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House of Representatives

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

PRAYER

Rabbi Shlomo Segal, Kehilat Moshe, Brooklyn, New York, offered the following prayer:

Master of the universe, we humbly ask You to bless the endeavors of this noble and dedicated body, the United States House of Representatives. Guide the Members of this House with Your wisdom so that they may approach the complex challenges of our day with forthrightness, integrity, and, above all, compassion.

Endow us with Your goodwill, O Lord, so that we may build bridges of hope which make us strong and tear down barriers of division which make us weak. Grant us a listening and full heart so that we may each understand one another and recognize the divine image inherent in every human being. We pray for this vision now.

In the words of the psalmist, ''May the Lord give you grace and glory.'' In that spirit, may we each find the strength and courage to bring God's honor and glory to this great Nation.

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 Louisiana (Mr. ABRAHAM) come forward and lead the House in the Pledge of Allegiance.

Mr. ABRAHAM 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.

WELCOMING RABBI SHLOMO SEGAL

The SPEAKER. Without objection, the gentleman from New York (Mr. JEFFRIES) is recognized for 1 minute.

There was no objection.

Mr. JEFFRIES. Mr. Speaker, it is my honor to welcome our guest chaplain, Rabbi Shlomo Segal of Kehilat Moshe synagogue from Sheepshead Bay, Brooklyn. Rabbi Segal and his wife, Adina, founded the synagogue 5 years ago, and they have since created a vibrant community not only for the diverse group of Jews who attend their services, but for people of all faiths throughout Brooklyn.

Rabbi Segal is a leader in our community who works hard to build bridges of understanding and tolerance. He serves on the board of governors of the New York Board of Rabbis and is a rabbinical consultant to the Kings Bay Y, a Jewish community center in the Eighth Congressional District that I proudly represent.

Through his work, he celebrates the diversity of Brooklyn, bringing together different religious and ethnic groups to emphasize what we all have in common—as New Yorkers and as Americans and, most importantly, as human beings.

Rabbi Segal has brought together Jews, Christians, and Muslims to break fast for Ramadan and worked hard to bring together and strengthen ties between the Black and Jewish communities of central Brooklyn. Rabbi Segal's efforts are geared toward making religion the greatest possible force that it can be in our community and in our Nation.

He is here today with his wonderful wife, Adina, and two tremendous children, Shira and Rayna. It is my honor to welcome them to the people's House and to our Nation's Capital.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ABRAHAM). After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet in joint meeting to hear an address by His Excellency Emmanuel Macron, President of the French Republic, only the doors immediately opposite the Speaker and those immediately to his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, April 17, 2018, the House stands in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess.

□ 1037

JOINT MEETING TO HEAR AN ADDRESS BY HIS EXCELLENCY EMMANUEL MACRON, PRESIDENT OF THE FRENCH REPUBLIC

During the recess, the House was called to order by the Speaker at 10 o'clock and 37 minutes a.m.

The Assistant to the Sergeant at Arms, Ms. Kathleen Joyce, announced

the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The joint meeting will come to order.

The Chair appoints as members of the committee on the part of the House to escort His Excellency Emmanuel Macron into the Chamber:

The gentleman from California (Mr. MCCARTHY);

The gentleman from Louisiana (Mr. SCALISE);

The gentlewoman from Washington (Mrs. MCMORRIS RODGERS);

The gentleman from Ohio (Mr. STIVERS);

The gentleman from Georgia (Mr. COLLINS);

The gentleman from Missouri (Mr. SMITH);

The gentleman from North Carolina (Mr. MCHENRY);

The gentleman from California (Mr. ROYCE);

The gentleman from South Carolina (Mr. WILSON);

The gentleman from Ohio (Mr. LATTA);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from New York (Mr. CROWLEY);

The gentlewoman from California (Ms. SÁNCHEZ);

The gentleman from Georgia (Mr. LEWIS);

The gentleman from California (Mr. SCHIFF);

The gentleman from Massachusetts (Mr. KEATING);

The gentleman from New York (Mr. MEEKS);

The gentlewoman from Florida (Mrs. MURPHY); and

The gentlewoman from Connecticut (Ms. ESTY).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Emmanuel Macron into the House Chamber:

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Texas (Mr. CORNYN);

The Senator from Missouri (Mr. BLUNT);

The Senator from Colorado (Mr. GARDNER);

The Senator from Tennessee (Mr. CORKER);

The Senator from Arkansas (Mr. BOOZMAN);

The Senator from Arkansas (Mr. COTTON);

The Senator from Illinois (Mr. DURBIN);

The Senator from Washington (Mrs. MURRAY);

The Senator from Vermont (Mr. LEAHY);

The Senator from Minnesota (Ms. KLOBUCHAR);

The Senator from Wisconsin (Ms. BALDWIN);

The Senator from New Jersey (Mr. MENENDEZ); and

The Senator from Delaware (Mr. COONS).

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Serge Mombouli, Ambassador of the Republic of the Congo.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 10 o'clock and 47 minutes a.m., the Sergeant at Arms, the Honorable Paul D. Irving, announced His Excellency Emmanuel Macron, President of the French Republic.

The President of the French Republic, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you His Excellency Emmanuel Macron, President of the French Republic.

(Applause, the Members rising.)

President MACRON. Mr. Speaker, Mr. Vice President, honorable Members of the United States Congress, ladies and gentlemen, it is an honor for France, for the French people, and for me to be received in this sanctuary of democracy, where so much of the history of the United States has been written. We are surrounded today with images, portraits, and symbols, which reminds us that France has participated with heart in hand in the story of this great Nation from the very beginning.

We have fought shoulder to shoulder in many battles, starting with those that gave birth to the United States of America. Since then, we have shared a common vision for humanity.

Our two nations are rooted in the same soil, grounded in the same ideals of the American and French revolutions. We have worked together for the universal ideals of liberty, tolerance, and equal rights; and yet this is also about our human, gutsy, personal bonds throughout history.

In 1778, the French philosopher Voltaire and Benjamin Franklin met in Paris. John Adams tells the story that, after they had shaken hands, they embraced each other by hugging one another in their arms and kissing each other's cheeks. It can remind you of something.

And this morning, I stand under the protective gaze of Lafayette right behind me. As a brave young man, he fought alongside George Washington and forged a tight relationship, fueled by respect and affection.

Lafayette used to call himself ''a son of the United States,'' and in 1792, George Washington became a son of America and France when our first Republic awarded citizenship to him.

Here we stand in your beautiful capital city, whose plans were conceived by a French architect, Charles L'Enfant.

The miracle of the relationship between the United States and France is that we have never lost this special bond deeply rooted not only in our history, but also in our flesh. This is why I invited President Donald Trump for the first Bastille Day parade of my Presidency on the 14th of July last year. Today, President Trump's decision to offer France his first state visit to Washington has a particular resonance because it represents the continuity of our shared history in a troubled world.

And let me thank your President and the First Lady for this wonderful invitation to my wife and me. I am so very grateful. And I would like, also, to thank you, ladies and gentlemen, for welcoming me on this occasion. And I would like to especially thank you, Mr. Speaker, for your invitation. I want you to know how much I appreciate this unique gesture. Thank you, sir.

The strength of our bonds is the source of our shared ideals. This is what united us in the struggle against imperialism during the First World War, then in the fight against Nazism during the Second World War. This is what united us again during the era of the Stalinist threats, and now we lean on that strength to fight against terrorist groups.

Let us, for a moment, transport ourselves to the past. Imagine this is July 4, 1916. Back then, the United States had not entered World War I; and yet a young American poet enlisted in the ranks of our Foreign Legion because he loved France and he loved the cause of freedom.

This young American would fight and die on Independence Day at Belloy-en-Santerre, not far from Amiens, my hometown, after having written these words: ''I have a rendezvous with death.'' The name of this young American was Alan Seeger. A statue stands in his honor in Paris.

Since 1776, we, the American and French people, have had a rendezvous with freedom, and with it comes sacrifices. That is why we are very honored by the presence today of Robert Jackson Ewald, a World War II veteran. Robert Jackson Ewald took part in the D-day landing. He fought for our freedom 74 years ago.

Sir, on behalf of France, thank you. I bow to your courage and your devotion.

In recent years, our nations have suffered wrenching losses simply because

of our values and our taste for freedom, because these values are the very ones those terrorists precisely hate.

Tragically, on September 11, 2001, many Americans had an unexpected rendezvous with death.

Over the last 5 years, my country and Europe also experienced terrible terrorist attacks, and we shall never forget the innocent victims nor the incredible resilience of our people in the aftermath. It is a horrific price to pay for freedom, for democracy.

That is why we stand together in Syria and in Sahel today, to fight together against these terrorist groups who seek to destroy everything for which we stand. We have encountered countless rendezvous with death because we have this constant attachment to freedom and democracy.

As emblazoned on the flags of the French Revolutionaries, ''live free or die,'' ''vivre libre ou mourir.''

Thankfully, freedom is also the source of all that is worth living for. Freedom is a call to think and to love. It is a call to our will. That is why in times of peace, France and the United States were able to forge unbreakable bonds from the grist of painful memories.

The most indestructible, the most powerful, the most definitive knot between us is the one that ties the true purpose of our peoples to advance, as Abraham Lincoln said, the ''unfinished business'' of democracy.

Indeed, our two societies have stood up to advance human rights for all. They have engaged in a continual dialogue to unpack this ''unfinished business.''

In this Capitol rotunda, the bust of Martin Luther King, assassinated 50 years ago, reminds us of the inspiration of African-American leaders, artists, writers, who have become part of our common heritage. We celebrate, among them, James Baldwin and Richard Wright whom France hosted on our soil.

We have shared the history of civil rights. France's Simone de Beauvoir became a respected figure in the movement for gender equality in America in the 1970s. Women's rights have long been a fundamental driver for our societies on both sides of the Atlantic. This explains why the Me Too movement has recently had such a deep resonance in France.

Democracy is made of day-to-day conversation and mutual understanding between citizens. It is easier and deeper when we have the ability to speak each other's language. The heart of Francophonie also beats here in the United States, from New Orleans to Seattle. I want this heart to beat even harder in American schools all across the country.

Democracy relies also on the faculty of freely describing the present and the capacity to invent the future. This is what culture brings.

Thousands of examples come to mind when we think of the exchanges between our cultures across the centuries: from Thomas Jefferson, who was Ambassador to France and built his house in Monticello based on the building he loved in Paris; to Hemingway's novel, ''Movable Feast,'' celebrating the capital city of France; from our great 19th century French writer Chateaubriand bringing to the French people the dream of America's open spaces, forests, and mountains; to Faulkner's novels, crafted in the Deep South, but first read in France, where they quickly gained literary praise; from jazz coming from Louisiana and the blues from Mississippi, finding in France an enthusiastic public; to the American fascination for impressionists and the French modern and contemporary art.

These exchanges are vibrant, in so many fields, from cinema to fashion, from design to high cuisine, from sports to visual arts.

Medicine and scientific research as well as business and innovation are also a significant part of our shared journey. The United States is France's first scientific partner. Our economic ties create hundreds of thousands of jobs on both sides of the Atlantic.

The story of France and the United States is a story of an endless dialogue made of common dreams, of a common struggle for dignity and progress. It is the best achievement of our democratic principles and values. This very special relationship, this is us.

But we must remember the warning of President Theodore Roosevelt: ''Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, handed on for them to do the same.''

This is an urgent reminder indeed, because now, going beyond our bilateral ties, beyond our very special relationship, Europe and the United States must face together the global challenges of this century.

We cannot take for granted our transatlantic history and bonds. At the core, our Western values themselves are at risk.

We have to succeed facing these challenges, and we cannot succeed in forgetting our principles and our history.

In fact, the 21st century has brought a series of new threats and new challenges that our ancestors might not ever have imagined. Our strongest beliefs are challenged by the rise of a yet unknown new world order. Our societies are concerned about the future of their children.

All of us gathered here in this noble Chamber, we elected officials, all share the responsibility to demonstrate that democracy remains the best answer to the questions and doubts that arise today.

Even if the foundations of our progress are disrupted, we must stand firmly and fight to make our principles prevail, but we bear another responsibility inherited from our collective history.

Today, the international community needs to step up our game and build the 21st century world order based on the perennial principles we established together after World War II. The rule of law, the fundamental values on which we secured peace for 70 years, are now questioned by urgent issues that require our joint action.

Together with our international allies and partners we are facing inequalities created by globalization, threats to the planet, our common good, attacks on democracy through the rise of illiberalism, and the destabilization of our international communities by new powers and criminal states. All these risks aggrieve our citizens.

Both in the United States and in Europe, we are living in a time of anger and fear because of these current global threats, but these feelings do not build anything. You can play with fears and anger for a time, but they do not construct anything. Anger only freezes and weakens us. And as Franklin Delano Roosevelt said during his first inaugural speech: ''The only thing we have to fear is fear itself.''

Therefore, let me say we have two possible ways ahead. We can choose isolationism, withdrawal, and nationalism; this is an option. It can be tempting to us as a temporary remedy to our fears. But closing the door to the world will not stop the evolution of the world. It will not douse but inflame the fears of our citizens.

We have to keep our eyes wide open to the new risks right in front of us. I am convinced that, if we decide to open our eyes wider, we will be stronger. We will overcome the dangers. We will not let the rampaging work of extreme nationalism shake a world full of hopes for greater prosperity.

It is a critical moment. If we do not act with urgency as a global community, I am convinced that the international institutions, including the United Nations and NATO, will no longer be able to exercise a mandate and stabilizing influence. We would then inevitably and severely undermine the liberal order we built after World War II.

Other powers, with a stronger strategy and ambition, will then fill the void we would leave empty. Other powers will not hesitate one second to advocate their own model to shape the 21st century world order.

Personally, if you ask me, I do not share the fascination for new, strong powers, the abandonment of freedom, and the illusion of nationalism.

Therefore, distinguished Members of the Congress, let us push them aside, write our own history, and birth the future we want. We have to shape our common answers to the global threats that we are facing.

The only option then is to strengthen our cooperation. We can build the 21st century world order based on a new breed of multilateralism, based on a more effective, accountable, and results-oriented multilateralism, a

strong multilateralism. This requires, more than ever, the United States' involvement, as your role was decisive for creating and safeguarding today's free world.

The United States is the one who invented this multilateralism. You are the one now who has to help preserve and reinvent it. This strong multilateralism will not outshine our national cultures and national identities. It is exactly the other way around. A strong multilateralism will allow our cultures and identities to be respected, to be protected, and to flourish freely together. Why? Because precisely our own culture is based, on both sides of the Atlantic, on this unique taste for freedom, on this unique attachment for liberty and peace. This strong multilateralism is a unique option compatible with our nations, our cultures, our identities.

With the U.S. President, with the support of every 535 Member of this Joint Session, representing the whole American Nation, we can actively contribute together to building the 21st century world order for our people.

The United States and Europe have a historical role in this respect because it is the only way to defend what we believe in; to promote our universal values; to express strongly that human rights, the rights of minorities, and shared liberty are the true answer to the disorders of the world.

I believe in these rights and values. I believe that, against ignorance, we have education. Against inequalities, development. Against cynicism, trust and good faith. Against fanaticism, culture. Against disease and epidemics, medicine. Against the threats on the planet, science.

I believe in concrete action. I believe the solutions are in our hands. I believe in the liberation of the individual and in the freedom and responsibility of everyone to build their own lives and pursue happiness. I believe in the power of intelligently regulated market economies.

We are experiencing the positive impact of our current economic globalization with innovation, with job creation. We see, however, the abuses of globalized capitalism and digital disruptions which jeopardize the stability of our economies and democracies. I believe facing these challenges requires the opposite of massive deregulation and extreme nationalism.

Commercial war is not the proper answer to this evolution. We need a free and fair trade for sure. A commercial war opposing allies is not consistent with our mission, with our history, with our current commitments for global security. At the end of the day, it will destroy jobs, increase prices, and the middle class will have to pay for it.

I believe we can build the right answers to legitimate concerns regarding trade imbalances, excesses, and overcapacities by negotiating through the World Trade Organization and building cooperative solutions.

We wrote these rules; we should follow them.

I believe we can address our citizens' concerns regarding privacy and personal data.

The recent Facebook hearings highlighted the necessity to preserve our citizens' digital rights all over the world and protect the confidence in today's digital tools of life.

The European Union passed a new regulation for data protection. I believe the United States and the European Union should cooperate to find the right balance between innovation and ethics and harness the best of today's revolutions in digital data and artificial intelligence.

I believe facing inequalities should push us to improve policy coordination within the G20 to reduce financial speculation and create mechanisms to protect the middle class' interest because our middle classes are the backbone of our democracies.

I believe in building a better future for our children, which requires offering them a planet that is still habitable in 25 years.

Some people think that securing current industries and their jobs is more urgent than transforming our economies to meet the global challenge of climate change. I hear these concerns, but we must find a smooth transition to a low-carbon economy.

Because what is the meaning of our life, really, if we work and live destroying the planet while sacrificing the future of our children?

What is the meaning of our life if our decision, our conscious decision, is to reduce the opportunities for our children and our grandchildren?

By polluting the oceans, not mitigating CO_2 emissions, and destroying our biodiversity, we are killing our planet.

Let us face it: There is no planet B.

On this issue, it may happen we have disagreements between the United States and France. It may happen, like in all families. But that is, for me, a short-term disagreement.

In the long run, we will have to face the same realities, and we are just citizens of the same planet. So we will have to face it.

So beyond some short-term disagreements, we have to work together with business leaders and local communities. Let us work together in order to make our planet great again and create new jobs and new opportunities while safeguarding our Earth.

And I am sure one day the United States will come back and join the Paris Agreement. And I am sure we can work together to fulfill with you the ambitions of the global compact on the environment.

Ladies and gentlemen, I believe in democracy. Many of our forebearers were slain for the cause of freedom and human rights. With the great inheritance they gave us comes the responsibility to continue their mission in this new century and to preserve the perennial values handed to us and assure that today's unprecedented innovations in science and technology remain in the service of liberty and in the preservation of our planet for the next generations.

To protect our democracies, we have to fight against the ever-growing virus of fake news, which exposes our people to irrational fear and imaginary risks.

And let me attribute the fair copyright for this expression ''fake news,'' especially here.

Without reason, without truth, there is no real democracy because democracy is about true choices and rational decisions.

The corruption of information is an attempt to corrode the very spirit of our democracies.

We also have to fight against the terrorist propaganda that spreads out its fanaticism on the internet.

It has a gripping influence on some of our citizens and children. I want this fight to be part of our bilateral commitment, and we discussed with your President the importance of such an agenda.

I want this fight to be part of the G7 agenda because, here again, it deeply harms our rights and shared values.

The terrorist threat is even more dangerous when it is combined with the nuclear proliferation threat. We must, therefore, be stricter than ever with countries seeking to acquire the nuclear bomb.

That is why France supports fully the United States in its efforts to bring P'yongyang through sanctions and negotiations towards denuclearization of the Korean Peninsula.

As for Iran, our objective is clear. Iran shall never possess any nuclear weapons. Not now, not in 5 years, not in 10 years. Never.

But this policy should never lead us to war in the Middle East. We must ensure stability and respect sovereignty of the nations, including that one of Iran, which represents a great civilization.

Let us not replicate past mistakes in the region. Let us not be naive on one side. Let us not create new walls ourselves on the other side.

There is an existing framework called the JCPOA to control the nuclear activity of Iran. We signed it at the initiative of the United States. We signed it, both the United States and France. That is why we cannot say we should get rid of it like that.

But it is true to say that this agreement may not address all concerns, and very important concerns. This is true. But we should not abandon it without having something substantial, and more substantial, instead. That is my position.

That is why France will not leave the JCPOA, because we signed it. Your President and your country will have to take, in the current days and weeks, its own responsibilities regarding this issue. That is what I want to do. And once we decide it together, with your

President, we can work on a more comprehensive deal addressing all of his concerns.

That is why we have to work on this more comprehensive deal based, as was discussed with President Trump yesterday, on four pillars: the substance of the existing agreement, especially if you decide to leave it; the post-2025 period, in order to be sure that we will never have any nuclear activity for Iran; the containment of the military influence of the Iranian regime in the region; and the monitoring of ballistic activity.

I think these four pillars, the ones I addressed in front of the General Assembly of the United Nations last September, are the ones which cover the legitimate fears of the United States and our allies in the region.

I think we have to start working now on these four pillars to build this new, comprehensive deal and to be sure that, whatever the decision of the United States will be, we will not leave the floor to the absence of rules. We will not leave the floor to these conflicts of power in the Middle East. We will not fuel ourselves in increasing tensions and potential war.

That is my position, and I think we can work together to build this comprehensive deal for the whole region for our people, because I think it fairly addresses our concerns. That is my position.

And this containment I mentioned in one of the pillars is necessary in Yemen, in Lebanon, in Iraq, and also in Syria. Building a sustainable peace in a united and inclusive Syria requires, indeed, that all powers in the region respect the sovereignty of its people and the diversity of its communities.

In Syria, we work very closely together. After prohibited weapons were used against the population by the regime of Bashar al-Assad 2 weeks ago, the United States and France, together with the United Kingdom, acted to destroy chemical facilities and to restore the credibility of the international community. This action was one of the best evidences of this strong multilateralism.

And I want to pay a special tribute to our soldiers, because they did a very great job in this region and on this occasion.

Beyond this action, we will, together, work for humanitarian solutions in the short-term on the ground, and contribute actively to a lasting political solution to put an end to this tragic conflict.

I think one of the very important decisions we took together with President Trump was precisely to include Syria in this large framework for the overall region and to decide to work together on a political deal for Syria and for the Syrian people, even after our war against ISIS.

In the Sahel, where terrorist networks span a footprint as large as Europe, French and American soldiers are confronting the same enemy and risking their lives together.

Here, I would like to pay special tribute to the American soldiers who fell this past fall in the region and to their French comrades who lost their lives earlier this year in Mali. Better than anyone, I think our troops know what the alliance and friendship between our countries mean.

I believe facing all these challenges, all these fears, all this anger, our duty, our destiny is to work together and to build this new strong multilateralism.

Distinguished Members of Congress, ladies and gentlemen, on April 25, 1960, General de Gaulle affirmed in this Chamber that nothing was as important to France as ''the reason, the resolution, the friendship of the great people of the United States.'' Fifty-eight years later, to this very day, I come here to convey the warmest feelings of the French nation and to tell you that our people cherish the friendship of the American people with as much intensity as ever.

The United States and the American people are an essential part of our confidence in the future, in democracy, in what women and men can accomplish in this world when we are driven by high ideals and an unbreakable trust in humanity and progress.

Today, the call we hear is the call of history. This is a time of determination and courage. What we cherish is at stake. What we love is in danger. We have no choice but to prevail; and together, we shall prevail.

''Long live the friendship between France and the United States of America,'' ''vive les Etats-Unis d'Amerique.''

''Long live the Republic,'' ''vive la République.'' ''Long live France,'' ''vive la France.'' ''Long live our friendship,'' ''vive notre amitié.''

''Thank you,'' ''merci.''

(Applause, the Members rising.)

At 11 o'clock and 52 minutes a.m., His Excellency Emmanuel Macron, President of the French Republic, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly (at 11 o'clock and 53 minutes a.m.), the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess subject to the call of the Chair.

□ 1230

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. VALADAO) at 12 o'clock and 30 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. WOODALL. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 844

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON ARMED SERVICES: Mr. Mitchell.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4, FAA REAUTHORIZATION ACT OF 2018; PROVIDING FOR CONSIDERATION OF H.R. 3144, PROVIDING FOR THE OPERATIONS OF THE FEDERAL COLUMBIA RIVER POWER SYSTEM; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM APRIL 30, 2018, THROUGH MAY 4, 2018

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 839 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 839

Resolved, That (a) at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4) to reauthorize programs of the Federal Aviation Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as

read. All points of order against provisions in the bill are waived.

(b) No amendment to the bill shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution and amendments en bloc described in subsection (e).

(c) Each amendment printed in part A of the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in part A of the report of the Committee on Rules or amendments en bloc described in subsection (e) are waived.

(e) It shall be in order at any time for the chair of the Committee on Transportation and Infrastructure or his designee to offer amendments en bloc consisting of amendments printed in part A of the report of the Committee on Rules not earlier disposed of. Amendments en bloc offered pursuant to this subsection shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(f) At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3144) to provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time, and for other purposes. All points of order against consideration of the bill are waived. The amendment printed in part B of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

SEC. 3. On any legislative day during the period from April 30, 2018, through May 4, 2018 —

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 4. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 of this resolution as though under clause 8(a) of rule I.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Mrs. TORRES), the newest member of the Rules Committee, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. WOODALL. Mr. Speaker, today's rule provides for the consideration of two bills: H.R. 4, which is the FAA Reauthorization Act, and a closed rule for H.R. 3144, which would adjust operations at the Federal Columbia River Power System.

We are lucky today, Mr. Speaker, in that we will have Mr. NEWHOUSE, who is an expert from Washington State on H.R. 3144, come down to the floor and talk extensively about that measure and why it is important for Washington State. But before we talk about Washington State, I want to talk about the FAA reauthorization bill as well.

I would point out, Mr. Speaker, it is not every rule in every case we are able to make every Rules Committee member's amendment in order, but we are fortunate today that, during Mrs. TORRES' very first rule on the House floor, we are making her amendment in order, which, again, Mr. Speaker, is one of those prerogatives of Rules Committee members.

I know that in the first few moments of the FAA bill, Mr. Speaker, we are going to want to talk about the good work that went on in the Transportation and Infrastructure Committee. It has really been my pleasure as not just a Rules Committee member, but as a Transportation and Infrastructure Committee member to be able to work on this bill now in two committees.

You may recall, Mr. Speaker, that we went not only through our initial hearings in the Transportation and Infrastructure Committee; we went through a summer markup last year. We have gone through five short-term extensions on FAA, and we are now here prepared to consider a full 5-year reauthorization on the floor.

It has not been the easiest process. There have been a lot of folks who haven't gotten everything they have wanted in this process, but it has been a collaborative process, Mr. Speaker, and I am glad that we have it here today.

I would be remiss if I didn't thank our committee chairman on the authorizing committee, Mr. Speaker, Chairman SHUSTER, for all the work that he has done. As you know, he has been a long champion of reforming the FAA, believing that we could get even more value for the American taxpayer dollars out of the FAA. While he did not achieve everything that he wanted to achieve in this bill either, Mr. Speaker, we have a dramatic step forward in H.R. 4 today.

These things never happen by accident, Mr. Speaker, as you well know, and I want to thank all the folks who have been toiling behind the scenes in the Transportation and Infrastructure Committee day in and day out. I am thinking of folks, Mr. Speaker, like Chris Vieson. I am thinking about folks like Naveen Rao. I am thinking about Hunter Presti and Brittany Smith.

Mr. Speaker, even though he has left us to go, now, serve in the article II Federal Railroad Administration, I want to thank Matt Sturges, who was the former staff director there at the committee, for all he has done over 2 years to get us to this place.

Mr. Speaker, as you know, getting this work done requires a collaborative working relationship, Members and staff across the aisle, from committee office staff to personal office staff, and it has really been a rewarding process. I am very proud of the product that we have on the floor today, but it wouldn't have been possible without all of the staff working and the collaboration that went on. I am grateful to folks for that. That is the authorizing committee side, Mr. Speaker.

On the Rules Committee side, we had an equal amount of work going on. These past few days, moving this bill through the Rules Committee, the staff has had to work tirelessly, in large part, because of all the amendments that were offered to the bill. We now, in this rule, today, Mr. Speaker, made in order 116 different revisions to this bill.

Let me say that again. We went through a complete, full, and open markup in the Transportation and Infrastructure Committee, as you know, Mr. Speaker; but then, in the Rules Committee, we made in order an additional 116 amendments through this rule today: 56 of those are amendments sponsored by my Democratic colleagues; 36 of those are amendments sponsored by my Republican colleagues; and 24 of those are amendments that have bipartisan support here in this Chamber. That is just over 50 percent of all the ideas that were brought to the Rules Committee last night, Mr. Speaker.

I hope that my colleagues are as proud of that as I am. It reflects the commitment that Speaker RYAN made to having a more open and transparent process. Here, again: 56 Democratic amendments, 36 Republican amendments, and 24 bipartisan amendments.

Mr. Speaker, this FAA bill is a good step towards bringing more value to the American taxpayer from the FAA, and this rule is a good step to making

that possible. With the passage of this rule today, we will be able to move directly to that debate.

Mr. Speaker, don't believe the headlines that say Congress has packed up its bags and gone home. I hear that day in and day out that folks think this 2018 is not going to be a particularly productive legislative session. I reject that. I reject that with no reservations whatsoever.

I see the passion my friends on the Democratic side have for continuing to make improvements for the American people. I see that same passion on our side. Now, I am not saying we are not going to have some challenges keeping people focused on the process at hand, but this FAA bill is a good example of the fact that we are still hard at work, and there is still much work that we can do together.

This bill, Mr. Speaker, finally delivers on the regulatory reform to the FAA certification process.

Now, if you have any companies in your district that are involved in FAA regulations in any way, shape, or form, you know exactly what I am talking about. This certification process is going to allow companies all over the country, including many in my district, Mr. Speaker, like Meggitt in Suwanee, like Universal Avionics in Duluth, like Siemens in Cumming, Gulfstream in Savannah, and many others, to get safer, more innovative aviation products to market faster.

Let me say that again, Mr. Speaker: safer products, more innovative products, more value to the American taxpayer to market faster.

This bill also provides a pathway to regulatory certainty for unmanned aircraft systems. That allows companies like L3 Technologies and Colonial Pipeline in Alpharetta, like UPS in Sandy Springs, like our electric utilities in Gwinnett and Forsyth Counties, Mr. Speaker, and many other companies in my home State of Georgia to get their technologies out faster, to make environments safer for their employees and for my constituents.

□ 1245

We all know that the transformative power of unmanned aviation is upon us. We have got to regulate that in a safe and responsible way to make sure that the rules are in place for certainty, for safety, and for opportunity for innovation. I believe we have that in this bill.

We have a choice, Mr. Speaker. We are either going to lead the world in unmanned aviation or we are going to cede leadership to countries like China. I say we seize leadership, and we are seizing it here in this bill.

The bill also commits that our airports—from the busiest airport in the world, Mr. Speaker, my hometown airport of Hartsfield-Jackson, the fourth busiest airport in the State; and also in my district, Mr. Speaker, is Briscoe Field in Lawrenceville—that these airports have access to long-term funding sustainability. We all know that yanking the pendulum back and forth on Federal funding does not serve any of our constituents' cause. Funding stability—knowing that they can count on the Federal Government to be their partner in providing innovation and improving the overall experience of those men and women who travel through these airports—is of vital importance.

And finally, Mr. Speaker, this bill ensures that our American airlines—like my hometown airline of Delta—can compete and win against anyone on the planet in terms of the service, reliability, safety, and customer service that we have come to expect. Again, aviation is a partnership in this country, Mr. Speaker, between private sector actors and public actors. We need to do all that we can, from our end of Pennsylvania Avenue, to be the very best partners that we can.

Of course, we can always do more, and I hope that we will continue to do more. I am expecting a very robust Transportation Committee cycle here over the next 9 months. But this bill today is a significant downpayment on our commitment to the American people to make our aviation infrastructure continue to be the very finest on the planet.

Mr. Speaker, this rule that, again, will govern debate of both H.R. 4 and H.R. 3144 is a fair rule. These are both commonsense measures that will benefit the American people. I hope my colleagues will see that, I hope my colleagues will come to the floor and support this rule, and I hope my colleagues will also support the two underlying measures.

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

Mrs. TORRES. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman for yielding me the customary 30 minutes.

I am proud to be the newest member of the House Rules Committee. When I expressed my desire to join the committee to the minority leader, I shared my hope that I could do my part to ensure the committee would allow the House to work its will in an open way. Unfortunately, the rule that we are bringing to the floor does not meet that standard. For that reason, I rise in opposition.

The rule we consider this afternoon is a combined rule for H.R. 3144, legislation to delay and derail management practices at the Federal Columbia River Power System in the Pacific Northwest, and H.R. 4, the Federal Aviation Administration Reauthorization Act. There is no reason for the House to take up these items in a combined rule. We have plenty of time to give each bill a full, robust debate, and plenty of time to allow the House an opportunity to vote on some of the 138 amendments filed to these bills that were not made in order under this rule.

Mr. Speaker, the House appears to be in a rush to leave here every single week. Last week, we only had three voting days, and with this combined rule, who knows how long we will be here this week. Perhaps we could use some of this extra time to take up a number of issues which Americans have been asking for.

Instead of making this yet another short week, how about we give Americans a vote on addressing gun violence by giving us a vote on background checks, bump stocks, assault weapons, gun trafficking reform; or ensuring that we don't find ourselves in a constitutional crisis by protecting the special counsel, and making sure that we address Russian interference in our elections; or allowing the House to actually take a vote on so many outstanding immigration issues by protecting DACA and TPS recipients?

There are 244 cosponsors of Representative DENHAM's ''Queen of the Hill'' resolution, including over 40 members of the majority party.

Nearly 8 months since President Trump terminated the DACA program, Congress has continually failed to protect the thousands of American Dreamers who lose their protections every single day. Dreamers are the educators, doctors, and small-business owners who make our communities better and help make our country stronger and safer.

There are very real consequences for the lack of a permanent solution to this crisis. The American people want us to act. We can respect their will by taking up the ''Queen of the Hill'' resolution on one of the many days where we find ourselves with nothing to do. We could work together to at least provide the House with a path forward where the best idea wins.

Mr. Speaker, instead of doing what we did last week by canceling voting days, let's take this time to act on behalf of our constituents. Why don't we put a stop to the administration's attack on the Affordable Care Act and work on bipartisan improvements to control the cost of healthcare, prescription drugs, and increase access to services?

Finally, why don't we take some time to do what I have been calling for since my first day in Congress and pass a large-scale infrastructure package? There are roads and bridges crumbling around our country, transit systems in need of significant repair, and a power grid waiting to enter the 21st century. We need robust investments in our transportation and energy infrastructure.

In its 2017 report card, the American Society of Civil Engineers gave us our infrastructure a nearly failing grade of a D-plus. But based on my experiences driving around my hometown, that might be a bit too generous.

These are all the things that have bipartisan agreement. It is up to us to address the real problems before us with leadership, security, and stability that the Nation demands.

That said, as I mentioned before, we have two bills included in this rule. The first is the FAA Authorization

Act, the first long-term FAA reauthorization since 2012. This legislation was developed over 3 years of bipartisan and stakeholder negotiations. It will provide long-term stability for our Nation's aviation community, continue investments in research and innovation, and make necessary reforms to improve American competitiveness and safety in aviation.

I appreciate Chairman SHUSTER working with Ranking Member DEFAZIO to ensure that this bill is as bipartisan as possible. I would have preferred that we did more to assist our Nation's airports, but this bill reflects the committee's will.

Airline safety is on all of our minds, especially after the tragedy of Southwest Flight 1380. Moving this bill forward, without the poison bill language we had seen in previous versions, will go a long way in improving passenger safety, passenger comfort, and the entire experience on our Nation's airlines.

Following my work to return the Ontario International Airport to local control, we have seen my hometown airport go through a renaissance with new flights being added constantly. It is my hope that this bill continues that growth and allows for more improvements at the airport.

While I am pleased this rule does make in order an amendment I offered to assist Ontario International Airport and airports like it, there are many amendments which were not made in order.

One such amendment I want to mention is Representative CARTWRIGHT's amendment No. 152 on single-pilot operations. I am extremely concerned with section 744 of the underlying legislation, which establishes an FAA research and development program in support of single-pilot all-cargo operations utilizing remote piloting or computer piloting technology.

Unfortunately, I believe moving in this direction—single-piloted aircraft—will result in excessive workload for pilots and safety risks for everyone.

I think it would have been fair for the House to give the Cartwright amendment a floor debate and a simple up-or-down vote.

In addition, I am disappointed that Representative GRACE MENG's amendment No. 28 was not made in order. This amendment would have standardized the treatment of animals aboard airlines.

I know we were all horrified when we read the reports last month of a pet who died after being forced into a luggage compartment, or being flushed down a toilet, or being forced to leave the plane.

According to a U.S. Department of Transportation report issued in February, 24 animals died in the care of U.S. carriers last year. I don't think it is too much to ask for a vote on the House floor to establish standards for the safety of our constituents' pets.

In addition to the FAA authorization bill, this rule will also bring H.R. 3144 to the floor. This bill is intended to provide for operations of the Federal Columbia River Power System and delay multiple court decisions which are intended to protect the local environment.

This legislation would derail the ongoing comprehensive efforts to improve dam management practices on the Columbia River basin, creating problematic conservation and management policies. The impact on salmon and steelhead trout, in particular, would harm not just the environment, but also tribes and businesses of the Pacific Northwest.

I joined the Rules Committee from my previous role as ranking member on the Indian, Insular, and Alaska Native Affairs Subcommittee. I was proud of the work I did to protect Tribal communities, and while serving in that role, I opposed this legislation due to the negative impact on local tribes.

The 2014 operation plan, which this bill attempts to re-implement, was developed by the Department of Commerce National Marine Fisheries Services. That plan was found to violate the Endangered Species Act and the National Environmental Policy Act, and failed to live up to the agreement we made with local tribes.

Native peoples of the Pacific Northwest ceded most of their ancestral homeland to the U.S. in exchange for the right to catch salmon and steelhead at their accustomed places. This tradition carries great cultural and religious significance, but the current operation plan would further harm Tribal fisheries.

Mr. Speaker, I oppose this rule and the underlying legislation because it fails to include the appropriate input from local tribes. I urge my colleagues to reconsider bringing this bill forward, and go back to the drawing board where an agreement can be reached that brings all affected parties on board.

Mr. Speaker, I urge my colleagues to oppose the rule we have before us, and I reserve the balance of my time.

□ 1300

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

Mr. Speaker, I say with no levity that we are absolutely thrilled to have Mrs. TORRES on the Rules Committee, as she has already made a contribution. She is going to continue to make a wonderful contribution.

I would say, Mr. Speaker, to my friend from California, that sometimes setting expectations is the right way to find success in the things that we pursue in our lives.

This FAA bill, I recognize her concerns that not every amendment was made in order. She is absolutely right. However, this bill did go through the Transportation and Infrastructure Committee, where all of our transportation subject matter experts are supposed to be, and absolutely every amendment was considered in that transportation committee.

Now it leaves the Transportation and Infrastructure Committee, where the subject matter experts are, and we have now made in order over 100 additional amendments brought from all across this House, more Democratic amendments made in order than Republican amendments made in order, but over 100 additional amendments made in order to try to perfect this bill.

It may not be everything that folks would like to see, but I would share with the gentlewoman, Mr. Speaker, that from my brief Rules Committee experience, we are getting close to a high-water mark here, and I am going to try to take credit and share enthusiasm when we have an opportunity to do it.

Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. GIANFORTE), for his insights on this legislation.

Mr. GIANFORTE. Mr. Speaker, I rise today in support of H.R. 3144, which will bring certainty to the management of the Federal Columbia River Power System.

For generations, the system has provided thousands of Montanans with clean, low-cost energy. Compliance with environmental mandates and litigation, however, threaten our way of life.

The Bonneville Power Administration spent over $700 million to comply with environmental red tape in 1 year alone. Thirty percent of those costs were passed on to taxpayers. A recent court-ordered spill released nearly $40 million of potential hydropower. Approximately 130,000 Montana taxpayers will pay a portion of the costs for this court-mandated spill. This increase is on top of rate hikes of up to 50 percent that western Montana electric co-ops have faced since 2011.

It is time to bring certainty to the operations of the Columbia River System.

Mr. Speaker, as a cosponsor of this bipartisan bill, I urge my colleagues to bring some relief to Montana taxpayers and pass H.R. 3144.

Mrs. TORRES. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), the distinguished ranking member of the Ways and Means Subcommittee on Tax Policy.

Mr. DOGGETT. Mr. Speaker, I thank the gentlewoman for yielding.

Recently, our attention was rightly focused on one passenger who was killed after jet engine failure.

Two years ago, July 30, 2016, 16 people were killed near Lockhart, Texas, in the deadliest commercial balloon crash in our Nation's history and the worst aviation disaster of any type in the last decade.

After that crash, this photo shows all that was left. Rightly, the head of the National Transportation Safety Board expressed his disappointment that the Federal Aviation Administration appears to be shirking its responsibility for the many people who go out to enjoy a commercial balloon flight.

Since 2016, I have repeatedly urged the FAA to adopt a safety measure, long recommended by the NTSB, to help avert tragedies like this.

The NTSB found that the FAA's refusal to require commercial balloon operators to obtain a medical certificate that they are suitable for flying contributed to this crash where so many were harmed.

My bipartisan amendment, that has been approved by the Rules Committee, would end this exemption for commercial balloon operations to ensure that there is not another family in America that is at risk of injury or death from an impaired pilot.

Continued inaction is inexcusable and risks condemning more to death.

Uniting in Caldwell County around the courthouse in morning prayer to remember the victims, a bell rang 16 times for each person who was lost; families, coming together in their hurt, lovingly embraced by that community.

You cannot un-ring a bell, and we cannot bring the precious lives back that were lost in this crash. But from their loss, we can pass an amendment that will help ensure that no other family needlessly suffers.

Mr. Speaker, I urge adoption of the amendment in the course of the debate.

Mr. WOODALL. Mr. Speaker, I yield 10 minutes to the gentleman from Washington State (Mr. NEWHOUSE), a member of the Rules Committee and a subject matter expert on the Columbia River bill before us.

Mr. NEWHOUSE. Mr. Speaker, I thank the gentleman, Mr. WOODALL, my good friend from the Rules Committee, for yielding me such time.

Mr. Speaker, I also welcome Mrs. TORRES to her first management of a rule on the floor. It is a pleasure to have her as part of the Rules Committee.

Mr. Speaker, I rise in support of the rule, including the underlying legislation, H.R. 3144, of which I am a proud original cosponsor.

H.R. 3144, Mr. Speaker, is a vital piece of legislation for my constituents as well as for the greater Pacific Northwest region.

The legislation keeps in place a groundbreaking, comprehensive plan which governs the operations and salmon protection management plan for the Federal Columbia River Power System.

This plan was the product of painstaking negotiations conducted by the Bush and the Obama administrations, scientists, engineering experts at Federal agencies, affected States, sovereign Northwest Tribes, and local stakeholders. In fact, every Tribe in the region was consulted in the development of the 2014 biological opinion, and all but one supported it.

H.R. 3144 ensures that Tribal consultations provided for under the BiOp continue unaffected.

These experts collaborated to develop this comprehensive plan to both protect Endangered Species Act-listed salmon and to provide certainty for our region's ability to continue providing clean, renewable, and affordable power derived from hydroelectric dams.

Now, unfortunately, a Federal judge in Portland, Oregon, has decided to throw out this comprehensive plan and negate years of serious concerted efforts by a diverse set of Federal, State, and local stakeholders. He has anointed himself the sole expert of this river system and has begun dictating scientific and engineering decisions.

As my friend Jack Heffling says: ''One judge in Portland does not know how to manage this river system better than the experts and professional workforce who keep the lights on for the entire Pacific Northwest.''

Jack is president of the United Power Trades Organization, a labor union representing more than 600 men and women who maintain and operate the equipment at hydroelectric projects throughout the Pacific Northwest.

Mr. Speaker, I stand with Jack today and all of the men and women of the power trades. I believe the experts, scientists and biologists, engineers, and professional workers at Federal agencies and on the ground working at our dams should be deciding how to best manage this system, not a judge sitting behind a bench.

Unfortunately, this judge thinks otherwise and now has mandated an ongoing forced spill order over eight of our dams in the region. This order could have devastating impacts on transportation and barging systems, on our flood control capabilities, and irrigation systems; it could impair our agricultural economy, both by limiting modes of transportation for our commodities and by hobbling our irrigation resources.

While there are no cost estimates of the effects this decision will have on transportation and barging, flood control, or irrigation, Federal agencies have estimated that the forced spill will cost ratepayers, utility ratepayers, $40 million per year in increased electrical rates starting in the very near future.

The judge's order could also harm the very fish he is claiming to protect. The Bonneville Power Administration, or the BPA, notes that the risks of exposing fish to the maximum total dissolved gas levels have not been evaluated, nor has it been recommended by the National Marine Fisheries Service or the U.S. Army Corps of Engineers.

They warn that the potential for adverse effects from exposure to these gases in the river is a concern recognized by experts in the region and also creates risk of adverse consequences for other aquatic species.

The judge's decision to recklessly dictate a water management plan could, in fact, harm or even kill these ESA-listed salmon.

This order also threatens the reliability of the Federal power and transmission system. BPA has also warned of blackouts, stating:

> When the Lower Columbia and Lower Snake generators are operating at minimum generation levels, however . . . there is far less generation available for use. . . . Under the right conditions, local blackouts may occur if there is inadequate transfer capability in the transmission system to move the necessary electric power to loads.

I am already hearing from our local cooperatives and public utility districts that this threat is not far off. Our communities could be facing the risk of rolling blackouts in the coming months due to this order.

Mr. Speaker, it is because of this reckless antiscience order that constituents and stakeholders from a great variety of backgrounds and viewpoints have joined with me and my colleagues from the Pacific Northwest over these past several months to stand against this decision and support a rational, science-based resolution.

I have been overwhelmed and invigorated by these supporters, whether it is the barge captains on our rivers, who move commodities like wheat for export; or small-business owners, who depend on our affordable electricity throughout the Pacific Northwest; it is the union workers at our hydropower dams and the irrigators, who provide the incredibly vital resource of water for our region; it is the local cooperative managers and public utility district leaders across Washington State and throughout the Northwest who have rallied to bring this legislation to the floor of the U.S. House of Representatives today, and I could not be more proud to stand with all of them in support of H.R. 3144.

Mr. Speaker, unfortunately, not every aspect of this matter has been as inspiring. I have been disappointed to see radical and ideological groups use hyperbolic language to insinuate that my colleagues and I are actively advocating for the extinction of our native salmon species.

Let me tell you, Mr. Speaker, nothing could be further from the truth, and, frankly, I have been appalled that some of my colleagues in this very body have decided to use these same scare tactics to fearmonger other Members of this House.

They claim we advocate for an illegal or an unlawful plan that does not do enough to help fish, yet they fail to mention that it was President Obama's administration who formally approved of this plan after years of work with scientists, with experts, with affected States, and, like I said, with sovereign Northwest Indian Tribes.

Mr. Speaker, I take offense to these fringe voices and proudly stand with the reasoned, serious contributors who have been a part of these collaborative and unprecedented negotiations.

I challenge these detractors, let this plan actually come to fruition, let us actually have a plan that has the intent of continuing our salmon restoration efforts, rather than constantly bogging down our Federal action agencies and experts running the system in decades of litigation after litigation.

Honor the work of these diverse stakeholders who, in a good faith effort, worked to build a plan to both save our salmon and save our dams.

Mr. Speaker, I urge my colleagues, support the rule and support H.R. 3144. Join me to save our salmon and save our dams.

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

Mr. Speaker, President Trump campaigned on the promise of draining the swamp, but has instead allowed corruption to run rampant in the executive office. Several Cabinet officials are being investigated for ethics violations and the misuse of Federal funds.

Housing and Urban Development Secretary Carson spent over $31,000 on a new dining room set for his office. Interior Secretary Zinke spent $139,000 of taxpayer money to remodel three sets of office doors.

One of the most outrageous practices by President Trump's Cabinet is the hundreds of thousands of dollars spent on luxury air travel. Just a couple of examples: Environmental Protection Agency Administrator Pruitt spent over $14,000 on a private jet traveling just 300 miles within Oklahoma.

□ 1315

Interior Secretary Zinke cost the taxpayers $12,000 chartering a plane belonging to an oil and gas exploration firm.

President Trump recently said: ''Sometimes it may not look like it, but believe me, we are draining the swamp.''

Well, with a Cabinet like this, I have to agree with President Trump in part. It does not look like he is draining the swamp, but that is because he is not.

For this reason, if we defeat the previous question, I will offer an amendment to the rule to bring up Representative LIEU's H.R. 3876, the SWAMP FLYERS Act. This legislation will ensure that senior political appointees are not using Federal funds for official travel on private aircraft.

Unlike the restrictive rules we are considering today, this bill would be brought to the floor under an open rule so that all Members have the opportunity to amend the bill on the floor.

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

The SPEAKER pro tempore (Mr. FLEISCHMANN). Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. TORRES. Mr. Speaker, I yield 4½ minutes to the gentleman from California (Mr. TED LIEU) to discuss this proposal.

Mr. TED LIEU of California. Mr. Speaker, whether you are a Republican or a Democrat or an Independent, you don't want corruption in your government. Unfortunately, multiple members of Donald Trump's Cabinet have engaged in massive fraud, waste, and abuse, largely by using taxpayer funds on luxury private air travel.

Democrats have been calling repeatedly for investigations into Trump's ''Cabinet of Corruption.'' Unfortunately, the Republican-controlled House has largely protected these officials at every turn. So I am going to highlight to you some of the more egregious examples, and we have added up the numbers.

Representative TORRES gave very specific examples, but we are going to give you the big numbers so you understand how much corruption there is.

It all started with former Health and Human Services Secretary Tom Price, who spent half a million dollars of taxpayer funds on private and military jet travel for no good reason. He could have taken commercial. He chose not to.

Treasury Secretary Steve Mnuchin looked at that and must have said ''what a great idea,'' because he doubled that spending. He spent nearly $1 million of taxpayer funds on at least seven military jets, for no good reason, because he could have flown commercial, just like his predecessors.

And then we have Interior Secretary Ryan Zinke, who took multiple trips that added up to thousands of dollars on expensive private jets, as well as about $139,000 to renovate his office doors.

Then we have former Veterans Affairs Secretary David Shulkin, who spent $122,000 of taxpayer funds on a trip to Europe with his wife, largely to do sightseeing.

But EPA Administrator Scott Pruitt, he takes this to a whole new level. He is so creative in his corruption. You will be very impressed to hear how ingenious he is.

First of all, he spent over $40,000 on a private phone booth of your hard-earned taxpayer funds. For most Americans, we know there is a very simple way to make private phone calls from your office; it is called closing the office door. But no, he didn't do that. He spent your hard-earned money to have this private phone booth for him to make his phone calls.

Then he managed to find a way to live here in Washington, D.C., cheaply, by getting a below-market rate condo deal, $50 a night; and then he structured the lease so that the landlord had to keep the condo open for the entire time for 6 months, but he only had to pay for the days that he stayed there. No ordinary citizens could have gotten that lease.

Then he spent over $200,000 of your hard-earned taxpayers' money, on, again, first class travel and chartered flights.

The Trump administration's ''Cabinet of Corruption'' is sticking Americans with a raw deal. Democrats believe that hardworking Americans deserve a better deal, and my bill, the SWAMP FLYERS Act is very simple. It will prevent administration officials from using taxpayer funds for private air travel, ensuring that government officials are not using your hard-earned taxpayer dollars to fund their lavish lifestyles.

If my colleagues care about protecting our tax dollars and preventing these obvious abuses, they will vote ''no'' on the previous question and call up H.R. 3876, the SWAMP FLYERS Act, for a vote.

Mr. WOODALL. Mr. Speaker, with great optimism that we will return to the bill at hand, I reserve the balance of my time.

Mrs. TORRES. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Nevada (Ms. TITUS), the distinguished ranking member of the Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings and Emergency Management.

Ms. TITUS. Mr. Speaker, after testifying before the Rules Committee last night on my amendment to this bill, H.R. 4, a worthy amendment that, by the way, was not made in order and will not be debated or voted on by this body, I felt compelled to speak about the broken process that dominates this Congress.

The Speaker promised us an open and inclusive process but, in reality, it has never been more closed. Members play very little role in legislating today. Instead, the agenda is dictated and the process is controlled by a failed leadership cabal.

Let me remind my colleagues on the other side of the aisle that majorities can switch and, when they do, previous mistreatment, unfairness, and disregard for the democratic process will be hard to forget.

In the meantime, we can reverse this destructive trend and better serve the American people by rejecting the rule before us, so I urge a ''no'' vote on the rule.

Mr. WOODALL. Mr. Speaker, I would advise my friend from California I do not have any speakers remaining, and so I am prepared to close when she is. I reserve the balance of my time.

Mrs. TORRES. Mr. Speaker, I urge my colleagues to oppose the previous question and the rule, and I yield back the balance of my time.

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

Mr. Speaker, I had a wonderful closing statement but, against that backdrop of collegiality, I will say only this. I did mention earlier that subject matter experts were assigned to the Transportation and Infrastructure Committee. My friend, Ms. TITUS, is on that committee; I am on that committee.

As a subject matter expert, my mom and dad come to me regularly to help them with their airline reservations, Delta Airlines, of course, being an Atlantan. But just recently, they were heading out to California; demanded that I make those reservations going into Ontario instead of LAX because, why in the world would anyone want to

battle LAX when they could be in the Torres district there in Ontario?

They were treated wonderfully and had a wonderful visit, so I recognize the gentlewoman's passion for her airport.

Mr. Speaker, if you have an airport in your district, if you have aviation travelers in your district, you want the FAA to be reauthorized. This bill, this rule makes that possible. This bill gets that job done in an open, collaborative, and bipartisan way. I urge my colleagues to support this rule, support the underlying bills.

The material previously referred to by Mrs. TORRES is as follows:

AN AMENDMENT TO H. RES. 839 OFFERED BY MS. TORRES

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

SEC. 5. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3876) to prohibit the use of Federal funds for the official travel of any senior political appointee on private aircraft, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 6. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3876.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mrs. TORRES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of the adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 225, nays 190, not voting 13, as follows:

[Roll No. 150]

YEAS—225

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—190

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)

Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—13

Black
Capuano
Crawford
Gowdy
Grothman
Jenkins (WV)
Kuster (NH)
Labrador
Lewis (GA)
Noem
Rooney, Thomas J.
Scalise
Walz

□ 1353

Mr. LAMB and Ms. BASS changed their vote from ''yea'' to ''nay.''

Mr. THOMPSON of Pennsylvania changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mrs. TORRES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 228, noes 184, not voting 16, as follows:

[Roll No. 151]

AYES—228

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Jenkins (KS)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
LaHood
LaMalfa
Lamb
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—184

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Shea-Porter
Sherman
Sires
Smith (WA)
Soto
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—16

Black
Capuano
Crawford
Gowdy
Grothman
Issa
Jenkins (WV)
Kuster (NH)
Labrador
Lewis (GA)
Noem
Rooney, Thomas J.
Scalise
Sewell (AL)
Speier
Walz

□ 1400

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SCALISE. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted ''yea'' on rollcall No. 150 and ''yea'' on rollcall No. 151.

SMITHSONIAN NATIONAL ZOOLOGICAL PARK CENTRAL PARKING FACILITY AUTHORIZATION ACT

Mr. HARPER. Mr. Speaker, I ask unanimous consent that the Committee on House Administration and the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 4009) to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a central parking facility on National Zoological Park property in the District of Columbia, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 4009

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 ''Smithsonian National Zoological Park Central Parking Facility Authorization Act''.

SEC. 2. FACILITY FOR IMPROVED VISITOR EXPERIENCE AND ACCESS AT THE NATIONAL ZOOLOGICAL PARK.

(a) IN GENERAL.—In order to improve visitor experience and multi-modal access to the Smithsonian National Zoological Park, the Board of Regents of the Smithsonian Institution is authorized to plan, design, and

construct a central parking facility on National Zoological Park property in the District of Columbia.

(b) CENTRAL PARKING FACILITY.—The facility authorized under this section may include parking, transportation improvements, visitor amenities including restrooms, a pedestrian bridge to a midpoint entry of the National Zoological Park, and ancillary works to accommodate alternative uses of the facility.

(c) FUNDING.—Construction of the facility described in this section shall be conducted with funds from nonappropriated sources.

Mr. HARPER. Mr. Speaker, I rise today in support of H.R. 4009, which authorizes the Board of Regents of the Smithsonian Institution to plan, design, and construct a central parking facility on National Zoological Park property in the District of Columbia using nonappropriated funds.

Established by Congress in 1889, the National Zoo was incorporated as a unit of the Smithsonian Institution in 1890. Today, the National Zoo consists of two components: the 3,200-acre Conservation Biology Institute in Front Royal, Virginia and the public National Zoological Park (Zoo) located at the 163-acre Rock Creek campus in Washington, D.C. Admission is free of charge and with more than two million people visiting the Rock Creek facility in 2017, the Zoo remains a favorite tourist and local destination in the nation's Capital.

While public transit is an option for some visitors, many others rely on private vehicles to reach the Zoo. Currently, parking at the Zoo includes several paved surface lots spread across the campus, which often fill up early in the day during peak season. To better serve these visitors, the proposed new parking facility consolidates public parking into a multilevel parking garage located at the midpoint of the Zoo.

Included in the Zoo's 2008 Comprehensive Facilities Master Plan, the parking facility will provide a number of benefits that both further the Zoo's mission and improve the visitor experience. These benefits include expanding animal habitat space through repurposing existing surface lots; improving visitor access with a centralized and accessible arrival point; increasing security through consolidation of access points; improved pedestrian safety; and expanding the number of on-site visitor parking spaces which reduces the number of days the Zoo must turn away visitors due to lack of parking. The additional parking spaces will help accommodate a projected increase in the number of visitors to the Zoo.

No appropriated funds will be expended for the project. The Smithsonian intends to enter into a public-private-partnership for the construction and operation of the parking facility. The developer would be responsible for design, construction, maintenance, and operations for a fixed term of 35 years after which ownership is retained by the Zoo. Financing is the sole responsibility of the developer, with construction cost estimated at $70–75 million and annual operating costs at $1.5 million. As part of the agreement, the Zoo receives an initial annual payment of $7 million and a recurring annual payment based on revenues with a guaranteed minimum of $1 million. Design, construction, operations and maintenance will be conducted in accordance with the contract and plans approved by the Smithsonian.

The Committee on House Administration held a markup on this bill on December 13, 2017 and ordered the bill reported favorably to the House, by voice vote, with no amendments. In its December 21, 2017 cost estimate, the Congressional Budget Office states that enacting H.R. 4009 would not affect the federal budget and would not affect direct spending or revenues. Additionally, the Committee on House Administration exchanged jurisdiction letters with the Committee on Transportation and Infrastructure.

I urge my colleagues to support H.R. 4009.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 21, 2017.

Hon. GREGG HARPER,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4009, the Smithsonian National Zoological Park Central Parking Facility Authorization Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Meredith Decker.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 4009—SMITHSONIAN NATIONAL ZOOLOGICAL PARK CENTRAL PARKING FACILITY AUTHORIZATION ACT

As ordered reported by the House Committee on House Administration on December 13, 2017

H.R. 4009 would authorize the Smithsonian Institution to plan, design, and construct a central parking facility on the National Zoological Park's property in the District of Columbia. Construction would be financed with nonappropriated funds.

CBO estimates that implementing H.R. 4009 would not affect the federal budget. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4009 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 4009 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Meredith Decker. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, April 24, 2018.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: I am writing in regard to H.R. 4009, Smithsonian National Zoological Park Central Parking Facility Authorization Act. As you know, the bill was introduced on October 11, 2017, and referred to the Committee on House Administration, with an additional referral to the Committee on Transportation and Infrastructure. The bill authorizes the Board of Regents of the Smithsonian Institution to plan, design, and construct a central parking facility on National Zoological Park property in the District of Columbia using non-appropriated funds. On December 13, 2017 the Committee on House Administration reported H.R. 4009 favorably out of Committee by voice vote without amendment.

The Committee on House Administration recognizes that the Committee on Transportation and Infrastructure has an additional referral of H.R. 4009. We ask that the Committee on Transportation and Infrastructure be discharged from consideration of H.R. 4009 to expedite the bill. It is the understanding of the Committee on House Administration that forgoing action on H.R. 4009 will not prejudice the Committee on Transportation and Infrastructure with respect to any future jurisdictional claim over the subject matters contained in the bill that fall under your Committee's Rule X jurisdiction.

Sincerely,

GREGG HARPER,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, April 24, 2018.

Hon. GREGG HARPER,
Chairman, Committee on House Administration, Washington, DC.

DEAR CHAIRMAN HARPER: Thank you for your letter concerning H.R. 4009, the Smithsonian National Zoological Park Central Parking Facility Authorization Act. As noted, the Committee on Transportation and Infrastructure received an additional referral on this legislation.

In order to expedite floor consideration of H.R. 4009, the Committee on Transportation and Infrastructure agrees to forgo action on this bill. However, as you noted, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. Should a conference on the bill be necessary, I appreciate your agreement to support my request to have the Committee represented on the conference committee.

Thank you for your cooperation on this matter and for agreeing to place a copy of this letter and your response acknowledging our jurisdictional interest into the Congressional Record during consideration of the measure on the House floor.

Sincerely,

BILL SHUSTER,
Chairman.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HARPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 4009.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken at a later time.

MUSIC MODERNIZATION ACT

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5447) to modernize copyright law, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5447

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Music Modernization Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. RESCISSION OF UNOBLIGATED BALANCES IN THE DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.

Of the unobligated balances available under the Department of Justice Assets Forfeiture Fund, $47,000,000 is hereby permanently rescinded.

TITLE I—MUSIC LICENSING MODERNIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Musical Works Modernization Act''.

SEC. 102. BLANKET LICENSE FOR DIGITAL USES AND MECHANICAL LICENSING COLLECTIVE.

(a) AMENDMENT.—Section 115 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''IN GENERAL'' after ''AVAILABILITY AND SCOPE OF COMPULSORY LICENSE'';

(B) by striking paragraph (1) and inserting the following new paragraph:

''(1) ELIGIBILITY FOR COMPULSORY LICENSE.—

''(A) CONDITIONS FOR COMPULSORY LICENSE.—A person may by complying with the provisions of this section obtain a compulsory license to make and distribute phonorecords of a nondramatic musical work, including by means of digital phonorecord delivery. A person may obtain a compulsory license only if the primary purpose in making phonorecords of the musical work is to distribute them to the public for private use, including by means of digital phonorecord delivery, and—

''(i) phonorecords of such musical work have previously been distributed to the public in the United States under the authority of the copyright owner of the work, including by means of digital phonorecord delivery; or

''(ii) in the case of a digital music provider seeking to make and distribute digital phonorecord deliveries of a sound recording embodying a musical work under a compulsory license for which clause (i) does not apply—

''(I) the first fixation of such sound recording was made under the authority of the musical work copyright owner, and sound recording copyright owner has the authority of the musical work copyright owner to make and distribute digital phonorecord deliveries embodying such work to the public in the United States; and

''(II) the sound recording copyright owner or its authorized distributor has authorized the digital music provider to make and distribute digital phonorecord deliveries of the sound recording to the public in the United States.

''(B) DUPLICATION OF SOUND RECORDING.—A person may not obtain a compulsory license for the use of the work in the making of phonorecords duplicating a sound recording fixed by another, including by means of digital phonorecord delivery, unless—

''(i) such sound recording was fixed lawfully; and

''(ii) the making of the phonorecords was authorized by the owner of the copyright in the sound recording or, if the sound recording was fixed before February 15, 1972, by any person who fixed the sound recording pursuant to an express license from the owner of the copyright in the musical work or pursuant to a valid compulsory license for use of such work in a sound recording.''; and

(C) in paragraph (2), by striking ''A compulsory license'' and inserting ''MUSICAL ARRANGEMENT.—A compulsory license'';

(2) by striking subsection (b) and inserting the following:

''(b) PROCEDURES TO OBTAIN A COMPULSORY LICENSE.—

''(1) PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.—A person who seeks to obtain a compulsory license under subsection (a) to make and distribute phonorecords of a musical work other than by means of digital phonorecord delivery shall, before or within 30 calendar days after making, and before distributing, any phonorecord of the work, serve notice of intention to do so on the copyright owner. If the registration or other public records of the Copyright Office do not identify the copyright owner and include an address at which notice can be served, it shall be sufficient to file the notice of intention with the Copyright Office. The notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation.

''(2) DIGITAL PHONORECORD DELIVERIES.—A person who seeks to obtain a compulsory license under subsection (a) to make and distribute phonorecords of a musical work by means of digital phonorecord delivery—

''(A) prior to the license availability date, shall, before or within 30 calendar days after first making any such digital phonorecord delivery, serve a notice of intention to do so on the copyright owner (but may not file the notice with the Copyright Office, even if the public records of the Office do not identify the owner or the owner's address), and such notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation; or

''(B) on or after the license availability date, shall, before making any such digital phonorecord delivery, follow the procedure described in subsection (d)(2), except as provided in paragraph (3).

''(3) RECORD COMPANY INDIVIDUAL DOWNLOAD LICENSES.—Notwithstanding paragraph (2)(B), a record company may, on or after the license availability date, obtain an individual download license in accordance with the notice requirements described in paragraph (2)(A) (except for the requirement that notice occur prior to the license availability date). A record company that obtains an individual download license as permitted under this paragraph shall provide statements of account and pay royalties as provided in subsection (c)(2)(I).

''(4) FAILURE TO OBTAIN LICENSE.—

''(A) PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.—In the case of phonorecords made and distributed other than by means of digital phonorecord delivery, the failure to serve or file the notice of intention required by paragraph (1) forecloses the possibility of a compulsory license under paragraph (1). In the absence of a voluntary license, the failure to obtain a compulsory license renders the making and distribution of phonorecords actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.

''(B) DIGITAL PHONORECORD DELIVERIES.—

''(i) In the case of phonorecords made and distributed by means of digital phonorecord delivery:

''(I) The failure to serve the notice of intention required by paragraph (2)(A) or paragraph (3), as applicable, forecloses the possibility of a compulsory license under such paragraph.

''(II) The failure to comply with paragraph (2)(B) forecloses the possibility of a blanket license for a period of 3 years after the last calendar day on which the notice of license was required to be submitted to the mechanical licensing collective under such paragraph.

''(ii) In either case described in clause (i), in the absence of a voluntary license, the failure to obtain a compulsory license renders the making and distribution of phonorecords by means of digital phonorecord delivery actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.'';

(3) by amending subsection (c) to read as follows:

''(c) GENERAL CONDITIONS APPLICABLE TO COMPULSORY LICENSE.—

''(1) ROYALTY PAYABLE UNDER COMPULSORY LICENSE.—

''(A) IDENTIFICATION REQUIREMENT.—To be entitled to receive royalties under a compulsory license obtained under subsection (b)(1) the copyright owner must be identified in the registration or other public records of the Copyright Office. The owner is entitled to royalties for phonorecords made and distributed after being so identified, but is not entitled to recover for any phonorecords previously made and distributed.

''(B) ROYALTY FOR PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.—Except as provided by subparagraph (A), for every phonorecord made and distributed under a compulsory license under subsection (a) other than by means of digital phonorecord delivery, with respect to each work embodied in the phonorecord, the royalty shall be the royalty prescribed under subparagraphs (D) through (F) and paragraph (2)(A) and chapter 8 of this title. For purposes of this subparagraph, a phonorecord is considered 'distributed' if the person exercising the compulsory license has voluntarily and permanently parted with its possession.

''(C) ROYALTY FOR DIGITAL PHONORECORD DELIVERIES.—For every digital phonorecord delivery of a musical work made under a

compulsory license under this section, the royalty payable shall be the royalty prescribed under subparagraphs (D) through (F) and paragraph (2)(A) and chapter 8 of this title.

''(D) AUTHORITY TO NEGOTIATE.—Notwithstanding any provision of the antitrust laws, any copyright owners of nondramatic musical works and any persons entitled to obtain a compulsory license under subsection (a) may negotiate and agree upon the terms and rates of royalty payments under this section and the proportionate division of fees paid among copyright owners, and may designate common agents on a nonexclusive basis to negotiate, agree to, pay or receive such royalty payments. Such authority to negotiate the terms and rates of royalty payments includes, but is not limited to, the authority to negotiate the year during which the royalty rates prescribed under this subparagraph and subparagraphs (E) and (F) and paragraph (2)(A) and chapter 8 of this title shall next be determined.

''(E) DETERMINATION OF REASONABLE RATES AND TERMS.—Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for the activities specified by this section during the period beginning with the effective date of such rates and terms, but not earlier than January 1 of the second year following the year in which the petition requesting the proceeding is filed, and ending on the effective date of successor rates and terms, or such other period as the parties may agree. Any copyright owners of nondramatic musical works and any persons entitled to obtain a compulsory license under subsection (a) may submit to the Copyright Royalty Judges licenses covering such activities. The parties to each proceeding shall bear their own costs.

''(F) SCHEDULE OF REASONABLE RATES.—The schedule of reasonable rates and terms determined by the Copyright Royalty Judges shall, subject to paragraph (2)(A), be binding on all copyright owners of nondramatic musical works and persons entitled to obtain a compulsory license under subsection (a) during the period specified in subparagraph (E), such other period as may be determined pursuant to subparagraphs (D) and (E), or such other period as the parties may agree. The Copyright Royalty Judges shall establish rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller. In determining such rates and terms for digital phonorecord deliveries, the Copyright Royalty Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—

''(i) whether use of the compulsory licensee's service may substitute for or may promote the sales of phonorecords or otherwise may interfere with or may enhance the musical work copyright owner's other streams of revenue from its musical works; and

''(ii) the relative roles of the copyright owner and the compulsory licensee in the copyrighted work and the service made available to the public with respect to the relative creative contribution, technological contribution, capital investment, cost, and risk.

''(2) ADDITIONAL TERMS AND CONDITIONS.—

''(A) VOLUNTARY LICENSES AND CONTRACTUAL ROYALTY RATES.—

''(i) License agreements voluntarily negotiated at any time between one or more copyright owners of nondramatic musical works and one or more persons entitled to obtain a compulsory license under subsection (a) shall be given effect in lieu of any determination by the Copyright Royalty Judges. Subject to clause (ii), the royalty rates determined pursuant to subparagraphs (E) and (F) of paragraph (1) shall be given effect as to digital phonorecord deliveries in lieu of any contrary royalty rates specified in a contract pursuant to which a recording artist who is the author of a nondramatic musical work grants a license under that person's exclusive rights in the musical work under paragraphs (1) and (3) of section 106 or commits another person to grant a license in that musical work under paragraphs (1) and (3) of section 106, to a person desiring to fix in a tangible medium of expression a sound recording embodying the musical work.

''(ii) The second sentence of clause (i) shall not apply to—

''(I) a contract entered into on or before June 22, 1995, and not modified thereafter for the purpose of reducing the royalty rates determined pursuant to subparagraphs (E) and (F) of paragraph (1) or of increasing the number of musical works within the scope of the contract covered by the reduced rates, except if a contract entered into on or before June 22, 1995, is modified thereafter for the purpose of increasing the number of musical works within the scope of the contract, any contrary royalty rates specified in the contract shall be given effect in lieu of royalty rates determined pursuant to subparagraphs (E) and (F) of paragraph (1) for the number of musical works within the scope of the contract as of June 22, 1995; and

''(II) a contract entered into after the date that the sound recording is fixed in a tangible medium of expression substantially in a form intended for commercial release, if at the time the contract is entered into, the recording artist retains the right to grant licenses as to the musical work under paragraphs (1) and (3) of section 106.

''(B) SOUND RECORDING INFORMATION.—Except as provided in section 1002(e) of this title, a digital phonorecord delivery licensed under this paragraph shall be accompanied by the information encoded in the sound recording, if any, by or under the authority of the copyright owner of that sound recording, that identifies the title of the sound recording, the featured recording artist who performs on the sound recording, and related information, including information concerning the underlying musical work and its writer.

''(C) INFRINGEMENT REMEDIES.—

''(i) A digital phonorecord delivery of a sound recording is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506, unless—

''(I) the digital phonorecord delivery has been authorized by the sound recording copyright owner; and

''(II) the entity making the digital phonorecord delivery has obtained a compulsory license under subsection (a) or has otherwise been authorized by the musical work copyright owner, or by a record company pursuant to an individual download license, to make and distribute phonorecords of each musical work embodied in the sound recording by means of digital phonorecord delivery.

''(ii) Any cause of action under this subparagraph shall be in addition to those available to the owner of the copyright in the nondramatic musical work under subparagraph (J) and section 106(4) and the owner of the copyright in the sound recording under section 106(6).

''(D) LIABILITY OF SOUND RECORDING OWNERS.—The liability of the copyright owner of a sound recording for infringement of the copyright in a nondramatic musical work embodied in the sound recording shall be determined in accordance with applicable law, except that the owner of a copyright in a sound recording shall not be liable for a digital phonorecord delivery by a third party if the owner of the copyright in the sound recording does not license the distribution of a phonorecord of the nondramatic musical work.

''(E) RECORDING DEVICES AND MEDIA.—Nothing in section 1008 shall be construed to prevent the exercise of the rights and remedies allowed by this paragraph, subparagraph (J), and chapter 5 in the event of a digital phonorecord delivery, except that no action alleging infringement of copyright may be brought under this title against a manufacturer, importer or distributor of a digital audio recording device, a digital audio recording medium, an analog recording device, or an analog recording medium, or against a consumer, based on the actions described in such section.

''(F) PRESERVATION OF RIGHTS.—Nothing in this section annuls or limits (i) the exclusive right to publicly perform a sound recording or the musical work embodied therein, including by means of a digital transmission, under sections 106(4) and 106(6), (ii) except for compulsory licensing under the conditions specified by this section, the exclusive rights to reproduce and distribute the sound recording and the musical work embodied therein under sections 106(1) and 106(3), including by means of a digital phonorecord delivery, or (iii) any other rights under any other provision of section 106, or remedies available under this title, as such rights or remedies exist either before or after the date of enactment of the Digital Performance Right in Sound Recordings Act of 1995.

''(G) EXEMPT TRANSMISSIONS AND RETRANSMISSIONS.—The provisions of this section concerning digital phonorecord deliveries shall not apply to any exempt transmissions or retransmissions under section 114(d)(1). The exemptions created in section 114(d)(1) do not expand or reduce the rights of copyright owners under section 106(1) through (5) with respect to such transmissions and retransmissions.

''(H) DISTRIBUTION BY RENTAL, LEASE, OR LENDING.—A compulsory license obtained under subsection (b)(1) to make and distribute phonorecords includes the right of the maker of such a phonorecord to distribute or authorize distribution of such phonorecord, other than by means of a digital phonorecord delivery, by rental, lease, or lending (or by acts or practices in the nature of rental, lease, or lending). With respect to each nondramatic musical work embodied in the phonorecord, the royalty shall be a proportion of the revenue received by the compulsory licensee from every such act of distribution of the phonorecord under this clause equal to the proportion of the revenue received by the compulsory licensee from distribution of the phonorecord under subsection (a)(1)(A)(ii)(II) that is payable by a compulsory licensee under that clause and under chapter 8. The Register of Copyrights shall issue regulations to carry out the purpose of this clause.

''(I) PAYMENT OF ROYALTIES AND STATEMENTS OF ACCOUNT.—Except as provided in paragraphs (4)(A)(i) and (10)(B) of subsection (d), royalty payments shall be made on or before the twentieth day of each month and shall include all royalties for the month next preceding. Each monthly payment shall be made under oath and shall comply with requirements that the Register of Copyrights shall prescribe by regulation. The Register shall also prescribe regulations under which detailed cumulative annual statements of account, certified by a certified public accountant, shall be filed for every compulsory license under subsection (a). The regulations covering both the monthly and the annual statements of account shall prescribe the form, content, and manner of certification with respect to the number of records made and the number of records distributed.

''(J) NOTICE OF DEFAULT AND TERMINATION OF COMPULSORY LICENSE.—In the case of a license obtained under subsection (b)(1), (b)(2)(A), or (b)(3), if the copyright owner does not receive the monthly payment and the monthly and annual statements of account when due, the owner may give written notice to the licensee that, unless the default is remedied within thirty days from the date of the notice, the compulsory license will be automatically terminated. Such termination renders either the making or the distribution, or both, of all phonorecords for which the royalty has not been paid, actionable as acts of infringement under section 501 and fully subject to the remedies provided by sections 502 through 506. In the case of a license obtained under subsection (b)(2)(B), license authority under the compulsory license may be terminated as provided in subsection (d)(4)(E).'';

(4) by amending subsection (d) to read as follows:

''(d) BLANKET LICENSE FOR DIGITAL USES, MECHANICAL LICENSING COLLECTIVE, AND DIGITAL LICENSEE COORDINATOR.—

''(1) BLANKET LICENSE FOR DIGITAL USES.—

''(A) IN GENERAL.—A digital music provider that qualifies for a compulsory license under subsection (a) may, by complying with the terms and conditions of this subsection, obtain a blanket license from copyright owners through the mechanical licensing collective to make and distribute digital phonorecord deliveries of musical works through one or more covered activities.

''(B) INCLUDED ACTIVITIES.—A blanket license—

''(i) covers all musical works (or shares of such works) available for compulsory licensing under this section for purposes of engaging in covered activities, except as provided in subparagraph (C);

''(ii) includes the making and distribution of server, intermediate, archival, and incidental reproductions of musical works that are reasonable and necessary for the digital music provider to engage in covered activities licensed under this subsection, solely for the purpose of engaging in such covered activities; and

''(iii) does not cover or include any rights or uses other than those described in clauses (i) and (ii).

''(C) OTHER LICENSES.—A voluntary license for covered activities entered into by or under the authority of one or more copyright owners and one or more digital music providers, or authority to make and distribute permanent downloads of a musical work obtained by a digital music provider from a sound recording copyright owner pursuant to an individual download license, shall be given effect in lieu of a blanket license under this subsection with respect to the musical works (or shares thereof) covered by such voluntary license or individual download authority and the following conditions apply:

''(i) Where a voluntary license or individual download license applies, the license authority provided under the blanket license shall exclude any musical works (or shares thereof) subject to the voluntary license or individual download license.

''(ii) An entity engaged in covered activities under a voluntary license or authority obtained pursuant to an individual download license that is a significant nonblanket licensee shall comply with paragraph (6)(A).

''(iii) The rates and terms of any voluntary license shall be subject to the second sentence of clause (i) and clause (ii) of subsection (c)(2)(A) and paragraph (9)(C), as applicable.

''(D) PROTECTION AGAINST INFRINGEMENT ACTIONS.—A digital music provider that obtains and complies with the terms of a valid blanket license under this subsection shall not be subject to an action for infringement of the exclusive rights provided by paragraphs (1) and (3) of section 106 under this title arising from use of a musical work (or share thereof) to engage in covered activities authorized by such license, subject to paragraph (4)(E).

''(E) OTHER REQUIREMENTS AND CONDITIONS APPLY.—Except as expressly provided in this subsection, each requirement, limitation, condition, privilege, right, and remedy otherwise applicable to compulsory licenses under this section shall apply to compulsory blanket licenses under this subsection.

''(2) AVAILABILITY OF BLANKET LICENSE.—

''(A) PROCEDURE FOR OBTAINING LICENSE.—A digital music provider may obtain a blanket license by submitting a notice of license to the mechanical licensing collective that specifies the particular covered activities in which the digital music provider seeks to engage, as follows:

''(i) The notice of license shall comply in form and substance with requirements that the Register of Copyrights shall establish by regulation.

''(ii) Unless rejected in writing by the mechanical licensing collective within 30 calendar days after receipt, the blanket license shall be effective as of the date the notice of license was sent by the digital music provider as shown by a physical or electronic record.

''(iii) A notice of license may only be rejected by the mechanical licensing collective if—

''(I) the digital music provider or notice of license does not meet the requirements of this section or applicable regulations, in which case the requirements at issue shall be specified with reasonable particularity in the notice of rejection; or

''(II) the digital music provider has had a blanket license terminated by the mechanical licensing collective within the past 3 years pursuant to paragraph (4)(E).

''(iv) If a notice of license is rejected under clause (iii)(I), the digital music provider shall have 30 calendar days after receipt of the notice of rejection to cure any deficiency and submit an amended notice of license to the mechanical licensing collective. If the deficiency has been cured, the mechanical licensing collective shall so confirm in writing, and the license shall be effective as of the date that the original notice of license was provided by the digital music provider.

''(v) A digital music provider that believes a notice of license was improperly rejected by the mechanical licensing collective may seek review of such rejection in Federal district court. The district court shall determine the matter de novo based on the record before the mechanical licensing collective and any additional evidence presented by the parties.

''(B) BLANKET LICENSE EFFECTIVE DATE.—Blanket licenses shall be made available by the mechanical licensing collective on and after the license availability date. No such license shall be effective prior to the license availability date.

''(3) MECHANICAL LICENSING COLLECTIVE.—

''(A) IN GENERAL.—The mechanical licensing collective shall be a single entity that—

''(i) is a nonprofit, not owned by any other entity, that is created by copyright owners to carry out responsibilities under this subsection;

''(ii) is endorsed by and enjoys substantial support from musical work copyright owners that together represent the greatest percentage of the licensor market for uses of such works in covered activities, as measured over the preceding 3 full calendar years;

''(iii) is able to demonstrate to the Register of Copyrights that it has, or will have prior to the license availability date, the administrative and technological capabilities to perform the required functions of the mechanical licensing collective under this subsection; and

''(iv) has been designated by the Register of Copyrights in accordance with subparagraph (B).

''(B) DESIGNATION OF MECHANICAL LICENSING COLLECTIVE.—

''(i) INITIAL DESIGNATION.—The Register of Copyrights shall initially designate the mechanical licensing collective within 9 months after the enactment date as follows:

''(I) Within 90 calendar days after the enactment date, the Register shall publish notice in the Federal Register soliciting information to assist in identifying the appropriate entity to serve as the mechanical licensing collective, including the name and affiliation of each member of the board of directors described under subparagraph (D)(i) and each committee established pursuant to clauses (iii), (iv), and (v) of subparagraph (D).

''(II) After reviewing the information requested under subclause (I) and making a designation, the Register shall publish notice in the Federal Register setting forth the identity of and contact information for the mechanical licensing collective.

''(ii) PERIODIC REVIEW OF DESIGNATION.—Following the initial designation of the mechanical licensing collective, the Register shall, every 5 years, beginning with the fifth full calendar year to commence after the initial designation, publish notice in the Federal Register in the month of January soliciting information concerning whether the existing designation should be continued, or a different entity meeting the criteria described in clauses (i) through (iii) of subparagraph (A) shall be designated. Following publication of such notice:

''(I) The Register shall, after reviewing the information submitted and conducting additional proceedings as appropriate, publish notice in the Federal Register of a continuing designation or new designation of the mechanical licensing collective, as the case may be, with any new designation to be effective as of the first day of a month that is no less than 6 months and no longer than 9 months after the date of publication of such notice, as specified by the Register.

''(II) If a new entity is designated as a mechanical licensing collective, the Register shall adopt regulations to govern the transfer of licenses, funds, records, data, and administrative responsibilities from the existing mechanical licensing collective to the new entity.

''(iii) CLOSEST ALTERNATIVE DESIGNATION.—If the Register is unable to identify an entity that fulfills each of the qualifications set forth in clauses (i) through (iii) of subparagraph (A), the Register shall designate the entity that most nearly fulfills such qualifications for purposes of carrying out the responsibilities of the mechanical licensing collective.

''(C) AUTHORITIES AND FUNCTIONS.—

''(i) IN GENERAL.—The mechanical licensing collective is authorized to perform the following functions, subject to more particular requirements as described in this subsection:

''(I) Offer and administer blanket licenses, including receipt of notices of license and reports of usage from digital music providers.

''(II) Collect and distribute royalties from digital music providers for covered activities.

''(III) Engage in efforts to identify musical works (and shares of such works) embodied in particular sound recordings, and to identify and locate the copyright owners of such musical works (and shares of such works).

''(IV) Maintain the musical works database and other information relevant to the administration of licensing activities under this section.

''(V) Administer a process by which copyright owners can claim ownership of musical works (and shares of such works), and a process by which royalties for works for which the owner is not identified or located are equitably distributed to known copyright owners.

''(VI) Administer collections of the administrative assessment from digital music providers and significant nonblanket licensees, including receipt of notices of nonblanket activity.

''(VII) Invest in relevant resources, and arrange for services of outside vendors and others, to support its activities.

''(VIII) Engage in legal and other efforts to enforce rights and obligations under this subsection, including by filing bankruptcy proofs of claims for amounts owed under licenses, and acting in coordination with the digital licensee coordinator..

''(IX) Initiate and participate in proceedings before the Copyright Royalty Judges to establish the administrative assessment under this subsection.

''(X) Initiate and participate in proceedings before the Copyright Office with respect to activities under this subsection.

''(XI) Gather and provide documentation for use in proceedings before the Copyright Royalty Judges to set rates and terms under this section.

''(XII) Maintain records of its activities and engage in and respond to audits described under this subsection.

''(XIII) Engage in such other activities as may be necessary or appropriate to fulfill its responsibilities under this subsection.

''(ii) ADDITIONAL ADMINISTRATIVE ACTIVITIES.—Subject to paragraph (11)(C) and clause (iii), the mechanical licensing collective may also administer, or assist in administering, voluntary licenses issued by or individual download licenses obtained from copyright owners for uses of musical works, for which the mechanical licensing collective shall charge reasonable fees for such services.

''(iii) RESTRICTION CONCERNING PUBLIC PERFORMANCE RIGHTS.—The mechanical licensing collective may, pursuant to clause (ii), provide administration services with respect to voluntary licenses that include the right of public performance in musical works, but may not itself negotiate or grant licenses for the right of public performance in musical works, and may not be the exclusive or nonexclusive assignee or grantee of the right of public performance in musical works.

''(iv) RESTRICTION ON LOBBYING.—The mechanical licensing collective may not engage in government lobbying activities, but may engage in the activities described in subclauses (IX), (X), and (XI) of clause (i).

''(D) GOVERNANCE.—

''(i) BOARD OF DIRECTORS.—The mechanical licensing collective shall have a board of directors consisting of 14 voting members and 3 nonvoting members, as follows:

''(I) Ten voting members shall be representatives of music publishers to which songwriters have assigned exclusive rights of reproduction and distribution of musical works with respect to covered activities and no such music publisher member may be owned by, or under common control with, any other board member.

''(II) Four voting members shall be professional songwriters who have retained and exercise exclusive rights of reproduction and distribution with respect to covered activities with respect to musical works they have authored.

''(III) One nonvoting member shall be a representative of the nonprofit trade association of music publishers that represents the greatest percentage of the licensor market for uses of musical works in covered activities, as measured over the preceding 3 full calendar years.

''(IV) One nonvoting member shall be a representative of the digital licensee coordinator, provided that a digital licensee coordinator has been designated pursuant to paragraph (5)(B). Otherwise, the nonvoting member shall be the nonprofit trade association of digital licensees that represents the greatest percentage of the licensee market for uses of musical works in covered activities, as measured over the preceding 3 full calendar years.

''(V) One nonvoting member shall be a representative of a nationally recognized nonprofit trade association whose primary mission is advocacy on behalf of songwriters in the United States.

''(ii) BOARD MEETINGS.—The board of directors shall meet no less than 2 times per year and discuss matters pertinent to the operations, including the mechanical licensing collective budget.

''(iii) OPERATIONS ADVISORY COMMITTEE.—The board of directors of the mechanical licensing collective shall establish an operations advisory committee consisting of no fewer than 6 members to make recommendations to the board of directors concerning the operations of the mechanical licensing collective, including the efficient investment in and deployment of information technology and data resources. Such committee shall have an equal number of members of the committee who are—

''(I) musical work copyright owners who are appointed by the board of directors of the mechanical licensing collective; and

''(II) representatives of digital music providers who are appointed by the digital licensee coordinator.

''(iv) UNCLAIMED ROYALTIES OVERSIGHT COMMITTEE.—The board of directors of the mechanical licensing collective shall establish and appoint an unclaimed royalties oversight committee consisting of 10 members, 5 of which shall be musical work copyright owners and 5 of which shall be professional songwriters whose works are used in covered activities.

''(v) DISPUTE RESOLUTION COMMITTEE.—The board of directors of the mechanical licensing collective shall establish and appoint a dispute resolution committee consisting of no fewer than 6 members, which committee shall include an equal number of representatives of musical work copyright owners and professional songwriters.

''(vi) MECHANICAL LICENSING COLLECTIVE ANNUAL REPORT.—Not later than June 30 of each year commencing after the license availability date, the mechanical licensing collective shall post, and make available online for a period of at least 3 years, an annual report that sets forth how the collective operates, how royalties are collected and distributed, and the collective total costs for the preceding calendar year. At the time of posting, a copy of the report shall be provided to the Register of Copyrights.

''(E) MUSICAL WORKS DATABASE.—

''(i) ESTABLISHMENT AND MAINTENANCE OF DATABASE.—The mechanical licensing collective shall establish and maintain a database containing information relating to musical works (and shares of such works) and, to the extent known, the identity and location of the copyright owners of such works (and shares thereof) and the sound recordings in which the musical works are embodied. In furtherance of maintaining such database, the mechanical licensing collective shall engage in efforts to identify the musical works embodied in particular sound recordings, as well as to identify and locate the copyright owners of such works (and shares thereof), and update such data as appropriate.

''(ii) MATCHED WORKS.—With respect to musical works (and shares thereof) that have been matched to copyright owners, the musical works database shall include—

''(I) the title of the musical work;

''(II) the copyright owner of the work (or share thereof), and such owner's ownership percentage;

''(III) contact information for such copyright owner;

''(IV) to the extent reasonably available to the mechanical licensing collective—

''(aa) the international standard musical work code for the work; and

''(bb) identifying information for sound recordings in which the musical work is embodied, including the name of the sound recording, featured artist, sound recording copyright owner, producer, international standard recording code, and other information commonly used to assist in associating sound recordings with musical works; and

''(V) such other information as the Register of Copyrights may prescribe by regulation.

''(iii) UNMATCHED WORKS.—With respect to unmatched musical works (and shares of works) in the database, the musical works database shall include—

''(I) to the extent reasonably available to the mechanical licensing collective—

''(aa) the title of the musical work;

''(bb) the ownership percentage for which an owner has not been identified;

''(cc) if a copyright owner has been identified but not located, the identity of such owner and such owner's ownership percentage;

''(dd) identifying information for sound recordings in which the work is embodied, including sound recording name, featured artist, sound recording copyright owner, producer, international standard recording code, and other information commonly used to assist in associating sound recordings with musical works; and

''(ee) any additional information reported to the mechanical licensing collective that may assist in identifying the work; and

''(II) such other information relating to the identity and ownership of musical works (and shares of such works) as the Register of Copyrights may prescribe by regulation.

''(iv) SOUND RECORDING INFORMATION.—Each musical work copyright owner with any musical work listed in the musical works database shall engage in commercially reasonable efforts to deliver to the mechanical licensing collective, including for use in the musical works database, to the extent such information is not then available in the database, information regarding the names of the sound recordings in which that copyright owner's musical works (or shares thereof) are embodied, to the extent practicable.

''(v) ACCESSIBILITY OF DATABASE.—The musical works database shall be made available to members of the public in a searchable, online format, free of charge. The mechanical licensing collective shall make such database available in a bulk, machine-readable format, through a widely available software application, to the following entities:

''(I) Digital music providers operating under the authority of valid notices of license, free of charge.

''(II) Significant nonblanket licensees in compliance with their obligations under paragraph (6), free of charge.

''(III) Authorized vendors of the entities described in subclauses (I) and (II), free of charge.

''(IV) The Register of Copyrights, free of charge (but the Register shall not treat such database or any information therein as a Government record).

''(V) Any member of the public, for a fee not to exceed the marginal cost to the mechanical licensing collective of providing the database to such person.

''(vi) ADDITIONAL REQUIREMENTS.—The Register of Copyrights shall establish requirements by regulations to ensure the usability, interoperability, and usage restrictions of the musical works database.

''(F) NOTICES OF LICENSE AND NONBLANKET ACTIVITY.—

''(i) NOTICES OF LICENSES.—The mechanical licensing collective shall receive, review, and confirm or reject notices of license from digital music providers, as provided in paragraph (2)(A). The collective shall maintain a current, publicly accessible list of blanket licenses that includes contact information for the licensees and the effective dates of such licenses.

''(ii) NOTICES OF NONBLANKET ACTIVITY.—The mechanical licensing collective shall receive notices of nonblanket activity from significant nonblanket licensees, as provided in paragraph (6)(A). The collective shall maintain a current, publicly accessible list of notices of nonblanket activity that includes contact information for significant nonblanket licensees and the dates of receipt of such notices.

''(G) COLLECTION AND DISTRIBUTION OF ROYALTIES.—

''(i) IN GENERAL.—Upon receiving reports of usage and payments of royalties from digital music providers for covered activities, the mechanical licensing collective shall—

''(I) engage in efforts to—

''(aa) identify the musical works embodied in sound recordings reflected in such reports, and the copyright owners of such musical works (and shares thereof);

''(bb) confirm uses of musical works subject to voluntary licenses and individual download licenses, and the corresponding pro rata amounts to be deducted from royalties that would otherwise be due under the blanket license; and

''(cc) confirm proper payment of royalties due;

''(II) distribute royalties to copyright owners in accordance with the usage and other information contained in such reports, as well as the ownership and other information contained in the records of the collective; and

''(III) deposit into an interest-bearing account, as provided in subparagraph (H)(ii), royalties that cannot be distributed due to—

''(aa) an inability to identify or locate a copyright owner of a musical work (or share thereof); or

''(bb) a pending dispute before the dispute resolution committee of the mechanical licensing collective.

''(ii) OTHER COLLECTION EFFORTS.—Any royalties recovered by the mechanical licensing collective as a result of efforts to enforce rights or obligations under a blanket license, including through a bankruptcy proceeding or other legal action, shall be distributed to copyright owners based on available usage information and in accordance with the procedures described in subclauses (I) and (II) of clause (i), on a pro rata basis in proportion to the overall percentage recovery of the total royalties owed, with any pro rata share of royalties that cannot be distributed deposited in an interest-bearing account as provided in subparagraph (H)(ii).

''(H) HOLDING OF ACCRUED ROYALTIES.—

''(i) HOLDING PERIOD.—The mechanical licensing collective shall hold accrued royalties associated with particular musical works (and shares of works) that remain unmatched for a period of at least 3 years after the date on which the funds were received by the mechanical licensing collective, or at least 3 years after the date on which they were accrued by a digital music provider that subsequently transferred such funds to the mechanical licensing collective pursuant to paragraph (10)(B), whichever period expires sooner.

''(ii) INTEREST-BEARING ACCOUNT.—Accrued royalties for unmatched works (and shares thereof) shall be maintained by the mechanical licensing collective in an interest-bearing account that earns monthly interest at the Federal, short-term rate, such interest to accrue for the benefit of copyright owners entitled to payment of such accrued royalties.

''(I) MUSICAL WORKS CLAIMING PROCESS.—The mechanical licensing collective shall publicize the existence of accrued royalties for unmatched musical works (and shares of such works) within 6 months of receiving a transfer of accrued royalties for such works by publicly listing the works and the procedures by which copyright owners may identify themselves and provide ownership, contact, and other relevant information to the mechanical licensing collective in order to receive payment of accrued royalties. When a copyright owner of an unmatched work (or share of a work) has been identified and located in accordance with the procedures of the mechanical licensing collective, the collective shall—

''(i) update the musical works database and its other records accordingly; and

''(ii) provided that accrued royalties for the musical work (or share thereof) have not yet been included in a distribution pursuant to subparagraph (J)(i), pay such accrued royalties and a proportionate amount of accrued interest associated with that work (or share thereof) to the copyright owner, accompanied by a cumulative statement of account reflecting usage of such work and accrued royalties based on information provided by digital music providers to the mechanical licensing collective.

''(J) DISTRIBUTION OF UNCLAIMED ACCRUED ROYALTIES.—

''(i) DISTRIBUTION PROCEDURES.—After the expiration of the prescribed holding period for accrued royalties provided in paragraph (H)(i), the mechanical licensing collective shall distribute such accrued royalties, along with a proportionate share of accrued interest, to copyright owners identified in the records of the collective, subject to the following requirements, and in accordance with the policies and procedures established under clause (ii):

''(I) The first such distribution shall occur on or after July 1 of the first full calendar year to commence after the license availability date, with at least one such distribution to take place during each calendar year thereafter.

''(II) Copyright owners' payment shares for unclaimed accrued royalties for particular reporting periods shall be determined in a transparent and equitable manner based on data indicating the relative market shares of such copyright owners as reflected by royalty payments made by digital music providers for covered activities for the periods in question, including, in addition to royalty payments made to the mechanical licensing collective, royalty payments made to copyright owners under voluntary licenses and individual download licenses for covered activities, to the extent such information is available to the mechanical licensing collective. In furtherance of the determination of equitable market shares under this subparagraph—

''(aa) the mechanical licensing collective may require copyright owners seeking distributions of unclaimed accrued royalties to provide, or direct the provision of, information concerning royalties received under voluntary licenses and individual download licenses for covered activities, and

''(bb) the mechanical licensing collective shall take appropriate steps to safeguard the confidentiality and security of financial and other sensitive data used to compute market shares in accordance with the confidentiality provisions prescribed by the Register of Copyrights under paragraph (12)(C).

''(ii) ESTABLISHMENT OF DISTRIBUTION POLICIES.—The unclaimed royalties oversight committee established under paragraph (3)(D)(iv) shall establish policies and procedures for the distribution of unclaimed accrued royalties and accrued interest in accordance with this subparagraph, including the provision of usage data to copyright owners to allocate payments and credits to songwriters pursuant to clause (iv), subject to the approval of the board of directors of the mechanical licensing collective.

''(iii) ADVANCE NOTICE OF DISTRIBUTIONS.—The mechanical licensing collective shall publicize a pending distribution of unclaimed accrued royalties and accrued interest at least 90 calendar days in advance of such distribution.

''(iv) SONGWRITER PAYMENTS.—Copyright owners that receive a distribution of unclaimed accrued royalties and accrued interest shall pay or credit a portion to songwriters (or the authorized agents of songwriters) on whose behalf the copyright owners license or administer musical works for covered activities, in accordance with applicable contractual terms, but notwithstanding any agreement to the contrary—

''(I) such payments and credits to songwriters shall be allocated in proportion to reported usage of individual musical works by digital music providers during the reporting periods covered by the distribution from the mechanical licensing collective; and

''(II) in no case shall the payment or credit to an individual songwriter be less than 50 percent of the payment received by the copyright owner attributable to usage of musical works (or shares of works) of that songwriter.

''(K) DISPUTE RESOLUTION.—The dispute resolution committee established under paragraph (3)(D)(v) shall address and resolve in a timely and equitable manner disputes among copyright owners relating to ownership interests in musical works licensed under this section and allocation and distribution of royalties by the mechanical licensing collective, according to a process approved by the board of directors of the mechanical licensing collective. Such process—

''(i) shall include a mechanism to hold disputed funds in accordance with the requirements described in subparagraph (H)(ii) pending resolution of the dispute; and

''(ii) except as provided in paragraph (11)(D), shall not affect any legal or equitable rights or remedies available to any copyright owner or songwriter concerning ownership of, and entitlement to royalties for, a musical work.

''(L) VERIFICATION OF PAYMENTS BY MECHANICAL LICENSING COLLECTIVE.—

''(i) VERIFICATION PROCESS.—A copyright owner entitled to receive payments of royalties for covered activities from the mechanical licensing collective may, individually or with other copyright owners, conduct an audit of the mechanical licensing collective to verify the accuracy of royalty payments by the mechanical licensing collective to such copyright owner, as follows:

''(I) A copyright owner may audit the mechanical licensing collective only once in a year for any or all of the prior 3 calendar

years, and may not audit records for any calendar year more than once.

''(II) The audit shall be conducted by a qualified auditor, who shall perform the audit during the ordinary course of business by examining the books, records, and data of the mechanical licensing collective, according to generally accepted auditing standards and subject to applicable confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C).

''(III) The mechanical licensing collective shall make such books, records, and data available to the qualified auditor and respond to reasonable requests for relevant information, and shall use commercially reasonable efforts to facilitate access to relevant information maintained by third parties.

''(IV) To commence the audit, any copyright owner shall file with the Copyright Office a notice of intent to conduct an audit of the mechanical licensing collective, identifying the period of time to be audited, and shall simultaneously deliver a copy of such notice to the mechanical licensing collective. The Register of Copyrights shall cause the notice of audit to be published in the Federal Register within 45 calendar days after receipt.

''(V) The qualified auditor shall determine the accuracy of royalty payments, including whether an underpayment or overpayment of royalties was made by the mechanical licensing collective to each auditing copyright owner, but before providing a final audit report to any such copyright owner, the qualified auditor shall provide a tentative draft of the report to the mechanical licensing collective and allow the mechanical licensing collective a reasonable opportunity to respond to the findings, including by clarifying issues and correcting factual errors.

''(VI) The auditing copyright owner or owners shall bear the cost of the audit. In case of an underpayment to any copyright owner, the mechanical licensing collective shall pay the amounts of any such underpayment to such auditing copyright owner, as appropriate. In case of an overpayment by the mechanical licensing collective, the mechanical licensing collective may debit the account of the auditing copyright owner or owners for such overpaid amounts, or such owner(s) shall refund overpaid amounts to the mechanical licensing collective, as appropriate.

''(ii) ALTERNATIVE VERIFICATION PROCEDURES.—Nothing in this subparagraph shall preclude a copyright owner and the mechanical licensing collective from agreeing to audit procedures different from those described herein, but a notice of the audit shall be provided to and published by the Copyright Office as described in clause (i)(IV).

''(M) RECORDS OF MECHANICAL LICENSING COLLECTIVE.—

''(i) RECORDS MAINTENANCE.—The mechanical licensing collective shall ensure that all material records of its operations, including those relating to notices of license, the administration of its claims process, reports of usage, royalty payments, receipt and maintenance of accrued royalties, royalty distribution processes, and legal matters, are preserved and maintained in a secure and reliable manner, with appropriate commercially reasonable safeguards against unauthorized access, copying, and disclosure, and subject to the confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C) for a period of no less than 7 years after the date of creation or receipt, whichever occurs later.

''(ii) RECORDS ACCESS.—The mechanical licensing collective shall provide prompt access to electronic and other records pertaining to the administration of a copyright owner's musical works upon reasonable written request of such owner or the owner's authorized representative.

''(4) TERMS AND CONDITIONS OF BLANKET LICENSE.—A blanket license is subject to, and conditioned upon, the following requirements:

''(A) ROYALTY REPORTING AND PAYMENTS.—

''(i) MONTHLY REPORTS AND PAYMENT.—A digital music provider shall report and pay royalties to the mechanical licensing collective under the blanket license on a monthly basis in accordance with clause (ii) and subsection (c)(2)(I), but the monthly reporting shall be due 45 calendar days, rather than 20 calendar days, after the end of the monthly reporting period.

''(ii) DATA TO BE REPORTED.—In reporting usage of musical works to the mechanical licensing collective, a digital music provider shall provide usage data for musical works used under the blanket license and usage data for musical works used in covered activities under voluntary licenses and individual download licenses. In the report of usage, the digital music provider shall—

''(I) with respect to each sound recording embodying a musical work—

''(aa) provide identifying information for the sound recording, including sound recording name, featured artist and, to the extent acquired by the digital music provider in connection with its use of sound recordings of musical works to engage in covered activities, including pursuant to subparagraph (B), producer, international standard recording code, and other information commonly used in the industry to identify sound recordings and match them to the musical works the sound recordings embody;

''(bb) to the extent acquired by the digital music provider in the metadata in connection with its use of sound recordings of musical works to engage in covered activities, including pursuant to subparagraph (B), provide information concerning authorship and ownership of the applicable rights in the musical work embodied in the sound recording (including each songwriter, publisher name, and respective ownership share) and the international standard musical work code; and

''(cc) provide the number of digital phonorecord deliveries of the sound recording, including limited downloads and interactive streams;

''(II) identify and provide contact information for all musical work copyright owners for works embodied in sound recordings as to which a voluntary license, rather than the blanket license, is in effect with respect to the uses being reported; and

''(III) provide such other information as the Register of Copyrights shall require by regulation.

''(iii) FORMAT AND MAINTENANCE OF REPORTS.—Reports of usage provided by digital music providers to the mechanical licensing collective shall be in a machine-readable format that is compatible with the information technology systems of the mechanical licensing collective and meets the requirements of regulations adopted by the Register of Copyrights. The Register shall also adopt regulations setting forth requirements under which records of use shall be maintained and made available to the mechanical licensing collective by digital music providers engaged in covered activities under a blanket license.

''(iv) ADOPTION OF REGULATIONS.—The Register shall adopt regulations—

''(I) setting forth requirements under which records of use shall be maintained and made available to the mechanical licensing collective by digital music providers engaged in covered activities under a blanket license; and

''(II) regarding adjustments to reports of usage by digital music providers, including mechanisms to account for overpayment and underpayment of royalties in prior periods.

''(B) COLLECTION OF SOUND RECORDING INFORMATION.—A digital music provider shall engage in good-faith, commercially reasonable efforts to obtain from copyright owners of sound recordings made available through the service of such digital music provider—

''(i) sound recording copyright owners, producers, international standard recording codes, and other information commonly used in the industry to identify sound recordings and match them to the musical works the sound recordings embody; and

''(ii) information concerning the authorship and ownership of musical works, including songwriters, publisher names, ownership shares, and international standard musical work codes.

''(C) PAYMENT OF ADMINISTRATIVE ASSESSMENT.—A digital music provider and any significant nonblanket licensee shall pay the administrative assessment established under paragraph (7)(D) in accordance with this subsection and applicable regulations.

''(D) VERIFICATION OF PAYMENTS BY DIGITAL MUSIC PROVIDERS.—

''(i) VERIFICATION PROCESS.—The mechanical licensing collective may conduct an audit of a digital music provider operating under the blanket license to verify the accuracy of royalty payments by the digital music provider to the mechanical licensing collective as follows:

''(I) The mechanical licensing collective may commence an audit of a digital music provider no more than once in any 3-calendar-year period to cover a verification period of no more than the 3 full calendar years preceding the date of commencement of the audit, and such audit may not audit records for any such 3-year verification period more than once.

''(II) The audit shall be conducted by a qualified auditor, who shall perform the audit during the ordinary course of business by examining the books, records, and data of the digital music provider, according to generally accepted auditing standards and subject to applicable confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C).

''(III) The digital music provider shall make such books, records, and data available to the qualified auditor and respond to reasonable requests for relevant information, and shall use commercially reasonable efforts to provide access to relevant information maintained with respect to a digital music provider by third parties.

''(IV) To commence the audit, the mechanical licensing collective shall file with the Copyright Office a notice of intent to conduct an audit of the digital music provider, identifying the period of time to be audited, and shall simultaneously deliver a copy of such notice to the digital music provider. The Register of Copyrights shall cause the notice of audit to be published in the Federal Register within 45 calendar days after receipt.

''(V) The qualified auditor shall determine the accuracy of royalty payments, including whether an underpayment or overpayment of royalties was made by the digital music provider to the mechanical licensing collective, but before providing a final audit report to the mechanical licensing collective, the qualified auditor shall provide a tentative draft of the report to the digital music provider and allow the digital music provider a reasonable opportunity to respond to the findings, including by clarifying issues and correcting factual errors.

''(VI) The mechanical licensing collective shall pay the cost of the audit, unless the

qualified auditor determines that there was an underpayment by the digital music provider of 10 percent or more, in which case the digital music provider shall bear the reasonable costs of the audit, in addition to paying the amount of any underpayment to the mechanical licensing collective. In case of an overpayment by the digital music provider, the mechanical licensing collective shall provide a credit to the account of the digital music provider.

''(VII) A digital music provider may not assert section 507 or any other Federal or State statute of limitations, doctrine of laches or estoppel, or similar provision as a defense to a legal action arising from an audit under this subparagraph if such legal action is commenced no more than 6 years after the commencement of the audit that is the basis for such action.

''(ii) ALTERNATIVE VERIFICATION PROCEDURES.—Nothing in this subparagraph shall preclude the mechanical licensing collective and a digital music provider from agreeing to audit procedures different from those described herein, but a notice of the audit shall be provided to and published by the Copyright Office as described in clause (i)(IV).

''(E) DEFAULT UNDER BLANKET LICENSE.—

''(i) CONDITIONS OF DEFAULT.—A digital music provider shall be in default under a blanket license if the digital music provider—

''(I) fails to provide one or more monthly reports of usage to the mechanical licensing collective when due;

''(II) fails to make a monthly royalty or late fee payment to the mechanical licensing collective when due, in all or material part;

''(III) provides one or more monthly reports of usage to the mechanical licensing collective that, on the whole, is or are materially deficient as a result of inaccurate, missing, or unreadable data, where the correct data was available to the digital music provider and required to be reported under this section and applicable regulations;

''(IV) fails to pay the administrative assessment as required under this subsection and applicable regulations; or

''(V) after being provided written notice by the mechanical licensing collective, refuses to comply with any other material term or condition of the blanket license under this section for a period of 60 calendar days or longer.

''(ii) NOTICE OF DEFAULT AND TERMINATION.—In case of a default by a digital music provider, the mechanical licensing collective may proceed to terminate the blanket license of the digital music provider as follows:

''(I) The mechanical licensing collective shall provide written notice to the digital music provider describing with reasonable particularity the default and advising that unless such default is cured within 60 calendar days after the date of the notice, the blanket license will automatically terminate at the end of that period.

''(II) If the digital music provider fails to remedy the default within the 60-day period referenced in subclause (I), the license shall terminate without any further action on the part of the mechanical licensing collective. Such termination renders the making of all digital phonorecord deliveries of all musical works (and shares thereof) covered by the blanket license for which the royalty or administrative assessment has not been paid actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.

''(iii) NOTICE TO COPYRIGHT OWNERS.—The mechanical licensing collective shall provide written notice of any termination under this subparagraph to copyright owners of affected works.

''(iv) REVIEW BY FEDERAL DISTRICT COURT.—A digital music provider that believes a blanket license was improperly terminated by the mechanical licensing collective may seek review of such termination in Federal district court. The district court shall determine the matter de novo based on the record before the mechanical licensing collective and any additional supporting evidence presented by the parties.

''(5) DIGITAL LICENSEE COORDINATOR.—

''(A) IN GENERAL.—The digital licensee coordinator shall be a single entity that—

''(i) is a nonprofit, not owned by any other entity, that is created to carry out responsibilities under this subsection;

''(ii) is endorsed by and enjoys substantial support from digital music providers and significant nonblanket licensees that together represent the greatest percentage of the licensee market for uses of musical works in covered activities, as measured over the preceding 3 calendar years;

''(iii) is able to demonstrate that it has, or will have prior to the license availability date, the administrative capabilities to perform the required functions of the digital licensee coordinator under this subsection; and

''(iv) has been designated by the Register of Copyrights in accordance with subparagraph (B).

''(B) DESIGNATION OF DIGITAL LICENSEE COORDINATOR.—

''(i) INITIAL DESIGNATION.—The Register of Copyrights shall initially designate the digital licensee coordinator within 9 months after the enactment date, in accordance with the same procedure described for designation of the mechanical licensing collective in paragraph (3)(B)(i).

''(ii) PERIODIC REVIEW OF DESIGNATION.—Following the initial designation of the digital licensee coordinator, the Register shall, every 5 years, beginning with the fifth full calendar year to commence after the initial designation, determine whether the existing designation should be continued, or a different entity meeting the criteria described in clauses (i) through (iii) of subparagraph (A) should be designated, in accordance with the same procedure described for the mechanical licensing collective in paragraph (3)(B)(ii).

''(iii) INABILITY TO DESIGNATE.—If the Register is unable to identify an entity that fulfills each of the qualifications described in clauses (i) through (iii) of subparagraph (A) to serve as the digital licensee coordinator, the Register may decline to designate a digital licensee coordinator. The Register's determination not to designate a digital licensee coordinator shall not negate or otherwise affect any provision of this subsection except to the limited extent that a provision references the digital licensee coordinator. In such case, the reference to the digital licensee coordinator shall be without effect unless and until a new digital licensee coordinator is designated.

''(C) AUTHORITIES AND FUNCTIONS.—

''(i) IN GENERAL.—The digital licensee coordinator is authorized to perform the following functions, subject to more particular requirements as described in this subsection:

''(I) Establish a governance structure, criteria for membership, and any dues to be paid by its members.

''(II) Engage in efforts to enforce notice and payment obligations with respect to the administrative assessment, including by receiving information from and coordinating with the mechanical licensing collective.

''(III) Initiate and participate in proceedings before the Copyright Royalty Judges to establish the administrative assessment under this subsection.

''(IV) Initiate and participate in proceedings before the Copyright Office with respect to activities under this subsection.

''(V) Gather and provide documentation for use in proceedings before the Copyright Royalty Judges to set rates and terms under this section.

''(VI) Maintain records of its activities.

''(VII) Engage in such other activities as may be necessary or appropriate to fulfill its responsibilities under this subsection.

''(ii) RESTRICTION ON LOBBYING.—The digital licensee coordinator may not engage in government lobbying activities, but may engage in the activities described in subclauses (III), (IV), and (V) of clause (i).

''(6) REQUIREMENTS FOR SIGNIFICANT NONBLANKET LICENSEES.—

''(A) IN GENERAL.—

''(i) NOTICE OF ACTIVITY.—Not later than 45 calendar days after the license availability date, or 45 calendar days after the end of the first full calendar month in which an entity initially qualifies as a significant nonblanket licensee, whichever occurs later, a significant nonblanket licensee shall submit a notice of nonblanket activity to the mechanical licensing collective. The notice of nonblanket activity shall comply in form and substance with requirements that the Register of Copyrights shall establish by regulation, and a copy shall be made available to the digital licensee coordinator.

''(ii) REPORTING AND PAYMENT OBLIGATIONS.—The notice of nonblanket activity submitted to the mechanical licensing collective shall be accompanied by a report of usage that contains the information described in paragraph (4)(A)(ii), as well as any payment of the administrative assessment required under this subsection and applicable regulations. Thereafter, subject to clause (iii), a significant nonblanket licensee shall continue to provide monthly reports of usage, accompanied by any required payment of the administrative assessment, to the mechanical licensing collective. Such reports and payments shall be submitted not later than 45 calendar days after the end of the calendar month being reported.

''(iii) DISCONTINUATION OF OBLIGATIONS.—An entity that has submitted a notice of nonblanket activity to the mechanical licensing collective that has ceased to qualify as a significant nonblanket licensee may so notify the collective in writing. In such case, as of the calendar month in which such notice is provided, such entity shall no longer be required to provide reports of usage or pay the administrative assessment, but if such entity later qualifies as a significant nonblanket licensee, such entity shall again be required to comply with clauses (i) and (ii).

''(B) REPORTING BY MECHANICAL LICENSING COLLECTIVE TO DIGITAL LICENSEE COORDINATOR.—

''(i) MONTHLY REPORTS OF NONCOMPLIANT LICENSEES.—The mechanical licensing collective shall provide monthly reports to the digital licensee coordinator setting forth any significant nonblanket licensees of which the collective is aware that have failed to comply with subparagraph (A).

''(ii) TREATMENT OF CONFIDENTIAL INFORMATION.—The mechanical licensing collective and digital licensee coordinator shall take appropriate steps to safeguard the confidentiality and security of financial and other sensitive data shared under this subparagraph, in accordance with the confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C).

''(C) LEGAL ENFORCEMENT EFFORTS.—

''(i) FEDERAL COURT ACTION.—Should the mechanical licensing collective or digital licensee coordinator become aware that a significant nonblanket licensee has failed to

comply with subparagraph (A), either may commence an action in Federal district court for damages and injunctive relief. If the significant nonblanket licensee is found liable, the court shall, absent a finding of excusable neglect, award damages in an amount equal to three times the total amount of the unpaid administrative assessment and, notwithstanding anything to the contrary in section 505, reasonable attorney's fees and costs, as well as such other relief as the court deems appropriate. In all other cases, the court shall award relief as appropriate. Any recovery of damages shall be payable to the mechanical licensing collective as an offset to the collective total costs.

''(ii) STATUTE OF LIMITATIONS FOR ENFORCEMENT ACTION.—Any action described in this subparagraph shall be commenced within the time period described in section 507(b).

''(iii) OTHER RIGHTS AND REMEDIES PRESERVED.—The ability of the mechanical licensing collective or digital licensee coordinator to bring an action under this subparagraph shall in no way alter, limit or negate any other right or remedy that may be available to any party at law or in equity.

''(7) FUNDING OF MECHANICAL LICENSING COLLECTIVE.—

''(A) IN GENERAL.—The collective total costs shall be funded by—

''(i) an administrative assessment, as such assessment is established by the Copyright Royalty Judges pursuant to subparagraph (D) from time to time, to be paid by—

''(I) digital music providers that are engaged, in all or in part, in covered activities pursuant to a blanket license; and

''(II) significant nonblanket licensees; and

''(ii) voluntary contributions from digital music providers and significant nonblanket licensees as may be agreed with copyright owners.

''(B) VOLUNTARY CONTRIBUTIONS.—

''(i) AGREEMENTS CONCERNING CONTRIBUTIONS.—Except as provided in clause (ii), voluntary contributions by digital music providers and significant nonblanket licensees shall be determined by private negotiation and agreement, and the following conditions apply:

''(I) The date and amount of each voluntary contribution to the mechanical licensing collective shall be documented in a writing signed by an authorized agent of the mechanical licensing collective and the contributing party.

''(II) Such agreement shall be made available as required in proceedings before the Copyright Royalty Judges to establish or adjust the administrative assessment in accordance with applicable statutory and regulatory provisions and rulings of the Copyright Royalty Judges.

''(ii) TREATMENT OF CONTRIBUTIONS.—Each such voluntary contribution shall be treated for purposes of an administrative assessment proceeding as an offset to the collective total costs that would otherwise be recovered through the administrative assessment. Any allocation or reallocation of voluntary contributions between or among individual digital music providers or significant nonblanket licensees shall be a matter of private negotiation and agreement among such parties and outside the scope of the administrative assessment proceeding.

''(C) INTERIM APPLICATION OF ACCRUED ROYALTIES.—In the event that the administrative assessment, together with any funding from voluntary contributions as provided in subparagraphs (A) and (B), is inadequate to cover current collective total costs, the collective, with approval of its board of directors, may apply unclaimed accrued royalties on an interim basis to defray such costs, subject to future reimbursement of such royalties from future collections of the assessment.

''(D) DETERMINATION OF ADMINISTRATIVE ASSESSMENT.—

''(i) ADMINISTRATIVE ASSESSMENT TO COVER COLLECTIVE TOTAL COSTS.—The administrative assessment shall be used solely and exclusively to fund the collective total costs.

''(ii) SEPARATE PROCEEDING BEFORE COPYRIGHT ROYALTY JUDGES.—The amount and terms of the administrative assessment shall be determined and established in a separate and independent proceeding before the Copyright Royalty Judges, according to the procedures described in clauses (iii) and (iv). The administrative assessment determined in such proceeding shall—

''(I) be wholly independent of royalty rates and terms applicable to digital music providers, which shall not be taken into consideration in any manner in establishing the administrative assessment;

''(II) be established by the Copyright Royalty Judges in an amount that is calculated to defray the reasonable collective total costs;

''(III) be assessed based on usage of musical works by digital music providers and significant nonblanket licensees in covered activities under both compulsory and nonblanket licenses;

''(IV) may be in the form of a percentage of royalties payable under this section for usage of musical works in covered activities (regardless of whether a different rate applies under a voluntary license), or any other usage-based metric reasonably calculated to equitably allocate the collective total costs across digital music providers and significant nonblanket licensees engaged in covered activities, but shall include as a component a minimum fee for all digital music providers and significant nonblanket licensees; and

''(V) take into consideration anticipated future collective total costs and collections of the administrative assessment, but also, as applicable—

''(aa) any portion of past actual collective total costs of the mechanical licensing collective not funded by previous collections of the administrative assessment or voluntary contributions because such collections or contributions together were insufficient to fund such costs;

''(bb) any past collections of the administrative assessment and voluntary contributions that exceeded past actual collective total costs, resulting in a surplus; and

''(cc) the amount of any voluntary contributions by digital music providers or significant nonblanket licensees in relevant periods, described in subparagraphs (A) and (B) of paragraph (7).

''(iii) INITIAL ADMINISTRATIVE ASSESSMENT.—The procedure for establishing the initial administrative assessment shall be as follows:

''(I) The Copyright Royalty Judges shall commence a proceeding to establish the initial administrative assessment within 9 months after the enactment date by publishing a notice in the Federal Register seeking petitions to participate.

''(II) The mechanical licensing collective and digital licensee coordinator shall participate in such proceeding, along with any interested copyright owners, digital music providers or significant nonblanket licensees that have notified the Copyright Royalty Judges of their desire to participate.

''(III) The Copyright Royalty Judges shall establish a schedule for submission by the parties of information that may be relevant to establishing the administrative assessment, including actual and anticipated collective total costs of the mechanical licensing collective, actual and anticipated collections from digital music providers and significant nonblanket licensees, and documentation of voluntary contributions, as well as a schedule for further proceedings, which shall include a hearing, as they deem appropriate.

''(IV) The initial administrative assessment shall be determined, and such determination shall be published in the Federal Register by the Copyright Royalty Judges, within 1 year after commencement of the proceeding described in this clause. The determination shall be supported by a written record. The initial administrative assessment shall be effective as of the license availability date, and shall continue in effect unless and until an adjusted administrative assessment is established pursuant to an adjustment proceeding under clause (iii).

''(iv) ADJUSTMENT OF ADMINISTRATIVE ASSESSMENT.—The administrative assessment may be adjusted by the Copyright Royalty Judges periodically, in accordance with the following procedures:

''(I) No earlier than one year after the most recent publication of a determination of the administrative assessment by the Copyright Royalty Judges, the mechanical licensing collective, the digital licensee coordinator, or one or more interested copyright owners, digital music providers, or significant nonblanket licensees, may file a petition with the Copyright Royalty Judges in the month of October to commence a proceeding to adjust the administrative assessment.

''(II) Notice of the commencement of such proceeding shall be published in the Federal Register in the month of November following the filing of any petition, with a schedule of requested information and additional proceedings, as described in clause (iii)(III). The mechanical licensing collective and digital licensee coordinator shall participate in such proceeding, along with any interested copyright owners, digital music providers, or significant nonblanket licensees that have notified the Copyright Royalty Judges of their desire to participate.

''(III) The determination of the adjusted administrative assessment, which shall be supported by a written record, shall be published in the Federal Register during November of the calendar year following the commencement of the proceeding. The adjusted administrative assessment shall take effect January 1 of the year following such publication.

''(v) ADOPTION OF VOLUNTARY AGREEMENTS.—In lieu of reaching their own determination based on evaluation of relevant data, the Copyright Royalty Judges shall approve and adopt a negotiated agreement to establish the amount and terms of the administrative assessment that has been agreed to by the mechanical licensing collective and the digital licensee coordinator (or if none has been designated, interested digital music providers and significant nonblanket licensees representing more than half of the market for uses of musical works in covered activities), but the Copyright Royalty Judges shall have the discretion to reject any such agreement for good cause shown. An administrative assessment adopted under this clause shall apply to all digital music providers and significant nonblanket licensees engaged in covered activities during the period it is in effect.

''(vi) CONTINUING AUTHORITY TO AMEND.—The Copyright Royalty Judges shall retain continuing authority to amend a determination of an administrative assessment to correct technical or clerical errors, or modify the terms of implementation, for good cause, with any such amendment to be published in the Federal Register.

''(vii) APPEAL OF ADMINISTRATIVE ASSESSMENT.—The determination of an administrative assessment by the Copyright Royalty Judges shall be appealable, within 30 calendar days after publication in the Federal Register, to the Court of Appeals for the District of Columbia Circuit by any party that fully participated in the proceeding. The administrative assessment as established by the Copyright Royalty Judges shall remain in effect pending the final outcome of any such appeal, and the mechanical licensing collective, digital licensee coordinator, digital music providers, and significant nonblanket licensees shall implement appropriate financial or other measures within 3 months after any modification of the assessment to reflect and account for such outcome.

''(viii) REGULATIONS.—The Copyright Royalty Judges may adopt regulations to govern the conduct of proceedings under this paragraph.

''(8) ESTABLISHMENT OF RATES AND TERMS UNDER BLANKET LICENSE.—

''(A) RESTRICTIONS ON RATESETTING PARTICIPATION.—Neither the mechanical licensing collective nor the digital licensee coordinator shall be a party to a proceeding described in subsection (c)(1)(E), but either may gather and provide financial and other information for the use of a party to such a proceeding and comply with requests for information as required under applicable statutory and regulatory provisions and rulings of the Copyright Royalty Judges.

''(B) APPLICATION OF LATE FEES.—In any proceeding described in subparagraph (A) in which the Copyright Royalty Judges establish a late fee for late payment of royalties for uses of musical works under this section, such fee shall apply to covered activities under blanket licenses, as follows:

''(i) Late fees for past due royalty payments shall accrue from the due date for payment until payment is received by the mechanical licensing collective.

''(ii) The availability of late fees shall in no way prevent a copyright owner or the mechanical licensing collective from asserting any other rights or remedies to which such copyright owner or the mechanical licensing collective may be entitled under this title.

''(C) INTERIM RATE AGREEMENTS IN GENERAL.—For any covered activity for which no rate or terms have been established by the Copyright Royalty Judges, the mechanical licensing collective and any digital music provider may agree to an interim rate and terms for such activity under the blanket license, and any such rate and terms—

''(i) shall be treated as nonprecedential and not cited or relied upon in any ratesetting proceeding before the Copyright Royalty Judges or any other tribunal; and

''(ii) shall automatically expire upon the establishment of a rate and terms for such covered activity by the Copyright Royalty Judges, under subsection (c)(1)(E).

''(D) ADJUSTMENTS FOR INTERIM RATES.—The rate and terms established by the Copyright Royalty Judges for a covered activity to which an interim rate and terms have been agreed under subparagraph (C) shall supersede the interim rate and terms and apply retroactively to the inception of the activity under the blanket license. In such case, within 3 months after the rate and terms established by the Copyright Royalty Judges become effective—

''(i) if the rate established by the Copyright Royalty Judges exceeds the interim rate, the digital music provider shall pay to the mechanical licensing collective the amount of any underpayment of royalties due; or

''(ii) if the interim rate exceeds the rate established by the Copyright Royalty Judges, the mechanical licensing collective shall credit the account of the digital music provider for the amount of any overpayment of royalties due.

''(9) TRANSITION TO BLANKET LICENSES.—

''(A) SUBSTITUTION OF BLANKET LICENSE.—On the license availability date, a blanket license shall, without any interruption in license authority enjoyed by such digital music provider, be automatically substituted for and supersede any existing compulsory license previously obtained under this section by the digital music provider from a copyright owner to engage in one or more covered activities with respect to a musical work, but the foregoing shall not apply to any authority obtained from a record company pursuant to a compulsory license to make and distribute permanent downloads unless and until such record company terminates such authority in writing to take effect at the end of a monthly reporting period, with a copy to the mechanical licensing collective.

''(B) EXPIRATION OF EXISTING LICENSES.—Except to the extent provided in subparagraph (A), on and after the license availability date, licenses other than individual download licenses obtained under this section for covered activities prior to the license availability date shall no longer continue in effect.

''(C) TREATMENT OF VOLUNTARY LICENSES.—A voluntary license for a covered activity in effect on the license availability date will remain in effect unless and until the voluntary license expires according to the terms of the voluntary license, or the parties agree to amend or terminate the voluntary license. In a case where a voluntary license for a covered activity entered into before the license availability date incorporates the terms of this section by reference, the terms so incorporated (but not the rates) shall be those in effect immediately prior to the license availability date, and those terms shall continue to apply unless and until such voluntary license is terminated or amended, or the parties enter into a new voluntary license.

''(D) FURTHER ACCEPTANCE OF NOTICES FOR COVERED ACTIVITIES BY COPYRIGHT OFFICE.—On and after the enactment date—

''(i) the Copyright Office shall no longer accept notices of intention with respect to covered activities; and

''(ii) previously filed notices of intention will no longer be effective or provide license authority with respect to covered activities, but before the license availability date there shall be no liability under section 501 for the reproduction or distribution of a musical work (or share thereof) in covered activities if a valid notice of intention was filed for such work (or share) before the enactment date.

''(10) PRIOR UNLICENSED USES.—

''(A) LIMITATION ON LIABILITY IN GENERAL.—A copyright owner that commences an action under section 501 on or after January 1, 2018, against a digital music provider for the infringement of the exclusive rights provided by paragraph (1) or (3) of section 106 arising from the unauthorized reproduction or distribution of a musical work by such digital music provider in the course of engaging in covered activities prior to the license availability date, shall, as the copyright owner's sole and exclusive remedy against the digital music provider, be eligible to recover the royalty prescribed under subsection (c)(1)(C) and chapter 8 of this title, from the digital music provider, provided that such digital music provider can demonstrate compliance with the requirements of subparagraph (B), as applicable. In all other cases the limitation on liability under this subparagraph shall not apply.

''(B) REQUIREMENTS FOR LIMITATION ON LIABILITY.—The following requirements shall apply on the enactment date and through the end of the period that expires 90 days after the license availability date to digital music providers seeking to avail themselves of the limitation on liability described in subparagraph (A):

''(i) No later than 30 calendar days after first making a particular sound recording of a musical work available through its service via one or more covered activities, or 30 calendar days after the enactment date, whichever occurs later, a digital music provider shall engage in good-faith, commercially reasonable efforts to identify and locate each copyright owner of such musical work (or share thereof). Such required matching efforts shall include the following:

''(I) Good-faith, commercially reasonable efforts to obtain from the owner of the corresponding sound recording made available through the digital music provider's service the following information:

''(aa) Sound recording name, featured artist, sound recording copyright owner, producer, international standard recording code, and other information commonly used in the industry to identify sound recordings and match them to the musical works they embody.

''(bb) Any available musical work ownership information, including each songwriter and publisher name, percentage ownership share, and international standard musical work code.

''(II) Employment of one or more bulk electronic matching processes that are available to the digital music provider through a third-party vendor on commercially reasonable terms, but a digital music provider may rely on its own bulk electronic matching process if it has capabilities comparable to or better than those available from a third-party vendor on commercially reasonable terms.

''(ii) The required matching efforts shall be repeated by the digital music provider no less than once per month for so long as the copyright owner remains unidentified or has not been located.

''(iii) If the required matching efforts are successful in identifying and locating a copyright owner of a musical work (or share thereof) by the end of the calendar month in which the digital music provider first makes use of the work, the digital music provider shall provide statements of account and pay royalties to such copyright owner in accordance with this section and applicable regulations.

''(iv) If the copyright owner is not identified or located by the end of the calendar month in which the digital music provider first makes use of the work, the digital music provider shall accrue and hold royalties calculated under the applicable statutory rate in accordance with usage of the work, from initial use of the work until the accrued royalties can be paid to the copyright owner or are required to be transferred to the mechanical licensing collective, as follows:

''(I) Accrued royalties shall be maintained by the digital music provider in accordance with generally accepted accounting principles.

''(II) If a copyright owner of an unmatched musical work (or share thereof) is identified and located by or to the digital music provider before the license availability date, the digital music provider shall—

''(aa) within 45 calendar days after the end of the calendar month during which the copyright owner was identified and located, pay the copyright owner all accrued royalties, such payment to be accompanied by a cumulative statement of account that includes all of the information that would have been provided to the copyright owner had

the digital music provider been providing monthly statements of account to the copyright owner from initial use of the work in accordance with this section and applicable regulations, including the requisite certification under subsection (c)(2)(I);

''(bb) beginning with the accounting period following the calendar month in which the copyright owner was identified and located, and for all other accounting periods prior to the license availability date, provide monthly statements of account and pay royalties to the copyright owner as required under this section and applicable regulations; and

''(cc) beginning with the monthly royalty reporting period commencing on the license availability date, report usage and pay royalties for such musical work (or share thereof) for such reporting period and reporting periods thereafter to the mechanical licensing collective, as required under this subsection and applicable regulations.

''(III) If a copyright owner of an unmatched musical work (or share thereof) is not identified and located by the license availability date, the digital music provider shall—

''(aa) within 45 calendar days after the license availability date, transfer all accrued royalties to the mechanical licensing collective, such payment to be accompanied by a cumulative statement of account that includes all of the information that would have been provided to the copyright owner had the digital music provider been serving monthly statements of account on the copyright owner from initial use of the work in accordance with this section and applicable regulations, including the requisite certification under subsection (c)(2)(I), and accompanied by an additional certification by a duly authorized officer of the digital music provider that the digital music provider has fulfilled the requirements of clauses (i) and (ii) of subparagraph (B) but has not been successful in locating or identifying the copyright owner; and

''(bb) beginning with the monthly royalty reporting period commencing on the license availability date, report usage and pay royalties for such musical work (or share thereof) for such period and reporting periods thereafter to the mechanical licensing collective, as required under this subsection and applicable regulations.

''(v) SUSPENSION OF LATE FEES.—A digital music provider that complies with the requirements of this paragraph with respect to unmatched musical works (or shares of works) shall not be liable for or accrue late fees for late payments of royalties for such works until such time as the digital music provider is required to begin paying monthly royalties to the copyright owner or the mechanical licensing collective, as applicable.

''(C) ADJUSTED STATUTE OF LIMITATIONS.—Notwithstanding anything to the contrary in section 507(b), with respect to any claim of infringement of the exclusive rights provided by paragraphs (1) and (3) of section 106 against a digital music provider arising from the unauthorized reproduction or distribution of a musical work by such digital music provider to engage in covered activities that accrued no more than 3 years prior to the license availability date, such action may be commenced within 3 years of the date the claim accrued, or up to 2 years after the license availability date, whichever is later.

''(D) OTHER RIGHTS AND REMEDIES PRESERVED.—Except as expressly provided in this paragraph, nothing in this paragraph shall be construed to alter, limit, or negate any right or remedy of a copyright owner with respect to unauthorized use of a musical work.

''(11) LEGAL PROTECTIONS FOR LICENSING ACTIVITIES.—

''(A) EXEMPTION FOR COMPULSORY LICENSE ACTIVITIES.—The antitrust exemption described in subsection (c)(1)(D) shall apply to negotiations and agreements between and among copyright owners and persons entitled to obtain a compulsory license for covered activities, and common agents acting on behalf of such copyright owners or persons, including with respect to the administrative assessment established under this subsection.

''(B) LIMITATION ON COMMON AGENT EXEMPTION.—Notwithstanding the antitrust exemption provided in subsection (c)(1)(D) and subparagraph (A) (except for the administrative assessment referenced therein and except as provided in paragraph (8)(C)), neither the mechanical licensing collective nor the digital licensee coordinator shall serve as a common agent with respect to the establishment of royalty rates or terms under this section.

''(C) ANTITRUST EXEMPTION FOR ADMINISTRATIVE ACTIVITIES.—Notwithstanding any provision of the antitrust laws, copyright owners and persons entitled to obtain a compulsory license under this section may designate the mechanical licensing collective to administer voluntary licenses for the reproduction or distribution of musical works in covered activities on behalf of such copyright owners and persons, but the following conditions apply:

''(i) Each copyright owner shall establish the royalty rates and material terms of any such voluntary license individually and not in agreement, combination, or concert with any other copyright owner.

''(ii) Each person entitled to obtain a compulsory license under this section shall establish the royalty rates and material terms of any such voluntary license individually and not in agreement, combination, or concert with any other digital music provider.

''(iii) The mechanical licensing collective shall maintain the confidentiality of the voluntary licenses in accordance with the confidentiality provisions prescribed by the Register of Copyrights under paragraph (12)(C).

''(D) LIABILITY FOR GOOD-FAITH ACTIVITIES.—The mechanical licensing collective shall not be liable to any person or entity based on a claim arising from its good-faith administration of policies and procedures adopted and implemented to carry out the responsibilities described in subparagraphs (J) and (K) of paragraph (3), except to the extent of correcting an underpayment or overpayment of royalties as provided in paragraph (3)(L)(i)(VI), but the collective may participate in a legal proceeding as a stakeholder party if the collective is holding funds that are the subject of a dispute between copyright owners. For purposes of this subparagraph, 'good-faith administration' means administration in a manner that is not grossly negligent.

''(E) PREEMPTION OF STATE PROPERTY LAWS.—The holding and distribution of funds by the mechanical licensing collective in accordance with this subsection shall supersede and preempt any State law (including common law) concerning escheatment or abandoned property, or any analogous provision, that might otherwise apply.

''(F) RULE OF CONSTRUCTION.—Except as expressly provided in this subsection, nothing in this subsection shall negate or limit the ability of any person to pursue an action in Federal court against the mechanical licensing collective or any other person based upon a claim arising under this title or other applicable law.

''(12) REGULATIONS.—

''(A) ADOPTION BY REGISTER OF COPYRIGHTS AND COPYRIGHT ROYALTY JUDGES.—The Register of Copyrights may conduct such proceedings and adopt such regulations as may be necessary or appropriate to effectuate the provisions of this subsection, except for regulations concerning proceedings before the Copyright Royalty Judges to establish the administrative assessment, which shall be adopted by the Copyright Royalty Judges.

''(B) JUDICIAL REVIEW OF REGULATIONS.—Except as provided in paragraph (7)(D)(vii), regulations adopted under this subsection shall be subject to judicial review pursuant to chapter 7 of title 5.

''(C) PROTECTION OF CONFIDENTIAL INFORMATION.—The Register of Copyrights shall adopt regulations to provide for the appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in the records of the mechanical licensing collective and digital licensee coordinator is not improperly disclosed or used, including through any disclosure or use by the board of directors or personnel of either entity, and specifically including the unclaimed royalties oversight committee and the dispute resolution committee of the mechanical licensing collective.

''(13) SAVINGS CLAUSES.—

''(A) LIMITATION ON ACTIVITIES AND RIGHTS COVERED.—This subsection applies solely to uses of musical works subject to licensing under this section. The blanket license shall not be construed to extend or apply to activities other than covered activities or to rights other than the exclusive rights of reproduction and distribution licensed under this section, or serve or act as the basis to extend or expand the compulsory license under this section to activities and rights not covered by this section on the enactment date.

''(B) RIGHTS OF PUBLIC PERFORMANCE NOT AFFECTED.—The rights, protections, and immunities granted under this subsection, the data concerning musical works collected and made available under this subsection, and the definitions described in subsection (e) shall not extend to, limit, or otherwise affect any right of public performance in a musical work.''; and

(5) by adding at the end the following new subsection:

''(e) DEFINITIONS.—As used in this section:

''(1) ACCRUED INTEREST.—The term 'accrued interest' means interest accrued on accrued royalties, as described in subsection (d)(3)(H)(ii).

''(2) ACCRUED ROYALTIES.—The term 'accrued royalties' means royalties accrued for the reproduction or distribution of a musical work (or share thereof) in a covered activity, calculated in accordance with the applicable royalty rate under this section.

''(3) ADMINISTRATIVE ASSESSMENT.—The term 'administrative assessment' means the fee established pursuant to subsection (d)(7)(D).

''(4) AUDIT.—The term 'audit' means a royalty compliance examination to verify the accuracy of royalty payments, or the conduct of such an examination, as applicable.

''(5) BLANKET LICENSE.—The term 'blanket license' means a compulsory license described in subsection (d)(1)(A) to engage in covered activities.

''(6) COLLECTIVE TOTAL COSTS.—The term 'collective total costs'—

''(A) means the total costs of establishing, maintaining, and operating the mechanical licensing collective to fulfill its statutory functions, including—

''(i) startup costs;

''(ii) financing, legal, and insurance costs;

''(iii) investments in information technology, infrastructure, and other long-term resources;

''(iv) outside vendor costs;

''(v) costs of licensing, royalty administration, and enforcement of rights;

''(vi) costs of bad debt; and

''(vii) costs of automated and manual efforts to identify and locate copyright owners of musical works (and shares of such musical works) and match sound recordings to the musical works the sound recordings embody; and

''(B) does not include any added costs incurred by the mechanical licensing collective to provide services under voluntary licenses.

''(7) COVERED ACTIVITY.—The term 'covered activity' means the activity of making a digital phonorecord delivery of a musical work, including in the form of a permanent download, limited download, or interactive stream, where such activity qualified for a compulsory license under this section.

''(8) DIGITAL MUSIC PROVIDER.—The term 'digital music provider' means a person (or persons operating under the authority of that person) that, with respect to a service engaged in covered activities—

''(A) has a direct contractual, subscription, or other economic relationship with end users of the service, or, if no such relationship with end users exists, exercises direct control over the provision of the service to end users;

''(B) is able to fully report on any revenues and consideration generated by the service; and

''(C) is able to fully report on usage of sound recordings of musical works by the service (or procure such reporting).

''(9) DIGITAL LICENSEE COORDINATOR.—The term 'digital licensee coordinator' means the entity most recently designated pursuant to subsection (d)(5).

''(10) DIGITAL PHONORECORD DELIVERY.—The term 'digital phonorecord delivery' means each individual delivery of a phonorecord by digital transmission of a sound recording that results in a specifically identifiable reproduction by or for any transmission recipient of a phonorecord of that sound recording, regardless of whether the digital transmission is also a public performance of the sound recording or any musical work embodied therein, and includes a permanent download, a limited download, or an interactive stream. A digital phonorecord delivery does not result from a real-time, noninteractive subscription transmission of a sound recording where no reproduction of the sound recording or the musical work embodied therein is made from the inception of the transmission through to its receipt by the transmission recipient in order to make the sound recording audible. A digital phonorecord delivery does not include the digital transmission of sounds accompanying a motion picture or other audiovisual work as defined in section 101 of this title.

''(11) ENACTMENT DATE.—The term 'enactment date' means the date of the enactment of the Musical Works Modernization Act.

''(12) INDIVIDUAL DOWNLOAD LICENSE.—The term 'individual download license' means a compulsory license obtained by a record company to make and distribute, or authorize the making and distribution of, permanent downloads embodying a specific individual musical work.

''(13) INTERACTIVE STREAM.—The term 'interactive stream' means a digital transmission of a sound recording of a musical work in the form of a stream, where the performance of the sound recording by means of such transmission is not exempt under section 114(d)(1) and does not in itself, or as a result of a program in which it is included, qualify for statutory licensing under section 114(d)(2). An interactive stream is a digital phonorecord delivery.

''(14) INTERESTED.—The term 'interested', as applied to a party seeking to participate in a proceeding under subsection (d)(7)(D), is a party as to which the Copyright Royalty Judges have not determined that the party lacks a significant interest in such proceeding.

''(15) LICENSE AVAILABILITY DATE.—The term 'license availability date' means the next January 1 following the expiration of the two-year period beginning on the enactment date.

''(16) LIMITED DOWNLOAD.—The term 'limited download' means a digital transmission of a sound recording of a musical work in the form of a download, where such sound recording is accessible for listening only for a limited amount of time or specified number of times.

''(17) MATCHED.—The term 'matched', as applied to a musical work (or share thereof), means that the copyright owner of such work (or share thereof) has been identified and located.

''(18) MECHANICAL LICENSING COLLECTIVE.—The term 'mechanical licensing collective' means the entity most recently designated as such by the Register of Copyrights under subsection (d)(3).

''(19) MECHANICAL LICENSING COLLECTIVE BUDGET.—The term 'mechanical licensing collective budget' means a statement of the financial position of the mechanical licensing collective for a fiscal year or quarter thereof based on estimates of expenditures during the period and proposals for financing them, including a calculation of the collective total costs.

''(20) MUSICAL WORKS DATABASE.—The term 'musical works database' means the database described in subsection (d)(3)(E).

''(21) NONPROFIT.—The term 'nonprofit' means a nonprofit created or organized in a State.

''(22) NOTICE OF LICENSE.—The term 'notice of license' means a notice from a digital music provider provided under subsection (d)(2)(A) for purposes of obtaining a blanket license.

''(23) NOTICE OF NONBLANKET ACTIVITY.—The term 'notice of nonblanket activity' means a notice from a significant nonblanket licensee provided under subsection (d)(6)(A) for purposes of notifying the mechanical licensing collective that the licensee has been engaging in covered activities.

''(24) PERMANENT DOWNLOAD.—The term 'permanent download' means a digital transmission of a sound recording of a musical work in the form of a download, where such sound recording is accessible for listening without restriction as to the amount of time or number of times it may be accessed.

''(25) QUALIFIED AUDITOR.—The term 'qualified auditor' means an independent, certified public accountant with experience performing music royalty audits.

''(26) RECORD COMPANY.—The term 'record company' means an entity that invests in, produces, and markets sound recordings of musical works, and distributes such sound recordings for remuneration through multiple sales channels, including a corporate affiliate of such an entity engaged in distribution of sound recordings.

''(27) REPORT OF USAGE.—The term 'report of usage' means a report reflecting an entity's usage of musical works in covered activities described in subsection (d)(4)(A).

''(28) REQUIRED MATCHING EFFORTS.—The term 'required matching efforts' means efforts to identify and locate copyright owners of musical works as described in subsection (d)(10)(B)(i).

''(29) SERVICE.—The term 'service', as used in relation to covered activities, means any site, facility, or offering by or through which sound recordings of musical works are digitally transmitted to members of the public.

''(30) SHARE.—The term 'share', as applied to a musical work, means a fractional ownership interest in such work.

''(31) SIGNIFICANT NONBLANKET LICENSEE.—The term 'significant nonblanket licensee'—

''(A) means an entity, including a group of entities under common ownership or control that, acting under the authority of one or more voluntary licenses or individual download licenses, offers a service engaged in covered activities, and such entity or group of entities—

''(i) is not currently operating under a blanket license and is not obligated to provide reports of usage reflecting covered activities under subsection (d)(4)(A);

''(ii) has a direct contractual, subscription, or other economic relationship with end users of the service or, if no such relationship with end users exists, exercises direct control over the provision of the service to end users; and

''(iii) either—

''(I) on any day in a calendar month, makes more than 5,000 different sound recordings of musical works available through such service; or

''(II) derives revenue or other consideration in connection with such covered activities greater than $50,000 in a calendar month, or total revenue or other consideration greater than $500,000 during the preceding 12 calendar months; and

''(B) does not include—

''(i) an entity whose covered activity consists solely of free-to-the-user streams of segments of sound recordings of musical works that do not exceed 90 seconds in length, are offered only to facilitate a licensed use of musical works that is not a covered activity, and have no revenue directly attributable to such streams constituting the covered activity; or

''(ii) a 'public broadcasting entity' as defined in section 118(f).

''(32) SONGWRITER.—The term 'songwriter' means the author of all or part of a musical work, including a composer or lyricist.

''(33) STATE.—The term 'State' means each State of the United States, the District of Columbia, and each territory or possession of the United States.

''(34) UNCLAIMED ACCRUED ROYALTIES.—The term 'unclaimed accrued royalties' means accrued royalties eligible for distribution under subsection (d)(3)(J).

''(35) UNMATCHED.—The term 'unmatched', as applied to a musical work (or share thereof), means that the copyright owner of such work (or share thereof) has not been identified or located.

''(36) VOLUNTARY LICENSE.—The term 'voluntary license' means a license for use of a musical work (or share thereof) other than a compulsory license obtained under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 801.—Section 801(b) of title 17, United States Code, is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following new paragraph:

''(8) To determine the administrative assessment to be paid by digital music providers under section 115(d). The provisions of section 115(d) shall apply to the conduct of proceedings by the Copyright Royalty Judges under section 115(d) and not the procedures described in this section, or section 803, 804, or 805.''.

(c) EFFECTIVE DATE OF AMENDED RATE SETTING STANDARD.—The amendments made by subsections (a)(3)(D) and (b)(1) shall apply to any proceeding before the Copyright Royalty

Judges that is pending on, or commenced on or after, the date of the enactment of this Act.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO TITLE 37, PART 385 OF THE CODE OF FEDERAL REGULATIONS.—Within 9 months after the date of the enactment of this Act, the Copyright Royalty Judges shall amend the regulations for section 115 in part 385 of title 37, Code of Federal Regulations to conform the definitions used in such part to the definitions of the same terms described in section 115(e) of title 17, United States Code, as amended by subsection (a). In so doing, the Copyright Royalty Judges shall make adjustments to the language of the regulations as necessary to achieve the same purpose and effect as the original regulations with respect to the rates and terms previously adopted by the Copyright Royalty Judges.

SEC. 103. AMENDMENTS TO SECTION 114.

(a) UNIFORM RATE STANDARD.—Section 114(f) of title 17, United States Code, is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1)(A) Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for transmissions subject to statutory licensing under subsection (d)(2) during the 5-year period beginning on January 1 of the second year following the year in which the proceedings are to be commenced pursuant to subparagraph (A) or (B) of section 804(b)(3), as the case may be, or such other period as the parties may agree. The parties to each proceeding shall bear their own costs.

''(B) The schedule of reasonable rates and terms determined by the Copyright Royalty Judges shall, subject to paragraph (2), be binding on all copyright owners of sound recordings and entities performing sound recordings affected by this paragraph during the 5-year period specified in subparagraph (A), or such other period as the parties may agree. Such rates and terms shall distinguish among the different types of services then in operation and shall include a minimum fee for each such type of service, such differences to be based on criteria including the quantity and nature of the use of sound recordings and the degree to which use of the service may substitute for or may promote the purchase of phonorecords by consumers. The Copyright Royalty Judges shall establish rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller. In determining such rates and terms, the Copyright Royalty Judges—

''(i) shall base their decision on economic, competitive, and programming information presented by the parties, including—

''(I) whether use of the service may substitute for or may promote the sales of phonorecords or otherwise may interfere with or may enhance the sound recording copyright owner's other streams of revenue from the copyright owner's sound recordings; and

''(II) the relative roles of the copyright owner and the transmitting entity in the copyrighted work and the service made available to the public with respect to relative creative contribution, technological contribution, capital investment, cost, and risk; and

''(ii) may consider the rates and terms for comparable types of audio transmission services and comparable circumstances under voluntary license agreements.

''(C) The procedures under subparagraphs (A) and (B) shall also be initiated pursuant to a petition filed by any sound recording copyright owner or any transmitting entity indicating that a new type of service on which sound recordings are performed is or is about to become operational, for the purpose of determining reasonable terms and rates of royalty payments with respect to such new type of service for the period beginning with the inception of such new type of service and ending on the date on which the royalty rates and terms for eligible nonsubscription services and new subscription services, or preexisting services, as the case may be, most recently determined under subparagraph (A) or (B) and chapter 8 expire, or such other period as the parties may agree.''; and

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(b) REPEAL.—Subsection (i) of section 114 of title 17, United States Code, is repealed.

(c) USE IN MUSICAL WORK PROCEEDINGS.—

(1) IN GENERAL.—License fees payable for the public performance of sound recordings under section 106(6) of title 17, United States Code, shall not be taken into account in any administrative, judicial, or other governmental proceeding to set or adjust the royalties payable to musical work copyright owners for the public performance of their works except in such a proceeding to set or adjust royalties for the public performance of musical works by means of a digital audio transmission other than a transmission by a broadcaster, and may be taken into account only with respect to such digital audio transmission.

(2) DEFINITIONS.—In this subsection:

(A) TRANSMISSION BY A BROADCASTER.—A ''transmission by a broadcaster'' means a nonsubscription digital transmission made by a terrestrial broadcast station on its own behalf, or on the behalf of a terrestrial broadcast station under common ownership or control, that is not part of an interactive service or a music-intensive service comprising the transmission of sound recordings customized for or customizable by recipients or service users.

(B) TERRESTRIAL BROADCAST STATION.—A ''terrestrial broadcast station'' means a terrestrial, over-the-air radio or television broadcast station, licensed as such by the Federal Communications Commission, including an FM Translator as defined in section 74.1231 of title 47, Code of Federal Regulations, and whose primary business activities are comprised of, and revenues are generated through, terrestrial, over-the-air broadcast transmissions, or the simultaneous or substantially-simultaneous digital retransmission by the terrestrial, over-the-air broadcast station of its over-the-air broadcast transmissions.

(d) RULE OF CONSTRUCTION.—Subsection (c)(2) shall not be given effect in interpreting provisions of title 17, United States Code.

(e) USE IN SOUND RECORDING PROCEEDINGS.—The repeal of section 114(i) of title 17, United States Code, by subsection (b) shall not be taken into account in any proceeding to set or adjust the rates and fees payable for the use of sound recordings under section 112(e) or section 114(f) of such title that is pending on, or commenced on or after, the date of the enactment of this Act.

(f) DECISIONS AND PRECEDENTS NOT AFFECTED.—The repeal of section 114(i) of title 17, United States Code, by subsection (b) shall not have any effect upon the decisions, or the precedents established or relied upon, in any proceeding to set or adjust the rates and fees payable for the use of sound recordings under section 112(e) or section 114(f) of such title before the date of the enactment of this Act.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 114.—Section 114(f) of title 17, United States Code, as amended by subsection (a), is further amended in paragraph (4)(C), as so redesignated, by striking ''under paragraph (4)'' and inserting ''under paragraph (3)''.

(2) SECTION 801.—Section 801(b)(1) of title 17, United States Code, is amended by striking ''The rates applicable'' and all that follows though ''prevailing industry practices.''.

(3) SECTION 804.—Section 804(b)(3)(C) of title 17, United States Code, is amended—

(A) in clause (i), by striking ''and 114(f)(2)(C)'';

(B) in clause (iii)(II), by striking ''114(f)(4)(B)(ii)'' and inserting ''114(f)(3)(B)(ii)''; and

(C) in clause (iv), by striking ''or 114(f)(2)(C), as the case may be''.

SEC. 104. RANDOM ASSIGNMENT OF RATE COURT PROCEEDINGS.

Section 137 of title 28, United States Code, is amended—

(1) by striking ''The business'' and inserting ''(a) IN GENERAL.—The business''; and

(2) by adding at the end the following new subsection:

''(b) RANDOM ASSIGNMENT OF RATE COURT PROCEEDINGS.—

''(1) IN GENERAL.—

''(A) DETERMINATION OF LICENSE FEE.—Except as provided in subparagraph (B), in the case of any performing rights society subject to a consent decree, any application for the determination of a license fee for the public performance of music in accordance with the applicable consent decree shall be made in the district court with jurisdiction over that consent decree and randomly assigned to a judge of that district court according to that court's rules for the division of business among district judges currently in effect or as may be amended from time to time, provided that any such application shall not be assigned to—

''(i) a judge to whom continuing jurisdiction over any performing rights society for any performing rights society consent decree is assigned or has previously been assigned; or

''(ii) a judge to whom another proceeding concerning an application for the determination of a reasonable license fee is assigned at the time of the filing of the application.

''(B) EXCEPTION.—Subparagraph (A) does not apply to an application to determine reasonable license fees made by individual proprietors under section 513 of title 17.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall modify the rights of any party to a consent decree or to a proceeding to determine reasonable license fees, to make an application for the construction of any provision of the applicable consent decree. Such application shall be referred to the judge to whom continuing jurisdiction over the applicable consent decree is currently assigned. If any such application is made in connection with a rate proceeding, such rate proceeding shall be stayed until the final determination of the construction application. Disputes in connection with a rate proceeding about whether a licensee is similarly situated to another licensee shall not be subject to referral to the judge with continuing jurisdiction over the applicable consent decree.''.

TITLE II—COMPENSATING LEGACY ARTISTS FOR THEIR SONGS, SERVICE, AND IMPORTANT CONTRIBUTIONS TO SOCIETY

SEC. 201. SHORT TITLE.

This title may be cited as the ''Compensating Legacy Artists for their Songs, Service, and Important Contributions to Society Act'' or the ''CLASSICS Act''.

SEC. 202. UNAUTHORIZED DIGITAL PERFORMANCE OF PRE-1972 SOUND RECORDINGS.

(a) PROTECTION FOR UNAUTHORIZED DIGITAL PERFORMANCES.—Title 17, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 14—UNAUTHORIZED DIGITAL PERFORMANCE OF PRE-1972 SOUND RECORDINGS

''Sec.
''1401. Unauthorized digital performance of pre-1972 sound recordings.

"§ 1401. Unauthorized digital performance of pre-1972 sound recordings

''(a) UNAUTHORIZED ACTS.—Anyone who, before February 15, 2067, and without the consent of the rights owner, performs publicly, by means of a digital audio transmission, a sound recording fixed on or after January 1, 1923, and before February 15, 1972, shall be subject to the remedies provided in sections 502 through 505 to the same extent as an infringer of copyright.

''(b) CERTAIN AUTHORIZED TRANSMISSIONS.—A digital audio transmission of a sound recording fixed on or after January 1, 1923, and before February 15, 1972, shall, for purposes of subsection (a), be considered to be authorized and made with the consent of the rights owner if—

''(1) the transmission is made by a transmitting entity that is publicly performing sound recordings fixed on or after February 15, 1972, by means of digital audio transmissions subject to section 114;

''(2) the transmission would satisfy the requirements for statutory licensing under section 114(d)(2), or would be exempt under section 114(d)(1), if the sound recording were fixed on or after February 15, 1972;

''(3) in the case of a transmission that would not be exempt under section 114(d)(1) as described in paragraph (2), the transmitting entity pays statutory royalties and provides notice of its use of the relevant sound recordings in the same manner as is required by regulations adopted by the Copyright Royalty Judges for sound recordings fixed on or after February 15, 1972; and

''(4) in the case of a transmission that would not be exempt under section 114(d)(1) as described in paragraph (2), the transmitting entity otherwise satisfies the requirements for statutory licensing under section 114(f)(4)(B).

''(c) TRANSMISSIONS BY DIRECT LICENSING OF STATUTORY SERVICES.—

''(1) IN GENERAL.—A transmission of a sound recording fixed on or after January 1, 1923, and before February 15, 1972, shall, for purposes of subsection (a), be considered to be authorized and made with the consent of the rights owner if such transmission is included in a license agreement voluntarily negotiated at any time between the rights owner and the entity performing the sound recording.

''(2) PAYMENT OF ROYALTIES TO NONPROFIT COLLECTIVE.—To the extent that such a license agreement entered into on or after the date of the enactment of this section extends to digital audio transmissions of a sound recording fixed on or after January 1, 1923, and before February 15, 1972, that meet the conditions of subsection (b), the licensee shall pay, to the collective designated to distribute receipts from the licensing of transmissions in accordance with section 114(f), 50 percent of the performance royalties for the transmissions due under the license, with such royalties fully credited as payments due under the license.

''(3) DISTRIBUTION OF ROYALTIES BY COLLECTIVE.—The collective described in paragraph (2) shall, in accordance with subparagraphs (B) through (D) of section 114(g)(2), and paragraphs (5) and (6) of section 114(g)), distribute the royalties received under paragraph (2) under the license described in paragraph (2). Such payments shall be the only payments to which featured and nonfeatured artists are entitled by virtue of the transmissions described in paragraph (2) under the license.

''(4) RULE OF CONSTRUCTION.—This section does not prohibit any other license from directing the licensee to pay other royalties due to featured and nonfeatured artists for such transmissions to the collective designated to distribute receipts from the licensing of transmissions in accordance with section 114(f).

''(d) RELATIONSHIP TO STATE LAW.—

''(1) IN GENERAL.—Nothing in this section shall be construed to annul or limit any rights or remedies under the common law or statutes of any State for sound recordings fixed before February 15, 1972, except, notwithstanding section 301(c), for the following:

''(A) This section preempts any claim of common law copyright or equivalent right under the laws of any State arising from any digital audio transmission that is made, on and after the date of the enactment of this section, of a sound recording fixed on or after January 1, 1923, and before February 15, 1972.

''(B) This section preempts any claim of common law copyright or equivalent right under the laws of any State arising from any reproduction that is made, on and after the date of the enactment of this section, of a sound recording fixed on or after January 1, 1923, and before February 15, 1972, and that would satisfy the requirements for statutory licensing under paragraphs (1) and (6) of section 112(e), if the sound recording were fixed on or after February 15, 1972.

''(C) This section preempts any claim of common law copyright or equivalent right under the laws of any State arising from any digital audio transmission or reproduction that is made, before the date of the enactment of this section, of a sound recording fixed on or after January 1, 1923, and before February 15, 1972, if—

''(i) the digital audio transmission would have satisfied the requirements for statutory licensing under section 114(d)(2) or been exempt under section 114(d)(1), or the reproduction would have satisfied the requirements of section 112(e)(1), as the case may be, if the sound recording were fixed on or after February 15, 1972; and

''(ii) except in the case of transmissions that would have been exempt under section 114(d)(1), the transmitting entity, before the end of the 270-day period beginning on the date of the enactment of this section, pays statutory royalties and provides notice of the use of the relevant sound recordings in the same manner as is required by regulations adopted by the Copyright Royalty Judges for sound recordings that are protected under this title for all the digital audio transmissions and reproductions satisfying the requirements for statutory licensing under section 114(d)(2) and section 112(e)(1) during the 3 years prior to the date of the enactment of this section.

''(2) RULE OF CONSTRUCTION FOR COMMON LAW COPYRIGHT.—For purposes of subparagraphs (A) through (C) of paragraph (1), a claim of common law copyright or equivalent right under the laws of any State includes a claim that characterizes conduct subject to such subparagraphs as an unlawful distribution, act of record piracy, or similar violation.

''(3) RULE OF CONSTRUCTION FOR PUBLIC PERFORMANCE RIGHTS.—Nothing in this section shall be construed to recognize or negate the existence of public performance rights in sound recordings under the laws of any State.

''(e) LIMITATIONS ON REMEDIES.—

''(1) FAIR USE; USES BY LIBRARIES, ARCHIVES, AND EDUCATIONAL INSTITUTIONS.—The limitations on the exclusive rights of a copyright owner described in sections 107, 108, and 110(1) and (2) shall apply to a claim under subsection (a) for the unauthorized performance of a sound recording fixed on or after January 1, 1923, and before February 15, 1972.

''(2) ACTIONS.—The limitations on actions described in section 507 shall apply to a claim under subsection (a) for the unauthorized performance of a sound recording fixed on or after January 1, 1923, and before February 15, 1972.

''(3) MATERIAL ONLINE.—Section 512 shall apply to a claim under subsection (a) for the unauthorized performance of a sound recording fixed on or after January 1, 1923, and before February 15, 1972.

''(4) PRINCIPLES OF EQUITY.—Principles of equity apply to remedies for a violation of this section to the same extent as such principles apply to remedies for infringement of copyright.

''(5) FILING REQUIREMENT FOR STATUTORY DAMAGES AND ATTORNEYS' FEES.—

''(A) FILING OF INFORMATION ON SOUND RECORDINGS.—

''(i) FILING REQUIREMENT.—Except in the case of a transmitting entity that has filed contact information for that transmitting entity under subparagraph (B), in any action under this section, an award of statutory damages or of attorneys' fees under section 504 or 505 may be made with respect to an unauthorized transmission of a sound recording under subsection (a) only if—

''(I) the rights owner has filed with the Copyright Office a schedule that specifies the title, artist, and rights owner of the sound recording and contains such other information, as practicable, as the Register of Copyrights prescribes by regulation; and

''(II) the transmission is made after the end of the 90-day period beginning on the date on which the information filed under subclause (I) is indexed into the public records of the Copyright Office.

''(ii) REGULATIONS.—The Register of Copyrights shall, before the end of the 180-day period beginning on the date of the enactment of this section, issue regulations establishing the form, content, and procedures for the filing of schedules under clause (i). Such regulations shall provide that persons may request that they receive timely notification of such filings, and shall set forth the manner in which such requests may be made.

''(B) FILING OF CONTACT INFORMATION FOR TRANSMITTING ENTITIES.—

''(i) FILING REQUIREMENT.—The Register of Copyrights shall, before the end of the 30-day period beginning on the date of the enactment of this section, issue regulations establishing the form, content, and procedures for the filing, by any entity that, as of the date of the enactment of this section, performs sound recordings fixed before February 15, 1972, by means of digital audio transmissions, of contact information for such entity.

''(ii) TIME LIMIT ON FILINGS.—The Register of Copyrights may accept filings under clause (i) only until the 180th day after the date of the enactment of this section.

''(iii) LIMITATION ON STATUTORY DAMAGES AND ATTORNEYS' FEES.—

''(I) LIMITATION.—An award of statutory damages or of attorneys' fees under section 504 or 505 may not be made, against an entity that has filed contact information for that entity under clause (i), with respect to an unauthorized transmission by that entity of a sound recording under subsection (a) if the transmission is made before the end of the

90-day period beginning on the date on which the entity receives a notice that—

''(aa) is sent by or on behalf of the rights owner of the sound recording;

''(bb) states that the entity is not legally authorized to transmit that sound recording under subsection (a); and

''(cc) identifies the sound recording in a schedule conforming to the requirements prescribed by the regulations issued under subparagraph (A)(ii).

''(II) UNDELIVERABLE NOTICES.—In any case in which a notice under subclause (I) is sent to an entity by mail or courier service and the notice is returned to the sender because the entity either is no longer located at the address provided in the contact information filed under clause (i) or has refused to accept delivery, or the notice is sent by electronic mail and is undeliverable, the 90-day period under subclause (I) shall begin on the date of the attempted delivery.

''(C) SECTION 412.—Section 412 shall not limit an award of statutory damages under section 504(c) or attorneys' fees under section 505 with respect to an unauthorized transmission of a sound recording under subsection (a).

''(6) APPLICABILITY OF OTHER PROVISIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), no provision of this title shall apply to or limit the remedies available under this section except as otherwise provided in this section.

''(B) APPLICABILITY OF DEFINITIONS.—Any term used in this section that is defined in section 101 shall have the meaning given that term in section 101.

''(f) APPLICATION OF SECTION 230 SAFE HARBOR.—For purposes of section 230 of the Communications Act of 1934 (47 U.S.C. 230), subsection (a) shall be considered to be a 'law pertaining to intellectual property' under subsection (e)(2) of such section.

''(g) RIGHTS OWNER DEFINED.—In this section, the term 'rights owner' means the person who has the exclusive right to reproduce a sound recording under the laws of any State.''.

(b) CONFORMING AMENDMENT.—The table of chapters for title 17, United States Code, is amended by adding at the end the following new chapter:

''14. Unauthorized digital performance of pre-1972 sound recordings 1401''.

SEC. 203. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

TITLE III—ALLOCATION FOR MUSIC PRODUCERS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Allocation for Music Producers Act'' or the ''AMP Act''.

SEC. 302. PAYMENT OF STATUTORY PERFORMANCE ROYALTIES.

(a) LETTER OF DIRECTION.—Section 114(g) of title 17, United States Code, is amended by adding at the end the following new paragraph:

''(5) LETTER OF DIRECTION.—

''(A) IN GENERAL.—A nonprofit collective designated by the Copyright Royalty Judges to distribute receipts from the licensing of transmissions in accordance with subsection (f) shall adopt and reasonably implement a policy that provides, in circumstances determined by the collective to be appropriate, for acceptance of instructions from an artist payee identified under subparagraph (A) or (D) of paragraph (2) to distribute, to a producer, mixer, or sound engineer who was part of the creative process that created a sound recording, a portion of the payments to which the artist payee would otherwise be entitled from the licensing of transmissions of the sound recording. In this section, such instructions shall be referred to as a 'letter of direction'.

''(B) ACCEPTANCE OF LETTER.—To the extent that the collective accepts a letter of direction under subparagraph (A), the person entitled to payment pursuant to the letter of direction shall, during the period in which the letter of direction is in effect and carried out by the collective, be treated for all purposes as the owner of the right to receive such payment, and the artist payee providing the letter of direction to the collective shall be treated as having no interest in such payment.

''(C) AUTHORITY OF COLLECTIVE.—This paragraph shall not be construed in such a manner so that the collective is not authorized to accept or act upon payment instructions in circumstances other than those to which this paragraph applies.''.

(b) ADDITIONAL PROVISIONS FOR RECORDINGS FIXED BEFORE NOVEMBER 1, 1995.—Section 114(g) of title 17, United States Code, as amended by subsection (a), is further amended by adding at the end the following new paragraph:

''(6) SOUND RECORDINGS FIXED BEFORE NOVEMBER 1, 1995.—

''(A) PAYMENT ABSENT LETTER OF DIRECTION.—A nonprofit collective designated by the Copyright Royalty Judges to distribute receipts from the licensing of transmissions in accordance with subsection (f) (in this paragraph referred to as the 'collective') shall adopt and reasonably implement a policy that provides, in circumstances determined by the collective to be appropriate, for the deduction of 2 percent of all the receipts that are collected from the licensing of transmissions of a sound recording fixed before November 1, 1995, but which is withdrawn from the amount otherwise payable under paragraph (2)(D) to the recording artist or artists featured on the sound recording (or the persons conveying rights in the artists' performance in the sound recording), and the distribution of such amount to one or more persons described in subparagraph (B), after deduction of costs described in paragraph (3) or (4), as applicable, if each of the following requirements is met:

''(i) CERTIFICATION OF ATTEMPT TO OBTAIN A LETTER OF DIRECTION.—The person described in subparagraph (B) who is to receive the distribution has certified to the collective, under penalty of perjury, that—

''(I) for a period of at least 4 months, that person made reasonable efforts to contact the artist payee for such sound recording to request and obtain a letter of direction instructing the collective to pay to that person a portion of the royalties payable to the featured recording artist or artists; and

''(II) during the period beginning on the date that person began the reasonable efforts described in subclause (I) and ending on the date of that person's certification to the collective, the artist payee did not affirm or deny in writing the request for a letter of direction.

''(ii) COLLECTIVE ATTEMPT TO CONTACT ARTIST.—After receipt of the certification described in clause (i) and for a period of at least 4 months before the collective's first distribution to the person described in subparagraph (B), the collective attempted, in a reasonable manner as determined by the collective, to notify the artist payee of the certification made by the person described in subparagraph (B).

''(iii) NO OBJECTION RECEIVED.—The artist payee did not, as of the date that is 10 business days before the date on which the first distribution is made, submit to the collective in writing an objection to the distribution.

''(B) ELIGIBILITY FOR PAYMENT.—A person shall be eligible for payment under subparagraph (A) if the person—

''(i) is a producer, mixer, or sound engineer of the sound recording;

''(ii) has entered into a written contract with a record company involved in the creation or lawful exploitation of the sound recording, or with the recording artist or artists featured on the sound recording (or the persons conveying rights in the artists' performance in the sound recording), under which the person seeking payment is entitled to participate in royalty payments that are based on the exploitation of the sound recording and are payable from royalties otherwise payable to the recording artist or artists featured on the sound recording (or the persons conveying rights in the artists' performance in the sound recording);

''(iii) made a creative contribution to the creation of the sound recording; and

''(iv) submits a written certification to the collective stating, under penalty of perjury, that the person meets the requirements in clauses (i) through (iii) and includes a true copy of the contract described in clause (ii).

''(C) MULTIPLE CERTIFICATIONS.—Subject to subparagraph (D), in a case in which more than one person described in subparagraph (B) has met the requirements for a distribution under subparagraph (A) with respect to a sound recording as of the date that is 10 business days before the date on which a distribution is made, the collective shall divide the 2 percent distribution equally among all such persons.

''(D) OBJECTION TO PAYMENT.—Not later than 10 business days after the date on which the collective receives from the artist payee a written objection to a distribution made pursuant to subparagraph (A), the collective shall cease making any further payment relating to such distribution. In any case in which the collective has made one or more distributions pursuant to subparagraph (A) to a person described in subparagraph (B) before the date that is 10 business days after the date on which the collective receives from the artist payee an objection to such distribution, the objection shall not affect that person's entitlement to any distribution made before the collective ceases such distribution under this subparagraph.

''(E) OWNERSHIP OF THE RIGHT TO RECEIVE PAYMENTS.—To the extent that the collective determines that a distribution will be made under subparagraph (A) to a person described in subparagraph (B), such person shall, during the period covered by such distribution, be treated for all purposes as the owner of the right to receive such payments, and the artist payee to whom such payments would otherwise be payable shall be treated as having no interest in such payments.

''(F) ARTIST PAYEE DEFINED.—In this paragraph, the term 'artist payee' means a person, other than a person described in subparagraph (B), who owns the right to receive all or part of the receipts payable under paragraph (2)(D) with respect to a sound recording. In a case in which there are multiple artist payees with respect to a sound recording, an objection by one such payee shall apply only to that payee's share of the receipts payable under paragraph (2)(D), and does not preclude payment under subparagraph (A) from the share of an artist payee that does not so object.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 114(g) of title 17, United States Code, as amended by subsections (a) and (b), is further amended—

(1) in paragraph (2), by striking ''An agent designated'' and inserting ''Except as provided for in paragraph (6), a nonprofit collective designated by the Copyright Royalty Judges'';

(2) in paragraph (3)—

(A) by striking ''nonprofit agent designated'' and inserting ''nonprofit collective designated by the Copyright Royalty Judges'';

(B) by striking ''another designated agent'' and inserting ''another designated nonprofit collective''; and

(C) by striking ''agent'' and inserting ''collective'' each subsequent place it appears;

(3) in paragraph (4)—

(A) by striking ''designated agent'' and inserting ''nonprofit collective''; and

(B) by striking ''agent'' and inserting ''collective'' each subsequent place it appears; and

(4) by adding at the end the following new paragraph:

''(7) PREEMPTION OF STATE PROPERTY LAWS.—The holding and distribution of receipts under section 112 and this section by a nonprofit collective designated by the Copyright Royalty Judges in accordance with this subsection and regulations adopted by the Copyright Royalty Judges shall supersede and preempt any State law (including common law) concerning escheatment or abandoned property, or any analogous provision, that might otherwise apply.''.

SEC. 303. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) DELAYED EFFECTIVE DATE.—The effective date for paragraphs (5)(B) and (6)(E) of section 114(g) of title 17, United States Code, as added by section 302, shall be January 1, 2020.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5447, currently under consideration.

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

There was no objection.

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

Mr. Speaker, today, the House brings early 20th century music laws for the analog era into the 21st century digital era. These changes are a culmination of years of effort by interested parties as well as by many members of the Judiciary Committee.

The problems and failures in our Nation's music laws have imposed real financial costs upon artists and creators. Music is no longer written on piano rolls and our laws shouldn't be based on that technology any longer either.

Several years ago, the Judiciary Committee began a comprehensive review of our Nation's copyright laws. We held dozens of hearings, heard from over 100 witnesses, and traveled to multiple cities across the country to hear directly from stakeholders who use these laws. This review provided the foundation upon which several bills to reform our copyright laws were constructed.

During the course of this review, we learned that our music licensing laws were no longer working as intended for songwriters, artists, and creators, or for the companies that deliver the music in innovative ways for consumers.

Specifically, we have heard about several key problems, including a dysfunctional mechanical licensing system that seems to generate more paperwork and attorneys' fees than royalties; a need to provide protection for pre-1972 performances; a lack of recognition in the law for the creative input of producers, sound engineers, and mixers; and a lack of a unified rate standard for music royalties.

The Judiciary Committee regularly hears from a variety of groups interested in copyright law, and it will not surprise anyone to know that, typically, not everyone agrees regarding what changes to title 17 are necessary. One person's problem may be another's benefit, and some have preferred a broken system over an unknown change.

However, in a reflection of how bad our music statutes are, the opposite is true with respect to the bill before us today. Every party that has spoken about music recognizes the problems caused by our current licensing framework and wants real solutions. The existing music provisions of title 17 are simply that bad.

I tasked the industry to come together with a unified reform bill and, to their credit, they delivered, albeit with an occasional bump along the way. Today, the major players in the music industry are unified in supporting comprehensive music licensing reform to bring the state of our Nation's copyright laws into the digital age that the industry itself has already transitioned to.

While no bill is perfect, by all accounts, this is a bill with overwhelming consensus behind it. Groups that represent songwriters, musical works copyright owners, digital music providers, individual artists, sound recording copyright owners, artist guilds, and performing rights organizations all support the bill.

The reasons for such widespread support are clear:

The Music Modernization Act boosts payments for copyright owners and artists by shifting the reasonable costs of a new mechanical licensing collective onto digital music services that, themselves, benefit from reduced litigation costs as a result of other provisions in the bill.

Songwriters gain a seat at the table in seeing how their royalties are collected and then allocated.

Pre-1972 artists who currently go unpaid will finally see royalties for their creations, as will sound engineers, mixers, and producers. The public benefits, too, by having immediate access to all music on their favorite services. Furthermore, libraries and archives gain educational and fair use access to pre-1972 works currently governed under State law.

This bill is the work product of many stakeholders and many Members. I want to highlight the work of several of my colleagues, including the ranking member, who were leaders in working on the underlying components of this bill.

I want to especially thank Mr. COLLINS and Mr. JEFFRIES for their leadership on section 115 reform. I would like to thank Mr. ISSA and Mr. NADLER for their leadership on behalf of pre-1972 performers. I would also like to thank Mr. CROWLEY and Mr. ROONEY for their efforts on behalf of producers, mixers, and sound engineers.

And last but not least, I would like to thank Ranking Member NADLER for his leadership on these issues and for his willingness to partner with me in putting these pieces together into a comprehensive and consensus music licensing reform package.

Sometimes big pieces of legislation can come together only through the efforts of a large number of people who invest their time in making change happen, as so many Members and so many stakeholders in the music and digital delivery communities have done. It also has to happen at the right time.

I would note that only 1 week ago, GRAMMYs on the Hill brought hundreds of artists to D.C. to explain to their own Members of Congress how important an updated licensing system is to them. This bill delivers that for them just 1 day before World Intellectual Property Day, when we recognize the value of intellectual property and those who create it. So I am on safe ground when I say that this bill fits right into the perfect sweet spot on both timing and substance.

Mr. Speaker, I urge my colleagues to support this important piece of legislation, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of the Music Modernization Act. I am proud to partner with Chairman GOODLATTE on this comprehensive bill intended to resolve some longstanding inequities and inefficiencies in the music marketplace. We have achieved consensus on this bill, which passed out of the Judiciary Committee by a remarkable vote of 32–0.

The package includes the original Music Modernization Act, H.R. 4706, introduced by Mr. COLLINS and Mr. JEFFRIES, which significantly reforms the process for licensing mechanical reproduction royalties under section 115 of the Copyright Act. It also includes a number of provisions to ensure that songwriters and other music creators receive fair market value for their work.

The package includes the CLASSICS Act, H.R. 3301, introduced by Chairman

ISSA and me, to resolve the dispute over payment to legacy artists for pre-1972 works played on digital radio platforms.

For too long, many of our Nation's great cultural icons have been unfairly denied compensation. That is why this measure is supported by the NAACP and more than 300 major artists.

The bill includes the AMP Act, H.R. 831, introduced by Mr. CROWLEY and Mr. ROONEY, to simplify the payment of royalties to producers, mixers, and engineers, recognizing in Federal copyright their important contributions to the creation of music.

Several of these measures were included in the Fair Play Fair Pay Act, H.R. 1836, a bipartisan bill I introduced with Representative MARSHA BLACKBURN, Chairman ISSA, and Mr. DEUTCH, to create a uniform system for sound recordings. They, along with Mr. COLLINS and Mr. JEFFRIES, deserve a tremendous amount of credit for getting us to this point.

We are at a unique moment in time where virtually all the industry stakeholders have come together in support of a common music policy agenda. The bill is supported by a broad coalition that includes songwriters and artists, publishers and labels, and internet and digital media companies such as Pandora, Spotify, Google, and Amazon.

I want to thank the members of my staff who worked for years to resolve some very complex and sensitive issues to move this legislation forward: Lisette Morton, Jason Everett, and David Greengrass. This is an historic opportunity to accomplish a great deal that hasn't been done in decades.

Mr. Speaker, I urge all of my colleagues to support the Music Modernization Act, and I reserve the balance of my time.

□ 1415

Mr. GOODLATTE. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. COLLINS), a member of the Judiciary Committee and a key legislator in making sure that this legislation moves forward. He has worked very, very hard on it.

Mr. COLLINS of Georgia. Mr. Speaker, I rise today in support of H.R. 5447, the Music Modernization Act.

It has already been said that this bill combines critical pieces of legislation to update our laws, including legislation that I authored, the Music Modernization Act, but it also represents the CLASSICS Act, the AMP Act, and rate standardization, things that have been negotiated for a long period of time.

As we have looked at this and we have talked about it, this is a bill today that comes to the floor with overwhelming support, not just on this floor, not just in the committee where it passed 32–0. It comes to this floor with an industry that many times couldn't even decide that they wanted to talk to each other about things in their industry, but who came together with overwhelming support and said this is where we need to be.

I can remember when the chairman first laid out a vision that would deal with copyright. Most thought it was a dream that would never happen. In fact, some thought we would never even get text that people could agree on. They were wrong, because we did.

I want to thank the leadership of Chairman GOODLATTE and Ranking Member NADLER for their tireless commitment to getting something done on copyright, which ultimately got us here. I thank their staffs: Joe Keeley, Lisette Morton, and Jason Everett.

Also in this, Mr. Speaker, there is someone whom I also want to thank who, not only in this bill but in many others, epitomizes to me what is good about this institution. The Music Modernization Act has put my friend HAKEEM JEFFRIES and I in, again, a leading role and is living proof that a rural Member from northeast Georgia and a Democrat from Brooklyn can find common ground. With HAKEEM and I, we know that we can come together with good product when we have the right intentions in mind.

Senators HATCH and ALEXANDER have been champions in the Senate, where they have introduced companion legislation. Congressmen ISSA, ROONEY, and CROWLEY have all been key players, and many from different States have all taken part in this. As I have said earlier, they come from many places: David Israelite with NMPA; Bart Herbison from Nashville Songwriters Association International; Dina LaPolt, Michelle Lewis, and Kay Hanley from SONA; Beth Mathews from ASCAP; Mike O'Neill from BMI; Chris Harrison from Digital Media; Michael Beckerman from Internet Association; Mitch Glazier from Recording Industry Association of America; Todd Dupler and Darryl Friedman from Recording Academy; and others, such as Rick Carnes, Mike Huppe, Curtis LeGeyt, and many others; also my friends, one sitting behind me, MARSHA BLACKBURN as well, who has been at the forefront of this.

Mr. Speaker, before I finish up in just a little bit, I do need to thank two more, and that is my staff, who have lived with me, who have worked with me for a long time: Brendan Belair, my chief of staff, who has kept us on target; and Sally Rose Larson. You couldn't meet a better steel magnolia, who has shown herself to be such an invaluable asset during this process.

Mr. Speaker, I want to end not with the bill. We will talk about it. But what brought me to this point and what brought me to this area and why this is so important today as we move forward for generations of others: I want to take you back in time almost 40-plus years to a state trooper's kid in north Georgia whose friends were books, whose friends were music, a radio, and songs that came true. It was in there that those songs that would come out, the music and lyrics, would take me to places far away from northeast Georgia and let me travel the world long before I could even drive a car.

When we talk about copyright and we talk about the creator's spirit, it is about the creator's spirit, what comes out of their heart, that comes out of their mind, that comes through their hands and out of their mouths and into the lives that touch everyone of whom we become a part.

This is about something bigger than ourselves. And my friend HAKEEM and all the rest who have worked on this show that this place, when put properly forward, can touch the very soul of America. We have new ways of hearing that music nowadays, long past a radio. And the digital companies needed a place where they could give music to others, but songwriters needed to be fairly compensated.

When I think of my friends who write music—HAKEEM, we have talked to so many—it is about hopes, it is about dreams, it is about everything in this place. Any one of us in here would think of a song that could make us think of the first time we fell in love, the first time we had our heart broken, the first time we laid someone to rest, the first time we got that joyful noise of a new job or a new hope.

Today, Mr. Speaker, we come carrying the dreams of those who have not even yet understood a song, of those who have not yet understood a melody. We carry those dreams into the future.

And I want to thank everybody who has been a part of this, because today the song lives on, because it all begins with that emotion, with that heart, and with that melody.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. JEFFRIES), the Democratic lead sponsor of the original Music Modernization Act.

Mr. JEFFRIES. Mr. Speaker, I thank my good friend, the distinguished ranking member, for yielding, for his leadership, and, of course, to the chairman of the committee and to so many other Members: Representative ISSA, Representative ROONEY, and Representative CROWLEY and many, many others who have worked hard on this particular piece of legislation.

Of course, above all else, I want to thank my good friend and colleague, Congressman DOUG COLLINS, who has been a phenomenal leader in bringing stakeholders together from across the music ecosystem, bringing folks together from the digital industry, bringing the National Association of Broadcasters together to help us reach this moment where we have a consensus product that can ensure that the people of America and the Nation can continue to enjoy the music we have come to know and love.

Article 1, section 8, clause 8 of the United States Constitution gives Congress the power to promote and create a robust intellectual property system in order to, in the words of the Founding Fathers, promote the progress of

science and useful arts. The Founding Fathers of this great Nation understood that we should incentivize creative brilliance and incentivize innovation and, in that context, that the creator should be able to benefit from the fruits of their labor and, in doing so, will continue to share their creative brilliance with the world.

In the context of music, we know that the manner in which we have consumed music has changed over time: from vinyl to 8-track, from 8-track to cassette, from cassette to CD, from CD to downloads, from downloading to streaming. The manner in which we consume music has changed, but the underlying brilliance and beauty and creativity of that music remains the same.

Consistent with what the Founding Fathers have suggested, we need a modern-day music licensing system, and that is what the MMA will accomplish. I am thankful that it has brought together not just stakeholders and industry, but it has brought together a JERRY NADLER and a Chairman GOODLATTE, a DARRELL ISSA and a JOE CROWLEY. It has brought together a conservative Republican from Georgia and a progressive Democrat from the people's republic of Brooklyn.

Music is a unifying force. It has the power to bring us together. We should have the power to modernize our system on behalf of these brilliant creators.

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. RUTHERFORD), a member of the Judiciary Committee.

Mr. RUTHERFORD. Mr. Speaker, music has been an integral part of the fabric of our culture for hundreds of years because it can capture a moment in time and space like nothing else. You remember where you were the first time you heard that special song, and time after time, it takes you back to a moment and a place of significance in your life.

For me, Mr. Speaker, one of the most meaningful songs in my life is ''More Today Than Yesterday'' by The Spiral Starecase. It just so happens that that song signifies the bond between my wife, Pat, and I that we have shared now for over 45 years. And I can tell you, it is a priceless reminder of our lives and so many special moments together. And while we may not be able to put a price on a song's ability to transport us to a memory, we can all agree that the creators of the music we hold so dear should be fairly compensated for their craft.

That is why I am so pleased to support the Music Modernization Act, which offers a long-overdue update to our copyright laws to account for the changing ways we consume music. Songwriters, musicians, producers, engineers, and artists should all have the opportunity to receive their fair due. And I thank Chairman GOODLATTE, Ranking Member NADLER, and Representatives COLLINS and JEFFRIES for all their hard work to ensure that our copyright laws are all singing from the same sheet of music.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTCH), one of the Democratic lead sponsors of this bill as well as of the Fair Play Fair Pay Act and the CLASSICS Act.

Mr. DEUTCH. Mr. Speaker, I thank the ranking member and the chairman for their leadership. I thank Congressman JEFFRIES and Congressman COLLINS for helping to shepherd the bill to this point.

It is a pleasure to vote on these much-needed consensus reforms. Consensus on copyright has been difficult. It has been difficult to forge between the various interests represented in the content and the tech communities but, fortunately, we now have consensus. Much of that has been borne out of true necessity, the technological demands of licensing tens of millions of songs and streaming services, and much of it has been borne out of basic fairness. Recording artists, songwriters, producers, and engineers deserve to be paid for their creativity and genius; and digital services deserve more certainty in their operations. The current system is broken.

As someone who cares deeply about music and the incredible people who are a part of making it and who understands the importance of the intersection of technology and creative works that benefit all American music fans, I really feel privileged to be part of this process of modernizing our copyright laws. The Music Modernization Act does not include everything that I have supported to bring fairness and 21st-century sophistication to the copyright laws, but it takes big steps forward toward those goals.

I am hopeful that, with this bill, it will help to ensure that we all continue to benefit from the amazing artists of yesterday and today and the innovative technologies that bring them into our lives.

Mr. Speaker, I urge my colleagues to support the Music Modernization Act.

Mr. GOODLATTE. Mr. Speaker, at this time I yield 2½ minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), who is from music-loving Tennessee and a great champion for the music industry and people who love music around our country.

Mrs. BLACKBURN. Mr. Speaker, what an honor it is to stand here today and to celebrate the bipartisan work that has been done on this legislation and to bring it to this point.

Indeed, this is something on which we can all agree: that the creative community, these wonderful creators, have that constitutional protection to what they create, the right to be compensated for their creation. And I am so appreciative that that has already been mentioned in this debate.

Chairman GOODLATTE said I come from music-loving Tennessee, and indeed I do. And we are so pleased that we are known as Music City and that, whether it is classical music or country or gospel, that you are going to hear music from every hill and every valley. And we treasure that creative community and protecting that product that they do create.

Now, one of the things that has happened through time: With the change of delivery systems, it has become more difficult for these artists and these creators and the support network around them, the engineers, those who work on producing this product, to be appropriately compensated. This bill, as DOUG COLLINS mentioned, has been in the works for years; and the CLASSICS Act, to take care of those who are now no longer able to tour and to make certain that they and their heirs are able to be compensated for that music that they have created.

One thing to bear in mind: Songwriters and musicians are truly small-business people. They work for themselves. Their stock and trade is their idea. And they have the right to commercialize that idea and to be compensated. The Music Modernization Act and the different bills that it brings together to update this system, to protect those copyrights, and to make certain that the creators are compensated, has been a collaborative effort.

□ 1430

Chairman GOODLATTE and Congressman COLLINS have been to Nashville several times to meet with stakeholders and to hear their stories firsthand. We are grateful for that, we are grateful for the bipartisanship, and we are very grateful for the passage of this legislation.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON), the ranking member of the Committee on the Judiciary Subcommittee on Courts, Intellectual Property, and the Internet.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in support of the Music Modernization Act, and I am also proud to be a cosponsor. This comprehensive music bill will help create an efficient and fair music licensing system.

Currently, streaming services have to obtain licenses on a song-by-song basis. The Music Modernization Act would reform section 115 of the Copyright Act by establishing a collective to offer blanket licenses to streaming services for mechanical rights.

Under current law, only sound recordings made after 1972 receive payments from digital radio services under Federal law. This bill would benefit legacy artists and music creators who recorded music before 1972 by establishing royalty payments whenever their music is played on digital radio.

That is why this section of the bill is supported by Dionne Warwick, Duke Fakir of the Four Tops, Tina Turner, and the estates of Miles Davis and Otis Redding, among many others. The bill provides producers a right to collect

digital royalties and provides a process for studio professionals to receive royalties for their contributions to the creation of music. This bill would, for the first time, add producers and engineers who play an important role in the creation of sound recordings to the U.S. copyright law.

Music organizations representing U.S. music publishers, record labels, songwriters, composers, artists, and performance rights organizations support this bill. The reforms made by this bill are critical because the royalty system has not kept pace with the digital age. These changes will benefit consumers, creators, and the entire music marketplace.

I urge my colleagues to vote for this bill. I commend the efforts of DOUG COLLINS, HAKEEM JEFFRIES, and Chairman GOODLATTE, as well as Ranking Member NADLER for shepherding this legislation to this point.

Mr. GOODLATTE. Mr. Speaker, may I ask how much time I have left?

The SPEAKER pro tempore. The gentleman from Virginia has 5½ minutes remaining. The gentleman from New York has 12 minutes remaining.

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

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I rise today in support of the Music Modernization Act. I am proud to be a cosponsor of this bill.

I am proud to come from the great State of Rhode Island, the State that sent the great Senator Claiborne Pell to Washington. It was Senator Pell who authored the bill that established the National Endowment for the Arts and the National Endowment for the Humanities.

Senator Pell knew that the greatness of our Nation is not only defined by the strength of our military or the value of our GDP, but by our ability to promote and protect our culture and history through the arts and humanities.

In keeping with that tradition today, Congress moves to make sure that artists and their creations are protected under the Music Modernization Act. Music has always been a part of our culture and history. The power of music has brought people together in moments of celebration and soothed people in difficult times. Music transcends political, ethnic, and religious boundaries.

The Music Modernization Act is the culmination of years of debate and negotiation with various stakeholders. We held dozens of hearings and heard from artists, producers, and industry experts to develop a solution that reflects the changing landscape of how people consume music and ensures creators are fairly compensated.

From the start, we were committed to making sure this bill was bipartisan and a compromise that everyone could support. Within the music community, this legislation brought together an unprecedented coalition of music publishers, record labels, songwriters, composers, artists, and performance rights organizations.

The result was a bill that is meant for the digital age and recognizes the contributions that many people are involved in during the creation of a song. For the first time, this bill will set up a collective that can give out blanket mechanical licenses to streaming services and ensure proper payments to songwriters and publishers.

Importantly, this bill also ensures compensation for pre-1972 artists who have been left out of the Federal copyright system for far too long. It also provides a clearer process for engineers, mixers, and producers to collect royalties.

It has been a privilege to be a part of this historic moment. I urge all of my colleagues to support the Music Modernization Act, and I want to thank Mr. JEFFRIES, Mr. COLLINS, Mr. DEUTCH, Chairman GOODLATTE, and Ranking Member NADLER for their extraordinary leadership in accomplishing what is not only significant for our committee but significant for our ability to hear and appreciate and continue to nurture our souls with the beauty of music.

Mr. GOODLATTE. Mr. Speaker, I yield 2½ minutes to the gentleman from Tennessee (Mr. ROE), another Member from music-loving Tennessee and the chairman of the Veterans' Affairs Committee.

Mr. ROE of Tennessee. Mr. Speaker, I rise today in support of H.R. 5447, the Music Modernization Act, a bipartisan bill that will finally update our Nation's copyright laws and correct a terrible injustice that threatens the future of quality music.

Music has changed, perhaps, more than any other industry over the past 50 years. When the Copyright Act of 1976 was signed into law, most people got their music on a vinyl record. I still like vinyl, I might add. Today, you can instantly stream music to your phone from any number of services at the touch of a button. That Copyright Act might have been what was needed at the time, but it never could have anticipated the radical shift in how music was consumed over the past, even in the last 10 years.

For far too long, hardworking songwriters have been penalized under the old system and have been paid only pennies on the dollar for their creative works, even though their songs may have been streamed millions of times every second around the world.

Garth Brooks' iconic song, ''The Dance,'' has been streamed tens of millions of times; and the songwriter, Tony Arata, who wrote that beautiful song, was paid a few hundred dollars. That is ridiculous, and it is wrong.

Under the current system, the creative geniuses that write this music won't be able to make a living doing what they love doing, which is writing great songs. The Music Modernization Act seeks to fix this discrepancy and properly recognize the hard work these songwriters put into their craft before they simply stop writing music because they can no longer earn enough money to survive.

As a musician myself, I understand what songwriters and performers go through when getting a song out for the world to hear, and it is time we recognize the contributions the songwriters make to the creative process. This bill was supported by the entire music industry: songwriters, record labels, music publishers, streaming services, just to name a few. It isn't often that we have a truly bipartisan and widely supported piece of legislation to consider, but with this bill, we have the opportunity and can change the lives of some of our Nation's most talented people for the better.

I strongly support H.R. 5447 and encourage all of my colleagues to listen to their favorite song one more time before coming to the floor and think of the person who wrote it, think about what it means, then support this bill and truly make a difference in someone's life.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a senior member of the Judiciary Committee.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman very much for yielding, and I make the very point that there are three Members on this floor today from the Judiciary Committee who have an enormous amount of seniority, who have seen the long journey that our talented genius-based musical icons in our Nation have traveled to come to this point, and so I say congratulations.

In the markup, I indicated that there was a harmonious sound coming from the Judiciary Committee and that it was evident that we could work together in a bipartisan manner.

I thank the chairman, Mr. GOODLATTE, and the ranking member, Mr. NADLER, who have been intimately involved; and I am reminded of all of those who have come in and out of my office through the years as I served on the Courts, Intellectual Property, and the Internet Committee some years back and that they were still traveling even in this year, 2018.

So I applaud Mr. COLLINS and Mr. JEFFRIES for providing that musical tone. This is a very important bill. It is an important bill because it was an inconsistent patchwork that governed the industry that was in dire need of reframing, and the MMA 2018 addresses that patchwork. And specifically, under title II, it finally gives a just compensation to those artists who recorded works prior to 1972.

First and foremost, the MMA is a proposition that is supported by both the majority of songwriters and publishers and the digital service providers.

Secondly, it modernizes the process and brings music licensing into the 21st century—long overdue.

Third, it puts unclaimed royalties in the hands of the content community, rather than sitting with digital services. It streamlines the streamline.

Fourth, it finally creates a comprehensive database, and confidence grows in the market.

And for all of those individuals who provided us the joy that was earlier mentioned, it creates a formalized body run by publishers that administer the law, the mechanical licensing and compositions streamed on services like Spotify and Apple Music, and others; it changes the procedure by which millions of songs are made available; and it funds the creation of a comprehensive database, but, more importantly, it helps those who prerecord it.

My tribute to Aretha Franklin, Dionne Warwick, the late Jackie Wilson, Duke Fakir, The Shirelles, French Family in Houston, Bun B, Trae tha Truth, and the late Crickets, the Ebony singers in Houston, the Houston Grand Opera, Mrs. Barbara Tucker, End Jazz, Jason Moran, Kirk Whalum, Howard Harris, Imani children's band, Kashmere jazz band; and, of course, gospel, Kirk Clark, Kathy Taylor, Michael McCain, and Georgia Adams. Houston is a hub, Mr. Speaker, and we are celebrating because of this bill. I congratulate everyone.

Mr. Speaker, I rise in support of the Music Modernization Act of 2018 (MMA) of which I am an original cosponsor.

This bill has arrived at its current state through the diligent work of various stakeholders involved, including the music industry, congressional staff, and Members of Congress.

Hours of debate, negotiation, and deliberation have yielded a product of cooperation and compromise.

I commend the industry and the parties involved in drafting this bipartisan solution—it is rare that this committee reaches such agreements when considering major legislation.

Houston, being a music hub with its Grammy Award winning orchestra and Grammy nominated rappers including my dear friend Bun B from Underground Kingz, will certainly benefit from this legislation becoming law.

The exemplary efforts exhibited by the music industry in this instance, with the goal of solving problems and addressing a wide variety of stakeholder concerns, are a model that this committee and this Congress should use as inspiration to best serve the American people.

The need for this legislation is clear; much of the current licensing system was established in an analog era, with non-digital physical recordings done song-by-song, using compulsory licenses first established in 1909.

In addition, artists who recorded works prior to 1972 do not receive any digital performance royalties under federal law, and current statute does not ensure that non-recording artists such as producers, sound engineers, and mixers receive revenue from webcasts of their work.

The inconsistent patchwork that governs the industry is in dire need of reframing and the MMA 2018 addresses that patchwork and specifically under Title II, finally gives just compensation to those artists who recorded works prior to 1972.

With the MMA, Congress is fulfilling its duty to provide order and guidance to the faulty program currently in place.

The United States has the most innovative and influential music culture in the world, but its legal framework for music licensing dates back to the age of the Victrola.

There is a widespread perception from across the industry that this complex framework is under strain and needs updating.

The last general revision of the Copyright Act took place in 1976 following a lengthy and comprehensive review process carried out by Congress, the Copyright Office, and interested parties.

Congress significantly amended the Act in 1995, with the Digital Performance Right in Sound Recordings Act (''DPRSRA''), and 1998, with the Digital Millennium Copyright Act (''DMCA''), to address emerging issues of the digital age.

While the current Copyright Act reflects many sound and enduring principles, and has enabled the internet to flourish, it could not have foreseen all of today's technologies and the myriad ways consumers and others engage with music in the digital environment.

First and foremost, the MMA is a proposition that is supported by both a majority of songwriters and publishers and the (Digital Service Providers)—two groups who rarely agree.

Secondly, it ''modernizes'' the process and brings music licensing into the 21st century.

Instead of bulk Notices of Intention—the environmentally unfriendly process of sending actual physical letters of intent to each publisher for each share of each song—the licensing will be done electronically.

Third, it puts unclaimed royalties in the hands of the content community, rather than sitting with the Digital Service Providers.

Fourth, it finally creates a comprehensive database.

While various companies and services have a version of a database, U.S. publishers have not agreed on one that is both comprehensive and accurate.

As part of the MMA, the digital service providers will pay for the creation and maintenance of a database that will finally put all mechanical licensing information in one place that is accessible to all.

Finally, it provides streaming services with confidence that, if they follow the process, they can accurately and comprehensively license all the musical works on their service without fear of billion dollar lawsuits against them.

And confidence grows markets and boosts economy.

A number of interested music industry groups have come together to create a consensus bill that makes several major changes including: Title I—Music Modernization Act.

The Music Modernization act creates a formalized body, run by publishers, that administers the ''mechanical licensing'' of compositions streamed on services like Spotify and Apple Music (these companies are referred as Digital Service Providers or DSPs).

The bill reflects how modern digital music services operate by creating a blanket licensing system to quickly license and pay for musical work copyrights.

It changes the procedure by which millions of songs are made available for streaming on these services and limits the liability a service can incur if it adheres to the new process.

Discusses music litigation that generates legal settlements in favor of simply ensuring that artists and copyright owners are paid in the first place without such litigation.

The MMA funds the creation of a comprehensive database with buy in from all the major publishers and digital service providers.

Ends the flawed U.S. Copyright Office bulk notice of intent system that allows royalties to go unpaid.

The bill also creates a new evidentiary standard by which the performance rights organizations American Society of Composers, Authors, and Publishers (ASCAP) and Broadcast Music Incorporated (BMI) can argue better rates for the performance of musical works on DSPs.

It implements uniform rate setting standards to be used by the Copyright Royalty Board for all music services.

The bill shifts the costs of the new licensing collective created by the bill to those who benefit from the collective—the licensees.

The MMA updates how certain rate court cases are assigned in the Southern District of New York.

Title II—Compensating Legacy Artists for their Songs, Service, and Important Contributions to Society (CLASSICS) Act provides a public performance right for pre–1972 recordings.

Title III—The Allocation for Music Producers (AMP) Act ensures that record producers, sound engineers, and other creative professionals receive compensation for their work

I urge my colleagues to join me in support of the MMA.

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

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. BASS).

Ms. BASS. Mr. Speaker, I rise today in support of the Music Modernization Act. I also come from one of those districts that is a hub.

After meeting with songwriters and producers in my district and listening to their testimony before the House Judiciary Committee, it is clear we risk losing the next generation of songwriters if we do not address the rate standards for digital streaming.

Recently, I met with world-renown songwriter, Paul Williams, and I have had open discussions with hundreds of songwriters from around the country. Songwriters from my district have voiced that it is nearly impossible to earn a fair income via digital streaming. They are usually not the famous performers and cannot go on tour to earn a living.

Over 50 percent of their income is derived from licensing performance rights to their music. One of my constituents, Michelle Lewis, shared that she made just $3.78 for 1.3 million streams of her work on one streaming service. As the Grammy Award winning artist and songwriter Ne-Yo stated: ''Even if you write a hit song that's streamed millions of times, you're still not going to earn enough to pay the rent from streaming. And that's where the entire industry is moving,'' which

is why I support the Songwriters Equity Act, AMP, the CLASSICS Act, and MMA.

MMA also closes a loophole, which has negatively impacted early music icons of Motown, jazz, blues, and rock and roll. According to Grammy Award winning artist Dionne Warwick: ''How could it be that 1979's 'I'll Never Love This Way Again' receive compensation, but 1969's 'I'll Never Fall in Love Again' . . . does not?''

Recently, legacy songwriter and performer Darlene Love visited my office to express her support for closing the legacy loophole. Born in Los Angeles, she was inducted into the Rock and Roll Hall of Fame in 2011. She sang backup for Elvis, Aretha Franklin, and Frank Sinatra. After decades of listening to her hard work being streamed without being compensated, with the passage of MMA, she and other songwriters will finally have access to the fair compensation they deserve.

If we are serious about supporting a next generation of songwriters, then we must continue to address antiquated, though well-intentioned, laws.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a member of the Judiciary Committee and chairman of the Small Business Committee.

Mr. CHABOT. Mr. Speaker, I rise today to express my continued support for this legislation. A lot of hard work has gone into this legislation over the years, and the result is an unprecedented level of consensus from a broad coalition of stakeholders in the music industry who don't always agree.

□ 1445

This legislation, I think, will prove to be a great benefit to music consumers, creators, and producers alike.

The way we listen to and experience music is much different today than it was when the Copyright Act was enacted back in 1976. As a result, our copyright laws have become outdated and are, in many ways, insufficient for the music industry in the 21st century. This legislation provides much-needed updates to bring music licensing into the digital age, particularly improving market efficiencies and transparency to reflect the modern music marketplace.

So again, I thank the chairman, ranking member, and various sponsors of the underlying pieces of legislation included in this bill.

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

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. TED LIEU).

Mr. TED LIEU of California. Mr. Speaker, as has been said, music is the lifeblood of culture that can transform world views, transport listeners, and inspire social movements.

Ensuring that the law keeps up with music and its changing forms is crucial. With the support of music publishers, artists, songwriters, streaming services, and other stakeholders, the Music Modernization Act will propel the music industry into the 21st century and beyond. I am proud to be an original cosponsor of the act.

I want to thank Chairman GOODLATTE, Ranking Member NADLER, as well as Representatives COLLINS, JEFFRIES, and others for their hard work on this bill.

As the Representative for California's 33rd Congressional District, these issues hit close to home. My district sits at the heart of California's music industry. It is home to thousands of brilliant songwriters, publishers, engineers, record producers, recording artists, and musicians.

I am proud to have worked with such a unique and engaged community. They make up different threads of the industry's fabric, but share a common goal of developing solutions to some of the most complex and longstanding copyright issues facing our country. Today, we honor that legacy by moving Federal music copyright forward.

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

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

Mr. NADLER. Mr. Speaker, how much time do I have remaining, please?

The SPEAKER pro tempore. The gentleman from New York has 5 minutes remaining. The gentleman from Virginia has 2 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. JUDY CHU).

Ms. JUDY CHU of California. Mr. Speaker, I rise in strong support of the Music Modernization Act. As co-chair of the Congressional Creative Rights Caucus, I am proud to stand with my colleagues to support this consensus bill that aims to modernize our copyright law.

Music is at the heart of how we experience life. We count on the right song to help us express a moment better than we could ourselves.

For music creators, their works help them support their families, keep a roof over their head, and food on the table. But, for far too long, I have heard from songwriters whose compensation was less than pennies in digital play for number one hits, and I have heard from music legends who are touring well into their seventies because their works created before 1972 are not eligible for royalties on digital broadcasts.

This bill will help bring our copyright law into the digital era and address the gaps that prevent creators from receiving fair compensation for their work. Mr. Speaker, I urge my colleagues to vote for this bill. The lives of our most treasured creators depend on it.

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

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY), the distinguished Democratic Caucus chair and the lead sponsor of the AMP Act, which is included in this package.

Mr. CROWLEY. Mr. Speaker, I thank my friend and colleague from New York (Mr. NADLER) for yielding.

Mr. Speaker, I thank Chairman GOODLATTE, Ranking Member NADLER, Congressman DOUG COLLINS, Congressman HAKEEM JEFFRIES, and all of my friends on the Judiciary Committee for working in such a bipartisan fashion to get this important bill to the floor.

We all remember the iconic tune from the 1970s, ''I Write the Songs.'' First performed by Captain and Tennille and made popular by David Cassidy and, of course, Barry Manilow, the song encapsulates the universality of music.

While we rightly celebrate the artists and singers behind these hits and these great songs, there often are a number of individuals who work just as hard to make that song a hit. Because to make a great song, you need not just the writers and the singers, but also engineers, technicians, and producers, people like my friend Mike Clink, as well as Darrell Brown. They may not be as famous as Guns N' Roses or LeAnn Rimes, the folks they helped produce, but they are equally important when it comes to the process of making that music. But they are not often given the credit or compensation they so rightly deserve.

With this bill, that will finally change. We are making important updates to music copyright law to make sure that everyone with a role in making hits that get stuck in our heads gets paid for their fair share.

I am especially glad that my bill, the Allocation for Music Producers, or AMP Act, is included in this package. I thank my colleague across the aisle, TOM ROONEY, for working with me to help the many people who work so hard to make perfect the iconic recordings we hear every day.

This bill will, for the first time, make mention of engineers and producers in copyright law and provide a system for them to be directly paid for the hard work that they do.

As a musician and songwriter myself, I am so glad to see bipartisan agreement around these important issues. I am proud to see all of the various folks in the recording industry coalesce around these critical fixes, and I am proud to vote today in support of fair compensation for creators in the music industry.

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

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I thank Mr. NADLER for yielding. I appreciate the work of Mr. GOODLATTE and the other sponsors, Mr. NADLER and everybody else.

This was really an issue where we showed that Congress can be productive, can get something done, working

with all of the different groups and bringing them together. It is a successful effort.

Music is very important to my hometown of Memphis, which, of course, is the hometown of Elvis Presley, where Sam Phillips put Elvis in the studio at Sun Records and produced the rock and roll that Chuck Berry and Little Richard had been playing but had not really reached a lot of people's ears. It did, and it set the world on fire. It brought a change in music and an appreciation for it.

In Memphis, we have had Isaac Hayes, who did so much; Sam and Dave; David Porter; and many, many Memphians who participated.

But I have personal friends in Warren Zevon, Jackson Browne, and J.D. Souther, who were great songwriters and performers and have not received, necessarily, their financial due as they should, and fairness, and this will get them done.

As Mr. CROWLEY mentioned, it will get engineers and producers payment for their work to help create these musical creations that people love.

Mr. Speaker, I thank all of the sponsors and appreciate the fact that I was able to participate and support it and be a cosponsor.

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

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, my hometown of Austin, Texas, is modestly known as the ''Live Music Capital of the World.'' The title is well justified, from the South by Southwest music festival in the spring, to Austin City Limits on a couple of weekends in October. It is a wonderful place for live music.

It is the musicians and those who support them in technical ways—weekday, weekend, and in between—that make this industry so vital and who contribute so much to our local economy.

This piece of legislation is a step in the right direction. There is much more that needs to be done to ensure that our musicians and all who are involved in the creative economy get their fair compensation.

I am pleased this step is taken because these are really not only talented and creative people, but small-business people, and they deserve to have the property that they generate—their talent, their music, that adds so much joy to our lives—fairly compensated. This is a good step forward, and I certainly support the legislation.

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

Mr. GOODLATTE. Mr. Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore (Mr. LAMBORN). The gentleman from Virginia has 2 minutes remaining.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, this is landmark legislation that has been decades in coming. We have not had a significant review of our music licensing and copyright laws in many, many, many years.

There are many people to be thanked, including the staff of the Judiciary Committee on both sides of the aisle. I particularly want to recognize Joe Keeley, who is the chief counsel of the Courts, Intellectual Property, and the Internet Subcommittee.

I also want to thank the leadership of the committee who have worked for many, many years on intellectual property issues: Shelley Husband, the chief of staff and general counsel; and Branden Ritchie, the chief counsel of the committee.

Time doesn't allow me to recognize everyone, but I especially want to recognize the Courts, Intellectual Property, and the Internet Subcommittee vice chairman, DOUG COLLINS. He and his staff have put literally hundreds and hundreds of hours into aspects of this legislation, and I want to personally thank him for that work as well.

This legislation has very strong, bipartisan support. It is supported by groups that look at intellectual property issues across the ideological spectrum, and it is nearly universally supported by the music industry, the technology companies, and others that provide the platforms on which that music is performed.

It is going to more fairly treat so many sectors of the music industry that it would be a shame not to see this legislation pass the House with a very strong, bipartisan vote, go to the Senate, pass there, and then on to the President's desk, where I have every confidence it will be signed into law.

During the course of many years of review of our copyright laws, we learned that our music licensing laws were no longer working as intended for songwriters, artists, and creators, people behind the scenes for the companies that deliver the music in innovative ways to our consumers.

The Music Modernization Act, a product of the Judiciary Committee's comprehensive copyright review, is a bipartisan bill. I urge my colleagues to join together and pass it and send it to the Senate.

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

Mrs. TORRES. Mr. Speaker, I rise in support of H.R. 5447, The Music Modernization Act. Mr. Speaker, there is broad, bipartisan agreement that current music licensing laws no longer meet the needs of creators and music providers in the digital age. Southern California has established itself as a leader in the entertainment industry, and supporting our artists and music industry is a job creator for my constituents.

This bill would address the inefficiencies in the music industry's licensing system by establishing uniformity in the licensing process. Licenses will now be managed by one entity which in turn would be paid for by the licensees. In addition to an increase in efficiency, the Music Modernization Act would foster a more transparent relationship between creators and music platforms. Information regarding music owed royalties would be easily accessible through the database created by the Music Modernization Act. This transparency will surely improve the working relationship between creators and music platforms and aid the music industry's innovation process.

Most importantly, this bill would establish a uniformed rate that would allow song writers and artists to receive fair market pay for their ideas and creations.

As a society, we value the work and products of artists, creators, and the music industry. For years now, creators, and music providers have spoken out about the outdated music licensing process and the issues they repeatedly face because of its flawed system. It is only fair that we address these inefficiencies and bring the music industries' processes in accordance with the digital age.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 5447, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOODLATTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1500

PROVIDING FOR THE OPERATIONS OF THE FEDERAL COLUMBIA RIVER POWER SYSTEM

Mr. BISHOP of Utah. Mr. Speaker, pursuant to House Resolution 839, I call up the bill (H.R. 3144) to provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BYRNE). Pursuant to House Resolution 839, the amendment printed in part B of House Report 115–650 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3144

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

SECTION 1. DEFINITIONS.

For the purposes of this Act:

(1) FCRPS.—The term ''FCRPS'' means those portions of the Federal Columbia River Power System that are the subject of the Supplemental Opinion.

(2) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of the Interior, acting through the Bureau of Reclamation;

(B) the Secretary of Energy, acting through the Bonneville Power Administration; and

(C) Secretaries of the Army, acting through the Army Corps of Engineers.

(3) SUPPLEMENTAL OPINION.—The term ''Supplemental Opinion'' means the document titled ''Endangered Species Act Section 7(a)(2) Supplemental Biological Opinion'', NOAA Fisheries Log Number NWR–2013–9562, and dated January 17, 2014, which supplements, without replacing, the 2008 and 2010 FCRPS Biological Opinions and the Reasonable and Prudent Alternative contained therein.

SEC. 2. OPERATION OF FCRPS.

The Secretaries shall operate the FCRPS in a manner consistent with the reasonable and prudent alternative set forth in the Supplemental Opinion until the later of the following dates:

(1) September 30, 2022.

(2) The date upon which a subsequent final biological opinion for the FCRPS operations is—

(A) issued after completion of the final environmental impact statement on a record of decision for a new operations plan for the FCRPS; and

(B) in effect, with no pending further judicial review.

SEC. 3. AMENDMENTS TO SUPPLEMENTAL OPINION.

(a) IN GENERAL.—Notwithstanding section 2, the Secretaries may amend portions of the Supplemental Opinion and operate the FCRPS in accordance with such amendments, before the date established under section 2 if all of the Secretaries determine, in the sole discretion of each Secretary, that—

(1) the amendment is necessary for public safety or transmission and grid reliability; or

(2) the actions, operations, or other requirements that the amendment would remove are no longer warranted.

(b) RESTRICTION ON AMENDMENTS.—The process described in subsection (a) shall be the only method by which the Secretaries may operate the FCRPS during the time period established under section 2 in any way that is not consistent with the reasonable and prudent alternatives set forth in the Supplemental Opinion.

SEC. 4. LIMITATION ON RESTRICTING FCRPS ELECTRICAL GENERATION OR NAVIGATION ON THE SNAKE RIVER.

No structural modification, action, study, or engineering plan that restricts electrical generation at any FCRPS hydroelectric dam, or that limits navigation on the Snake River in the State of Washington, Oregon, or Idaho, shall proceed unless such proposal is specifically and expressly authorized by an Act of Congress enacted after the date of enactment of this Act. Nothing in this section affects or interferes with the authority of the Secretaries to conduct operation and maintenance activities or make capital improvements necessary to meet authorized project purposes of FCRPS facilities.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Utah (Mr. BISHOP) and the gentleman from Arizona (Mr. GRIJALVA) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3144.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield 8 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS), the sponsor, to introduce this piece of legislation.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I thank Chairman BISHOP for yielding.

Mr. Speaker, Congress created the Bonneville Power Administration, or BPA, in 1937 on the heels of the Great Depression to distribute power generated from the development of two federally authorized dams: Bonneville and Grand Coulee Dam.

Our dams transformed Washington State from what was a barren, dry land into one of the most productive agriculture regions in the world.

These marvels of engineering also provided the Pacific Northwest with the Nation's cheapest and most reliable energy supply.

During World War II, it was the Federal power supplied by BPA that was instrumental in the ramp-up of the aluminum industry that went into Boeing's B–17s and B–29s, and powered the production of nearly 750 large ships before the end of the war.

In the words of President Harry Truman: ''Without Grand Coulee and Bonneville, it would have been almost impossible to win this war.''

In 1945, Congress authorized the construction of four large dams along the Snake River, Ice Harbor, Lower Monumental, Little Goose, and Lower Granite, to grow what we call today the Federal Columbia River Power System.

These four dams can power up to nearly 2 million homes, or a city the size of Seattle, and are crucial to meet BPA's peak loads during those hottest days in the summer when the wind doesn't blow or the coldest days in the winter when we do not have sunlight.

This year, eastern Washington had a harsh winter with many days below freezing. During the coldest days, BPA relied on the ability of these four dams to ramp up production and meet the demand.

Without a reliable base load source, I feared, and BPA confirmed, many in eastern Washington would have lost power.

It is important to look back at history when we think about BPA, the Columbia River system, and the future of energy in our region.

Last week, BPA made its 34th consecutive payment of $1.3 billion to the U.S. Treasury. They were able to do this because of the value of our region's low-cost, carbon-free energy, as a result of selling the hydropower production along the Columbia River. In fact, in Washington State, nearly 70 percent of our energy comes from hydropower.

Some argue that these dams in particular have negatively impacted migratory fish, yet these dams average fish survival rates of nearly 97 percent.

And while recent ocean impacts, which scientists call a ''blob,'' have slowed salmon just the last couple of years, more total salmon have returned this year than before the dams were actually put in place.

More than 600,000 fall Chinook are forecasted this year, many times higher than when they were first listed under the Endangered Species Act.

These record-setting fish passage rates are a result of significant Federal investments in new technologies, like fish-friendly turbines, habitat restoration, and local collaboration.

I mention the local collaboration because I want to quote the Columbia River system Adaptive Management Implementation Plan that was produced by the Department of Interior, BPA, the U.S. Army Corps, and NOAA: ''The Obama administration undertook an extensive effort to review the 2008 Biological Opinion'' and found ''the 2008 BiOp is biologically and legally sound, based on the best available scientific information, and satisfies the ESA jeopardy standard.''

Our river system also functions as a superhighway for agriculture goods. My home State of Washington is the most trade-dependent State in the country, and because of the river system, last year alone, it saved having 160,000 trucks on the roads.

This BiOp is supported by the States, by Tribes, by utilities, ports, irrigation districts, and other Pacific Northwest water users.

The need for this legislation became clear when an unelected judge rejected the collaborative work, claiming that he knows better how to manage the Columbia River than all of the scientists, Tribes, elected officials, and others that are using the river every day.

This Oregon Federal district judge invalidated the BiOp and set a course that will likely put BPA's future and the yearly investments of hundreds of millions of dollars in jeopardy.

He wants us to start at the beginning and put breaching the dams back on the table.

Electricity rates have gone up nearly 30 percent the last few years, with an average increase of 5.4 percent for 2018 and 2019. Adding unnecessary litigation and additional spill requirements only add to these costs.

For example, Judge Simon granted a spill order on April 3 that will cost an estimated $40 million to ratepayers in the Pacific Northwest. Mandating spill means that huge amounts of water will go over the dam 24 hours a day 7 days a week, instead of actually producing electricity. This spill order is experimental science that will likely increase power costs, decrease the grid's reliability, hurt habitat, and actually kill fish.

In 2028, utilities will be renegotiating their contracts, and they are making decisions now. This uncertainty is plaguing the Pacific Northwest and the Columbia River system.

As a result, I am proud of the work that we have done, coming together in

a bipartisan way to support this legislation to provide certainty. This bill will codify the current BiOp until 2022, and prevent unnecessary costs to people and ratepayers all around the Pacific Northwest. It also reasserts Congress' authority over the dams.

A hearing was held in the Natural Resources Committee last fall, and the bill recently passed out of committee with bipartisan support. Technical changes were made to ensure necessary maintenance, and improvements to the Army Corps dams would continue without interruption.

We hear the other side talk about being against the status quo, calling it illegal and an unprecedented assault on the Endangered Species Act.

Unfortunately, this narrative is misleading and it doesn't take into account the whole picture nor the success of the dams.

For example, the Port of Clarkston has seen new business from the American Queen Steamboat Company, tourism that is coming to our communities that is bringing jobs and bringing people.

This bill is a fiscally responsible alternative to the current judicial overreach that doesn't take into account all of the river users. If enacted, the certainty provided will reduce costs on the people of eastern Washington by stopping this $40 million spill experiment, encourage clean energy, lower carbon emissions, and save taxpayers $16 million, while saving fish.

Bottom line, dams and fish can coexist. After more than two decades in the courtroom, let's let the scientists, not one judge, manage our river system, and get to work to further improve fish recovery efforts.

Mr. GRIJALVA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the bill we are debating today, I am sorry to say, is yet another attempt by my Republican colleagues to accelerate the extinction of our Nation's fisheries.

H.R. 3144 weakens protections for several runs of wild salmon and steelhead in the Pacific Northwest, which are extremely important to commercial, recreational, and tribal fishing interests.

This is the worst possible time for such an extreme approach. Last year, for the first time, Federal scientists surveying the Pacific Northwest salmon population came up with empty nets, and yet here we are moving a bill that will only worsen the salmon crisis.

While disappointing, I can't say today's bill is entirely surprising. In fact, this bill is just the latest attack by my Republican colleagues in their broader war on salmon and the salmon fishing industry.

We saw these same attacks on salmon when House Republicans jammed H.R. 23, also known as the GROW Act, through the House recently.

This bill sought to eliminate protection for California salmon and put California's native fisheries on the path to extinction, meaning thousands of job losses across California, Oregon, and Washington State.

House Republicans pushed the bill through even though estimates show that 78 percent of California's native salmon will be extinct this century under current trends.

Instead of trying to counter these trends, House Republicans decided it was more important to help some of their big business buddies who would rather drain our public rivers even further for private profit.

Now we are here today with another bill that harms our wild salmon and the businesses that depend on their existence.

It is no surprise that our committee received numerous letters from businesses and fishing industry groups opposed to H.R. 3144.

The committee also received several letters from guiding and outdoor retail businesses, the food industry, and from many other businesses that depend on functioning ecosystems and the Columbia Basin salmon.

Aside from being bad for many businesses, this bill also represents a troubling attack on our Nation's bedrock environmental laws and the legal process.

Since the early 1990s, Federal courts have found the Federal dam operations at the Federal Columbia River Power System endanger the existence of the Pacific Northwest salmon runs and violate our Nation's laws, including the Endangered Species Act.

As a result, Federal agents have been ordered several times to develop a new dam operation plan to recover the region's dwindling salmon populations.

Instead of requiring Federal dam operations to finally come into compliance with the law and develop a salmon recovery plan that works, H.R. 3144 locks in an outdated, illegal plan until at least 2022 that will cause great harm to wild salmon and struggling fishing communities.

Furthermore, this bill blocks recent court orders requiring additional salmon protection measures at Federal dams. It also bans Federal agencies from even studying the possible changes to dam operations that can improve salmon survival, such as increased spill.

In short, this bill causes great harm to wild salmon and many businesses, Tribes, and communities that depend on it.

Mr. Speaker, for these reasons, I urge my colleagues to vote ''no,'' and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington State (Ms. HERRERA BEUTLER), who lives in this area and knows firsthand what is taking place there.

Ms. HERRERA BEUTLER. Mr. Speaker, I thank Chairman BISHOP for yielding time for me to speak on this important legislation, and for the work his committee has been doing to support vibrant salmon runs, as well as protect low-cost, renewable, clean energy.

Leading scientists and Federal agencies, Northwest States, sovereign Tribes, and notably, the Obama administration, crafted what is known as the 2014 Biological Opinion on how the Columbia River Federal hydropower system should operate.

The BiOp, as it is called, was developed with the utmost standards of integrity and transparency, and importantly, collaboration. Conservative Republicans and the Obama administration got together and used the best available science.

Under this plan's implementation, we have seen several years of record or near record returns of adult salmon.

The plan is working, so why are we here today?

Unfortunately, in 2016, a U.S. district judge rejected the 2014 BiOp and ordered the Federal agencies start the process over, with a requirement that they look at breaching the four Snake River dams.

Here is the reality. I can't express how important this hydro system is for the entire Northwest. I have heard you couldn't match the energy produced by these dams with six or more coal-fired power plants. None of us want to return to that.

More recently, that same judge who issued the order issued a mandated spill over the Columbia and Snake River dams.

Now, spill occurs when water and young migrating salmon are shot over the dams.

□ 1515

Spill is like medicine. The right dosage can help you, but too much can harm or even kill you. The same is true for salmon.

The judge's ruling lacked scientific backing, as Federal fisheries scientists believe these spill mandates will provide little or no benefits to juvenile salmon or returning adult salmon. And as we have seen, these actions are not only in blatant contradiction to the best available science, they are also a direct attack on ratepayers, the families and small businesses, and the local economies who depend on affordable, clean, reliable energy.

Ratepayers in our region spend almost up to $1 billion a year, when all is said and done, on protecting these wild runs through science-backed spill that already takes place in other mitigation efforts. But abusive litigation robs hundreds of millions of dollars per year of hard-earned tax money from the pockets of my constituents. The price tag on the judge's spill mandates are estimated to be an additional $40 million taken from ratepayers this year.

So now we find ourselves here today needing to pass H.R. 3144 for the sake of salmon runs, for the sake of our ratepayers, and for the sake of the environment. Again, this is not a partisan bill; in fact, it is bipartisan, and

it represents restoring the Obama administration-led collaborative plan to responsibly manage our salmon populations and hydroelectric infrastructure.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield the gentlewoman from Washington an additional 30 seconds.

Ms. HERRERA BEUTLER. The exact same opponents of this bill who claim it would ''gut'' protections—I repeat, the exact same groups—asked the court to keep the 2014 BiOp in place. So, basically, before they opposed it, the bill's opponents asked to do exactly what our bill does.

So scientists, Federal agencies of jurisdiction, and, yes, at one time, even the bill's opponents have said that the agencies should operate under the 2014 BiOp while a new plan is developed.

This is a vote for listed salmon because it keeps current measures in place, and we know that they are working. This is a vote for the region's economy, and it avoids wasting millions of dollars. And this is a vote for the environment because we cannot match the clean, renewable energy produced by our hydro system.

I urge a ''yes'' vote.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Massachusetts (Ms. TSONGAS), a member of the Natural Resources Committee.

Ms. TSONGAS. Mr. Speaker, I join Ranking Member GRIJALVA in opposing this legislation and urge my colleagues to vote ''no.''

For 45 years, the Endangered Species Act has served as one of our Nation's bedrock environmental statutes. The bald eagle, the American alligator, and the gray whale are just a few examples of iconic species that have recovered from the brink of extinction thanks to the Endangered Species Act.

Despite its widely recognized success and broad support across State and party lines, today, the House is seeking to pass yet another bill that undermines this bedrock environmental law and causes irreparable harm to salmon and steelhead species, species that are already at great risk of extinction, species that play an irreplaceable role in the Pacific Northwest's ecosystem. Their presence benefits more than 130 other species, including the critically endangered Southern Resident killer whales, whose existence depends upon healthy salmon runs.

This is not just about the Pacific Northwest. Any effort to undermine the Endangered Species Act and, thereby, its protections for the species and landscapes that make our country uniquely American impacts us all.

Several Federal agencies and courts have determined that dam operations in the Columbia and Snake Rivers cause significant harm to 13 species or populations of salmon and steelhead listed under the Endangered Species Act.

Instead of allowing science-based management practices that protect both endangered species and the many users of these rivers, including hydropower generators, this legislation locks in a failing operation plan that has already been found in violation of the Endangered Species Act. Knowingly endangering the existence of salmon is in direct violation of the law and betrays the long bipartisan tradition of the Endangered Species Act.

Instead of rolling back critical safeguards and recovery efforts, we should reject this legislation and support a transparent stakeholder-driven process that protects endangered species and the many fishermen, businesses, communities, and Tribes who depend on a sustainable Columbia River.

I urge my colleagues to vote ''no'' on H.R. 3144.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. SCHRADER), another person who lives in this area and realizes that this judicial decision is not necessarily based on science and can actually do harm to the endangered species.

Mr. SCHRADER. Mr. Speaker, I include in the RECORD the following letters from the National Rural Electric Cooperative Association, United Power Trades Organization, and the National Electrical Contractors Association.

NRECA,
Arlington, VA, March 14, 2018.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.
Hon. RAÚL GRIJALVA,
Ranking Member, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA: On behalf of America's electric cooperatives, I write to express strong support for H.R. 3144 to require federal agencies responsible for the management of the Federal Columbia River Power System (FCRPS) to operate the hydropower system in a manner consistent with the current operations plan.

Fifty-four rural electric cooperatives in seven Western states receive reliable federal hydropower from the FCRPS. For this reason, NRECA opposes actions that bring continued uncertainty to the FCRPS and the Bonneville Power Administration's (BPA) future hydropower operations. For decades, there has been uncertainty over the operations of existing hydropower in the Pacific Northwest due to federal regulations, court orders and other administrative decisions. This continued uncertainty to the FCRPS continues to affect BPA's future power generation, rates and reliability in the region, and in turn the cooperative systems that depend upon it for reliable and affordable electric service to their communities.

The FCRPS is paramount to power generation in the Pacific Northwest, and to California, Nevada, Wyoming and Montana. The FCRPS is the largest source of clean, renewable electricity in the Pacific Northwest. It encompasses 31 multi-purpose federally-owned dams along the Columbia and Snake Rivers and accounts for nearly 40 percent of total U.S. hydroelectric generation. Its hydropower not only provides energy for baseload needs and peak times, but also serves as a backup generation source for intermittent wind and solar power. This gives the Pacific Northwest and our cooperatives an environmental edge unmatched elsewhere in the country—as a non-CO_2 emitting resource. But due to the long-standing litigation surrounding the FCRPS for Endangered Species Act-listed salmon and steelhead, there continues to be uncertainty over BPA's future hydropower operations. Specifically, BPA's fish and wildlife mitigation program continues to be a significant cost driver which adversely affects our cooperatives' abilities to provide affordable electricity.

Since 1978, BPA has committed nearly $15.9 billion to support Northwest fish and wildlife recovery. BPA's fish and wildlife mitigation program is the largest in the nation, and quite possibly the world. Each year, cooperatives and ratepayers fund BPA's habitat restoration efforts to open valuable habitat in the Columbia River estuary and tributaries, add water to streams, and support cool water temperatures. In 2012, BPA directly invested more than $450 million to address the impacts of federal dams. These activities included protecting land and water habitat, implementing projects across the Columbia River Basin, and supporting better fish passage. Specifically, BPA has made huge long-term investments in large-scale structural and operational changes to further improve existing fish passage routes as well as to provide new, safe passage structures to these dams.

Therefore, by upholding the 2014 Supplemental Biological Opinion, H.R. 3144 appropriately balances environmental and economic demands while also protecting existing hydropower resources in the Pacific Northwest. For these and other reasons, NRECA urges support for H.R. 3144 in committee and swift advancement to the House floor.

Sincerely,

JIM MATHESON,
National Rural Electric Cooperative Association.

UNITED POWER TRADES ORGANIZATION,
West Richland, WA, March 22, 2018.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.
Hon. RAÚL GRIJALVA,
Ranking Member, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA, I am writing on behalf of the United Power Trades Organization (UPTO) to express our support for H.R. 3144 which requires federal agencies to manage the Federal Columbia River Power System (FCRPS) in accordance with the 2014 Supplemental Biological Opinion (Bi-Op). UPTO represents over 600 blue collar employees that work at the U.S. Army Corps of Engineers dams on the Columbia-Snake River system.

Our organization is made up of not only maintenance personnel, but power plant operators who are responsible for operating the lock and dam facilities in accordance with the Bi-Op. I have been one of those operators for over 30 years and have personally seen the improvements made at our facilities that have greatly improved fish survival. It is very frustrating when outside interests persuade judicial orders that change the way we operate to the detriment of fish survival.

Contrary to misinformation that has been widely reported, spilling water over the dams has not been the primary reason for increases in fish survival through the Columbia-Snake River system. There have been many reasons that fish survival has improved including habitat restoration, better oceanic conditions and summer flow augmentation. But a major reason for improved

fish survival is the transportation program. Fish entering the generating turbine intakes are directed by rotating screens into bypass channels to fish collection facilities where they are loaded on to barges and given a free ride to below Bonneville dam where they are released back in to the river. Fish transported by barge are five times more likely to survive than those that traverse the river.

Spilling water over the dams not only costs the taxpayers millions in lost power generation, but is actually detrimental to fish survival. Fish that pass through the spillgates are not collected for transport by barge, thus less likely to survive than those that are collected. In addition, the more water that is spilled over the dams, the more supersaturation of nitrogen in the water occurs resulting in gas bubble trauma to juvenile fish. More spill just doesn't make sense in that it is costly economically, doesn't help the fish, and can even be detrimental to fish survival.

H.R. 3144 is important in that it continues programs and operating procedures that have been proven extremely successful in migrating fish survival. The Bi-Op is working and making changes make absolutely no sense. Fish returns are higher than what they were prior to the first dam built on the Columbia-Snake river system and, although hatchery fish are returning in large numbers, natural fish returns are up as well too. Fish survival through the Columbia-Snake River dams are at levels that meet or exceed those on rivers that don't have dams. The current Bi-Op is the most science-based, comprehensive and expensive effort to restore an endangered species in the nation. $1.6 billion have been invested in new technologies and, when operated according to the Bi-Op, have proven that the dams and fish can co-exist.

Continuing to operate the dams according to the Bi-Op is imperative for continued high rate of survival for migrating fish. H.R. 3144 requires that continuity and is therefore imperative to the continued high survival rate of migrating fish. UPTO urges support for H.R. 3144 in committee and swift advancement to the House floor.

Sincerely,

JACK W. HEFFLING,
President,
United Power Trades Organization.

NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION,
Bethesda, MD, April 21, 2018.

House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN: On behalf of the National Electrical Contractors Association (NECA), I am writing in strong support of pending energy legislation being considering by the House. NECA urges Members to vote yes on H.R. 3144—To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time, and for other purposes, introduced by Representative Cathy McMorris Rodgers.

NECA is the nationally recognized voice of the $160 billion electrical construction industry that brings power, light, and communication technology to buildings and communities across the U.S. NECA's national office and its 119 local chapters are dedicated to enhancing the industry through continuing education, labor relations, safety codes, standards development, and government relations. NECA is committed to advocating for a comprehensive energy policy that addresses all available opportunities for energy exploration and independence.

The benefits of this legislation are clear: job creation, energy independence, and economic growth. NECA greatly appreciates the hard work that Representative McMorris Rodgers put into writing this important legislation. This will be included in the NECA Legislative Report Card for the 115th Congress. We urge all members to vote yes.

Thank you for your consideration of our views.

Sincerely,

MARCO A. GIAMBERARDINO, MPA,
Executive Director,
Government Affairs.

Mr. SCHRADER. Mr. Speaker, it is time to put science back in the decisionmaking process for Oregon and Pacific Northwest salmon recovery strategy. Rather than having the courts dictate the best way to balance Northwest fish recovery and the region's power needs, we should let the experts in U.S. Fish and Wildlife, Bonneville Power, NOAA, and NMFS lead the way. H.R. 3144 allows that to occur.

Rather than having fish policy decided by lawsuit, it simply lets the experts do their job. Quite simply, it will allow the Federal Columbia River Power System to be managed according to the 2014 Obama administration-approved biological opinion until a new BiOp can be completed in 2020.

U.S. Fish and Wildlife, BPA, NOAA, and NMFS have spent years developing recovery plans to restore habitat, encourage fish passage, and manage this fishery. Their hard work was summarily thrown out by the court in favor of continued litigation. In fact, a third—yes, a third—of our power bills in the Northwest is dedicated to fish recovery.

We have been diligent. Bonneville ratepayers have stepped up time and again. We have made strides, despite battling the effects of climate change, ocean acidification, and overfishing by foreign nations. Some things we can control, some things we cannot—like sea lion depredation, we can.

Despite the scientific evidence and warnings from Washington and Oregon Fish and Wildlife biologists that say sea lions likely account for at least 20 percent or more of adult salmon loss in the Columbia River system, we are not doing anything about it. Even our Governors agree we need to address this, and these are Democratic Governors. Let's deal with that instead of one injunction after another demanding more spill over the tops of the dams, which, as we have heard, is not based in good science.

This latest order will cost $40 million to $50 million, with the jury out on its effectiveness as to juvenile survival and subsequent adult return. Let's at least get some scientific data to see if this is a good idea. H.R. 3144 would allow that to happen.

BPA is at a crossroads. Natural gas is abundant, very inexpensive, the primary reason a lot of our coal plants are being phased out. But its low cost, coupled with more and more demands for fish mitigation, now threaten to eliminate our clean, renewable hydropower system that accounts for 50 percent of the electricity in the Northwest.

BPA simply cannot absorb more spill requirements with subsequent loss of power generation and revenue without having to curtail the very fish mitigation recovery programs the litigants want that have been helping to recover our endangered salmon. BPA is becoming quickly uncompetitive due to these escalating costs.

If they go away, what happens? It means more natural gas, more fossil fuels. It makes no sense, if your goal is balancing smart, scientific-based fish recovery with clean renewable energy, to put BPA out of business and eliminate local control that the Pacific Northwest has had on determining its own future.

The entire Northwest delegation, Republican and Democrat, worked together on this. We would like to continue to do so. We need to stop this constant litigation. Let the scientific experts steeped in fish recovery do their job.

I urge my colleagues to vote ''yes'' on H.R. 3144.

Mr. GRIJALVA. Mr. Speaker, I include in the RECORD a letter of opposition from Governor Kate Brown of Oregon, a letter of opposition to the legislation from Governor Inslee of Washington, 140 undersigned businesses from the region in opposition, the Nez Perce Tribal Executive Committee in opposition to the legislation, and over 22 environmental and outdoor organizations in opposition to the legislation.

JANUARY 22, 2018.

As Governor of the State of Oregon, I write expressing deep concerns with H.R. 3144. I am concerned this legislation would thwart federal court direction to provide additional spill at dams on the lower Columbia and Snake rivers and the collaborative state, tribal and federal process that has worked effectively to develop spill provisions for 2018. These court-ordered collaborative efforts resulted in consensus recommendations from all sovereigns, representing a positive, and unprecedented, step forward in building stronger consensus for recovery actions. H.R. 3144 would negate this progress and our ability to implement and learn from these consensus recommendations.

H.R. 3144 would also derail ongoing collaborative efforts to examine a range of potential future dam operations and salmon management options required by the National Environmental Policy Act (NEPA). The State of Oregon has engaged in good faith as cooperating agencies with federal agency leads for this Columbia Snake River Operations study. This process is vital to secure a sustainable path forward optimizing power, commerce, agriculture and fish recovery within a changing social and environmental landscape.

Through NEPA and the Endangered Species Act, Congress established processes for federal decision-making that are grounded in a robust analysis of alternatives in a systematic and science-based manner. H.R. 3144 contravenes these important principles and would disrupt the regional efforts to engage in a full, accurate and transparent analysis of salmon and dam management.

Washington Governor Inslee has expressed similar opposition to H.R. 3144. Oregonians and Washingtonians share decades of investment in recovering Columbia River salmon, and I join my colleague in asking you to oppose H.R. 3144.

Sincerely,

KATE BROWN,
Governor.

STATE OF WASHINGTON,
OFFICE OF THE GOVERNOR,
Olympia, WA, December 5, 2017.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.
Hon. DOUG LAMBORN,
Chairman, Subcommittee on Water, Power and Oceans,
Committee on Natural Resources,
House of Representatives, Washington, DC.
Hon. RAÚL GRIJALVA,
Ranking Member, Committee on Natural Resources,
House of Representatives, Washington, DC.
Hon. JARED HUFFMAN,
Ranking Member, Subcommittee on Water, Power and Oceans,
Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR CHAIRMEN BISHOP AND LAMBORN AND RANKING MEMBERS GRIJALVA AND HUFFMAN: As Governor of the State of Washington, I write to express my deep concerns with H.R. 3144, legislation which would freeze in place a 2014 biological opinion (BiOp), or salmon management plan, for the dams composing the Federal Columbia River Power System. While the State of Washington believes the 2014 BiOp represented a step forward for efforts to protect and recover 13 stocks of threatened or endangered Columbia and Snake river salmon and steelhead, H.R. 3144 would thwart constructive ongoing efforts to improve future salmon and dam management. This would not only hurt salmon but also the recreational and commercial fisheries, tribes, and other species (such as Puget Sound's southern resident killer whales) that benefit from healthy salmon runs.

I am committed to preserving the benefits of our hydropower dams in a manner that is in balance with protecting and restoring salmon. While our dams and dam operations have been modified to reduce their impact to salmon and steelhead over the last 20 years, there is evidence that salmon may further benefit from additional modifications to dam operations that would help restore salmon populations. The State of Washington is participating in productive regional discussions about the best way to test the potential benefits of additional ''spill,'' in 2018 and potentially beyond. This discussion and learning opportunity would be blocked by H.R. 3144's prohibition on any studies or actions that restrict electricity generation at any dams in the Federal Columbia River Power System, even by a small amount.

Similarly, several Washington State agencies are engaged as cooperating agencies in the Columbia Snake River Operations study process currently being conducted, pursuant to the National Environmental Policy Act (NEPA). This process promises to provide valuable information on a range of potential future dam operations and salmon management strategies. As with the discussion regarding increased spill over the dams, H.R. 3144 would halt this learning process in its tracks, preventing a constructive dialog among federal and state agencies, tribes, and the public about how best to manage Columbia and Snake river dams in a region that must continually adapt to ongoing changes to its climate, salmon habitat, and energy system.

For these reasons, I encourage the Subcommittee on Water, Power and Oceans, the full Natural Resources Committee, and the full House of Representatives to oppose H.R. 3144.

Thank you for your consideration of my input regarding federal legislation that could have significant impacts on my state.

Very truly yours,

JAY INSLEE,
Governor.

APRIL 20, 2018.

MEMBERS OF CONGRESS,
House of Representatives,
Washington, DC.

DEAR MEMBERS OF CONGRESS: The 140 undersigned businesses and business associations represent commercial and recreational salmon fishermen and related businesses, guiding and outdoor retail businesses and restaurants and food industries based in the Pacific Northwest. Our businesses and the thousands of jobs that they support regionally are highly dependent on Columbia Basin salmon and steelhead. For this reason we are very concerned about salmon conservation and recovery efforts in the Columbia Basin.

We are writing to inform you of our strong opposition to HR 3144. This bill intentionally circumvents the public processes guiding operations of the Federal Columbia River Power System, application of the Endangered Species Act and recovery of salmon and steelhead resources. HR 3144 would also block recent court orders from the U.S. District Court in Portland (OR) that require additional salmon protection measures at federal dams and reservoirs on the Columbia and Snake rivers.

HR 3144 requires Congressional authorization before any additional changes or further study of changing dam operations could be taken to reduce impacts on migrating salmon. This removes the best scientific judgment of regional biologists and engineers and replaces it with a political process taking place in Washington D.C.

If passed into law, HR 3144 would prevent federal managers from operating the dams with additional fish-saving spill. Eliminating the additional spill would have negative impacts on all Columbia Basin salmon, but would put wild Snake River Brun steelhead at immediate risk of extinction; only 362 B-run fish have passed the highest dam so far this year. The additional spill recently ordered by the court is strongly supported by regional salmon biologists. It has been shown to be highly effective in increasing juvenile survival to the Pacific Ocean and the number of adults returning. One can look at the excellent returning runs of fall chinook in 2014 and 2015 and the resulting economic benefits to see why increased spill is critical in the Columbia Basin. We support the use of spill to increase salmon runs. HR 3144 caps spill at levels already determined to be inadequate and detrimental to the recovery salmon in the Columbia Basin.

We close by urging you to oppose HR 3144. Columbia Basin salmon are critical to the health of the coastal and inland economies and communities of the Pacific Northwest—including California and Alaska. Our businesses are committed to participating in processes that affect salmon and eager to work with Northwest sovereigns and stakeholders to craft lawful, science-based salmon strategies that meet the needs of imperiled salmon populations and the communities of our great region.

Thank you for your consideration of our perspective and the effect of your policies on the culture and economy of the Northwest.

Sincerely,

Glen Spain, Northwest Regional Director, Pacific Coast Federation of Fishermen's Association, Eugene, OR; Liz Hamilton, Executive Director, Northwest Sportfishing Industry Association, Oregon City, OR; Jeremy Brown, President, Coastal Trollers Association, Auburn, WA; Jeff Friedman, Co-President, Pacific Northwest Whale Watching Association, Friday Harbor, WA; Greg Mueller, President/Executive Director, Washington Trollers Association, Westport, WA; Mary Wright, President, Salmon River Outfitters Association, Salmon, ID; Scott Gudes, Vice President of Government Affairs, American Sportfishing Association, Washington, D.C.; Grant Putnam, President, Northwest Guides and Anglers Association, Tillamook, OR; Mike Hubbell, President, Santa Cruz Commercial Fishermen's Association, Santa Cruz, CA; Linda Behnken, Alaska Longline Fishermen's Association, Sitka, AK; Dustin Aherin, President, Idaho River Adventures, Inc., Lewiston and Salmon City, ID; Peter Grubb, Founder, ROW, Inc & Adventure Unbound, Inc., Spokane, WA; Mikki Waddell, Operations Manager, Main Market Co-op, Spokane, WA; Max Newland, Education and Event Coordinator, Moscow Food Co-op, Moscow, ID; Jeff Jerrett, Owner, Jarrett's Guide Service, Orofino, ID.

Tyler Nash, Owner, White Pine Gear Exchange & Guide Service, Moscow, ID; Kurt Hochberg, Owner, F/V Rogue, Crescent City, CA; Kurt Hochberg, Owner, Crescent Seafood Market and Deli, Crescent City, CA; David Blaine, Owner, Central Food, Spokane, WA; Jeremy and Kate Hansen, Owners, Island Pacific Kitchen, Sante, Common Crumb, Biscuit Wizard, Spokane, WA; Ron Richards, Owner, F/V Ocean Dancer, Port Angeles, WA; Bryan Huskey, Owner/Founder, Keep Em Wet Fishing, Boise, ID; Zachary Collier, Owner/Outfitter, Northwest Rafting Co., Hood River, OR; Mary Wright, Co-owner, Silver Cloud Expeditions, Salmon, ID; Steve Bly, Owner, Steve Bly Photography, Boise, ID; Pam Bly, Idaho Master Naturalist, Boise, ID; Jeri Sahlin, Owner, Choice Therapies, Coeur d'Alene, ID; Craig Wolfrom, Owner, Craig Wolfrom Photography, Bellevue, ID; Bonnie Schonefeld, Owner, Lochsa Connection, Kooskia, ID; Evelyn Kaide, Owner, The Guide Shop & Clearwater Drifters, Orofino, ID.

David Denning, Owner, The River Company, Stanley, ID; Dick Pool, Owner, Pro-Troll Fishing Products, Concord, CA; George Cook, President, Angler's Rendezvous, Lacey, WA; Matt Leidecker, Owner, Idaho River Publications, Ketchum, ID; Marla Lacer, Manager, AVEDA Institute, Boise Boise, ID; Link Jackson, Owner Streamtech Boats, Boise, ID; Debbi Woods, Human Resources, Manager Boise Co-op, Boise, ID; Doug Rees, President, The Guide's Forecast, LLP, Portland, OR; Bob Rees, Owner, Bob Rees' Fishing Guide Service, Portland, OR; Paul Fish, President, Mountain Gear, Inc, Spokane Valley, WA; Steve Schmrsik, Chef, Pink Door, Seattle, WA; Jim White, Executive Chef/Food & Beverage Director, Islandwood, Bainbridge Island, WA; Frank Ralph, Owner, Ocean Seafood, LLC, Fox Island, WA; Joel Kawahara, Owner/Fisherman, F/V Karolee, Quilcene, WA; John Delp, Chef/Co-Owner, Mossback Restaurant, Kingston, WA.

Nichole Curry, Owner/Fisherman, F/V Karen L, Bellingham, WA; Diana Clausen, Owner/Fishermen, Clausen Fisheries, Inc, Port Townsend, WA; Wayne Johnson, Executive Corporate Chef, FareStart, Seattle, WA; Joel Brady-Power, Owner/Fisherman, F/V Nerka, Bellingham, WA; Duke Moscrip, CEO, Duke's Seafood & Chowder, Seattle, WA; Buzz Hofford, District Manager, Bon Appétit Management Company, Seattle, WA; Renee Erickson, Chef, Sea Creatures Restaurants, Seattle, WA; Amy Grondin, Owner/Fisherman, Duna Fisheries, LLC, Port Townsend, WA; Rebecca Argo, Owner/Operator, McClure Bay, LLC, Port Townsend, WA; Jeremy Brown, Owner/Fisherman, F/V Barcole, Bellingham, WA; Marja Murray, Chef, Kiddie Academy, Seattle, WA; Michael Clausen, Owner/Fishermen, F/V Carol M, Port Townsend, WA; Paige Bloskey, Head Chef, Farestart, Seattle, WA; Dustin Ronspies, Owner/Chef, Art Of The Table, Seattle, WA; Kirsten Graham, Founder, KGPR, Seattle, WA.

Diane LaVonne, Chef/Owner, Diane's Market Kitchen, Seattle, WA; Greg Friedrichs,

Owner/Fisherman, F/V Arminta, Port Townsend, WA; Ozzie Anderson, Owner/Operator, McClure Bay, LLC, Port Townsend, WA; Karen Jurgensen, Chef Instructor, Seattle Culinary Academy/Quillisascut Farm School, Seattle, WA; Blaise Holly, President, Stormbird, LTD. (F/V Alaska), Port Townsend, WA; Tele Aadsen, Owner/Fisherman, Nerka Sea Frozen Salmon, Bellingham, WA; Brad Warren, Executive Director, National Fisheries Conservation Center, Seattle, WA; Andrew Stout, Co-Founder, Full Circle, Seattle, WA; Darren Gertler, Environmental Educator, City of Watsonville, Soquel, CA; Jessica Schuenemann, Co-Owner/President, Alder Wood Bistro, Sequim, WA; Jonathan Moore, Owner/Fisherman, F/V Ocean Belle, Port Townsend, WA; Austin Becker, Co-Chair, Slow Food Seattle, Seattle, WA; Riley Starks, Partner/Fisherman, Lummi Island Wild Co-op, Bellingham, WA; Pam Lanua Petranek, Commercial Fisherman, Cape Cleare, Port Townsend, WA; Rick Oltman, Owner/Fisherman, Cape Cleare Fishery, Port Townsend, WA; Gabriel Schuenemann, Chef/Co-Owner, Alder Wood Bistro, Sequim, WA; Charlie Hawkes, Owner/Fisherman, F/V Shake, Port Townsend, WA; Nelly Hand, Owner/Fisherman, Drifters Fish, Cordova, AK; Don Snow, President/CEO, Ocean Run Seafoods, Inc., Newport, OR; Michael McCorkle, Commercial Fisherman, SCTA, Santa Barbara, CA; Carolyn Faulk, CFO, F/V Aqua Leo, Santa Cruz, CA; Joe Barrett, Owner/Fisherman, F/V Westerner, Sequim, WA; Emily White, Co-Chair, Slow Food Seattle, Seattle, WA; Greg Atkinson, Chef Proprietor, Restaurant Marché, Bainbridge Island, WA; Rob Seitz, Owner/Operator, F/V South Bay/South Bay Wild, Inc, Astoria, OR; Joshua Abel, Owner, Catch Fly Fishing, Imaginary Trout, Spokane WA; Dan Grogan, Owner, Fisherman's Marine & Outdoor, Portland, OR; Ron Hiller, President, Active Outdoors, Tigard, OR; Randy Woolsey, VP, Tom Posey Co., Tigard, OR; Dan Parnel, President, Leisure Sales, Auburn, WA.

Scott Weedman, Owner, 3 Rivers Marine, Woodinville, WA; Jennie Logsdon Martin, Founder, Ifish, Tillamook, OR; Kevin Newell, Total Fisherman Guide Service, Woodland, WA; Lacey DeWeert, Total Fisherman Guide Service, Woodland, WA; Brad Staples, Owner, Western Fishing Adventures Ltd., West Linn, OR; Jarod Higginbotham, Yakima Bait Company, Granger, WA; Steffen Gambill, Principle, Active Outdoors, Tigard, OR; Jim Stewart, Owner, Ironwood Pacific Outdoors, Inc., Tigard, OR; Craig Mostul, Sales, Stevens Marine, Milwaukie, OR; Herman Fleishman, Owner, Northwest Fishing Adventures LLC, Tigard, OR; Harry Bresnahan, Owner, Harry Bresnahan's Guide Service, Woodland, WA; Rich & Susan Basch, Owners, Ollie Damon's, Portland, OR; Jim Elliott, Retired, L.H French Co., Woodland, WA; Michael O'Leary, Owner, Public Purposes LLC, Portland, OR; Mike Borger, President, Catcher Co./Smelly Jelly, Hillsboro, OR.

Steve Grutbo, Sales & Marketing Manager, Smokehouse Products, LLC., Hood River, OR; Trey Carskadon, Director of Marketing, O'Loughlin Trade Shows, Beaverton, OR; Earl Huff, Retired, Eagle Cap Fishing Guides, Joseph, OR; John Kirby, Ancient Mariner Guide Service, Bay City, OR; Michael Glass, Owner, Oregon, Rod, Reel & Tackle, Eugene, OR; Alex Brauer, Brand Director, Fish Marketing, Portland, OR; Greg Hublou, Owner, Bayside Guided Adventures, Tillamook, OR; William Jordan Keesler, Admin, Poulsen Cascade Tackle, Clackamas, OR; Andy Walgamott, Northwest Sportsman Magazine, Tukwila, WA; Tom Posey, Past President NSIA, Retired, Fishing Tackle Manufacturers' Rep for NW and Alaska, Portland, OR; Chris Vertopoulos, Owner, Northwest Angling Experience, Portland, OR; Levi Strayer, General Manager, Smokehouse Products, LLC, Hood River, OR; Zack Schoonover, Sales Manager, Maxima USA, Hillsboro, OR; Dany Myers, Owner, Northwest Solutions, Sammamish, WA; Skylen Freet, Owner, Skylen Freet Guided Sportfishing LLC, Sandy, OR.

Jack Glass, Owner, Hook Up Guide Service, Sandy, OR; Gerald Wooley, President and COO, Renaissance Marine Group, Inc., Clarkston, WA; Dave Strahan, Territory Sales Manager, Big Rock Sports, Clackamas, OR; Don M. New, Owner, New Landing Design, LLC, West Linn, OR; Matthew Schlecht, Owner, Bob's Sporting Goods, Longview, WA; Bill Monroe Jr., Owner, Bill Monroe Outdoors, LLC, Corbett, OR; Madelynn Sheehan, Author, Fishing in Oregon, Flying Pencil Publications, Scappoose, OR; John Daly, Owner, Fight Club Guided Fishing, Saint Helens, OR; Gabe Miller, Buyer, Far West Sports, Fife, WA; Dan Pickthorn, President, D & G Bait, Inc., Clackamas, OR; Cody Clark, Fishing Buyer, Bob's Sporting Goods, Longview, WA; Rob Bignall, Fishing Guide, Its All Good Guide Service, Sherwood, OR; Cody Herman, Owner, Day One Outdoors, LLC, Hillsboro, OR; Brent Hutchings, CEO, North River Boats, Roseburg, OR; Kelsey Marshall, President, Grounds for Change, Poulsbo, WA; Christian Zajac, Owner, F/V Serena May, Santa Cruz, WA.

NEZ PERCE TRIBAL
EXECUTIVE COMMITTEE,
Lapwai, ID, October 11, 2017.

Nez Perce Tribe's Statement in Opposition to H.R. 3144.

(''A Bill to Provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time, and for other purposes.'')

The Nez Perce Tribe is committed to restoring salmon and steelhead in the mainstem Columbia and lower Snake rivers to healthy, harvestable populations for all citizens of the Northwest and to fairly sharing the conservation burden, consistent with the United States' 1855 Treaty with the Nez Perce.

The Nez Perce Tribe opposes H.R. 3144 because it attempts to short-circuit the federal judiciary and federal appellate process with respect to providing additional spill to protect fish. The Tribe also opposes H.R. 3144 because it attempts to short-circuit the full consideration of all alternatives to redress the impacts of the Federal Columbia River Power System (FCRPS) dams on salmon and steelhead—including breaching the four lower Snake River dams.

Congress, in the National Environmental Policy Act (NEPA) and in the Endangered Species Act (ESA), established federal decision-making that is grounded in a full and complete analysis of all alternatives in an orderly, methodical and science-based process. Both NEPA and the ESA ensure that all the citizens of this Nation will have a full, accurate, and transparent analysis of the importance of salmon and steelhead to the Pacific Northwest and the Nation, the impact the FCRPS dams have on these iconic species, and the legacy we want to leave our future generations. And, both NEPA and the ESA contain mechanisms so that tradeoffs can be considered, investments in local communities impacted by decisions can be planned, and truly informed decisions can be made. H.R. 3144 runs counter to these foundational principles of sound, consistent and sustainable governance.

AUGUST 23, 2017.

DEAR POLICYMAKER: The undersigned conservation, salmon, orca, and clean energy advocacy organizations and business associations extend our deep gratitude for your decision not to co-sponsor H.R. 3144—recently introduced by several Northwest representatives. In contrast to sponsor claims, this bill, if passed, would thwart efforts to deliver critical near-term protections for endangered wild salmon, derail the court-ordered NEPA environmental review and increase uncertainty for Northwest citizens and businesses. We ask you to actively oppose this harmful legislation to ensure that it does not become law.

Wild salmon and steelhead are a Northwest birthright. They are essential to the culture and economy of our region's Native American Tribes and support tens of thousands of non-tribal fishing jobs in urban and rural communities on the West Coast and in Idaho. Salmon also play an irreplaceable ecological role as an indicator species reflecting the health of our rivers and watersheds. Their presence benefits more than 130 other species, including critically-endangered, prey-deficient Southern Resident Orcas.

H.R. 3144 is based on misinformation, fails to recognize the important role wild salmon and steelhead play for Northwest communities and ecosystems, and would severely undermine ongoing and much-needed protection efforts. If passed into law, H.R. 3144 would reverse the May 2016 U.S. District court decision that found the federal agencies' most recent plan for managing federal dams on the Columbia and Snake Rivers violated the Endangered Species Act and the National Environmental Policy Act and would not protect wild salmon and steelhead from extinction. Three different federal judges have now rejected five consecutive Columbia Basin salmon plans over the past two decades. This failure has cost regional energy consumers and federal taxpayers more than $10 billion without recovering a single endangered salmon population.

H.R. 3144 would lock in the inadequate and illegal 2014 Columbia Basin Biological Opinion, fatally stifle the court order to complete a full, fair NEPA environmental review, and prevent an increase in spring ''spill'' (water releases over the tops of dams to improve survival of out-migrating juvenile salmon) beginning in 2018. Ordered by the court earlier this year and being collaboratively planned by the parties to the litigation this summer, spill is widely recognized by experts as our most effective immediate tool to help endangered salmon while our region develops a new, legally valid, scientifically-credible plan.

Salmon and fishing advocates share the frustration of many stakeholders with this history of costly and ineffective plans to revive culturally and economically important salmon populations in the Columbia-Snake Basin. We are ready to work with others in the region to develop a plan that protects and recovers endangered salmon and steelhead while also meeting the needs of affected interests. H.R. 3144, however, will not move our region in that direction; rather it will move us away from a real opportunity to craft a durable, responsible solution.

Thank you again for your decision not to sponsor H.R. 3144. We hope that you will actively oppose it and do everything you can to prevent this bill from becoming law.

Sincerely,

Tom France, Pacific Regional Executive Director, National Wildlife Federation. Missoula, Montana; Giulia Good Stefani, Staff Attorney for the Marine Mammal Protection Project, National Resources Defense Council, Mosier, Oregon; Robb Krehbiel, Washington State Representative, Defenders of Wildlife, Seattle, Washington; Wendy Gerlitz, Policy Director, NW Energy Coalition, Portland, Oregon; Ben Enticknap, Pacific Campaign

Manager & Senior Scientist, Oceana, Portland, Oregon; Bill Arthur, Columbia-Snake River Salmon Caucus Chair, Sierra Club, Seattle, Washington; Julian Matthews, Enrolled Nez Perce Tribal member and Treasurer, Nimipuu Protecting the Environment, Pullman, Washington; Liz Hamilton, Executive Director, Northwest Sportfishing Industry Association, Oregon City, Oregon; Jeremy Brown, President Coastal Trollers Association, Bellingham, Washington; Thomas O'Keefe, Ph.D, Pacific Northwest Stewardship Director, American Whitewater, Seattle, Washington; Wendy McDermott, Rivers of Puget Sound-Columbia Basin Director, American Rivers, Bellingham, Washington; Noah Oppenheim, Executive Director, Pacific Coast Federation of Fishermen's Associations, San Francisco, California.

Howard Garrett and Susan Berta, Directors, Orca Network, Whidbey Island, Washington State; Aaron Tam, Pacific Northwest Organizer, Endangered Species Coalition, Washington, D.C; Joseph Bogaard, executive director, Save Our wild Salmon Coalition, Seattle, Washington; Kevin Lewis, Executive Director, Idaho Rivers United, Boise, Idaho; Justin Hayes, Program Director, Idaho Conservation League, Boise, Idaho; Rich Simms, President, Wild Steelhead Coalition, Seattle, Washington; Greg Haller, Conservation Director, Pacific Rivers, Portland, Oregon; Mike Petersen, Executive Director, The Lands Council, Spokane, Washington; Tom VanderPlaat, President, Association of Northwest Steelheaders, Milwaukie, Oregon, John DeVoe, Executive Director, WaterWatch of Oregon, Portland Oregon; Ed Chaney, Director, Northwest Resource Information Center, Eagle, Idaho; Brian Brooks, Executive Director, Idaho Wildlife Federation, Boise, Idaho.

Colleen Weiler, Rekos Fellow for Orca Conservation, Whale and Dolphin Conservation, Corvallis, Oregon; Trish Rolfe, Executive Director, Center for Environmental Law & Policy, Seattle, Washington; Brett VandenHeuvel, Executive Director, Columbia Riverkeeper, Hood River, Oregon; Grant Putnam, President, Northwest Guides and Anglers Association, Clackamas, Oregon; Andrea Matzke, Executive Director, Wild Washington Rivers, Index, Washington; Miyoko Sakashita, Oceans Director, Senior Counsel, Center for Biological Diversity, Oakland, California; Bert Bowler, Director, Snake River Salmon Solutions, Boise, Idaho; Gary MacFarlane, Ecosystem Defense Director, Friends of the Clearwater, Moscow, Idaho; Bob Sallinger, Conservation Director, Audubon Society of Portland, Portland, Oregon; Michael Wells, President, Clearwater-Snake Rivers Trout Unlimited, Moscow, Idaho; Darilyn Parry Brown, Greater Hells Canyon Council, La Grande, Oregon; Chris Wilke, Executive Director, Puget Soundkeeper Alliance, Seattle, WA; Whitney Neugebauer, Director, Whale Scout, Bothell, Washington.

Mr. GRIJALVA. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this and the elements that he just put into the RECORD. These are tough issues.

The Bonneville Dam, one of the elements here, is in my district. I have been involved with these issues, literally, for decades. I have watched the give-and-take.

Part of what we are facing today is the legacy of our moving in to create the Bonneville system without really knowing what we were doing when we started. There was a rich fisheries existence. Rumor had it that you could actually—people claimed you could walk across the backs of the salmon when they were spawning.

The dams implemented, good for producing energy, not good for the fishery system, both in terms of the river and the marine ecosystem that depends on it.

And it is not just the commitment to the Endangered Species Act and the environment. We are dealing here with commitments to Native Americans who have been ill-served with their treaty rights. That is one of the reasons why we have litigated this for years, because they had valid treaty rights as a sovereign people, and the United States violated them; and only recently, under the pressure of litigation, were we responsive to their needs and some changes were made.

Now, it is not just the current Federal judge. We have had objections through the Judiciary looking at some of the compromises that people have made. I understand the political pressures. I watch it in terms of the economy, in terms of transportation, in terms of Native Americans, in terms of fish and wildlife, in terms of agricultural interests.

These are difficult and troublesome efforts, and there is no good response because we have made more commitments than the mighty Columbia River can deliver on. We treat it like a machine, and we have difficulty reconciling it.

The judge in the case has found that the plan was wanting and has put in place a system for the new BiOp. This legislation is not going to stop litigation. If it passes, I will guarantee you, we will be back in court, and I think there is a very strong likelihood that, rather than moving it forward, it will delay it.

Look at the record in terms of the opponents to approaches like this on how they have fared in court. It is not a good record.

Now, I would suggest strongly that we are better served by allowing this process to go forward. Respect NEPA; respect the Endangered Species Act; respect the process that is put in place; and look at all the options.

Now, I am not saying tomorrow we are going to tear down Snake River dams, but there are lots of options short of dam removal. When we start taking things off the table, we limit our ability to meet our responsibilities under the law and under our treaty obligations and, candidly, in what is going to be in the best interest of solving a very complex issue.

I would hope that we would reject this legislation not only because I think it is ill-advised—I think it undercuts the environment, our obligations to the Native Americans, that it will delay it rather than accelerate it—but I think it provides a precedent that we don't want to have. I don't think we want to have Congress intervening in the midst of these processes.

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

Mr. GRIJALVA. I yield the gentleman from Oregon an additional 1 minute.

Mr. BLUMENAUER. Mr. Speaker, when I look at what this Congress—particularly, under Republican rule—has done trying to intervene to supersede science, to have political decisions on things that really deserve balance with the environment, with treaty rights, dealing with the long-term perspective, it is not a very encouraging record.

I strongly urge that we side with environmentalist groups, with our two Governors, with a number of us in the delegation to allow this process to work and not undercut it and put us back in court. If so, I will guarantee that we will be back here next year and the year after that with things worse rather than better.

□ 1530

Mr. BISHOP of Utah. Mr. Speaker, as one of the eight Tribes that endorse this bill said: The BiOp exceeds requirements established by the courts and by the ESA, and yet plaintiffs want more. The court should uphold the 2008 BiOp.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. NEWHOUSE), speaking on behalf of the eight Tribes that endorse this in his area.

Mr. NEWHOUSE. Mr. Speaker, I thank the chairman of the Natural Resources Committee for yielding time to me.

Mr. Speaker, earlier this afternoon, I had the opportunity during debate on the rule to rise and speak about this bill, as well as the great coalition of constituents and stakeholders who have collaborated to support H.R. 3144.

Some of the strongest voices are that of our local public utility districts and rural electric cooperatives across the Pacific Northwest, who have been immensely helpful in their advocacy and engagement of this legislation.

Mr. Speaker, I include in the RECORD a stack of letters and resolutions of support from these groups in Oregon, Idaho, and also my home State of Washington. I would like to express my sincere gratitude for their support as well.

BLACHLY-LANE ELECTRIC CO-OP,
Eugene, OR, March 1, 2018.

Re Support H.R. 3144 to Protect the Northwest's Economy, Environment, and ESA-Listed Salmon.

DEAR MEMBERS OF THE NORTHWEST CONGRESSIONAL DELEGATION: Blachly-Lane Electric Cooperative joins Northwest RiverPartners and our fellow northwest electric cooperatives in thanking you for your bipartisan opposition to misguided components of the President's FY19 budget proposal related to the Bonneville Power Administration's transmission assets and rates. We value that the delegation recognizes BPA's transmission and power generation assets as a pillar of the Northwest economy and critical to our region's carbon-free electric energy production, and your united concern for constituents in the region.

Your bipartisan commitment to protecting BPA's statutory mission and the longevity of the Federal Columbia River Power System allows us to ask you for support of H.R. 3144. The bill will protect the region's access to renewable, carbon free, and reliable federal hydropower while mitigating hydropower impacts and protecting Endangered Species Act listed salmon.

H.R. 3144 would allow the NEPA process to continue as the Court has ordered, with a comprehensive and transparent review of federal hydrosystem operations, while postponing costly and potentially harmful experimental spill and hydro operations in the interim.

BPA faces uncertainty as escalating fish and wildlife costs and related litigation negatively impact its power rates. Keeping BPA sound and competitive serves to shield the agency from political attacks coming from outside the region. H.R. 3144 provides vital near-term certainty by temporarily retaining the federal hydrosystem operations plan supported by both the Bush and Obama Administrations that was extensively vetted by independent scientists, *only* until an ongoing NEPA review process concludes in 2021.

BPA estimates the Court-ordered spill experiment could cost its power customers an estimated $40 million this year. NOAA Fisheries' Science Center modeling shows this additional spill would provide little or no added benefits to protected juvenile salmon or returning adults. The costs of this experiment to our electric cooperative members are far too great, and the outcome to fish far too negative.

If that isn't enough, the spill operations will add 840,000 metric tons of carbon emissions by removing 815 megawatts of carbon-free federal hydrosystem generation and replacing it with fossil fuels. This large loss of hydroelectric generation simply can't be replaced by increasing efficiency, intermittent wind or solar resources. The Court-ordered spill undermines Oregon and Washington's progress toward our carbon-reduction goals.

Your support of H.R. 3144 will keep scientifically recognized ESA-listed salmon protection measures in place while allowing a rational, deliberative NEPA process to generate credible data for future potential dam operations and salmon-management strategies. H.R. 3144, contrary to critics' statements, will simply allow for a much-needed ''time out'' from over 20 years of litigation and allow the federal agencies to focus their limited resources on conducting the best NEPA process possible to comply with the court's order.

Also know that the region is not in agreement on the Court-ordered 2018 spill operations. The federal Action Agencies (BPA, Army Corps, and Bureau of Reclamation), RiverPartners, Idaho, Montana, Confederated Tribes of the Colville, the Kootenai Tribe of Idaho, and the Salish-Kootenai tribe, have appealed the ruling to the Ninth Circuit. The Court-ordered spill would abandon federal agencies' best science and expertise in favor of dictating from the bench an operational ''experiment'' for the complex and crucial federal hydrosystem. That is not a proper role for any Court.

We urge members of the delegation to support this commonsense bill with a continued bipartisin spirit. Your leadership is imperative to keep BPA's hydropower generation assets affordable and to improve the agency's competitiveness as quickly as possible. Without a competitive product to transmit over the wires, BPA will be challenged to meet its important statutory obligations of providing power and protecting fish and wildlife.

Passage of H.R. 3144 is critical to help avoid BPA's current perilous trajectory and further harm to the fisheries. Modest, practical action now will help BPA avoid the economic cliff it faces. To wait and later bail out the agency could impose enormous costs on regional ratepayers and taxpayers.

Thank you for your time and thoughtful consideration of one of the most crucial issues facing the Northwest in years.

Sincerely,

JOE JARVIS,
General Manager.

NORTHERN LIGHTS, INC.,
Sagle, ID, March 9, 2018.

DEAR SENATOR RISCH: Northern Lights, Inc. strongly supports H.R. 3144, bipartisan legislation that protects the Northwest's access to renewable, clean and reliable federal hydropower while mitigating hydropower impacts and protecting ESA listed salmon. We urge you to advance H.R. 3144 as part of the Fiscal Year 2018 appropriations bill or any other legislation considered this Congress.

BPA is in a precarious financial situation with a rate trajectory that is unsustainable. If this unsettling trend continues, BPA will not be competitive with alternative power supply choices in the region when it seeks customer contract renewal in 2028. While we greatly value the carbon free, flexible hydropower resources that BPA provides, as an electric cooperative, we have a responsibility to deliver power to our members at an affordable rate whether that comes from BPA or elsewhere.

Although BPA's power rates are influenced by a variety of cost-drivers, one of the largest variables is fish and wildlife program costs. Along these lines, we are particularly concerned about ESA-driven litigation over federal hydro system operations that has plagued our region for almost 20 years. Most recently, as a result of legal proceedings in the U.S. District Court for the District of Oregon, a federal judge has ordered a spill experiment that could cost BPA power customers an estimated $40 million just this year. Yet federal modeling shows that this additional spill would provide little or no added benefit to protected juvenile salmon or returning adults. This is particularly troubling to a consumer-owned power community that remains committed to funding the largest mitigation for threatened species in the nation.

As stewards of the Columbia River, it is our collective responsibility to get off the sidelines and identify practical solutions to tough problems. H.R. 3144 is just that, it would provide much needed relief from the endless litigation by temporarily keeping in place a 2014 biological opinion built on the best available science from two consecutive Administrations (Bush and Obama). We are pleased that this biological opinion has resulted in improved salmon survival at dams due to changes in operations and the installation of new fish passage technologies. Retaining the 2014 biological opinion also allows the federal agencies to focus on the court-ordered NEPA environmental review process without being distracted by litigation.

Let's take a time out from the courtroom and rally around a practical solution. On behalf of Northern Lights, Inc. we urge you to support H.R. 3144.

Sincerely,

ANNIE TERRACCIANO,
General Manager, Northern Lights, Inc.

SALMON RIVER
ELECTRIC COOPERATIVE, INC.,
Challis, ID, August 25, 2015.

DEAR MEMBERS OF THE NORTHWEST CONGRESSIONAL DELEGATION: This letter is submitted by Salmon River Electric Cooperative, Inc. We are a small rural electric cooperative located in central Idaho. We distribute electricity to 2700 electric accounts over eight hundred miles of distribution lines. Our economy is made up of ranching and agriculture, mining, recreation and tourism, and public land management. Ninety-eight percent of the lands around us are public lands. This leaves very little tax base to operate our local economies. Low cost, clean, environmentally safe and carbon free, and reliable electricity has been and will remain critical to the lives of our member owners. We were pleased to see the congressional delegation recently join together in a bipartisan manner to oppose ill-advised components of the President's FY19 budget proposal related to the Bonneville Power Administration's (''BPA'') transmission assets and rates. At a time defined by partisan rancor, it is refreshing that our elected officials are able to unite to protect constituents in the region and recognize that BPA's transmission and power generation assets are the backbone of the Northwest economy and the mainstay of our region's carbon-free electric energy production.

This ongoing bipartisan commitment to protecting BPA's statutory mission and the longevity of the Federal Columbia River Power System (''FCRPS'') is why we are asking you to support legislation introduced in the House (H.R. 3144) that would protect the region's access to renewable, carbon free, and reliable federal hydropower while mitigating hydropower impacts and protecting Endangered Species Act (''ESA'') listed salmon. This commonsense legislation temporarily keeps in place a federal hydrosystem operations plan supported by both the Bush and Obama Administrations. and was extensively vetted by independent scientists, only until an ongoing NEPA review process is concluded in 2021. H.R. 3144 would allow the NEPA process to continue as the Court has ordered, with a comprehensive and transparent review of federal hydrosystem operations, while postponing costly and potentially harmful experimental spill and hydro operations in the interim.

Sincerely,

KEN DIZES.

BENTON PUD,
March 13, 2018.

Re Support H.R. 3144.

DEAR MEMBERS OF THE WASHINGTON STATE CONGRESSIONAL DELEGATION: On behalf of Benton PUD customers, we urge you to support H.R. 3144 that protects the hydro system and the benefits it brings to the region through clean, renewable and affordable power.

H.R. 3144 provides relief in the endless litigation of federal hydro system operations by directing the federal agencies to implement the current Biological Opinion that has been vetted and supported by previous presidential administration's top scientists and resulted in wild salmon numbers trending significantly upward due to changes in operations and the installation of new passage technologies.

Over the years of the operation of the Federal Columbia River Power System (FCRPS), Northwest electric ratepayers have invested over $16 billion on infrastructure and fish enhancement efforts. We are appreciative of the countless efforts that have already been made within the FCRPS operations to improve juvenile fish passage survival.

H.R. 3144 allows the court ordered NEPA process to continue with a comprehensive and transparent review of federal hydrosystem operations, while postponing costly and potentially harmful experimental spill operations in the interim.

As Commissioners of public utilities located in the heart of the Northwest, we strongly believe that we can achieve our goal to balance the needs of healthy salmon and steelhead populations with the imperative to preserve a valuable hydropower system that is integral to our region's quality of life. To do so, we must provide stability and certainty to management of the FCRPS and fish recovery efforts.

The legislation is needed to protect the Snake River dams and the renewable, carbon-free, affordable and reliable hydropower provided to our customers and the customers across the region.

Sincerely,

COMMISSIONER BARRY BUSH.
COMMISSIONER LORI SANDERS.
COMMISSIONER JEFF HALL.

RESOLUTION NO. 2413

(July 25, 2017)

SUPPORTING H.R. 3144 FEDERAL LEGISLATION ADDRESSING THE FEDERAL COLUMBIA RIVER POWER SYSTEM BIOLOGICAL OPINION

Whereas, Customers of Public Utility District No. 1 of Benton County, Washington, hereinafter referred to as ''the District'', receive 77 percent of their electricity from the Federal Columbia River Power System (FCRPS); and

Whereas, Hydropower provides 70 percent of Washington State's renewable, affordable and reliable electricity and 60 percent of the Pacific Northwest's electricity with the majority of the power produced by the FCRPS; and

Whereas, Hydroelectric dams also provide many benefits to the region, including flood control, navigation, irrigation, and recreation; and

Whereas, Federal legislation requires the federal agencies responsible for the management of the FCRPS (Bonneville Power Administration (BPA), Army Corps of Engineers, Bureau of Reclamation) to operate the hydro system in compliance with the Biological Opinion (BiOp) approved by NOAA Fisheries in 2008/2010 and supplemented in 2014; and

Whereas, The FCRPS BiOp has successfully improved fish runs including 97 percent of young salmon successfully making it past the dams proving that both dams and fish can coexist; and

Whereas, BPA has spent $15.28 billion in total spending on infrastructure and fish mitigation projects since 1978; and

Whereas, Despite the success of the current FCRPS BiOp, in March 2017, the United States District Court for the District of Oregon (Court) directed the federal agencies to undertake a comprehensive review of hydro operations under the National Environmental Policy Act (NEPA) and strongly urged the federal agencies to include analysis of the removal, bypass or breaching one or more of the four lower Snake River dams; and

Whereas, H.R. 3144, ''To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time'', was introduced in the United States House of Representatives to ensure the FCRPS BiOp remains in effect until 2022;

Whereas, The federal legislation would continue federal hydro operations through September 30, 2022, or until the court-ordered, comprehensive environmental NEPA process concludes, a new BiOp is in place, and judicial review is complete; and

Whereas, The federal legislation would prohibit studies, plans or structural modifications at the dams which would impair hydroelectric power generation or navigation on the Columbia River.

Now, therefore be it hereby resolved That the Commission of Public Utility District No. 1 of Benton County, Washington, (''District'') supports federal legislation H.R. 3144 introduced to ''provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time'';

Be it further resolved that the District supports this legislation as it:

1. Offers a creative solution that is good for both listed salmon and the economy of the Northwest and Benton County.

2. Provides relief in the endless litigation of federal hydro system operations by directing the federal agencies to implement the current federal salmon plan, known as the 2014 Supplemental BiOp. This BiOp was vetted and supported by the previous presidential administrations' top scientists and has resulted in wild salmon numbers trending significantly upward due to changes in operations and the installation of new passage technologies.

3. Provides time for the federal agencies to complete the court-ordered NEPA environmental review process analyzing federal hydro system operations and focuses the general agencies limited resources on getting that process right. Without the legislation, the agencies would be compelled to author a new 2018 BiOp without the benefit of the new science and public input provided by the comprehensive NEPA review.

4. Avoids experiments or spill tests at the eight Columbia and Snake River dams, and studies and modifications at the dams which would restrict electrical generation, which would create uncertainties in BPA's power costs and supply and raise Northwest electric customers' rates.

Adopted at an open meeting as required by law this 25th day of July, 2017.

UNITED ELECTRIC CO-OP INC.,
Washington, DC, February 27, 2018.

Re H.R. 3144 To provide for operations of the Federal Columbia Power System pursuant to a certain operation plan for a specified period of time, and for other purposes.

DEAR SENATOR RISCH: On behalf of the membership of United Electric Co-op, Inc. (United Electric), I am once again writing to seek your support to help pro-actively preserve the economic value of the Federal Columbia River Power System and its multiple uses: flood control, power generation, irrigation, navigation and commerce and recreation. United Electric serves 6,400 meters in portions of Minidoka and Cassia counties in Southern Idaho and purchases its wholesale power supply from the Bonneville Power Administration.

As you know, the Bonneville Power Administration has been plagued by litigation over the biological opinion which has been vetted through three administrations and was updated in 2014 by the Obama Administration, referred to as the 2014 Supplemental Biological Opinion. Judges in Oregon have ignored science, the experts in the industry, and NOAA's top scientists in what appears to be agenda driven rulings.

This common sense legislation temporarily keeps in place the 2014 Biological Opinion's hydro system operations and allows the court ordered NEPA process to continue with a comprehensive and transparent review, while postponing costly and potentially harmful experimental spill operations in the interim.

Please see the attached Resolution adopted by the Board of Directors of United Electric in support of H.R. 3144. United Electric supports the proposed legislation and encourages you to join the bipartisan effort. H.R. 3144 is very important legislation to the Pacific Northwest's public power, agriculture, inland port and business communities.

Thank you,

JO ELG,
General Manager.

RESOLUTION

(October 23, 2017)

SUPPORTING H.R. 3144 FEDERAL LEGISLATION ADDRESSING FEDERAL COLUMBIA RIVER POWER SYSTEM BIOLOGICAL OPINION

Whereas, Members of United Electric Co-op, Inc., Idaho, receive 94% percent of their electricity from the Federal Columbia River Power System (FCRPS); and

Whereas, Hydropower provides 60 percent of the Pacific Northwest's renewable, affordable and reliable electricity which the majority of it is produced by the FCRPS; and

Whereas, hydroelectric dams also provide many benefits to the region, including irrigation, flood control, navigation, and recreation: and

Whereas, federal legislation requires the federal agencies responsible for the management of the FCRPS (Bonneville Power Administration (BPA), Army Corps of Engineers, Bureau of Reclamation) to operate the hydro system in compliance with the FCRPS Biological Opinion (BiOp) approved by NOAA Fisheries in 2008/2010 and supplemented in 2014, and

Whereas, The FCRPS BiOp has successfully improved fish runs including 97% of young salmon successfully making it past the dams proving that both dams and fish can coexist; and

Whereas, BPA has spent $15.28 billion in total spending on infrastructure and fish mitigation projects since 1978; and

Whereas, Despite the success of the current FCRPS BiOp, in March 2017, the United States District Court for the District of Oregon (Court) directed the federal agencies to undertake a comprehensive review of hydro operations under the National Environmental Policy Act (NEPA) and strongly urged the federal agencies to include analysis of the removal, bypass or breaching one or more of the four lower Snake River dams; and

Whereas, H.R. 3144, ''To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time'', was introduced in the United States House of Representatives to ensure the FCRPS BiOp remains in effect until 2022, and

Whereas, The federal legislation would continue federal hydro operations through September 30, 2022 or until the court-ordered, comprehensive environmental NEPA process concludes, a new Biological Opinion is in place and judicial review is complete, and

Whereas, The federal legislation would prohibit studies, plans or structural modifications at the dams which would impair hydroelectric power generation or navigation on the Columbia and Snake Rivers; and

Now, therefore be it hereby resolved by the Board of Directors of United Electric Co-op, Inc., Idaho, supports the federal legislation identified as H.R. 3144 which was introduced to provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time;

Be it further resolved that United Electric supports this legislation as it:

1. Offers a creative solution that is good for both listed, salmon and the economy of the Northwest and Cassia and Minidoka Counties.

2. Provides relief in the endless litigation of federal hydro system operations by directing the federal agencies to implement the

current federal salmon plan, known as the 2014 Supplemental BiOp. This BiOp was vetted and supported by the Obama Administration's top scientists and has resulted in wild salmon numbers trending significantly upward due to changes in operations and the installation of new passage technologies.

3. Provides time for the federal agencies to complete the court-ordered NEPA environmental review process analyzing federal hydro system operations and focuses the general agencies limited resources on getting that process right. Without the legislation, the agencies would be compelled to author a new 2018 BiOp without the benefit of the new science and public input provided by the comprehensive NEPA review.

4. Avoids experiments or spill tests at the eight Columbia and Snake dams, and studies and modifications at the dams which would restrict electrical generation, which would create uncertainties in BPA's power costs and supply and raise Pacific Northwest electric customers' rates.

Adopted as a non-binding Resolution for the purposes recited herein at a regularly scheduled meeting of the Board of Directors this 23rd day of October, 2017.

Mr. NEWHOUSE. Mr. Speaker, many advocates for the environmental lobby claim to be pro-science, but it is clear that far too often they only rely on that science when it is convenient.

The spill order mandated by this judge could have harmful effects on the very fish species the BiOp was created to protect, and yet my colleagues in opposition to this bill say that we are the ones trying to hurt the fish.

Federal agencies and scientific experts warn of the risks these spill mandates can place on the fish. We should listen to these experts. We should support science. Now is not the time to be pushing ideology. Now is the time to be pushing pro-science pragmatism to both save our salmon and save our dams.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LOWENTHAL), the ranking member of the Natural Resources Committee.

Mr. LOWENTHAL. Mr. Speaker, endangered salmon are not the only species that H.R. 3144 puts at risk. By removing critical protections for salmon runs, this bill would also push one of our most treasured whale species closer to extinction.

As pointed out by Congresswoman TSONGAS, the Southern Resident killer whales are critically endangered. In fact, there are only 76 of them that are left. These whales depend upon healthy and abundant salmon populations for survival. More than 50 percent of their diet comes from Chinook salmon in the Columbia River basin. Without access to these wild salmon populations, Southern Resident killer whales are literally starving to death.

In order to save both of these iconic species, we cannot undermine important habitat restoration efforts or improvements in dam operations, both of which are essential to promoting survival in the river systems where these salmon spawn. Unfortunately, H.R. 3144 would do just the opposite.

In addition, the Southern Resident killer whales provide immense economic benefits to the Pacific Northwest. Whale watching is a major tourist attraction in Washington and has contributed an additional $65 million to the State's economy each year.

Losing these killer whales would not only have an irreversible effect on the marine ecosystem, it would be a huge blow to the tourism industry and to the local businesses that rely on their survival.

H.R. 3144 may be known as the Salmon Extinction Act, but, frankly, we should tack on Southern Resident killer whales to that name. Without access to waters beyond the Snake River dams, salmon populations will continue to plummet, and without salmon, the Southern Resident killer whales will die.

The fate of both these species rests in our hands. I urge my colleagues to stand with me and stand with the whales and vote against H.R. 3144.

Mr. BISHOP of Utah. Mr. Speaker, unfortunately, NOAA did a study which simply said that the hatchery production of salmon in this area more than offsets any loss that comes from the dams. So even though we have this issue of an endangered species trying to eat another endangered species, which one are we going to support.

I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), who is a member of our committee who understands this particular issue.

Mr. LAMBORN. Mr. Speaker, I thank the gentleman from Utah for his leadership.

Mr. Speaker, H.R. 3144, introduced by Mrs. MCMORRIS RODGERS of Washington, was considered by the subcommittee I chair, Water, Power, and Oceans. It looks to provide certainty and reliability to the Federal Columbia River Power System in the Pacific Northwest. This system includes four large dams in the lower Snake River in Washington State that provide the region with a number of benefits, including renewable emission-free hydropower.

Despite all of these benefits, the power system has been mired in third-party litigation for decades. Some litigious groups have focused their efforts on removing the four dams in the Lower Snake under the false assumption that it will improve endangered species. In reality, however, these dams already have survival rates for salmon in the upper 90th percentile.

Most recently, a Federal court ordered round-the-clock spillover of the Columbia and Snake River dams that went into effect last week. These additional spills will do little to help the fish species, and in reality, do nothing more than leave the region's ratepayers to foot a spill surcharge estimated to cost up to $40 million per year.

This bill ensures that the power system is operated in accordance with the current operations plans until certain reasonable targets are met. It was found to be legally and scientifically sound by the Obama administration, and has resounding support among stakeholders in the region.

We need to ensure that science is guiding the operations of the power system and not judicial orders and special interest ideologies. We need a consensus approach by local stakeholders, not a mandate imposed by judicial fiat.

This bipartisan bill is supported by trade unions, the Farm Bureau, regional stakeholders, and a number of public utility districts.

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

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HUFFMAN), vice ranking member of the Natural Resources Committee.

Mr. HUFFMAN. Mr. Speaker, I thank the gentleman from Arizona for yielding me time.

Mr. Speaker, today we are being asked to pass yet another bill that undermines the Endangered Species Act and accelerates the extinction of our Nation's fish and wildlife.

Specifically, H.R. 3144, the Salmon Extinction Act, undermines protections for several runs of wild salmon and steelhead in the Pacific Northwest.

The Northwest's iconic salmon runs are extremely important to commercial, recreational, and Tribal fishing interests across the country.

My Republican colleagues are pushing this bill even though the region's salmon runs are currently at crisis levels.

Recently, we have even seen reporting that, for the first time, Federal scientists who were surveying Northwest salmon populations came up with empty nets.

And yet, here we are today, advancing a bill that will do nothing but accelerate our Nation's existing salmon declines.

The bill also represents a troubling attack on the legal process. If enacted, it would overturn legally sound court decisions simply because the bill's sponsors don't like them.

Instead of following the law, this bill forcibly mandates the use of an outdated illegal salmon recovery plan for the Federal Columbia River Power System.

The recovery plan in question has clearly been found by the courts to violate the law and the Endangered Species Act. It is illegal, and Congress, through this bill, would be saying: Do it anyway.

I should note that this bill also undermines one of our Nation's other bedrock environmental laws, the National Environmental Policy Act, or NEPA, by barring a host of actions that could potentially recover this region's salmon runs, which are currently, again, on the brink of extinction.

The sponsor of this bill and I do agree on one thing, however. When talking about this bill, Representative MCMORRIS RODGERS recently said that dams and fish can coexist, and I too think that is possible.

The debate here is not about dams versus no dams. The debate is about striking the appropriate balance between responsible hydropower development and sound fisheries protection.

For too long, there has been an imbalance when we consider these issues. Our country built thousands of dams in the 20th century before we even realized the harm that can be caused to our Nation's fisheries.

So today, we are left with many legacy, low-value dams that don't justify their cost and their impacts to our Nation's fishery and natural resources.

So as we consider what to do about these older, low-value dams, our decision making must be guided by the best available science and a consideration of all available options, not what politicians in Congress want.

Unfortunately, this bill takes us in the wrong direction by blocking responsive science-based fisheries management. It would actually lock in a disastrous status quo until at least the year 2022; a status quo that is expensive, illegal, and inadequate; an approach that causes great harm to wild salmon, struggling fishing communities, Tribes, and energy consumers. The status quo is not working.

This bill says: Keep doing it anyway.

It is time for Federal agencies to pursue new, innovative solutions that are better for both fisheries and hydropower generation. This bill pushes a one-sided divisive approach that will only cause further harm.

That is why it is opposed by the Governors of both Washington and Oregon, by Tribal interests, by hundreds of businesses that depend on healthy salmon runs, and also by numerous conservation organizations.

Mr. Speaker, I urge my colleagues to vote ''no.''

Mr. BISHOP of Utah. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Speaker, I rise in support of the bill offered by Congresswoman MCMORRIS RODGERS.

This is a great piece of legislation that supports smart hydroelectric operation, a stable and integrated energy grid, and above all, reinforces that the United States Congress has a vested interest in ensuring it, Congress, rather than the judiciary, promulgates Federal policy.

H.R. 3144 keeps in place the operational plan, developed by consensus through multiple agency processes and based in the best available science, for four dams in Washington State which have wrongfully come under siege recently due to an arbitrary court order by a judge in Oregon.

In general, continuing to lean on hydropower as a long-term component of our Nation's electrical grid is an absolute no-brainer. Hydropower is a clean source of energy, and its reliability and cost effectiveness are just a few of the reasons it enjoys the stature it has today.

It needs to maintain that stature, including the requirement of careful science-based policy crafting when changes to hydroelectric policy are in question if we are to guarantee a reliable energy future for our country.

But if overzealous special interest groups have their way, we would immediately begin deconstructing and destroying all our dams across the country. To their mindset, dams are not natural parts of the landscape and, therefore, represent a most serious threat to the planet. To them, changes to the natural landscape are anathema, despite the fact that the only real constant on our planet and in the environment is change itself.

The judges's order in this case in question is, unfortunately, in keeping with this very same mindset. This is not a stretch to say because he, in fact, fails to rely on the only available and complete science that informed past decisions concerning the Federal Columbia River Power System.

These past decisions, keep in mind, included the Obama administration's green-lighting of the current operation plan in 2014 that the judge seeks to overturn with his spill order.

What the judge did in this case was to take it upon himself to depart from agency consensus based on sound science and ordered changes to the operation plan of the power system just because he wanted to.

He ordered this major policy change first, which will cost electricity customers in the region $40 million annually, by the way, and pegged future changes to the outcome of a NEPA review which is just getting underway.

But the only grounds for so radical a policy change would be if the NEPA review in question called for those changes when it is finally finished. The judge doesn't know what the outcome of the NEPA review will be, obviously, because it is still being conducted.

□ 1545

He made his decision without basis, and now the country is supposed to pay for it. Some of my colleagues on the other side of the aisle constantly rail about how they oppose bills and proposals and prevent the National Environmental Policy Act review process from being carried out.

H.R. 3144 also allows continuation of a court-ordered national NEPA review process. If my colleagues practice what they preach, then they would support this bill as it allows the NEPA review process to be carried out. Congress has an obligation to remind everyone involved that we are the constitutionally authorized policymakers and that we choose to make policy and require agency decisionmaking on the basis of sound science.

This bill will keep the current operation plan in place until 2022, unless the NEPA process review finishes first, at which point the NEPA-supported plan would commence. This bill abides by the proper statutory NEPA process, even though the judge's order fails to do that.

As stated by the Public Power Council, H.R. 3144 allows a court-ordered NEPA process to continue without avoiding a costly and potentially harmful spill experiment. The fear is that without this legislation, a spill regime will be put in place that increases regional power costs while providing no apparent benefit to the fish it purports to help.

What is perhaps most crucial to keep in mind during this whole debate is the broader significance of this bill to any Member who has a major public works infrastructure operating in their district. Without this bill, it is possible that this judge's terrible precedent could stand. At that point, nothing stands in the way of an activist judge across the country waking up one day and deciding to put a halt to a whole slew of public works infrastructures which makes this country tick.

H.R. 3144 is absolutely necessary to establish congressional intent. Sound process must win the day over the capriciousness of any given activist judge or his political leanings.

Mr. Speaker, I include in the RECORD letters of support from the local public utility districts on behalf of H.R. 3144.

PEND OREILLE COUNTY
PUBLIC UTILITY DISTRICT,
Newport, WA, April 24, 2018.

Hon. CATHY MCMORRIS-RODGERS,
Hon. DAN NEWHOUSE,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES MCMORRIS-RODGERS AND NEWHOUSE: On behalf of the Public Utility District No. 1 of Pend Oreille County we greatly appreciate the support you have shown for hydropower and, more specifically, the Federal Columbia River Power System (FCRPS) with the recent introduction of H.R. 3144. This bill supports the hydro system and the many benefits it brings to the region through renewable, reliable and affordable power.

Despite the success of the current FCRPS Biological Opinion (BiOp), the plan has been rejected with a ruling that all options need to be reviewed including breaching or removing one or more of the four Snake River dams.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014. The current BiOp is based on the best available science, has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

The Bonneville Power Administration has spent over $15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. Their bills are already higher by at least 15 percent for fish mitigation programs. The ''spill test'' ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families and businesses and likely to be more detrimental to the fish runs than helpful. Your legislation will bring an end to the wasteful activities.

This is particularly important for Pend Oreille PUD as our largest industrial customer Ponderay Newsprint is a large consumer of BPA power for its operations. The

unnecessary spending and additional mitigation costs continue to put jobs at stake in our rural communities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

F. COLIN WILLENBROCK,
General Manager.

WAHKIAKUM PUD,
Cathlamet, WA, April 23, 2018.

Hon. DAN NEWHOUSE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NEWHOUSE: On behalf of the Public Utility District No. 1 of Wahkiakum County we greatly appreciate the support you have shown for hydropower and, more specifically, the Federal Columbia River Power System (FCRPS) with the recent introduction of H.R. 3144. This bill supports the hydro system and the many benefits it brings to the region through renewable, reliable and affordable power.

Despite the success of the current FCRPS Biological Opinion (BiOp), Judge Simon, U.S. Western District, Court of Oregon, rejected the plan and ruled all options need to be reviewed including breaching or removing one or more of the four Snake River dams.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014. The current BiOp is based on the best available science, has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

The Bonneville Power Administration has spent over $15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. Their bills are already higher by at least 15 percent for fish mitigation programs. The ''spill test'' ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families and businesses and likely to be more detrimental to the fish runs than helpful. Your legislation will bring an end to the wasteful activities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

DAVID R. TRAMBLIE,
General Manager.

DOUGLAS COUNTY PUBLIC
UTILITY DISTRICT,
East Wenatchee, WA, April 24, 2018.

Hon. DAN NEWHOUSE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NEWHOUSE: On behalf of Douglas County PUD we greatly appreciate the support you have shown for hydropower and, more specifically, the Federal Columbia River Power System (FCRPS) with the recent introduction of H.R. 3144. This bill supports the hydro system and the many benefits it brings to the region through renewable, reliable and affordable power.

Despite the success of the current FCRPS Biological Opinion (BiOp), Judge Simon, U.S. Western District, Court of Oregon, rejected the plan and ruled all options need to be reviewed including breaching or removing one or more of the four Snake River dams.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014. The current BiOp is based on the best available science, has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

The Bonneville Power Administration has spent over $15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. Their bills are already higher by at least 15 percent for fish mitigation programs. The ''spill test'' ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families and businesses and likely to be more detrimental to the fish runs than helpful. Your legislation will bring an end to the wasteful activities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

GARY R. IVORY,
General Manager.

REPRESENTATIVE NEWHOUSE: I wanted to reiterate to you one more time how important the bill you co-sponsored, H.R. 3144, is to Franklin PUD and our customers. We hope the bill gains positive traction this week and advances to the House Floor.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014. The current BiOp is based on the best available science, has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

The Bonneville Power Administration has spent over $15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. For Franklin PUD customers, their bills are already higher by at least 15–18 percent for fish mitigation programs. The ''spill test'' ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families, businesses, and Franklin PUD customers, and is likely to be more detrimental to the fish runs than helpful. Your legislation will bring an end to the wasteful activities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead. Thanks again for coming to the Tri-Cities this month to hear our customers issues regarding ag, irrigation and fish, that are all impacted by the continuance of this spill that is not required.

DEBBIE BONE-HARRIS,
Sr. Manager, Public Affairs,
Franklin PUD.

RESOLUTION NO. 8860

A RESOLUTION SUPPORTING H.R. 3144 FEDERAL LEGISLATION ADDRESSING COLUMBIA RIVER POWER SYSTEM BIOLOGICAL OPINION

Recitals

1. The state of Washington is the leading U.S. producer of hydropower, routinely contributing more than one-fourth of the nation's total net hydroelectric generation;

2. Hydropower accounts for between two-thirds and four-fifths of Washington's electricity generation, providing renewable and inexpensive electricity to the region's farms, homes, businesses, schools and industries;

3. The Bonneville Power Administration (BPA), U.S. Army Corps of Engineers and the Bureau of Reclamation are responsible for the management of the Federal Columbia River Power System (FCRPS) in compliance with the Biological Opinion (BiOp) approved by NOAA Fisheries in 2008/2010 and supplemented in 2014;

4. The FCRPS BiOp has helped to improve fish runs, including 97% of young salmon successfully making it past the federal dams, demonstrating that both renewable hydropower and fish can coexist;

5. Despite the success of the current FCRPS BiOp, in March 2017, the United States Court for the District of Oregon directed the federal agencies to undertake a comprehensive review of hydro operations under the National Environmental Policy Act (NEPA) and strongly urged the federal agencies to include analysis of the removal, bypass or breaching one of more of the four lower Snake River hydropower dams;

6. Bipartisan legislation, H.R. 3144, provides a creative solution to the endless litigation over federal hydro system operations by directing the federal agencies to implement the current federal salmon plan, known as the 2014 Supplemental BiOp. That plan:

a. Was vetted and supported by the Obama Administration's top scientists;

b. Has resulted in improved young salmon survival at the federal dams due to changes in operations and the installation of new fish passage technologies;

c. Restored thousands of acres of habitat in rivers, the estuary and floodplains for salmon spawning and rearing; and

d. Would allow federal hydropower operations to continue through September 30, 2022 or until the court-ordered, comprehensive environmental NEPA process concludes, a new BiOp is in place and judicial review is complete.

7. Without the legislation, the federal agencies would be compelled to author a new 2018 BiOp without the benefit of the new science and public input provided by the comprehensive NEPA review; and

8. H.R. 3144 was introduced by Rep. Cathy McMorris Rodgers (R–WA) and co-sponsored by Rep. Dan Newhouse (R–WA), Rep. Jaime Herrera Beutler (R–WA), Rep. Kurt Schrader (D–OR) and Rep. Greg Walden (R–OR).

Now therefore, be it resolved by the Commission of Public Utility District No. 2 of Grant County, Washington, that Grant PUP supports H.R. 3144, and applauds the co-sponsors of this bipartisan legislation as it:

Offers a creative solution that is good for both salmon, renewable hydropower and the economy of the Northwest.

Provides relief in the endless litigation of the federal hydro system.

Provides time for the federal agencies to complete the court-ordered NEPA environmental review process.

Avoids experiments, modifications or spill tests at the eight federal Columbia and Snake River dams, which could have the potential to unnecessarily restrict renewable electric generation, create uncertainties in BPAss power costs and supply, and raise Northwest customers' electric rates.

Passed and approved by the Commission of Public Utility District No. 2 of Grant County, Washington this 24 day of October 2017.

RESOLUTION OF THE BENTON REA BOARD OF TRUSTEES

SUPPORTING H.R. 3144 FEDERAL LEGISLATION ADDRESSING THE FEDERAL COLUMBIA RIVER POWER SYSTEM BIOLOGICAL OPINION

Whereas, Members of Benton Rural Electric Association receive 86 percent of their electricity from the Federal Columbia River Power System (FCRPS); and

Whereas, Hydropower provides 70 percent of Washington state's clean affordable and reliable electricity and 60 percent of the Pacific Northwest's electricity with the majority of the power produced by the FCRPS; and

Whereas, Hydroelectric dams also provide many benefits to the region, including flood control, navigation, irrigation, and recreation: and

Whereas, Federal legislation requires the federal agencies responsible for the management of the FCRPS to operate the hydro system in compliance with the Biological Opinion (BiOp) approved by National Oceanic and Atmospheric Administration (NOAA) Fisheries in 2008/2010 and supplemented in 2014, and

Whereas, This BiOp was vetted and supported by the previous presidential administrations' top scientists and has resulted in wild salmon numbers trending significantly upward due to changes in operations and the installation of new passage technologies, and

Whereas, The FCRPS BiOp has successfully improved fish runs including 97% of young salmon successfully making it past the dams proving that both dams and fish can coexist; and

Whereas, Bonneville Power Administration (BPA) has spent $15.28 billion in total spending on infrastructure and fish mitigation projects since 1978; and

Whereas, Despite the success of the current FCRPS BiOp, in March 2017, the United States District Court for the District of Oregon directed the federal agencies to undertake a comprehensive review of hydro operations under the National Environmental Policy Act (NEPA) and strongly urged the federal agencies to include analysis of the removal, bypass or breaching one or more of the four lower Snake River dams; and

Whereas, H.R. 3144, ''To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time'', was introduced in the United States House of Representatives, and

Whereas, The federal legislation would continue federal hydro operations through September 30, 2022 or until the court-ordered, comprehensive environmental NEPA process concludes, a new BiOp is in place, and judicial review is complete, and

Whereas, The federal legislation would prohibit studies, plans or structural modifications at the dams which would impair hydroelectric power generation or navigation on the Columbia River; and

Whereas, The federal legislation offers a creative solution that is good for both listed salmon and the economy of the communities served by Benton Rural Electric Association, and provides relief in the endless litigation of federal hydro system operations by directing the federal agencies to implement the current federal salmon plan, known as the 2014 Supplemental BiOp; and

Whereas, The federal legislation provides time for the federal agencies to complete the court-ordered NEPA environmental review process analyzing federal hydro system operations and focuses the general agencies limited resources on getting that process right.

Whereas, without the legislation, the agencies would be compelled to author a new 2018 BiOp without the benefit of the new science and public input provided by the comprehensive NEPA review, and avoids experiments or spill tests at the eight Columbia and Snake dams, and studies and modifications at the dams which would restrict electrical generation, which would create uncertainties in BPA's power costs and supply and raise Northwest electric customers' rates.

Now, therefore be it resolved that the Board of Trustees of Benton Rural Electric Association supports the passage of H.R. 3144 this July 26, 2017.

WASHINGTON PUBLIC UTILITY DISTRICTS ASSOCIATION,
Olympia, WA.

Hon. DAN NEWHOUSE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NEWHOUSE: On behalf of the Washington PUD Association we greatly appreciate the support you have shown for hydropower and, more specifically, the Federal Columbia River Power System (FCRPS) with the recent introduction of—H.R. 3144. This bill supports the hydro system and the many benefits it brings to the region through renewable, reliable and affordable power.

Despite the success of the current FCRPS Biological Opinion (BiOp), Judge Simon, U.S. Western District, Court of Oregon, rejected the plan and ruled all options need to be reviewed including breaching or removing one or more of the four Snake River dams.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014. The current BiOp is based on the best available science, has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

The Bonneville Power Administration has spent over $15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. Their bills are already higher by at least 15 percent for fish mitigation programs. The ''spill test'' ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families and businesses and likely to be more detrimental to the fish runs than helpful. Your legislation will bring an end to the wasteful activities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

GEORGE CAAN,
Executive Director.

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

Mr. Speaker, I want to speak to another problem and issue with this bill that one of my colleagues brought up in his statement, and that is the great harm it will cause to the Tribal interests in the Pacific Northwest.

Native people of the Pacific Northwest ceded most of their ancestral homeland to the United States in exchange for the right to catch salmon and steelhead at accustomed places.

The Federal Government has a long history of failing to protect these fishing rights. If enacted, H.R. 3144 would further harm Tribal fisheries which are a critically important source of food. They are of great cultural and religious significance to the Tribes. Just this week, the Nez Perce Tribe contacted our committee to urge us to reject H.R. 3144. I think Congress should heed this call and reject this piece of legislation.

Mr. Speaker, the concerns have been laid out by the people who have spoken against this legislation. Essentially, this legislation, H.R. 3144, violates bedrock environmental laws. Those concerns have been stated by Members who have spoken against the legislation. It harms businesses. It hurts the Tribes in the Northwest. It is an attack on the legal process, and, in the long term, it will hurt ratepayers.

Mr. Speaker, I urge a ''no'' vote on H.R. 3144, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very happy to be here to present this particular bill, or at least sum up on this, especially as our good friend Mr. Todd Ungerecht has done so much for this particular bill and it is going to be his last time on the floor with us. So I appreciate all of his help on this. He is returning back to his native State of Washington where he clearly realizes how important this bill is.

Mr. Speaker, this bill has support via policy from Washington, total support for the bill from Idaho and Montana, as well as eight other Tribes that live in this area, as well as the National Association of Counties, the American Farm Bureau Federation, United Power Trades Organization, National Rural Electric Cooperative Association, National Electrical Contractors Association, Public Power Council, Washington Association of Wheat Growers, and scores of other individuals.

I include in the RECORD a complete list of organizations that support this bill as well as letters that support this legislation.

SUPPORT FOR H.R. 3144

National Water Resources Association, National Associations of Counties, United Power Trades Organization, National Association of Wheat Growers, American Farm Bureau Federation, American Public Power Association, National Electrical Contractors Association, National Rural Electric Cooperative Association, Grand Canyon State Electric Cooperative Association, Americans for Limited Government, Arizona Farm Bureau, Arizona Liberty, Arizona Pork Council, Asotin County Public Utility District, Association of Washington Business, Benton Public Utility District, Blachly-Lane Electric Co-op, Clatskanie People's Utility District.

Clearwater Power, Concerned Citizens for America (Sedona), Cowlitz Public Utility District, Douglas County Public Utility District, Franklin Public Utility District, Grant County Public Utility District, Idaho Water Users Association, Inland Ports and Navigation Group, Kittitas County Public Utility District, Lewis County Public Utility District, Mason County Public Utility District, New Mexico Cattle Growers' Association, New Mexico Wool Growers Inc., Northern Lights, Northwest River Partners, Pend Oreille Public Utility District, Port Clarkston, Port of Morrow.

Port of Pasco, Port of Whitman County, Public Power Council, Salmon River Electric CoOp, Stevens County Commissioners, Sulphur Springs Valley Electric Cooperative, Tidewater Transportation & Terminals, Tri-City Development Council, United Electric, Wahkiakum County Public Utility District, Washington Association of Wheat Growers, Washington Farm Bureau, Washington Public Utility Districts Association, Washington State Potato Commission, Yuvapai County Supervisor Thomas Thurman, Your Touchstone Energy Cooperative.

PUBLIC POWER COUNCIL
March 16, 2018

Re Support for H.R. 3144—To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified time.

DEAR MEMBERS OF THE NORTHWEST CONGRESSIONAL DELEGATION: The Public Power Council (PPC) is a not for profit association that represents about 100 consumer-owned electric utilities in the Pacific Northwest on issues regarding the Federal Columbia River Power System (FCRPS). As purchasers of power from the Bonneville Power Administration (BPA), PPC members and their customers pay for a large share of the region's fish and wildlife mitigation costs. I write today in support of H.R. 3144, a bill that would stabilize a portion of these costs while the administrative process proceeds in the region.

BPA is on the precipice of a serious financial struggle created by consistent increases in its power rates over the past decade combined with a simultaneous drop in the market price of other power options in the West. As utilities begin to choose lesser-cost options elsewhere, BPA will not have the requisite customer base to fund all its statutory obligations, including regional fish and wildlife efforts. Without serious action to stabilize rates, BPA will struggle in the near future to recover its costs, putting all of its programs at risk.

An important part of the challenge facing BPA is the volatility of the costs of meeting its fish and wildlife-related obligations. H.R. 3144 would offer important assistance in this respect by temporarily keeping in place a federal hydro operations plan (approved by multiple Administrations) through the 2021 completion of an ongoing review under the National Environmental Policy Act (NEPA). Upon completion of the NEPA process, it is expected that the legislation would effectively expire and the NEPA-supported plan for the federal hydro system would commence.

H.R. 3144 allows the court-ordered NEPA process to continue while avoiding a costly and potentially harmful spill experiment. In addition to its estimated $40 million annual cost to regional electricity customers, NOAA Fisheries' Science Center modeling does not show appreciable benefits to salmon and steelhead from this operation. Higher levels of spill can harm fish from increased gas saturation in the water. The fear is that, without this legislation, a spill regime will be put in place that increases regional power costs while providing no apparent benefit to the fish it purports to help.

Another threatening aspect to the proposed spill experiment is that it would further limit the operational flexibility of the hydropower system that is essential to reliably meet electricity demand in the region and integrate other renewable power resources. Further, it is expected that much of the carbon-free generation eliminated by this experiment will be replaced by fossil fuels, greatly increasing regional carbon emissions, running counter to carbon-reduction goals.

Your support for this bill can help keep the region's hydropower affordable and can assist in stabilizing BPA during precarious times. Urgent action on H.R. 3144 will resonate for years in maintaining a renewable, flexible, and carbon-free energy resource that serves as the region's economic backbone. Thank you for your consideration.

Sincerely,

SCOTT CORWIN,
Executive Director.

MASON COUNTY
PUBLIC UTILITY DISTRICT 3,
Shelton, WA, April 23, 2018.

Hon. DAN NEWHOUSE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NEWHOUSE: Thank you for your support of federal, state and local agencies that provide cost-based, carbon free energy to customers throughout the Pacific Northwest. Specifically, we thank you for your strong defense of the Bonneville Power Administration and its partners in the Federal Base System.

We at Mason PUD 3 applaud your efforts, and those of others, who introduced HR 3144 to protect the viability and value of the Columbia River hydropower system.

We're pleased that HR 3144 affirms the jurisdiction of the 2014 Federal Biological Opinion for a balanced approach to managing the Columbia for fish and hydropower. We are concerned, as are others who depend on the river for their livelihoods, about the increased role of the courts in controlling this mighty resource. Management of the river by appointed judges is precedent-setting. It bypasses science, the experts who collaboratively wrote the Biological Opinion, and is not in the best interests of our customers.

PUD 3 is disappointed in a federal court ruling earlier this month that will result in an experimental water spill program at Columbia and Snake River dams. This costly experiment is aimed at determining if sending more water through dam spillways, instead of using it for power generation, will help the passage of salmon in the Columbia River Basin.

The Northwest Power & Conservation Council notes in its ''2016 Columbia River Basin Fish and Wildlife Program Costs Report'' that public power customers in the Pacific Northwest paid $621.5 million for recovery and restoration efforts. Just over $7 million of that came from customers of Mason PUD 3 (based on our proportionate share of the Federal Base System).

To further burden our customers, and other public power customers in the region, with the cost of an experimental spill which has uncertain results, is an unjust judicial abuse of those who we strive to protect.

Your bill, HR 3144, will give much needed relief to public power customers in a region that, through its wholesale power rates, fully pays its way for the operation of the Federal Base System. Further, through the directed use of the 2014 Federal Biological Opinion, it places management of the river in the realm of science, not speculation.

We thank you for your support and protection of the natural resources of the Pacific Northwest. If you wish to communicate with us on this matter, please contact us at any time.

Sincerely,

ANNETTE CREEKPAUM,
Manager, Mason PUD 3.

ASOTIN COUNTY
PUBLIC UTILITY DISTRICT,
Clarkston, WA.

Hon. DAN NEWHOUSE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NEWHOUSE: We are writing to thank you for your support of hydropower and the Federal Columbia River Power System (FCRPS) with the recent introduction of—H.R. 3144. As an electric utility whose customers are dependent upon reliable and affordable power, this bill supports the hydro system and the many benefits it brings to the region as a renewable resource.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014. The current BiOp is based on the best available science and has been vetted by stakeholders. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

Despite the success of the current FCRPS BiOp, the judge's ruling rejecting the plan will add costs to the over $15 billion the Bonneville Power Administration has spent on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills and the ''spill test'' ordered by the judge will be an additional cost that will result in higher electric bills for everyone.

Your legislation will bring an end to the wasteful activities and we appreciate your leadership on this issue with the introduction of H.R. 3144.

Sincerely, Asotin County PUD Board of Commissioners:

DON NUXOLL,
President.
JUDY RIDGE,
Vice-President.
GREG MCCALL,
Secretary.

COWLITZ PUD,
Longview, WA, April 23, 2018.

Re: H.R. 3144.

Hon. DAN NEWHOUSE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NEWHOUSE: This letter is submitted by Cowlitz PUD, serving roughly 50,000 electric customers located on or near the mighty Columbia River. The District purchases approximately 90% of its power supply from BPA, which is sourced primarily from the Federal Columbia River Power System (FCRPS).

We believe the 2014 BiOp is the best solution and we believe H.R. 3144 puts that solution in place.

We appreciate your leadership on H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

STEVEN D. KERN,
General Manager,
Cowlitz PUD.

COWLITZ PUD,
Longview, WA, April 23, 2018.

Re: H.R. 3144.

Hon. DAN NEWHOUSE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NEWHOUSE: I write you this letter individually supporting H.R. 3144.

The 50,000 customers I represent continue to be impacted by interests other than their own. The Federal Columbia River Power System (FCRPS) has been bought and paid for by electric customers but is now being run from the bench of our 9th District court rather than the labs and control rooms of scientists and system operators. Experimental spill operations and targeted political outcomes have no place in the river system that powers our homes, underpins our economy, and funds our fish recovery.

I appreciate your leadership.

Sincerely,

DENA DIAMOND-OTT,
Cowlitz PUD Commissioner—District #1.

KITTITAS COUNTY,
PUBLIC UTILITY DISTRICT NO. 1,
Ellensburg, WA, April 23, 2018.

Hon. DAN NEWHOUSE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NEWHOUSE: On behalf of Kittitas PUD No. 1 we greatly appreciate the support you have shown for hydropower and, more specifically, the Federal Columbia River Power System (FCRPS) with the recent introduction of H.R. 3144. This bill supports the hydro system and the many benefits it brings to the region through renewable, reliable and affordable power.

Despite the success of the current FCRPS Biological Opinion (BiOp), Judge Simon, U.S. Western District, Court of Oregon, rejected the plan and ruled all options need to be reviewed including breaching or removing one or more of the four Snake River dams.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014. The current BiOp is based on the best available science, has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

The Bonneville Power Administration has spent over $15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. Their bills are already higher by at least 15 percent for fish mitigation programs. The ''spill test'' ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families and businesses and likely to be more detrimental to the fish runs than helpful. Your legislation will bring an end to the wasteful activities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

MATTHEW BOAST,
General Manager.

LEWIS COUNTY,
PUBLIC UTILITY DISTRICT,
Chehalis, WA, April 24, 2018.

Hon. DAN NEWHOUSE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NEWHOUSE: On behalf of Public Utility District No. 1 of Lewis County, we appreciate your support for hydropower and the Federal Columbia River Power System (FCRPS). The recent introduction of H.R. 3144 supports the hydro systems many benefits to the region by providing renewable, reliable and affordable power.

The current FCRPS Biological Opinion (BiOp) is based on the best available science and has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies. Despite the success of the current BiOp, Judge Simon, U.S. Western District, Court of Oregon, rejected the plan and ruled all options need to be reviewed including breaching or removing one or more of the four Snake River dams.

The Bonneville Power Administration has already spent over $15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. Their bills are already higher by at least 15 percent for fish mitigation programs. The ''spill test'' ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families and businesses and likely to be more detrimental to the fish runs than helpful.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014 and your legislation will bring an end to wasteful activities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

COMMISSIONER DEAN DAHLIN.
COMMISSIONER BEN KOSTICK.
COMMISSIONER TIM COURNYER.

Mr. BISHOP of Utah. Mr. Speaker, here is the bottom line for this particular piece of legislation:

States agree to it. There are nine Tribes in this area. Eight of them totally support this particular bill. The Obama administration created a biological opinion which endorsed the ESA and was legal with the ESA. A judge decided to change all of that and ordered a spill with no apparent rationale to it.

Mr. Speaker, there is no one over here who hates salmon. We are not trying to kill them all. Heaven knows, the only way I would like to kill salmon is if I am consuming them myself. However, in 2011, another spill took place on this particular river which had the process of actually killing this endangered species that was there.

This judge's order, without any kind of rationale to it, could indeed be one of the situations that actually sterilizes this river and the species rather than protecting the river and the species.

Let's allow river operators to operate the river. Let's allow scientists to conduct the science and let judges go back to granting divorces. Allowing a judge with no background in these issues to dictate river operations and subvert the science is totally irresponsible on our part.

This is a piece of legislation that clearly is a win for the ratepayers to a tune of $40 million that they would have to do if this decision by the judge stands. It is also a win for taxpayers to the tune of about $16 million. It is a win for the fish by preventing a potentially deadly environmental decision that has no basis in actual science. And, once again, it was the last administration that created the pattern in which we are going.

Let's go back to that and do it. Now, if another science or biological opinion needs to be done, let it happen, but don't allow the judge to change what the river operators are saying is the wisest policy until you do that. That is the basis of this particular bill. It helps the power. It helps the fish. It helps all of us. And let's face it, if you are not using that hydropower, you are going to have to pick up fossil fuel power to make up the difference—see which one actually is healthier for the environment.

Mr. Speaker, I commend my colleagues for doing this, and I urge all in the House to support this legislation which is a bipartisan bill that has bipartisan support.

Mr. Speaker, I thank Chairman SHUSTER for agreeing to help expedite consideration of this bill today.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, April 12, 2018.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC

DEAR MR. CHAIRMAN: I write regarding H.R. 3144, to provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time, and for other purposes. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Transportation and Infrastructure.

I ask that you allow the Committee on Transportation and Infrastructure to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Transportation and Infrastructure represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,

ROB BISHOP,
Chairman.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 2018.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources,
Washington, DC.

DEAR CHAIRMAN BISHOP: Thank you for your letter concerning H.R. 3144, to provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time, and for other purposes. As noted, the Committee on Transportation and Infrastructure received an additional referral on this legislation.

In order to expedite floor consideration of H.R. 3144, the Committee on Transportation and Infrastructure agrees to forgo action on this bill. However, as you noted, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. Further, it is our understanding that mutually agreed upon changes to the legislation will be incorporated into the bill via an amendment. Should a conference on the bill be necessary, I appreciate your agreement to support my request to have the Committee represented on the conference committee.

Thank you for your cooperation on this matter and for agreeing to place a copy of this letter and your response acknowledging our jurisdictional interest into the bill report and the Congressional Record during consideration of the measure on the House floor.

Sincerely,

BILL SHUSTER,
Chairman.

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

Ms. BONAMICI. Mr. Speaker, I rise today in opposition to H.R. 3144, a bill that would require the implementation of a specific Federal Columbia River Power System operation plan. I am committed to increasing consumer access to affordable and reliable electricity, but this must be done without jeopardizing our region's ecosystem. I cannot support this bill because it would undermine longstanding environmental protections, including the Endangered Species Act, harm salmon and steelhead populations, and threaten the recreational and commercial fisheries, tribes, and species that benefit from healthy salmon runs.

The Endangered Species Act and National Environmental Policy Act require the federal operators of the Federal Columbia River Power System to consult with the National Marine Fisheries Service on how the System's hydroelectric dams could affect several salmon and steelhead stocks that are listed as threatened or endangered. Unfortunately, instead of responding in a systematic manner using the best available science, this bill would disrupt regional salmon and dam management efforts, jeopardize the existence of salmon and steelhead, and damage this vulnerable ecosystem.

In addition to the troubling effects on the region's ecosystem, implementation of this bill could also harm tribal fisheries. Native Americans have lived and fished along the banks of the Columbia River for centuries. Despite signing treaties with the tribes to preserve their rights to fish, hunt, and gather at their accustomed places, the federal government has a long history of failing to protect these tribal fishing rights. Tribes have a right and a deep cultural and historical connection to the fish populations threatened by this bill.

Oregon's economic vitality is dependent on the health of the Pacific Ocean and the Columbia River. We rely on the natural resources in our region to support a significant portion of our economy, and we are very vulnerable to changes to our ecosystem. This bill could harm the businesses that are dependent on healthy salmon and steelhead runs, including the commercial and recreational fishing industry, guiding and outdoor retail businesses, restaurants, and coastal communities that benefit from tourism.

The Pacific Northwest's social and environmental landscape is changing. We need to find a sustainable path forward that supports renewable power, commerce, and habitat conservation for salmon and steelhead populations. In addition to supporting the responsible use of hydropower that does not put salmon populations at risk, I also support investments in additional renewable energy sources like solar, wind, and wave energy. Through diversifying our investments in renewable resources, we can protect our environment and support new industries, jobs, and innovative businesses.

In short, we can—and should—address the energy needs of our region without furthering policies that will harm our ecosystem. I urge my colleagues to work together to develop a more appropriate solution that will protect salmon and steelhead and provide affordable and reliable electricity to consumers in the Pacific Northwest.

I note for the record that my husband, Judge Michael H. Simon, wrote the judicial opinion that was discussed in the debate about this bill. Before voting, I checked with the House Ethics office and was assured that there is no conflict of interest under the House Rules because the bill does not benefit my spouse's or my personal interest or finances.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 839, the previous question is ordered on the bill, as amended.

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

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

MOTION TO RECOMMIT

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

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

Ms. JAYAPAL. Mr. Speaker, I am opposed.

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

The Clerk read as follows:

Ms. Jayapal moves to recommit the bill H.R. 3144 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At end of the bill, add the following:

SEC. 5. LOWER COSTS FOR ELECTRICITY CONSUMERS.

Nothing in this Act shall prohibit the sale of electric power generated by the Federal Columbia River Power System at the lowest possible rate consistent with sound business practices and other factors as required by current law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Washington is recognized for 5 minutes in support of her motion.

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

Mr. Speaker, I make this motion today in order to ensure that the millions of Americans who rely on public power can continue receiving affordable power. President Trump, in his latest budget, has proposed charging millions of Americans more for their electricity.

The President wants to charge Americans what he calls market-based rates, which means that millions of Americans who rely on public power will pay more than what they pay now. This proposal has rightly provoked bipartisan opposition, and I hope my Republican colleagues will join me in rejecting this ill-advised proposal which will result in higher bills for millions of our constituents.

Mr. Speaker, I should also add that the underlying bill is based on a false premise that rates can be lowered by shirking our responsibilities to protect our environment, restore our salmon populations, and follow the law. After all, restoring our region's salmon populations will reduce our costs in the long run.

This underlying bill takes us in the wrong direction, and it is important to include some context on this complicated issue.

Starting in the 1930s, the Federal Government began the construction of 31 hydroelectric dams on the Columbia River. These dams which make up the Federal Columbia River Power System, or the FCRPS, provide public power throughout the Pacific Northwest.

However, it has become clear that they have operated in ways that pose serious threats to our region's salmon runs and violate our environmental laws. Several courts, including the Ninth Circuit Court of Appeals and the Oregon U.S. District Court, have ruled as such. The courts ordered a new biological opinion, as well as a NEPA review, in order to bring the plans in alignment with Federal law.

Rather than letting this critical process continue, H.R. 3144 aims to circumvent our court system and the law by blocking legally ordered salmon protection measures. Congress should not be in the business of closing the door on legal and regulatory review processes simply because some Members don't like them.

Some claim that the court process will make it more expensive for ratepayers due to decisions like the one to increase spill over the dams, which this bill would illegally block. This process, which is meant to release additional water over the tops of the dams to ensure that juvenile salmon can migrate out, is a critical step in increasing salmon recovery rates. It is currently up for debate whether or not ratepayers will see an increase of any sort in the costs in the short term, but the long-term benefits of changes like this one are indisputable.

The 13 species of steelhead and salmon that are threatened by these dams are crucial to our region, and our fishing industry relies on them for its survival.

In 2011, Mr. Speaker, 34,500 jobs were provided by a healthy sport fishing industry which contributed more than $3.8 billion to the economy in Washington, Oregon, and Idaho. And according to a recent poll in Washington State, a strong majority of voters are actually willing to pay up to $7 a month in additional costs in order to save our wild salmon and improve water quality because they know how incredibly important it is to all of our economies and our communities.

Whether or not the increase spill will raise costs, that is not clear, but what is clear is that conserving these critical populations is a priority for the people in the Pacific Northwest.

The irony, Mr. Speaker, is that H.R. 3144 will ultimately cost our ratepayers

even more money in the long term. Protecting our salmon populations is 100 percent necessary. It is our obligation under the Endangered Species Act. So simply closing our eyes and hoping this all goes away is not an option.

Additionally, the Native peoples of the Pacific Northwest have the undeniable treaty rights to catch these salmon and steelhead at accustomed places, meaning that these populations have to be maintained. We can't continue to fail to uphold our end of this deal, and this bill will move us further away from where we need to be.

This issue has been addressed, and the review process mandated by the courts is doing just that. By denying the opportunity to implement the necessary science-based changes required to bring the FCRPS in line with Federal law, H.R. 3144 will cost ratepayers more down the line. Restoring the salmon population will be incredibly expensive, and gutting fisheries protections and kicking the can down the road does not serve our ratepayers well.

We must move forward with the ongoing biological opinion review and the NEPA process, but we also have to ensure that we are continuing to be mindful of our ratepayers in the region. This bill will ultimately cost ratepayers more, not less.

Mr. Speaker, it is possible to find a solution that works.

I yield back the balance of my time.

□ 1600

Mr. BISHOP of Utah. Mr. Speaker, I claim the time in opposition to the motion.

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

Mr. BISHOP of Utah. Mr. Speaker, I do appreciate the commitment of the gentlewoman from Washington, the effort to solve some problems, and many of the issues that were brought up. Unfortunately, many of the issues that were addressed simply are not covered in the motion to recommit at the same time—great speeches, but not necessarily really relating directly to the motion.

If you actually look at what the motion will do, ultimately, it is very clear that it will ensure that rates actually do go up; carbon emissions will go up; and farmers, families, union members, and small businesses will all have to eventually pay for it.

The underlying bipartisan legislation, though, and not some poorly worded gimmick that cedes more authority to courts and lawyers will protect ratepayers and endangered salmon and the whales and the taxpayers at the same time.

In all due respect, I actually feel happy that I was here when we saw a display of the Senate actually passing something. So I would suggest, in all humility to the other side, if they actually want to do something which would encourage my commitment and my approval of an MTR, it would be to realize and recognize something that happened 107 years ago this Friday, in which the socialist Member from Milwaukee, Wisconsin, 107 years ago, Friday, introduced a resolution to dissolve the Senate.

Now, if that were a motion to recommit, that I would firmly endorse. That would actually help us move forward. Unfortunately, that is not the motion to recommit in front of us. The motion to recommit does not help us move forward.

Mr. Speaker, I ask for a ''no'' vote on the motion to recommit, and I yield back the balance of my time.

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

There was no objection.

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

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

Ms. JAYAPAL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on:

Passage of H.R. 3144, if ordered; and

Suspending the rules and passing H.R. 5447.

The vote was taken by electronic device, and there were—yeas 190, nays 226, not voting 12, as follows:

[Roll No. 152]

YEAS—190

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gohmert
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Scott, David
Serrano
Shea-Porter
Sherman
Sinema
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NAYS—226

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Goodlatte
Gosar
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Jenkins (KS)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—12

Black	Issa	Noem
Cárdenas	Jenkins (WV)	Renacci
Gowdy	Kuster (NH)	Sewell (AL)
Grothman	Labrador	Sires

□ 1628

Messrs. ABRAHAM, AMASH, NUNES, WEBSTER of Florida, JOHNSON of Ohio, Mrs. LOVE, Messrs. WITTMAN, MESSER, LUETKEMEYER, MCCARTHY, and Mrs. MCMORRIS RODGERS changed their vote from ''yea'' to ''nay.''

Mr. RUPPERSBERGER, Mses. TITUS, MAXINE WATERS of California, Mr. ESPAILLAT, Ms. ESTY of Connecticut, Messrs. CROWLEY, WELCH, Ms. GABBARD, and Mr. GONZALEZ of Texas changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

Mr. GRIJALVA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 225, nays 189, not voting 14, as follows:

[Roll No. 153]

YEAS—225

Abraham	Cuellar	Holding
Aderholt	Culberson	Hollingsworth
Allen	Curtis	Hudson
Amodei	Davidson	Huizenga
Arrington	Davis, Rodney	Hultgren
Babin	DeGette	Hunter
Bacon	Denham	Hurd
Banks (IN)	Dent	Jenkins (KS)
Barletta	DeSantis	Johnson (LA)
Barr	DesJarlais	Johnson (OH)
Barton	Diaz-Balart	Johnson, Sam
Bergman	Donovan	Jones
Biggs	Duffy	Jordan
Bilirakis	Duncan (SC)	Joyce (OH)
Bishop (GA)	Duncan (TN)	Katko
Bishop (MI)	Dunn	Kelly (MS)
Bishop (UT)	Emmer	Kelly (PA)
Blackburn	Estes (KS)	King (IA)
Blum	Faso	King (NY)
Bost	Ferguson	Kinzinger
Brady (TX)	Fleischmann	Knight
Brat	Flores	Kustoff (TN)
Brooks (AL)	Fortenberry	LaHood
Brooks (IN)	Foxx	LaMalfa
Buchanan	Gaetz	Lamborn
Buck	Gallagher	Latta
Bucshon	Garrett	Lewis (MN)
Budd	Gianforte	Long
Burgess	Gibbs	Love
Byrne	Gohmert	Lucas
Calvert	Goodlatte	Luetkemeyer
Carter (GA)	Gosar	MacArthur
Carter (TX)	Granger	Marchant
Chabot	Graves (GA)	Marino
Cheney	Graves (LA)	Marshall
Coffman	Graves (MO)	Massie
Cole	Green, Gene	Mast
Collins (GA)	Griffith	McCarthy
Collins (NY)	Guthrie	McCaul
Comer	Handel	McClintock
Comstock	Harper	McHenry
Conaway	Harris	McKinley
Cook	Hartzler	McMorris Rodgers
Correa	Hensarling	McSally
Costa	Herrera Beutler	Meadows
Costello (PA)	Hice, Jody B.	Meehan
Cramer	Higgins (LA)	Messer
Crawford	Hill	Mitchell
Moolenaar	Rooney, Francis	Thompson (PA)
Mooney (WV)	Rooney, Thomas J.	Thornberry
Mullin	Roskam	Tipton
Newhouse	Ross	Trott
Norman	Rothfus	Turner
Nunes	Rouzer	Upton
Olson	Royce (CA)	Valadao
Palazzo	Russell	Wagner
Palmer	Rutherford	Walberg
Paulsen	Scalise	Walden
Pearce	Schrader	Walker
Perry	Schweikert	Walorski
Peterson	Scott, Austin	Walters, Mimi
Pittenger	Sensenbrenner	Weber (TX)
Poe (TX)	Sessions	Webster (FL)
Poliquin	Shimkus	Wenstrup
Posey	Shuster	Westerman
Ratcliffe	Simpson	Williams
Reed	Smith (MO)	Wilson (SC)
Reichert	Smith (NE)	Wittman
Rice (SC)	Smith (TX)	Womack
Roby	Smucker	Woodall
Roe (TN)	Stefanik	Yoder
Rogers (AL)	Stewart	Yoho
Rogers (KY)	Stivers	Young (AK)
Rohrabacher	Taylor	Young (IA)
Rokita	Tenney	Zeldin

NAYS—189

Adams	Gomez	Nolan
Aguilar	Gonzalez (TX)	Norcross
Amash	Gottheimer	O'Halleran
Barragán	Green, Al	O'Rourke
Bass	Grijalva	Pallone
Beatty	Gutiérrez	Panetta
Bera	Hanabusa	Pascrell
Beyer	Hastings	Payne
Blumenauer	Heck	Pelosi
Blunt Rochester	Higgins (NY)	Perlmutter
Bonamici	Himes	Peters
Boyle, Brendan F.	Hoyer	Pingree
Brady (PA)	Huffman	Pocan
Brown (MD)	Jackson Lee	Polis
Brownley (CA)	Jayapal	Price (NC)
Bustos	Jeffries	Quigley
Butterfield	Johnson (GA)	Raskin
Capuano	Johnson, E. B.	Rice (NY)
Carbajal	Kaptur	Richmond
Carson (IN)	Keating	Ros-Lehtinen
Cartwright	Kelly (IL)	Rosen
Castor (FL)	Kennedy	Roybal-Allard
Castro (TX)	Khanna	Ruiz
Chu, Judy	Kihuen	Ruppersberger
Cicilline	Kildee	Rush
Clark (MA)	Kilmer	Ryan (OH)
Clarke (NY)	Kind	Sánchez
Clay	Krishnamoorthi	Sanford
Cleaver	Lamb	Sarbanes
Clyburn	Lance	Schakowsky
Cohen	Langevin	Schiff
Connolly	Larsen (WA)	Schneider
Cooper	Larson (CT)	Scott (VA)
Courtney	Lawrence	Scott, David
Crist	Lawson (FL)	Serrano
Crowley	Lee	Shea-Porter
Cummings	Levin	Sherman
Curbelo (FL)	Lewis (GA)	Sinema
Davis (CA)	Lieu, Ted	Smith (NJ)
Davis, Danny	Lipinski	Smith (WA)
DeFazio	LoBiondo	Soto
Delaney	Loebsack	Speier
DeLauro	Lofgren	Suozzi
DelBene	Lowenthal	Swalwell (CA)
Demings	Lowey	Takano
DeSaulnier	Lujan Grisham, M.	Thompson (CA)
Deutch	Luján, Ben Ray	Thompson (MS)
Dingell	Lynch	Titus
Doggett	Maloney, Carolyn B.	Tonko
Doyle, Michael F.	Maloney, Sean	Torres
Ellison	Matsui	Tsongas
Engel	McCollum	Vargas
Eshoo	McEachin	Veasey
Espaillat	McGovern	Vela
Esty (CT)	McNerney	Velázquez
Evans	Meeks	Visclosky
Fitzpatrick	Meng	Walz
Foster	Moore	Wasserman Schultz
Frankel (FL)	Moulton	Waters, Maxine
Fudge	Murphy (FL)	Watson Coleman
Gabbard	Nadler	Welch
Gallego	Napolitano	Wilson (FL)
Garamendi	Neal	Yarmuth

NOT VOTING—14

Black	Frelinghuysen	Grothman
Cárdenas	Gowdy	Issa
Jenkins (WV)	Loudermilk	Sewell (AL)
Kuster (NH)	Noem	Sires
Labrador	Renacci	

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1635

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. DEGETTE. Mr. Speaker, during rollcall vote No. 153 on H.R. 3144, I mistakenly recorded my vote as ''yea'' when I should have voted ''nay.''

MUSIC MODERNIZATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5447) to modernize copyright law, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 13, as follows:

[Roll No. 154]

YEAS—415

Abraham	Butterfield	Davis, Danny
Adams	Byrne	Davis, Rodney
Aderholt	Calvert	DeFazio
Aguilar	Capuano	DeGette
Allen	Carbajal	Delaney
Amash	Carson (IN)	DeLauro
Amodei	Carter (GA)	DelBene
Arrington	Carter (TX)	Demings
Babin	Cartwright	Denham
Bacon	Castor (FL)	Dent
Banks (IN)	Castro (TX)	DeSantis
Barletta	Chabot	DeSaulnier
Barr	Cheney	DesJarlais
Barragán	Chu, Judy	Deutch
Barton	Cicilline	Diaz-Balart
Bass	Clark (MA)	Dingell
Beatty	Clarke (NY)	Doggett
Bera	Clay	Donovan
Bergman	Cleaver	Doyle, Michael F.
Beyer	Clyburn	Duffy
Biggs	Coffman	Duncan (SC)
Bilirakis	Cohen	Duncan (TN)
Bishop (GA)	Cole	Dunn
Bishop (MI)	Collins (GA)	Ellison
Bishop (UT)	Collins (NY)	Emmer
Blackburn	Comer	Engel
Blum	Comstock	Eshoo
Blumenauer	Conaway	Espaillat
Blunt Rochester	Connolly	Esty (CT)
Bonamici	Cook	Evans
Bost	Cooper	Faso
Boyle, Brendan F.	Correa	Ferguson
Brady (PA)	Costa	Fitzpatrick
Brady (TX)	Costello (PA)	Fleischmann
Brat	Courtney	Flores
Brooks (AL)	Cramer	Fortenberry
Brooks (IN)	Crawford	Foster
Brown (MD)	Crist	Foxx
Brownley (CA)	Crowley	Frankel (FL)
Buchanan	Cuellar	Frelinghuysen
Buck	Culberson	Fudge
Bucshon	Cummings	Gabbard
Budd	Curbelo (FL)	Gaetz
Burgess	Curtis	Gallagher
Bustos	Davidson	Gallego
	Davis (CA)	

Garamendi
Garrett
Gianforte
Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kustoff (TN)
LaHood
LaMalfa
Lamb
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham, M.
Luján, Ben Ray
Lynch
MacArthur
Maloney, Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Massie
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Nolan
Norcross
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pocan
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Stivers
Suozzi
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—13

Black
Cárdenas
Estes (KS)
Gowdy
Grothman
Gutiérrez
Jenkins (WV)
Kuster (NH)
Labrador
Noem
Renacci
Sewell (AL)
Sires

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1642

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ESTES of Kansas. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 154.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Lasky, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2061. An act to reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 256

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 256, a bill originally introduced by Representative Farenthold of Texas, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

MOMENT OF SILENCE FOR FALLEN GILCHRIST LAW ENFORCEMENT OFFICERS

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

Mr. DUNN. Mr. Speaker, I rise today to honor the memory of two fallen heroes back home in Florida: Gilchrist County Sergeant Noel Ramirez and Deputy Taylor Lindsey. These two officers were tragically murdered in the line of duty during an ambush shooting on April 19.

Mr. Speaker, these two young men were selfless heroes, patriots, and everything we aspire to be as people, as a Nation, and as Americans.

Sergeant Ramirez had been in law enforcement for 7 years and leaves behind two young children and a wife. He had, as Sheriff Bobby Schultz described it, an infectious smile. Deputy Lindsey joined the Gilchrist County Sheriff's Office in 2013, and dedicated his time and efforts towards getting illegal drugs off our streets.

Please join me and the Florida delegation in honoring Gilchrist County Sergeant Noel Ramirez and Deputy Taylor Lindsey and all of our fallen heroes who have made the ultimate sacrifice to ensure our safety.

At this time, Mr. Speaker, I ask that the House hold a moment of silence.

□ 1645

AUTISM AWARENESS MONTH

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

Mr. LANGEVIN. Mr. Speaker, I rise today in recognition of Autism Awareness Month.

Right now, the CDC estimates that 1 in 68 children has been identified with autism spectrum disorder, but a recent parent survey indicated that as many as 1 in 45 children may be affected.

As a proud uncle of a young man with autism, I understand the challenges that families across the country are facing and the need for more resources to support this in this area. But I am also aware of the positive opportunities that we can create by working together to build a better future for our loved ones with autism and the families that care for them.

Mr. Speaker, I have been a proud participant in the Rhode Island Autism Project's annual Imagine Walk, which highlights the importance of research, screening, interventions, and education for the entire Ocean State community and also helps to raise resources.

I look forward to continuing my work in Congress to support the Autism Project and other great organizations that help foster a more tolerant, inclusive society.

OFFSHORE DRILLING

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

Mr. FRANCIS ROONEY of Florida. Mr. Speaker, I rise today to continue to talk about how dangerous the offshore drilling business is for the eastern gulf and our environment in Florida.

Blowouts reached an all-time high offshore in 2016. For every 1,000 new wells offshore, 20 blowouts occur.

For 14 years, Taylor Energy has had a well off of south Louisiana that has leaked. It has leaked hundreds of thousands of gallons of oil every year.

Leaks from LL&G's pipeline leaked 392,700 barrels of oil in 2017, and in 2016 Shell Oil had a similar leak in one of their pipelines. That is really bad because Shell Oil is one of the best companies in the industry. It shows you that human error cannot be eliminated from offshore drilling, and we should ban it in the eastern Gulf of Mexico.

FREE THE PANCHEN LAMA OF TIBET

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

Mr. MCGOVERN. Mr. Speaker, today, we celebrate the 29th birthday of Gedhun Choekyi Nyima, the 11th Panchen Lama of Tibetan Buddhism.

He was chosen for his position on May 15, 1995, by His Holiness the Dalai Lama. Two days later, when he was only 6 years old, the Chinese Government detained him and his family. The Panchen Lama has not been heard from since. Twenty-three years later, he is one of the world's longest held prisoners of conscience.

People from all over the world—representatives of governments, the United Nations, and civil society organizations—have repeatedly asked to see him, without success.

What kind of government steals away a child?

The Panchen Lama's disappearance symbolizes the violations of religious freedom that take place in Tibetan areas of China on a daily basis.

Mr. Speaker, in honor of his birthday, please join me in calling on the Chinese Government to free the true Panchen Lama.

DEFERMENT FOR ACTIVE CANCER TREATMENT

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to speak on the Deferment for Active Cancer Treatment Act. I introduced this bill with my friend, Congressman ED PERLMUTTER, with the support of Critical Mass: The Young Adult Cancer Alliance.

This commonsense and bipartisan measure will enable cancer patients to defer payments on public student loans while actively receiving treatment, without interest accruing during the deferment period.

Sadly, in 2018 alone, Mr. Speaker, more than 1.7 million Americans will be newly diagnosed with cancer. Beyond the terrible news of this cancer diagnosis, these individuals have to endure exhaustive treatment and staggering medical expenses, often leading to under- or unemployment. This reality makes it incredibly difficult for many cancer patients to make payments on their student loans on time.

By passing the Deferment for Active Cancer Treatment Act, we will help so many cancer patients and stimulate the economy. These patients will be prevented from defaulting on their student loans, which they so desperately need.

Mr. Speaker, Ed and I encourage our colleagues to stand with cancer patients across our Nation and support and cosponsor the Deferment for Active Cancer Treatment Act.

VALERIY ''LARRY'' SAVINKIN STREET CO-NAMING CEREMONY IN BROOKLYN, NEW YORK

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

Mr. JEFFRIES. Mr. Speaker, it is my honor that, on Tuesday, May 1, the communities of south Brooklyn, on the corner of Brighton Beach and Coney Island Avenues, will be co-named for Valeriy ''Larry'' Savinkin, a dedicated and well-respected community leader, who passed away last year.

Larry was my congressional field representative who served the residents of the Eighth Congressional District with great distinction.

His success and impact on the neighborhoods of southern Brooklyn and Queens were not limited to his work in the Eighth Congressional District office. For over 20 years, he was involved in several prominent organizations, including the September 11 Family Group, the Holocaust Memorial Committee, and the Odessa Community of New York.

Larry had a magnetic personality and cared about his community immensely.

I had the privilege of knowing and working with him for several years. I look forward to standing on Valeriy ''Larry'' Savinkin Street with New York City Council Members Mark Treyger and Chaim Deutsch next Tuesday to commemorate and acknowledge this outstanding individual.

RECOGNIZING 125TH ANNIVERSARY OF MASONIC CARE COMMUNITY OF NEW YORK

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

Ms. TENNEY. Mr. Speaker, I rise today to recognize the 125th anniversary of the incredible Masonic Care Community of New York, located in the city of Utica.

The Masonic Care Community of New York opened its doors on May 1, 1893, as the Masonic Home, started by the Free and Accepted Masons of the State of New York. Their goal was to provide high-quality care to elderly masons and families living in the Mohawk Valley region.

Within 30 years, the location expanded to include a building for 360 adults, a hospital, several dormitories for children, and a 200-acre working farm that supplied food for those living on the campus.

Today, the Masonic Care Community of New York offers top-of-the-line healthcare options to all. It also offers high-quality senior care, rehabilitation services, and child care, while also making house calls for those patients who are unable to leave their home.

Masonic Care Community of New York has supported, nurtured, and educated the community by providing exceptional care and services with compassion and pride guided by the Masonic principles of brotherly love, relief, truth, and integrity. Currently, more than 500 seniors call the Masonic Care Community of New York and their independent living center home.

I want to extend my congratulations to the staff at the Masonic Care Community of New York for their hard work in continuing to make the Masonic Care Community of New York a first-class facility. I wish them 125 more years of exceptional service.

REMEMBERING THE LIFE OF AUSTIN MEYER

(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 Austin Meyer.

Austin moved to Reno, Nevada, to study transportation technology at Truckee Meadows Community College. He had a passion for cars and sports. He loved to watch basketball, especially the Boston Celtics.

Austin was excited to watch his favorite band perform at the Route 91 festival on October 1 in Las Vegas. Austin went to the festival with his fiancee, Dana Getreu, to celebrate his birthday and their anniversary.

Austin dreamed of opening up his own auto repair shop after graduation and was excited to get married to Dana and start a family. He always had a smile on his face and made people laugh.

Austin's friends and family remember him for being ambitious, smart, and hardworking.

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

CELEBRATING 100TH BIRTHDAY OF DORA DUNCAN GILLENWATER BARTLEY

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

Mr. COMER. Mr. Speaker, I rise in celebration of a lifelong friend and neighbor, Mrs. Dora Duncan Gillenwater Bartley of my hometown of Tompkinsville, in the First District of Kentucky, who is celebrating her 100th birthday today.

Dora Bartley's dedication to serving others rivals only her love for her husband, James Dale Bartley, and their seven children.

Known throughout Monroe County for her abundant compassion and unwavering work ethic, she has not only cared for her family, but also welcomed abused and orphaned women and children into her home and treated them as her own.

Throughout her life, she has been guided by her steadfast commitment to her faith and has worked tirelessly for the benefit of others, not only during her service as deputy jailer, but even after her retirement through her involvement in distributing commodities and serving her fellow senior citizens.

I am deeply thankful for her friendship and guidance throughout my life, and I am honored to join with her friends and family, as well as all who have benefited from her generous spirit, in celebrating this milestone achievement. I wish Dora Bartley a happy 100th birthday and many more joyful years filled with blessings.

□ 1700

CELEBRATING THE LIFE OF PETER G. PETERSON

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

Ms. PELOSI. Mr. Speaker, I rise today to remember a great American patriot, Pete Peterson, who passed away at the age of 91 last month.

Born to Greek immigrant parents in America's heartland of Nebraska, Pete rose from humble beginnings to contribute to our Nation as a public servant, statesman, business leader, and especially through his philanthropic and policy work.

Pete was a clarion voice for fiscal responsibility and a strong moral conscience in Washington, working tirelessly and always reaching across party lines.

For Pete, building a bright economic future for the next generation was his patriotic duty. He understood that he was so fortunate to have lived the American Dream, and he wanted that same opportunity available for every man, woman, and child in our Nation.

Economic policy leadership was a defining thread running through his life, including in his roles as Secretary of Commerce, the head of major American corporations, and the founder of respected policy organizations, including the Peterson Institute for International Economics and the Peterson Foundation.

Pete's prophetic voice on the importance of fiscal sustainability brought together generations of policymakers, no matter their political background, to find common ground and effective solutions. His strong moral leadership to ensure our children and our grandchildren inherit a healthy fiscal future leaves a remarkable legacy.

Mr. Speaker, anyone who knew Pete will attest to his wit, generous spirit, and personal warmth that made him a pleasure to be around.

Pete signed The Giving Pledge and committed the bulk of his personal fortune to philanthropic causes. His legacy will endure in many ways, but especially through the work of the Peterson Foundation, which continues to focus on solutions to America's fiscal and economic challenges, now under the leadership of his son Michael.

The loss of Pete will be deeply felt in Washington, in the Nation, and around the world. May it bring some measure of comfort to his wife, Joan Ganz Cooney; his children, John, Jim, David, Holly, and Michael; and all his loved ones that so many grieve with them during this difficult time.

I knew and loved Pete Peterson, and I know he loved his family above all. He was a great American, who loved our country as well.

THE REPUBLIC OF TEXAS—THE REPUBLIC OF FRANCE

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

Mr. POE of Texas. Mr. Speaker, just a stone's throw away from the Champs-Elysees and the Louvre in Paris stands the Hotel de Vendome, the former home of the official embassy of the Republic of Texas.

In fact, France was the first nation to recognize Texas as an independent nation in 1836, when a treaty was signed between the two countries. Today, a marker denotes the building where the Texas embassy was in France.

In turn, France had an embassy in Austin, Texas, not far from our current Texas Capitol Building.

Notably, Texas also once belonged to France before Spain reclaimed Texas.

Explorer La Salle planted the French flag in Texas in 1685 and established a settlement in Matagorda.

Texas later became a sovereign republic and 9 years later joined the United States.

So on this day when French President Macron addressed Congress, Texas remembers and appreciates that Texas was not only an independent country France first recognized, but was once a part of France.

And that is just the way it is.

BRINGING FUTURE FARMERS OF AMERICA INTO THE 21ST CENTURY

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, yesterday I introduced a bill with my colleagues, Congressman JIM LANGEVIN and Congressman DAVID YOUNG of Iowa, to modernize the charter of the National FFA Organization.

FFA, formerly called the Future Farmers of America, was founded in 1928.

Congress recognized the importance of FFA as an integral part of agriculture and, in 1950, granted it a Federal charter.

The charter provides Federal authority to create an interagency working agreement that is focused on strengthening FFA and school-based agriculture education.

It is important to note that only about 100 organizations have charters with Federal agencies, only six organizations require the respective government agency to select one member for the board of directors, and FFA is the only organization that requires a majority of its board of directors be chosen by its partner government agency.

Mr. Speaker, H.R. 5595, the National FFA Organization's Charter Amendments Act, makes updates to allow the National FFA to be a self-governing organization while maintaining its long-held relationship with the U.S. Department of Education.

This amendment brings FFA, a great cornerstone of rural America, into the 21st century, and I encourage my colleagues to cosponsor this legislation.

NATIONAL SCIENCE BOWL

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

Mr. FLEISCHMANN. Mr. Speaker, I rise this evening on behalf of some of my greatest constituents, Oak Ridge High School, in the Third District of Tennessee.

The Department of Energy created the National Science Bowl in 1991. This is one of the most prestigious competitions in math and science for our high school and middle school students.

Oak Ridge High School is the only high school in the great State of Tennessee to participate in the finals this year that will take place this weekend.

I would like to announce that Joseph Andress, Henry Shen, Steven Qu, Melody Guo, and Batu Odbadrakh are our outstanding students for Oak Ridge High School.

Go Oak Ridge. Go National Science Bowl. Go America.

RECOGNITION OF BARBARA JOHNS DAY

The SPEAKER pro tempore (Mr. FITZPATRICK). Under the Speaker's announced policy of January 3, 2017, the gentleman from Virginia (Mr. GARRETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARRETT. Mr. Speaker, it is an honor, the likes of which I can't think of a comparison, to stand here, in this week of April 2018, and commemorate a battle undertaken by a student that I would argue was a continuation of the American Revolution.

The American Revolution began when a group of White male landowners cast off the tyrannical throne which lorded over them from across an ocean, but it moved forward 80 years later when a million Americans, through disease and starvation and battlefield death, gave their lives to rid this Nation of the horrific institution of slavery. Then 55 years later, I would argue that it continued when the franchise was extended through women's suffrage to women.

Then 30-plus years after that, by a 16-year-old high school student at the R.R. Moton High School in Farmville, Virginia, who had heard about the foundational ideas espoused by a slave owner named Jefferson who wrote that all people are created equal, but couldn't reconcile that with her life experience, because in the county where she lived, a brand-new high school had been built, but only some kids could attend it.

So in extending this American Revolution that continues to this day, this 16-year-old young woman, Barbara Rose Johns, led a school walkout that was the only student-initiated case amalgamated into the decision in Brown v. Board of Education, which rid America of the ridiculous lie that was ''separate but equal.''

So her walkout was not to take rights from others, but to extend rights to all, and the idea of an American Nation founded on the idea that all people had fundamental rights, and that it was the role of government to protect those.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT), my colleague.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to join my colleague from Virginia, Congressman GARRETT. I want to thank him for organizing this evening's Special Order, but first I want to commend him for his work as a Virginia State senator for making April 23 Barbara Johns Day in the Commonwealth of Virginia.

This April 23, Monday, marked the first official recognition of this important day in the Commonwealth.

Almost 64 years ago, the Supreme Court struck down lawful school segregation in the case of Brown v. Board of Education. What few people know is that Virginia was one of the four cases decided that day. There were three other States, and Washington, D.C., had another case that was decided the same day.

Virginia's involvement in Brown v. Board of Education stood out because that effort was led by a student, namely Barbara Johns. She was only 16 years of age. This stalwart figure in the struggle for equal education stood up to challenge the notion that African Americans should receive separate and unequal education under the law.

Barbara Johns grew up in Farmville, Virginia, and attended Robert Russa Moton High School, an all-Black school serving more than 450 students despite the fact that the facility was designed for only 180.

She described the inadequacies of the school as having shabby equipment, no science laboratories, no separate gymnasium. Conditions were so bad at the high school that, in 1947, even in Jim Crow Virginia, the State offered money to improve the school, yet the all-White Prince Edward County School Board refused to accept the State's funding.

Barbara took her concerns about the school to a teacher, who responded by asking her to do something about it.

After months of contemplation and imagination, she began to formulate a plan. Seizing on the moment, on April 23, 1951, Barbara Johns, a 16-year-old high school student, led her classmates on a strike to protest the substandard conditions at Robert Russa Moton High School.

Her leadership and advocacy ultimately garnered the support of NAACP lawyers Spottswood Robinson and Oliver Hill to take up her cause and the cause of more equitable conditions at Moton High School.

After meeting with the students and the community, they filed suit in Federal court in Richmond, Virginia.

The Virginia case was called Davis v. County School Board of Prince Edward County, and, in 1954, Davis became one of the four cases decided in the Supreme Court in Brown v. Board of Education.

There is a saying that ''courage is not the absence of fear, but the assessment that something else is more important.'' Her courage led to the powerful language in the Brown decision that still rings true today.

In the case, the Court said:

''Today, education is perhaps the most important function of State and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the Armed Forces. It is the very foundation of good citizenship. Today, it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms.

''We come, then, to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.''

And the Court concluded: ''We conclude that, in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal.''

Those powerful words were provoked by the courage of Barbara Johns and others like her who led the charge to bring the cases to the Supreme Court.

The example of Barbara Johns should serve as an example for all of us. She did not sit on the sidelines, and neither should we.

We should speak out when we see injustice, we should act when we see inequity. The best way to honor her legacy is to act in the same spirit that she did.

Mr. Speaker, I thank my colleague from Virginia (Mr. GARRETT), for providing an opportunity to remind us of our obligation to do the right thing.

Mr. GARRETT. Mr. Speaker, I thank Congressman SCOTT for his comments.

I refer to myself as a nerd—which is okay, because the nerds usually win in the end—who loves history. My acquaintance with the story of Barbara Johns did not begin as a school student taking Virginia history in Virginia, it did not begin as a student at a top tier university studying history.

It began when I became a candidate for the State Senate of Virginia. The district that I wished to represent and had the honor of representing included Farmville. So when I went to Farmville, I had the opportunity to attend a function at the Moton Museum, which stands where R.R. Moton High School stood and, in fact, encompasses the bulk of that facility.

I heard about Barbara Johns, and I thought: Who is Barbara Johns? And the more I learned about Barbara Johns, the more I was amazed that I didn't know the answer to that question.

When we put in a bill to commemorate April 23, the day that this courageous, and I would stress without ceasing, 16-year-old student—when I was 16 years old, I think I was more concerned with the zit on my nose and whether I could get a homecoming date than whether I was going to change the world.

But when I learned more about her and we put in a bill to commemorate April 23 as a holiday in the Commonwealth of Virginia, it was my hope that one day someone would look at a calendar and see Barbara Johns Day and say: Who was Barbara Johns?

Someone had the temerity to say to me: Well, Tom, this is Black history.

I reject that on its face. This is not Black history or Brown history or White history. It is American history, and it is red, white, and blue.

□ 1715

That this country is the worst nation in the world, except for all the others, to paraphrase Winston Churchill, is something that I am proud of.

That we were founded by geniuses like Jefferson, who was a flawed and fallen man by virtue of his participation in an evil, evil enterprise that was the slave trade, does not diminish the brilliance of the idea expanded upon by Locke and Rousseau and Hume, of natural law that all people have certain fundamental rights. That is who we are as a country.

The reason I postulated earlier that the American Revolution should never end is because in the preamble to the Constitution, our Founders gave us not a perfect union, but sought to establish

a more perfect union. And the word more's inclusion is important because it implies the perpetual need to act because, in any institution governed by flawed and fallen human beings, there will always inherently be imperfection, but that does not absolve us of our duty to do the best we can.

You can judge a nation and its character by the people whose virtues it extols. And to suggest that Barbara Johns is an American hero is to understate it.

Again, a revolution to cast off a tyrannical crown, followed decades and decades later by a civil war to abolish a horrific, horrific activity, followed by a fight for generations to ensure suffrage to an entire sex, followed 30-some years later by a young girl with the courage to stand up and assert that justice should be equal for all, and that transcends even educational opportunity, inarguably.

So I hold in high regard foundational heroes like Patrick Henry, and I have spoken from this spot on this floor before and talked about his speech: ''I know not what course others may take, but as for me, give me liberty or give me death.''

But my favorite ''Patrick Henryism'' was when, on speaking on separating from the crown, someone from the back of the room shouted ''Treason,'' and Henry said: ''If this be treason, make the most of it,'' a willingness to stand and fight and die because something was the right thing to do.

Now, let's skip forward to a 16-year-old girl in the segregated South. She undoubtedly had the fortune of a strong family. I have had the honor of speaking on multiple occasions with her sister and an amazing uncle in Vernon Johns, a pastor first educated at Virginia Theological Seminary and then at Oberlin and, I believe, at the University of Chicago.

But Vernon Johns studied what? The classics and natural law, the Jeffersonian ideas that liberty was inherently a gift to humans, not from a government, but to be protected thereby. And so I like to imagine, and presume it is true because I asked Joan Johns, with whom I spoke last, if they ever discussed these sorts of things with their Uncle Vernon, and she said, of course; that someone had to stand up and assert these God-given rights in a land where they weren't protected by the government in accordance to its responsibility.

Who did that? A 16-year-old young woman.

Okay. What was the cost? Well, no different than Patrick Henry, who said: ''If this be treason, then make the most of it,'' quite literally, Barbara Johns had to move away for fear for her life.

People think about the civil rights movement as many things. Many don't realize that well over 1,000 people died, a lot in civil unrest, but also in things like horrific bombings of churches based on the color of the skin of the people who attended them.

So the threat to Barbara Johns was existential and real but, in the face of that threat, she stood, and she led. And it wasn't about self-aggrandizement. There was no future political career. Barbara John's aspiration in life was to be a librarian. She became one.

But when her moment came, she led. And she led, not to take from anyone, but to give to everyone what is inherently their right and should be cherished and protected by government.

And so we have, with incredible humility, had the opportunity to serve in this hallowed institution, and this week, have filed for Barbara Johns to receive the Congressional Gold Medal. It is the highest award that can be bestowed by this Chamber.

Tragically, Ms. Johns passed from this life in 1991, but I would submit that she is well-worthy of this honor. And then if bestowing this honor upon her posthumously will lead more American young people to read and learn about the leadership and courage demonstrated by this school student from Prince Edward County, Virginia, then it is well worth doing.

I in no way, shape, or form mean to make light, but if Bob Hope and Roberto Clemente and John Wayne and Arnold Palmer and Dr. Muhammad Yunus and Louis L'Amour can receive the Congressional Gold Medal, then, by gosh, Barbara Rose Johns Powell deserves it.

This is a story that should be told. And it is not a political story, it is an American story. It is not a black or white story, it is an American story. It is not a story about a powerful woman, it is a story about a powerful human being.

We, collectively, are great because individuals have been allowed and encouraged and supported and uplifted and extolled for doing great things. And it is ridiculous that I should have studied Virginia history, American history, and then majored in history in college, grown up less than 100 miles away from where this young woman did this amazing thing, and have never heard her name.

So today, I genuinely and sincerely thank my colleague, and I hope that somebody at home somewhere is Google searching Barbara Rose Johns, because hers is an amazing story, and we stand on the shoulder of such giants. It is overdue that she be recognized for her contribution to our American family.

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

OPIOID ABUSE ACROSS THE NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentlewoman from North Carolina (Ms. FOXX) is recognized for the remainder of the hour as the designee of the majority leader.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the topic of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I thank the gentlewoman and my chairman from the House Education and the Workforce Committee for hosting this Special Order tonight on an issue that is impacting every ZIP Code in America.

The gentlewoman's poster says it all. This is close to home: Life beyond opioids, and stability, health, and healing.

The opioid epidemic is considered by many to be the worst public health crisis of our generation and, according to the National Institutes of Health, more than 115 people in the United States die every day from an opioid overdose.

This epidemic is not an urban problem and it is not a rural problem. It is a national problem. No ZIP Code, as I said, in the country is immune from this crisis. This is an epidemic that transcends all socioeconomic classes, and all of America's people, all of America's diversity of families is at risk.

Heroin and pain pill addiction doesn't discriminate on age, race, gender, or socioeconomic status. Your neighbor could be using heroin and so could their high honors high school student.

Unfortunately, the people of Pennsylvania have seen some of the worst. Last year, the crisis surged when Pennsylvania experienced a 44 percent increase in opioid overdoses. It is just tragic what this does to families and how it steals lives and futures.

Addressing this unprecedented rate of opioid-related death means that we must focus on nearly 2.2 million Americans who currently struggle with opioid addiction. No one person can beat addiction alone, and overcoming this epidemic will not only take a communitywide effort, but a nationwide effort.

The breadth of this epidemic requires us to respond with a multifaceted approach. Congress has engaged many agencies, including the Department of Justice, the Drug Enforcement Administration, National Institutes of Health, the Centers for Disease Control, and Customs and Border Protection, just to name a few, to help combat opioid abuse.

This crisis has torn apart families. It has weakened our workforce and overextended our healthcare system. As a nation, we must act with a unified urgency to help those who have fallen victim to addiction in every corner of the country, and we must not forget their families who have seen firsthand the crippling effects of this disease day

in and day out. I know we are not only prepared to do so, but we are prepared to win this fight.

I have had the opportunity to convene opioid crisis community roundtables throughout my congressional districts to hear firsthand from families, from healthcare providers, from law enforcement, from emergency medical services, from those who are involved in the treatment community, and the impact is just so significant.

After coming away from these, I have also come to the conclusion, what is important to focus on really is the substance abuse behaviors. In one community in Clarion County, the issue at one time was opioids, and then it went to heroin. But when the heroin started to be mixed with other really deadly drugs and components, and so many people died within the user community, they moved on to the new—they went actually back to—they want to Suboxone, which is what we use to treat opioid and heroin abuse. And when the Suboxone—those who were dispensing that as treatment tightened that, the community found that they now had a crisis, they went to meth.

So it is so important, as we work on this, we keep a broader perspective of dealing with the substance abuse behaviors, because the drug of choice will change, based on economics, based on availability; but this, our goal should be to increase awareness. Our goal should be, acknowledge there is a problem, and I think we have done that.

In my work in healthcare and, specifically, I worked in acute psychiatric services for a period of time, I know that until you acknowledge you have a problem, you can't really deal with it. I think, across the board, in your communities, our States, at a local, a State, and national level, we acknowledge we have a problem, and that is an important first step.

I am proud of what we have done here in Washington, legislatively and providing funding, but this is an all-hands-on-deck problem. It requires prevention. That is where education is so important. Prevention, education, treatment.

We have to equip our youngest generation with decisionmaking skills, with discernment, so they have the filters to make better decisions when they are exposed to access, when they are approached by others, when they are preyed upon in terms of those who push drugs.

We certainly need to equip our medical professionals to improve how they prescribe, how they dispense medications, and increase their utilization of alternative pain management.

As a former rehabilitation professional, there are some great tools out there to help deal with managing pain. One of the things that, culturally, we have come to the point where we try to eliminate pain, and I think that is what has pushed us with the opioids into the situation that we are in today.

And we need to equip our communities with evidence-based treatment, something closer to home. And so I do very, very much appreciate Chairwoman FOXX's leadership on education and workforce issues, and really appreciate her putting this Special Order together this evening and leading us as we address what truly is the public health crisis of our generation.

Ms. FOXX. Mr. Speaker, I thank the gentleman from Pennsylvania. We all know and appreciate his background and his experience in healthcare and the wonderful wisdom that he brings to us on the Education and the Workforce Committee, not only on this issue, but on so many issues facing Americans today.

As the gentleman pointed out, the health and stability of our communities are in serious trouble because of opioid abuse across the Nation.

Since 1999, the opioid death toll has quadrupled. There are many estimates of how many Americans die in a single day because of opioids, and we are so sorry to hear of any deaths from opioids.

□ 1730

It is heartbreaking that all of those estimates are in the hundreds. These people were fathers and sons, mothers and daughters, neighbors, coworkers, and friends. They were real people in our communities.

I have had families from the Fifth District come to see me to share their heartbreaking stories of family members, often adult children, who have died from opioids. My own heart breaks for them and the pain they are feeling for their tragic loss.

There are newspaper stories and obituaries in newspapers reporting on opioid abuse and deaths and its devastating impact every day.

As opioids continue to claim the lives of Americans in cities and towns across the Nation, it is our responsibility to work together to find solutions that will bring relief to American communities.

The Committee on Education and the Workforce has recently held two hearings on opioids, and we have learned from employers, educators, local leaders, and addiction experts about how chronic and rising rates of opioid misuse and abuse are impacting families, schools, workplaces, and communities as a whole. We have heard about how the epidemic's societal burden on households and the private sector exceeded $46 billion in 2016.

In schools, many principals attribute a recent decline in attendance to parents not getting up and having their students attend school because the parents are using drugs and they are not able to either take the children to school or have them ready to ride a bus.

I am pleased to share the floor tonight with my colleagues from the Education and the Workforce Committee, who have not only had hard conversations with their constituents about the toll opioid abuse has taken on their communities, but they have been having productive and helpful conversations with each other about possible solutions.

There is no single answer to solving the opioid problem, but if we are to bring this deadly chapter to an early close, we will need collaboration across the aisle, ingenuity, and a uniting commitment to bringing peace and healing to our communities.

I will once again yield to my colleague Mr. THOMPSON for any closing comments he would like to make.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I appreciate the gentlewoman's leadership on this.

The fact that we had two great hearings, which were on top of a lot of the work that we have been doing as a Congress, this really is an all-hands-on-deck public health crisis, and we know that because of the work that we are doing in Education and the Workforce.

This transcends education. It impacts the workforce in a significant way at a time when we have an estimated somewhere between 5 and 6 million jobs available in this country; and we have increasing job growth, and we have an aging workforce which is retiring, a significant number each and every year.

This is an issue that impacts our national security because it takes individuals out of the workforce not able to pass that drug test, not able to be able to qualify.

This is obviously an all-hands-on-deck because we see so many different committees and their members across both sides of the aisle who have been working on this, the amount of legislation going back.

One of the more memorable ones is the CARA Act, the Comprehensive Addiction and Recovery Act, that was like 16 individual bills—16 or 18, I don't remember exactly how many—that we debated on this floor and we passed on this floor. We rolled it into one package, and it was actually passed by the Senate, and the President signed it.

It dealt with things from little unborn babies who were born addicted, a terrible situation with the suffering of those new babies because they were born to moms who were active addicts, to veterans that VA physicians—and there are some really great VA physicians. I don't want to paint them with a broad brush. But there were some that were referred to as the candy man because they dispensed the pills like Skittles is what it looked like, and their solution to everything was to medicate, and everything in between.

Also, providing resources to our local communities so our local communities could engage in this, great programs that have been around for very long time like the Drug-Free Communities moneys that are used by parents and kids and teachers and community leaders who come together to deal with and confront this epidemic in their communities.

I have a community up in Erie County, Iroquois School District, and it is a

school district that has been devastated with overdoses. Most of the children in that school, a middle school—and it was heartbreaking—either had a family member or knew someone who had died of an overdose.

Some of the stories you hear, and one that really stands out with me because I have talked with this mom who was in my congressional district, her son, unfortunately, had a disease, Crohn's disease, and had to go through some surgery as a small child and endured that rather well. It worked out well. But when this young man turned about 16, 17, 18 years old, he had to go back and do surgery as a result, and this time, the painkillers they gave him he used basically one time and his life spiraled out of control.

This was an athlete. This was a kid who did so well in school, but his life just went into almost a death spiral, and he wound up being incarcerated—and all because he wasn't wired to be able to handle these painkillers.

That is a part of this battle. We need better science. We need better medicine so we can determine who can tolerate certain medications and who cannot, whose life would be transformed in such a negative way by using a painkiller one time. But that certainly is all a part of this battle.

Mr. Speaker, once again, I thank the gentlewoman for her leadership on this and thank her for hosting this Special Order tonight.

Ms. FOXX. Mr. Speaker, I thank Congressman THOMPSON, and I know the people of his district are well served by him. I thank him for his service on our committee, on the Agriculture Committee, and all that he does to help us write good legislation and pass good legislation.

As Congressman THOMPSON said, unfortunately, this problem with opioids affects people at all ages and in all walks of life, at every income level, every category of people—male, female, old, young—but we particularly grieve over the young people.

We have heard about babies becoming addicted because their mothers were addicted and of the work that is done to help those babies become free from opioid addiction.

We have heard about the veterans who become addicted because of the treatment that they have received. We know nobody is attempting to get anyone addicted to opioids or anything else, for that matter, but we realize that over the years, we have had stronger use of these drugs than we probably should have had used.

There are many ways to approach pain relief and pain management, and, unfortunately, in the past, too often it has been the path of least resistance.

We do hear over and over the stories about young people who suddenly get addicted because of surgery or an injury, and it happens sometimes very, very quickly.

As Representative THOMPSON has said, it has a huge impact on jobs. We have, right now, 6 million unfilled jobs in this country, and the reasons are very many; but some of the reason is because we have so many people addicted to opioids and other drugs, and they are simply unable to pass drug tests.

We hoped, by this graphic here, to illustrate that the problem with opioids is very close to all of us at home, very close to us; and what we are hoping for is to find ways at the Federal level to get beyond opioids, to help people who are addicted have some stability, regain their health, be healed of their addiction.

But this cannot all be done at the Federal level, and we know that. In fact, too many people look first to the Federal Government for an answer. The Federal Government usually is the worst place to come for an answer. It usually has to be done at the local level, then at the State level, and, last, the Federal level.

But I know, as Representative THOMPSON has pointed out, many Members—in fact, I believe all Members of Congress now—are concerned about this problem we are facing with opioids, and we will answer the call to do something. My only hope is that we put everything into perspective.

As we have learned from our hearings and talking to other people, much of this work needs to be done in the family to start with, in the medical communities, and once people become addicted, then in the local communities as people collaborate, work together to help people not become addicted to opioids, and once they do get off of the addiction, to get back to a normal life.

I know that all of us pray for those who are addicted and pray that they will find a suitable program to help them become free from opioid addiction, and for those who have never become addicted, to be in a great environment so they never seek out drugs as an answer, because they are not an answer.

Mr. Speaker, I thank my colleague for being here tonight, I thank the staff, and I yield back the balance of my time.

RUSSIAN INTERFERENCE INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Colorado (Mr. PERLMUTTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. PERLMUTTER. Mr. Speaker, I want to thank my friend Representative FOXX for bringing up a subject on opioids that is obviously plaguing so many places in America. It is a very topical and important discussion to have.

I want to change the subject, Mr. Speaker, and talk about a number of things that really concern me and many Americans across the country. That concern is:

Why has the President not released his tax returns?

Why is he so concerned about the Mueller investigation into the interference by the Russians in our elections? What is it that is being hidden? What are people afraid of? And why continue to threaten the FBI, threaten Mr. Mueller, threaten Mr. Rosenstein, threaten the Department of Justice, and, really, the police that are trying to get to the bottom of the interference by Russia in our elections.

□ 1745

And so I think we have got to take a look at exactly what has happened so far in that investigation. And that investigation with Special Counsel Mueller has resulted now in the guilty pleas of Michael Flynn, National Security Advisor; Rick Gates, former Trump campaign adviser; George Papadopoulos, former foreign affairs adviser to the Trump campaign; Richard Pinedo, a gentleman who committed identity fraud in the Russian probe; and an attorney named Alex van der Zwaan.

Currently under indictment are Paul Manafort, former Trump campaign chairman, 13 Russian nationals, and three Russian entities.

Now, why is this important? Congresswoman FOXX was talking about opioids. That clearly is important. Jobs and economic security of this Nation is something that I like to be talking about, or doing away with the opioid epidemic. But what is important about this comes down to the very pillars of America, the pillars of freedom, liberty, and independence.

Because if another nation is directing the outcomes of our election, those key pieces of who we are are threatened. We broke away from England to become a sovereign nation and not to be affected and ruled by some other country. So at the heart of this, it is about who we are as Americans, who we are as a country, to get to the bottom of Russian interference in our elections.

What they did was unprecedented and is something that is bigger than the election of 2016, maybe the election of 2018. It is about our ability to govern ourselves without interference of somebody else, some other nation.

In Congress, we passed an act that provided for additional sanctions against Russia because it is becoming more and more apparent of their interference with our elections. But the administration was reluctant to impose those sanctions. The question is, why?

The Ambassador to the U.N., Nikki Haley, just recently with respect to sanctions said: We are going to increase sanctions because Russia may have had some role in Syria with the different chemical weapons that were used.

And she went out so far as to say, we are going to impose some additional sanctions, but then had the rug pulled out from underneath her by the White House saying: Oh, wait a second. Even

though you are somebody I appointed and you are our U.N. Ambassador, we think you are way ahead of yourselves on the sanctions against Russia.

My question is: Why? What is it that is holding the White House back? I think it comes back to something I said at the very beginning, and something we asked for a year ago, which were the President's tax returns, which we have yet to see.

I mean, what is it that is in there that is so worrisome? Every other candidate for President, every other President turned over their tax returns. There is so much smoke here with these convictions, with these indictments, with what we know in terms of the interference in many States across the Nation, that we have got to get to the bottom of this.

The continued threats that have come from the White House to stall or limit the investigation, the ability of the law enforcement officers of this Nation, the FBI, for goodness' sake, to do their job, is something none of us could have ever expected.

And so even though most of us would much rather talk about jobs, we would rather talk about the environment. We would rather be dealing with subjects that affect day-to-day Americans, everyday Americans. The problem is the values of this Nation are under attack, the freedom, liberty, and independence that we enjoy that is so key to everything we believe in that we are not going to let this go. We are going to stand up for the rule of law and for honesty, and for allowing law enforcement to finish its job without being constantly threatened.

Mr. Speaker, I am joined by a number of my friends who also have similar concerns to the ones I have raised. I would like to yield to my friend Mr. BOYLE from Philadelphia, Pennsylvania, the Congressman for that city, and allow him some time to bring us his thoughts and raise his concerns.

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, I want to thank my colleague from Colorado who has done such a wonderful job of organizing us, month in and month out, to stand here on the House floor, really, more than anything, in a sincere and genuine effort to attempt to prevent a constitutional crisis from happening.

It is vital—not as Democrats or as Republicans, but as Americans—it is vital that we allow this special counsel investigation to continue and to reach its natural conclusions, whatever the facts may show.

I certainly hope, and I believe, that all of us should hope that it won't show collusion; that it won't show anything more than what has been reported about interference in our 2016 elections. But it is vital to the integrity of our democracy and our national security that we know that for sure.

Now, one would think—given the record interference, really attack, from the Russian Federation upon the United States during the 2016 election, just as they have in other country's elections, such as Germany, France, and of course repeatedly on the Ukraine—one would think that the President of the United States would say, yes, we must get to the bottom of this.

Instead, this President has not once asked his staff—as far as we know, and as has been verified by folks like the Director of the DNI and the Director of the CIA—has not once made it the mission of the U.S. to combat this interference. That is worrying.

We also know now that on two separate occasions, the President has seriously considered firing the special counsel. That is exactly what President Nixon did in October of 1973, what has been called the Saturday Night Massacre, that prompted a constitutional crisis then. It would prompt a constitutional crisis today.

Now, the President keeps calling the Mueller investigation a witch hunt, which is interesting because that is the exact term that President Nixon used. And if you look at headlines from that day, it was exactly the same term Nixon used. But the President calls it a witch hunt and says it hasn't produced anything.

So far, the investigation of the special counsel has produced 17 indictments, including 5 guilty pleas—some witch hunt. I don't think those 17 individuals under indictment consider that a witch hunt and, certainly, the 5 individuals who have already pled guilty, including one who worked in this White House.

So I will pause there, because I know there are a number of our colleagues who want to speak on this important issue. This is something that should unite us all. I am appreciative to those Republican colleagues, especially in the Senate, who have spoken out publicly and say that they support the Mueller investigation and support the independence and integrity of it, but it is time that we don't just say that we support it.

I do think it is time that we have legislation that protects it so that we can ensure that this investigation will reach its natural conclusion.

Mr. PERLMUTTER. Mr. Speaker, and I say to my friend from Pennsylvania—we were talking about the indictments and the guilty pleas—the last time we really had a special counsel appointed was in 2003, and it took 2 years for one indictment. We are a year into this investigation, and we have got 5 guilty pleas and 17 additional indictments. So we ought to be all taking real stock of what is actually happening here.

I now yield to my friend from Missouri, EMANUEL CLEAVER, one of my best buddies here in the House, former mayor of Kansas City, Missouri, for his thoughts on this subject.

Mr. CLEAVER. Mr. Speaker, I am thankful that we have this moment that we are using to make some expressions of concern, and I thank Mr. PERLMUTTER for organizing it.

Let me preface my comments, Mr. Speaker, by saying that when President Trump was elected, against the advice and concern of my family, my many campaign workers, and supporters, I attended the swearing in because I believed—and still believe and will always believe—that my responsibility as a Member of Congress was to be at the inauguration as a Member of Congress.

Then at the first joint session—not the State of the Union, but the joint session—many of my friends and family said: You know, do not go. The President is alien to our concept of decency and democracy. I came anyway. I sat not too far from where I am standing now.

I also then went to the State of the Union. Some of our colleagues chose not to come. When there were Articles of Impeachment placed on the table for a vote, I voted to table it against a person I have known in Congress longer than I have known anybody else because I know he is a decent and thoughtful person, Congressman AL GREEN. He had brought it to the floor. I voted to table it, along with just about every Republican and a sizeable number of Democrats, and the reason was, I believed that it was important for Mr. Mueller to complete his investigation.

I resent any discussion about trying to impeach the President. I am not in that group.

I must say, however, how troubled I am by many of the things that I have seen. And when I grew up down in Texas in the 1950s and 1960s, in elementary school at the Booker T. Washington Elementary School, we had these tests. Back then, there was a great threat from Russia. And economically, Wichita Falls, where I attended high school, was completely dependent on Sheppard Air Force Base for its survival.

My first job was at the SAC base, the Strategic Air Command. I cleaned up. I thought it was the biggest job any human being could get. I was 15 years old and, man, I was big time. I cleaned up the barracks for the SAC Command.

And then at school, we had to get under our desks for a drill for an attack from Russia. And we would hear the horn. All over town, schoolkids were getting under their desks. The truth is, we all would have been burned up. I am not sure that a wooden desk was going to protect us. But I was a kid and I didn't know any better, so all of us got under our desks.

But it allowed me to understand one thing, and I have never forgotten it: At that time, Russia, the Soviet Union, was not our friend. And over that period, a lot of things have changed. That has not changed.

And so let's fast forward to our last Presidential election. It is indisputable. Every single intelligence agency in the United States, as well as intelligence agencies with our allies in

Europe, say that the Russians interfered with our election—not attempted to do so, but interfered.

□ 1800

Did they change the outcome of the election?

There is no evidence to support that. However, there is plenty of evidence to support that Russia remains the enemy of the United States of America. I necessarily am going to become increasingly concerned when the President of the United States refuses to say even one bad thing about Vladimir Putin, who is—and I don't like to call people names—I don't call my colleagues bad names; that is not who I am—this man is a bully and a danger to the entire world.

The most troubling moments I have are when I hear people say, as I did on TV the other night, they were interviewing a woman and she said: ''I don't care anything about Russian meddling. All I want them to do is just let Mr. Trump have his agenda approved.'' And I am thinking: What is happening to this Republic?

I have five grandchildren, the youngest of which just turned three last month. My work in Congress, my ministry in the United Methodist Church for 37 years, my time on the city council, my time as mayor, all was dedicated to what I wanted for my grandchildren. I want them to enjoy the same kind of freedoms that we enjoyed.

Mr. Speaker, anybody who is watching this and who has even a semblance of objectivity would have to say something is dramatically wrong when the President will, by Twitter, attack anybody and everybody—horses, children, little animals—anybody he will criticize and call them names, except Vladimir Putin. Vladimir Putin is the only person he will not criticize. This man orchestrated an attempt to damage our democracy.

What Putin did—and it was brilliant—I have to say he is a devilish man, but he created a beautiful way of doing it. He knew the weaknesses of the United States and so he tried to exploit it. And it is still going on.

For example, just a few weeks ago, one of those Russian bots had a deal on the internet advising White Americans not to go and see the movie Black Panther. Inside this message online is that African Americans are attacking white movie-goers.

Now, of course, that didn't happen, it is not even remotely the truth, but Russia understands how to get to us. They look at our weaknesses and they attack. We cannot help in that process.

Mr. Mueller needs to complete his investigation. I will never support doing anything legally in this body until Mr. Mueller completes his investigation.

I thank Mr. PERLMUTTER for getting us together. I think that we have got to make the American public conscious of what is going on and maybe, more importantly, what is not going on.

If we are able to do that, this Republic, the greatest Republic that God Almighty has ever blessed to exist, the greatest Republic in the history of this planet, is going to be in jeopardy.

Mr. PERLMUTTER. Mr. Speaker, I thank my friend from Missouri, and his words, as always, are powerful and right on the mark. We think this is serious business and it is nothing that we take lightly.

My friend, Mr. HUFFMAN from California, is somebody who has given this a lot of thought, and he wonders why the President doesn't speak out against Vladimir Putin, he wonders why the President hasn't turned over his tax returns, he wonders why the President has attacked the FBI, he wonders why the President has attacked the Department of Justice, just as I do.

Mr. Speaker, I yield to the gentleman from California (Mr. HUFFMAN), my friend.

Mr. HUFFMAN. Mr. Speaker, I thank my friend from Colorado for his leadership and convening these conversations. It was really helpful to hear from our friend from Missouri, who reminds us that this is really a big deal, this Russian meddling, and that we have to keep pushing to get answers as to why our President behaves so strangely when it comes to Russia, and we have to hold anyone who may have been part of that Russian interference fully accountable.

I will tell Congressman PERLMUTTER that constituents in my district, and I think a growing number of people around this country, are extremely concerned and growing more and more concerned about this dark cloud of corruption over the Trump administration; about the possibility of collusion between the Trump team and a foreign government to affect the 2016 election; about the obstruction of justice, the pattern of lying about even the most basic facts; and just based on what has already come out through the special counsel investigation and through the media and, to some extent, through congressional investigations, their level of concern is really growing.

This week, I want to focus on one aspect of these investigations that we have tried to push here in the House and in the Senate: the issue of privilege. I am not talking about the kind of privilege where a billionaire's son-in-law gets a job inside the White House, even though he has no foreign policy experience and can't get a security clearance. That is a different kind of privilege.

I want to talk about the issue of executive privilege. This is an idea that Presidential communications need to be kept out of the public eye, even when Congress or the courts issue subpoenas and request that information.

Presidents have always kind of tried to claim that this type of privilege is implied in the Constitution's separation of powers. It is an argument that a President might not get as candid and fulsome advice from his Cabinet and others if all of it was going to be publicly disclosed. So I can appreciate that. But the Trump administration has taken this notion of executive privilege to extreme and absurd lengths. I think we need to talk about that.

Just a little quick historical aside, though, on executive privilege. The concept and the limit of executive privilege has really only been tested at the Supreme Court in a pair of Watergate-related lawsuits in the 1970s. This came about when the special prosecutor sought access to President Nixon's secret Oval Office tapes.

In that case, the court rejected President Nixon's attempts to quash a judicial subpoena. The unanimous decision of that court was that the President had to hand over these tape-recorded conversations with his closest advisers about the Watergate break-in. Of course, we know that was the beginning of the end of the Nixon Presidency.

So back to the modern era.

Over the past year, we have seen numerous Trump officials, and even some who never worked in the White House, refuse to answer questions from Congress, asserting some variation of this executive privilege. In the now-defunct House Intelligence Committee investigation we have seen it. We have seen it in the Senate Intelligence Committee investigation.

I think we need to take a look at how this is being used or misused. We have seen witnesses, literally on a break from their testimony, take phone calls from the White House, where they get instructions about what questions they can answer and which ones they can't.

Essentially, President Trump has treated the executive privilege as if it is a gag order he can invoke on those around him. It is sort of like the hush money nondisclosure agreements that he has entered into with porn stars and playmates and all sorts of others to keep embarrassing or damaging information out of the public eye.

A few specific examples of this and why it doesn't hold up.

In June 2017, Attorney General Jeff Sessions was testifying before the Senate committee about the firing of James Comey. He refused to answer certain questions, but he did choose to answer others that he thought were helpful. He claimed that he was protecting the right of President Trump to assert the executive privilege.

Well, first of all, Sessions can't selectively choose when to invoke the privilege and when not to. There is this thing called waiver, and you don't get to cherry-pick the stuff that you think helps you and then invoke the privilege for the stuff that doesn't.

But the second point is that the Attorney General even admitted that he does not have the power to claim executive privilege. He said: ''I am protecting the President's constitutional right by not giving it away before he has had a chance to weigh in.''

The President hasn't done that. In fact, the President has yet to assert

the executive privilege, but he has had all of these other folks on a short leash, counting on them to assert the privilege.

So then we go to January of 2018. Steve Bannon was testifying in the House Intelligence Committee. He only agreed to answer 25 specific yes or no questions that had been drafted by the White House.

So, on a bipartisan basis, the committee issued a subpoena to force Bannon to answer these questions, but he continued to stonewall and the committee never followed through. Again, why Bannon's assertions of the privilege don't pencil out.

In the United States v. Nixon, the Supreme Court made very clear that public extrajudicial disclosure of a privilege like the executive privilege is a waiver. So right off the bat you have the problem that Steve Bannon spilled his guts in ''Fire and Fury'' for the whole world to see. He has made public extrajudicial disclosures of all manner of communications involving the Presidency on all of these subjects. But he has also played this pick-and-choose game, much like Attorney General Sessions. Even if he had the privilege to assert for himself, which he doesn't, it just doesn't hold water.

Now, some of the oversight that Bannon has been ducking has to do with the transition period before Donald Trump was even President. Obviously, there is no executive privilege if you are not yet the executive. So that is another problem.

When he was asked whether he was being instructed by the President to invoke executive privilege, guess what? He refused to answer. Our friends in the House Intelligence Committee were in such a hurry to shut down their investigation that they did not move to hold him in contempt of Congress, and they never followed through on their subpoena.

Another example.

January 2018, Mr. Trump's former campaign manager, Corey Lewandowski, appeared before the House Intel Committee and surprise, surprise, he refused to answer all sorts of important questions. Since Mr. Lewandowski never served in the Federal Government, it would be pretty preposterous to assert executive privilege as a way to evade Congress' questions. But it is up to the majority in Congress to actually force him to answer these questions.

Again, Mr. Trump is onto, apparently, a winning strategy in this Congress. He instructs others not to answer questions, suggests they should assert the privilege, or some variation of it, and then counts on a compliant majority in this House and in the Senate to simply not follow through.

Something similar happened in February 2018. Hope Hicks, the White House communications director, was testifying before the House Intelligence Committee and would not discuss anything from the inauguration forward. The committee declined to issue a subpoena, despite the request to do so from our ranking member, ADAM SCHIFF.

So you may ask in these various situations: Why wouldn't President Trump himself simply assert the executive privilege?

I think one reason for that is we can safely say that it makes him look even more guilty. That is hard to do, based on the way he has conducted himself so defensively with such a seemingly guilty state of mind in his tweets and other public statements, but the assertion of the privilege would be a very clear signal that he is trying to impede legitimate investigations.

So he would rather have Bannon and Hicks and Lewandowski and Sessions stonewall for him, and then count on a compliant hyper-partisan Congress not to follow through. That is why we have so many unanswered questions and why it is so important that you continue to bring us together to talk about this to make sure the American people know that we are going to keep talking about it and we are going to keep asking what they are hiding and what they are afraid of.

Mr. PERLMUTTER. Mr. Speaker, I will wrap up here, but I think there is one word we ought to change, because the word doesn't justify or doesn't really describe what occurred with these elections.

What occurred with the elections by the Russians was not meddling. It was sabotage. That is really what we are talking about. It wasn't just somebody saying to your mother-in-law: ''Please don't meddle in my business.'' This is sabotage. This was an attack. This was interference and a violation of our sovereignty, of our independence, of our freedom.

So we start with that, and then we ask these questions of my friends on the Republican side: Had the tables been turned and this was a Democratic administration, can you imagine what kinds of investigations would be underway today, what kinds of subpoenas would be issued, and not to allow the Intelligence Committee to shut down that investigation when none of the questions were answered because of this innovation of executive privilege that they don't hold, because this is much bigger than all of us.

□ 1815

Representative CLEAVER talked about the fact that Russia is interfering, all around the world. They are not our friends. I would love to see something develop where there really is some kind of an alliance, but we definitely don't have that now.

There are a lot of questions:

Where are the tax returns?

Why haven't they been presented to the Congress?

Why are we not fulfilling the law that we passed on sanctions?

Why are we holding back even though Nikki Haley said we are going to issue more sanctions concerning Russia's role in Syria?

Why the continued attacks by the administration against our FBI, our chief and best law enforcement agency?

Why continue to undermine the investigations?

These are serious questions, and they can't be swept under the rug. This is serious business. It goes to the heart of the values of this Nation, of freedom and independence. We have got a lot of work to do. I hope there is a bright light shone on all of this and that these investigations run their full course to see exactly what has happened.

Mr. Speaker, if my friend from California would like to close, I would offer him that opportunity.

Mr. HUFFMAN. Mr. Speaker, I will close on my end but with a bit of a question for my colleague:

We have talked about how big this is. I think ''sabotage'' is not too strong a word for what the Russians did in the 2016 election. I think anyone who was involved in a criminal conspiracy with them to pull that off, certainly there are criminal penalties, violations, possibly up to and including treason, that may apply. So we have to get to the bottom of this. We have to get to the truth.

And if Congress won't do its job because of partisan reasons and won't follow through and hold folks in contempt when they ignore subpoenas and when they refuse to answer questions, we can at least protect the special counsel investigation so that that lifelong Republican leading this investigation can get the truth out for the American people.

Mr. Speaker, I guess my question for Congressman PERLMUTTER is: Given how big this is—and we have never seen anything like this. We have never seen all of this evidence that a candidate for President—folks at the top of his campaign were involved in these illicit activities with a foreign power, this extensive sabotaging of our election, and all of the coverup and the obstruction and other problems that are coming to light. Given all of that, how will history judge those who refuse to let the special counsel get to the bottom of it all so we can all know the truth?

Mr. PERLMUTTER. Mr. Speaker, I hold out hope for all of the Members of this body to want to have the truth and allow this investigation to run its course. And I hope and expect that the Members—Democrats and Republicans—will support and protect the special counsel, the Department of Justice, and the FBI so that the lawyers and the cops on the beat can finish this investigation. And that is what is key.

So I hope that it turns out that there isn't anything else, that it is 5 guilty pleas, it is 17 indictments, and that is it; we are done. But I don't expect that to be the case either.

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

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

GENOCIDE AWARENESS AND PREVENTION MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentlewoman from Missouri (Mrs. WAGNER) for 30 minutes.

GENERAL LEAVE

Mrs. WAGNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. WAGNER. Mr. Speaker, I rise in honor of Genocide Awareness and Prevention Month. Today we remember the millions of victims of genocide throughout history, and we recommit to working toward the day when genocide and mass-atrocity crimes are not only inconceivable, Mr. Speaker, but they are nonexistent.

April marks the commemorations of some of the worst genocides in history, including the Holocaust and Rwandan, Cambodian, and Armenian genocides. Time and again, senseless bloodshed has ended innocent lives and fractured families and livelihoods.

My hometown, St. Louis, is home to the largest Bosnian community outside of Bosnia and Herzegovina. This community has shaped what the city looks and feels like. It has added great cultural diversity to the city, immense intellectual capital, thriving small businesses, and a strong religious presence.

Two decades ago, members of our Bosnian community were refugees. In 1995, Orthodox Serbs, under the command of General Ratko Mladic, initiated a horrific ethnic cleansing campaign against majority Muslim Bosniaks. The escalating bloodshed forced 130,000 Bosnian refugees to seek new lives in the United States. Thousands were murdered in Srebrenica. Today I wish to honor these brave men and women.

The resilience of our Bosnian neighbors has enriched our city, and their courage inspires me. It has inspired me to seek change. Tomorrow I am offering an amendment to the State Department Authorization Act of 2018 asking the administration to study countries at risk of genocide and mass-atrocity crimes and craft training regimens for U.S. Foreign Service officers.

Should this bill become law, America's diplomats will have the know-how to respond to those conflicts on the ground and act before violence spirals out of control. Most importantly, this amendment establishes that the official policy of the United States of America is to regard the prevention of genocide and atrocity crimes as a core national security interest.

However, this is just one step in the right direction. The U.S. Government must improve how it responds to conflicts. Last April, I introduced the Elie Wiesel Genocide and Atrocities Prevention Act to improve U.S. efforts to prevent mass-atrocity crimes, named after the courageous Auschwitz survivor. The legislation honors the legacy of Nobel laureate Elie Wiesel and his life work to fight evil around the world.

Mr. Wiesel was just 15 years old when the Nazis deported him and his family to Auschwitz. He was the only member of his family to survive. Having witnessed the near total destruction of his people, he spent his life defending the persecuted. In his honor, we fight to rectify injustice and protect the most vulnerable in our society and across the globe.

As Mr. Wiesel understood so well, the true horror of genocide is that it is preventable, and the U.S. Government has the tools to effect real change. The Elie Wiesel Act would affirm the mission of the United States Atrocities Prevention Board and its work to coordinate prevention and response efforts. It would also authorize the Complex Crisis Fund to support agile, efficient responses to unforeseen crises overseas.

This time, when America says ''never again,'' our actions will reinforce our platitudes and our words. I thank the Chair, Mr. Speaker, and I thank all of my colleagues who share in this fight.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I want to thank my colleague, the gentlewoman from Missouri, for her leadership. I am honored to join her and other distinguished colleagues this evening in recognition of Genocide Awareness and Prevention Month.

Preventing genocide and mass atrocities is a moral imperative that deserves to be at the very top of our priority list. Mass atrocities are large-scale, deliberate attacks against civilian populations. They include genocide but also crimes against humanity, war crimes, and ethnic cleansing.

After the Holocaust—the systematic, bureaucratic, state-sponsored persecution and murder of 6 million Jews and members of other persecuted groups by the Nazi regime and its collaborators between 1941 and 1945—people all around the world vowed to never again stand by in the face of genocide; but since then, mass atrocities, including genocide, have been committed in Indonesia, Cambodia, Guatemala, East Timor, the former Yugoslavia, Rwanda, Sudan, and South Sudan, among other places. Hundreds of thousands of people have been murdered, tortured, disappeared, or suffered sexual violence; and millions more have been forced to flee with profound humanitarian, political, and national security consequences.

I don't believe the world's failure to prevent atrocities is because no one cares. In this era of instant communication powered by social media, most people I meet have seen and passionately condemn the ongoing atrocities in Syria and elsewhere. Nor is it because no one knows what is happening. Many, many people warned us for years about the potential for genocide against the Rohingya in Burma.

The problem is that we have not been very good at turning knowledge and moral indignation into action to prevent a bad situation from worsening. We must do better. We must do more. This year, in the Tom Lantos Human Rights Commission, which I co-chair along with my colleague Congressman RANDY HULTGREN, we are looking at the tools we have as U.S. policymakers to prevent mass atrocities and asking how we can strengthen them.

We are asking what it would mean to institutionalize an atrocity prevention's lens so we don't wait until it is so late and the problem is so big that all we can do is lament the immorality and the inhumanity and then provide humanitarian aid to the victims and survivors. As we undertake this effort, we know that there is a lot of good work already underway in both Chambers of Congress and on both sides of the aisle to find new ways forward.

One example is H.R. 3030, the Elie Wiesel Genocide and Atrocities Prevention Act of 2017, led by Representative ANN WAGNER and cosponsored by both myself and Representative HULTGREN. We also recognize that government officials cannot do this work alone. We need civil society, in all its diversity, to help us. We need community associations, churches, synagogues, mosques, schools, and businesses to take a stand against hate speech, to teach and live tolerance, to document and denounce human rights violations, to open their hearts to reconciliation based on justice. We need to get to the point where our societies recognize and honor every person's innate human dignity.

And I want to take this opportunity to salute one of the many organizations that are doing just this kind of work. STAND is a student-led movement to end mass atrocities and genocide by organizing and educating their peers and communities. I first met student leaders of STAND in 2005 and 2006, when they were part of the national movement that brought the genocide happening in Darfur, Sudan, to public awareness. They were my teachers during that time.

Tonight, representatives of STAND are here listening to this debate. They push us to do better, and I thank them for their commitment and their vision.

Mr. Speaker, mass atrocities are human rights violations on a grand scale. We must find new strategies to prevent them from happening and more effective strategies to interrupt and stop them at the very earliest stages, should they begin to unfold.

Mr. Speaker, all of us in this Chamber, all of us in this country, need to do more, because I believe, if the United States of America stands for anything, we stand for human rights. We need to be better. We need to be more effective in preventing these mass atrocities and these genocides.

So I am very proud to stand with my colleagues in these efforts. I want to thank the gentlewoman from Missouri for her incredible leadership, and I am honored to participate in this Special Order with her.

Mrs. WAGNER. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for his outstanding words and his support, his support and that of Representative RANDY HULTGREN on sponsoring and cosponsoring with me my piece of legislation, the Elie Wiesel Genocide and Atrocities Prevention Act.

This truly is an issue that is not just about human rights and giving voice to the voiceless and speaking for the most vulnerable in our society; it is about human dignity across our globe.

□ 1830

It is about the U.S. responding to these conflicts in the way that only we can and should do and provide the kind of moral authority and support to do so through both our Congress and through our foreign service officers and others who are working across the globe. So I thank the gentleman for his fine words.

I now yield to the gentlewoman from New York (Ms. TENNEY).

Ms. TENNEY. Mr. Speaker, I thank Congresswoman ANN WAGNER for yielding. She is a wonderful inspiration to me as a new Member.

I also want to thank Congressman MCGOVERN for his comments.

This is really important that she is hosting tonight's Special Order on genocide awareness and prevention.

During the month of April, we joined together to honor victims and survivors to educate the public about genocide—it is hard to believe it is happening in our time—and to advocate for the prevention of future atrocities.

In the past 150 years, tens of millions of men, women, and children have lost their lives during brutal genocides and mass atrocities. Millions have been tortured, raped, and forced from their homes. Some of the darkest moments in world history have occurred, oddly enough, in the month of April.

In April 1933, the Nazi Party began its boycott of Jewish-owned businesses. This marked the beginning of a campaign of hatred that led to the murder of 6 million Jews.

My district is home to thousands of refugees from the former Yugoslavia. I have a long history with Yugoslavia. I began my study of the country of Yugoslavia in 1981 when I first participated as a student, a college student from Colgate University, in a semester abroad, and we traveled throughout the entire Yugoslavia and all the different principalities and republics. It was a spectacular and beautiful country, and it sparked a lifelong interest for me in this region.

I completely fell in love with the country and was fascinated by the people who were there who survived conquests, whether it was from the Ottoman Empire to being part of so many other parts of human history. They were also victims during the Nazi invasion, as well, during World War II.

I had the lucky opportunity to graduate from college and work as a foreign correspondent in the Press and Cultural Office of the former Yugoslav Consulate in New York. I also worked, at that time, alongside with ABC Sports during the Winter Olympics held in Sarajevo in 1984.

The war in Yugoslavia was a tragic saga in the history of human experience, especially for me, with my long history and love of the country and the people who inhabited this part of world.

I worked with people from the consulate, from all the republics and autonomous provinces from the former Yugoslavia. It just seemed unthinkable to me that this human genocide could occur in a region of the world which had experienced many occupying forces due to its very unique, very important geopolitical, strategic location in the world.

Yugoslavia was always known as the gateway between East and West, the place where you could get from Europe through Yugoslavia to, eventually, the Middle East along the Mediterranean. This region had diverse culture, religion, and people from all parts of Europe and the Middle East, and the world all united together for centuries, actually, living alongside each other with different values. Certainly, they had their differences.

But sadly, unfortunately, after all this history of unrest, the war in Yugoslavia eventually elicited the worst in humankind and was witness to one of the most horrific genocides in our generation against Bosnian citizens.

To the Bosnian community, April, again, marks 26 years since the beginning of the siege in Sarajevo, Bosnia. The horrific period of violence lasted for over 3½ years and was the longest siege in modern warfare. All told, over 10,000 people, including 1,500 children, were killed in Sarajevo during the siege.

In 1995, the worst massacre within Europe since World War II took place. The Srebrenica massacre killed more than 8,000 Bosnian boys and men during the Bosnian War.

In addition to these horrific killings, more than 20,000 civilians were expelled from the area. Many of these Bosnian refugees immigrated to my region. We are thrilled to have them.

It is just worth noting that my son was actually a student in the afterschool program at the Jewish Community Center in my area. The Jewish Community Center was actually instrumental in helping to find safe refuge in our community for these Bosnian Muslims who were suffering from this unconscionable genocide and atrocities against them.

I think it was the solidarity and the sympathy and the understanding, the true understanding of genocide that our Jewish citizens recognized in our region, and we are grateful to them. And we are also grateful to the Bosnian community for the decision to have so many wonderful Bosnian families visit our city and now remain as citizens. They provided the same ingenuity and the entrepreneurship and the vibrancy and the creativity that I remembered during my days of studying this very special part of the world.

I am especially grateful to them for enabling me to sustain the bond that developed between me, my family, who have all traveled to that part of the world, and this amazing group of people for the past 37 years of my life. It has become almost a vocation for me, just my study of Serbo-Croatian and my study of this region.

As we mark these tragedies of the past, we must not overlook what is taking place in the present. I just want to mention a little bit about my city, Utica, New York.

It has been recognized as one of the friendly cities to refugees. The Utica City School District now has over 42 languages spoken, and so we have a number of people coming from war-torn areas where, very graciously and also very generously, our communities have accepted them and provided them a home.

I want to just highlight one of the communities that is in our region as well, and those are the people from Myanmar, where over 700,000 Rohingya people have fled the Rakhine State in the face of expulsions and violent persecution at the hands of government forces.

In Syria, Bashar al-Assad's military butchers its own citizens and uses chemical weapons without regard for international law.

Under this dark cloud of atrocities and massive human rights violations, both present and past, I just want to join with my colleagues today in remembering these and remembering to ensure that these lessons are never forgotten, but more important, if we could only make sure they are never repeated.

I sincerely thank my colleague, Congresswoman ANN WAGNER, for her great leadership on this issue, her tenacity and her courage and her continued fight to try to help these people who are the most needy, who have just been victimized in our society and across our country and our world. I thank her for including me tonight.

It is very special for me to especially recognize the Bosnians. It has been such a long part of my history, and my heart and my sympathy go to these wonderful people who suffered unfairly.

I just want to say thank you again to Mrs. WAGNER for her great leadership on this issue.

Mrs. WAGNER. Mr. Speaker, I thank the gentlewoman for her kind words.

The gentlewoman from New York (Ms. TENNEY) is also a leader in this cause and this effort that is really about, as we said, human dignity and human rights across this world.

We want a day when no longer are these refugees suffering, whether it is in Syria. On the day that President Macron addressed a joint session here in this very Chamber, the President of the People's Republic of France, that stood with the United States, along with the United Kingdom, in the bombings against Syria that were targeted against those who had been barrel-bombed and victimized and murdered by the Assad regime in Syria.

We share a common bond with the Bosnian community. We both have very large Bosnian communities, many of whom started out as refugees some 20 years ago. Now, as I said, the cultural diversity, the business, the religious presence has been just wonderful to see flourish in a district like Missouri's Second Congressional District, so I recognize the common bond that we have there.

I thank Ms. TENNEY for participating in this Special Order that goes to the heart of genocide and mass atrocities across our globe. I know that the people of Ms. TENNEY's district in New York are also appreciative of all she does there to represent them and those who are the most vulnerable in our society, so I thank the gentlewoman from New York.

I now yield to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentlewoman from Missouri for yielding.

It is Genocide Awareness and Prevention Month, and the gentlewoman from Missouri (Mrs. WAGNER) has been a leader in speaking out on this critical issue for many years now, and we appreciate her leadership on that.

As a senior member of the House Foreign Affairs Committee, I have had the opportunity to advocate for global human rights issues for many years. Tonight, I want to condemn a genocide that has been happening before our eyes: the genocide against the Rohingya in Rakhine State, Burma.

Last September, the Burmese military began a so-called clearing operation, allegedly in response to some insurgent attacks. In reality, this was just an excuse for a massive and barbaric campaign to forcibly remove the Rohingya from Burma altogether and erase their memory from the Rakhine State once and for all, resulting in over 700,000 Rohingya, many of whom are children, fleeing Burma for Bangladesh. This has needlessly left Bangladesh and the world with one of the worst humanitarian crises that the world faces today.

While these numbers are truly shocking, as we learn more about the crimes committed by the Burmese military, there can be no doubt that this is, in fact, genocide.

When the Rohingya arrived in Bangladesh, they told story after story of the crimes that they had witnessed and that they had personally suffered: widespread killings, mass graves, rapes, and other unspeakable horrors and injuries. These atrocities have been confirmed by many people who had no ax to grind here or anything, So this is something that the world must see and must believe.

In addition, hundreds of villages have been burned and others have been simply bulldozed in a clear attempt to prevent the Rohingya from ever returning. Together, these heinous acts are a deliberate attempt to irreparably harm the Rohingya. This is absolutely genocide.

Together with Mr. ENGEL and Mr. CROWLEY, our colleagues here in the House, I have helped to lead the House's efforts to address this crisis. With our passage of H. Con. Res 90, the House unequivocally condemned the Burmese military's atrocious actions, but more serious action is still needed.

Burma's constitution allows the Burmese military to control much of the government, and civilian leadership has taken virtually no real steps to address this violence. That is why I joined again with Mr. ENGEL and Mr. CROWLEY to introduce the BURMA Act, which applies tough, targeted sanctions on the individuals involved in leading this genocide. I urge my colleagues to cosponsor this legislation and then, ultimately, of course, to vote for it when the time comes.

As we remember the victims of all genocides this month, we must work to adequately address one which is unfolding right before our eyes, right before the world's eyes right now. So, again, I want to thank the gentlewoman from Missouri for calling this particular action to the attention of our colleagues and the attention of the world, but also other genocides and other atrocities that have occurred across the globe. She is truly a leader, and we are lucky to have her doing that in Congress on an everyday basis, but also, in particular, this evening.

Mrs. WAGNER. Mr. Speaker, I thank the gentleman from Ohio (Mr. CHABOT) for his kind words. He is a leader and a senior member of our House Foreign Affairs Committee, and I also have the privilege of serving on it.

It is an honor to have Congressman CHABOT here at this Special Order during Genocide Awareness and Prevention Month to give voice to those millions of victims and to say we live for a time when this is nonexistent in society.

I look forward, Mr. Speaker, tomorrow, to offering my amendment to the State Department Authorization Act of 2018, asking the administration to study countries at risk of genocide and mass atrocity crimes and crafting the kind of training regimens for U.S. foreign service officers that are so very important.

I look forward to the time when my piece of legislation, the Elie Wiesel Genocide and Atrocities Prevention Act, will, Mr. Speaker, be signed into law. It will improve the U.S. efforts to prevent mass atrocity crimes, and I think we all, in this Chamber, on a bipartisan level, Mr. Speaker, continue to hope and, more importantly, to work towards a time when America says, ''Never again,'' and our actions reinforce our words.

Mr. Speaker, I thank my colleagues for coming out. I thank those advocates on the Friends Committee on National Legislation's stand. Together we remember the Carl Wilkens Fellowship and so many others that stand with the victims of genocide and mass atrocities. It is an honor to be with my colleagues here tonight and with the advocacy groups that stand for the millions that say, ''Never again.''

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

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4300. To authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on April 25, 2018, she presented to the President of the United States, for his approval, the following bill:

H.R. 4300. To authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 26, 2018, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

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

4680. A letter from the General Counsel, Government Accountability Office, transmitting a letter reporting violations of the Antideficiency Act by the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926) and 31 U.S.C. 1517(b); Public Law 110-161, Sec. 1517(b); (121 Stat. 2285); to the Committee on Appropriations.

4681. A letter from the Director, Office of Legislative Affairs, Legal, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Removal of Transferred OTS Regulations Regarding Consumer Protection in Sales of Insurance (RIN: 3064-

AE49) received April 24, 2018, 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.

4682. A letter from the Program Specialist, LRAD, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Real Estate Appraisals [Docket No.: OCC-2017-0011] (RIN: 1557-AE18) received April 24, 2018, 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.

4683. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Good Guidance Practices; Technical Amendment [Docket No.: FDA-2018-N-1097] received April 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4684. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Revision of Organization; Technical Amendment [Docket No.: FDA-2018-N-0011] received April 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4685. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question, covering the period June 1, 2017 through July 31, 2017, pursuant to 22 U.S.C. 2373(d); Public Law 87-195, Sec. 620C(d); (92 Stat. 739); to the Committee on Foreign Affairs.

4686. A letter from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting reports concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(a); Public Law 92-403, Sec. 1(a) (as amended by Public Law 108-458, Sec. 7121(b)); (118 Stat. 3807); to the Committee on Foreign Affairs.

4687. A letter from the Director, Office of Personnel Management, transmitting the Office's FY 2017 No FEAR Act report, pursuant to 5 U.S.C. 2301 note; Public Law 107-174, 203(a) (as amended by Public Law 109-435, Sec. 604(f)); (120 Stat. 3242); to the Committee on Oversight and Government Reform.

4688. A letter from the Federal Register Liaison/Regulatory Specialist, Office of Natural Resources Revenue, Department of the Interior, transmitting the Department's final rule — Inflation Adjustments to Civil Monetary Penalty Rates for Calendar Year 2018 [Docket No.: ONRR-2017-0003; DS63644000 DR2PS0000.CH7000 189D0102R2] (RIN: 1012-AA23) received April 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

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. GOODLATTE: Committee on the Judiciary. H.R. 5447. A bill to modernize copyright law, and for other purposes (Rept. 115–651). Referred to the Committee of the Whole House on the state of the Union.

Mr. HENSARLING: Committee on Financial Services. H.R. 4270. A bill to amend the Federal Reserve Act to ensure transparency in the conduct of monetary policy, and for other purposes (Rept. 115–652). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHABOT: Committee on Small Business. H.R. 3170. A bill to amend the Small Business Act to require cyber certification for small business development center counselors, and for other purposes (Rept. 115–653). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHABOT: Committee on Small Business. H.R. 4668. A bill to amend the Small Business Act to provide for the establishment of an enhanced cybersecurity assistance and protections for small businesses, and for other purposes; with an amendment (Rept. 115–654). 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. ELLISON (for himself, Mr. KHANNA, Mr. CARTWRIGHT, Mr. CAPUANO, Mr. HUFFMAN, Ms. WASSERMAN SCHULTZ, Ms. NORTON, Ms. MOORE, Mr. POCAN, Mr. BROWN of Maryland, Mrs. BUSTOS, Ms. VELÁZQUEZ, Mrs. LAWRENCE, Ms. BARRAGÁN, Mr. MCGOVERN, Ms. MENG, Ms. GABBARD, Mr. JOHNSON of Georgia, Ms. SCHAKOWSKY, Mr. KILDEE, Mr. WELCH, Mr. CARBAJAL, Ms. LOFGREN, Ms. MCCOLLUM, Mrs. WATSON COLEMAN, Ms. JAYAPAL, Mr. ESPAILLAT, Mr. YARMUTH, Mrs. CAROLYN B. MALONEY of New York, Mr. NADLER, Ms. SHEA-PORTER, Mr. RASKIN, Mr. DESAULNIER, Mr. GRIJALVA, Mr. QUIGLEY, Mr. BEN RAY LUJÁN of New Mexico, and Mr. CARSON of Indiana):

H.R. 5609. A bill to establish a trust fund to provide for adequate funding for water and sewer infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNIGHT (for himself, Mr. FOSTER, Mr. TAKANO, Mr. WELCH, Mr. CURBELO of Florida, Mr. COSTELLO of Pennsylvania, Mr. PAYNE, Mr. CALVERT, Ms. KAPTUR, Mrs. MIMI WALTERS of California, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. MCNERNEY, and Ms. HERRERA BEUTLER):

H.R. 5610. A bill to amend the United States Energy Storage Competitiveness Act of 2007 to direct the Secretary of Energy to establish new goals for the Department of Energy relating to energy storage and to carry out certain demonstration projects relating to energy storage; to the Committee on Science, Space, and Technology.

By Mr. DEFAZIO:

H.R. 5611. A bill to prohibit the importation into the United States of paper products that are not manufactured in accordance with requirements that are at least as stringent as the requirements under the Clean Air Act and the Federal Water Pollution Control Act; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself and Mr. ROSKAM):

H.R. 5612. A bill to require the Secretary of State, in coordination with the Director of National Intelligence, to report on Iranian expenditures supporting foreign military and terrorist activities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. YODER (for himself and Mr. CLEAVER):

H.R. 5613. A bill to designate the Quindaro Townsite in Kansas City, Kansas, as a National Historic Landmark, and for other purposes; to the Committee on Natural Resources.

By Mr. BUDD:

H.R. 5614. A bill to increase transparency of the Public Company Accounting Oversight Board and the Municipal Securities Rulemaking Board; to the Committee on Financial Services.

By Mr. CÁRDENAS (for himself and Mr. LOWENTHAL):

H.R. 5615. A bill to provide for the study and evaluation of net metering, and for other purposes; to the Committee on Energy and Commerce.

By Ms. CLARKE of New York (for herself, Mr. RUSH, Mr. BUTTERFIELD, and Ms. KELLY of Illinois):

H.R. 5616. A bill to require the National Institute of Minority Health and Health Disparities to submit to Congress a report on the impact of the opioid epidemic on minority communities; to the Committee on Energy and Commerce, 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. DONOVAN (for himself, Mr. BIGGS, Mr. BUCK, Mr. LAMALFA, Mr. PERRY, and Mr. BARLETTA):

H.R. 5617. A bill to prohibit sanctuary jurisdictions from receiving Federal funds under the State Criminal Alien Assistance Program, and for other purposes; to the Committee on the Judiciary.

By Mr. FASO (for himself and Mr. GONZALEZ of Texas):

H.R. 5618. A bill to exempt properties located in flood hazard areas that are participating in an approved buy-out program from the mandatory purchase requirement under the National Flood Insurance Program, and for other purposes; to the Committee on Financial Services.

By Mr. O'ROURKE (for himself and Ms. STEFANIK):

H.R. 5619. A bill to provide emergency funding for port of entry personnel and infrastructure, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Ways and Means, and Appropriations, 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. PANETTA (for himself and Mr. THOMPSON of California):

H.R. 5620. A bill to direct the Attorney General to make grants to States to develop systems to retrieve firearms from armed prohibited persons; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mrs. COMSTOCK, Mr. SHERMAN, Ms. ROS-LEHTINEN, Ms. LOFGREN, and Mr. LOWENTHAL):

H.R. 5621. A bill to advance United States national interests by prioritizing the protection of internationally-recognized human rights and development of the rule of law in relations between the United States and Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. TURNER (for himself and Ms. TSONGAS):

H.R. 5622. A bill to improve the ability of the Department of Defense to address sexual offenses, and for other purposes; to the Committee on Armed Services.

By Mr. HARPER (for himself and Mr. BRADY of Pennsylvania):

H. Con. Res. 118. Concurrent resolution authorizing the printing of ''United States Capitol Grounds: Landscape Architect Frederick Law Olmstead's Design for Democracy'' as a House document; to the Committee on House Administration.

By Mr. WOODALL:

H. Res. 844. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. CASTRO of Texas (for himself, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mrs. NAPOLITANO, Mr. CORREA, Mr. GRIJALVA, Mr. ESPAILLAT, Mr. SOTO, Ms. SÁNCHEZ, and Ms. BARRAGÁN):

H. Res. 845. A resolution recognizing April 30, 2018, as ''El Día de Los Niños-Celebrating Young Americans''; to the Committee on Oversight and Government Reform.

By Mr. CONAWAY:

H. Res. 846. A resolution expressing the sense of the House of Representatives on support for Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. CONAWAY:

H. Res. 847. A resolution expressing the sense of the House of Representatives on support for Georgia; to the Committee on Foreign Affairs.

By Mr. LOWENTHAL (for himself, Ms. LOFGREN, Mr. CORREA, Mr. PETERS, Mr. CONNOLLY, Ms. JACKSON LEE, Mr. KILMER, Ms. JUDY CHU of California, Mr. KHANNA, Ms. BROWNLEY of California, Mr. TAKANO, Mr. AL GREEN of Texas, Mr. CÁRDENAS, Mrs. NAPOLITANO, Mrs. DAVIS of California, Mr. BEYER, Mr. COFFMAN, Ms. BORDALLO, and Mr. BUDD):

H. Res. 848. A resolution recognizing the 43rd anniversary of the Fall of Saigon on April 30, 1975; to the Committee on Foreign Affairs, and in addition to the Committee on Armed 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.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BRADY of Pennsylvania introduced A bill (H.R. 5623) for the relief of Carmela Apolonio Hernandez, Edwin Artillero Apolonio, Yoselin Artillero Apolonio, Keyri Artillero Apolonio, and Fidel Artillero Apolonio; 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 the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ELLISON:

H.R. 5609.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution of the United States, which states:

The Congress shall have the 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. KNIGHT:

H.R. 5610.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. DEFAZIO:

H.R. 5611.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)

By Mr. LIPINSKI:

H.R. 5612.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. YODER:

H.R. 5613.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the Constitution

By Mr. BUDD:

H.R. 5614.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 of the United States Consitution

By Mr. CÁRDENAS:

H.R. 5615.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Ms. CLARKE of New York:

H.R. 5616.

Congress has the power to enact this legislation pursuant to the following:

the power granted to Congress under Article I of the United States Constitution and it subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. DONOVAN:

H.R. 5617.

Congress has the power to enact this legislation pursuant to the following:

United States Constitution, Article I, Section 8

By Mr. FASO:

H.R. 5618.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8 of the United States Constitution

By Mr. O'ROURKE:

H.R. 5619.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Office thereof.

By Mr. PANETTA:

H.R. 5620.

Congress has the power to enact this legislation pursuant to the following:

clause 1 of section 8 of article I of the Constitution

By Mr. SMITH of New Jersey:

H.R. 5621.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

Article I, Section 8, Clause 4

Article I, Section 8, Clause 18

By Mr. TURNER:

H.R. 5622.

Congress has the power to enact this legislation pursuant to the following:

Military Regulation: Article I, Section 8, Clauses 14 and 18

To make Rules for the Government and Regulation of the land and naval Forces; and

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. BRADY of Pennsylvania:

H.R. 5623.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 4 of the Constitution provides that Congress shall have power to ''establish an uniform Rule of Naturalization''. The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. As the Court found in Galvan v. Press, 347 U.S. 522, 531 (1954), ''that the formulation of policies [pertaining to the entry of aliens and their right to remain here] is entrusted exclusively to Congress has become about as firmly imbedded in the legislative and judicial tissues of our body politic as any aspect of our government.'' And, as the Court found in Kleindienst v. Mandel, 408 U.S. 753, 766 (1972) (quoting Boutilier v. INS, 387 U.S. 118, 123 (1967)), ''[t]he Court without exception has sustained Congress' 'plenary power to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden.' ''

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 60: Mr. NORCROSS.

H.R. 421: Mr. ISSA.

H.R. 820: Mr. FLEISCHMANN, Mr. HOLDING, and Mr. BYRNE.

H.R. 846: Mr. KILDEE, Ms. DEGETTE, Mrs. BROOKS of Indiana, and Mr. FITZPATRICK.

H.R. 949: Mr. LOBIONDO.

H.R. 959: Mr. SABLAN and Mr. COHEN.

H.R. 1036: Mr. SOTO.

H.R. 1098: Mr. GUTIÉRREZ.

H.R. 1171: Mr. KENNEDY and Ms. ESTY of Connecticut.

H.R. 1300: Mr. PERLMUTTER.

H.R. 1311: Mrs. WAGNER.

H.R. 1318: Mr. COHEN and Mr. QUIGLEY.

H.R. 1424: Mr. MCGOVERN.

H.R. 1542: Mr. HOLLINGSWORTH.

H.R. 1550: Mr. HOLDING.

H.R. 1606: Mr. ROGERS of Kentucky.

H.R. 1661: Mr. GUTIÉRREZ, Mr. UPTON, and Mr. HUFFMAN.

H.R. 1683: Ms. ROYBAL-ALLARD.

H.R. 1861: Mr. BIGGS.

H.R. 1911: Ms. ROS-LEHTINEN.

H.R. 1928: Ms. FUDGE.

H.R. 1939: Mr. GOODLATTE.

H.R. 2077: Mr. MCGOVERN, Mr. POCAN, Mr. DOGGETT, Mr. JOYCE of Ohio, and Mr. COHEN.

H.R. 2267: Ms. TENNEY, Mr. TONKO, Mrs. LOWEY, and Mr. NOLAN.

H.R. 2293: Mr. RUTHERFORD.

H.R. 2309: Mrs. NAPOLITANO.

H.R. 2319: Mr. WALBERG.

H.R. 2327: Mr. LIPINSKI.

H.R. 2332: Mr. COOPER.

H.R. 2701: Mr. SCHNEIDER and Mr. KENNEDY.

H.R. 2723: Mr. CURTIS.

H.R. 2735: Mr. POLIS.

H.R. 2748: Mr. FITZPATRICK and Ms. GABBARD.

H.R. 2797: Ms. SINEMA.
H.R. 2840: Mr. GOMEZ.
H.R. 2899: Ms. DELBENE.
H.R. 3032: Mr. FITZPATRICK.
H.R. 3192: Ms. SHEA-PORTER.
H.R. 3207: Mr. GOMEZ, Mr. SCHIFF, Ms. VELÁZQUEZ, Ms. TSONGAS, Mr. PERLMUTTER, Mr. SUOZZI, Ms. DELAURO, Mr. CARSON of Indiana, and Mr. CICILLINE.
H.R. 3349: Mr. NOLAN.
H.R. 3378: Mrs. BLACK.
H.R. 3478: Mr. LOWENTHAL.
H.R. 3528: Mr. RENACCI.
H.R. 3605: Mr. BEYER.
H.R. 3641: Mr. MITCHELL.
H.R. 3767: Mr. WALZ and Mr. SUOZZI.
H.R. 3780: Mr. RUTHERFORD.
H.R. 3798: Mr. ROUZER and Mr. SMITH of Nebraska.
H.R. 3832: Mr. MARSHALL, Mr. HECK, and Mr. SOTO.
H.R. 3834: Mr. KING of New York.
H.R. 3923: Mr. YARMUTH, Ms. BASS, and Ms. SÁNCHEZ.
H.R. 3956: Mr. HOLDING.
H.R. 4107: Mr. FLEISCHMANN, Ms. JACKSON LEE, Mr. HOLLINGSWORTH, Mr. BANKS of Indiana, Mr. JOHNSON of Georgia, Mrs. BROOKS of Indiana, Ms. FUDGE, Ms. ROYBAL-ALLARD, Mr. GARAMENDI, Mrs. WALORSKI, and Mr. TAYLOR.
H.R. 4143: Mr. DOGGETT.
H.R. 4178: Mr. GONZALEZ of Texas.
H.R. 4238: Mr. SUOZZI and Mr. BARR.
H.R. 4265: Mr. TURNER.
H.R. 4272: Mr. MCNERNEY.
H.R. 4305: Mr. NORMAN.
H.R. 4444: Mr. SUOZZI and Mr. LAMB.
H.R. 4548: Mrs. MURPHY of Florida and Mr. MCEACHIN.
H.R. 4573: Ms. JAYAPAL.
H.R. 4691: Mr. SMITH of New Jersey.
H.R. 4693: Mr. SMITH of New Jersey.
H.R. 4732: Mr. MCNERNEY, Ms. ROYBAL-ALLARD, and Mr. MITCHELL.
H.R. 4779: Mr. CARBAJAL.
H.R. 4782: Mr. LEWIS of Georgia.
H.R. 4844: Mr. JORDAN.
H.R. 4912: Ms. DELAURO.
H.R. 4953: Mr. JOHNSON of Georgia, Mr. TROTT, Mr. PAYNE, and Mr. VEASEY.
H.R. 4962: Mr. KELLY of Mississippi and Ms. SHEA-PORTER.
H.R. 4985: Mr. GENE GREEN of Texas.
H.R. 5001: Mr. GRIJALVA and Ms. LOFGREN.
H.R. 5013: Mr. BILIRAKIS.
H.R. 5041: Mr. CURTIS.
H.R. 5100: Ms. BLUNT ROCHESTER.
H.R. 5102: Mr. CURTIS and Mr. FITZPATRICK.
H.R. 5129: Mr. DESAULNIER, Ms. SCHAKOWSKY, Mrs. DEMINGS, and Mr. BOST.
H.R. 5161: Mr. O'ROURKE.
H.R. 5163: Mr. QUIGLEY.
H.R. 5164: Ms. ROYBAL-ALLARD.
H.R. 5171: Mr. NOLAN.
H.R. 5187: Mr. MARINO and Mrs. DINGELL.
H.R. 5220: Ms. ESHOO and Mrs. WATSON COLEMAN.
H.R. 5226: Mr. BROWN of Maryland.
H.R. 5259: Mr. DAVID SCOTT of Georgia and Mr. CRAMER.
H.R. 5266: Mr. LUETKEMEYER.
H.R. 5270: Mr. ROGERS of Kentucky.
H.R. 5343: Mr. ALLEN.
H.R. 5383: Mr. CICILLINE and Mr. MCGOVERN.
H.R. 5395: Mr. TONKO and Mr. ENGEL.
H.R. 5413: Mr. BILIRAKIS, Mr. MARSHALL, Mr. BERGMAN, and Ms. TENNEY.
H.R. 5417: Mr. HIGGINS of Louisiana and Mr. THOMPSON of Pennsylvania.
H.R. 5422: Mr. WOMACK.
H.R. 5447: Mr. SCALISE, Mr. LAMALFA, and Mr. DESAULNIER.
H.R. 5472: Mr. JONES.
H.R. 5508: Mr. SHERMAN.
H.R. 5510: Mr. CUMMINGS, Mr. MCGOVERN, and Ms. MOORE.
H.R. 5517: Ms. STEFANIK.
H.R. 5526: Mr. JODY B. HICE of Georgia, Mr. GAETZ, and Mr. MCKINLEY.
H.R. 5547: Mr. MACARTHUR.
H.R. 5551: Mr. MCGOVERN.
H.R. 5559: Mr. SMITH of Missouri.
H.R. 5564: Mr. POCAN.
H. Con. Res. 8: Mr. THOMPSON of Pennsylvania.
H. Con. Res. 10: Mr. ROTHFUS, Mr. MOOLENAAR, Mr. DUNCAN of Tennessee, Mr. YOUNG of Iowa, and Mr. DESJARLAIS.
H. Res. 343: Mr. SOTO.
H. Res. 781: Miss GONZÁLEZ-COLÓN of Puerto Rico and Ms. VELÁZQUEZ.
H. Res. 786: Mr. MAST.
H. Res. 817: Mr. HIGGINS of New York.
H. Res. 823: Ms. LOFGREN.
H. Res. 826: Ms. NORTON, Mr. COHEN, Mrs. DINGELL, and Mr. KIND.
H. Res. 834: Mr. SEAN PATRICK MALONEY of New York and Mr. COURTNEY.
H. Res. 835: Mr. SCHNEIDER, Mrs. LOVE, Mr. COLE, Miss RICE of New York, Ms. SINEMA, Mr. COOK, Mr. SESSIONS, Mr. WEBER of Texas, Mr. BARLETTA, and Mr. NORMAN.
H. Res. 837: Mr. CULBERSON and Mr. LOUDERMILK.
H. Res. 842: Mr. KING of New York, Mr. HUNTER, and Mr. TROTT.