRANKS of Arizona.
- H.R. 290: Mr. FRELINGHUYSEN.
- H.R. 411: Mr. OLSON and Mr. HIGGINS of Louisiana.
- H.R. 488: Mr. KING of New York.
- H.R. 559: Mr. GEAVES of Georgia and Mr. FEDUSO.
- H.R. 592: Mr. BARTON and Mr. MALAFI.
- H.R. 669: Mr. PALLONE.
- H.R. 763: Mr. MOOLENAAR.
- H.R. 850: Mr. COHEN.
- H.R. 908: Mr. BILIRIANIS.
- H.R. 912: Ms. MOORE.
- H.R. 964: Mr. BARLETTA and Mr. CAPUANO.
- H.R. 1034: Mr. BLUMENAUER, Mr. KHANNA, and Ms. JACKSON LEE.
- H.R. 1046: Mr. PRICE of North Carolina and Mrs. BROOKS of Indiana.
- H.R. 1155: Ms. DEGETTE.
- H.R. 1164: Ms. GRANGER.
- H.R. 1176: Ms. BORDALLO.
- H.R. 1264: Mr. SESSIONS.
- H.R. 1394: Ms. BONAMICI.
- H.R. 1456: Ms. PINOKE.
- H.R. 1580: Mr. BISHOP of Michigan.
- H.R. 1626: Mr. MAST.
- H.R. 1730: Mr. MCGOVERN.
- H.R. 1734: Mr. QUIGLEY.
- H.R. 1818: Mr. SCHWEIKERT, Mr. BROWN of Arizona.
- H.R. 1825: Mr. WELCH and Mr. FRELINGHUYSEN.
- H.R. 1828: Mr. KILMER.
- H.R. 1907: Mr. YARMUTH.
- H.R. 1925: Mr. GREGG.
- H.R. 2147: Mr. FREILINGH.
- H.R. 2147: Mr. HUFFMAN.
- H.R. 2147: Mr. COYNE.
- H.R. 2147: Mr. SERRANO.
- H.R. 2147: Mr. TRASKIN.
- H.R. 2405: Mr. JODY B. HICIE of Georgia.
- H.R. 2583: Ms. JAYAPAL and Mr. PETERS.
- H.R. 2588: Mr. JOHNSON of Ohio.
- H.R. 2669: Mr. SMITH of Washington.
- H.R. 2670: Mr. MCEACHIN.
- H.R. 2693: Mr. GOMEZ.
- H.R. 2712: Mr. MEADOWS.
- H.R. 2719: Ms. MCCOLLUM, Ms. LOPOREN, Ms. ROB-LEITENIN, and Mr. KILMR.
- H.R. 2722: Mr. YODER, Mr. LUSTKREITER, and Mr. MULLEN.
- H.R. 2832: Mr. COMER.
- H.R. 2841: Mr. NADLER, Mr. SCHRAAD, Mr. KINJAH, Mr. BLUMENAUER, and Mr. MCGOV.
- H.R. 2865: Mr. GARAMENDI.
- H.R. 2902: Miss Rice of New York, Ms. SCHAKOWSKY, Mr. O'ROURKE, Ms. FRANKEL of Florida, and Mr. PETERS.
- H.R. 2996: Mr. POE of Texas and Mr. COMER.
- H.R. 3108: Mr. GHELVA.
- H.R. 3124: Mr. BLUMENAUER.
- H.R. 3211: Mr. ELLISON and Mr. O'HALLERAN.
- H.R. 3274: Mr. MCNERNEY.
- H.R. 3324: Mr. CLYBURN.
- H.R. 3345: Mr. SEAN PATRICK MALONY of New York and Ms. ROSEN.
- H.R. 3394: Mr. KELLY of Mississipp.
- H.R. 3441: Mr. CARBONAL and Mr. HUFFMAN.
- H.R. 3447: Mr. COHEN.
- H.R. 3477: Mr. PETERS.
- H.R. 3545: Mr. PETERS.
- H.R. 3596: Mr. THOMPSON of Mississippi.
- H.R. 3635: Mr. BILIRIANIS.
- H.R. 3637: Mr. BISHOP of Georgia and Ms. LANSBURY.
- H.R. 3642: Mr. UPTON.
- H.R. 3738: Mr. LOWEN.
- H.R. 3750: Mr. DEFAZIO.
- H.R. 3772: Mr. BIVER.
- H.R. 3784: Mr. ENGEL, Mr. GONZALES of Texas, and Mr. KILMER.
- H.R. 3790: Mr. HUDSON and Mr. JOHNSON of Louisiana.
- H.R. 3792: Mr. LIPINSKI.
- H.R. 3837: Ms. MCSALLY and Mr. ROTHFUS.
- H.R. 3867: Mr. BLUMENAUER.
- H.R. 3971: Ms. SHEA-PORTER, Mr. PANETTA, Mr. LAWSON of Florida, Mr. MCGOVERN, Mr. CARDENAS, and Mr. POCAN.
- H.R. 3987: Ms. NORTON.
- H.R. 3989: Mr. GONZALES of Texas.
- H.R. 3994: Mrs. BROOKS of Indiana and Mr. MCKINLEY.
- H.R. 4006: Mr. KILMER.
- H.R. 4007: Mr. SCHMUS.
- H.R. 4014: Ms. BROWNLEY of California.
- H.R. 4015: Mr. MECKS.
- H.R. 4081: Ms. ROSEN and Ms. GABBAR.
- H.R. 4131: Mr. VALEG.
- H.R. 4137: Mr. GIFFIT.
- H.R. 4143: Ms. HERRERA BEUTLER and Mr. KELMER.
- H.R. 4159: Mr. GONZALES of Texas, Ms. NORTON, Mr. SHEHERM, Ms. BARRAGÁN, Mr. EVANS, Mr. MEERS, and Mr. COHEN.
- H.R. 4160: Mr. GONZALES of Texas, Mr. BARRAGÁN, Mr. COHEN, and Mr. CARSON of Indiana.
- H.R. 4183: Mr. QUIGLEY, Mr. KRATING and Mr. COHEN.
- H.R. 4186: Mr. GUTIÉREZ, Mr. HASTINGS, Ms. MOORE, and Mr. ENGEL.
- H.R. 4232: Mr. GAZZ.
- H.R. 4239: Mr. SMITH of Washington.
- H.R. 4229: Mr. PULIQUIN, Mr. PETRESON, Mr. WESTERMAN, Mr. WILSON of South Carolina, Mr. KILMER, Mr. CRAWFORD, and Mr. COOPER.
- H.R. 4239: Mr. FLORES and Mr. DUNCAN of South Carolina.
- H.R. 4240: Ms. CLAIRE of New York, Mr. GARAMENDI, Mrs. CAROLYN B. MALONEY of New York, Mrs. DAVIS of California, Mr. WELCH, Ms. LOPOREN, Mr. VARGAS, Ms. SLAUGHTER, Ms. SPEER, Mr. DESAULNIER, Mr. KHANNA, Mr. NADLER, Mr. SWALWELL of California, Mr. PHELPS, Mr. KILDER, Mr. DEUTCHE, Mr. KENNEDY, and Mr. SCOTT of Virginia.
PETITIONS, ETC.

Under clause 3 of rule XII.

66. The SPEAKER presented a petition of the Common Council of Syracuse New York, relative to Common Council Resolution No. 34-R 2017, urging Senator CHARLES SCHUMER, Senator KIRSTEN GILLIBRAND, and Congressman JOHN KATKO to take the necessary actions to ensure that the SALT Deduction remains a part of the Federal Tax Code; which was referred to the Committee on Ways and Means.

NOTICE

For conference report and statement, see proceedings of the House of November 9, 2017, published in Book II.
The Senate met at 9:30 a.m. and was called to order by the Honorable DEAN HELLER, a Senator from the State of Nevada.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, thank You for the gift of our veterans, those on Capitol Hill and beyond. May our veterans make us mindful of the price of our freedom.

Lord, infuse us with a spirit of gratitude for those who have offered their lives on the field of battle that we might live in peace. Let not one of our veterans feel forgotten, neglected, or unappreciated. May they know by experience the deep and enduring gratitude of a grateful nation.

Lord, You know the burdens that many of our veterans must bear. Some feel isolated and alone; others feel misunderstood. Bring physical, emotional, and spiritual healing to their lives, providing them with the wisdom to trust You with their future.

Lord, we ask Your particular blessings upon the Senators who in military service have sacrificially given their time, comfort, strength, ambition, and health. Reward them one hundredfold for their sacrifice and service, blessing them more than they can ask or imagine.

We pray in Your merciful 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 legislative clerk read the following letter:


To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEAN HELLER, a Senator from the State of Nevada, to perform the duties of the Chair.

OREN G. HATCH, President pro tempore.

Mr. HELLER 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.

**CONCLUSION OF MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Morning business is closed.

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the Wehrum nomination, which the clerk will report.

The legislative clerk read the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MCCONNELL. Mr. President, this has been another important week here in the Senate. We are moving forward on multiple aspects of the President’s agenda.

Later today, the Senate Finance Committee will release its plan for tax reform. I will have more to say on this in a moment, but I would once again like to commend Chairman HATCH for his leadership to get us to this point.

The Senate is also focusing on confirming the President’s nominees so they can finally get to work. We have built strong momentum from last week, when we confirmed four circuit court nominees. This week we have confirmed nominees for the Department of Defense, the Department of Justice, and the National Labor Relations Board.

Soon we will also confirm the head of a critical office at the EPA. William Wehrum will put his experience to good use as Assistant Administrator for the EPA’s Office of Air and Radiation. This office is one of the EPA’s most important but, unfortunately, under the Obama administration, was also among the offices with the most significant overreach. Obviously it was in desperate need of new leadership from someone who understands how to implement clean air policies in a balanced way. That is William Wehrum. I look forward to advancing his nomination shortly.

Confirming President Trump’s talented nominees to the Federal Government will continue to be a priority of this Senate, and I look forward to working with my colleagues to get this done.

**TAX REFORM**

Now on another matter, Mr. President, today Chairman HATCH will lay out his legislative proposal for tax reform. It is the product of a lot of hard work, dozens of hearings, and member input, and I look forward to its release later today.

The release of this plan is another critical step toward providing relief to the middle class. Once it is unveiled,
the proposal will go through regular order in the committee. Senators on both sides will have the opportunity to offer amendments and work together to help hard-working families all across our country.

This is our once-in-a-generation opportunity to lower taxes and shift the economy into high gear. In fact, tax reform represents the single most important thing we can do to spur growth and to help American families. With this reform plan, the American people will know that relief is on the way. For you and your family, we want to make taxes lower, simpler, and fairer. For small businesses, we want to make it easier to navigate the Tax Code, grow, and hire workers. And for all businesses, we want to make it an easy decision for them to bring investment and jobs home and to keep them here.

As the Finance Committee continues to work on tax reform, both Republicans and Democrats will have the chance to offer their own ideas to make the bill better. I certainly hope they take it. The process isn’t behind closed doors; it’s open for everyone to see and for everyone to take part. The House Ways and Means Committee is expected to finish their work on their legislative proposal soon. Under Chairman Brady’s leadership, they have put a lot of good work into this.

I look forward to continuing to work with colleagues in both the House and the Senate—along with President Trump and his team—on our mutual tax reform goals. Our main goal is this—this is what it is all about—we want to take more money out of Washington’s pockets and put more money in the pockets of the middle class.

In addition to the great work being done by Chairman Hatch in the Finance Committee, the Senate Energy and Natural Resources Committee, under the leadership of Chairman Murkowski, is taking important steps as well. The budget resolution gave the committee instructions to generate $1 billion of new revenue for the Federal Government. The committee has now unveiled legislation to do just that: by further developing the oil and gas potential in Alaska in an environmentally responsible way. Their good efforts can produce important benefits to both the people of Alaska and to our entire country. I commend Chairman Murkowski for her efforts to support our Nation’s energy security. This plan is a limited, responsible effort that can result in new jobs, a strong source of energy, and a boost to our economy, all while being responsible stewards of Alaska’s environment. I look forward to the Senate reporting this legislation next week as well.

The Senate has many important items before it. Let’s work together to get them done, fulfilling our commitments to the American people. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative 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 Democratic leader is recognized.

REPUBLICAN TAX PLAN

Mr. SCHUMER. Mr. President, later today the Senate Republicans will reveal their tax reform bill. The bill will not include a single idea of Democrats in the Senate. Not a single Democrat has had any input into this bill. It was constructed entirely behind closed doors by the majority party, who have no intention of negotiating with Democrats because they locked themselves into a partisan process that only requires a majority vote.

They are trying to rush it through this Chamber with reckless speed. Why? Because my Republican colleagues know that the longer their bill is out there for the public to see, the less the public likes it. Their only hope of passing it is to rush it through before anyone can grapple with the stunning hypocrisy at the center of their plan.

The Republican majority has repeatedly promised a middle-class tax bill, but instead, they have concocted a bill grounded in tax cuts for big corporations and the very rich. They actually hurt middle-class people because they need to give those big breaks for the wealthiest.

While promising that their plan gives “everyone a tax cut”—that is what Speaker Ryan said again today—multiple independent analyses conclude that the House Republican tax plan would increase taxes on millions of middle-class families, contrary to what Republicans promised and what Donald Trump has promised. They said: No middle-class people will get an increase. That’s aimed at helping the middle class.

But the vast majority of the help goes to the wealthiest and biggest corporations. A New York Times analysis found that next year the House Republican plan would cause taxes to go up on one-third of all middle-class families. By 2026 taxes will go up on nearly half of all middle-class families.

So even if you come from a State with a lower tax rate—a red State—it is probable that a quarter of the middle-class families will get a tax increase. I think the lowest I saw was 17 percent for West Virginia.

So this hurts middle-class people, and it hurts certain middle-class people much more than others—people who have student loans, people who have high medical expenses, people who come from States where there are large property taxes, people who have big mortgages. These are middle-class people. They should not get a tax increase.

Mark Mazer, director of the independent Tax Policy Center, said:

You could create a plan that just cuts taxes for middle-class people. That’s not what this is.

That is him, not me. It is what Republicans promised.

As I said, if House Republicans don’t kill it now, it will come back to haunt them. The overwhelming Democratic turnout in suburban districts in Virginia, New Jersey, and Pennsylvania should send shivers down the spine of House Republicans who represent those districts. Voting to repeal the State and local deduction—they can’t hide behind the so-called compromise in the House bill. It is nothing more than a temporary fig leaf for full and permanent repeal.

Even with the compromise, the House numbers are devastating. Representative MacArthur said he was shown information that shows the compromise is good for his district, and I have to bow down to the special big interests of large corporations.

Representative MacArthur, go look at the real numbers.
Forty-three percent of taxpayers in Representative MacArthur’s district take the State and local deduction, for an average of $11,987 per deduction. Over half of the value of these deductions is not the property tax at all. It is State and local income taxes, which will be hit under the plan.

Then, according to IRS data, there are a good number for whom the property taxes are over $10,000, meaning the compromise still wouldn’t help them. So I would not, if I were Representative Steve Scalise, stay to the numbers. I know the Republican leadership is giving him. I would do my own independent analysis because I believe he would find them to be a lot worse than what the leadership is telling him.

I say to my other Republican colleagues: Don’t fall for those quick numbers. Go do your own looking at this. It is a lot worse than your leadership is telling you.

One final point on taxes, for some—this is the conventional wisdom on the Republican side is that because of the stunning depth of their losses in the recent elections, there is even a greater need to pass the tax plan. We have to do this or we will fail, they said. It makes no sense. They are misleading the public.

Ed Gillespie, for all of his divisive ads, also ran a traditional establishment campaign. The linchpin of his campaign was the $1,000 tax cut for every taxpayer. But Ed Gillespie is from Virginia. Exit polls from the Virginia election showed that the No. 1 issue on voters’ minds was health care, and they voted overwhelmingly Democratic. Yet, amazingly, Republicans may repeal the individual mandate as part of their tax bill. How do they think that is going to fly?

Despite the spin from Republican leaders, passing this plan will not help Republicans climb out of the hole they are in. It will bury them deeper. Maybe if they were honest, they would not say they are in disarray for the moment, but already this bill has had a miserable rollout. You know that when a party rolls out their No. 1 legislative plan, there should be trumpets and bands, but the public knows already that the bill favors the wealthy. The public knows that middle-class people get a tax increase.

So at best, the rollout of this bill has been mixed. I would say it has been negative, and the American people agree with me. We have even more people angry against this bill than for it, according to all of the polls. Passing a partisan tax plan that favors the wealthy and raises taxes on millions of middle-class and upper-middle-class families in the average 41.6 percent political cure. It is political poison.

The real way to win back the esteem of the American people would be to put partisanship aside, put a giant tax cut for the wealthy on the shelf, and come work with Democrats on real bipartisan reform.

Mr. President, I would also like to just announce my strong opposition to Mr. Wehrum to the EPA’s Office of Air and Radiation.

While working in senior roles at the Office during the Bush administration, Mr. Wehrum led the efforts to weaken clean air protections. During his tenure, one rule that the Agency violated the Clean Air Act 30 times. Mr. Wehrum represented industry clients against the EPA 31 times since 2008. He does not deserve to be in this position. Anyone who cares about the lungs of children should not want Mr. Wehrum in the position. I hope we can get some bipartisan support to reject this really awful nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware, Mr. CARPER. Mr. President, I want to continue to share with our colleagues the reasons I oppose the nomination of Bill Wehrum to be EPA’s Assistant Administrator for Air and Radiation. Throughout his career, Mr. Wehrum has clearly shown he is dismissive of the science that is the core of EPA’s actions to protect public health. Nothing during this confirmation process has convinced me that Mr. Wehrum’s approach will change going forward.

I have said this before, and I will say it again because it makes Mr. Wehrum’s priorities clear, our courts have overturned regulations that Mr. Wehrum helped craft while at EPA and have struck down his argument time and time again that the courts determined the rules Mr. Wehrum put in place did not follow the law or did not adequately protect public safety—27 times.

In one of those instances, the courts faulted EPA’s lack of action to reduce mercury and toxic air pollution emissions from electric powerplants.

I have worked on controlling mercury pollution since I became a Member of this body 17 years ago, so I would like to spend some time talking about this issue, mercury.

Much of our country’s ongoing efforts to clean up air pollution hinge on making sure every State plays by the rules and does their fair share to reduce air pollution. That includes dangerous pollution like mercury. Toxic air pollution gets into the air we breathe, gets into the food we eat, builds up in our bodies without our knowledge and can lead to cancer, to mental health problems, and to premature death.

Unfortunately, Mr. Wehrum has spent much of his career fighting to dismantle the Federal environmental protections on which any State—my State, your State, so many other States—depend in order to clean up toxic air pollution.

Twenty-seven is also the number of years ago that President George Herbert Walker Bush signed the Clean Air Act Amendments of 1990 into law. Nearly three decades ago, Congress had enough scientific data to know that mercury and other air toxics, such as lead and arsenic, were hazardous air pollutants that harmed people’s health and, as a result, should be regulated by the EPA.

The lawmakers—including myself—who sent the Clean Air Act Amendments of 1990 to the desk of a Republican President thought that the Nation’s largest emitters of mercury and air toxics would soon be required to do their part and clean up. Unfortunately, it took 22 additional years for the EPA to issue the Mercury and Air Toxic Rule, which finally, 5 years ago, called for reducing mercury and other air toxics from coal-fired powerplants—our Nation’s largest source of mercury emissions.

The EPA modeled the rule after successful steps that States across our country had already taken. The Agency required coal plants to install existing affordable technology that could reduce mercury and toxic emissions by 90 percent.

Today our Nation’s power utilities are meeting the mercury and air toxics provisions of the Clean Air Act. Instead, he chose a different path, helping to write a rule allowing powerplants to pollute more and for a longer time under a mercury cap-and-trade program.

In his push to make regulations on mercury emissions less protective, Mr. Wehrum promulgated a rule that industry not only supported but helped to write. In January 2004, the Washington Post reported that language system for industry by Mr. Wehrum’s old law firm—Latham & Watkins—appeared for word in the proposed rule published in the Federal Register—word for word.

After Mr. Wehrum’s mercury rule was finalized, the Federal courts found that EPA had exaggerated the rule’s benefits and, as a result, the rule was
overturned. In fact, the EPA lost so badly that the deciding judge said that under the leadership of Mr. Wehrum, the Agency deployed “the logic of the Queen of Hearts, substituting the EPA’s desires for the plain text of the law.”

So EPA had to start all over again because Mr. Wehrum ignored science and deferred to industry. What makes that delay process so egregious is that our Nation’s children were exposed to toxic air emissions from powerplants for an additional decade for no good reason.

In 2011, the Obama administration finally issued a new rule—the mercury and air toxic standard rule—that protects our children, protects our health, and protects our lakes and our rivers. What is more, industry is easily able to meet the rule’s targets, and our Nation is already seeing the benefits, but these health benefits do not seem to matter to Mr. Wehrum, who is still fighting for delays in mercury and air toxic emissions reductions.

In fact, while representing his industry clients, he has supported a lawsuit against EPA to regulate mercury and other air toxic emissions. Under his leadership, Mr. Wehrum’s law firm has been arguing that it is not “appropriate and necessary” for the EPA to regulate mercury and other air toxic emissions. Not appropriate and necessary? That is what he says.

When I asked Mr. Wehrum about his time at the EPA and his work to delay mercury regulations, he was elusive. He seemed to have a selective memory with respect to the actions he did or did not take when he last served at the EPA.

When I asked him if he would commit not to weaken the mercury and air toxic rule if confirmed, he basically refused to answer. However, to his colleagues—I don’t care where we come from—especially those who have supported the mercury and air toxic rule, as many of us have.

If confirmed, Mr. Wehrum would be part of the review of the mercury and air toxic rule and he would have the promises to undertake. Think about that.

This is just one of the many clear examples in which Mr. Wehrum continues to support polluters over science and doctors, even going so far as to give polluters the pen to write the regulations they would have to follow. Unfortunately, there are many more.

Mr. Wehrum also spearheaded regulations when he was last at EPA that weakened air protections for national parks. The courts threw out those efforts to weaken the so-called regional haze rule, compelling the Obama administration to clean up his mess and provide this protection for iconic parks like the Grand Canyon and the Great Smoky Mountains National Park because, again, Mr. Wehrum did not follow science or the law.

Nonetheless, Mr. Wehrum continues to pursue ongoing litigation against EPA’s efforts to reduce national park pollution. Last year, Mr. Wehrum declared that he used the regional haze programs to impose very stringent, and from our perspective, unwarranted emissions requirements.

Mr. Wehrum also has a long history of ignoring climate change science and the laws that regulate carbon emissions. While at the EPA, Mr. Wehrum was critical of the Agency’s decision to deny the State of California a waiver to impose stricter vehicle standards to reduce greenhouse gas emissions as well as costs for consumers. Mr. Wehrum personally pushed for this action against recommendations of the career staff who did not believe the George W. Bush administration political appointee had a legal basis to deny California a waiver.

I am here today to remind Mr. Wehrum and all those who continue to delay action to control greenhouse gas emissions under the premise that more information about how the climate is changing or whether or not human beings are exacerbating the effects of climate change—the facts are in. The science is clear.

Even if he doesn’t want to believe the numbers and the data—Mr. Wehrum lives in Delaware, as do I. We run races together, sometimes ride the same trains back and forth between Wilmington and Washington. However, in the State in which we both reside, for us, the effects of climate change are evident. In our State, we are the Nation’s lowest lying State. Parts of our State are sinking while at the same time the waters are rising along our shores.

By his own admission, while at the EPA, Mr. Wehrum provided support to those who have ignored science, in a infamous case: Massachusetts v. EPA. That team argued that greenhouse gases are not pollutants that could be regulated under the Clean Air Act. It is not just me who disagreed with Mr. Wehrum in this instance, the Supreme Court of the United States disagreed as well.

Unfortunately, Mr. Wehrum’s views on climate change seem to be the same they were 15 years ago. Despite the Supreme Court’s ruling in the Massachusetts v. EPA, which affirmed EPA’s authority to regulate greenhouse gases under the Clean Air Act, Mr. Wehrum insisted in 2013 that he “continues to believe, that Congress never intended the EPA to address air pollution such as climate change under the Clean Air Act.”

In his nomination hearing before the EPW Committee, Mr. Wehrum claimed that the climate is changing, but much is unknown—much is unknown—about why and how fast those changes are occurring.

I could go on for a while, as you can imagine, but suffice it to say, these views of Mr. Wehrum are not just curious, they are dangerous. They are dangerous to our national health science just because you would rather not put protections in place hurts all of us in the end but especially the most vulnerable among us. Mr. Wehrum’s time at EPA is at odds with the public health mission of the Agency.

All of the failed regulations Mr. Wehrum worked on created greater uncertainty for business and left the lives of the most vulnerable populations at risk.

I would like to close by reflecting on why I think today’s vote is so important. My wife Martha and I go to a Presbyterian Church in Wilmington most Sundays. Earlier this year, on an especially lovely spring morning—a morning I had gone out for a run—we joined our congregation in singing a number of hymns, and one of them began with these words:

For the beauty of the Earth,
For the glory of the skies,
For the love which from our birth
Over and around us lies,
Lord of all, to Thee we raise
This our hymn of grateful praise.

It is a powerful passage, and we should let these words really and truly resonate, especially on this morning.

Scripture reminds us repeatedly to love our neighbors as ourselves. We know that and call that the Golden Rule. It appears in every major religion in the world—I don’t care if you are Christian, Jewish, Muslim, Hindu, Buddhist. I don’t care what your faith is, there is a Golden Rule in your Sacred Scriptures. In our faith, we call it the Golden Rule.

Also found in those pages is another sacred obligation to serve as stewards of this planet to which we have been entrusted, and we have a moral obligation to do so. I know a great many of our colleagues here in the Senate agree that we have a responsibility to care for this world and the people who live in it. Most Americans believe that. We all have an obligation to protect the health of our children and our families
and the world in which we live. We have an obligation to ensure that we have clean air to breathe—perhaps the most basic, most important right of all. For me, this is not only my responsibility as a parent and as an official elected to serve the people of Delaware; it is a moral imperative, a moral calling.

Americans deserve EPA leaders who believe in sound science. Americans need EPA leaders who will listen to the medical experts when it comes to our health, and who will be able to strike the balance that ensures both a cleaner environment and a stronger economy—something we have done for the past 27 years since the adoption of the Clean Air Act Amendments of 1990.

Moving forward with this nominee and thus allowing him to execute his extreme agenda once again at the EPA, especially when we have seen how poorly he handled that authority before, would be, in my mind, simply irresponsible. I do not believe Mr. Wehrum is the right fit for this position. I encourage my colleagues, Democrat and Republican, to vote no on his nomination to be EPA’s Assistant Administrator for Air.

Mr. President, I reserve the remainder of my time.

Mr. President, I ask unanimous consent that prior to the vote on confirmation on the Wehrum nomination, there be an additional 2 minutes of debate, equally divided.

The PRESIDING OFFICER (Mr. Strange). Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. WARREN. Mr. President, I rise today to oppose the nomination of William Wehrum to be the next Assistant Administrator for Air and Radiation at the Environmental Protection Agency. This job is really pretty straightforward. The person in this job must fight for the American people to breathe clean air. But here is the problem: Mr. Wehrum has dedicated his career to the service of corporate polluters. Like President Trump and Administrator Pruitt, in a fight between hard-working families and well-paid corporate polluters, Mr. Wehrum sides with the corporate polluters every single time.

President Trump promised to “drain the swamp” in DC. But, seemingly, with this Republican-controlled Senate approves yet another one of the President’s corporate insiders to advance Big Oil and Big Coal’s dirty wish list. The decision to nominate Mr. Wehrum is no exception. He is another conflict-ridden, climate-dismissal Trump nominee who has made a career of putting corporate profits ahead of hard-working families who depend on the EPA to have their backs.

Some of my Republican colleagues have argued that Mr. Wehrum has extensive experience serving at the EPA under the Bush administration, and that is true. Let’s take a look at his experience. Mr. Wehrum fought to keep States from setting their own higher vehicle emissions standards in order to try to keep the air cleaner. He played a key role in the Bush administration’s insistence that the EPA has no responsibility to combat climate change—a view that the Supreme Court rejected in 2007 in Massachusetts v. EPA. When the Bush EPA was required by law to propose a rule limiting mercury emissions from powerplants, Mr. Wehrum’s influence helped tilt the rule to benefit big coal. In fact, several paragraphs of the rule were lifted verbatim from memos provided by the same pro-coal lobbying firm that Mr. Wehrum had worked at before joining the EPA.

The egregious inadequacy of the proposed rule and its blatant disregard for rulemaking processes led to 8 years of unnecessary delay in limiting toxic mercury emissions. There were 8 additional years of an estimated 130,000 asthma attacks, 8 years of 11,000 premature deaths—all potentially avoidable. Mr. Wehrum and his colleagues had just listened to the science and made the protection of human life more important than the protection of corporate interests.

During his tenure at the EPA, looking out for big corporate polluters was standard practice for Mr. Wehrum. In 27 separate cases—27 cases—Federal courts found that the regulations that Mr. Wehrum helped write contradicted or violated the Clean Air Act and failed to protect public health. Mr. Wehrum has a lot of experience—the weak-kneed experience of someone kissing up to big corporate interests.

In reflecting on his time at the EPA, Mr. Wehrum said: “I’m a much better lawyer now than when I first joined the agency. To really get to know how the agency works and how it ticks, I think that is very valuable.”

Yes, valuable, sure, but valuable for whom? Valuable for small towns across America who need more champions fighting in their corner? Valuable for our coastal communities and farmers dealing with the tangible effects of climate change? No. He meant valuable for his own bank account.

Mr. Wehrum describes his time working at the EPA as being “very valuable” because it allowed him to “be effective in generating business and clients.”

I guess he thinks this latest trip through the revolving door will be even better for helping him drum up business from future polluters.

And why wouldn’t he? Since leaving the EPA in 2007, Mr. Wehrum has been one of the go-to lawyers for big corporate polluters looking to get off easy or to save a buck at the public’s expense. In at least 31 lawsuits against the EPA, Mr. Wehrum has fought to diminish Federal climate policy, to roll back limits on toxic mercury emissions, to undermine public health protections. From what I can tell, not once has he chosen to use his valuable experience at the EPA to fight for stronger clean air protections that benefit our children and our seniors who suffer the most from toxic emissions.

When deciding whether someone is qualified for public service, sure, experience matters. But it matters who you fight for—whether it is before the courts or as a senior appointee in the administration. It matters whether you have a demonstrated commitment to serving the public interest or the narrow corporate interests of rich companies.

Mr. Wehrum is not a person who fights for the moms and dads who know the terror of a child having an asthma attack. He is not a person who fights for the low-income and often minority communities that are literally choking under a cloud of industry toxins. He is not a person who fights for our communities that are suffering from the growing impact of climate change. No, he is a person who does the lucrative bidding of corporate DC insiders, both in government and outside government, and then he leaves American families to just suffer the consequences.

This administration, this Republican Congress, and nominees like Mr. Wehrum are experts at ignoring the facts, but they can’t change those facts. Our planet is getting hotter. Our seas are rising at an alarming rate. Our coasts and islands are threatened by devastating storms. Our farms and forests are threatened by droughts and wildfires that are becoming so common across this country that they barely even make the evening news.

The effects of man-made climate change are all around us. Things will only get worse if we don’t do something about it. We should never hand our government over to wealthy and powerful companies that put their own profits ahead of people. We certainly shouldn’t put someone in charge of our clean air program that will not put the health, the safety, and the future of the American people ahead of short-term corporate profits.

Make no mistake, President Trump wants a fight. Administrator Pruitt wants a fight. William Wehrum wants a fight. And we will give them a fight because the American people will fight to protect the health of our children and our grandchildren, to build a clean energy economy, and to safeguard the future of our planet.

The American people deserve someone who will fight in their corner, and that is not William Wehrum. I yield the floor.

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. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, it has been a sorry spectacle for Americans to witness what the polluting industries are doing, with the full complicity of the Trump administration,
to the Environmental Protection Agency—an Agency that enjoys broad popularity among the American people but is obviously a thorn in the side of big polluters who make very big campaign contributions and therefore have inordinately big influence here in Congress.

The current scientific parade of nominees to the offices responsible for protecting the public’s health at EPA is nothing short of astounding. It is an array of cranks, charlatans, hacks, lobbyists, and generally unpromising nominees. Now that was 2006. That was before Citizens United. That was before the flood of political power to the big polluting industries. Now, on this new political field, he is back, he is just as bad, if not worse. The Trump administration has any intention of withdrawing his nomination. He has a real problem dealing with environmental issues, and I think it relates to his record.

In recent years, Mr. Wehrum has represented industry in 39 Federal appellate cases opposing cleaner air protections. He is 39 to 0 in terms of taking the side of industry against clean air protections, and 31 of those cases involved lawsuits against EPA. So he will now be defending and judging cases of the type that he brought against the EPA on behalf of industry. Again, not one of those cases argued for better clean air protections. Many of them questioned standards that had been established by EPA. Some of the lawsuits were against rules that had to be rewritten by the Obama administration when EPA failed to follow the Clean Air Act, when a rule was thrown out by the courts for failing to be true to the law. So this is not a great moment for the integrity of government in this particular case.

When we asked Mr. Wehrum questions—for instance, I asked him about carbon in the context of the Kyoto Protocol—his role in the observable effects of climate change, and he replied: “The degree to which manmade [greenhouse gas] emissions are contributing to climate change has not been conclusively determined.”

That entire sentence hangs on one word: “conclusively.” So if 999 scientists said that this is indeed conclusive but you had 1 outlier—I against 999—then you could argue that the degree to which manmade greenhouse gas emissions are contributing to climate change has not been conclusively determined. But in the world in which Mr. Wehrum is going to be making decisions, that is not a relevant standard.

That is a standard that comes from the climate-denial talking points; it is not a standard that arises from the law or from the way administrative agencies are required to review scientific evidence.

The distinguished Presiding Officer was an attorney general and knows very well that the standard for getting scientific evidence admitted in a court proceeding is whether it is accurate to a reasonable degree of certainty. There is no standard that it has to be conclusive; that is an imaginary prop of the fossil fuel industry to be able to address the fact that it is virtually unanimous science against them and there are only a few payroll scientists floating around to keep it from being conclusive.

To a reasonable degree of scientific certainty, are manmade greenhouse gas emissions contributing to climate change? Without a doubt. Indeed, NOAA and EPA have concluded that “carbon dioxide is the primary greenhouse gas that is contributing to recent climate change.” That is it. And rules at an administrative agency have to pass the test of being based on substantial evidence, as the Presiding Officer gets his evidence arbitrary or capricious. In any rational world, it would be arbitrary and capricious to deny the vast weight of science because it is not 100 percent conclusive. Nobody makes decisions on that basis in real life.

This, right in this individual’s testimony, is a direct echo of fossil fuel industry talking points, fossil fuel industry propaganda, and it is a preview of coming attractions as to whose message he will be mouthing in a position of public responsibility.

Similarly, I asked him about ozone. One of the goals of the Clean Air Act itself is to set standards for how much ozone there can be in the air. This makes a big difference to Rhode Island because Rhode Island is a downwind State from most of the industrial and powerplant emissions through the Ohio Valley, in the Midwest, and through West Virginia. We actually have ozone alert days in Rhode Island—ozone alert days, when you drive in in the morning and the drive-time radio is warning you that this is not a good day to be outside. It looks sunny. Ozone is transparent. It looks fine. It is usually warm because ozone is propagated in warm air. So on a warm, sunny day, you are driving in, it looks as if everything is fine, and you are warned that the elderly, small children, and people who have breathing difficulties or disabilities should stay indoors. That is the price Rhode Islanders are asked to pay for this ozone pollution we have to live with—stay indoors.

Ozone standards have been in place at EPA for 45 years. For 45 years, EPA has regulated ozone. What did Wehrum ask when I asked him about ozone? “I am not familiar with the current science on the health effects of ozone, so I cannot comment on your question as to the appropriate level of the standard.” Really? He wants to run this office—the office which has been handling ozone regulation for 45 years—and he is not familiar with the current science on the health effects of ozone? I think he is quite familiar with the phony-baloney non-sense that is propagated by the fossil fuel industry and its front groups up against the real science that is agreed to by essentially every legitimate scientific organization in America, that is taught at every American State university in all 50 of our States, that has formed the basis of our Defense Department’s Quadrennial Defense Review pointing out that climate change is a catalyst of conflict and a national security risk, and that is recognized and tracked by the National Laboratories of the United States that we fund.

Up against the phony-baloney nonsense that is propagated by the fossil fuel industry, that is a rout. Of course, the last thing the fossil fuel industry wants is a fair contest in a fair and factual forum between the real science and their phony science denial. So, of course, Pruitt doesn’t want to kick that fight off, and, therefore, he is now stuck with the endangerment finding.

I asked Mr. Wehrum about the endangerment finding. The basis of the endangerment finding is this: In Massachusetts v. Environmental Protection Agency, the Supreme Court of the United States decided that carbon pollution was, in fact, a pollutant under the Clean Air Act. They decided that in the Supreme Court, and that is now the law of the land.

Then, pursuant to that Supreme Court determination, the EPA had to take a look at whether it is a dangerous pollutant. And they did. Their determination as to whether it is a dangerous pollutant is called an endangerment finding. Sure enough, EPA found that carbon dioxide being emitted by these fossil fuel plants is, in fact, a danger to present and future Americans, to this generation and to generations to come.

Mr. Pruitt, who is one of the slyer rascals around out there, said in the Environment and Public Works Committee that he would not contest or seek to review the endangerment finding. There is an obvious reason why somebody who is completely in tow to the fossil fuel industry would not wish to revisit the endangerment finding; that is, because you would drop an avalanche of scientific fact on your own head. You would be obliged to put the fossil fuel industry in an embarrasing position, that the fossil fuel industry funds and propagates through a whole bunch of front groups up against the real science that is agreed to by essentially every legitimate scientific organization in America, that is taught at every American State university in all 50 of our States, that has formed the basis of our Defense Department’s Quadrennial Defense Review pointing out that climate change is a catalyst of conflict and a national security risk, and that is recognized and tracked by the National Laboratories of the United States that we fund.
this position at EPA. He said: I currently do not have a view on the endangerment finding.

I bet he had a view when he was being paid by the Rubber Manufacturers Association to consider emissions of carbon dioxide, but he had a view when he was being paid by the American Forest & Paper Association; and I am pretty sure he had a view when he was being paid by the American Petroleum Institute. So this new, sudden absence of a view seems improbable in the absence of the books like the best thing he can say to not have to admit the real science, knowing perfectly well that if he actually tried to deny it, that same avalanche of real science would fall around his head.

In some respects, it is tragic that we are now in a situation in which an agency of the U.S. Government has been handed over to the polluters lock, stock, and barrel. They have been given absolute sway to drive an industry and of what is going on. The opening sentence is: 

The climate of the United States is strongly connected to the change in global climate, what happens when you look only at the American effects and look only at the American emissions? What that means is that when you are scoring the harm of climate change, you are cutting right off the books. What does that mean? It means is that when you are scoring the harm of what is actually exists. You are cutting off the harm that other nations cause to us with their emissions, scrubbing it right off the books, and you are scrubbing off the harm that our emissions do to other nations. The opening sentence of the report in the 20th century."

It goes on. It is not only that the evidence entirely shows "that it is extremely likely"—which is the highest level of scientific certainty — "that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century." 

Not only is there an avalanche of evidence supporting the determination that carbon dioxide and other greenhouse gases are causing the climate change we have observed, but when you look at what the alternatives might be, here is what the next sentence says: "For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence."

Another issue is: 

if you align the science that comes from the EPA — nothing about the actual harm that climate change causes but accounting trickery to try to dial the number down so that a huge majority fraction of the harm never even gets counted. 

"This assessment concludes, based on extensive evidence, that it is extremely likely"—which is the highest level of scientific certainty—"that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century."

It does not exist. Why not? Because it goes on. It is not only that the evidence entirely shows "that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause," but when you look at what the alternatives might be, here is what the next sentence says: "For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence."

One of the things he did was to set up the Climate Assessment program. He said: I cur-
gas emissions. I take this very personally. The Agency ended up deciding to do it itself, as Senator WHITEHOUSE is aware. But it was my first bill, and I decided that was a good first bill. It was bipartisan, and it got to the core of this issue. Our country is destined to take responsibility, that we need to work with the rest of the world. But most importantly, this is a long-term issue, shared by my businesses in Minnesota, shared by everyone from hunters to snowmobilers, to ice skaters in our State, to our farmers and energy sectors and cut our reliance on foreign oil. Every time a new study is released on this subject, I become more and more convinced that investment in renewable fuels are investments in our economy and in the health of rural America.

Last year, a study conducted by ABF Economics showed that the ethanol industry generated $7.37 billion in gross sales in 2015 for Minnesota businesses and $1.6 billion in income for Minnesota households. Here is a big one: The ethanol industry also supports over 18,000 full-time jobs in Minnesota. I see the Presiding Officer is from the State of Alaska. Just as he knows that the oil industry is important in our State, and rural Governors in the Midwest, and I believe they can both coexist. Just last weekend, I visited the Green Plains ethanol plant in Minnesota to see operations behind these impressive figures and meet firsthand with some of the 60 people who are employed there. One of the things I heard while in Fairmont was how policy instability and delays have chilled investment over the years. Delays in releasing the RFS rule in previous years has undercut the Green Plains’ ability to acquire necessary investments and create new employment opportunities. The need for stable policy is key to providing certainty for producers, employees, and manufacturers while unlocking billions of dollars of investment in the biofuel sector.

We have to continue to build on the progress we have made of expanding production capacity more than three-fold since 2005 with biodiesel, cellulosic ethanol, recycled waste, and other advanced biofuels. This is no longer some kind of a niche industry. This is 10 percent of our fuel supply. That is why I am concerned with some of the statements that Mr. Wehrum has made and some of the clients he has represented in lawsuits against the EPA, many of whom sought to undermine and weaken the RFS.

He was the counsel of record in several challenges to the RFS, including the E15 waiver, which allows for blends of up to 15 percent of ethanol in gasoline, something Senator THUNE and I have worked on. Yet most concerning was his role in a 2015 challenge to the requirement that diesel fuel sold in my State of Minnesota contain at least 10 percent of biodiesel. Let me say that this kind of principle and this policy were supported by Democratic, Republican, and Independent Governors in Minnesota—from Tim Pawlenty to Jesse Ventura to Mark Dayton. My State has been a leader when it comes to the use of renewable fuels. We were the first State in the Nation to pass a biodiesel blending law and the first State in the Nation to require diesel fuel sold in my State of Minnesota contain at least 10 percent of biodiesel. We continue to be a national leader in the use of E85.

In 2008 the State legislature amended the Minnesota mandate—that is when Mr. Wehrum was counsel of record—Tim Pawlenty called it a ‘mistake’ and it gradually step up the required biodiesel blend from 2 percent to 5 percent and eventually to 20 percent from 2012 to 2018. Now, according to the statute, the B10 mandate will double to B20 starting May 1, 2018. With bipartisan support and individual State responsibility, it is something that our State did because we knew it could work.

Despite Mr. Wehrum’s best efforts, the U.S. district court upheld Minnesota’s mandate on renewable biodiesel, which has been in the best interest of rural economies and consumers. These advances are going to help ag producers and rural manufacturing plants do even more for the regional economy. The further ethanol and biodiesel take us the less dependent we will be on foreign oil and the less of an impact our transportation and energy sectors will have on the environment.

I have already discussed the climate change issue, and I see that Senator DURBIN is here. Again, I will just reiterate that I am a former prosecutor. I believe in evidence, and every week seems to bring fresh evidence of the damage that climate change is already causing. Minnesota may be miles away from the rising oceans, but the impacts are no less of a real threat to my State. I did not like Mr. Wehrum’s answers that he gave to these questions during his hearing before the Environment and Public Works Committee, especially when asked if he believed human activities were the main driver of climate change and his response was: “I believe that’s an open question.”

I do not think this nominee should be running this part of the Agency, and we cannot sit back and ignore the evidence. We need to wake up, take action, and turn the corner on the devastating effects of climate change before it is too late.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The minority whip.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business until 11:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS DAY

Mr. DURBIN. Mr. President, I would like to speak for a moment about Veterans Day, which is just 2 days away.

On Saturday, November 11, Americans will pause to honor the courage and sacrifice of America’s veterans. More than 40 million Americans have served our Nation in the military, battles from Bunker Hill to Baghdad, and beyond.

Mr. President, as this Veterans Day approaches, I have been thinking about the words of one of our patriots. He is the son and grandson of military leaders. When his time came, he too went to war and suffered horrific deprivation and excruciating injuries. Years later, he said: "Few veterans cherish a romantic remembrance of war." When wars are fought, he said, "a million tragedies ensue."

"War is wretched beyond description," he added, "and only a fool or a fraud could sentimentalize its cruel reality."

Those are the words of a man whom I am privileged to call a colleague and a friend, the senior Senator from Arizona, Mr. McCAIN. We owe him and all of our Nation’s veterans and their families our profound gratitude and respect for their courage, sacrifices, and
the hardships they endured for all of us.

Senator MCCAIN endured more than 5½ years of torture as a prisoner of war during the Vietnam conflict. When he finally came home, JOHN MCCAIN found another war at home as well, one that he did not want the United States to lose.

Mr. President, this week, the Congress dedicated a commemorative chair to honor all Americans ever held as prisoners of war and to honor the more than 50,000 servicemembers who remain missing in action.

The antique, empty chair will stand in Emancipation Hall in the Capitol as a solemn reminder of the servicemembers who were missing for years in captivity and those who remain missing today.

Mr. President, as we prepare to celebrate this Veterans Day, I want to tell you about another veteran, another patriot, who was also a prisoner of war. His war was World War II.

Like Senator MCCAIN, he survived, came home, married, raised a family, and spent decades in public service. His name is Richard Lockhart. Everybody calls him Dick Lockhart. He is 93 years old, almost 94. He is a lobbyist in Springfield, the capital of my State and my hometown.

Dick Lockhart does not represent the big, monied interests. He represents the little guys—the nonprofit groups, the public workers, the mental health providers, and the families who need them, among others.

He is the senior practicing lobbyist in Illinois, maybe in all of America. He will be giving up that title soon because, on December 31, Dick Lockhart is retiring at the age of 93 from the firm he founded 60 years ago. He is not stepping down because he is tired. He still works 7 days a week, most weeks. He is still physically strong and is as sharp as a tack mentally. No, Dick Lockhart is retiring because there are other things to do, he says. He wants to travel more and write the book that he has always wanted to write and explain to ordinary citizens how to make their government work better.

Dick’s life work would make a fascinating book, itself. Born in Ohio in 1924 as an only child, his family moved to Indiana when he was young. The Great Depression hit the Lockhart family hard. Dick’s dad lost his job. And even though the electricity was shut off at home for nonpayment, the family never owned a car, never took a vacation, and never ate a meal in a restaurant. Dick delivered newspapers and worked as a soda jerk during high school to help pay for expenses.

He was a student at Purdue University when Japan bombed Pearl Harbor. Exactly 1 year later, on December 7, 1942, he enlisted in the U.S. Army infantry.

He was assigned to the Army’s 106th Division, the Golden Lions. In October of 1944, the 106th shipped out to England. In early December they arrived in a quiet area of southeastern Belgium, near the German border. Military high-er-ups assured the men of the 106th to expect an uneventful few weeks and that Germany would probably surrender before Christmas.

Heied that plan.

In the predawn hours of December 16, German forces launched their last major offensive of the war, the Battle of the Bulge. The U.S. forces were outnumbered. Lockhart’s regiment, the 423rd, fought for four painful days. Finally—out of food, out of water, out of ammunition—they surrendered.

In all, some 8,000 U.S. soldiers were captured at the Battle of the Bulge.

They were packed into railroad boxcars, crammed in so tightly that soldiers had to take turns sitting and standing. After 2 days of being in those boxcars, they arrived at a prisoner-of-war camp in Germany, known as Stalag IX-B.

Camp life was brutal. Medical care was nonexistent. Men died every day. Meals consisted of only thin “grass soup.” On one bitterly cold day, Dick Lockhart was beaten savagely by a German prison guard. Decades later, he still experiences back pain from that beating.

One memory still haunts him.

One day, the prison guards demanded that any Jewish prisoners of war identify themselves. For several hours, no one stepped forward. After more than 24 hours, American soldiers began to step forward, apparently thinking that their U.S. citizenship would protect them. They were wrong. They were shipped off to a notorious hard-labor camp in another part of Germany.

On January 20, 1945, Dick Lockhart turned 21 while a prisoner of war in Stalag IX-B.

On April 2, 1945, American soldiers liberated the camp, Dick Lockhart, and the other prisoners. The Army sent Dick Lockhart home on a 60-day furlough with instructions to get some rest and to gain back some of the weight that he had lost in the prisoner-of-war camp.

He arrived home in Fort Wayne. He knocked at the door and was stunned to see a stranger open it. Months before, his parents had received a cable that read: “Your son has been declared missing in the war and is presumed dead.” American soldiers normally informed families of the death of their loved one when they sent an electrician to cut off the electricity at their home. Then they would inform their parents that their son had died.

His father moved away to look for an-other factory job. Fortunately, they had to a preexisting condition, charge sky-high premiums for being a woman or having a health history, or impose an-insured rate is below 10 percent. Insur-ers can no longer deny coverage due to a preexisting condition, charge sky-high premiums for being a woman or having a health history, or impose an-insurance, And it worked.

Since the law took effect, more than 20 million previously uninsured Americans have gained health coverage, including 1 million in Illinois.

Mr. President, in 2010, Congress passed the Affordable Care Act with one main goal in mind—to help more Americans get quality, affordable health insurance. And it worked.

In 1958 he founded his own lobbying firm to try to advance democracy through good policies and laws rather than through tanks and bombs. He is honest, hard-working, modest, empathetic, and always an optimist. He earned the respect of all sides of the aisle for decades of ethical and professional service in the Illinois General Assembly. Laws he has helped to pass have made life better for countless people in my home State. In recognition of that fact, the Illinois General Assembly recently voted to celebrate December 31, which will be Dick’s last day on the job, as Richard “Dick” Lockhart Day in the State of Illinois—a well-deserved honor.

Five weeks after Dick Lockhart and others were captured, American forces won the Battle of the Bulge, liberated Belgium, and sent the German occupying troops back to Germany.

Two years ago, as part of the 70th anniversary of that event, Dick Lockhart returned to Belgium. The children and grandchildren of the Belgians who had been liberated from Nazi occupation greeted him like a hero. He was honored by the nation’s King and Queen in a castle—royal treatment that he and all of the American soldiers richly deserved.

When Dick speaks about his experience as a soldier, he is never the hero of any story. He reserves that role for the young men who didn’t come home.

Mr. President, this week, the Congress dedicated a commemorative chair to honor all Americans ever held as prisoners of war. The children and grandchildren of the Belgians who had been liberated from Nazi occupation greeted him like a hero. He was honored by the nation’s King and Queen in a castle—royal treatment that he and all of the American soldiers richly deserved.

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Since the law took effect, more than 20 million previously uninsured Americans have gained health coverage, including 1 million in Illinois.
None of that has mattered to President Trump, who has spent the past 10 months orchestrating a deliberate campaign to sabotage healthcare for tens of millions of American families.

From his first day in office, President Trump directed Federal agencies not to enforce the law. He cut the open enrollment sign-up period in half. He yanked advertisements and slashed outreach and enrollment assistance funding. And he terminated the cost-sharing reduction subsidies that keep costs down for 7 million Americans. As a result, individual market premiums will increase 20 percent next year alone.

President Trump has done everything within his power to sabotage and undermine this law.

Despite President Trump’s repeated attempts at repeal and sabotage, the Affordable Care Act is still the law of the land, and that means that quality, affordable healthcare options are available.

And we are right in the midst of Open Enrollment. Starting last week—on November 1—Americans who purchased their health plans in the individual marketplace began signing up for health coverage for 2018. But you only have 6 weeks to sign up. Open enrollment began November 1, and ends on December 15.

This is your opportunity to buy insurance that covers important health benefits—hospitalizations, prescription drugs, doctor visits, maternity/newborn care, mental health and substance abuse treatment.

And there is financial assistance to help you buy these plans. In fact, 8 out of 10 people who purchase health insurance in the individual market are eligible to receive tax credits that help make that insurance more affordable.

In Illinois, about 350,000 people purchased health insurance in the individual market, and nearly 300,000 of them are eligible for tax credits that will ensure their health plan premiums are below $100 per month.

So, despite the frenzy in Washington over healthcare: health insurance under the ACA is open for business, and the time to sign up is now. Visit www.healthcare.gov or call 1-800-318-2596. I would encourage everyone to sign up early. Don’t wait until the last minute.

Speaking of waiting until the last minute, I remain dismayed that this Republican-controlled Congress has failed to reauthorize two incredibly important Federal healthcare programs—the Children’s Health Insurance Program and the community health centers program.

Nationwide, 27 million people receive care from community health centers. And 9 million children and pregnant women get their healthcare through the CHIP program, including more than 330,000 kids in Illinois.

Because of congressional inaction, funding for these two programs expired over a month ago, on October 1. And what have Republican leaders in the Senate done over the past month, while funding has lapsed for children, pregnant women, and our Nation’s health clinics?

Well, they passed a budget resolution making it easier to give huge tax cuts to wealthy individuals and big businesses. That is right. While States and health centers are struggling to figure out how to keep their programs and clinics operating. Ten States—plus the District of Columbia—will run out of CHIP funding in the next month or so.

For example, later this month, the State of Colorado is planning to send termination letters to lower income families. The letter reads, in part: “You are receiving this letter because members of your household are enrolled in the [Children’s Health Insurance Program] . . . If Congress does not reauthorize federal funding for CHIP in Colorado will end on January 31, 2018 . . . there is no guarantee that they will.”

Imagine how terrifying it would be to receive this letter, to learn that your child is about to lose their health insurance coverage because Congress is preoccupied with tax breaks for the rich.

It is beyond unacceptable that congressional Republicans abdicated their responsibility to reauthorize these critical health programs.

If we truly want to help the communities and people we serve, let’s quickly reauthorize funding for children’s health care and for community health centers.

And remember, if you need health insurance next year, you have until December 15 to sign up. Don’t miss your chance.

PROTECTING OUR STUDENTS AND TAXPAYERS ACT

Mr. President, last week, I reintroduced the Protecting Our Students and Taxpayers, or POST, Act. I was pleased to be joined by Senators Reed, Blumenthal, Carper, Murphy, and Warren, and Representative Steve Cohen in the House.

Since 1992, Federal law has required for-profit schools to derive a portion of revenue from non-Federal sources. This was meant to keep for-profit schools, which in general rely much more heavily on Federal dollars than traditional schools, from being completely dependent on Federal taxpayers to keep their doors open.

Originally, these schools had to receive at least 10 percent of their revenue from non-Federal sources. In 1998, the threshold was lowered to only 10 percent, creating today’s so-called 90/10 rule. Think about that. Mr. President, $9 out of every $10 these schools take in can come from U.S. taxpayers. But it gets worse.

Only Department of Education Federal student aid dollars are counted as Federal funds. A loophole in the law allows billions in Department of Veterans Affairs GI bill education benefits and Department of Defense Tuition Assistance, (TA), funds from being counted as Federal revenue. It means, by recruiting veterans and servicemembers, for-profit colleges can actually receive more than 90 percent of their revenue from Federal funds and still comply with the law. This powerful incentive makes our men and women in uniform targets for predatory for-profit colleges.

I have told these stories before, but I think they bear repeating. I have told the story of two former military recruiters at a for-profit college in Illinois. They were told their job was actually to put “butts in classes,” so that they should dig deep into the personal lives of their recruits to find their “pain point.” If a prospective student was out of work, recruiters were encouraged to say things like, “How do you think your wife feels about being married to someone unemployed?”

Entrance requirements were low—it didn’t matter how long a student stayed as long as it was long enough for the school to receive the GI bill dollars.

There is Paul Fajardo, a marine veteran who served in Afghanistan. He used his GI bill benefits to enroll at the non-defunct Corinthian Colleges and had to live out of his car when his school lost its eligibility to receive GI bill benefits. He told the LA Times that Corinthian recruited him and other veterans because “they knew it was a guaranteed paycheck.”

There is James Long, who suffered a brain injury when an artillery shell hit his Humvee in Iraq. He used military benefits to enroll at Ashford University after being heavily recruited. He told Bloomberg News that he is enrolled at Ashford, but can’t remember what courses he is enrolled in.

These veterans were nothing more than ATMs for these for-profit colleges intent on pocketing their hard-earned education benefits.

And in 2016, for-profit colleges pocketed 34 percent of all GI bill benefits—$1.7 billion—and 44 percent of all Department of Defense Tuition Assistance funds—$220 million. Mr. President, $2 billion that these for-profit colleges were able to count as non-Federal revenue. Non-Federal?

The last time I checked, the Department of Veterans Affairs was part of the Department of Defense. And the money it spends—whether on veterans’ healthcare or housing or education—comes from U.S. taxpayers.

When asked in writing during his confirmation process whether GI bill funds are Federal funds, VA Secretary David Shulkin answered simply, “Yes.”

And the last time I checked, the Department of Defense was part of the
Federal Government, and the money it spends—whether on planes or bombs or servicemembers’ education—comes from U.S. taxpayers.

When I asked Secretary Mattis if Department of Defense Tuition Assistance funds are indeed Federal funds, he responded, “Yes. These funds are Federal funds.” Seems like common-sense. Yet the law doesn’t see it that way.

That is why my colleagues and I have introduced the Concurrent Enrollment for Veterans Act. Our bill will close this ridiculous loophole. It will count all Federal education benefits as Federal revenue and take the targets off the backs of veterans and servicemembers. The bill also reduces the Federal revenue limit to the original 85 percent.

Our legislation is supported by, among others, Student Veterans of America, the Military Officers Association of America, Paralyzed Veterans of America, and the National Association for College Admission Counseling.

Last year, in response to a request from Senator CARPER and me, the Department of Education publicly released Federal revenue data for the first time that included VA and DOD benefits. The data showed that 186 for-profit institutions received more than 90 percent of their revenue from Federal tax-revenue, from Federal education benefits. The bill clerk will call the roll.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I yield back all time on this side and reserve one minute for Senator CARPER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Sergeant at Arms announced that Senator CARPER, for reasons of health, is not present.

Mr. CARPER. Mr. President, as we prepare to vote on this nominee, I wish to implore my colleagues to take one last moment to think about this decision before us. I ask them to recall the words that I said just a bit earlier this morning from the pulpit that Martha and I heard at church, not far from my home in Wilmington, DE, on Sunday, on a beautiful spring morning. It is a song, a hymn that we all know: For the beauty of the Earth, for the glory of the skies, for the love which from our birth Over and around us lies, Lord of all, to Thee we raise This our hymn of grateful praise.

That powerful message reminds me of the incredible responsibility we have in this body to serve and protect the people who sent us here. We must serve as stewards, also, of this planet, which has been entrusted to us and to care for all the most vulnerable among us. For me, that is not just my responsibility as a parent or as an official elected to serve the people of my State for all these years. It is a moral imperative and a sacred obligation, and there is no more basic human need than having clean air to breathe.

I implore my colleagues. We have seen Mr. Wehrum’s extreme agenda at the EPA once before. It would be the height of irresponsibility and a shirking of our moral obligation to confirm him today. I implore you to join me in voting no on Bill Wehrum.

Thank you very much.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the Wehrum nomination?

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 bill clerk called the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate’s action.

The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Thank you, Mr. President.

I am concerned that when the Department released its 90/10 calculations this year, Secretary DeVos did not continue the practice of releasing calculations that included VA and DOD benefits. The data showed that 186 for-profit institutions received more than 90 percent of their revenue from Federal tax-revenue, from Federal education benefits. The bill clerk called the roll.

The nomination was confirmed.

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The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Thank you, Mr. President.
the wildlife refuge as a refuge and basi-
cally the purposes for the refuge and
instead saying that drilling would hap-
pen and thereby destroy the refuge.
I know today there are going to be
scientists from across the country who
are going to give word and testament
to the fact that this is too dangerous to
have drilling in the same place as a
wildlife refuge, that they cannot coex-
ist, that it will destroy the refuge. Ap-
parently, that is what my colleague
from Alaska already believes because
she is now going to say that to do drilling,
you have to change the status of the
refuge.
I definitely believe there are much
terrible ways in America to get revenue
than basically destroying the wildlife
habitat of caribou and of Arctic wild-
life that is so treasured in the United
States of America.
I certainly think there are better
does it on the backs of working-class
families and not do it on the backs of working-class
families in America—taking away from
middle-class families and de-
breaks to corporations.

The CRESCENT OFFICER.
As the Senate debate on the nomi-
ation of Derek Kan, of California, to
be Under Secretary of Transportation for Policy,

Mitt McConnell, Orrin G. Hatch, John
Barrasso, Johnny Isakson, Chuck
Grassley, Thom Tillis, Lindsey Grah-
am, Roy Blunt, John Cornyn, John
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Pat Roberts, Mike Crapo, Mike
Rounds, James M. Inhofe, John
 Hoeven.

The CRESCENT OFFICER. By unan-
imous consent, the mandatory quorum
call has been waived.

The question is, Is it the sense of the
Senate that debate on the nomination of
Derek Kan, of California, to be Under Secretary of Transportation for Policy, shall be brought to a close?
The yeas and nays are mandatory
under the rule.
The clerk will call the roll.
The legislative clerk called the roll.
Mr. CORNY. The following Senators are
necessarily present: the Senator from Kentucky (Mr. PAUL) and the
Senator from Kansas (Mr. ROBERTS).

Mr. DURBIN. I announce that the
Senator from New Jersey (Mr. MENEN-
DIEZ) and the Senator from Montana
(Mr. Tester) are not present.

The PRESIDING OFFICER (Mrs. CAPITTO). Are there any other Senators in
the Chamber desiring to vote?
The yeas and nays resulted—yeas 87,
nays 9, as follows:

RECESS

The CRESCENT OFFICER. Under the
previous order, the Senate stands in
recess until 1:45 p.m.
Thereupon, the Senate, at 12:23 p.m.,
recessed until 1:46 p.m. and reassembled
when called to order by the Presi-
ding Officer (Mr. Sasse).

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant
to rule XXII, the Chair lays before the
Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accord-
ance with the provisions of rule XXII of the
Standing Rules of the Senate, do hereby
move to bring to a close debate on the nomi-
ation of Derek Kan, of California, to be
Under Secretary of Transportation for Policy.

Mitch McConnell, Orrin G. Hatch, John
Barrasso, Johnny Isakson, Chuck
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The PRESIDING OFFICER (Mrs. CAPITTO). Are there any other Senators in
the Chamber desiring to vote?
The yeas and nays resulted—yeas 87,
nays 9, as follows:

[Rollcall Vote No. 269 Ex.]

YEAS—87

Alexander
Baldwin
Barrasso
Bernet
Blunt
Boozman
Brown
Burr
Cantwell
Capito
Cardin
Casey
Cassidy
Cochran
Collins
Coons
Corzine
Corker
Covers
Daines
Donnelly
Duckworth
Durbin
Enzi
Ernst

YEAS—87

Feinstein
Fischer
Feinstein
Blunt
Graham
Graham
Harris
Hasean
Heinrich
Hestikamp
Holler
Hirono
Hoeven
Isakson
Johnson
Johnson
Kwack
Kennedy
Kushner
Lankford
Leahy
Lee
Manchin
McCaskill

NAYs—9

McConnell
Moran
Markowski
Murphy
Murray
Nelson
Perdue
Portman
Reed
Risch
Schatz
Scott
Shaheen
Shelby
Stabenow
Strange
Sullivan
Thune
Tillis
Toomey
Van Hollen
Warner
Whitehouse
Wicker
Young

Not Voting—4

Menendez
Paul

The PRESIDING OFFICER. On this
tvote, the yeas are 87, the nays are 9.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk
will report the nomination.

The legislative clerk read the nomi-
ation of Derek Kan, of California, to be
Under Secretary of Transportation for Policy.

The PRESIDING OFFICER. The Sen-
ator from South Dakota.

Mr. THUNE, Madam President, I rise
today to voice my strong support for
the nomination of Derek Kan to be
Under Secretary for Transportation Policy at the Department of
Transportation. The Commerce Committee held
a hearing on his nomination on June 8,
2017, and reported his nomination fa-
vorably out of Committee on June 29,
2017, by voice vote.

I yield the floor.

I thank the Presiding Officer.
has been laid out before the Department under the Trump administration. I believe Mr. Kan will be well positioned to address the many challenges before the agency, including approving and funding important projects.

Now, let me get to the point. We had a vote—again, the vote was just recorded; it was 87 to 9. I urge my colleagues to support his nomination to be Under Secretary for Transportation Policy at the Department of Transportation. Getting these important positions staffed and filled is long overdue, and it is high time the games and politics that are being played with these nominations come to an end.

I yield the floor.

The PRESIDING OFFICER. The absence of a quorum. The motion to proceed to legislative session is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 383, David Zatezalo.

The PRESIDING OFFICER. The question is to proceed to executive session. The motion was agreed to.

Mr. MCCONNELL. Madam President, I move to proceed to legislative session. The motion was agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 383, David Zatezalo.

The PRESIDING OFFICER. The question is to proceed to executive session. The motion was agreed to.

Mr. MCCONNELL. Madam 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 the motion of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

The motion was agreed to.

Mr. MCCONNELL. Madam 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 the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

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 Joseph Otting, of Nevada, to be Comptroller of the Currency for a term of five years.

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Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 300, Joseph Otting.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Joseph Otting, of Nevada, to be Comptroller of the Currency for a term of five years.

The senior assistant legislative clerk read the nomination of Donald C. Otting, of Nevada, to be Comptroller of the Currency for a term of five years.

Mr. MCCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 313, Donald Coggins.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 300, Joseph Otting.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

The senior assistant legislative clerk read the nomination of Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

Mr. MCCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. MCCONNELL. Madam President, I move to proceed to executive session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.
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 Dabney Langhorne Friedrich, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.


Mr. MCCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 314, Dabney Friedrich.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MCCONNELL. Madam 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.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the mandatorv quorum calls with respect to the cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority whip.

Mr. CORNYN. Madam President, only 4 days have passed since the terrible tragedy in Sutherland Springs occurred, and, of course, the grieving and pain of the families who have lost loved ones and who had loved ones injured during the course of that terrible shooting incident—our thoughts and prayers are still with them. I am going to be traveling to Sutherland Springs this weekend to offer my condolences and ongoing support in person. It is important that we give the community the time and space they need to grieve. By now, we all know that 26 people lost their lives during a church service at the First Baptist Church. This included an unborn child. Twenty more were injured, and some of them still remain in critical condition. What is amazing to me is that First Baptist will hold a church service this Sunday, just 7 days after a gunman stormed the building and committed the deadliest mass shooting in Texas's history. What resilience, what incredible resolve to come together 7 days after this terrible shooting and have the congregation that lost 26 of its members come together for a church service.

One little guy many of us will be praying for is 5-year-old Ryland Ward. Ryland was shot four times and was partially shielded by his mother, Joann, who, tragically, did not survive. He is alive, and he is living at University Hospital in San Antonio, and he remains in critical condition. I know we will all continue to think of him and pray for his recovery.

We continue to be very concerned with what led to this atrocity—a gunman with a history of domestic violence, animal cruelty, and mental illness. Because of his troubled history, which included convictions for domestic abuse in the military, he was legally prohibited from purchasing a firearm, but he lied about it. Unfortunately, the background check system, which is supposed to alert the dealer not to sell a firearm to a person with disqualifiers such as his, simply did not come back to tell us he was, in fact, disqualified from purchasing a firearm. He was legally disqualified because he had beaten up his wife, had fractured the skull of his stepson, and he was legally disqualified because he killed his own, and he was successful. He took that gun and shot at this kill—er to try to stop him from killing more people, and he was successful. He wounded the killer and put him in the police car. Today that means not only the heroism of Mr. Willeford, but it demonstrates another reason why law-abiding citizens should be able to keep and bear arms, in the terminology of the Second Amendment to the Constitution. Law-abiding gun owners are not a threat to the public safety. It is only so when they get in the hands of felons, the mentally ill, and domestic abusers, like the killer in Sutherland Springs. So in the right hands, guns can save lives too.

As somebody who is a sportsman and believes in the Second Amendment and believes that law-abiding citizens ought to be able to keep and bear arms to defend their families and communities, I am proud of the work that Stephen Willeford did on that terrible day. I know there are those who believe that the NRA is somehow complicit in some of these terrible events, but I will tell you that the NRA has served a favor by training somebody like Stephen Willeford so he was prepared on that horrible day to stop the shooter before he killed more innocent people. I applaud him for it, and I applaud them for teaching people gun safety and self-defense so they can protect their families, their property, and their communities as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Ms. FISCHER. Madam President, I rise today to share my strong support for teaching people gun safety and self-defense and applaud him for it, and I applaud them for teaching people gun safety and self-defense so they can protect their families, their property, and their communities as well.
for Steve Grasz, who has been nominated by President Trump to fill a vacancy on the U.S. Court of Appeals for the Eighth Circuit. The junior Senator from Nebraska and I asked Nebraskans to express their interest in this position, through anonymous evaluations of the applicants. I must say, with more than 5,700 lawyers, Nebraska proved itself to have a talented legal community that has demonstrated an unwavering dedication to the rule of law.

However, in our search, one candidate stood out above the rest, and that was Steve Grasz. He is an outstanding Nebraskan and a talented legal mind. The President agreed. That is why he accepted our recommendation in August, and he nominated Steve for the Eighth Circuit.

Like so many other Nebraskans I have heard from during this process, the President recognized Steve’s temperament, intellect, and skill as worthy on the Federal bench.

Steve excelled in his education at the University of Nebraska-Lincoln and the University of Nebraska College of Law, cultivate a distinguished legal career, practicing appellate litigation over the past three decades. For 12 years, Steve served Nebraska as the chief deputy attorney general. He did so with dedication to justice, passionately defending our citizens and upholding the laws of our State.

Steve has handled numerous constitutional litigation matters in the Nebraska Supreme Court, the Eighth Circuit Court of Appeals, and the U.S. Supreme Court. In doing so, he has earned the respect of the Nebraska legal community.

For many years Steve has earned the Martindale-Hubbell “AV Preeminent” peer review rating, the very highest available. This peer-reviewed rating is based on legal knowledge and ethical standards, a nonpartisan litmus test.

Steve also serves on the executive committee of the appellate practice section of the Nebraska Bar Association, and he was selected as a fellow by the Nebraska State Bar Foundation, an honor reserved only for the top lawyers in my State. Nebraskans agreed that Steve has the extensive legal experience needed to serve on the Eighth Circuit. Yet the American Bar Association has rated Steve as “not qualified” for this position on the Federal bench.

As someone who spent months reviewing hearings during my own confirmations for this judiciary, I was shocked when I heard the assessment. Something didn’t add up.

But after a review of how the evaluation was conducted, things became more apparent. The ABA rating of Steve Grasz appears to be based on his work defending Nebraska’s pro-life laws as well as his personal views, which he shares with a majority of Nebraskans. Both evaluators discounted his re-markable legal career, choosing instead to focus on innuendo in their report because he associates with political organizations they disagree with.

There is nothing wrong with participating in the democratic process. Indeed, Steve’s own evaluators have done just that. Steve’s first evaluator, Cynthia Nance, has received several awards from the Democratic Party of Arkansas. His second evaluator, Laurence Pulgram, a San Francisco attorney, works as a liberal activist and has donated thousands of dollars to the Democratic Party. Again, the fact that these Americans have decided to engage in this process is not shameful. They have every right to do so, just like everyone else. But here is the problem. They claim to be leading an impartial evaluation of Steve, when in fact they are really trying to take down his nomination and further their own political agenda.

A deeper review of the ABA evaluation shows a report that is long on anonymous sources and short on substantiated evidence.

This is not the first time that the ABA has been criticized for using anonymous sources, either. In 2006, while discussing Vanessa Bryan’s ABA rating, the senior Senator from Connecticut I urge the Senate Judiciary Committee to only consider anonymous criticisms when such criticisms can be verified from other sources.

Even worse, the sourced evidence the ABA produced for their report doesn’t hold up to scrutiny, either. One of the Nation’s leading experts on judicial appointments also agrees that the facts are few when it comes to Steve’s ABA rating. In his examination, Ed Whelan, the president of the Ethics and Public Policy Center, called the ABA evaluation “feeble beyond the point of incompetence” because it “selectively quotes” portions of an article written by Grasz to misrepresent his views. Whelan concludes that “it would thus seem that . . . the ABA . . . is unable to distinguish between its role as advocate and its role as adjudicator of the merits of judicial nominees.”

As we learned more about this evaluation process, it is clear that the ABA uses its power as a reviewer of judicial nominees as a way to support its partisan agenda, instead of making a determination based on the merits of judicial temperament.

During the confirmation hearing last week, my colleagues on the Judiciary Committee asked good questions that brought even more details to light. That is how we discovered that Steve was asked a number of inappropriate, partisan questions during his ABA evaluation. These questions had no relevancy toward his ability to serve our Nation as a judge. He was asked for his personal opinion on social issues, including abortion, and he was later questioned about where his children went to school.

In response to a line of questions from the junior Senator from Arizona, Steve explained that his ABA evaluator continued to use the term “you people” during the interview. When Steve finally asked what he meant by “you people,” the evaluator told him he meant “conservatives and Republicans.”

Steve also told the committee:

At least a half hour of that time was devoted to discussing a white paper that I had written on the judicial selection process for state judges in Nebraska. There was one paragraph in that rather lengthy article (where) I had criticized the oversized involvement of the American Bar Association in that process, and touched on some of their political activities including their role in the debate over abortion rights as well as Second Amendment rights of individuals.

He continued:

It seemed to be a topic of great concern to the interviewer.

These tactics used by the ABA are not right. They show contempt for ideas that do not fit the interviewer’s belief system and are intended to portray an attempt to consider carefully whether or not Steve Grasz is capable of being a fair judge. This wasn’t an evaluation. It was a partisan, shameful attack. It was intended to further the political agenda of the two evaluators and damage Steve’s sterling legal reputation.

In the days since the biased ABA rating was released, Nebraskans have spoken out, and I couldn’t be more proud of them. In letters online, on Facebook, and in the pages of our State’s newspapers, our citizens have come to Steve’s defense.

Richard Kopf, a senior U.S. district judge for Nebraska said he was “stunned” reading the ABA assessment of Steve. The ABA interviewed Judge Kopf about Steve, and although he did not know Steve personally, on two occasions he told the evaluator he believed Steve was “well qualified.”

Judge Kopf wrote in the Omaha World-Herald:

One can only speculate, and my speculation was that Mr. Grasz, who is by all appearances a brilliant person, would do his best. I certainly have and have no evidence to the contrary. . . . I respectfully suggest that the committee got it wrong when it gave Mr. Grasz a “not qualified” rating.

Additionally, the president of the Nebraska State Bar Association, Timothy Engler, quickly responded to the evaluation by noting that his organization did not participate in the report or the process. Mr. Engler also noted that his own personal view was that he always found Steve “to be professional, civil, and ethical in all respects” and that Grasz “would have no questions regarding his judicial temperament as a member of the Judiciary.”

We received numerous letters of recommendation on Steve’s behalf. Nebraskans from across the political spectrum have pointed to Steve’s thoughtfulness, fairmindedness, high standards, and brilliant abilities as a jurist.

The respect and admiration for Steve is also bipartisan. This includes former
Democratic Governor and U.S. Senator Ben Nelson, who wrote that Steve was “an asset to our state and Nebraskans benefited from having such a capable and thoughtful professional in public service. Today, he is unquestionably one of the foremost appellate lawyers in the state. It was fitting to have him on the bench.”

Steve has always enjoyed a reputation for honesty, impeccable integrity, and dedication to the rule of law. He possesses an even temperament well-suited for the bench and always acts with respect to all that interact with him.

Those who have known Steve his entire life have vouched for him as well. For example, Bill Lydiatt of Bellevue, NE, wrote a letter to the editor to the Omaha World-Herald that said:

As a classmate of Graz in Chappell, Nebraska, from kindergarten through high school and as a lifelong friend, I can personally vouch for Steve’s character and commitment to service. Steve has always acted with respect to all that interact with him.

Debra Gilg, the former U.S. attorney for Nebraska and a Democrat appointed by President Obama, wrote:

Steve has always enjoyed a reputation for honesty, impeccable integrity, and dedication to the rule of law. He possesses an even temperament well-suited for the bench and always acts with respect to all that interact with him.

Sidney). Without objection, it is so ordered.

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CONGRESSIONAL RECORD — SENATE S7141

November 9, 2017

Mr. CORNYN. Mr. President, I agree with the Senator from South Carolina. This is, indeed, a good day for the families who will benefit from this additional money in their paycheck, from the increased standard of living they will enjoy.

For those of us who want to see businesses come back home from abroad, they fled this country because we have the highest corporate tax rate in the world. When we say we want to reform that broken corporate tax rate and to build these businesses and bring the money home, we join our colleagues—ranging from the Democratic leader, Senator SCHUMER, to Barack Obama in 2011, in a joint session of the U.S. Congress—in advocating for bringing that business rate down so that businesses will stay in America. They will hire Americans, and they will improve wages for all working families.

I am proud to join my fellow Finance Committee colleagues on the floor to support our version of the Tax Cuts and Jobs Act, which was just released a few moments ago.

I congratulate Chairman HATCH for his leadership, but I am extraordinarily impressed with all the members of the Finance Committee who worked so hard together to try to get us to where we are today. We plan for lower rates. As you heard, we increased the standard deduction, we expanded the child tax credit, and we reformed the Tax Code so that we expect Americans to access to more jobs and higher wages.

Our Democratic colleagues have said they want tax reform too. I mentioned Barack Obama and CHUCK SCHUMER, our colleague from New York, who repeatedly said that we should lower the corporate rate so businesses will come home, hire Americans, and help our economy grow here. So we are all in agreement on that on a bipartisan basis, and there is room for further agreement.

I agree with the chairman of the Finance Committee, Senator HATCH. We invite our Democratic colleagues to come together and join us, particularly starting on the Finance Committee on Monday.

If we want it more, better paying jobs—and we do—then we have to focus on lowering rates on all the job creators, including small businesses, as you have heard. The framework we have developed will give Americans access to cut taxes for middle-class families, not millionaires. It is to help small businesses grow and create more jobs. It is to provide relief for hard-working families by increasing the standard deduction, as our colleague from South Carolina pointed out. One out of ten taxpayers will now have to itemize deductions in order to take full advantage of the law to reduce their tax burden. So it will be simpler, easier to comply with, and lower their tax rate while ensuring the corporate tax credit. These reforms will make the 1,000-page Tax Code easier to understand and comply with. Our efforts will simplify what are
now pages upon pages of language that only tax lawyers and lobbyists understand.

I look forward to continuing the important discussions when the Senate Finance Committee marks up and amends this proposal starting Monday. Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, it is a good day here in the Senate because today we released our tax reform legislation, and soon we hope to have a final bill on the President’s desk.

When you first think about coming to Washington to serve, you dream about fixing big problems and making a real difference in people’s lives. Well, today we get to make a big difference.

When I look at the Chamber, I hear back to 1986, which was the last time tax reform was actually passed through Congress and signed into law by the President. Senator HATCH, the chairman of our committee, was a Member of the Senate at that time; Senator MCCONNELL, the Republican leader; Senator GRASSLEY, whom you just heard from—they were all here to vote on that. I was here as a young staffer. At that time, I didn’t have kids of my own, and today I am a grandfather. So a lot of time has passed, and tax reform is long overdue.

The whole point of this exercise is to give hope and future generations of Americans, to give them a better opportunity at a better life, to improve their standard of living and their quality of life. In order for that to happen, we need to be taking the steps here and putting policies in place that will create the conditions that are favorable to economic growth and to the creation of better paying jobs and higher wages.

Today we get to bring relief to the parents who are wondering if they will be able to afford a new car that they need to fit their growing family. Today we get to bring relief to the single mom who is wondering how she is going to pay the rent next month. As our colleague from South Carolina talked about, those parents and families who are literally living paycheck to paycheck. Today, we get to bring relief to the middle-aged couple worrying about a secure retirement, to the small business owner who doesn’t know how he will meet his bills and make his mortgage payment, to the family farmer who is worried that he will not be able to pass down his farm to his daughter.

The comprehensive tax reform legislation we have introduced today will provide immediate, direct relief to hard-working Americans. It will immediately increase their take-home pay. It will immediately simplify the Tax Code so that it is easier for Americans to figure out what benefits they qualify for so they don’t have to spend a lot of time and money filing their taxes.

That is really just the beginning. Our bill is also going to reform the business side of the Tax Code to give Americans access to the jobs, the wages, and the opportunities that will set them up for a secure future. We are going to make it easier for small businesses to raise wages and to hire new workers. We are going to end the outdated tax framework that forces businesses to keep jobs and profits overseas, and we are going to make it easier for companies to invest in American jobs and American workers.

It has been a rough few years for our economy and for many American people. A lot of Americans haven’t had a pay raise literally in almost a decade. But with this tax reform legislation, we can ensure that it doesn’t stay that way.

The American people deserve a tax code that works for them and not against them, that grows their paychecks instead of shrinking them, that expands their opportunities instead of eliminating them, and that is exactly what we are going to give them starting today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, today is a good day here in the Senate, and so we all know what the definition of “luck” is: luck is when opportunity meets preparation. We are very lucky as a country and we are very lucky as a Senate that our majority leader, MITCH MCCONNELL, was where he is and is where he is at this time. He has vision a few years ago that the tax issue was going to emerge as the central issue in the growth and development of our country and that unless we met the challenges of our Tax Code, opened up expanded opportunity for our businesses, the American people could succumb to a high-tax system without productivity.

We also got lucky because Senator MCCONNELL picked a man to be chairman of this committee—ORRIN HATCH—who brought years of experience in the U.S. Senate and the compassion that ORRIN HATCH has as a Mormon and as an American to a tax code that is by no means simple—it was always complex—to make it simpler and fairer, pro-family and pro-jobs.

Let me tell you something. There are a lot of disappointed people overseas right now because those who have been picked and chosen to make American corporations to foreign systems because their taxes were lower than ours are out of luck. Now those people are going to be incentivized to come to America, to make investments in our country, to expand opportunities and jobs in our country. No longer will companies want to leave America; companies will invest and be more American. That is fantastic, and that is why this is a pro-jobs tax bill. It is going to create a lot of opportunity, plenty of opportunity. What Americans want and what Americans need.

For the average American family—and let me talk about my family for a second. I think I am pretty average. My wife and I are fortunate. We have three great children and nine great grandchildren. I was lucky enough to have worked in a small LLC—limited liability partnership—real estate brokerage company, mom-and-pop brokerage, and I am proud of that. And my great-grandchildren were raised in public schools. Our children went to the University of Georgia and to the public schools of our community. We saved for their education. We did everything we could to invest in hope for them in this lifetime, and today, we are all gainfully employed. They are all happy, but they are all struggling, as everybody else is, with a burdensome tax system, with less opportunity than we would like for them to have. By simplifying the tax system, by making it fairer, as we have done here, we have given more opportunity to my grandchildren, my children, and more opportunity to America.

Lastly, I want to make this point: There are only two ways to raise taxes or raise revenue. One is to charge more. That means you raise somebody’s taxes. The other way to do it is to create opportunity. So people create jobs and companies because the opportunity is there. When you create opportunity and when jobs are created, revenues increase. When people do better in their jobs, their incomes go up. When companies have people who do better in their jobs, they expand. When they expand, they produce more revenue that becomes taxable. So you raise revenue not by lowering expectations but by raising opportunity for our people and for our children.

We are very lucky as Americans today. I am very lucky to be in this U.S. Senate today. We are lucky to have had leaders in place at a time that was right to address our country’s biggest challenge and do it the right way.

When I was in the Georgia Legislature, I sat next to an oldtime rural-hat politician who ran the Ways and Means Committee of the Georgia Legislature. I will never forget that one day he and I were sitting side by side as we were listening to a gentleman make a speech in the well. The gentleman in the well paused a minute to try to make a point, and he said: Ladies and gentlemen, let me tax your memory. And my old friend, the rural-hat politician, said: Damn, I wish I had thought of that.

That is the way we have done taxes in this country for a long time—just taxed people’s memory, tried to look for an opportunity to tax something for us. What we are doing here is we are creating opportunity. We are raising revenue through prosperity. Americans will raise revenue for their pockets first before the country gets the revenue second.

So it is our lucky day—lucky to have good friends, lucky to live in the greatest country on the face of this Earth. And if we do our job—if we pass this bill before the end of this year and
change the Tax Code of the United States of America to a fairer, pro-jobs, pro-family tax code—then we will have made our contribution to history at a time when it was our opportunity. I hope it will never be said that we let our country down when that opportunity was available to us. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I want to echo the message of the Senator from Georgia. This is a terrific opportunity. This is a very big day. It is a big step forward on our path to restoring the economic growth that we have been waiting for all this time. I am very excited about this step forward and the remainder of the process to get this done, to get this bill signed into law.

Why do we need this? We have just lived through the weakest recovery in American history. We have stagnant wages, a widening gap between the wealthy and the poor. That is what has been happening for years. Some people say: Well, that is just the way it is. You just need to get used to it. That is the normal. That is what it is. That is what is.

That is complete nonsense. There is nothing inevitable about the American economy being weak and denying opportunity for the people we represent. It is a direct result of bad policy, failed policy that prevented us from making the recovery we would normally have after a recession.

What was that policy? Well, we saw it. It is very clear. It is not a matter of opinion, it is a matter of fact that productivity growth in America collapsed. It is a matter of fact that investment in the kinds of new plants and equipment that allow for productivity to grow collapsed. It is a fact that new business startups just dried up. People weren't willing to take the financial risks that the recovery we would normally have after a recession.

There is no mystery about why our economy was so weak for so many years. We had imposed conditions that made it impossible to have the kind of growth that is normal. Meanwhile, what was happening in the rest of the world? The rest of the world was systematically making their tax codes more competitive. The countries that we compete with around the world, in Europe and Asia, were lowering the rates. They were linked to business income; they were simplifying their codes, and they were moving to international systems that made it more conducive for them to generate investment into their countries, while we did nothing except let our Tax Code ossify. That is what has been happening these last many years.

What I am excited about is that this bill fixes exactly what is broken. This bill goes to exactly where the problem is and that prevents us from around. How do we do that? One of the things we do—a hallmark of this bill—is we are going to lower the cost of investing in the new plants and equipment that will allow American workers to become more productive. More productive workers get paid more in wages; that is just a fact. That is what is going to happen as a result of this bill.

Another thing we do in this bill is we get rid of the incentive we have that is resulting in foreign companies buying up American companies. The way we treat income earned overseas is a disaster, and we are the only country in the world that does it.

I think you could make a case that today the United States has what might very well be the least attractive tax regime in the modern world, in the industrialized world. What is really exciting about this is that we are going to move from this system to what just might be the best tax system in the industrialized world. Think about the result that is going to be. I think the result is going to be breathtaking—new investment, new businesses being launched, existing businesses growing, new investment into the United States alone. If you think about it, we have a global economy. Capital can move around the world with literally the click of a mouse, and people make investment decisions based on the climate. What they are thinking about is whether they are going to make a profit and think about investing. When we have the worst tax regime in the world, who really wants to invest here? When we have the best, how are we not going to attract investment from all around the world? We are including very much in the United States?

So the changes we are making are exactly the right changes for this moment. That is true in another respect, and that is, if you think about where we are in this cycle, it has taken way too long to get here, but the unemployment rate is quite low now. We are getting close to full employment. So what happens when we create the incentives for businesses to grow, to invest, for workers to go out and look to invest in America—what happens when that occurs in an environment where the unemployment rate is very low? It sets up a bidding war for workers. There is no other choice. As they grow, these businesses need new employees to get the job done. They have to pay ever more because they are competing with another business down the road that also wants to grow and also wants to invest in new plants and equipment. The way we do that is create a bidding war for workers. That means wages are going up. When wages go up, families have more take-home pay. When they have more take-home pay, they have a higher standard of living. This is exactly how people have a chance to live the American dream, when the economy is thriving and growing at the rate that America used to take for granted. I am here to say that those days are coming back.

We have some work to do. We are not done yet by any means, but I am confident we are going to get this done and, when we do, our constituents are going to live a better life as a result.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I really enjoyed listening to my colleague from Pennsylvania talking about this new tax reform plan that has just been unveiled by the Finance Committee. He is right; this is really exciting because it is an opportunity, after a lot of talk over a lot of years, to finally fix our Tax Code.

Our Tax Code is broken. It is broken in a lot of different respects, but one that he pointed out so well is the fact that we actually have jobs and investment going overseas because of our Tax Code. It is the responsibility of the people who are in this body and in the House and in the Presidency to actually fix that. No one else can do it. Workers in America, including in my home State of Ohio, are competing with one hand tied behind their back because we have a tax code that encourages companies. It is a tuition for foreign countries to come in and buy our companies, to take our business, to take our market share, to make it harder for U.S. workers to be able to compete and win. So I think it is way past time, finally, for us to fix this.

People say: Well, we haven't reformed the Tax Code in 31 years and it is about time, and I agree with that. If we go back to the international part of our Tax Code that created a lot of these problems, we have to go back to John F. Kennedy, who last reformed it. That means that part of our Tax Code should qualify for AARP benefits; that is how old it is. So it is time for us to fix it, and it is really exciting to finally have the opportunity.

There are three parts of this tax reform proposal, all three of which are really important. The first is a tax cut for the middle class. Why is that important? Because right now, even with the economy that is starting to grow a little bit, what is happening? Wages are flat, so expenses are up across the board.

The biggest expense, by the way, is the one the President has been involved with, which is healthcare. People have seen their healthcare costs go up, as well as their premiums and their deductibles and their copays; yet their wages aren't going up, and that creates a middle-class squeeze. But it is more than healthcare. It is food. It is everything you purchase, if you are trying to send your kid to school. Those have skyrocketed. So let's do something to actually give the family budget a little help, that is, the middle-class tax cuts that are in this proposal.

You probably saw today that the middle-class tax cut alone provides, on average, $1,458 for every family. That is the median income family.

One of the reporters here in the hall asked me: Gosh, $1,500 a family—why does that matter?

I said: It matters a lot if you are living paycheck to paycheck. Maybe you
are not, but a lot of people whom I re-
represent are, and that $1,500 will help
them to be able to make ends meet and
maybe begin to save a little bit for va-
cation or retirement or for the ability
to make that car payment. So I think
this is very important.
I would say, though, beyond just that
important middle-class tax cut, there
is something else that ought to be con-
sidered, which is, if we do this right—
the way this has been laid out by the
Finance Committee—what is going to
happen is we are going to help to cre-
ate more jobs and higher wages.
My colleague from Pennsylvania
talked about this. With a relatively
tight labor market, as we have more
investment into these businesses, what
is going to happen? Everyone says we
are going to see wages go up. The Con-
gressional Budget Office, which is a
nonpartisan group, and the Joint Com-
mittee on Taxation, which is also a nonparti-
san group, have looked at all of this. They
say: Yes, there is actually going to be
a benefit to workers if we do these
business tax cuts, to be able to get the
business rate down below the average of
the other industrialized countries, rather
than having the highest busi-
ness rate in the entire industrialized
world, which it is now, because that is
going to attract more jobs and invest-
ment here and we will stop losing jobs
and investment.
There are some economists who have
looked at this, as well, and they agree
that this is going to benefit workers. In
fact, there are a couple of economic stud-
y in that families will get an addi-
tional $4,000, on average, per
family. Again, we are talking about
middle-class families who will get the
benefits that are going to come from
more investment and more jobs and
higher wages. That is going to happen.

It is not just about the middle-
class tax cuts, as important as they are;
this is also tax reform that is going right
at the bottom line. You will be able to
figure it out. Go online, use the tax calcu-
lator, and figure out what it means to you. But also remem-
ber that these other reforms, in an out-
dated Tax Code that is just crying out
for reform, are going to result in addi-
tional benefits flowing to you and your
family, as well, if we do this right, and
we have to do it right.

There is a study that came out re-
cently from a firm called Ernst &
Young, that looked at what has been
happening in America over the
past decade or so. It said that over the
last 13 years, there are 4,700 American
companies that have become foreign
companies because of our Tax Code.
American companies buy foreign com-
panies today if we put in place the kind
of tax reform we are talking about—20
percent rate—below that average of the
other industrialized countries and this
international system that allows you to
be more competitive—4,700 com-
pa
ties. Think about that.

There is other data out there that
says twice as many foreigners are buy-
ing U.S. companies than U.S. compa-
nies are buying foreign companies.
Why? Because of our Tax Code. It is
just true.
This is something that has been hap-
pening in this country, not just in the
last couple of decades, but really over the
past decade or so. It is time for us
to catch up. America needs to get back
in a leadership position, and if we do
that, we are going to see more jobs and
more money coming back here to this
country rather than going overseas.
Finally, the third thing this does
that is so important is it levels the
playing field internationally. Right
now we have between $2.5 trillion and
$3 trillion of earnings overseas.
American companies that are trapped
overseas. Those companies aren’t
braking it. Why? Because of our
Tax Code. This tax reform proposal ac-
tually says to those companies: We
want that money back here. We want
you to invest in America. We want you
to create jobs here and expand plants
and equipment; bring your intellectual
property, your patents back here, and
then send that export out from Amer-
ica. That will create jobs here, includ-
ing good jobs in research and develop-
ment.
What is this proposal does as
well. It levels that playing field inter-
nationally to tell the foreign compa-
nies and the foreign nations that are
taking advantage of our current Tax
Code: You know what, that is not going
to happen anymore. That is done. We
now are going to have a competitive
Tax Code where we are encouraging
money to come here to this country,
and that money coming back here, in-
vested in this country, will also raise
the economic condition for the entire
country. Economic growth will go up,
and that will produce a benefit to workers if we do these
other reforms, in an out-
dated Tax Code that is just crying out
for reform, are going to result in addi-
tional benefits flowing to you and your
family, as well, if we do this right, and
we have to do it right.

There is a study that came out re-
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There is other data out there that
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Let’s figure out how we can come to-
together and get Republican and Demo-
ocratic support to be able to tell the
workers of America: You are no longer
going to have to compete with one
hand tied behind your back. We are
going to give you the tools to be able to
come after that foreign company fami-
ly so that you can achieve the Ameri-
can dream.
I am excited about this. Let’s move
forward. I look forward to the Finance
Committee next week bringing it to
the floor, and I hope we can get sup-
port on both sides of the aisle to get
this done.
I yield the floor.

Mr. McCONNELL. Mr. President, the
distinguished chairman of the Finance
Committee is on the cusp of the accom-
plishment of his career. This compre-
nsive tax reform will make a huge
difference for America. I wish to com-
mend him for the efforts that have got-
ten us this far.
We have heard members of the Fi-
nance Committee speaking to the bill
that has been presented to our con-
ference. This is going to be an extraor-
dinary accomplishment for the
American people but for the distin-
guished chairman of the Finance Com-
mittee.

The PRESIDING OFFICER (Mr.
PORTMAN). The Senator from Louis-
iana.

Mr. CASSIDY. Mr. President, I wish
to add my words to those that have
been said.

Let me begin by saying that the
achievement of this tax proposal is not
about anyone in this Chamber; it is
about the working families who for the
last 8 years have not done so well.
They have either lost their jobs or
their wages have been flat and their
benefits have not improved or, indeed,
the cost of those benefits have risen
dramatically. I can say, with the Tax
Cut and Jobs Bill that is being intro-
duced today, they will increase their
take-home pay, they will have higher
wages, and they will have a better life.

Now let’s talk about how that would
be. How will those working families
improve?

The Presiding Officer. The Senator
from Ohio, mentioned in his remarks
that businesses will have money to in-
vest and workers will have compen-
sation for workers. And if there is competi-
tion for workers, then workers are paid
more. They are given better benefits.
What do those better benefits and bet-
ter wages mean? It means they can in-
vest more in their family. In their chil-
dren’s future, and that, in turn, will
change their family’s life for genera-
tions to come.

So on behalf of those working fami-
lies, I echo Chairman HATCH, that if
there is a suggestion by anyone that
we can make this better, I ask them to
bring that suggestion forward because
this is not about Republicans, this is
not about Democrats, this is not about
anybody in this Chamber; it is about those working families who, for the last 8 years, have not done as well as the American dream would say they should.

On behalf of those working families, I congratulate Chairman Hatch for this job. I love the passion to pass this bill, and I look forward to all of the benefits of this bill coming to help the families of this country and in my State of Louisiana.

Thank you. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Cassidy). Without objection, it is so ordered.

HEALTHCARE

Ms. HEITKAMP. Mr. President, I rise today to discuss a couple of pressing issues regarding our healthcare system and to ensure that Americans are aware of some critical deadlines for their health options in the marketplace.

It is that time of year. Healthcare open enrollment has started, and Americans across the country can sign up or change their healthcare plans to make sure they are getting a plan that works best for them and their families.

I have long said that the health reform law, otherwise known as ObamaCare, is not perfect, and I have been pushing since I have been here to make it work better for North Dakotans and small businesses. But there are many pieces in that healthcare law that are helpful, and I wish to make sure that Americans and North Dakotans take advantage during this open enrollment period.

Every individual and family should be able to get access to affordable, quality healthcare, and no one should have to go bankrupt to pay for healthcare for a child with a disability, a sick family member, or just an emergency that you never thought could happen. That is why I am encouraging everyone to please make sure you explore your options and sign up for healthcare coverage.

It is more important than ever that folks take advantage of this open enrollment period early because there are many changes this year that, unfortunately, make it more difficult for individuals and their families to sign up for health insurance. Even if you already have a plan, it is worth checking out what new options are available.

First, open enrollment today is a month and a half shorter this year than it has been in the past. Open enrollment has been extended to November 9, but now—until December 15. That is just 45 days. Do not wait to check this out. It is best if you go today to find out if there is a better plan for you or if you need to secure health insurance on the marketplace.

Second, the administration has significantly reduced funding for in-person assistance, called navigators, who help individuals and families sign up for healthcare coverage. This action is leaving millions of Americans and thousands of North Dakotans without the critical help they need to understand their options and enroll in meaningful healthcare.

I want to make a point here. For those of us who in the past have always had the option of getting healthcare coverage through an employer, there is always someone in that employment office, in the payroll office, or in human resources who helps you through. This is not unique in needing this assistance. It is not unique to the marketplace. It is access and information that you have through your employer, if you are getting your insurance through your employer.

In fact, the Great Plains Tribal Chairmen’s Health Board does not have enough funds to operate as a navigator, and they will not be able to help North Dakotans sign up for coverage as they have done in previous years. Another navigator in my State, Minot State University, has had its Federal funds cut by over 96 percent.

Since 2013 the uninsured rate in North Dakota has been reduced from 11 percent to 8 percent, in large part because of the work of these navigators. The navigator grantees in my State have provided invaluable service by guiding families through the process of determining the best private health insurance coverage for them, as well as through traditional Medicaid and Medicaid expansion application processes. Many North Dakotans who sign up for coverage qualify for Federal assistance to help afford that coverage. So it is vitally important that they understand Medicaid, that they understand Medicaid expansion, and that they understand the tax implications of the plans they are selecting.

But even those numbers that show the decrease in uninsured in North Dakota don’t tell the full story. Not only have navigators responded to daily inquiries both during and outside of the open enrollment period, but they have identified and responded to the challenges of increasing enrollment, particularly in rural and hard-to-reach areas of the State that are less likely to have access to coverage through an employer.

Slashing funding for navigators also has implications for Indian Country. The Indian Health Service has had challenges delivering quality care to Native Americans in my State and certainly in our region. But those issues have lessened as more Native Americans have enrolled in traditional Medicaid, Medicaid expansion, and private health insurance, enabling these families to have more certainty that they can afford healthcare to stay healthy. Thanks to the increase of third-party payments, we are no longer limited to life-or-limb care at Tribal IHS facilities in the Great Plains service area.

Adding to the turmoil of the enrollment process, the administration also announced that it is cutting off Federal funding that helps make healthcare affordable for families, known as cost sharing reduction payments. As a result, many individuals and families will see their premiums skyrocket by double digits. Due directly to this decision and the uncertainty it has injected into our healthcare system, one insurer has exited the healthcare marketplace in North Dakota and another has reduced its health insurance plan offerings, leaving many counties in my State with only one insurer for consumers to choose from. Ironically, North Dakota was one of the best covered States in terms of options and choices. That option and that source of pride has been diminished as a result of the lack of consistency with cost sharing reduction payments.

A report from the nonpartisan Congressional Budget Office said that if the administration stops paying the cost sharing reduction payments, as it has now done, there would be serious consequences for individuals and families across the country. The report said families’ premiums would jump about 20 percent, many families would be left without health insurance options as the lack of payment would force many insurers to leave the market, and it would also add $194 billion to the deficit over a decade.

Despite these efforts to sabotage the marketplaces and jeopardize access to coverage for families, we have fortunately seen a surge of encouraging enrollment numbers in the first week of enrollment. But the American public deserves better, and I will do everything I can to ensure that consumers know their options, that consumers are connected with opportunities for meaningful coverage, and that they are provided certainty in the future about healthcare costs.

On November 1, I had launched a new page on my website, heitkamp.senate.gov, to help provide resources and enrollment information to North Dakotans. I sincerely hope folks who are looking to buy health insurance on the marketplace in North Dakota take advantage of that website. Access to affordable quality healthcare is a must, and I am proud to work with a group of Republican and Democratic Senators, led by Senators Alexander and Murray, to reach a deal to offer some immediate...
fixes to make healthcare more affordable and accessible in North Dakota and across the country. Our bill would specifically address many of the new challenges that face folks during open enrollment.

That is why we unveiled last month would provide certainty for insurers and customers by restoring the cost sharing reduction payments for 2 years and restoring Federal funding for outreach and enrollment efforts in States, including the navigator services that I talked about earlier. It incorporates an idea that I have been championing for many years, which is to create a lower cost copper plan with lower premiums and higher deductibles to increase coverage options for young, healthy families, where they aren’t so much worried about the day-to-day costs of healthcare but that catastrophic event that could throw them into a lifetime of poverty.

The agreement would also provide flexibility for States to continue to explore their options to deliver the best healthcare options to their citizens. This recognizes that one size does not fit all and need to have flexibility for States to experiment and to provide the kind of quality of care and the kind of care options that work best for their State.

On top of having significant bipartisan support, there is a bonus. The bonus is that CBO and the Joint Committee on Taxation estimate that enacting the legislation would reduce the deficit by $3.8 billion without substantively higher deductibles to increase coverage options for young, healthy families with health insurance coverage.

Now Congress needs to pass our bill. I have long said there are good parts of the healthcare reform act and parts that need to be fixed. Our bipartisan deal is an important step to help families afford healthcare coverage so the health reform law works better for North Dakotans.

How rare is it in this body to have this many people come together to propose a legislative initiative to show that if you put this bill on to the floor tomorrow, it would easily pass with over 60 percent of the Senate. We need to get this done. We need to get it done to ensure the American public that we are serious about responding to their concerns about healthcare but that we are also serious legislators who can, in fact, fix the problems that we have in this country.

The Senate has approved everything that we have been working on, but it certainly is the most important and the highest priority to pass the Murray-Alexander bill. But there are other proposals to improve healthcare that I am working on. I have also been working on the health insurance tax for 2 years and make coverage more affordable for the 156 million consumers across the country impacted by the fee. It would also make the tax deductible moving forward, providing more certainty for families to plan into the future.

Reducing the impact of the health insurance tax—a fee that directly impacts the healthcare affordability for families and small businesses—has had broad, bipartisan support. In 2015 Congress passed a 1-year delay of the fee. This delay benefited consumers, seniors, employers, State employees, and Tribal. From the successful program used to make this bill more responsive to our concerns about healthcare but that catastrophic event that could throw them into a lifetime of poverty.

If we think about the health insurance tax and we think about the sales taxes that many States will tell you we don’t expect sales tax on the necessities of life, whether it is food or whether it is electricity. Clearly, this is a necessity of life, having this health insurance. This health insurance tax is something more than a regressive sales tax on premium costs, and I believe we need to find a better and more commonsense alternative.

Another commonsense bill that I have introduced to help make healthcare more affordable for middle-income families is a bill that would address what I call the cliff problem on premium assistance that many middle-class families and seniors face when they earn over a certain amount of the Federal poverty level, putting affordable care out of reach.

Right now, those earning just a nominal sum over—$1 over 400 percent of the Federal poverty level, which is $47,550 for an individual and $97,200 for a family of four—are no longer eligible for any premium support to make health insurance more affordable. This perhaps is one of those issues that I have heard more about than almost any other issue the Affordable Care Act.

What my bill would do is to get rid of the cliff and instead insert a slope. The bill would enable more young, healthy families to be able to offer affordable healthcare coverage while diversifying the insurance pools, and it would make sure seniors with high medical costs aren’t forced to lose those hard-earned retirement savings or go without care. Smoothing out that cliff when we make health insurance more affordable, will make this bill more responsive to our middle-class taxpayers and middle-class families, and will provide some certainty for these families as they look at the high cost of healthcare insurance premiums, and the Federal poverty level, putting affordable care out of reach.

I also cosponsored a bill to provide stability in the insurance marketplace by making the current reinsurance program that now exists into a permanent program. This reinsurance program that now exists into a permanent program. This reinsurance program would provide funds to insurers to help with unexpected health claims, and the cost shifting that many States will tell you we don’t expect sales tax on the necessities of life, whether it is food or whether it is electricity.

Unfortunately, the authorization for this critical and lifesaving program expired at the end of September. Without action from Congress, some States will already run out of Federal funding before the end of the year. Some already have and require emergency funding from the Centers for Medicare and Medicaid Services to shore up their programs so that they can still provide that continuous coverage while we fail to act here in the Congress.

While my State of North Dakota is not scheduled to run out of funding until April of next year, this is not a way to administer an ongoing and critical healthcare program. We need to get this program reauthorized now before it is too late and we have unnecessarily hurt American children and have created unnecessary unpredictability for families who need and have found some incredible benefit in covering their children with this program.

The Senate Finance Committee has marked up bipartisan legislation, the Keep Kids’ Insurance Dependable and Secure Act, to extend authorization for the program for 5 years. Congress needs to act now to make sure these families know their children have dependable and secure coverage. No parent and no family member should have to wonder if their children will get critical care.

Put yourself in their shoes. While I came to the Senate in 2013, I have said there are parts of the healthcare law and the healthcare system that need improvement to make sure it is working for hard-working
North Dakotans and hard-working Americans. As I have outlined, these are some tangible, commonsense policy proposals that have strong bipartisan support, and we can, in fact, make this system better. We can, in fact, tackle this challenge of healthcare. And when we do, we will save lives and reduce costs and make healthcare more affordable and less costly in this country.

We can do all of that. We have a country and a group of American citizens and regulators who are going to do our job to make sure that, into the future, they will have the certainty that they need, the predictability that they need, to get their healthcare coverage and to make sure that their families will never have to worry about having to file bankruptcy because a child has fallen off of a swing set.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. PETERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GREAT LAKES AND UNDERWATER OIL PIPELINES

Mr. PETERS. Mr. President, next to our membership in the Great Lakes are unquestionably Michigan’s greatest resource. They are more than an economic engine. They are more than a source of drinking water for 40 million people. They are more than a destination for tourists, boaters, and anglers from across the globe. While the Great Lakes are certainly all of those things, in Michigan, they are also a way of life. They are, quite simply, home. You cannot sit on the edge of one of our massive inland seas without feeling a sense of awe and gratitude.

Next to me is a photo of the Straits of Mackinac, a 5-mile stretch of water where Lake Michigan meets Lake Huron and where Michigan’s Upper and Lower Peninsulas are connected by the Mackinac Bridge. Unfortunately, today I cannot look out at these straits without feeling a grave concern. The Straits of Mackinac are home to powerful currents. Water, at times, flows through at a volume greater than 10 times that of Niagara Falls. The currents are also unpredictable, as they can flow in any direction and can change not only by the season or even by the day, but they can actually change by the hour.

The straits are also home to twin underwater oil pipelines that are operated by Enbridge, known as Line 5, that are now 64 years old and getting older by the day. A recent study by the University of Michigan found that the Straits of Mackinac are the absolute worst possible location underwater oil pipelines anywhere in the entire Great Lakes Basin.

Without question, there is no way that this pipeline would have been built today, but it is there, and we need the toughest protections and strictest accountability possible. To put these in place, I worked to pass bipartisan legislation to designate the Great Lakes as an unusually sensitive area, which requires the highest possible operating standards under Federal law.

Rigorous Federal oversight is critical, but pipeline operators and owners must do their part as well by being transparent and forthcoming.

While Enbridge has repeatedly said that Line 5 “is as good as new,” we found out in August that there are bandaid-sized gaps where protective coatings had worn completely away and exposed the bare metal underneath to the harsh underwater environment in the straits. Last month, we learned of six additional locations with damage to the protective coatings, leaving areas as big as 1 square foot of exposed bare metal at each location. Then, on October 27, just 2 weeks ago, Enbridge disclosed that its pipeline integrity department knew of the damage that it had caused to the pipeline while conducting maintenance in 2014—3 years ago.

I share the concerns that have been expressed by thousands of Michiganders who dread the worst case oilspill scenario, and I share their frustration and their anger at being misled. It is unacceptable that damage to a pipeline running through the Great Lakes could go unreported for 3 weeks, let alone 3 years.

Simply put, Enbridge does not deserve our trust, and we deserve some answers. This is why, earlier this week, I called on the Pipeline and Hazardous Materials Safety Administration to exercise its oversight role and conduct a thorough investigation—examine any potential safety or reporting violations—and assure all Michiganders of the safety of Line 5, if at all possible. I also joined Senator Stabenow in demanding answers from Enbridge’s CEO to three very critical questions:

One, what are you doing to fix your broken reporting procedures?
Two, is there any other unreported damage to Line 5?
Three, how can we be certain that regulators are being fully informed by your company?

We need these answers, and we must get them.

I will never stop fighting to hold pipeline operators accountable and to keep our Great Lakes safe and clean. The Great Lakes are home, and I will do everything that I can to protect them for generations to come.

I yield the floor.

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.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.
Senator Gillibrand has also been working in this area, and I want to thank her. Overall, it is a good effort in which everyone came together and agreed on a plan for mandatory training.

**VETERANS DAY**

Mr. President, I will now turn to a completely different subject, and that is the subject of Veterans Day.

I rise to honor and thank our veterans, servicemembers, and their families as we celebrate our veterans on Veterans Day. These brave men and women represent the best among us. Whether you served 50 years ago or still wear the uniform today, we thank you for your service and sacrifice on behalf of this great Nation.

No matter when they served, all veterans have one thing in common: a deep love of our country and a patriotism that goes beyond simply feeling pride. All veterans were willing to lay down their lives in defense of this Nation, and many continue to live their lives in defense of this Nation today. They know which students' parents are servicemembers so they can help make special accommodations like setting up the gage carousel.

Mr. President, we must honor their service.

I was reminded of that a number of years ago when I greeted one of the veterans who I later found out was in his late eighties, asked me to dance. I said: Well, I would love to dance. Then the band stopped playing because it was at the end of the song. Then he said: Oh, that is OK. I said: I am sorry. I will have to take a rain check. I don't know why I said that to someone his age, but that is what I said. Then he said: That is OK. I have a great voice.

I started singing that Frankie Valli song, “You’re just too good to be true. Can’t take my eyes off of you,” and he danced me around and around that luggage carousel.

As I danced with that man, I thought to myself, this is how our veterans should be treated every day. They should be greeted with balloons and signs at the airport, and they should be dancing with their Senators by the luggage carousel.

That is the spirit we have to remember as we go forward into Veterans Day. We are reminded of the exceptional commitment and extraordinary service our democracy demands of all the brave men and women who have stepped forward to protect it. That same democracy demands that we fight for our servicemembers as they fought for us. As General Nash said, they were “always there” for us, and we must be there for them too.

**New Spokane Veterans' Center**

When Amie passed earlier this year, we honored outgoing MG Richard Nash for his decades of service and saw him pass the leadership torch to MG Jon Jemsen, who was sworn in as the new adjutant general of Minnesota’s National Guard.

As General Nash said earlier this year, “Our Minnesota National Guard and the entire state that contributed greatly in a period of history that will be looked back upon as a remarkably important time.”

He continued: “We were always ready, always there. He was right. Our servicemembers are always there for us, and, in turn, we must honor their service.

At a time marked by the volatility of our politics, our commitment to our servicemembers and veterans remains steadfast. The sacrifices the United States armed forces continue to make demand our continued support. This is why we are doing for Alaska, for America, for our community.

Mr. Sullivan. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Burr). Without objection, it is so ordered.

**Tribute to Alaska Native Veterans**

Mr. Sullivan. Mr. President, as you know, I have been coming to the Senate floor pretty much every week for month after month to highlight some of the many things our State does for our Alaskan veterans. We still have a great deal of work ahead of us to honor this commitment.

Here is an example. Amie Muller of Woodbury, MN, enlisted in the Air Force in 1998. After two deployments to Balad, Iraq, where she was stationed next to one of the war’s most notorious toxic burn pits, she returned home. Shortly afterward, she was diagnosed with pancreatic cancer at age 36, half the average age for this form of cancer.

When Amie passed earlier this year, she left three small children and her loving husband Brian behind. Since then, I have gotten to know and work with Brian. He has made one thing clear to me: We can’t let these toxic burn pits become another Agent Orange. So as part of Amie’s legacy, we are working to create a Center of Excellence within the Department of Veterans Affairs to deal with the mounting evidence that thousands of veterans have gotten sick after being exposed to toxic burn pits in Iraq and Afghanistan. This isn’t a partisan issue, and I am very pleased to have as a cosponsor of my bill Republican colleague Senator Thom Tillis of North Carolina. We have been working together to get this bill passed. We are very pleased it was in the National Defense Authorization Act that came out of the Senate.

While our National Guard and Reserve component members often serve with their Active-Duty counterparts on the exact same missions, they are not always ensured the same compensation and benefits for their service. When they return home, our National Guard and reservists are often denied the education and healthcare benefits they counted on during their deployments.

We need to close that loophole and make sure that members deployed on the same missions who take the same risks receive the same benefits.

Just as we have a commitment to serving our servicemembers, we have made a commitment to looking out for their families. Since September 11, 2001, the Minnesota National Guard soldiers and airmen have deployed more than 26,000 times. Actually the Red Bulls, one of our units, is one of the longest serving units in Iraq.

That service can take a toll on families—especially kids. That is why it is important for students and teachers to know which students’ parents are servicemembers so they can help make special accommodations like setting up Skype during the school day so a young girl can talk to her dad who is serving abroad. That is what happens for students whose parents are in the military but not for those whose parents are in the Guard or Reserves. That makes no sense. Some say it was just an error—some say maybe not. Whatever it is, we need to fix it.

I am leading bipartisan legislation to make sure our Guard and Reserve Forces and their families are treated equally.

When our veterans signed up to serve and defend our country, there wasn’t a waiver. More than 26,000 troops. And why is why. On this day tomorrow, we will be honoring them by telling them we believe they deserve the best.

I was reminded of that a number of years ago when I greeted one of the World War II Honor Flights that was coming back filled with veterans from Minnesota who saw, maybe for the first time or the last time, the World War II Memorial. They had gotten up incredibly early in the morning, boarded a plane, spent the day, and flew back. And then it was hundreds of hours of hard work by the family members waiting for them late at night in the airport terminal with balloons and signs with their names on them. They got off that flight on walkers and wheelchairs, and they came down to where the families were, tears running down their faces. It was an amazing sight to see.

In typical Minnesota tradition, a polka band was playing by the luggage carousel, and one of the veteran volunteers, who I later found out was in his late eighties, asked me to dance. I said: Well, I would love to dance. Then the band stopped playing because it was the end of the song. Then he said: Oh, that is OK.

I said: I am sorry. I will have to take a rain check. I don't know why I said that to someone his age, but that is what I said. Then he said: That is OK. I have a great voice.

He started singing that Frankie Valli song, “You’re just too good to be true. Can’t take my eyes off of you,” and he danced me around and around that luggage carousel.

As I danced with that man, I thought to myself, this is how our veterans should be treated every day. They should be greeted with balloons and signs at the airport, and they should be dancing with their Senators by the luggage carousel.

That is the spirit we have to remember as we go forward into Veterans Day. We are reminded of the exceptional commitment and extraordinary service our democracy demands of all the brave men and women who have stepped forward to protect it. That same democracy demands that we fight for our servicemembers as they fought for us. As General Nash said, they were “always there” for us, and we must be there for them too.

I yield the floor.

I suggest the absence of a quorum.

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. Burr). Without objection, it is so ordered.
here. These are all things we have in Alaskan space, but the thing that really makes us a great place to live is our people—strong, resilient, kind people all across our State who look out for each other, often in harsh weather conditions.

We are a patriotic State. I know everybody here claims that, and that is great. We all are.

Nowhere is the spirit of sacrifice and patriotism more apparent than in our veterans across the State. In Alaska, in Missouri—the President Officer’s State—we are all celebrating that, and we are going to celebrate that this weekend, going home for Veterans Day. In Alaska we like to talk about our veterans. We also like to talk about the fact that we have more veterans per capita than any other State in the country. So it is a very patriotic place—full of service.

In a small village, and every community across Alaska, you will find proud veterans, many of them working tirelessly together to make sure they get the help and support that our veterans—times that happens with the older vets—Vietnam-era vets. They come to make sure the new vets get the help they need.

To all of them: I salute your service and your sacrifice. Thank you so much for all you have done and continue to do for our country. Happy Veterans Day to all of Alaska’s veterans. I can’t wait to get home to celebrate in Fairbanks and Anchorage this weekend.

It is not just Veterans Day that is approaching Alaska. This month we are also celebrating Alaska Native Heritage Month, where there is much to celebrate. Almost 20 percent of the population of our great State is Alaska Natives. This is a group of people who, generation after generation, have what I call a special patriotism.

What do I mean by that? Well, Alaska Natives serve at higher rates in the military—just like the lower 48. Native Americans have higher rates in the military than any other ethnic group in the country. This has been going on for generations—World War II, Korea, Vietnam, the Cold War, Iraq, and Afghanistan. When you think about it, it is special.

Let’s face it. In the forties, fifties, sixties, and seventies, even sometimes, unfortunately, today, the Federal Government has not always treated Alaska Natives well. Yet, generation after generation, they have been off to the front line fighting for this country. It is truly a special kind of patriotism and a unique tribute to the Alaska Native heritage we are supporting and celebrating this month.

I thought it was fitting today to name as our Alaskan of the Week—to make it a collective tribute for all Alaska Natives who have served their country in the military, and it is thousands, to make them collectively the Alaskans of the Week as we look to celebrate Veterans Day.

Mr. President, here is a little bit of history. I know you know this, but a lot of Americans don’t. During World War II, Alaska was the only State in the Union to be invaded and occupied by the Japanese, so we had big military battles in the Aleutian Island chain of Alaska to throw off the invaders of our American territory. Thousands of Alaskans had to leave their homes and their land and property behind, and those that were able to stay behind were recruited to fight overseas. Across the State, whether they were in the Alaska Territorial Guard, warriors overseas, code talkers who served with the Marines and others—they were as old as 80 and as young as 12.

This is a great story. It shows the warrior ethic. Alaska Native women, after the outbreak of World War II, originally enrolled in the Alaska Territorial Guard before they realized that women weren’t allowed to enroll. In fact, the best sharpshooter in Alaska’s Territorial Guard was a woman named Laura Beltz Wright of Haycock, AK.

Here is how the late, great Jerome Trigg—Alaska Native and a marine—put it in 1968, at the height of the Vietnam war, when he was testifying in front of the U.S. Congress on a very important piece of legislation called the Alaska Native Claims Settlement Act. He was the president of the Arctic Native Brotherhood, as I mentioned, a proud marine.

In front of a bunch of Senators, he stated as follows: We have showed our patriotism as proudly as any Americans on earth. We have answered the call to serve in our country. We answered the call in [World War II] 100 percent. Every man in every village—old and young—volunteered with the Alaska Native Guard.

Remember, this was in 1968 that he was testifying. Then he said: I have never heard of an Alaska Native burning the draft card or burning our nation’s flag.

We are patriots. That service, as I mentioned, didn’t end after World War II. Alaska Natives have served in every conflict—the Korean war and in droves during the Vietnam war.

I was honored to be in Southeast Alaska this past summer in a Native village called Hoohnah. It is a beautiful place. There was a documentary I saw recently. It documented the classes in 1968 and 1969 in that small Native village in a film called “Hunting and War-time.” It was about how almost every single male high school student in Hoohnah—every one—went to go fight in Vietnam. That is incredible. It is special patriotism.

Let me tell you a quick, more up-to-date story. We had the Secretary of Interior, Ryan Zinke—a combat vet, a Navy SEAL, a heroic man himself—come to Alaska this summer. I asked him to meet with a bunch of Alaska Native veterans, particularly our Vietnam veterans, who had an issue that the Department of Interior has been working on, which they wanted him to hear about it firsthand.

It was a very touching meeting. Some in the room talked about what it was like to be in their villages—places they had never left—when they were 17 and 18 and 19. Then, a few days later, they were in a steamy jungle, thousands and thousands of miles away, in Vietnam. Some talked about what it was like coming back and not feeling the support they received when they came back home, but true—though they went through this hardship, even though they went through some of these very difficult times in the late sixties and early seventies, not one of them said they had a mistake in serving their country. They were proud, patriotic warriors, and to this day that is what they are.

Secretary Zinke said, after he left that meeting, he began it as their Secretary of Interior, and he left as a better man.

I am so honored to be able to serve these great Alaskans and to celebrate them as our Alaskans of the Week, just like I know everybody in America is going to be proud to go home and celebrate with their vet family and their veterans.

Once again, for our Alaska Native veterans, thank you for all you have done for our country, and thank you for being our Alaskans of the Week.
Mr. MC CONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nominations: Executive Calendar Nos. 373, 374, 375, 392, 393, 394, 395, 396, 440, 441, 442, 459, and 460.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MC CONNELL. The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Robert M. Duncan, Jr., of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years; Charles E. Peeler, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years; Bryan D. Schroder, of Alaska, to be United States Attorney for the District of Alaska for the term of four years; Scott C. Blader, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years; John R. Lausch, Jr., of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years; J. Douglas Overby, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years; Mark A. Klaassen, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years; William C. Lamar, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years; John F. Bash, of Texas, to be United States Attorney for the Western District of Texas for the term of four years; Erwin G. T. Martin, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years; and Christina E. Nolan, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

The nominations were confirmed en bloc.

Mr. MC CONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nominations en bloc?

The nominations were confirmed en bloc.

Mr. MC CONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 412.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MC CONNELL. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Peter Hoekstra, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MC CONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Hoekstra nomination?

The nomination was confirmed.

MORNING BUSINESS

Mr. MC CONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senator Murray to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.
Republican Tax Plan

Mr. DURBIN. Mr. President, on Monday, I was in Crystal Lake, IL, in the 6th Congressional District. I was joined by realtors and local elected officials to talk about how the GOP tax plan would hurt families in my home State of Illinois. The families in the 6th Congressional District would be hit especially hard. Nearly 2 million Illinoisans—roughly one-third of families—in the State—claimed more than $24 billion in State and local tax deductions in 2015 alone.

If Republicans are successful in eliminating or gutting this deduction, it will mean a tax hike for working families across Illinois.

If completely eliminated, a family of four living in a place like Crystal Lake making around $76,000 per year would pay more than $1,400 more in taxes each year.

And what do Republicans do with the money from raising taxes on one-third of middle-income families in Illinois? They give the ultrawealthy and the largest corporations a tax cut.

That is just plain wrong.

I urge House Republicans to oppose any tax plan that would raise taxes on middle-income families by gutting the State and local tax deduction in order to give cuts to the largest corporations and richest 1 percent.

Tribute to Ann Claire Williams

Mr. DURBIN. Mr. President, I want to take a few minutes to thank Judge Ann Claire Williams for her extraordinary service to our country. After serving nearly two decades on the Seventh U.S. Circuit Court of Appeals in Chicago, Judge Williams announced she would be retiring from the judiciary later this year.

Ann Claire Williams is a trailblazer. She is the first African American to serve on the Seventh U.S. Circuit Court of Appeals. In recognition of the work she did on the Court, many judges have referred to her as the “desegregator of the 7th Circuit.” This was just another in a series of firsts for Judge Williams. She was one of the first two African-American women to clerk for judges on the Seventh Circuit. In 1985, Judge Williams became the first African-American woman to become a U.S. District Court judge for the Northern District of Illinois. She served as chair of the Court Administration and Case Management Committee of the United States Court of Appeals—and on the Judicial Conference committee.

Judge Williams has always been proud of breaking barriers and her history of firsts, but she doesn’t want to be the last. Throughout her career, she has been committed to training young lawyers. As a founding member of the Black Women Lawyers in Chicago, Judge Williams uses her story to inspire the next generation—and makes clear through her experiences that young women today can follow the path she paved to reach the top of their fields. She also serves as chairwoman of the Just the Beginning Foundation to help guide minority law students into the legal profession. Under Judge Williams’ leadership, the organization has grown to include programs for students in high school and middle school across the country. For all her achievements, it is her commitment to the future that is truly inspiring.

Recently, Judge Williams said,

You want to be nourished by people that understand your story and your experience. But once you’re nourished that means you have to go out and deal with the broader world.

Well, Judge Williams has done just that. She serves on the board of Equal Justice Works, a nonprofit dedicated to creating a just society by training lawyers committed to working in the public interest, and despite her busy schedule, she has made time to travel to Ghana, Rwanda, Liberia, and Uganda to train judges and attorneys.

Judge Williams’ career is groundbreaking, and she is a role model for countless young women of color—and an inspiration to the rest of us. I am proud to call her a friend.

I want to congratulate Judge Williams on an outstanding career and thank her for all she has accomplished and all she is continuing to do. The country is grateful for her service. I wish her and her family all the best in her next chapter.
HONDURAS

Mr. LEAHY. Mr. President, I want to speak about a subject that many Senators are aware of and should be deeply concerned about.

As we remember, in the early morning hours of March 3, 2016, Honduras lost one of its most outstanding and charismatic indigenous leaders, Berta Caceres. Ms. Caceres was the general coordinator of the National Council of Popular and Indigenous Organizations of Honduras, COPINH. She was gunned down in her home in the village of La Esperanza, Intibuca.

Berta Caceres spent her life defending indigenous rights, particularly to land and natural resources. In 2015, she won the Goldman Environmental Prize for her outstanding activism and leadership. She and COPINH had been supporting land struggles throughout western Honduras, and because of that—because she was exercising her rights protected by Honduran law and international law—she and the communities that she and COPINH supported were the frequent targets of death threats.

In Rio Blanco, her organization and the members of Rio Blanco were threatened repeatedly as they engaged in peaceful protests to protect the river and their way of life from the construction of the Agua Zarca hydroelectric dam by DESA, a Honduran company supported by international banks. It was as a result of the threats she received for supporting the Rio Blanco struggle that Ms. Caceres was granted precautionary measures by the Inter-American Commission on Human Rights. However, the Honduran authorities not only failed to protect her, they vilified her and other social activists like her.

Berta Caceres was an inspiration to people around the world, and her death was a terrible loss for people everywhere. As I said in this Chamber the day after her death:

The immediate question is what President Hernandez and the government has too often ignored or passively condoned attacks against Honduran social activists, will do to support an independent investigation, prosecution, and punishment of those responsible for this despicable crime. And because of that—because she was exercising her rights protected by Honduran law and international law—she and the communities that she and COPINH supported were the frequent targets of death threats.

Honduran law. It is important to note that the GAIFE report corroborates what many have suspected—that the investigation of Berta Caceres’ murder has been plagued by incompetence, attempts to stonewall and dismiss the public’s right to know and the right to justice, and a lack of political will. The Public Ministry needs to fully disclose, without further delay, all telephone and electronic data and how that evidence to the Caceres family’s legal representatives, as required by Honduran law. It is shameful that despite intense domestic and international pressure, this horrific case has languished, while those responsible have sought to derail it. And there are hundreds of other Honduran social activists and journalists who have been similarly threatened and killed, whose cases have not even prompted investigations.

It is important to note that the GAIFE report indicates that the investigation by the Public Ministry has been influenced by political considerations. For example, the investigation was handled by a magistrate with a clear political agenda, and the Public Ministry failed to act on the petition of the Caceres family to grant the Caceres family’s legal representatives, as required by Honduran law.

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The assassination of Berta Cáceres, as outrageous and tragic as it was, presented the Honduran Government with an opportunity to show that, of Central American countries, only one has the will to bring to justice those responsible for the murder of local leaders, journalists, environmentalists, and social activists. This situation is possible in such cases and that even people who hold positions of economic or political privilege and power can be held accountable. Instead, we have witnessed more of the same—important evidence was hidden and possibly even ignored and withheld from those entitled to it. A partial investigation that resulted in the arrest of those who reportedly carried out the crime, followed by months of silence without identifying those who were behind it. This is not acceptable.

Over the past 2 years, President Hernández and other top Honduran officials have traveled to Washington to lobby for Honduras’s share of U.S. funding for the Plan of the Alliance for Prosperity of the Northern Triangle of Central America. Among other things, they have earnestly voiced their commitment to human rights and respect for civil society. They are going to find out that action, not words, are what matter.

Over the past 2 years, the U.S. Congress has provided a total of $1.4 billion to support the plan, of which a significant portion is for Honduras. I supported those funds because I recognize the immense challenges that widespread poverty, corruption, drug trafficking, gang violence, and impunity pose for those countries. These problems will not be solved by building a wall along our southern border or deporting millions of Central Americans currently living in the United States. I mention this because the assassination of Berta Cáceres brings U.S. support for the plan sharply into focus. Today that support is in jeopardy.

It is why Agua Zarca concession and other hydro or extractive concessions that were sold without the consent of local people whose lives or territory would be adversely affected should be cancelled. The Honduran Government needs to substantially reform the way it reviews and grants such concessions, which have too often been the product of corrupt dealings that resulted in environmental degradation, social unrest, and violence.

The assassination of Berta Cáceres, and similar acts, must cease its attempts to undermine the work of the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH). It has begun to investigate the link between the assassination of Berta Cáceres and corruption dealings between DESA and Honduran state agents.

It is why the Honduran Government must finally take seriously its responsibility to protect the rights of journalists, human rights defenders, other social activists, COPINH, and civil society organizations that peacefully advocate for equitable economic development and access to justice.

Only then should we have confidence that the Honduran Government is a partner the United States can work with in addressing the needs and protecting the interests of Central American people, particularly those who have borne the brunt of official neglect, corruption, and violence for so many years.

Today any hope that the Honduran Government may have of continued U.S. assistance under the Plan of the Alliance for Prosperity will hinge in part on the outcome of the Cáceres case. concrete actions that demonstrate support for the legitimate role of civil society and the independent media, and real reform of the justice system.

(At the request of Mr. Schumer, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavailable for rollcall vote No. 258, on the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 258, on the motion to invoke cloture on derek Kan, of California, to be Under Secretary of Transportation for Policy. Had I been present, I would have voted nay.

VOTE EXPLANATION

Mrs. McCASKILL. Mr. President, I was necessarily absent for vote No. 253 on October 30, 2017, on the confirmation of Trevor N. McFadden to be U.S. district judge for the District of Columbia. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 254 on October 30, 2017, on the motion to invoke cloture on Amy Coney Barrett to be U.S. circuit judge for the Seventh Circuit. Had I been present, I would have voted nay.

Mr. President, I was necessarily absent for vote No. 257 on November 1, 2017, on the confirmation of Joan Louise Larsen to be U.S. circuit judge for the Sixth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 258 on November 1, 2017, on the motion to invoke cloture on the nomination of Allison H. Eid to be U.S. circuit judge for the Tenth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 259 on November 2, 2017, on the confirmation of Allison H. Eid to be U.S. circuit judge for the Third Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 260 on November 2, 2017, on the motion to invoke cloture on the nomination of Stefanos Bibas to be U.S. circuit judge for the Third Circuit. Had I been present, I would have voted yea.

(At the request of Mr. Schumer, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

Mr. TESTER. Mr. President, I was necessarily absent due to a family funeral for the votes on confirmation of Executive Calendar No. 407 and the motion to invoke cloture on Executive Calendar No. 159.

Mr. President, I was necessarily absent for vote No. 261 on November 2, 2017, on the confirmation of Stephanie Bibas to be U.S. circuit judge for the Tenth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 264 on November 2, 2017, on the confirmation of Amy Coney Barrett to be U.S. circuit judge for the Seventh Circuit. Had I been present, I would have voted nay.

VETERANS DAY

Mr. CARDIN. Mr. President, this Saturday is Veterans Day. On this 11th day of the 11th month each year, we pause to honor and pay tribute to our veterans and the countless sacrifices they have made to serve our country. We also honor their families, who have endured extended absences and profound challenges as they have watched those most precious to them put themselves in harm’s way. In that spirit of gratitude, I want to recognize some of Maryland’s bravest and finest servicemembers who have given the last full measure of devotion to our Nation.

Sgt. Eric M. Houck, 25, died from gunshot wounds in the Peku Valley of international environmental and social safeguards.

It is why the Honduran Government must cease its attempts to undermine the work of the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), which has begun to investigate the link between the assassination of Berta Cáceres and corrupt dealings between DESA and Honduran state agents.

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Sgt. Eric M. Houck, 25, died from gunshot wounds in the Peku Valley of
the Nangharhar Province in Afghanistan this past June. Sergeant Houck, who began his military career as a private and rose to the rank of sergeant in just 3 years, was an avid sports fan. His father called Eric his best friend and said that his family, particularly his two young children and teenager, misses everything to him. He was only 1 month shy of returning home.

Navy PO1 Xavier Martin, age 24, died aboard the USS Fitzgerald during its tragic collision off the coast of Japan in June. Martin's family was fully aware that their son was a combat veteran and an exceptionally talented pilot with more than 2,000 hours of flying. He held six degrees, including a Ph.D. in aerospace engineering, but was described by friends and family as the most humble man they have ever known. If you met him in any environment, you would never know he was a Ph.D. or a pilot,” his father said.

Timothy Eckels and Kevin Bushell were among the sailors killed during the collision of the USS John McCain in August. Technician 2nd Class Eckels was a graduate of Manchester Valley High School and was described as being “known for making everyone better by his presence” and a true pleasure to be around. He was just 23 years old. Electronics Technician 2nd Class Bushell was not much older, at only 26, and a talented technician for the Navy. He proudly served for 7 years.

There are many other Marylanders, many who have suffered unfathomable loss and injury, and all of them deserve our collective and eternal gratitude.

They also deserve to have the many promises we have made kept. They deserve the job training, education assistance, and housing benefits they have earned. They deserve every tool and resource they need to succeed both professionally and personally once they return home. They deserve leaders who consider their sacrifice every day, not only on Veterans Day.

Let us honor our veterans in ways that are truly befitting their service: by vows to protect the benefits they have earned. By pledging to remain grateful for their service and concerned for their needs every day, not only on this day and, perhaps most critically of all, by recommitting ourselves to the causes for which they served.

Today, I salute every man and woman who has put on a uniform and humbly taken over every one of their families for braving the worst fears and the toughest challenges in service to our Nation.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

Mr. TESTER. Mr. President, today I wish to honor the prisoners of war and those missing in action and commemorate the empty chair that was placed in Emancipation Hall this Veterans Day week.

I want to thank Montana veteran Ed Saunders for contributing his thoughts to today’s CONGRESSIONAL RECORD:

'The greatest tragedy befalling an American woman is not that they may be killed or left missing-in-action; that is the greatest sacrifice on the altar of freedom. The greatest tragedy is that America’s finest in uniform may be forgotten... forgotten in life and in forgotten in death by the very same nation whose constitution, freedoms, and way of life, they defend.

The United States of America cannot and must not leave any serviceman or woman behind in body, in spirit, or in memory. If we cannot bring home the revered mortal remains of those who died, who are missing, or who remain unaccounted for, then we have an enduring responsibility to ensure their memories are forever etched in these hallowed halls. This chair is more than a symbol. It is a memory of their service and sacrifice for this great Nation. It is a lasting reminder that we have an obligation to fulfill our promise to our Nation’s veterans and their families when they return from war—and when they tragically don’t.

We, as a nation, must redouble our commitment to that cause and work relentlessly every day toward fulfilling that promise.

I want to thank every servicemember in attendance, your families, the families of the fallen and missing in action, and those who remember them.

Thank you, and God Bless America.

EISENHOWER MEMORIAL GROUNDBREAKING

Mr. MANCHIN. Mr. President, I ask unanimous consent that the remarks made at the groundbreaking ceremony of the Eisenhower Memorial on November 2, 2017, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR ROBERTS—EISENHOWER MEMORIAL GROUNDBREAKING

Thank you, Greta, for that kind introduction. And thank you so much for your long-standing support of this project. You have been a true soldier in the Eisenhower memorial army in helping to get us here today.

I speak for all gathered for this memorable event, when I say it is great to be here today.

First, let us reflect for a moment about a man who embodied everything that was Eisenhower: Ike. And his story is the story of America. His ascendency paralleled America’s. At the end of the 20th century, Eisenhower was still a young man in
Kansas, and America was a young democracy—isolated and protected by two vast oceans.

Over the course of his career, America matured both politically and culturally, like that young man who left Abilene, Kansas, to go to West Point.

By the time Eisenhower retired from public life, America was the leader of the free world and at the summit of historic prosperity and peace.

It has taken a long time for the historians to discover and figure out Eisenhower's greatness. President Eisenhower anticipated problems and averted them before they ever became crises. Yet, on his quiet strategy, didn't draw attention like the administrations that followed him.

Now, six decades later, for that kind of unique leadership, he is considered one of our greatest presidents, which is why we are here today.

Like Lincoln, he came from a humble origin, and the hometown that made him, and famously said, "The proudest thing I can claim is that I am from Abilene" (June 22, 1945, Abilene, Kansas).

He saw the promise that America holds for him. And he never forgot the hometown that inspired him. When asked about his legacy, Eisenhower responded, "The United States never lost a soldier or a foot of ground in my administration. A president can't do that."

Ike was America's best example of strength, humility, discipline, integrity.

Now, we live in an era where it can seem those things no longer matter. But they do.

We wouldn't be where we are today without them.

We are here today to honor a single person, but the hometown that made him is considered one of our happenings—by God, it didn’t just happen. I'll tell you that.

We build this memorial today not only to honor a single person, but the hometown that has inspired and shaped generations of the greatness of America and what our values have made possible at home and abroad.

Let us never forget that what can be achieved in the land of the free and the home of the brave, let them come here and understand what Eisenhower, and America, have done. And we, as citizens, can do for themselves and for our nation’s future.

MESSAGES FROM THE HOUSE

At 10:45 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3043. An act to amend title 40, United States Code, to eliminate the sunset of certain provisions relating to information technology, to amend the National Defense Authorization Act for fiscal year 2018 to extend the sunset relating to the Federal Data Center Consolidation Initiative, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3418. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Report on Derivative Transactions" (Docket No. 16–408)) received in the Office of the Senate on November 7, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3419. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Interagency.ff Federal Credit Union Occupancy, Planning, and Disposal of Acquired and Abandoned Premises: Incidental Powers" (RIN353–AES4) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–3420. A communication from the White House Liaison for Education and Community Affairs, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office for Civil Rights, Department of Education, received in the Office of the President of the Senate on November 8, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–3421. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Health Education Assistance Loan (HEAL) Program" (RIN849–AD21) received in the Office of the President pro tempore of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC–3422. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Children's Toys and Child Care Articles Containing Specified Phthalates'' ((16 CFR Part 1307) ((RIN239–AD22)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3423. A communication from the Acting Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, pursuant to law, the report of a rule entitled “Revisions to the Cost-Capital Composite Railroad Carrier Rate” ((RIN249–AD09)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3424. A communication from the Administrator, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Prohibition of Children’s Toys and Child Care Articles Containing Specified Phthalates” ((16 CFR Part 1307) ((RIN239–AD22)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3425. A communication from the Department of Veterans Affairs, pursuant to law, the report of a rule entitled “HUBZone and Puerto Rico Oversight, Management, and Economic Stability Act” ((RIN249–AD09)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Small Business and Entrepreneurship.

EC–3427. A communication from the Office Program Manager, Office of Regulation Policy and Management, Department of Veterans Affairs, pursuant to law, the report of a rule entitled “Schedule for Repeal of Defense-mandated Programs” (RIN2900–AO44) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Veterans’ Affairs.

EC–3428. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Consolidated Rules” ((RIN849–AD21) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Veterans’ Affairs.

EC–3429. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Homeland Security” ((RIN2900–AO7) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Veterans’ Affairs.

EC–3430. A communication from the Acting Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, pursuant to law, the report of a rule entitled “Revisions to the Cost-Capital Composite Railroad Carrier Rate” ((RIN249–AD09)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3431. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled “Prohibition of Children’s Toys and Child Care Articles Containing Specified Phthalates’’ ((16 CFR Part 1307) ((RIN239–AD22)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3432. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Report on the Implementation of the Elimination of Main Studio Rule’’ ((FCC 17–137) (MB Docket No. 17–19) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3433. A communication from the Assistant Secretary, Office of Management Information, Department of Homeland Security, transmitting proposed legislation entitled “Coast
The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–137. A resolution adopted by the Senate of the State of California relative to women's reproductive health; to the Committee on Health, Education, Labor, and Pensions.

SE NATE R ESOLUTION NO. 12

Whereas, January 22, 2017, marks the 44th anniversary of the United States Supreme Court's landmark decision in Roe v. Wade, which affirmed that every woman has a fundamental right to control her own reproductive decisions and to decide whether to end or to continue pregnancy, and is an occasion deserving of celebration; and

Whereas, Roe v. Wade has been the cornerstone of women's ability to control their reproductive lives, allowing every woman in the United States the right to decide when, if, and with whom to have children, and how many children to have; and

Whereas, women's ability to control their reproductive lives has helped and facilitated their participation in the economic and social life of our nation; and

Whereas, Roe v. Wade has drastically reduced the maternal mortality rate for women terminating their pregnancies in the United States. In the years prior to the decision, illegal abortion accounted for approximately 17 percent of all reported deaths attributable to pregnancy and childbirth, and many women were severely injured as a result of abortion procedures; and

Whereas, Interference with a woman's right to choose causes women to be forced into illegal and dangerous abortions, as they often were in the United States before the Roe v. Wade decision. Many women are forced to make these decisions today in countries where abortion is illegal and where the unsafe methods of illegal abortion lead to 13 percent of global maternal deaths annually, or eight maternal deaths every hour. Many survivors of an illegal abortion suffer serious, permanent injuries; and

Whereas, Roe v. Wade continues to protect the health and freedom of women throughout the United States.

Whereas, Roe v. Wade is in serious jeopardy due to President-elect Donald J. Trump's stated intention to nominate United States Supreme Court justices hostile to women's right to choose; and

Whereas, The State of California stands in strong support of every woman's fundamental right to terminate a pregnancy; and

Resolved, By the Senate of the State of California, That the Senate urges the President of the United States and the United States Congress to express their support for a woman's ability to control her own reproductive decisions, as well as their support for access to comprehensive reproductive health care, including the services provided by Planned Parenthood; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States; United States Senate, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.
By Mr. NELSON (for himself and Mr. BLUMENTHAL):

S. 2177. A bill to amend title 10, United States Code, to expand eligibility for the TRICARE Young Adult Program to include certain veterans entitled to benefits under the Medicare program due to conditions or injuries incurred during service in the Armed Forces and to waive part B late enrollment penalty for such veterans, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BLUMENTHAL (for himself, Mr. BOOZMAN, Mr. MURPHY, Mr. INHOFE, Mr. CRUZ, Mr. CORNYN, Mr. DAINES, Mrs. FEINSTEIN, Mr. HENRICH, Mr. UDALL, Mr. TESTER, and Mrs. GILLIBRAND):

S. Res. 326. A resolution recognizing the crew of the san Antonio Rose, B-17F, who sacrificed their lives during World War II, and honoring their heroism during the week of the 75th anniversary of that tragic event; to the Committee on Armed Services.

By Ms. KLOBUCHAR (for herself and Mr. HOBEN):

S. Res. 327. A resolution designating the week of November 5 through 12, 2017, as “National Audiology Awareness Month”; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RISCH (for himself, Mrs. SHAHEED, Mr. KENNEDY, Mr. MAZIE, Mr. RUBIO, Mr. WHITTHUR, Mr. INHOFE, Mr. UDALL, Mrs. ERNST, Mr. COONS, Mr. SCOTT, Mr. BOOKER, Mr. ENZI, Mr. DONNELLEY, Mr. BARRASO, Mr. CARDIN, Mr. BOOZMAN, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. VAN HOLLEN, Mr. CRAPPO, Mr. WYDEN, Mr. ROUNDS, Mr. MANCHIN, Mr. POSTMAN, Ms. CANTWELL, Mr. LANKFORD, Mr. CASEY, Mr. ISAKSON, Mr. KING, Mr. CASSIDY, Mr. MIRANDA, MS. COLLINS, Mr. DAINES, Mr. HAYEK, Mr. HUNT, Mr. HITEKAMP, Mr. GRASSLEY, Mrs. MURRAY, Mr. TILLIS, Ms. HASSAN, Mr. YOUNG, Ms. KLOBUCHAR, Mr. HOEVEN, Mr. MR. FURMAN, Mr. MERKLEY, Mr. JOHNSON, Mr. DURBIN, Mr. GRAHAM, Mr. COTZER MASTO, Mrs. CAPITO, Mr. ALEXANDER, Mr. CROCHAN, Mr. ROBERTS, Mr. MURKOWSKI, and Ms. WARREN):

S. Res. 328. A resolution recognizing November 25, 2017, as “Small Business Saturday” in order to highlight the successful efforts of the Small Business Administration to increase awareness of the value of locally owned small businesses; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, and Ms. HASSAN):

S. Res. 329. A resolution expressing support for the designation of October 2017 as “National Audiology Awareness Month”; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, Ms. CAPITO, Mr. COTZER MASTO, Ms. REED, Mrs. ROBERTS, Mr. MCCONNELL, Mr. SCHUMER, Mr. COCHRAN, Mr. DURBIN, Mr. ALEXANDER, Mr. UDALL, Mr. ROBERTS, Mr. WARNER, Mr. BLUNT, Mr. LEAHY, Mr. CRUZ, Mr. KING, Mr. WICKER, and Mrs. FISCHER):

S. Res. 330. A resolution mandating anti-harassment training for senators, employees, and interns of, and detailers to, the Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 121. At the request of Mr. HELPER, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 121, a bill to establish the veterans’ business outreach center program, to improve the programs for veterans of the Small Business Administration, and for other purposes.

S. 403. At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 403, a bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes.

S. 497. At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 793. At the request of Mr. BOOKER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 793, a bill to prohibit sale of shark fins, and for other purposes.

S. 936. At the request of Ms. ERNST, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 925, a bill to amend title 38, United States Code, to improve the ability of health care professionals to treat veterans through the use of telemedicine, and for other purposes.

S. 1400. At the request of Mr. HENRICH, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1400, a bill to amend title 10, United States Code, to enhance protections of Native American tangible cultural heritage, and for other purposes.

S. 1539. At the request of Ms. KLOBUCHAR, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New York (Mrs. GILLIBRAND) and the Senator from Maryland (Mr. VDHOLLEN) were added as cosponsors of S. 1539, a bill to protect victims of stalking from gun violence.

S. 1589. At the request of Mr. ROBERTS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1738. At the request of Mr. WARNER, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1738, a bill to amend title XVIII of the Social Security Act to provide for a home infusion therapy services temporary transitional payment under the Medicare program.

S. 1753. At the request of Mr. HELLER, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 1753, a bill to amend the S.A.F.E. Mortgage Licensing Act of 2008 to provide a temporary license for loan originators transitioning between employers, and for other purposes.

S. 1829. At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1829, a bill to amend title V of the Social Security Act to extend the Maternal, Infant, and Early Childhood Home Visiting Program.

S. 1886. At the request of Ms. WARREN, the name of the Senator from Michigan (Mr. STABENOW) was added as a cosponsor of S. 1838, a bill to repeal the authority under the National Labor Relations Act for States to enact laws prohibiting agreements requiring membership in a labor organization as a condition of employment, and for other purposes.

S. 1871. At the request of Mr. CASSIDY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1871, a bill to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs, and for other purposes.

S. 1936. At the request of Mr. COTTON, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 1936, a bill to amend title 38, United States Code, to provide for the designation of State approving agencies for multi-State apprentice-ships programs for purposes of the educational assistance programs of the Department of Veterans Affairs, and for other purposes.

S. 2022. At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2022, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for reciprocal marketing approval of certain drugs, biological products, and devices that are authorized to be lawfully marketed abroad, and for other purposes.

S. 2044. At the request of Mr. BLUMENTHAL, the names of the Senator from Delaware (Mr. COONS) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 2044, a bill to amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.
At the request of Mr. BLUMENTHAL, the names of the Senator from Delaware (Mr. COONS), the Senator from Vermont (Mr. SANDERS) and the Senator from New Hampshire (Ms. HASSAN) were added as co-sponsors of S. 2045, a bill to establish a grant program to encourage States to adopt certain policies and procedures relating to the transfer and possession of firearms.

At the request of Mr. BENNET, the name of the Senator from North Dakota (Mr. HARKIN) was added as a co-sponsor of S. 2073, a bill to establish a vegetation management pilot program on National Forest System land to better protect utility infrastructure from passing wildfire, and for other purposes.

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. BROWN) was added as a co-sponsor of S. 2005, a bill to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes.

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a co-sponsor of S. Res. 319, a resolution supporting the goals, activities, and ideals of Prematurity Awareness Month.

STATMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, Mr. REED, Mrs. GILLIBRAND, and Ms. HASSAN):

S. 2115. A bill to amend the Internal Revenue Code of 1986 to disallow any deduction for punitive damages, and for other purposes; to the Committee on Finance.

Mr. LEAHY. Mr. President, as Republicans consider tax proposals to disproportionately benefit corporations and the wealthy, they simultaneously fail to address revenue-draining loopholes that compel hardworking taxpayers to subsidize corporate misconduct. Today, I am introducing commonsense legislation—the “No Tax Write-Offs for Corporate Wrongdoers Act”—to prevent the worst corporate actors from writing off their wrongdoing as simply the cost of doing business. This idea is commonsense. This idea is straightforward. This idea should be bipartisan.

Today’s tax code allows corporations to deduct the court-ordered punitive damages as an “ordinary” business expense. Courts reserve punitive damages for only the most egregious and reckless misconduct—misconduct that usually causes great harm to people’s lives. For victims who have suffered at the hands of the worst corporate actors, there is nothing “ordinary” about this loophole. Punitive damage awards are designed to punish wrongdoers for the reprehensible harm they cause—to provide a deterrence to misconduct. By giving corporations a deduction specifically for their wrongdoing, our tax code winks and nods at future wrongdoers who know that they can simply write off the damages they owe for their crime. This is not a theoretical problem. In 1994, when the Exxon Valdez spilled 11 million gallons of oil in the Prince William Sound, devastating Alaska’s southern coast, it was eventually slapped with punitive damages of $500 million. Exxon turned around and exploited this tax loophole to write off those punitive damages as an “ordinary” business expense—saving the company millions of dollars that could have—and should have—added to government revenues. In 2011, two Montanans teenagers died in a car crash caused by a steering wheel defect in the Hyundai model they were driving—a defect that Hyundai knew about and recklessly ignored for over a decade. Although a judge eventually ordered Hyundai to pay $73 million in punitive damages, Hyundai can lawfully write those damages off as a business expense. This is just wrong.

The No Tax Write-Offs for Corporate Wrongdoing Act is simple and straightforward, and would end this offensive loophole once and for all. My bill would amend the tax code to prevent the deduction of any amount “paid or incurred for punitive damages in connection with any judgment in, or settlement of any action between private parties.” Aside from bringing our tax code in line with international standards of justice and fair play, my bill would save American taxpayers a significant amount of money. In 2016, the Joint Committee on Taxation estimated that ending this punitive damages loophole would save government revenues by nearly $415 million over 10 years. The Senate will be talking a lot about tax reform in the coming weeks. The Senate has hung over backwards—they already are—to argue how important it is that we dramatically lower tax rates to make our tax system more favorable to large corporations. Should we not also hold forth with the right to keep and bear arms to subsidize the reckless and bad behavior of the worst corporate actors? This bill would ensure that our justice system is not held hostage by the interests of large corporations. It should shock the conscience to know that our law effectively compels hardworking taxpayers to subsidize the recklessness and bad behavior of the worst corporate actors. This bill would end this statutory quo. I thank Senators BLUMENTHAL, REED, GILLIBRAND, and HASSAN for cosponsoring this legislation. I urge all Senators—of all political ideologies—to support the No Tax Write-Offs for Corporate Wrongdoing Act. Protecting our constituents from corporate misconduct is not a political or partisan issue. It is our job.

SENATE RESOLUTION 326—RECOGNIZING THE CREW OF THE SAN ANTONIO ROSE, B–17F, WHO SACRIFICED THEIR LIVES DURING WORLD WAR II, AND HONORING THEIR MEMORY DURING THE WEEK OF THE 75TH ANNIVERSARY OF THAT TRAGIC EVENT

Mr. BLUMENTHAL (for himself, Mr. BOOZMAN, Mr. MURPHY, Mr. INHOFE, Mr. CROZAT, Mr. CORNYN, Mr. DAVIES, Ms. FENCHEL, Mr. BINGHAM, Mr. JOHNSON, Mr. UDALL, Mr. TESTER, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on Armed Services:

S. Res. 326

Whereas, in 1943, the ongoing fighting against the Japanese in the Pacific during World War II was treacherous, a decisive outcome hung in the balance, and every victory against the Japanese contributed to the ultimate success in the region.

Whereas, on January 5, 1945, six B–17s of the 39th Bombardment Group and six B–24s of the 90th Bombardment Group left from More than, New Guinea, en route to Rabaul, New Britain, to break up a major Japanese reinforcement convoy;

Whereas, with the San Antonio Rose, B–17F (No. 41–24546), in the lead, the twelve bombers of the anti-shipping strike proceeded to Rabaul splitting the formation to target shipping in Blanche Bay, Simpson Harbor, Keravina Bay, and Rabaul, New Britain, to bomb shipping and Japanese forces at Rabaul, New Britain, to break up a major Japanese reinforcement convoy;

Whereas, the American attack surprised the Japanese, and they did not fire anti-aircraft artillery until after the American bombers had been successfully dropped on their targets;

Whereas, when bombers rejoined formation, the San Antonio Rose was no longer in the lead and did not rejoin the formation;

Whereas the San Antonio Rose was last reported to have smoke trailing from the aircraft when being pursued by Japanese fighters, and the clouds cleared south just east of Vunakanau, New Britain Island, in which is now Papua New Guinea;

Whereas the San Antonio Rose was never sighted again;

Whereas the crew onboard the San Antonio Rose were declared missing in action on January 5, 1943 and subsequently declared killed in action on December 12, 1943;

Whereas the members of the crew of the San Antonio Rose included—

Pilot, Major Allen Lindberg, New York, New York
Co-Pilot, Captain Benton H. Daniel, Hollis, Oklahoma
Bombardier, 2nd Lieutenant Robert L. Hand, Fields Store, Texas
Navigator, 1st Lieutenant John W. Hanson, Missoula, Montana
Engineer, Technical Sergeant Dennis T. Craig, New York, New York
Radio, Staff Sergeant Quentin W. Blakely, Washington, District of Columbia
Sergeant Leslie A. Stewart, East Chicago, Illinois
Gunner, Private First Class Leland W. Stone, Oakland, California
Co-Pilot, Private First Class William G. Fraser, Jr., San Antonio, Texas
Observer, Lieutenant Colonel Jack W. Bleasdale, San Fernando, California
Bombardier, Staff Sergeant Kenneth N. Walker, Cerillos, New Mexico; and
Whereas the crew of the San Antonio Rose, including Brigadier General Kenneth N.
Walker, Medal of Honor recipient and highest ranking officer missing in action from World War II, have never been recovered and brought home to rest. Now, therefore, be it
Resolved, That carbon monoxide can cause long-term health damage, even after exposure to the gas ends;
Whereas most cases of carbon monoxide exposure occur during the colder months of December, January, and February, when oil and gas heaters are more heavily in use;
Whereas on January 5, 1996, the Burt family of Kimball, Minnesota, was poisoned by carbon monoxide from a malfunctioning furnace in the home of the Burt family, resulting in the deaths of 15-month-old Zachary Todd Burt and 4-year-old Nicholas Todd Burt;
Whereas according to the North Dakota Department of Health, among residents over the age of 65, carbon monoxide poisoning was the leading substance-related cause of death in North Dakota from 2009 to 2014;
Whereas the 19th Century Department of Health found that, in 2010, carbon monoxide poisoning was the second-leading cause of unintentional poisoning death among adults ages 30 through 49;
Whereas on June 7, 2015, 3 adults and 1 child in Blanchard, North Dakota, tragically passed away from carbon monoxide poisoning as the result of a carbon monoxide leak caused by an improperly vented water heater;
Whereas increasing awareness about the dangers of carbon monoxide can help prevent poisoning and save lives: Now, therefore, be it
Resolved, That the Senate designates the week of November 5 through 12, 2017, as "National Carbon Monoxide Poisoning Awareness Week".

SENATE RESOLUTION 327—DESIGNATING THE WEEK OF NOVEMBER 5 THROUGH 12, 2017, AS "NATIONAL CARBON MONOXIDE POISONING AWARENESS WEEK"
Ms. KLOBUCHAR (for herself and Mr. HOBY) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. Res. 327

Whereas carbon monoxide is an odorless, colorless gas that is produced whenever any fuel, such as natural gas, propane, gasoline, oil, kerosene, wood, or charcoal, is burned;
Whereas devices that produce carbon monoxide include cars, boats, portable power generators, gas engines, stoves, and heating appliances, and carbon monoxide produced from these sources can build up in enclosed or semi-enclosed spaces;
Whereas carbon monoxide is often referred to as the "silent killer" because it is odorless, odorless, tasteless, and non-irritating, and ignoring early stages of carbon monoxide poisoning may cause unconsciousness and continued exposure to danger;
Whereas according to the Centers for Disease Control and Prevention, each year in the United States, carbon monoxide poisoning kills more than 1,000 individuals and sends approximately 20,000 individuals to emergency rooms;
Whereas when people breathe in carbon monoxide, the poisonous gas enters the bloodstream and prevents adequate intake of oxygen, which can damage tissues and result in death;
Whereas, given their common preexisting medical conditions, individuals older than age 65 are particularly vulnerable to carbon monoxide poisoning;
Whereas for most individuals who suffer from carbon monoxide poisoning, the early signs of exposure to low concentrations of carbon monoxide include mild headaches and breathlessness upon moderate exercise;
Whereas sustained or increased exposure to carbon monoxide can lead to flu-like symptoms, including severe headaches, dizziness, tiredness, nausea, confusion, irritability, and impaired judgment, memory, and coordination;
Whereas breathing in low concentrations of carbon monoxide can cause long-term health damage, even after exposure to the gas ends;
Whereas most cases of carbon monoxide exposure occur during the colder months of December, January, and February, when oil and gas heaters are more heavily in use;
Whereas on January 5, 1996, the Burt family of Kimball, Minnesota, was poisoned by carbon monoxide from a malfunctioning furnace in the home of the Burt family, resulting in the deaths of 15-month-old Zachary Todd Burt and 4-year-old Nicholas Todd Burt;
Whereas according to the North Dakota Department of Health, among residents over the age of 65, carbon monoxide poisoning was the leading substance-related cause of death in North Dakota from 2009 to 2014;
Whereas the 19th Century Department of Health found that, in 2010, carbon monoxide poisoning was the second-leading cause of unintentional poisoning death among adults ages 30 through 49;
Whereas on June 7, 2015, 3 adults and 1 child in Blanchard, North Dakota, tragically passed away from carbon monoxide poisoning as the result of a carbon monoxide leak caused by an improperly vented water heater;
Whereas increasing awareness about the dangers of carbon monoxide can help prevent poisoning and save lives: Now, therefore, be it
Resolved, That the Senate designates the week of November 5 through 12, 2017, as "National Carbon Monoxide Poisoning Awareness Week".

SENATE RESOLUTION 328—RECOGNIZING NOVEMBER 25, 2017, AS "SMALL BUSINESS SATURDAY" AND SUPPORTING THE EFFORTS OF THE SMALL BUSINESS ADMINISTRATION TO INCREASE AWARENESS OF THE VALUE OF LOCALLY OWNED SMALL BUSINESSES
Ms. RISCH (for himself, Mrs. SHAHEEN, Mr. KENNEDY, Mr. MARKEY, Mr. RUBIO, Mr. WHITEHOUSE, Mr. INHOFE, Mr. UDALL, Mrs. ERNST, Mr. COONS, Mr. SCOTT, Mr. BOOKER, Mr. ENZI, Mr. DONNELLY, Mr. BARRASSO, Mr. CARDIN, Mr. BOOZMAN, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. VAN HOLLIN, Mr. CRAPO, Mr. WYDEN, Mr. ROUND, Mr. MANCHIN, Mr. PORTMAN, Ms. CANTWELL, Mr. LANKFORD, Mr. CASEY, Mr. ISAKSON, Mr. KING, Mr. CASSIDY, Mr. MENENDEZ, Ms. COLLINS, Mr. TESTER, Mr. DAINES, Ms. HEITKAMP, Mr. GRASSLY, Mrs. MURRAY, Mr. TILLIS, Ms. HASSEAN, Mr. MURRAY, Ms. KLOBUCHAR, Mr. HORVEN, Ms. HIRONO, Mr. TRUNE, Mr. MERKLEY, Mr. JOHNSON, Mr. DURBIN, Mr. GRAHAM, Ms. CORTES MASTO, Mr. CAPITO, Mr. ALEXANDER, Mr. COCHRAN, Mr. RUBERTS, Ms. MURKOWSKI, and Ms. WARREN) submitted the following resolution; which was considered and agreed to:

S. Res. 328

Whereas there are more than 29,000,000 small businesses in the United States;
Whereas small businesses represent 99.9 percent of all firms in the United States;
Whereas small businesses employ more than 47 percent of the employees in the private sector in the United States;
Whereas small businesses constitute nearly 98 percent of firms exporting goods;
Whereas small businesses pay more than 41 percent of the total payroll of the employees in the private sector in the United States;
Whereas the Senate created more than 61 percent of net new jobs created between 1993 and 2016; and
Whereas on November 25, 2017, is an appropriate day to recognize "Small Business Saturday": Now, therefore, be it
Resolved, That the Senate joins with the Small Business Administration in
(1) recognizing and encouraging the observance of "Small Business Saturday" on November 25, 2017; and
(2) expressing its sentiments—
(a) to encourage consumers to shop locally;
and
(b) to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

SENATE RESOLUTION 329—EXPRESSING SUPPORT FOR THE DESIGNATION OF OCTOBER 2017 AS “NATIONAL AUDIOLOGY AWARENESS MONTH”
Ms. WARREN (for herself, Mr. GRASSLEY, and Ms. HASSAN) submitted the following resolution; which was considered and agreed to:

S. Res. 329

Whereas, according to the Centers for Disease Control and Prevention, hearing loss is the third most common chronic physical condition in the United States;
Whereas the National Institute on Deafness and Other Communication Disorders and the Centers for Disease Control and Prevention have found that 24 percent of adults in the United States, or 40,000,000 individuals, may have noise-induced hearing loss in 1 or both ears;
Whereas, although the prevalence of hearing loss increases with age, approximately 40 percent of individuals with hearing loss are under the age of 60;
Whereas people frequently delay seeking assessment and treatment for their hearing loss;
Whereas audiologists are health care professionals who diagnose, treat, and manage hearing loss and balance disorders;
Whereas audiologists treat patients in many different settings, including private practice, hospitals, schools, Veterans Health Administration hospitals, and otolaryngology offices;
Whereas October 2017 would be an appropriate month to designate as “National Audiology Awareness Month”; and
Whereas there is a need for greater awareness on the part of the public regarding issues related to the hearing and balance care provided by audiologists: Now, therefore, be it
Resolved, That the Senate—
(1) supports the designation of October 2017 as “National Audiology Awareness Month”;
and
(2) recognizes the actions of audiologists, including clinicians, researchers, and others who work to improve the well-being of individuals with hearing loss and balance disorders.

SENATE RESOLUTION 330—MANDING ANTI-HARASSMENT TRAINING FOR SENATORS AND OFFICERS, EMPLOYEES, AND INTERNS OF, AND DETAILLEES TO THE SENATE
Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, Ms. CAPITO, Ms. CORTEZ MASTO, Mr. RISCH, Mrs. SANTORIUM, Mr. FEINSTEIN, Mr. MCCONNELL, Mr. SCHUMER, Mr. COCHRAN, Mr. DURBIN, Mr. ALEXANDER, Mr. UDALL, Mr. ROBERTS, Mr. WARNER,
Mr. BLUNT, Mr. LEAHY, Mr. CRUZ, Mr. KING, Mr. WICKER, and Mrs. FISCHER submitted the following resolution, which was considered and agreed to:

S. RES. 330

Resolved, SECTION 1. SHORT TITLE. This resolution may be cited as the “Senate Anti-Harassment Training Resolution of 2017”.

SEC. 2. DEFINITIONS. In this resolution—

(1) the term “covered office” means an office, including a joint committee or joint committee, employing Senate employees;

(2) the term “covered position” means a position as—

(A) a Senate employee that is not a position as a Senate manager;

(B) an intern or fellow in a covered office—

(i) without regard to whether the intern or fellow receives compensation; and

(ii) if the intern or fellow does receive compensation, without regard to the source of compensation; or

(C) a detailee in a covered office, without regard to whether the service is on a reimbursable basis;

(3) the term “head of a covered office” means—

(A) the Senator, officer, or Senate manager having exercised authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of the Senate employees employed by a covered office; or

(B) an individual of a covered office that is a joint committee or joint commission, the Senator from the majority party of the Senate who—

(i) is a member of, or has authority over, the committee or commission; and

(ii) serves in the highest leadership role in the committee or commission; or

(ii)(1) if the leadership role for a Senator on the committee or commission, is the most senior Senator on the committee or commission;

(4) the term “officer” means an elected or appointed officer of the Senate;

(5) the term “Senate employee” means an employee whose pay is disbursed by the Secretary of the Senate without regard to the term of the appointment; and

(6) the term “Senate manager” means a Senate employee empowered to effect a significant change in the employment status of another Senate employee, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a change in benefits.

SEC. 3. ANTI-HARASSMENT TRAINING.

(a) SENATORS, OFFICERS, AND SENATE MANAGERS.—Each head of a covered office and Senate manager shall complete training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) and their role in recognizing and responding to harassment and harassment complaints.

(b) OTHER SENATE STAFF.—Any individual serving in a covered position shall complete training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

(c) ENSURING ACCESS.—The head of a covered office shall ensure that each individual serving in a covered position or as a Senate manager in the covered office has access to the training required under this section.

SEC. 4. TIMING.

(a) INITIAL TRAINING.—

(1) IN GENERAL.—The training required under section 3 shall be completed—

(A) for an individual elected, appointed, or assigned to a position as a Senator, officer, or Senate manager in a covered position on the date of adoption of this resolution; or

(B) for an individual serving in a position as a Senator, officer, or Senate manager or in a covered position on the date of adoption of this resolution, not later than 60 days after such date of adoption.

(2) INDIVIDUALS RECEIVING RECENT TRAINING.—An individual serving as a Senator, officer, or Senate manager or a covered position on the date of adoption of this resolution who was not serving in the same covered office as a Senator, officer, or Senate manager or in a covered position before being so elected, appointed, or assigned, not later than 60 days after the date on which the individual assumes the position; and

(b) EXCEPT AS PROVIDED IN SUBPARA-GRAPH (2), FOR AN INDIVIDUAL SERVING IN A POSITION AS A SENATOR, OFFICER, OR SENATE MANAGER OR IN A COVERED POSITION ON THE DATE OF ADOPTION OF THIS RESOLUTION, NOT LATER THAN 60 DAYS AFTER SUCH DATE OF ADOPTION.

SEC. 5. CERTIFICATION.

(a) IN GENERAL.—Not later than the last day of each Congress, each covered office shall submit to the Secretary of the Senate a certification indicating whether each Senator, officer, and Senate manager serving in a covered position in the covered office has completed the training requirements under this resolution during that Congress.

(b) PUBLICATION.—Not later than 30 days after the first day of each Congress, the Secretary of the Senate shall publish in the Federal Register a certification submitted to the Secretary of the Senate under subsection (a) with respect to the previous Congress and ending on such date of adoption shall be deemed to have completed training under paragraph (1)(B).

(c) AMENDMENTS SUBMITTED AND PROPOSED.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1581. Mr. MCCONNELL (for Mr. HATCH) proposed an amendment to the bill S. 324, to amend title 38, United States Code, to improve the provision of adult day health care services for veterans; as follows:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the “State Veterans Home Adult Day Health Care Improvement Act of 2017”.

SEC. 2. PROVISION OF CERTAIN ADULT DAY HEALTH CARE SERVICES FOR VETERANS.

(a) IN GENERAL.—The training required under section 3 at least once during each Congress.

(b) EXCEPT AS PROVIDED IN SUBPARA-GRAPH (2), FOR AN INDIVIDUAL SERVING IN A POSITION AS A SENATOR, OFFICER, OR SENATE MANAGER OR IN A COVERED POSITION ON THE DATE OF ADOPTION OF THIS RESOLUTION, NOT LATER THAN 60 DAYS AFTER SUCH DATE OF ADOPTION.

(c) QUALIFICATION.—An individual serving as a Senator, officer, or Senate manager or a covered position on the date of adoption of this resolution who was not serving in the same covered office as a Senator, officer, or Senate manager or in a covered position before being so elected, appointed, or assigned, not later than 60 days after the date on which the individual assumes the position; and

(d) EXCEPT AS PROVIDED IN SUBPARA-GRAPH (2), FOR AN INDIVIDUAL SERVING IN A POSITION AS A SENATOR, OFFICER, OR SENATE MANAGER OR IN A COVERED POSITION ON THE DATE OF ADOPTION OF THIS RESOLUTION, NOT LATER THAN 60 DAYS AFTER SUCH DATE OF ADOPTION.

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(b) PUBLICATION.—Not later than 30 days after the first day of each Congress, the Secretary of the Senate shall publish in the Federal Register a certification submitted to the Secretary of the Senate under subsection (a) with respect to the previous Congress and ending on such date of adoption shall be deemed to have completed training under paragraph (1)(B).

(c) AMENDMENTS SUBMITTED AND PROPOSED.

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SEC. 2. PROVISION OF CERTAIN ADULT DAY HEALTH CARE SERVICES FOR VETERANS.

(a) IN GENERAL.—The training required under section 3 at least once during each Congress.

(b) EXCEPT AS PROVIDED IN SUBPARA-GRAPH (2), FOR AN INDIVIDUAL SERVING IN A POSITION AS A SENATOR, OFFICER, OR SENATE MANAGER OR IN A COVERED POSITION ON THE DATE OF ADOPTION OF THIS RESOLUTION, NOT LATER THAN 60 DAYS AFTER SUCH DATE OF ADOPTION.

(c) QUALIFICATION.—An individual serving as a Senator, officer, or Senate manager or a covered position on the date of adoption of this resolution who was not serving in the same covered office as a Senator, officer, or Senate manager or in a covered position before being so elected, appointed, or assigned, not later than 60 days after the date on which the individual assumes the position; and

(d) EXCEPT AS PROVIDED IN SUBPARA-GRAPH (2), FOR AN INDIVIDUAL SERVING IN A POSITION AS A SENATOR, OFFICER, OR SENATE MANAGER OR IN A COVERED POSITION ON THE DATE OF ADOPTION OF THIS RESOLUTION, NOT LATER THAN 60 DAYS AFTER SUCH DATE OF ADOPTION.

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(a) IN GENERAL.—The training required under section 3 at least once during each Congress.

(b) EXCEPT AS PROVIDED IN SUBPARA-GRAPH (2), FOR AN INDIVIDUAL SERVING IN A POSITION AS A SENATOR, OFFICER, OR SENATE MANAGER OR IN A COVERED POSITION ON THE DATE OF ADOPTION OF THIS RESOLUTION, NOT LATER THAN 60 DAYS AFTER SUCH DATE OF ADOPTION.

(c) QUALIFICATION.—An individual serving as a Senator, officer, or Senate manager or a covered position on the date of adoption of this resolution who was not serving in the same covered office as a Senator, officer, or Senate manager or in a covered position before being so elected, appointed, or assigned, not later than 60 days after the date on which the individual assumes the position; and

(d) EXCEPT AS PROVIDED IN SUBPARA-GRAPH (2), FOR AN INDIVIDUAL SERVING IN A POSITION AS A SENATOR, OFFICER, OR SENATE MANAGER OR IN A COVERED POSITION ON THE DATE OF ADOPTION OF THIS RESOLUTION, NOT LATER THAN 60 DAYS AFTER SUCH DATE OF ADOPTION.
bill S. 886, to amend the Homeland Security Act of 2002 to establish an Acquisition Review Board in the Department of Homeland Security, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the ‘‘DHS Acquisition Review Board Act of 2017’’.

SEC. 2. ACQUISITION REVIEW BOARD.
(a) In section 109 of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

‘‘SEC. 836. ACQUISITION REVIEW BOARD.
‘‘(a) Definitions.—In this section:
‘‘(1) ACQUISITION.—The term ‘acquisition’ has the meaning given the term in section 131 of title 41, United States Code.
‘‘(2) ACQUISITION DECISION AUTHORITY.—The term ‘acquisition decision authority’ means the authority, held by the Secretary acting through the Deputy Secretary or Under Secretary for Management to:

(A) ensure compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives;

(B) review (including approving, pausing, modifying, or cancelling) an acquisition program through the life cycle of the program;

(C) advocate for acquisition program managers to have the resources necessary to successfully execute an approved acquisition program;

(D) ensure good acquisition program management of cost, schedule, risk, and system performance of the acquisition program at issue, including assessing acquisition program baseline breaches and directing any corrective action for such breaches; and

(E) monitor, on an ongoing basis, cost, schedule, and performance of acquisition programs in order to manage risk at all phases of the life cycle of such program and direct corrective action for any variances that would lead to baseline breaches.

(3) DECISION EVENT.—The term ‘acquisition decision event’, with respect to an acquisition program, means a predetermined point within each of the acquisition phases at which the acquisition decision authority determines whether the acquisition program shall proceed to the next acquisition phase.

(4) ACQUISITION DECISION MEMORANDUM.—The term ‘acquisition decision memorandum’, with respect to an acquisition program, means the official acquisition decision event record that includes a documented record of decisions, exit criteria, and assigned actions for the acquisition program, as described by the person exercising acquisition decision authority for the acquisition program.

(5) ACQUISITION PROGRAM.—The term ‘acquisition program’ means the program by which the Department acquires, with any appropriated amounts, by contract for purchase or lease, property or services (including commercial items) to support the missions and goals of the Department.

(6) ACQUISITION PROGRAM BASELINE.—The term ‘acquisition program baseline’, with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which must be met in order to accomplish the goals of such program.

(7) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means:

(A) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) in the case of notice or a report relating to the Coast Guard, the committee described in subparagraph (A) and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(C) in the case of notice or a report relating to the Transportation Security Administration, the committee described in subparagraph (A) and the Committee on Commerce, Science, and Transportation of the Senate.

(8) BEST PRACTICES.—The term ‘best practices’ with respect to an acquisition, means a knowledge-based approach to capability development that includes—

(A) identifying and validating needs;

(B) assessing alternatives to select the most appropriate solution;

(C) clearly establishing well-defined requirements;

(D) developing realistic cost estimates and schedules;

(E) securing stable funding that matches resources to requirements;

(F) demonstrating technology, design, and manufacturing maturity;

(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

(H) adopting and executing standardized processes with known success across programs;

(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions;

(J) integrating the capabilities described in subparagraph (A) through (I) into the mission and business operations of the Department; and

(K) any other criteria as determined by the Under Secretary for Management.

(9) BOARD.—The term ‘Board’ means the Acquisition Review Board required to be established under subsection (b).

(10) MAJOR ACQUISITION PROGRAM.—The term ‘major acquisition program’ means a Department acquisition program that is estimated by the Secretary to require an eventual total acquisition cost in excess of $300,000,000 (based on fiscal year 2017 constant dollars) over the life cycle cost of the acquisition program.

(11) ENFORCEMENT OF BOARD.—The Secretary shall establish an Acquisition Review Board to—

(1) strengthen accountability and uniformity within the Department acquisition review process;

(2) review major acquisition programs; and

(3) review the use of best practices.

(12) COMPOSITION.—

(A) CHAIRPERSON.—The Under Secretary for Management shall serve as chairperson of the Board and:

(1) the Under Secretary for Management shall serve as chairperson of the Board; and

(2) OTHER MEMBERS.—The Secretary shall ensure participation by other relevant Department officials, including not fewer than 2 component heads or their designees, as permanent members of the Board.

(13) MEETINGS.—

(1) REGULAR MEETINGS.—The Board shall meet regularly for purposes of ensuring all acquisitions programs proceed in a timely fashion to achieve mission readiness.

(2) OTHER MEETINGS.—The Board shall convene:

(A) at the discretion of the Secretary; and

(B) at any time—

(i) if a major acquisition program;

(ii) if required to proceed from one acquisition decision event to another throughout the acquisition life cycle;
“(1) For each meeting of the Board, any acquisition decision Memoranda.

“(2) Results of the systematic reviews conducted under subsection (e)(4).

“(3) Records of written documentation, including graphs, charts, documents, and reviews required under subsection (e)(5).

“(4) Activities to ensure that practices are adopted and implemented throughout the Department.

“(5) CIRCLICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 835 the following:

“Sec. 836. Acquisition Review Board.”.

SA 1583. Mr. MCCONNELL (for Mrs. McCaskill) proposed an amendment to the bill S. 906, to amend the Homeland Security Act of 2002 to provide for congressional notification regarding major acquisition program breaches, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reducing DHS Acquisition Cost Growth Act.”

SEC. 2. CONGRESSIONAL NOTIFICATION AND OTHER REQUIREMENTS FOR MAJOR ACQUISITION PROGRAM BREACH.

(a) In general.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 241 et seq.) is amended by adding at the end the following:

“SEC. 836. CONGRESSIONAL NOTIFICATION AND OTHER REQUIREMENTS FOR MAJOR ACQUISITION PROGRAM BREACH.

“(a) Definitions.—In this section:

“(1) ACQUISITION.—The term ‘acquisition’ has the meaning given the term in section 131 of title 41, United States Code.

“(2) ACQUISITION PROGRAM.—The term ‘acquisition program’ means the process by which the Department acquires, with any appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions and goals of the Department.

“(3) ACQUISITION PROGRAM BASELINE.—The term ‘acquisition program baseline’, with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which shall be met in order to accomplish the goals of the program.

“(4) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

“(B) in the case of notice or a report relating to the Coast Guard or the Transportation Security Administration, the committees described in subparagraph (A) and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(5) BEST PRACTICES.—The term ‘best practices’, with respect to acquisition, means a knowledge-based approach to capability development that includes—

“(A) identifying and validating needs;

“(B) assessing alternatives to select the most effective action;

“(C) clearly establishing well-defined requirements;

“(D) developing realistic cost assessments and schedules for reaching the requirements;

“(E) securing stable funding that matches resources to requirements;

“(F) demonstrating technology, design, and manufacturing maturity;

“(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

“(H) adopting and executing standardized processes with known success across programs;

“(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions; and

“(J) integrating the capabilities described in subparagraphs (A) through (I) into the mission and business operations of the Department.

“(6) BREACH.—The term ‘breach’, with respect to a major acquisition program, means a failure to meet any cost, schedule, or performance threshold specified in the most recently approved acquisition program baseline.

“(7) COMPONENT ACQUISITION EXECUTIVE.—The term ‘Component Acquisition Executive’ has the meaning given the term in section 874 of title 41, United States Code.

“(8) MAJOR ACQUISITION PROGRAM.—The term ‘major acquisition program’ means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $1 billion (constant dollars) over the life cycle cost of the program.

“(b) REQUIREMENTS WITHIN DEPARTMENT IN EVENT OF BREACH.

“(1) NOTIFICATIONS.—

“(A) NOTIFICATION OF BREACH.—If a breach occurs in a major acquisition program, the program manager for the program shall notify the Component Acquisition Executive for the program, the head of the component concerned, the Under Secretary for Management—

“(i) the extent to which funding from other programs will need to be reduced to cover the cost growth of the program;

“(ii) a copy of the remediation plan; and

“(iii) a statement describing the corrective action or actions that have occurred pursuant to paragraph (2)(B)(iv) for the major acquisition program at issue, with a justification for each action.

“(B) REQUIREMENTS RELATING TO CONGRESSIAN NOTIFICATION IF BREACH OCCURS.

“(i) NOTIFICATION TO CONGRESS.—If a notification to the Component Acquisition Executive for the program, the head of the component concerned, the Under Secretary for Management, and the Under Secretary for Management—

“(A) IN GENERAL.—If a breach occurs in a major acquisition program, the program manager for the program shall submit in writing to the head of the component concerned, the Under Secretary for Management—

“(I) a copy of the remediation plan; and

“(ii) a statement describing the corrective action or actions that have occurred pursuant to paragraph (2)(B)(iv) for the major acquisition program at issue, with a justification for each action.

“(C) REQUIREMENTS RELATING TO CONGRESSIAN NOTIFICATION IF BREACH OCCURS.

“(A) IN GENERAL.—If a breach occurs in a major acquisition program, the program manager for the program shall submit in writing to the head of the component concerned, the Under Secretary for Management—

“(I) a copy of the remediation plan; and

“(ii) a statement describing the corrective action or actions that have occurred pursuant to paragraph (2)(B)(iv) for the major acquisition program at issue, with a justification for each action.

“(B) REQUIREMENTS RELATING TO CONGRESSIAN NOTIFICATION IF BREACH OCCURS.

“(A) IN GENERAL.—If a breach occurs in a major acquisition program, the program manager for the program shall submit in writing to the head of the component concerned, the Under Secretary for Management—

“(I) a copy of the remediation plan; and

“(ii) a statement describing the corrective action or actions that have occurred pursuant to paragraph (2)(B)(iv) for the major acquisition program at issue, with a justification for each action.

“(C) REQUIREMENTS RELATING TO CONGRESSIAN NOTIFICATION IF BREACH OCCURS.

“(A) IN GENERAL.—If a breach occurs in a major acquisition program, the program manager for the program shall submit in writing to the head of the component concerned, the Under Secretary for Management—

“(I) a copy of the remediation plan; and

“(ii) a statement describing the corrective action or actions that have occurred pursuant to paragraph (2)(B)(iv) for the major acquisition program at issue, with a justification for each action.

“(B) REQUIREMENTS RELATING TO CONGRESSIAN NOTIFICATION IF BREACH OCCURS.

“(A) IN GENERAL.—If a breach occurs in a major acquisition program, the program manager for the program shall submit in writing to the head of the component concerned, the Under Secretary for Management—

“(I) a copy of the remediation plan; and

“(ii) a statement describing the corrective action or actions that have occurred pursuant to paragraph (2)(B)(iv) for the major acquisition program at issue, with a justification for each action.
SEC. 3. REPORTS ON BID PROTESTS.
   (a) DEFINITIONS.—In this section—
   (1) the term "appropriate committees of Congress" has the meaning given the term in section 856(a) of the Homeland Security Act of 2002, as added by section 2(a); and
   (2) the term "Department" means the Department of Homeland Security.

   (b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 835 the following:
   "Sec. 836. Congressional notification and other requirements for major acquisition program breach.".

   AUTHORITY FOR COMMITTEES TO MEET
   Mr. SULLIVAN. Mr. President, I have 5 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

   Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

   COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY
   The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 9:30 a.m., in SR–328A to conduct a hearing on S. 2099.

   COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY
   The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 9:30 a.m., in SR–328A to conduct a hearing on the following nominations: Robert R. Smith, of Iowa, to be a Member of the Farm Credit Administration Board, and Stephen Alexander Vaden, of Tennessee, to be General Counsel of the Department of Agriculture.

   COMMITTEE ON ARMED SERVICES
   The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 9:30 a.m., in SR–328A to conduct a hearing on the following nominations: Robert H. McMahon, of Georgia, to be an Assistant Secretary, R. D. James, of Missouri, and Bruce D. Jette, of Virginia, both to be an Assistant Secretary of the Army, and Shon J. Manasco, of Texas, to be an Assistant Secretary of the Air Force, all of the Department of Defense.

   COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
   The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 10:30 a.m. to conduct a hearing on the nomination of Kirstjen M. Nielsen, of Virginia, to be Secretary of Homeland Security, Ernest W. Dubester, of Virginia, Colleen Kiko, of North Dakota, and James Thomas Abbott, of Virginia, each to be a Member of the Federal Labor Relations Authority, and Jonathan H. Pittman, to be an Associate Judge of the Superior Court of the District of Columbia.

   COMMITTEE ON THE JUDICIARY
   The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 10:00 a.m., in room SD–226 to conduct a hearing on S. 2070 and the following nominations: Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, Jeffrey Ulman Beaverstock, to be United States District Judge for the Southern District of Alabama, Emily Coody Marks, and Brett Joseph Talley, both to be United States District Judge for the Middle District of Alabama, Holly Lou Teeter, to be United States District Judge for the District of Kansas, and Bobby L. Christine, to be United States Attorney for the Southern District of Georgia, and David J. Freed, to be United States Attorney for the Middle District of Pennsylvania, both of the Department of Justice.

   PRIVILEGES OF THE FLOOR
   Mr. HATCH. Mr. President, I ask unanimous consent that Martin Pippins, a detailee on the Senate Committee on Finance, be granted floor privileges for the duration of this Congress.

   Mr. PETE. Mr. President, I ask unanimous consent that the floor be granted to the following member of my staff, Sarah Anderson, for today’s session.

   The PRESIDING OFFICER. Without objection, it is so ordered.

   STATE VETERANS HOME ADULT DAY HEALTH CARE IMPROVEMENT ACT OF 2017
   Mr. McCONNEL. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be discharged from further consideration of S. 324 and the Senate proceed to its immediate consideration.

   The PRESIDING OFFICER. Without objection, it is so ordered.
The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 324) to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

There being no objection, the Senate proceeded to consider the bill.

Mr. MC CONNELL. Mr. President, I ask unanimous consent that the Hatch substitute amendment be considered and agreed to; that the bill, as amended, be considered a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1581) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “State Veterans Home Adult Day Health Care Improvement Act of 2017”.

SEC. 2. PROVISION OF CERTAIN ADULT DAY HEALTH CARE SERVICES FOR VETERANS.

(a) IN GENERAL.—Section 1745 of title 38, United States Code, is amended—

(1) by adding at the end the following new subsection:

``(d)(1) The Secretary shall enter into an agreement with each State home for payment by the Secretary for medical supervision model adult day health care provided to a veteran described in subsection (a)(1) on whose behalf the State home is not in receipt of payment for nursing home care from the Secretary.

(2) (A) Payment under each agreement between the Secretary and a State home under paragraph (1) for each veteran who receives medical supervision model adult day health care under such agreement shall be made at a rate established through regulations prescribed by the Secretary to adequately reimburse the State home for the care provided by the State home, including necessary transportation expenses.

(B) The Secretary shall consult with the State homes in prescribing regulations under subparagraph (A).

(C) The rate established through regulations under subparagraph (A) shall not take effect until the date that is 30 days after the date on which those regulations are published in the Federal Register.

(3) Payment by the Secretary under paragraph (1) to a State home for medical supervision model adult day health care provided to a veteran described in that paragraph constitutes payment in full to the State home for services provided to that veteran.

(4) In this subsection, the term ‘medical supervision model adult day health care’ means adult day health care that includes the coordination of physician services, dental services, nursing services, the administration of drugs, and such other requirements as determined appropriate by the Secretary.

(5) In the section heading, after inserting ‘‘adult day health care,’’ after ‘‘home care’’.

(b) INITIAL RATE.—Before the Secretary of Veterans Affairs establishes a payment rate under subsection (d)(2)(A) of section 1745 of such title, as added by subsection (a), the Secretary shall pay to a State home that has entered into an agreement with the Secretary for medical supervision model adult day health care as defined in subsection (d)(4) of such section an amount equal to 65 percent of the rate the Secretary would pay under subsection (a)(2) of such section to the State home for nursing home care provided to the veteran.

(c) CLEARISSING AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1745 and inserting the following new item:

``1745. Nursing home care, adult day health care, and medications for veterans with service-connected disabilities.''

The bill (S. 324), as amended, was ordered to be engrossed for a third reading, and passed.

DHS ACQUISITION REVIEW BOARD ACT OF 2017

Mr. MC CONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 240, S. 866.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:


There being no objection, the Senate proceeded to consider the bill.

Mr. MC CONNELL. Mr. President, I ask unanimous consent that the Daines substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1582) in the nature of a substitute was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The bill (S. 866), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

REDUCING DHS ACQUISITION COST GROWTH ACT

Mr. MC CONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 241, S. 906.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 906) to amend the Homeland Security Act of 2002 to provide for congressional notification regarding major acquisition program breaches, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(The part of the bill intended to be inserted is shown in italics.)

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 “Reducing DHS Acquisition Cost Growth Act”.

SEC. 2. CONGRESSIONAL NOTIFICATION FOR MAJOR ACQUISITION PROGRAMS.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 280 et seq.) is amended by adding at the end the following:

``SEC. 836. CONGRESSIONAL NOTIFICATION AND OTHER REQUIREMENTS FOR MAJOR ACQUISITION PROGRAM BREACH.

“(a) DEFINITIONS.—In this section:

“(1) ACQUISITION.—The term ‘acquisition’ has the meaning given the term in section 131 of title 41, United States Code.

“(2) ACQUISITION PROGRAM.—The term ‘acquisition program’ means the process by which the Department acquires, with any appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions and goals of the Department.

“(3) ACQUISITION PROGRAM BASELINE.—The term ‘acquisition program baseline’, with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which shall be met in order to accomplish the goals of the program.

“(4) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ has the meaning given the term in section 226(a).

“(5) BEST PRACTICES.—The term ‘best practices’, with respect to acquisition, means a knowledge-based approach to capability development that includes—

“(A) identifying and validating needs;

“(B) assessing alternatives to select the most appropriate solution;

“(C) clearly establishing well-defined requirements;

“(D) developing realistic cost assessments and schedules;

“(E) securing stable funding that matches resources to requirements;

“(F) demonstrating technology, design, and manufacturing maturity;

“(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

“(H) adeptly adopting and executing standardized processes with known success across programs;

“(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions; and

“(J) integrating the capabilities described in subparagraphs (A) through (I) into the management and business operations of the Department.

“(6) BREACH.—The term ‘breach’, with respect to a major acquisition program, means a failure to meet any cost, schedule, or performance threshold specified in the most recently approved acquisition program baseline.

“(7) COMPONENT ACQUISITION EXECUTIVE.—The term ‘Component Acquisition Executive’ means the senior acquisition official within a component who is designated in writing by the Under Secretary for Management, in consultation with the component head, with authority and responsibility for leading a program management oversight, policy, and higher level policy requirements.

“(8) MAJOR ACQUISITION PROGRAM.—The term ‘major acquisition program’ means an acquisition program of the Department that
is estimated by the Secretary to require an eventual total expenditure of at least $300,000,000 (based on fiscal year 2017 constant dollars) over the life cycle cost of the program.

(b) REQUIREMENTS WITHIN DEPARTMENT IN EVENT OF BREACH.—

(1) NOTIFICATIONS.—

(A) NOTIFICATION OF BREACH.—If a breach occurs in a major acquisition program, the program manager for the program shall notify the Component Acquisition Executive for the program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management Division, the Under Secretary for Management, and the Deputy Secretary not later than 30 calendar days after the date on which the breach is identified.

(B) NOTIFICATION TO SECRETARY.—If a breach occurs in a major acquisition program and the breach results in a cost overrun, the Secretary, no later than 15 days after the Secretary is notified of the breach under subparagraph (A), shall submit to the appropriate committees of Congress:

(i) a copy of the remediation plan; and

(ii) a statement describing the corrective action or actions that have occurred pursuant to paragraph (2); and

(2) REMEDIATION PLAN AND ROOT CAUSE ANALYSIS.—

(A) IN GENERAL.—If a breach occurs in a major acquisition program, the program manager for the program shall submit in writing to the head of the component concerned, the Executive Director of the Program Accountability and Risk Management Division, the Under Secretary for Management, a remediation plan and root cause analysis relating to the breach and program.

(B) REMEDIATION PLAN.—The remediation plan required under subparagraph (A) shall—

(i) explain the circumstances of the breach at issue;

(ii) provide prior cost estimating information;

(iii) include a root cause analysis that determines the cause or causes of shortcomings in cost, schedule, or performance of the major acquisition program with respect to which the breach has occurred, including the role, if any, of:

(I) unrealistic performance expectations;

(II) unrealistic baseline estimates for cost or schedule or changes in program requirements;

(III) immature technologies or excessive manufacturing or integration risk;

(IV) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;

(V) changes to the scope of the program;

(VI) inadequate program funding or changes in planned out-year funding from one 5-year funding plan to the next 5-year funding plan as outlined in the Future Years Homeland Security Program required under section 836 of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) amended by inserting after the item relating to section 835 the following: “Sec. 836. Congressional notification and other requirements for major acquisition program breach.”;

(VI) propose corrective action to address cost growth, schedule delays, or performance issues;

(VII) explain the rationale for why a proposed corrective action is recommended and

(VIII) in coordination with the Component Acquisition Executive for the program, discuss all options considered, including—

(I) the estimated cost of the program if scheduled performance is not achievable;

(II) the extent to which funding from other programs will need to be reduced to cover the cost growth of the program;

(3) REVIEW OF CORRECTIVE ACTIONS.—

(A) IN GENERAL.—The Under Secretary for Management—

(i) shall review each remediation plan required under paragraph (2); and

(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and Governmental Affairs of the House of Representatives a report on the prevalence and impact of bid protests on the acquisition process of the Department, in particular bid protests filed with the Government Accountability Office and the United States Court of Federal Claims.

(c) CONTENTS.—The report required under subsection (b) shall include—

(1) with respect to contracts with the Department:

(A) trends in the number of bid protests filed with Federal agencies, the Government Accountability Office, and Federal courts, the effectiveness of each forum for contracts and task or delivery orders, and the rate of those bid protests compared to contract obligations and the number of bids for contracts and task orders; and

(B) an analysis of bid protests filed by incumbent contractors, including the rate at which those contractors are awarded bridge contracts or contract extensions during the period during which the bid protest remains unresolved;

(C) a comparison of the number of bid protests and the outcome of bid protests for—

(i) awards of contracts compared to awards of task or delivery orders;

(ii) contracts or orders primarily for products compared to contracts or orders primarily for services;

(iii) protests filed pre-award to challenge the solicitation compared to those filed post-award; and

(iv) contracts or awards by multiple contractors compared to multiple protesters; and

(v) contracts with single awards compared to multiple award contracts;

(B) an analysis of bid protests by the number of bid protests filed as a percentage of contracts and as a percentage of task or delivery orders by the value of the contract or order with respect to—

(i) contracts valued at more than $300,000,000;

(ii) contracts valued at not less than $10,000,000 and not more than $300,000,000; and

(iii) contracts valued at not less than $10,000,000 and not more than $50,000,000; and

(iv) contracts valued at not less than $50,000,000 and not more than $300,000,000;

(v) contracts valued at not less than $10,000,000 and not more than $50,000,000; and

(vi) contracts valued at not less than $50,000,000 and not more than $300,000,000;

(C) an analysis of the impact of successful and unsuccessful bid protests, as well as delineation of litigation costs, filed on major acquisitions with more than $100,000,000 in annual expenditures or $300,000,000 in lifecycle costs;

(F) an analysis of how often bid protesters are awarded the contract that was the subject of the bid protest;

(G) a summary of the results of bid protests in which the contracting Federal agencies took unilateral corrective action, including the average time for remedial action to be completed;

(H) the time it takes Federal agencies to implement corrective actions after a ruling or decision with respect to a bid protest, and the percentage of those corrective actions that are subsequently protested, including the outcome of any subsequent bid protest;

(I) an analysis of the contracts with respect to which a company files a bid protest and later files a subsequent bid protest;

(J) an analysis of the extent at each phase of the procurement process attempting to prevent a bid protest, addressing a bid protest, or taking corrective action in response to a bid protest, including the efficacy of any actions attempted to prevent the occurrence of a protest; and

(K) with respect to a company bidding on contracts for task or delivery orders, the extent to and manner in which the bid protest process affects or may affect the decision to offer a bid or
Mr. MCKINNELL. Mr. President, I further ask unanimous consent that the committee-reported amendment be withdrawn, the McCaskill substitute amendment, which is at the desk, be considered and agreed to, the bill as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was withdrawn.

The amendment (No. 1583) in the name of a substitute was agreed to.

The amendment is printed in today's Record under "Text of Amendments."

The bill (S. 906), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

VETERANS ACCESS ACT

Mr. MCKINNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs bill be charged from further consideration of S. 1153 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 1153) to prohibit or suspend certain health care providers from providing non-Department of Veterans Affairs health care services to veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCKINNELL. Mr. President, I further ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1153) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1153

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 "Veterans Access Act".

SEC. 2. PREVENTION OF CERTAIN HEALTH CARE PROVIDERS FROM PROVIDING NON-DEPARTMENT HEALTH CARE SERVICES.

(a) In General.—On and after the date that is one year after the date of the enactment of this Act, the Secretary of Veterans Affairs is prohibited from waiving the eligibility of a health care provider to provide non-Department of Veterans Affairs health care services to veterans if the Secretary determines that the health care provider—

(1) was removed from employment with the Department of Veterans Affairs due to conduct that involved a violation of a policy of the Department relating to the delivery of safe and appropriate health care;

(2) violated the requirements of a medical license provided by a State in which the health care provider is licensed or practices;

(3) had a Department credential revoked and the grounds for such revocation impacts the ability of the health care provider to deliver safe and appropriate health care;

(4) violated a law for which a term of imprisonment of more than one year may be imposed.

(b) PERMISSIVE ACTION.—On and after the date that is one year after the date of the enactment of this Act, the Secretary may deny, revoke, or suspend the eligibility of a health care provider to provide non-Department health care services if the Secretary has reasonable belief that such action is necessary to immediately protect the health, safety, or welfare of veterans and—

(1) the health care provider is under investigation by the medical licensing board of a State in which the health care provider is licensed or practices;

(2) the health care provider has entered into a settlement agreement for a disciplinary charge relating to the practice of medicine by the health care provider; or

(3) the Secretary otherwise determines that such action is appropriate under the circumstances.

(c) SUSPENSION.—The Secretary shall suspend the eligibility of a health care provider to provide non-Department health care services to veterans if the health care provider is suspended from serving as a health care provider of the Department.

(d) INITIAL REVIEW OF DEPARTMENT EMPLOYMENT.—Not later than one year after the date of the enactment of this Act, with respect to each health provider providing non-Department health care services, the Secretary shall review the status of each such health care provider with the Department and the history of employment of each such health care provider with the Department to determine whether the health care services performed by such health care provider—

(1) the health care provider is under investigation by the medical licensing board of a State in which the health care provider is licensed or practices;

(2) the health care provider has entered into a settlement agreement for a disciplinary charge relating to the practice of medicine by the health care provider; or

(3) the Secretary otherwise determines that such action is appropriate under the circumstances.

(e) COMPTROLLER GENERAL REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation by the Secretary of this section, including the following:

(1) The aggregate number of health care providers denied or suspended under this section from participating in providing non-Department of Veterans Affairs health care services.

(2) An evaluation of any impact on access to health care services to veterans.

(3) An explanation of the coordination of the Department with the medical licensing boards of States in such matters as concerns the suspension of such health care providers from providing non-Department of Veterans Affairs health care services.

(4) Such recommendations as the Comptroller General considers appropriate regarding harmonizing eligibility criteria between health care providers of the Department and health care providers eligible to provide non-Department health care services.

(f) NON-DEPARTMENT HEALTH CARE SERVICES DEFINED.—In this section, the term "non-Department health care services" means services—

(1) provided under subchapter I of chapter 17 of title 38, United States Code, at non-Department facilities (as defined in section 1701 of such title);

(2) provided under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–145; 38 U.S.C. 1701 note);

(3) purchased through the Medical Community Care account of the Department; or

(4) services purchased with amounts deposited in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014.

ENHANCING VETERAN CARE ACT

Mr. MCKINNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 1266 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 1266) to authorize the Secretary of Veterans Affairs to enter into contracts with nonprofit organizations to investigate medical centers of the Department of Veterans Affairs.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCKINNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1266) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1266

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 "Enhancing Veteran Care Act".

SEC. 2. INVESTIGATION OF MEDICAL CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may contract with nonprofit organizations to conduct any investigation that may be ongoing at a medical center of the Department of Veterans Affairs to determine if such center is in compliance with this Act.

(b) AUTHORITY OF DIRECTORS.—

(1) In General.—Subject to coordination under paragraph (2), the Secretary shall delegate the authority under subsection (a) to a non-military medical facility of the Department to investigate a medical center of the Department to the Director of such medical center.

(2) COORDINATION.—Before entering into a contract under paragraph (1), the Director of a Veterans Integrated Service Network or the Director of a medical facility, as the case may be, shall notify the Secretary of Veterans Affairs, the Inspector General of the Department of Veterans Affairs, and the Comptroller General of the United States for purposes of coordinating any investigation conducted pursuant to such contract with any other investigations that may be ongoing.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed—
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(1) to prevent the Office of the Inspector General of the Department of Veterans Affairs from conducting any review, audit, evaluation, or inspection regarding a topic for which an investigation is conducted under this section; or

(2) to modify the requirement that employees of the Department assist with any review, audit, evaluation, or inspection conducted by the Office of the Inspector General of the Department.

SMALL BUSINESS SATURDAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 328, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 328) recognizing Small Business Saturday.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 328) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

EXPRESSING SUPPORT FOR THE DESIGNATION OF “NATIONAL AUDIOLINGUÍSTIC AWARENESS MONTH”

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 329, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 329) expressing support for the designation of October 2017 as “National Audiolinguistic Awareness Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 329) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

ORDERS FOR MONDAY, NOVEMBER 13, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Monday, November 13; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Kan nomination; finally, that notwithstanding the provisions of rule XXII, the cloture motions filed during today’s session ripen following the disposition of the Kan nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

SENATE ANTI-HARASSMENT TRAINING RESOLUTION OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 330, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 330) mandating anti-harassment training for Senators and officers, employees, and interns of, and detailed to the Senate.

There being no objection, the Senate proceeded to consider the resolution.

SEXUAL HARASSMENT TRAINING FOR SENATORS AND STAFF

Mr. GRASSLEY. Mr. President, I join my colleague, the ranking member of the Rules Committee, as she seeks unanimous consent to adopt our anti-harassment training resolution. It is closely modeled on a Senate resolution I introduced 2 days ago with Senators FEINSTEIN, KLOBUCHAR, ERNST, GILLIBRAND, and several other colleagues.

This resolution’s adoption marks the first time that this Chamber requires sexual harassment training for all Senators, staff, interns, and fellows.

I wrote legislation on this topic after contacting the Rules Committee chairman last week to urge that everyone in this Chamber receive anti-harassment training. This measure’s passage with the Rules Committee chairman’s support, just days after I called for the Rules Committee to institute a harassment training requirement for this chamber, is a sign of the wonderful things we can accomplish when we work together in a bipartisan way.

More than that, I sponsored the Congressional Accountability Act as a sign of our commitment to promoting fairness in the workplace. This 1995 statute requires Congress to follow the same civil rights, labor, workplace safety, and health laws to which other employers are subject.

It is certainly time for us to make anti-harassment training mandatory, but we also may want to revisit the statute to ensure that it is working as intended. According to the Washington Post, over 1,000 former staff have contacted Congress in the last week to urge that we revisit policies relating to sexual harassment, and I am fully committed to doing so.

The resolution we have developed would ensure that the Rules Committee has the authority necessary to ensure that every Member of this Chamber, every employee on the Senate payroll, and every unpaid Senate intern receives anti-harassment training.

All of us work hard to ensure that our offices are professional, free of harassment, and places where merit is rewarded, but I think we have to acknowledge that in our society, despite our best efforts and intentions, sexual harassment remains a serious problem. We must work together to make sure that the Senate remains free from harassment.

It is important for every Senate office to have a consistent stance on this particular issue. Every office should receive the same training so the Senate maintains a culture in which harassment is not tolerated. This is a common interest we all share. The voters who sent us here expect the best. We owe it to the American people to hold ourselves and our employees to the highest standards of conduct and professionalism.

I will close by again thanking Senators KLOBUCHAR, FEINSTEIN, ERNST, and others for working so closely with me on the measure’s development. I also want to take this opportunity to thank the staff of the Senate Chief Counsel for Employment and the Office of Compliance, who worked with our offices on draft after draft of this resolution. Finally, I want to thank our other cosponsors, including our majority leader and minority leader. I urge my colleagues to embrace a sensible approach to preventing sexual harassment by supporting its immediate adoption.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 330) was agreed to.

(The resolution is printed in today’s RECORD under “Submitted Resolutions.”)
Mr. McCONNELL. 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 5:48 p.m., adjourned until Monday, November 13, 2017, at 4 p.m.

CONFIRMATIONS
Executive nominations confirmed by the Senate November 9, 2017:

DEPARTMENT OF JUSTICE

ROBERT M. DUNCAIN, JR., OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

CHARLES E. PEELER, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

BRYAN D. SCHRODER, OF ALASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF STATE

PETER ROEKESTRA, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

DEPARTMENT OF JUSTICE

JOHN F. BASH, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

ERIN ANGELA NEALY COX, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

R. ANDREW MURRAY, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

MATTHEW G. T. MARTIN, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

CHRISTINA E. NOLAN, OF VERMONT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.
EXTENSIONS OF REMARKS

HONORING BARBARA HIGGENS
HON. PETER J. ROSKAM
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 9, 2017

Mr. ROSKAM. Mr. Speaker, I rise today in recognition of the long and distinguished career of Barbara C. Higgens on the occasion of her retirement. After 19 years of dedication and commitment, she is stepping down as CEO of Plumbing Manufacturers International (PMI).

Since its founding in 1998, Ms. Higgens has nurtured and grown PMI’s visibility and influence within the United States and abroad. Ms. Higgens revamped the organization from her kitchen table as its first employee. She went on to hire dedicated professional staff and significantly enhanced the association’s advocacy, technical, water conservation, environmental, and trade initiatives. Today, PMI is the nation’s leading plumbing manufacturing trade association representing 90 percent of all the plumbing fixtures and fittings sold in the United States.

Under her leadership, PMI has grown into an advocate for water-efficient products meeting high safety and performance standards. She was instrumental in the introduction and passage of a federal nationwide law to reduce lead in plumbing products, known as the Reduction of Lead in Drinking Water Act, which was designed to safeguard all Americans.

Mr. Speaker, please join me in celebrating this special occasion and wishing Barbara Higgens every happiness in her well-deserved retirement.

IN HONOR OF CHRIS VANDERSLICE
HON. BILL HUIZENGA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 9, 2017

Mr. HUIZENGA. Mr. Speaker, I rise today to honor Chris VanderSlic, who passed away on October 28, 2017 after a courageous four year battle with leukemia. Chris was a beloved educator and leader in the West Michigan community—whose legacy will never be forgotten.

Chris, or “Slic” as his colleagues knew him best, was a servant leader with Grandville Public Schools for nearly 18 years. His career began as a teacher at Grandville’s Middle School and South Elementary. Chris was then promoted to assistant principal at Grandville High School, where he became principal in 2013.

A former Hope College basketball team captain, Chris brought his competitive spirit to the classroom and school district. He inspired a culture of “pride and excellence,” that influenced both students and teachers. After only a short time as principal, Chris implemented professional learning communities to improve teaching techniques and accountability.

HONORING THE MONTEREY COUNTY FILM COMMISSION
HON. JIMMY PANETTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 9, 2017

Mr. PANETTA. Mr. Speaker, I rise today on behalf of an organization that displays the unique beauty of our district around the entire world. The Monterey County Film Commission has served my district on the central coast of California by inspiring, facilitating, and assisting in the production of media that highlights the pristine beauty, and unique culture of our community. This year, the Monterey County Film Commission celebrates its 30th anniversary. Since its inception, the Commission has helped attract and assist in the production of hundreds of movies, television shows, commercials, documentaries and still photography productions. Thanks to the work of the Commission, our community has benefited from over one hundred million dollars in direct financial impact in our local communities.

The Commission serves as a liaison for movie producers, government entities and local businesses. It provides substantial information about our Monterey County, and straightforward guidelines for filming procedures that facilitate the development of successful media productions. The Commission also serves our community by highlighting highly desirable Monterey County locations throughout domestic and international tradeshows, sales trips and direct public advertising campaigns. Beyond this, the Commission also contributes to growing the next generation of young filmmakers, and is crucial in our communities’ effort to create opportunity for creative-minded young people to find success pursuing their passion.

I would also note that the Monterey Peninsula has been, and remains, home to many prominent actors including Clint Eastwood and Betty White. Clint Eastwood came to Carmel to film Play Misty for Me, and later became Mayor of Carmel. The Peninsula has hosted international tradeshows, sales trips and direct public advertising campaigns. Beyond this, the Commission also contributes to growing the next generation of young filmmakers, and is crucial in our communities’ effort to create opportunity for creative-minded young people to find success pursuing their passion.

The hard work of the staff and Board of Directors of the Monterey County Film Commission continues to provide our community and our country with great films and TV shows filmed in our beautiful district. Mr. Speaker, it is my pleasure to recognize the dedication and hard work the Monterey County Film Commission has given to the Central Coast and the entire State of California. I ask my distinguished colleagues to join me in recognizing the Monterey County Film Commission as an integral part of our community.

HONORING THE CAREER OF LIEUTENANT COLONEL KIRK WINDMUELLER
HON. RICHARD HUDSON
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 9, 2017

Mr. HUDSON. Mr. Speaker, I rise today to recognize the career of Lieutenant Colonel Patricia Bowser.

Mr. Speaker, please join me in celebrating this special occasion and wishing Barbara Higgens every happiness in her well-deserved retirement.

HONORING THE CAREER OF PATRICIA BOWSER
HON. TIM RYAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 9, 2017

Mr. RYAN of Ohio. Mr. Speaker, I rise today to honor the life of Patricia Bowser, age 67 who passed away on Monday, November 6, 2017.

Patricia was born on October 3, 1950 in Youngstown, Ohio to Stephen and Mary Ann (Svesko) Sinkovich. She was a graduate of Cardinal Mooney High School and attended Youngstown State University for college. She devoted 30 years to working with the Youngstown Board of Education with behavioral and special needs children. Patricia was also a member of the AFL-CIO executive board and was an active participant with the Democratic Party of Mahoning County. She was also an avid cat lover.

She is survived by her mother, Mary Ann Sinkovich of Struthers, Ohio; two sons, Russel Bowser and Jerred Kent Bowser, both of Youngstown; two sisters, Sue Benish of Struthers and Marianne (Keith) Burnside of Youngstown, Ohio to Stephen and Mary Ann (Svesko) Sinkovich. She was a graduate of Cardinal Mooney High School and attended Youngstown State University for college. She devoted 30 years to working with the Youngstown Board of Education with behavioral and special needs children. Patricia was also a member of the AFL-CIO executive board and was an active participant with the Democratic Party of Mahoning County. She was also an avid cat lover.

She is survived by her mother, Mary Ann Sinkovich of Struthers, Ohio; two sons, Russel Bowser and Jerred Kent Bowser, both of Youngstown; two sisters, Sue Benish of Struthers and Marianne (Keith) Burnside of Youngstown; a niece, Kayla Burnside; and a nephew, Keith (Lulu) Burnside. She was predeceased by her husband, Melvin K. Bowser, whom she married in 1979, and by her father and brother.

I extend my most sincere and heartfelt condolences to Patricia’s family and friends. She will be dearly missed.

HONORING THE CAREER OF PATRICIA BOWSER
Kirk Windmueller. LTC Windmueller’s work ethic took him to the highest ranks of the military, serving as Deputy Chief for Combat Developments, G8, at U.S. Army Special Operations Command, and his current assignment as a Strategic Planner, J5, Joint Special Operations Command, the command where he deployed in support of Operation Uphold Liberty.

LTC Windmueller received a Bachelors of Science in Biology from The Citadel and a Masters of Science in Defense Analysis from the Naval Postgraduate School. In addition, he trained at the U.S. Army John F. Kennedy Special Warfare Center and School, where he served as the Chief of Special Forces Doctrine in the Directorate of Training and Doctrine.

Deployed on numerous operational assignments around the globe and through some of our nation’s toughest times, LTC Windmueller stood ready to answer the call to serve our great nation. Some of his most notable engagements took place during his assignment to 3rd Battalion, 10th Special Forces Group. During this assignment he served as the Commanding Officer of a Special Forces Operational Detachment-Alpha, with deployments to Kosovo and Iraq in support of Operations Joint Guardian and Iraqi Freedom, and commanded the Group Mountain Operations Training Detachment. Throughout these operations, he delivered on the promise to keep America safe and confront our enemies head on under the most difficult conditions.

During these deployments, LTC Windmueller received numerous medals, including the Bronze Star with 2 Oak Leaf Clusters, the Meritorious Service, Army Commendation, Joint Service Achievement, Army Achievement, Armed Forces Expeditionary, Kosovo Campaign, Iraq Campaign, Afghanistaan Campaign, Global War on Terrorism Expeditionary, the Overseas Service Ribbon and the NATO Medal. These medals are a testimony to his monumental success in safeguarding America.

While fighting our nation’s battles overseas, LTC Windmueller had a full family at home. His wife, Laura, and he have three wonderful children. This country cannot repay the debt we owe to LTC Windmueller and his family. The Windmuellers are true American heroes.

Mr. Speaker, please join me today in commemorating the career of Lieutenant Colonel Kirk Windmueller.

Many of them work for us in our offices as junior staff members, congressional fellows, or interns and they do amazing work for and on behalf of the constituents we are privileged to represent.

Mr. Speaker, I believe there is no higher calling than the one to serve a cause larger than ourselves. That is why I ran for public office. I was inspired to serve by President Kennedy who said, “Ask not what your country can do for you, ask what you can do for your country,” and by the Rev. Dr. Martin Luther King, Jr. who said, “Everyone can be great because anybody can serve. . . . You only need a heart full of grace. A soul generated by love.”

By this measure, there are several other great young men and women who served as volunteers this year in my offices. They may toil in obscurity but their contributions to the constituents we serve are deeply appreciated. That is why today I rise to pay tribute to two extraordinary young persons for their service to my constituents in the 18th Congressional District of Texas and to the American people.

They are: Shannon O’Quinn from Texas Tech University; and Lauren O’Quinn Julia from The Madeira School.

Mr. Speaker, the energy, intelligence, and idealism these wonderful young people brought to my office and those interning in the offices of my colleagues help keep our democracy vibrant. The insights, skills, and knowledge of the governmental process they gain from their experiences will last a lifetime and prove invaluable to them as they go about making their mark in this world.

Because of persons like Shannon and Lauren the future of our country is bright and their best days lie ahead. I wish them well.

Mr. Speaker, I am grateful that such thoughtful, committed young men and women can be found working in my office, those of my colleagues, and in every community in America. Their good works will keep America great, good, and forever young.

IN RECOGNITION OF THE NEW PLYMOUTH TOWN HALL

HON. WILLIAM R. KEATING
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 9, 2017

Mr. KEATING. Mr. Speaker, I rise today in recognition of the new Town Hall in Plymouth, Massachusetts.

On November 12th, America’s hometown will be celebrating its community with the opening of the new Plymouth Town Hall. This event will be marked by a walk from the old Town Hall to the new Town Hall with everyone who contributed to this new landmark.

Construction on the new Town Hall began just two years ago, in the fall of 2015. I commend the town leadership and the residents of Plymouth for their collaboration on this community project. This would not have been possible without the dedication of all of those who were involved, from the over 40 volunteers who helped generate support for the project over local coffee and doughnut meetings, to the residents who advocated for the project at Town Meeting, to the many involved in the construction and restoration efforts. The level of planning and outreach involved in this project serves as a powerful example of how local government working together with community members can be a tremendous success.

This project involved the restoration of the historic 1820 Courthouse. The Community Preservation Committee worked with a historical restoration team and many volunteers to return this building to its original glory. The centuries-old judge’s bench in the courthouse is now set to be the new location for select-men’s meetings. Among the many 1800s-era pieces incorporated into the newly renovated building is its American Eagle Weathervane, which traveled aboard the ferry to Nantucket to be restored.

Located at 26 Court Street in the heart of downtown Plymouth, this Town Hall will be a centerpiece for the town, including during the 400th anniversary of Plymouth just a few years away, in 2020.

Mr. Speaker, I am proud to recognize the celebration of the new Plymouth Town Hall and the dedication of the entire Plymouth community.

RECOGNITION OF TOLIE BRODIE HARRISON—TRIBUTE TO HER 100TH BIRTHDAY

HON. G.K. BUTTERFIELD
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 9, 2017

Mr. BUTTERFIELD. Mr. Speaker, I rise to honor and recognize Tolie Brodie Harrison who is an outstanding citizen in Nash County, North Carolina. Mrs. Harrison affectionately known as “Ma Tolie” will be 100 years young on December 12, 2017.

Born in 1917 during the height of World War I, Mrs. Harrison has devoted her entire life toward improving the quality of life for her community.

Mrs. Harrison and her husband, Frank Barnabas Harrison, were blessed with ten wonderful children. Educational opportunities meant the world to the family. The Harrison’s were adamant that their children would receive a proper education and encouraged them to attend college. Mrs. Harrison was also a provider and motivator by working countless hours on farms and in tobacco factories to keep her children enrolled in school. At age 45, she was employed by Abbott’s Pharmaceuticals; which ensured the necessary benefits to support her family.

Mr. Speaker, many in the Nash County community can testify to the hospitality and encouragement of Ma Tolie. As a strong advocate for education, she would welcome new teachers to her home until they could find a permanent residence. For the students; she fed them, housed them, and wisely counseled them. With her many years of selfless service, Mrs. Harrison has left an indelible impression on the lives she touched. Throughout her life she has received many awards, recognitions, and praises for her contributions.

It is my high honor to offer these remarks in recognition of a great American who is an example of the highest degree of service to humanity.
Mr. LAWSON of Florida. Mr. Speaker, I rise today to pay tribute to an educator par excellence, university administrator, trailblazer and community servant, Dr. Jacqueline Bolden Beck, who died on Tuesday, October 31, 2017, at the age of 86.

Dr. Beck was born and raised in Gulfport, Mississippi. After completing her high school education, she went on to Dillard University where she graduated as an honor student receiving a Bachelor of Science degree in Nursing in 1955. She continued her education at the Indiana University, where she received her Master of Science degree in Nursing in 1958. Later, Dr. Beck would complete her Ph.D. studies at the University of Florida earning a Doctorate of Education in Curriculum and Instruction in 1976.

Dr. Beck and her late husband, Dr. James Beck who she married in 1957, both joined the faculty at Florida A&M University (FAMU) in 1958. She rose quickly through the faculty ranks, first as an instructor, then Assistant Professor, Associate Professor and Acting Dean of the School of Nursing.

In 1978, FAMU's former president, Walter L. Smith, Ph.D., entrusted Beck with developing the proposal that led to the creation of the School of Allied Health Sciences in 1982. Beck served as the founding dean of the School of Allied Health Sciences until 2000.

During her time as Dean, the School of Allied Health Sciences received more than $13 million in extramural funding from Federal, State, and local agencies. The school evolved from two divisions, the Division of Medical Records Administration and Physical Therapy to five divisions, offering bachelor's degrees in cardiopulmonary science, healthcare management, health information management, occupational therapy and physical therapy and a master’s in physical therapy by 2000. Additionally, the school's programs were all accredited by their respective accrediting bodies and were sought after by students from across the country.

Upon her retirement as Dean, Dr. Beck was appointed to the rank of Professor Emeritus. To commemorate her many contributions and dedication to the University, in 2007, the building that houses FAMU’s Allied Health Sciences programs (Lewis-Beck Building) was named in her honor along with the late nursing school dean Margaret Lewis, Ph.D.

She served on numerous boards and commissions including the Pew Health Professions Commission, Board of Directors of ASAHP, Board Member of the National Society of Allied Health, College of Health Deans Group, Board of the National Society of Allied Health Journal and as a member of the State-Wide Allied Health Articulation Task Force, appointed by the Florida Commissioner of Education.

Dr. Beck was the recipient of the Cultural Pluralism Award by the Association of School of Allied Health Professions and in 2005, she was awarded the Honorary Doctorate of Humane Letters from the State University of New York, Down State. Dr. Beck was also very active in the Tallahassee community where she served in many organizations and on the boards of numerous community service groups.

Throughout the ensuing decades of her life and career, she fashioned a powerful place in higher education and influenced the thinking of generations of students driven by an otherworldly, enigmatic heart and keen intellect. Dr. Beck worked her entire life to give the opportunity of education to young people who had the will to seize it.

Mr. Speaker, with an unwavering dedication, strong values, and an avid pursuit of "leveling the playing field" in higher education, Dr. Beck made a tremendous impact in her community, the state of Florida, and the nation. We must honor her life and legacy by keeping hers a torch kept lit.

Way to Go Edina Tennis Champs

HON. ERIK PAULSEN
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 9, 2017

Mr. PAULSEN. Mr. Speaker, I rise to congratulate the Edina Girls Tennis Team on winning the Minnesota State Championship Title. The Hornets won the state finals with seven wins in seven contests. Sophomore Nicole Copeland and Senior Sophia Reddy both beat their opponents in two straight matches, clinching the victory for Edina in a decisive fashion.

This was a big year for the Hornets. Edina has won the state championship in girls tennis in 20 out of the last 21 years, a tremendous feat by any standard. Many of the matches in this year’s tournament were decided by one point. They know what it’s like to play under pressure and still clinch a victory.

Mr. Speaker, the Hornets’ victory is a tribute to their hard work throughout the season and their ability to play under pressure. And most importantly, I commend these student athletes, who have also excelled in the classroom and our community.

Congratulations again to Coach Steve Paulsen and the Edina High School Girls Tennis Team. Their families, teachers, friends, neighbors, and our entire community are very proud to call them state champs.

Servicemember Family Burial Act

HON. J. LUIS CORREA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 9, 2017

Mr. CORREA. Mr. Speaker, currently, spouses and dependent children of active-duty servicemembers may be buried in a VA national cemetery if predeceased by the servicemember. However, if the spouse or dependent child passes away before the servicemember, current law does not explicitly authorize their burial.

Since becoming aware of this gap in their burial authority, the National Cemetery Administration has been processing requests for burial of spouses and eligible dependent children of active duty servicemembers in a VA national cemetery on case-by-case basis, using a designation of discretionary authority.

Today, I am introducing the Servicemember Family Burial Benefits Act to address the ability of the Department of Veterans’ Affairs to bury an active-duty servicemember’s loved ones if they pass away before the servicemember. My legislation will allow active duty servicemembers to bury their spouse or eligible dependent child, if they choose, in a VA national cemetery and authorize VA to provide headstones and markers for spouses and eligible dependent children. Finally, the language will allow state and tribal veterans cemeteries to provide this benefit in the same manner as VA national cemeteries. This legislation will allow active duty servicemembers the opportunity to choose to bury their loved one, lost while the servicemember is serving our nation, in a VA national cemetery. At their own time of need, servicemembers will have the option to be buried in a national cemetery with their loved ones.

Celebrating the Career of U.S. Capitol Police Sergeant Joel Hobbs

HON. GREGG HARPER
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 9, 2017

Mr. HARPER. Mr. Speaker, I rise to celebrate the career of U.S. Capitol Police Sergeant Joel Hobbs, who is retiring in November after twenty-seven years with the force.

Since 2014, Sergeant Hobbs has served in the Criminal Investigations Section. He was responsible for supervising investigations for criminal offenses occurring on Capitol Grounds, such as assaults, stolen property, thefts, and fraud, among other offenses.

Prior to his promotion to Sergeant, Sergeant Hobbs served over 20 years on the Patrol Division. The Patrol Division is responsible for providing police services on a 24-hour basis, and security services designed to protect Congress, its employees, visitors, and property under the jurisdiction of Congress. As a Patrol Division Officer, Hobbs became recognized as a subject matter expert in areas involving arrest procedures, crime scene search, report writing, among other areas.

Sergeant Hobbs has accumulated numerous awards and recognitions from USCP and the Congressional Community throughout his career. As an officer and supervisor, Sergeant Hobbs has embraced every assignment given to him, and has had a positive impact everywhere he has been.

The U.S. Capitol Police play an extraordinarily important and often-overlooked role in the functioning of our nation’s democracy. Without the safe and secure space they provide, the nation would be unable to conduct the American people’s work and carry out our functions under the Constitution. All of us who serve in Congress hold the U.S. Capitol Police and its personnel in high esteem, and we are grateful for those who put on its uniform every day.

I hope my colleagues will join me in thanking Sergeant Joel Hobbs for his almost three decades of service to the U.S. Capitol Police, to the Congress of the United States, and to
INTRODUCTION OF THE CURRENT EMPLOYEE REPRESENTATION ACT

HON. FRANCIS ROONEY
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2017

Mr. ROONEY of Florida. Mr. Speaker, I rise today to introduce the Current Employee Representation Act with Congressman BRADLEY BYRNE of Alabama and Congressman JOE WILSON of South Carolina. The Current Employee Representation Act would provide union members more representation as their views may differ from decisions made decades ago especially in the rapidly modernizing workplace of today. This legislation also gives union employees more power to be heard and hold the higher-up decision makers within unions more accountable to the rank and file.

The United States is seeing shifts every day towards a more modern workforce. Many current employees are locked into old and outdated union contracts, approved long before they were hired. All employees deserve a voice that is reflective of today’s workplace. They should be given options and a voice in the structure of their workplace, and not be subject to the same union practices of the past. This legislation aims to allow new employees an option to elect new union representation. And if they deem the union unnecessary, it would give employees the right to decertify and represent themselves. Why should outdated union agreements set the rules for the 21st-century economy?

I thank my colleagues who have already supported this legislation and look forward to working with them to see this and other modern workforce policies advance in this chamber.

INTRODUCTION OF THE IMPROVING OVERSIGHT OF WOMEN VETERANS’ CARE ACT

HON. J. LUIS CORREA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2017

Mr. CORREA. Mr. Speaker, women represent the fastest growing population in the veteran community. The Department of Veterans’ Affairs reports that in 2016 women accounted for nearly 10 percent of the veteran population. This percentage will only increase in future years. It is vital that we ensure women veterans receive quality care in a safe and dignified environment, as well as in a timely manner.

According to the Government Accountability Office, the Veterans Health Administration does not have data and performance measures to detect whether veterans’ accessibility to gender-sensitive care delivered through certain community care programs. GAO also reports that VHA does not have accurate or complete data regarding VA medical centers’ compliance with environment of care standards for women veterans. Medical centers must conduct regular inspections and report instances of noncompliance, but sometimes these cases are not reported to VHA.

Therefore, I am introducing the Improving Oversight of Women Veterans’ Care Act. This legislation is needed to improve effective oversight of women veterans’ healthcare in and out of the Department of Veterans’ Affairs. To accomplish this goal, the bill will require VA to report to Congress on women veterans’ accessibility to gender-specific healthcare in any community of care programs and medical facilities to report to the Secretary on their compliance and noncompliance with quality care standards.

CONGRATULATIONS TO PAM TESTROET

HON. GARRET GRAVES
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2017

Mr. GRAVES of Louisiana. Mr. Speaker, I’d like to honor my constituent and friend, Pam Testroet, a REALTOR® of the year for the Louisiana REALTORS® Association. Pam and her leadership team will represent over 13,000 REALTOR® members and have proven to be exemplary and dedicated volunteers to the organization. Home ownership is an important goal for most Americans, and certainly for citizens of Louisiana. It bolsters our state and local economies and helps with job creation. More importantly, home ownership is not just an aspiration that is part of the American Dream; to many Louisianians, it is a dream come true. REALTORS® remain at the forefront and work tirelessly to help their clients achieve that dream. At a young age, Pam braved adversity and helped champion diversity in the historic story of Ruby Bridges. This kind of example gives us all hope for a better tomorrow. Pam had an extensive career in the telecommunications industry before earning her real estate license in 2003. She is passionate about education and homeownership and has served on the local, state and national level in various committees and roles. Pam is a proud REALTOR® member with a passion for advocacy, policy, and fostering relationships to protect homeowners. I look forward to working with her, the leadership, and all the REALTORS® in the coming year.

WAYZATA SOCCER CHAMPS

HON. ERIK PAULSEN
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2017

Mr. PAULSEN. Mr. Speaker, I offer congratulations to the Wayzata High School Boys Soccer team on winning the Minnesota State Championship Title.

The Trojans topped off their incredible 20–0–2 season by coming home with the state championship trophy. It is inspiring to see a team that shows up with their best every day, and consistently comes out on top. After losing in the championship last year, they came back stronger than ever to win the state title in 2017.

After a scoreless first half, sophomore Patrick Weah netted a goal that eventually decided the match. The Wayzata keeper, Daniel Weshons delivered a shutout after facing thrice the number of shots. Just before the buzzer, Ethan Wagner put a second goal in the net to secure Wayzata’s victory.

Mr. Speaker, the championship title earned by the Trojans shows how hard work throughout the season and the ability to play under pressure always pays off. These outstanding student-athletes have dedicated themselves and obligations in the classroom and in the community.

Congratulations again to the players, coaches, and parents of the Wayzata High School Boys Soccer team on becoming state champs. Go Trojans.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 2017

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on Tuesday, November 6, 2017, I requested and was granted a leave of absence for the rest of the week due to the death of my sister.

For the information of our colleagues and my constituents, below is how I would have voted on the following votes I missed during this time period: on rollcall 607, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish assistance for adaptations of residences of veterans in rehabilitation programs under chapter 31 of such title, and for other purposes, I would have voted “aye”; on rollcall 608, on passage of VA Management Alignment Act of 2017, I would have voted “aye”; on rollcall 609, on approving the Journal, I would have voted “no”; on rollcall 610, on motion on Ordering the Previous Question on the Rule providing for consideration of both H.R. 3441 and H.R. 3043, I would have voted “no”; on rollcall 611, on rule providing for consideration of both H.R. 3441, I would have voted “no”; on rollcall 612, on approving the Journal, I would have voted “no”; on rollcall 613, on Democratic motion to recommit H.R. 3441, I would have voted “aye”; on rollcall 614, on passage of H.R. 3441, I would have voted “no”; on rollcall 615, on passage of the Risk-Based Credit Examination Act, I would have voted “aye”; on rollcall 616, on ordering the previous question for consideration of H.R. 2201, I would have voted “no”; on rollcall 617, on rule providing for consideration of H.R. 2201, Micro Offering Safe Harbor Act, I would have voted “no”; on rollcall 618, on the passage of the Veterans Crisis Line Study Act of 2017, I would have voted “aye”; on rollcall 619, on the passage of Rush Amendment, which adds a new section to the Federal Power Act to improve the hydropower licensing process, I would have voted “aye”; on rollcall 620, on passage of H.R. 3043, Hydroelectric Policy Modernization Act of 2017, I would have voted “no”; and on rollcall 621, on passage of Veterans Fair Debt Notice Act of 2017, I would have voted “aye.”
Mr. SHIMKUS. Mr. Speaker, I rise to recognize the Unity High School Girls Cross Country Team, who are the 2017 Class 1A Illinois team cross country champions.

Unity, in Tolono, won the meet with 108 points, as its three All-State finishers, Caroline Bachert (13th), Jordan Harmon (21st), and Evelyn Atkin (25th), powered the team to victory. But this was a team effort and a team victory as every runner contributed to Unity’s razor-thin two point victory.

I would like to congratulate the entire Unity Girls Cross Country Team on their victory: Evelyn Atkins, Caroline Bachert, Mackenzie Brunk, Caroline Cousins, Savannah Day, Kylie Decker, Miranda Fairbanks, Audrey Hancock, Jordan Harmon, Chelsie Helmick, Elizabeth Hulick, Taylor Joop, Rachael King, Natalie King, Riley Millsap, Taylor Millsap, Eveyenia Pyle, Lily Styan, as well as Head Coach Kara Leaman, on a superb end to a great season.

And with only one senior in the group who ran at the state meet, Unity can look forward to continued success with its program.

Mr. Speaker, today it is an honor for me to acknowledge the hard work and dedication of the Unity Girls Cross Country Team in winning the 2017 state cross country title, and I wish the team and their coach all the best in the future.

Mr. Speaker, today it is my honor to recognize Mr. Mike Story for his unmatched commitment and civic employment to the City of Rialto where his efforts have resulted in improved quality of life for all residents. His extraordinary skills in planning and collaboration have created new and improved opportunities for the booming city.

Along with being dedicated to his civic employment, Mr. Story is an avid member of his church’s community. He now serves as an Elder for the Rialto Sunrise Church, a church with multiple locations that serves the Inland Empire communities. And as a former board member, he was and is well respected for his continued participation and selfless dedication.

Today, Mr. Speaker, it is my honor to recognize Mr. Mike Story for his unmatched commitment and civic employment to the City of Rialto for over 30 years, and to the contributions he has made to the greater community of the Inland Empire.

Mr. Speaker, today it is my honor to commend Ms. Kazia Capener for her public service to the people of California’s Twenty-First Congressional District.

Ms. Capener was born July 13, 1993 in Provo, Utah while her parents, Lars and LeAnn Capener, were attending Brigham Young University. As a baby, her parents moved to northern California, first to Davis then to Redding, where she lived until she was eight. Her family then moved to Arizona, her brother Leif, and her sister, Anja, to Aurora, Illinois where her brother Kai was born. Throughout her childhood, Ms. Capener was an active tennis player and worked as a coach while in both high school and college.

After graduating from Waubonsie Valley High School in Aurora, Illinois, Ms. Capener went on to attend Brigham Young University, Idaho, in 2011. While in college, Kazia served an eighteen-month mission for the Church of Jesus Christ of Latter-day Saints in Seattle, Washington. While in Seattle, she served as a full-time volunteer teaching about the church, organizing and performing community service, and teaching English as a second language.

In 2015, Kazia studied abroad at University Paul Valéry Montpellier—III, where she participated in an intensive French language immersion program in Montpellier, France.

Kazia joined my team as an Intern in my Washington, D.C. office in March 2017 and quickly became Staff Assistant a month later in April 2017. As Staff Assistant, Ms. Capener was instrumental to my team through managing my D.C. internship program, assisting my constituents by planning tours in the nation’s capital, and helping staff with day to day tasks. As a member of my team, Ms. Capener was greatly respected by her peers for her professionalism and dedication to her work. Outside of work, Kazia is an avid music lover and enjoys attending concerts, videography, and learning about other cultures.

Ms. Capener’s time with my office will come to a close November 9, 2017 when she leaves to begin a new career as an Employment Specialist at the Ethiopian Community Development Council in Washington, D.C. In conjunction with the United States Department of State, Ms. Capener will be responsible for helping refugees with special immigrant visas from all over the world create resumes, prepare for interviews, and ultimately, find employment. She will also teach American culture classes to new arrivals to help refugees integrate into their new communities.

Mr. Speaker, I ask my colleagues in the United States House of Representatives to join me in commending Ms. Kazia Capener for her public service to the people of California’s Central Valley and wishing her well as she embarks on the next chapter of her life.

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Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7125–S7168

Measures Introduced: Eleven bills and five resolutions were introduced, as follows: S. 2107–2117, and S. Res. 326–330.

Measures Passed:

State Veterans Home Adult Day Health Care Improvement Act: Committee on Veterans’ Affairs was discharged from further consideration of S. 324, to amend title 38, United States Code, to improve the provision of adult day health care services for veterans, and the bill was then passed, after agreeing to the following amendment proposed thereto:

McConnell (for Hatch) Amendment No. 1581, in the nature of a substitute.

Pages S7163–64

DHS Acquisition Review Board Act: Senate passed S. 886, to amend the Homeland Security Act of 2002 to establish an Acquisition Review Board in the Department of Homeland Security, after agreeing to the following amendment proposed thereto:

McConnell (for Daines) Amendment No. 1582, in the nature of a substitute.

Pages S7164

Reducing DHS Acquisition Cost Growth Act: Senate passed S. 906, to amend the Homeland Security Act of 2002 to provide for congressional notification regarding major acquisition program breaches, after withdrawing the committee amendment, and agreeing to the following amendment proposed thereto:

McConnell (for McCaskill) Amendment No. 1583, in the nature of a substitute.

Pages S7164–66

Veterans ACCESS Act: Committee on Veterans’ Affairs was discharged from further consideration of S. 1153, to prohibit or suspend certain health care providers from providing non-Department of Veterans Affairs health care services to veterans, and the bill was then passed.

Pages S7166

Enhancing Veteran Care Act: Committee on Veterans’ Affairs was discharged from further consideration of S. 1266, to authorize the Secretary of Veterans Affairs to enter into contracts with nonprofit organizations to investigate medical centers of the Department of Veterans Affairs, and the bill was then passed.

Small Business Saturday: Senate agreed to S. Res. 328, recognizing November 25, 2017, as “Small Business Saturday” and supporting the efforts of the Small Business Administration to increase awareness of the value of locally owned small businesses.

Pages S7166–67

National Audiology Awareness Month: Senate agreed to S. Res. 329, expressing support for the designation of October 2017 as “National Audiology Awareness Month”.

Pages S7167

Mandating Anti-harassment Training: Senate agreed to S. Res. 330, mandating anti-harassment training for Senators and officers, employees, and interns of, and detailies to the Senate.

Pages S7167

Kan Nomination—Agreement: Senate resumed consideration of the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy.

During consideration of this nomination today, Senate also took the following action:

By 87 yeas to 9 nays (Vote No. 269), Senate agreed to the motion to close further debate on the nomination.

A unanimous-consent agreement was reached providing that notwithstanding Rule XXII, all post-cloture time on the nomination be yielded back, and Senate vote on confirmation of the nomination at 5:30 p.m. on Monday, November 13, 2017.

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A unanimous-consent agreement was reaching providing that at approximately 4 p.m., on Monday, November 13, 2017, Senate resume consideration of the nomination.

Bradbury Nomination—Cloture: Senate began consideration of the nomination of Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

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 Derek Kan, of California, to be Under Secretary of Transportation for Policy.

Prior to the consideration of this nomination, Senate took the following action:

- Senate agreed to the motion to proceed to Legislative Session.
- Senate agreed to the motion to proceed to Executive Session to consider the nomination.

Zatezalo Nomination—Cloture: Senate began consideration of the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

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 Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

Prior to the consideration of this nomination, Senate took the following action:

- Senate agreed to the motion to proceed to Legislative Session.
- Senate agreed to the motion to proceed to Executive Session to consider the nomination.

Otting Nomination—Cloture: Senate began consideration of the nomination of Joseph Otting, of Nevada, to be Comptroller of the Currency, Department of the Treasury.

Prior to the consideration of this nomination, Senate took the following action:

- Senate agreed to the motion to proceed to Legislative Session.
- Senate agreed to the motion to proceed to Executive Session to consider the nomination.

Coggins Nomination—Cloture: Senate began consideration of the nomination of Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

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 Dabney Langhorne Friedrich, of California, to be United States District Judge for the District of Columbia.

Prior to the consideration of this nomination, Senate took the following action:

- Senate agreed to the motion to proceed to Legislative Session.
- Senate agreed to the motion to proceed to Executive Session to consider the nomination.

Nominations Confirmed: Senate confirmed the following nominations:

- By 49 yeas to 47 nays (Vote No. EX. 268), William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

Mark A. Klaassen, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

Bryan D. Schroder, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

William C. Lamar, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years.

Scott C. Blader, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years.

Robert M. Duncan, Jr., of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.
John R. Lausch, Jr., of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

J. Douglas Overbey, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Charles E. Peeler, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

John F. Bash, of Texas, to be United States Attorney for the Western District of Texas for the term of four years.

R. Andrew Murray, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Matthew G. T. Martin, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years.

Erin Angela Nealy Cox, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

Christina E. Nolan, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

Peter Hoekstra, of Michigan, to be Ambassador to the Kingdom of the Netherlands.

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported S. 2099, to provide for the management by the Secretary of Agriculture of certain Federal land.

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the nominations of Glen R. Smith, of Iowa, to be a Member of the Farm Credit Administration Board, who was introduced by Senators Grassley and Ernst, and Stephen Alexander Vaden, of Tennessee, to be General Counsel of the Department of Agriculture, who was introduced by Senators Alexander and Corker, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Robert H. McMahon, of Georgia, to be an Assistant Secretary, R. D. James, of Missouri, who was introduced by Senator Blunt, and Bruce D. Jette, of Virginia, both to be an Assistant Secretary of the Army, and Shon J. Manasco, of Texas, to be an Assistant Secretary of the Air Force, who was introduced by Senator Cruz, all of the Department of Defense, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of Robert Behler, of Pennsylvania, to be Director of Operational Test and Evaluation, Thomas B. Modly, of Maryland, to be Under Secretary of the Navy, and James F. Geurts, of Pennsylvania, to be an Assistant Secretary of the Navy, all of the Department of Defense.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the nominations of Ernest W. Dubester, of Virginia, Colleen Kiko, of North Dakota, and James Thomas Abbott, of Virginia, each to be a Member of the Federal Labor Relations Authority, and Jonathan H. Pittman, to be an Associate Judge of the Superior Court of the District of Columbia.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, Jeffrey Uhlan Beaverstock, to be United States District Judge for the Southern District of Alabama, Emily Coody Marks, and Brett Joseph Talley, both to be a United States District Judge for the Middle District of Alabama, Holly Lou Teeter, to be United States District Judge for the District of Kansas, and Bobby L.
Christine, to be United States Attorney for the Southern District of Georgia, and David J. Freed, to be United States Attorney for the Middle District of Pennsylvania, both of the Department of Justice.

House of Representatives

Chamber Action
Public Bills and Resolutions Introduced: 53 public bills, H.R. 4318–4370; 1 private bill, H.R. 4371; and 3 resolutions, H. Res. 612–614, were introduced. Pages H8694–97
Additional Cosponsors: Pages H8699–H8700
Reports Filed: Reports were filed today as follows:
Conference report on H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes (H. Rept. 115–404); and
H.R. 3973, to amend the Securities Exchange Act of 1934 to require certain entities to develop internal risk control mechanisms to safeguard and govern the storage of market data (H. Rept. 115–405).
Pages H8694, (See Book II)
Recess: The House recessed at 10:30 a.m. and reconvened at 10:44 a.m. Page H8678
Micro Offering Safe Harbor Act: The House passed H.R. 2201, to amend the Securities Act of 1933 to exempt certain micro-offerings from the registration requirements of such Act, by a yea-and-nay vote of 252 yeas to 188 nays, Roll No. 622. Pages H8667–78, H8678–79
Agreed to:
Emmer amendment (No. 1 printed in H. Rept. 115–401) that amends the bill to not allow the exemption to be available for those who have been disqualified under the “bad actor” disqualification standard of section 230.506(d) of title 17, Code of Federal Regulations, providing an additional layer of investor protection in the bill. Pages H8677–78
H. Res. 609, the rule providing for consideration of the bill (H.R. 2201) was agreed to yesterday, November 8th.
Senate Message: Message received from the Senate today appears on page H8678.
Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings of today and appears on pages H8678–79. There were no quorum calls.
Adjournment: The House met at 9 a.m. and adjourned at 2 p.m.

Committee Meetings
AVIATION READINESS: WHAT’S THE FLIGHT PLAN?
Committee on Armed Services: Subcommittee on Readiness held a hearing entitled “Aviation Readiness: What’s the Flight Plan?”. Testimony was heard from Major General William Gayler, Commanding General, U.S. Army Aviation Center of Excellence and Fort Rucker; Lieutenant General Chris Nowland, Deputy Chief of Staff for Operations, U.S. Air Force, Headquarters; Lieutenant General Steven Rudder, Deputy Commandant for Aviation, U.S. Marine Corps; Vice Admiral Mike Shoemaker, Commander, Naval Air Forces, U.S. Navy.
PERSPECTIVES ON MIXED MARTIAL ARTS
Committee on Energy and Commerce: Subcommittee on Digital Commerce and Consumer Protection held a hearing entitled “Perspectives on Mixed Martial Arts”. Testimony was heard from Greg Sirb, Executive Director, Pennsylvania State Athletic Commission; and public witnesses.
LEGISLATIVE MEASURE
Committee on Energy and Commerce: Subcommittee on Environment held a hearing on legislation on the Farm Regulatory Certainty Act. Testimony was heard from Representatives Costa and Newhouse; and public witnesses.
RESOLVING THE POLITICAL CRISIS IN THE DEMOCRATIC REPUBLIC OF THE CONGO
Committee on Foreign Affairs: Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a hearing entitled “Resolving the Political Crisis in the Democratic Republic of the Congo”. Testimony was heard from Donald Yamamoto, Acting Assistant Secretary, Bureau of African Affairs, Department of State; Cheryl Anderson, Acting Assistant Administrator, Bureau for Africa, U.S. Agency for International Development; and public witnesses.
AN UPDATE ON NASA EXPLORATION SYSTEMS DEVELOPMENT

Committee on Science, Space, and Technology: Subcommittee on Space held a hearing entitled “An Update on NASA Exploration Systems Development”. Testimony was heard from William Gerstenmaier, Associate Administrator, Human Exploration and Operations Directorate, National Aeronautics and Space Administration; and a public witness.

COMMITTEE ON WAYS AND MEANS

Full Committee concluded a markup on H.R. 1, the “Tax Cuts and Jobs Act”. H.R. 1 was ordered reported, as amended.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 10, 2017

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.
Next Meeting of the SENATE

4 p.m., Monday, November 13

Senate Chamber

Program for Monday: Senate will resume consideration of the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy, post-cloture, and vote on confirmation of the nomination at approximately 5:30 p.m.

Following disposition of the nomination of Derek Kan, Senate will vote on the motion to invoke cloture on the nomination of Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, November 10

House Chamber

Program for Friday: House will meet in Pro Forma session at 9 a.m.

Extensions of Remarks, as inserted in this issue

HOUSE

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