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No. 198

## House of Representatives

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

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

December 11, 2019.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,

*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2019, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 11:50 a.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

### IMPROVING OUTCOMES FOR ALL STUDENTS AT ALL LEVELS

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

Ms. BONAMICI. Mr. Speaker, I rise today to commemorate the passage of the Every Student Succeeds Act, which President Obama signed into law 4 years ago yesterday.

When I came to Congress, updating the Elementary and Secondary Education Act was one of my top priorities, and I was proud to stand with President Obama on the day that we finally left behind No Child Left Behind.

More than 50 years ago, President Lyndon Johnson signed the Elementary and Secondary Education Act into law, and he said ESEA represents a major new commitment of the Federal Government to quality and equality in the schooling that we offer our young people.

I agree with President Johnson. When we promote and realize equity in education, when we expand and invest in educational opportunities, we can improve outcomes for all students at all levels.

Reauthorizing ESEA in 2015 was meant to put us closer to achieving that equality envisioned in the original law, but there is still much work to be done.

ESSA created new opportunities to make sure that all students, regardless of their race, color, national origin, ZIP Code, or family wealth, could have an equal opportunity to obtain a high-quality public education.

It returned flexibility and autonomy to States and districts to set high standards for all students, to evaluate schools using multiple measures of student learning, and to design systems for identifying schools in need of additional support.

With provisions I championed, States were also given the ability to eliminate unnecessary or duplicative testing and access to resources for fewer, better quality assessments. Importantly, the Every Student Succeeds Act put more emphasis on well-rounded education that prepares students to be creative, critical thinkers.

Since ESSA's passage, I have worked hard with appropriators to make sure Congress fulfills the commitments made in this law with robust funding of Student Support and Academic Enrichment Grants.

As we continue to implement this law, strong Federal accountability and support are necessary to make sure that the flexibility and autonomy that

States and districts now have is used to identify and close achievement gaps, rather than to shirk responsibility to students. We know there is more work to be done in that area, as well.

Unfortunately, the current Department of Education is more focused on privatizing education than on making sure that the States fully implement the law. They are not holding States accountable for improving outcomes of disadvantaged students. This is most noticeable in the Department's approval of State plans that ignore the performance of subgroups altogether and the lack of guidance and regulation available to help States implement the Every Student Succeeds Act.

As we reflect on passage of the Every Student Succeeds Act and the opportunities it provides, I urge the Department of Education and Secretary DeVos to support States and hold them accountable for implementing this law with fidelity. My colleagues on the Education and Labor Committee will continue our robust oversight of the Department's implementation to make sure that the Every Student Succeeds Act fulfills a promise we made to all students when President Obama signed it into law.

### RECOGNIZING MISSISSIPPI FOOTBALL STATE CHAMPIONS

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

Mr. KELLY of Mississippi. Mr. Speaker, today, I rise to recognize five 2019 Mississippi football State championship teams that hail from my district.

In 1A, the Nanih Waiya Warriors defeated the Lumberton Panthers 28-to-14.

In 4A, the Corinth Warriors defeated the Poplarville Hornets 55-to-21.

In 5A, the West Point Green Wave defeated the Neshoba Central Rockets 20-to-7.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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In 6A, the Oxford Chargers defeated the Oak Grove Warriors 31-to-21.

Finally, in MAIS 5A, the Heritage Academy Patriots defeated the Starkville Academy Volunteers 55-to-10.

There is nothing that brings Mississippi together more than Friday night lights, and to have this many championship teams in the First District is quite an honor.

I am proud of the young men who gave their all in the heat of August two-a-days, the regular season and the playoffs, and, finally, at The Rock in Hattiesburg to win a State championship.

I recognize the hard work and dedication of the bands, cheerleaders, dance teams, and all the other participants who make football games such an exciting Friday night community event in Mississippi.

I thank the parents who drove their children to and from practice and spent every Friday night in the fall driving across the State of Mississippi to watch their kids compete on the field.

Finally, I express my heartfelt gratitude to the teachers, school administrators, and coaches who work every day to make sure that our kids have a bright future on the field and in the classroom.

#### SUPPORT LOWER DRUG COSTS NOW

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

Mrs. MCBATH. Mr. Speaker, today, I rise in support of H.R. 3, the Lower Drug Costs Now Act.

I thank the Speaker and my colleagues for working so hard to bring this important piece of legislation to the floor. I believe there are few issues more significant and few issues more impactful to the lives of everyday Americans than the ever-increasing costs of healthcare and the lack of access to vital treatment.

As a two-time breast cancer survivor, I know all too well the stress and the heartache of a life-changing diagnosis. Treatment was exhausting, both physically and emotionally, but I was truly blessed to be able to afford my medication.

Even today, I continue to pay excessive out-of-pocket costs for my medication. However, I am lucky to be in a position where I do not have to make serious sacrifices to pay for the care that I need.

Unfortunately, this is not reality for all Americans. We live in the richest Nation in the history of nations. This is the greatest country on Earth. I refuse to believe that we cannot find a solution that allows every American to afford the medications that they need.

I have been shocked by the stories from my constituents about how pharmaceutical companies continue to gouge their pocketbooks and affect their quality of life.

I heard a story recently of a mother in my district who wrote in about her son, who is 27 and has type 1 diabetes. He pays \$400 a month for his insulin while also trying to repay his college loans from pursuing his master's degree. She wrote in to speak for her son because she is scared. Her son experiences the same hardship that so many Americans do because of a diagnosis they did not choose.

Too often, stories like this end with a patient resorting to rationing of essential treatments, often with catastrophic results.

These are lifesaving medications. They are not optional, and people should never have to make the unthinkable decision about whether to purchase their medications or put food on their tables or gas in their cars.

On average, Americans pay three to four times as much for the same prescription drugs as people in other countries. Over the last two decades alone, the price of insulin has increased by 1,000 percent. There is no reasonable explanation for these costs, and the American people have had enough.

The constantly rising prices have far-reaching consequences, increasing the price of health insurance premiums and eating into workers' wages.

Let us be clear, it is taxpayer dollars and wages that go toward paying for these outrageous prescription drug prices, and it is time for Congress to say that enough is enough.

This is the most comprehensive solution to our country's drug pricing problem ever to be seriously considered by the House of Representatives. This legislation would give Medicare the power to negotiate directly with the drug companies and create a powerful mechanism that forces drug companies to the table to compromise on real price reductions.

It also stops pharmaceutical companies from overcharging Americans while charging other countries less for the same drugs, and it creates a \$2,000 out-of-pocket limit on prescription drug costs for Medicare beneficiaries.

Finally, it will reverse years of unfair price hikes above inflation across thousands of drugs in Medicare, making lower drug prices negotiated by Medicare available to Americans with private insurance, not just Medicare beneficiaries.

The Lower Drug Costs Now Act is a good deal for the American people. It saves the taxpayers over \$450 billion during the next decade and allows us to make long-sought-after investments into Medicare and the National Institutes of Health.

In fact, this bill includes legislation that I wrote to include coverage of hearing aids in Medicare, making them affordable for our seniors. It will also deliver vision and dental benefits while investing huge sums into the search for new cures.

All the mothers and fathers who lay awake at night worried about enrolling their kids in after-school activities or

making their mortgage or car payments will benefit from this bill. We are fighting for them, and it is a fight that we intend to win.

#### HONORING THE LIFE AND SACRIFICE OF STEPHEN CARR

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

Mr. WOMACK. Mr. Speaker, it is with a heavy heart that I rise today to honor the life, service, and sacrifice of a hero from the Third District of the great State of Arkansas, Fayetteville Police Officer Stephen Carr.

On Saturday, December 7, Officer Carr was preparing to begin another shift of keeping his community safe when he was cowardly ambushed and executed, most likely because of the uniform he wore.

We have lost one of our finest law enforcement officers, someone who dedicated his life to serving Arkansas and defending others. Officer Carr made it his mission to make our State a safer place for everyone.

Officer Carr served as a protector, promoted peace and justice, and demonstrated the valor and integrity that the uniform embodies.

Our hearts are broken as we grieve this unthinkable loss. Today, we vow never to forget his memory and pledge to honor his life of service forever. I join all of Arkansas this morning in the mourning of the loss of Officer Stephen Carr. Our prayers are with his family, his loved ones, and the Fayetteville Police Department.

I also recognize Corporal Seay Floyd and Officer Natalie Eucce, who immediately engaged and eliminated the suspect.

Our police deserve our deepest respect and gratitude. While they know the risks they face are greater than ever, they refuse to shy away from their mission to protect and serve.

Stephen Carr was a native of The Woodlands, Texas. Mr. Speaker, my friend and colleague Representative KEVIN BRADY would have been on this floor this morning to offer his condolences to the family, a family that he knew personally, but because of a markup in the Ways and Means Committee, he is unable to be on the floor with me this morning.

Mr. Speaker, if it please the House, I would like to ask for a moment of silence for Officer Carr, who will be laid to rest tomorrow, and, in fact, for all of our heroes who have faced the end of watch.

□ 1015

#### CELEBRATING HOUSTON METHODIST HOSPITAL'S CENTENNIAL

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

Mr. GREEN of Texas. Mr. Speaker, and still I rise with love of country at heart and my mnemonic notes in hand.

Mr. Speaker, I rise today with the preeminent privilege and singular honor of paying tribute to a great American institution. I do so with H. Res. 760, commemorating Houston Methodist Hospital for 100 years of service, 100 years of world-class healthcare, 100 years of saving lives, 100 years of groundbreaking research.

Houston Methodist Hospital, the world's first multiorgan transplant hospital; first coronary bypass, grafting with the patient's leg vein; ranked the number one hospital in Texas for 8 consecutive years and a national honor roll hospital by U.S. News and World Report.

Houston Methodist has eight hospitals, employing more than 23,000 persons, 1.3 million patient encounters last year alone, acknowledged for their outstanding specialties in neurology, neurosurgery, pulmonology, orthopedics, cancer, cardiology, heart surgery, and urology.

Mr. Speaker, I am so proud to say that all of my colleagues in the Houston area are cosponsors of this resolution—original cosponsors, I might add. This would include the Honorable SHEILA JACKSON LEE, the Honorable LIZZIE FLETCHER, the Honorable PETE OLSON, the Honorable SYLVIA GARCIA, the Honorable MICHAEL MCCAUL, the Honorable RANDY WEBER, the Honorable BRIAN BABIN, the Honorable DAN CRENSHAW, and the Honorable KEVIN BRADY.

Houston Methodist has a great president who not only responds to congressional inquiries, but also to the patients themselves. I know. I have known of patients who have actually had the opportunity to see the president of the hospital. Dr. Mark Boom is the president. He is a medical doctor himself, and he is the chief executive officer.

This great institution is one that I am proud to have in my congressional district, I am proud to represent, and I am also proud to say is a part of the great institutions in the United States of America.

Houston Methodist Hospital is celebrating its centennial, 100 years of faithful service and saving lives, not only in Houston, Harris County, in the State of Texas, but across the world.

#### RECOGNIZING BUCKS COUNTY ELITE GIRLS BASKETBALL PROGRAM

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

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the Bucks County Elite Girls basketball program and those who were recently recognized by the Monroe Foundation for Youth and presented awards for their service to our community as well as for their athletic and their academic achievements.

Over the last year and a half, the team has won 11 tournaments. This is

an incredible achievement that speaks to their teamwork, their coaching, and their dedication. Moreover, many of the team members are also honor students, and many more are active community volunteers throughout our region.

Mr. Speaker, I would like to congratulate the Bucks County Elite Girls basketball program for this amazing accomplishment, and we look forward to their future success.

#### KEYSTONE FOOD DRIVE

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the incredible work of the students, the staff, and the families of Bristol Township's Keystone Elementary School.

This holiday season, the Keystone community came together to help 27 local families in need. The students and staff at the school donated non-perishable items throughout November, and Oldcastle Infrastructure of Croydon, Pennsylvania, provided turkeys and pies to accompany the meal baskets.

Mr. Speaker, this is the third consecutive year that Oldcastle Infrastructure has partnered with the Keystone families. It is great to see our communities come together to help those families who have fallen on hard times, and that is what makes neighbors so great. They are always there to help others in times of need.

Mr. Speaker, we hope to see this program continue in the future, and we hope other communities will follow their lead.

#### SALUTE 2 SERVICE

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize Salute 2 Service, a veteran outreach program based in Bristol, Bucks County, Pennsylvania.

Founded by Langhorne's Rodney Wyatt, Salute 2 Service prides itself on its ability to provide a multitude of services and resources for our veterans in distress. In addition to extensive work towards career growth and homeless outreach, they help veterans through local, State, and national advocacy, community activism, and emergency assistance.

Mr. Speaker, the motto of Salute 2 Service is "Leave No Veteran Behind." With nearly a half million unemployed veterans across our great Nation, Salute 2 Service has vowed to help find jobs for the servicemen and service-women in our community.

I am proud to represent Salute 2 Service and Rodney, and I am glad to see like-minded groups working together to help our veterans each and every day.

#### SOCIAL SECURITY IS THE NORTH STAR OF HUMANE PUBLIC POLICY

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

Ms. MOORE. Mr. Speaker, I am just so thrilled and excited to be reintro-

ducing my Social Security reform bill, the Social Security Enhancement and Protection Act of 2019.

Today, our prized Social Security program is at risk. Currently, Social Security is fully funded until 2035 but faces a financial shortfall after that.

And while there is broad agreement that we need to take steps to improve the fiscal outlook for Social Security, there is not enough attention given to the need to improve the system so that it works better for vulnerable populations, including women, people of color, and low-income people. My bill would both improve benefits and extend the program's solvency.

Mr. Speaker, I would like to draw your attention to three critical components of my bill:

My bill would modify the special minimum benefit to credit workers for up to 5 additional years of work to reflect the years workers provide care for a child under 6 years old. This, of course, is especially important for women. We need to value caregiving and acknowledge that this uncompensated labor is not free. Mother work is work.

My bill also extends the benefit eligibility for children of retired, disabled, or deceased workers who are full-time students enrolled in college or vocational schools up to the age of 26 years old.

In this knowledge-based worldwide economy, this benefit needs to be reinstated. It was particularly helpful to students of color, low-income families with parents working who were at higher risk, those with parents who were blue-collar workers, and women.

My bill also provides additional benefits for all beneficiaries of any income age 20 years after their retirement. People who live beyond the age of 85—God bless them—tend to be more likely to be financially vulnerable, even with their Social Security benefit. They may have exhausted their savings by this point or have more serious health problems that may have been a drain on their finances or have faced any number of financial strains.

Mr. Speaker, Social Security has become one of the hallmarks of our safety net, and I urge my colleagues to improve this system, which has been an integral part of our Nation.

Mr. Speaker, Social Security is the North Star of humane public policy in the United States, and I would invite all of my colleagues the opportunity to cosponsor this legislation and vote for the Social Security Enhancement and Protection Act of 2019.

#### MATTHEW CLIFFORD NAMED STATE MIDDLE SCHOOL PRINCIPAL OF THE YEAR

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

Mr. PENCE. Mr. Speaker, I rise today to recognize Matthew Clifford on being named the 2019 State Middle School

Principal of the Year by the Indiana Association of School Principals.

After being named the District 10 Middle School Principal of the Year, Clifford was then nominated by his peers at Greensburg Junior High School and across the State to become the State Principal of the Year.

Mr. Speaker, I want to congratulate Matthew for this tremendous honor and thank him for his dedication to improving the lives of Hoosier kids and families.

#### FIRST CHRISTIAN CHURCH GRANT

Mr. PENCE. Mr. Speaker, I rise today in support of the grant application submitted by the First Christian Church of Columbus. This grant will save one of America's treasures in my district.

The First Christian Church has been a staple in the Columbus community for years and is a jewel of architecture and history.

Since 2001, the First Christian Church has been designated by the National Park Service as a U.S. National Historic Landmark, but now it needs essential renovations. I pledge my support for this program so that this church may be restored to its original beauty.

#### IU HEALTH COMMUNITY INVESTMENT

Mr. PENCE. Mr. Speaker, I rise today to express my support for IU Health's investment of \$1 million into the Muncie community.

Over the next 3 years, IU Health will give \$1 million toward revitalization of the Thomas Park-Avondale and South Central neighborhoods in southeast Muncie. The investment plans include bike lanes, walking trails, access to better food, a new health center, and much more.

I applaud IU Health for investing in our local community and promoting healthier Hoosiers.

#### INDIANA BROADBAND EXPANSION

Mr. PENCE. Mr. Speaker, I rise today to show my support for \$1.3 million in rural broadband expansion in the Sixth District.

In my time in Congress, I have worked with local groups to address broadband in schools and hospitals and supported Distance Learning and Telemedicine grants. I have introduced a bill to make sure Federal agencies effectively work together in this arena.

I am glad to see the Governor announce a boost for grants to counties like Jennings, Scott, and my home county of Bartholomew.

I look forward to seeing the State's continued work on this as I fight for rural high-speed internet on behalf of the Sixth District.

□ 1030

#### WAYNE COUNTY VETERAN APPRECIATION DINNER

Mr. PENCE. Mr. Speaker, I rise to honor the Hoosier veterans and their brave families I met at the Veterans Christmas Appreciation Dinner of Wayne County.

Nearly 600 veterans, including World War II vets, gathered in Richmond to

enjoy an evening of celebration and holiday cheer. A career fair was held before dinner to help those in need to access work opportunities, resources, and support.

It was a privilege to speak at this appreciation dinner, and I stand today to wish every veteran across this country and Indiana's Sixth District a very merry Christmas.

#### CONGRESS NEEDS TO ADDRESS RISING COST OF HEALTHCARE

Mr. PENCE. Mr. Speaker, I rise today to ask, for the American people, Congress to do its job and address the rising cost of healthcare, but Speaker PELOSI's H.R. 3, is not the answer.

H.R. 3 will limit choice and innovation. It is a partisan messaging bill that will not be considered in the Senate or signed into law. We are letting the American people down by not voting on bipartisan legislation that will actually address skyrocketing drug prices.

H.R. 3 would increase premiums while punishing American innovation and enabling foreign competitors to flourish.

H.R. 19, the Republican's alternative drug pricing bill, is filled with more than 40 bipartisan, commonsense reforms that reduce prescription drug costs and increase access to affordable, high-quality and lifesaving care for Americans.

H.R. 19 expands low-cost options for patients by bringing more generic competition to the market.

It lowers out-of-pocket spending, protects patients' access to new medicine and cures, increases transparency, and boosts innovation. The American people should be empowered by bipartisan proposals not restricted by partisan politics to make the best healthcare choices for themselves and their families.

#### INABILITY TO AFFORD PRESCRIPTION DRUGS SHOULD NOT BE A DEATH SENTENCE

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

Ms. WEXTON. Mr. Speaker, a constituent of mine named Josh aged out of his parent's health insurance when he turned 26. Josh was a Type 1 diabetic and by then, his insulin cost was nearly \$1,200 per month.

So he switched to over-the-counter insulin because, like so many others, he couldn't afford the prescription brand recommended by his doctors. Already on a tight budget, Josh was engaged and wanted to save up some money for his wedding and building a new life with his fiancée.

His mother knew that he had changed his medication and when she would check on him, his blood sugar would be high, but he assured her that he was all right and the insulin was working.

He was alone at work in June of this year when he suffered a series of

strokes that would prove fatal, and it was his fiancée who found him.

We have miracle drugs that can save lives, but they don't do any good when the American people can't afford them.

In April, I hosted a roundtable with constituents and healthcare providers about the skyrocketing price of diabetes medication. Nurses and pharmacists shared stories about patients who had no option but to ration their insulin, putting their lives and their health in serious jeopardy.

One, who ran a free clinic, spoke about how refugees were absolutely stunned at how much more Americans were paying for their prescription drugs than they had in the countries that they were fleeing from.

Mr. Speaker, I am proud to support H.R. 3, the Elijah Cummings Lower Drug Costs Now Act because the inability to afford necessary drugs should not be a death sentence in the United States of America.

We are going to give HHS the power to negotiate lower drug prices for the American people. And those lower prices will be available not only to Medicare beneficiaries, but also to Americans with private health insurance.

With the projected savings from this bill, nearly half a trillion dollars, we will provide vision, dental, and hearing benefits for all Medicare beneficiaries and invest in new medical research.

American families and seniors should not pay more for their medications than what the drug companies charge people in other countries.

This bill is a win for the American people. It represents a historic investment in Medicare and historic savings on the cost of prescription drugs. Without this legislation, the rising price of prescription drugs will continue to take a toll on the finances of American families, and in worst cases, cost lives.

What happened to Josh should never happen to anyone in this country. I urge my colleagues on both sides of the aisle to support this lifesaving legislation.

#### SOCIALISM IS A PHILOSOPHY OF FAILURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUDD) for 5 minutes.

Mr. BUDD. Mr. Speaker, Winston Churchill once said: "Socialism is the philosophy of failure, the creed of ignorance, and the gospel of envy. Its inherent virtue is the equal sharing of misery."

Despite the truth of these words, unfortunately, more and more young Americans hold positive views of socialism and negative views of capitalism. A recent Gallup Poll found that 51 percent of young Americans view socialism favorably, while only 45 percent view capitalism positively. That marks a 12-point decline in the popularity of capitalism just this decade.

So the question is, Why are increasing numbers of our young people supporting socialism?

The answer is, because they have been told that it is somehow “moral” and “compassionate” and “fair” by leading socialist voices in media and government, mostly concentrated in and around Washington, D.C.

On the surface, one might think that taking from the prosperous for the betterment of the poor is a decent and fair policy. But just under the surface lies a fundamental ignorance of one of the most foundational principles of human behavior, and that is, incentives.

Socialism doesn't reward people for hard work, creativity, and entrepreneurial spirit. In reality, the overwhelming taxation necessary to support socialist policies penalizes people who work hard by forcing them to send their earnings, perhaps thousands of miles away, to Washington, D.C.

The incentive that is created is one of mediocrity; that it would be just easier to settle for economic scraps instead of shooting for the Moon and pursuing the American Dream.

And what about the supposed beneficiaries of socialism, the middle and the lower-class workers? Under that system, not only do massive amounts of other people's money flow here to Washington, but so does the decision-making capacity, over large swaths of people's lives, from your healthcare decisions to how you power your home, or your car, or what school your child can attend.

Liberal Democrats often mock Republican economic policies as trickle-down economics. But the socialist view essentially constitutes trickle-down bureaucracy. The theory is that if we give more money and power to Federal bureaucrats in Washington, that the benefits will somehow trickle down to those who need it the most.

Furthermore, it is fundamentally immoral for decisions over your life to be fundamentally outsourced to a far distant Capital hundreds or thousands of miles away with the dim promise of support after the Washington swamp has had its say.

The best way to combat the rise of socialism is to educate Americans on the devastation that it has caused in other countries around the world.

In Greece, socialist policies have crippled investment, innovation, entrepreneurship, and led to a shortage of food, money, and medicine.

In Venezuela, the socialist policies of Hugo Chavez and Nicolas Maduro have led to mass shortages of critical medicine, widespread starvation, skyrocketing crime, and a terrible refugee crisis.

In contrast, countries that have adopted the capitalist principles of economic freedom have fared much better. After trying Socialist policies in the 20th century, Israel, India, and the United Kingdom realized that their economies were hopelessly stagnated, and as a result, all three countries

stopped allowing the government to dictate economic decisions and made the switch to free-market policies as a way to jump-start their economies.

After embracing economic freedom, India now has the largest middle class in the free world. Israel is rated as the third most innovative economy in the world, and the United Kingdom's economy grew faster than nearly every other economy in Europe.

As a strong supporter of economic freedom, I stand firm in my commitment to combat the rise of socialism. This dangerous ideology has failed in nearly every country where it has been tried, and we must do everything in our power to educate the next generation of Americans about the true nature of socialism.

Socialism is not what made America great. Socialism is not who we are. America will never become a Socialist Nation.

#### WE HEAR AMERICANS REGARDING SKYROCKETING DRUG COSTS

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

Mr. TRONE. Mr. Speaker, I rise today in support of H.R. 3, the Elijah Cummings Lower Drug Costs Now Act. This bill fulfills a promise that we made to the American people.

We heard America when you told us drug costs were so high you sometimes had to choose between buying your medicine and paying your heating bill.

We heard America when you spoke to us about skyrocketing drug costs compromising your quality of life.

We heard America when you said you had to ration drugs because you couldn't afford your next prescription.

No one should have to make those tradeoffs for themselves or their children.

In the United States, we pay more for drugs than any other country. For insulin alone, Americans pay four times the average of other countries. In my district in Maryland, people with Medicare are paying 4.9 times what they would pay in Australia; 3.5 times what they would pay in the United Kingdom; and 2.6 times what they would pay in Canada for prescription drugs.

Marylanders and Americans have been getting a bad deal, and it is time to change that. I come from the business world and in business you are successful when you negotiate a better price. Government should be able to do the same thing with pharmaceutical companies.

H.R. 3 will allow us to do this. It will allow the U.S. Government to negotiate lower prices for Medicare and private insurance and put a \$2,000 out-of-pocket limit on prescription drugs. It will also expand Medicare benefits to add coverage for dental, vision, and hearing for the first time ever.

In total, this bill will save the Federal Government over \$500 billion over the next 10 years. Not only will this

save money in the pockets of the average American, but it will reinvest that money to help our children and our children's children.

It will do this by investing \$10 billion for biomedical research at NIH. NIH is the best investment in our future that we could ever make. Every dollar spurs \$8 in return. Investing money in NIH just makes sense.

It will also do this by investing \$10 billion to fight our Nation's biggest problem: the opioid epidemic. Unscrupulous pharma companies fueled this opioid epidemic with irresponsible and illegal schemes to flood the market with prescription pain pills. We have paid dearly for those pills in lives lost.

It is only right that the savings we create through lowering drug prices for Americans should go to fighting this epidemic.

I am proud that the bipartisan bill I introduced with the Freshmen Working Group on Addiction, the State Opioid Response Grant Authorization Act, is included in H.R. 3 and will provide \$7.5 billion over the next 5 years for consistent and predictable funding for the communities that are fighting the opioid epidemic on the front lines. Opioids have killed more than 400,000 Americans. It is time to act.

Last month, I held a roundtable in Gaithersburg, Maryland, about the high cost of prescription drugs. At the roundtable, we had medical professionals and regular folks who wrote into my office about the incredibly high cost of prescription drugs.

One of those people was Suzette Cumberland. Suzette has Type 1 diabetes, and over the summer the price for her medication shot up 300 percent without warning or explanation. This is not fair, and it is not right.

I am standing on the floor of the House of Representatives today and say to Suzette: We all hear you. I hear you and the millions of people across the country who have to make decisions about whether to pay for food or the medication they need to survive.

I urge my colleagues to vote for the Elijah Cummings Lower Drug Costs Now Act. It is time to stand up to the pharmaceutical companies and fight for those without a PAC or a lobbyist to represent them—the American people.

Let's fight for them.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

#### HONORING THE LIFE OF ALLAN TRIMBLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. KEVIN HERN) for 5 minutes.

Mr. KEVIN HERN of Oklahoma. Mr. Speaker, I rise in recognition of the passing of a great American.

Allan Trimble was first and foremost a man of faith, whose mission field for 35 years was 100 yards long and 53½

yards wide. Coach Trimble was the most successful high school coach in Oklahoma history with 13 State championships, and in 2017, Jenks High School affectionately renamed their stadium the "Allan Trimble Stadium" in his honor.

He was inducted into the Oklahoma Sports Hall of Fame in 2018. Trimble believed that when you make better people, you make better players. For Coach Trimble, winning on the field was a by-product of winning off the field, keeping your priorities of faith, family, and football, in that order.

Coach Trimble was a master mentor who spent his entire adult life pouring his wisdom into high school students and young adults. Countless people were blessed by his mentorship.

Despite his battle with ALS, Coach Trimble continued to believe that he was blessed and needed to bless others.

Coach Trimble spent his last year developing the Trimble Strong Foundation, a continuation of his efforts to serve others and mentor the next generation.

Last week, Coach Trimble left this earthly pain to join our Father in Heaven.

He is remembered a hero by thousands of lives he touched both on and off the football field. Oklahoma will never forget his legacy of service and of selflessness, faith, and football.

□ 1045

#### CONGRATULATING STATE FOOTBALL CHAMPIONS

Mr. KEVIN HERN of Oklahoma. Mr. Speaker, I rise today in honor of three high school football teams in my district who won statewide football State championships this weekend.

In 6A Division I, Owasso High School, coached by Bill Blankenship, had an impeccable and undefeated season, earning their second State championship in 3 years.

In 6A Division II, Bixby High School, coached by Loren Montgomery, cruised to an undefeated season as well, winning State for the fifth time in 6 years.

In 3A, Lincoln Christian School, coached by Jerry Rieke, also went undefeated this year. They sailed through the playoffs to a victory in the State finals on Saturday.

Congratulations to the Rams, the Spartans, and the Bulldogs. These players and coaches worked hard all year to earn these championships.

In addition to these championship teams, Oklahoma's First District had several teams make it to the finals. Jenks High School took runner-up in 6A Division I. Metro Christian School is playing in this weekend's 2A championship game. And Regent Prep is playing for the Class B championship.

With so many exceptional teams, Friday nights are never boring in Tulsa.

#### HONORING LIFE AND LEGACY OF JAKE BURTON CARPENTER

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

Mr. WELCH. Mr. Speaker, on November 20, 2019, only 3 weeks ago, Vermont lost a great Vermonter and an inspiring American, Jake Burton Carpenter, the person who started Burton Snowboards, the person who actually created the whole sport of boarding.

Jake was a great Vermonter and pioneer of snowboarding. He was a great husband to his wife, best friend, and business partner for decades, Donna Carpenter, and the proud father of George, Taylor, and Timi, snowboarders or riders all.

Jake's life was one of great effort, inspiring originality, perpetual decency, and deep love of the snowboarding sport Jake created, deep love of the people who came to the sport, and deep love of his community and all the people who worked in his company.

Snowboarding in 2019 is a wildly popular sport that Jake started. It has a prominent place in our Winter Olympic Games, and it has extraordinary champions. It was once shunned and prohibited in all our ski areas.

Mr. Speaker, you couldn't bring a board to a mountain, and it was because the kids who wanted to do this were rambunctious, energetic, and Jake would sometimes say disrespectful of their elders. But they loved to ride, loved to be outdoors, and loved to be with each other. It was this culture of community that Jake created as much as this extraordinary sport that allowed people to demonstrate amazing physical skills.

He started this company in Stratton, Vermont. He worked as a bartender at night. During the day, he worked not in his garage but in a barn at a house where he was housesitting. By himself, he was making these snowboards.

This is one of his early Burton Snowboards.

With Donna, whom he met in 1982 and married in 1983, he then started promoting to ski areas to let these rambunctious kids ride. Ski area after ski area relented and ultimately came to see riding as the economic future of their mountains because as ski trips have gone down, boarding has gone up.

The company that Jake left behind that he started out of nothing now has about 32 percent of the sales in this huge market, about \$400 million. It is over a \$1 billion industry. It has over 1,000 employees in six different countries.

Riding today is something you do if you dare. It wasn't always so. When Jake started in 1977, he started from nothing, but he loved it.

After he graduated from NYU in 1977 and a short stint on Wall Street, the last time I think Jake ever wore a suit, he went to pursue his dream in Vermont. He marketed this board initially to 22-year-olds. Then he realized that when he was a kid, the first time that he got on something that was the predecessor to these beautiful Burton Snowboards, it was two skis bound together with a rope at the top called a Snurfer, and he was 15 or 16. He started

marketing to even younger kids. They went outside, got on the mountain, and then a sport was born.

Mr. Speaker, so many champions have been folks who rode these boards in their glory. One of them, of course, was Shaun "The Flying Tomato" White. The Flying Tomato got so many awards that he has become one of our greatest Olympic champions.

Now, Jake's life was not without real suffering. He lost his beloved brother, George, in the Vietnam war. His mom, Kitty, died when he was 17.

I want to end with Jake's words: "The riders, the product, the process, this is my heart and soul. I just love the freedom snowboarding gives you to do whatever you want."

#### USMCA WILL CREATE JOBS

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

Mr. COMER. Mr. Speaker, I rise today to commend President Trump for the recent bipartisan deal with Congress to replace NAFTA with a new and significantly improved free trade agreement, the USMCA.

This deal will create jobs, boost our agriculture exports, and grow the economy in Kentucky. It is good for our farmers and manufacturers, and it will benefit all Americans.

The USMCA also encourages innovation, opens new markets for our farmers, and strengthens enforcement and accountability with our trading partners in the global economy.

Unfortunately, it took far too long for Speaker PELOSI and the House Democrats to come to the table and move toward action on an important priority to the American people. Their excessive, unfounded focus on impeaching the President has created months of needless delay on a vote on the USMCA, a vote we continue to await.

However, it is good news that a deal has finally been reached. It is one that will provide our economy with increased stability and confidence. But now that we finally have an agreement on a deal negotiated by the President over a year ago, Democratic leadership must act quickly and bring the USMCA to the floor for a vote. My constituents and all Americans deserve no less than a government that works for them rather than one that plays political games with our economy.

The need for a modern agreement with our major trading partners has been neglected for long enough. We must now do our duty and take a vote on the USMCA, which will help us remain competitive in the 21st century economy.

#### RECOGNIZING CUMBERLAND COUNTY JUDGE EXECUTIVE JOHN PHELPS

Mr. COMER. Mr. Speaker, I rise today to recognize my friend, Cumberland County Judge Executive John Phelps, for his recent selection to serve as president of the Kentucky County Judge/Executive Association.

This prestigious organization serves as the unified voice for county judge executives in all of Kentucky's 120 unique counties. Judge Phelps will do good work in this role to promote the improvements of county governments all across Kentucky.

In Kentucky, we are fortunate to have strong leaders in our courthouses and city halls, many of whom serve cities and counties in the First Congressional District. These include leaders like Judge Phelps, whose exceptional service and commitment to addressing the needs of local government stand out.

I am excited to see him get started in this important job and know that he will be a strong advocate for the many needs of county governments. His service will benefit not only Cumberland County and south central Kentucky, but also the Commonwealth of Kentucky as a whole.

I am honored to recognize Judge John Phelps, whose distinguished record of service in Cumberland County and his many private-sector accomplishments in the real estate business will serve him well in this new role.

#### SUPPORT IMMIGRATION REFORM FOR FARMWORKERS

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

Mr. COSTA. Mr. Speaker, I rise today to support the Farm Workforce Modernization Act.

Let me first thank Chairperson ZOE LOFGREN and Ranking Member DAN NEWHOUSE for their hard work in forming this bipartisan compromise.

Farmworkers are some of the hardest working individuals you will ever meet. I know. As a farmer's son, I have done that work. It is hard, but it is skilled work. It is simply wrong that they are subject to living and working in the shadow of uncertainty and fear of deportation.

Just last month in the city of Madera in my district, I met with members of the United Farm Workers organization to tell them of the promise of this bill. I spoke with these hardworking men and women and their young children who work to put food on America's dinner table every night.

I could see the hope in their eyes, hope for a normal life free from the dread of possible family separation and deportation that hangs over them every day when they leave to go work and hope for a chance to change their reality and reshape their story.

We owe it to these individuals who do so much for us. This monumental, bipartisan compromise is a unique opportunity to provide us with the first meaningful reform in the immigration system in over four decades.

Many of us would like comprehensive immigration reform for our Dreamers and to fix our broken immigration system. For now, that is not possible, but this legislation that would provide

legal status for seasonal and year-round farmworkers is.

Mr. Speaker, I urge my colleagues to stand with me and support the Farm Workforce Modernization Act that we will vote on later today.

#### LOWER DRUG COSTS NOW

Mr. COSTA. Mr. Speaker, I also rise to support the Elijah E. Cummings Lower Drug Costs Now Act.

Americans want Congress to tackle issues that they care most about, and spiraling drug costs is one of the most important issues.

Passing H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act, will help lower prescription drug prices and hold drug companies accountable for unfair price hikes.

Prescription drugs in the United States we all know are four times higher than what they charge for the same drugs in many other countries. The soaring cost of insulin is one example of the way we see gouging, quadrupling over the last decade.

□ 1100

Diabetes is an epidemic in our country, affecting over 30 million people in the United States and costing Americans more than \$100 billion a year to manage.

In Fresno County, one of the counties I represent in my district in the San Joaquin Valley, it is estimated 68 percent of the adults between the ages of 55 and 69 have diabetes.

These Americans need insulin to manage their condition, but these high prices are causing them impossible choices. The question is: Do they pay for medication or do they put food on their dinner table, making sacrifices that are simply unacceptable?

Democrats are committed to putting the healthcare of American people first and stopping this unfair practice. So far this year, we have sent multiple bills to the Senate to reduce healthcare and prescription drug costs. Silence. Silence is the only answer we get from the Senate.

Tomorrow, we will pass another bill, H.R. 3, the Lower Drug Costs Now Act, and this aims to stop drug companies from gaming the system unfairly and raising prices on American families. That is what we are trying to do.

This bill also builds on the Affordable Healthcare Act by adding \$10 billion a year for expanding community health centers, which have been instrumental in my area and throughout the country in increasing healthcare and access to healthcare in rural America.

In my district, 400,000 people would benefit if we passed H.R. 3 and it is signed into law. My constituents who rely on prescription drugs are depending on us to act to ensure that medications are affordable, and I intend to do that by voting to support this legislation.

It will also save Americans over \$500 billion over the next 10 years.

So now is the time to act, and it is the time for the Senate to do their job.

IN HONOR OF CORPORAL, RETIRED, MATTHEW BRADFORD

The SPEAKER pro tempore (Mr. RUSH). The Chair recognizes the gentleman from Kentucky (Mr. BARR) for 5 minutes.

Mr. BARR. Mr. Speaker, I rise today to honor the life of a unique and special man and my good friend, U.S. Marine Corporal, Retired, Matthew Bradford. Matthew is stepping down as veterans outreach coordinator in my district office.

Matthew, who grew up in our district in Winchester, Kentucky, enlisted in the United States Marine Corps when he graduated from high school, and he was assigned to the 2nd Battalion, 3rd Marines, Echo Company, 2nd Platoon.

He was deployed to Iraq in 2006, and on January 18, 2007, he suffered catastrophic injuries as a result of the detonation of an improvised explosive device. His severe injuries left him totally blind, and he lost both of his legs.

Matthew persevered, and he learned to overcome and adapt from his injuries. In 2010, Matthew became the first blind double amputee in history to reenlist in the Marine Corps.

On behalf of a grateful nation, I thank him for his service, his sacrifice, and his patriotism.

Matthew Bradford is a very determined individual. After his service with the Marine Corps ended, he married his "Warrior Princess," Amanda. Together, they have three children.

Through hard work and determination, Matthew graduated from the University of Kentucky.

Matthew found his purpose in motivating and encouraging others to overcome difficult obstacles. He spends a great deal of his time speaking to groups and individuals and participating in challenging athletic events, including marathons, skydiving, surfing, hunting, and climbing 7,000 feet up Mount Rainier.

Matthew came to work in the Sixth Congressional District office in the spring of 2017, serving first as a college intern, then as my national security fellow, and, lastly, as our veterans outreach coordinator.

In his work in our district office, Matthew has been a strong advocate for veterans. He worked with our veterans coalition, and it has grown tremendously under his leadership.

Matthew has worked on many outreach initiatives, including our Facebook page, and has worked diligently to improve the lives of America's veterans. His work with veterans has made quite a difference.

His passion, his humor, and his determination will be greatly missed in our office, but his life's work in service to his community and the Nation will surely continue.

Matthew has earned many honors, including the Purple Heart medal, the George Van Cleve Military Leadership Award, the Gary Sinise Hope for the Warriors Award, and induction into the Kentucky Veterans Hall of Fame. He



was also invited by President Trump to attend the 2018 State of the Union Address.

In his position in the Sixth District office, he has earned the respect of all of his coworkers and all of the constituents with whom he has interacted. He leaves a lasting legacy as a servant leader.

I am honored to call Matthew a loyal and trusted friend. I wish him all the best as he moves on to other interests.

Mr. Speaker, I thank Corporal Bradford for his friendship, for his tireless work on behalf of the people of the Sixth District, and his outstanding service to the country.

#### TWO-STATE SOLUTION

Mr. BARR. Mr. Speaker, I rise today to acknowledge the United States most important strategic ally in the Middle East, the nation of Israel.

Last week, the House voted on and nearly passed, along mostly partisan lines, a nonbinding resolution reinforcing the failed two-state policy that has been pushed on both the Israeli and Palestinian people since the signing of the failed Oslo Accords. I opposed that resolution.

The truth is we need a new way of thinking about the path toward a lasting peace between Arabs and Jews in the Middle East. The idea that politicians from outside of Israel can impose a top-down forced division of Arabs and Israelis is nonsense.

Rhetoric about a negotiated two-state resolution is not credible when it is promoted by those who criticize Israel's settlements within the Biblical homeland of the Jewish people. Current Israeli settlements established through peaceful means extend the reach of freedom and democracy, while the proposed ejection of Jews from settlements has a record incongruent with peace.

The 2005 Israeli withdrawal from Gaza has been a disaster for Palestinians, allowing terrorist groups like Hamas and PIJ to take over and terrorize that strip of land and its citizens.

I have personally been to Judea and Samaria, and I have witnessed Jews and Arabs working together, side by side, in private enterprise, seeing that peace is possible.

When stability exists under the rule of law, under the freedom and security offered by the State of Israel, businesses thrive, families earn a living, and freedom and democracy expand—all things that I encourage my colleagues to consider.

#### IN MEMORY OF SECOND LIEUTENANT TRAVIS B. WILKIE

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

Mr. PETERS. Mr. Speaker, I rise today to recognize the late Second Lieutenant Travis B. Wilkie, a veteran and San Diego native who lost his life while training at Vance Air Force Base

in Oklahoma. Lieutenant Wilkie was a model citizen who exuded the values of service and sacrifice to his country.

A San Diego native, Lieutenant Wilkie worked diligently as both a student and as a member of his community, and his accomplishments earned him a spot at the prestigious Air Force Academy in Colorado Springs.

On November 21 of this year, Lieutenant Wilkie was training with a fellow pilot, Lieutenant Colonel John Kinkade, when Travis' plane crashed during a landing formation. Both Lieutenant Wilkie and Colonel Kinkade tragically lost their lives that day.

Lieutenant Wilkie's loss is felt in our community in San Diego, by his colleagues at the Air Force Academy, by his fellow servicemembers at Vance Air Force Base, and by his family. In a text to me yesterday, his mom, Carlene, said: "'Devastated' is not a strong enough word. Travis was a brilliant, hardworking 23-year-old who just married the love of his life on October 14. I don't believe any young pilot should die in a training mission. Unbearable."

Please join me in remembering and honoring Second Lieutenant Wilkie and Lieutenant Colonel Kinkade, their families, and the communities they touched during their lives and their service.

#### IN HONOR OF ALBERT J. HICKMAN

Mr. PETERS. Mr. Speaker, I rise today to recognize the San Diego hero, the late Ensign Albert J. Hickman, a decorated veteran who gave his life to save many others.

Ensign Hickman was 21 years old when the F3H Demon, the jet he was piloting, malfunctioned. He was on a routine training mission over San Diego, California, when he lost control of the aircraft and began plummeting toward the ground.

At the time of the engine malfunction, Hickman's jet was directly over a neighborhood and an elementary school playground crowded with children on their noontime recess. Instead of simply ejecting from the jet, he stayed with the aircraft and steered it into a remote canyon in order to avoid the playground.

Ensign Hickman sacrificed his life to save the lives of 750 children. He was posthumously awarded the Navy and Marine Corps Medal, the highest non-combat medal awarded for heroism. Hickman Elementary School in Mira Mesa was also named in his honor, as was Hickman Field in Kearny Mesa.

At a ceremony at the school, 11-year-old Hawthorne student body president Kay Schade gave a speech that was quoted in the San Diego Union Tribune: "Ensign Hickman not only saved our lives but left us an ideal by which to live. Let us strive to be as brave and courageous ourselves as he was."

December 4 marked the 60th anniversary of his death. In September, his heroism was remembered at Mount Soledad Veterans Memorial.

Please join me in honoring Ensign Albert Hickman for his dedication and

sacrifice as we seek to continue his legacy of heroism.

#### IN HONOR OF SENIOR CHIEF PETTY OFFICER KENTON STACY

Mr. PETERS. Mr. Speaker, I rise today to recognize Senior Chief Petty Officer Kenton Stacy, a decorated veteran who sustained injuries in the line of duty while on tour in Syria.

Senior Chief Stacy was on his final tour in Syria after having already completed one tour in Iraq and two in Afghanistan. He specialized in explosive ordnance disposal, meaning that every assignment he undertook was a matter of life and death for himself and members of his team.

In 2017, Senior Chief Stacy and his unit were clearing a hospital in an area that had been recently occupied by ISIS. During their mission, an explosive device detonated, leaving Senior Chief Stacy badly wounded. While Senior Chief Stacy survived, the explosion ultimately left him paralyzed and unable to speak.

Senior Chief Stacy was honored this past Veterans Day with a plaque at the Mount Soledad Veterans Memorial in San Diego, the only memorial in the United States that honors veterans, both living and deceased, from the Revolutionary War until now. This will help ensure that his sacrifice is never forgotten.

Please join me in honoring Senior Chief Petty Officer Kenton Stacy and his family and thanking them for all their courage and service to our country.

#### SOCIALIZED MEDICINE IS DEADLY

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

Mr. BROOKS of Alabama. Mr. Speaker, 106—nearly half—of House Democrats have cosponsored the socialists' Lower Drug Costs Now Act.

I will not mince words: Socialized medicine causes worse healthcare at higher costs with longer waits and more dead Americans.

America must learn from countries that have experimented with socialized medicine. Per Britain's Royal College of Surgeons, almost a quarter of a million people must wait more than 6 months—6 months—to receive planned medical treatment from the National Health Service. Worse yet, more than 3,600 Britons wait more than 9 months for medical care.

The photo next to me was taken by a British mother outraged by the healthcare her ill son received. As this photo shows, her son was treated on a hospital floor.

Do we want newborn babies kept in cardboard boxes like they are in socialist Venezuela? Is that really what we want in America?

I say no. But that is exactly what America will get if socialists have their way in this healthcare debate.

Canada's socialized medicine is no better. A 2016 survey by Canada's Fraser Institute found a median wait of 20



weeks, almost 5 months, for “medically necessary” treatments and procedures.

Britain’s National Health Service data reveals that almost 25 percent of cancer patients don’t start treatment on time, despite urgent referrals from their primary care doctors. Britain’s politicians whitewash this deadly statistic by claiming treatment is “on time,” if it is given within 62 days of referral—2 months of referral.

Such long wait periods for cancer treatment can be, and are, deadly. For example, 81 percent of British breast cancer patients live 5 years after diagnosis compared to 89 percent for American breast cancer patients. Stated differently, 8 of every 100 breast cancer patients who live in America would die in Britain’s socialized medicine system.

Americans with prostate cancer have a 97 percent 5-year survival rate. In Britain, it drops to 83 percent. Stated differently, 14 of every 100 prostate cancer patients who live in America would die in Britain’s socialized medicine system.

It is irresponsible and dangerous for America to copy socialized medicine, yet that is exactly what socialist Democrats want us to do.

The House soon votes on a socialist drug cost plan that gives the government control over drug pricing while suppressing the invention of lifesaving drugs. For example, the Congressional Budget Office warns this legislation results in 15 fewer drugs in the next 10 years. That is 15 drugs that help Americans live longer or more comfortably, gone, because of socialist Democrat wishful thinking.

□ 1115

Mr. Speaker, socialized medicine is not the answer. Government price controls are not the answer.

The answer is more free enterprise competition that forces healthcare providers and drug companies to provide their best products at their lowest prices or go out of business.

I urge the American people to not fall prey to socialists who promise taxpayer-funded government healthcare.

I urge my colleagues to vote against this socialist drug pricing scheme.

Most importantly, I urge America to be wary of propaganda that claims socialized medicine lowers healthcare costs or saves lives. Socialized medicine does neither.

Remember that promise that ObamaCare will cut your health insurance premiums by \$2,500 per year? That was false propaganda.

Remember the promise that, under ObamaCare you can keep your doctor and health insurance plans if you want them? That was more false propaganda.

America, do your homework. Don’t fall for the lies again. Demand solutions that both lower costs and save lives.

Why? Because your very life is at risk.

#### THE TIME TO ACT IS NOW

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. MUCARSEL-POWELL) for 5 minutes.

Ms. MUCARSEL-POWELL. Mr. Speaker, the number one concern that I continue to hear from my constituents is the high cost of healthcare, especially the skyrocketing prices of prescription drugs.

From Kendall to Key West, I have heard stories of patients that are forced to choose between putting food on the table or paying for lifesaving drugs. Meanwhile, Big Pharma continues to collect hundreds of billions of dollars in profits each year.

This cannot continue. We must pass H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act of 2019, which will save Floridians thousands in drug costs each year.

This bill would cut Medicare spending by over \$400 billion, and reinvest these savings to combat the opioid epidemic, fund research for new groundbreaking cures; it would expand Medicare benefits, and it would also be used to strengthen community health centers.

As the past Dean of the Medical School at Florida International University, I have worked directly with these centers and I have seen firsthand the impact that they have had on our community.

In my district, Community Health of South Florida, or CHI, plays a crucial role in providing care to the uninsured and underinsured.

In 2018 alone, CHI provided care for over 82,000 patients, including primary care services, behavioral health, OB/GYN procedures, and free HIV screenings.

These health centers serve everyone in the community, regardless of their ability to pay. They expand quality, affordable healthcare for everyone.

The time to act is now. We have to pass H.R. 3 to lower prescription drug prices and strengthen the healthcare centers that thousands in my district depend on for care.

#### LOWER PRESCRIPTION DRUG PRICES NOW

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

Mr. MEUSER. Mr. Speaker, every day I hear from my constituents in Pennsylvania’s Ninth Congressional District about the skyrocketing costs of prescription drugs. Families should not have to dedicate such a high percentage of their disposable income on prescription drugs, and families should certainly not be forced to choose between buying medication or putting food on their table.

Over 70 percent of Americans think that lowering prescription drugs prices should be a top priority for Congress.

Delivering for the American people will require a bipartisan approach with proposals that can actually pass the House and the Senate and be signed into law.

Unfortunately, Speaker PELOSI’s prescription drug pricing proposal, H.R. 3, was crafted without any Republican input and will be dead on arrival in the Senate.

A key component of H.R. 3 involves the Federal Government mandating pricing for prescription drugs. While supporters of H.R. 3 describe this as “voluntary negotiation,” manufacturers who decline to participate in the process are taxed up to 95 percent of the medicine’s gross sales. That is 95 percent of the gross sales price.

This is not a negotiation. This is a heavyhanded government at its worst. It is ridiculous. It is take this price or else. It is, figuratively and literally, a poison pill provision to this bill.

Government, command central price setting is not only un-American, it is ineffective. When we look at countries with heavyhanded approaches to price controls, we find they have significantly less access to lifesaving medications and treatments.

Of the 270 new medicines available in the United States, only 41 percent are available in Australia; 52 percent in Canada; 53 percent in France; 67 percent in Germany; 48 percent in Japan; 64 percent in the United Kingdom.

Imagine, in our country, a lifesaving drug being available in another country but not available here. We can’t imagine that.

Fortunately, House Republicans have found a solution to lowering prescription drug prices without sacrificing American innovation or harming access to lifesaving medications.

H.R. 19, the Lower Costs, More Cures Act, is a package of over 40 bipartisan provisions to lower out-of-pocket spending, strengthen transparency, and spur competition.

H.R. 19 protects seniors by placing an annual cap on out-of-pocket drug costs and establishing a “smoothing” mechanism to allow them to distribute their prescription drug spending throughout the year. Rather than heavyhanded government overreach, H.R. 19 stimulates free market forces to spur innovation and lower costs by streamlining FDA approval pipelines, increasing availability of over-the-counter products, and prohibiting anticompetitive practices that prevent access to generics.

H.R. 19 makes insulin more affordable—so important—by capping the costs at \$50 a month after a Medicare beneficiary has met their deductible. Under H.R. 19, doctors would know what a patient will have to pay for a drug, allowing them to prescribe medication that addresses the patient’s needs and fits their budget.

Again, every single provision in H.R. 19 is bipartisan and could actually become law. President Trump has made it abundantly clear that lowering prescription drug prices is a top priority,

and H.R. 19 achieves this goal without harming innovation or access.

I am a cosponsor to this vitally important legislation, and I do urge my colleagues on the other side of the aisle to work with the House Republicans on delivering lower drug costs for the American people.

**MR. PRESIDENT, WHAT DO YOU HAVE TO HIDE?**

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

Ms. KAPTUR. Mr. Speaker, yesterday, Russian dictator Vladimir Putin must have been consumed with delight. President Trump chose to invite to the White House Russian Foreign Minister Sergey Lavrov, the right arm of Vladimir Putin.

The American people should be on red alert, asking themselves what the President has to discuss with a senior leader of an adversary, in a meeting closed to the press and closed to the American people.

Mr. President, what do you have to hide?

Importantly, Mr. Lavrov is the individual that first concocted the Ukraine false narrative on December 1, 2016, that hid Russia's involvement in our elections, blaming it on Ukraine.

It seems that this meeting is a part of a pattern of President Trump's disturbing behavior to cozy up to dictator Putin and his oligarch cronies, many of whom have invested heavily in Trump properties.

Astoundingly, President Trump welcomed Russia's intervention in our 2016 elections, and then he invited Russia back to the Group of Seven.

He shamelessly kowtowed to Putin at the Helsinki Summit.

And additionally, President Trump withheld critical military assistance and a White House meeting from the President of Ukraine, Volodymyr Zelensky, urging him to investigate false conspiracy theories about President Trump's political opponents here at home.

Meanwhile, the President publicly and continuously derides our closest allies, and questions the value of NATO, for heaven's sake, the North Atlantic Treaty Organization, the bulwark of our security as free people. And he embraces dictators from around the world.

Yet, again, need I remind the President that Russia seeks to destroy liberty. Putin seeks to destroy critical democratic alliances, forged at great sacrifice, such as NATO, that have brought unprecedented peace, security, and prosperity to the free world, which includes us.

In 2019, Russia illegally invaded the independent nation of Ukraine, leading to already over 14,000 deaths and the displacement of millions. Ukraine is the scrimmage line for liberty in the Transatlantic Alliance. Russia has been working hard to destroy that alliance, which is freedom's bulwark.

Russia has sided with the barbarous Assad regime in Syria, and Russia conducts constant cyberattacks and misinformation campaigns to meddle in democratic processes, including here in our 2016 presidential election; and she is intent to do it again next year.

Simply put, the enemy of liberty will stop at nothing to weaken the United States and our allies.

When the American people elect their President, they expect a leader to champion liberty on the world stage.

The world is watching, and so are our children. How should they interpret the United States rolling out the White House red carpet for corrupt Russian leaders, while freedom-seeking Ukrainian President Zelensky is still waiting for his invitation to the White House?

Indeed, this Lavrov meeting is rather sinister. It comes at a very sensitive time, domestically and internationally. On the eve of the meeting with Mr. Lavrov, Mr. Trump continues to deride our own national security institutions, such as the FBI, whose investigation clearly proved Russia interfered with our 2016 election, and she is on task to do it again.

Mr. Lavrov, himself, invented and directed the totally false narrative that Ukraine interfered in our election, a conspiracy theory spun up by the enemy of democracy himself. By siding with Russia, our President's behavior encourages Russia's malign behavior, while hurting our allies.

Interestingly, this secretive meeting in the Oval Office comes right after the Normandy Format talks in France between Ukraine, Germany, France, and Russia, when President Zelensky successfully withstood Russian pressure. He did not cross any red lines that could suggest capitulation of Ukraine in front of Russian aggression.

And during the Normandy meetings, thousands of freedom-loving Ukrainians showed up on the streets of Kyiv to show their support for President Zelensky and their readiness to defend their beloved motherland.

So, our conclusion is what Russia couldn't achieve through the open channel of diplomacy, it tries to do through the channels behind closed doors here in our own backyard.

Congress must demand full access to the transcript of the meeting between the President of our country and the Foreign Minister of Russia Lavrov.

Free people deserve it.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

□ 1130

**INCENTIVIZE BUSINESS TO HIRE VETERANS**

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

Mr. WRIGHT. Mr. Speaker, I am proud to introduce the Veterans Back to Work Act of 2019.

It is not hard to see that our economy is booming. We have the lowest unemployment rate in 50 years, and hourly wages continue to rise.

Despite the record-breaking economic numbers we continue to see every month, 326,000 veterans remain unemployed around the country. We should be doing everything we can to facilitate veterans' transitions back into the civilian workforce to help fill the over 7 million open jobs we have here in the United States.

The Veterans Back to Work Act would make the work opportunity tax credit, which is set to expire at the end of the year, permanent. This tax credit is issued to businesses and nonprofits that hire individuals who consistently face significant barriers that prevent them from obtaining employment.

Making the work opportunity tax credit permanent is a great way to ensure our veterans are set up for success. There is no reason not to incentivize businesses to fill jobs with the men and women who have served and sacrificed so much for our Nation.

I urge my colleagues from both sides of the aisle to come together and support this critical legislation.

**RECOGNIZING BILL ZEDLER**

Mr. WRIGHT. Mr. Speaker, a lion of the Legislature in Texas is serving his last term in office.

Since 2003, State Representative Bill Zedler has been a champion of liberty, a champion of free enterprise, a champion of religious freedom, a champion for life. He has been a champion like few others in the Texas Legislature.

Whether the issue was taxes, education, healthcare, veterans benefits, whatever it was, his was a voice to which others listened because that voice has always been a voice of truth and wisdom. That voice will be greatly missed.

All of us in public office at the end of our time of service have to answer the question, did we leave things better than we found them? For my friend Bill Zedler, that answer is a resounding yes because Texas today is better because State Representative Bill Zedler served in the Texas Legislature.

At the end of the movie "Troy," Odysseus is commenting about how history will be written. He says that he lived among giants, that he wanted it to be said that he lived in the time of Hector, that he lived in the time of Achilles. Well, members of the Texas Legislature can be proud that they served in the time of Bill Zedler.

I thank Bill for all of his magnificent service to the Texas Legislature.

**COMMEMORATING LIFE OF REVEREND CLAY EVANS**

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

Mr. RUSH. Madam Speaker, I rise today to celebrate and commemorate the life of the prescient priest and prophetic pastor that was the Reverend Clay Evans.

Reverend Evans was the inspirational icon and tireless servant to his church, to his community, and to the people of Chicago and borders beyond. His untimely passing has left us all with yet another stunning and unimaginable loss.

Born in Brownsville, Tennessee, Reverend Evans founded the Fellowship Missionary Baptist Church in 1950. For the next 70 years, he would nourish and strengthen the souls of his flock with his unwavering wisdom, his incorruptible courage, and his unyielding devotion to the Word of the Lord, the Good News, the Gospel of Jesus Christ. The Bible, Madam Speaker, says at Psalms 119:105: "Your word is a lamp to my feet and a light to my path."

Reverend Evans lived his faith humbly. He was a prophet to both parishioners and pastors alike. When the Reverend Dr. Martin Luther King brought his movement to Chicago, Reverend Evans had the courage to welcome Dr. King into his church against the objections and the retribution of then-Mayor Richard J. Daley and many others.

Reverend Evans was instrumental in founding the Rainbow/PUSH Coalition alongside the Reverend Jesse Louis Jackson, Sr. As chairman of the board of PUSH from 1970 to 1976, Reverend Evans worked diligently to establish Rainbow/PUSH as a national powerhouse in the fight for civil rights.

Madam Speaker, Reverend Evans leaves behind a long legacy of pastors who greatly benefited from his teachings, including Reverend Jesse Jackson, Sr. and Mother Consuelia York, the first Chicago woman to be ordained in the Baptist denomination. In total, Reverend Evans ordained 93 preachers and pastors, inspiring them to go forward and spread the good news of the Gospel of Jesus Christ.

No celebration of Reverend Evans' life would be complete without mentioning the innovative role music played in his ministry. His radio broadcast reached far and wide into our Nation, into the homes of millions of Americans. Reverend Evans recorded 11 gospel albums and creatively infused gospel music into his sermons, evoking even more truth and life into the Scriptures from which he was preaching.

In October 2007, Reverend Evans graced this very Chamber with his powerful presence, serving as a guest chaplain. It was my deep honor to sponsor Reverend Evans. Even today, I can still feel his presence in the same way that I felt it all those years ago when he took us to church here in this very Chamber.

Madam Speaker, although we all feel deep pain with the passing of Reverend Evans, I am comforted in knowing that he is now with our Lord and Savior Jesus Christ and with our Father in Heaven.

Reverend Evans' wife, Lutha Mae; his daughters, Gail Claudette Pye and Faith Evans; his sons, Michael and Ralph; and all who loved him are in my

deepest prayers and have my greatest sympathies as they mourn the loss of this truly great religious giant, Reverend Clay Evans.

#### RECOGNIZING COMPUTER SCIENCE EDUCATION WEEK

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to recognize Computer Science Education Week.

Ten years ago, this awareness week was established to highlight the important skill set and the role it plays in all industries.

Every year, Computer Science Education Week serves as an opportunity for students in kindergarten through their senior year of high school to learn about the importance of computer science and the opportunities that abound with a skills-based education.

As the co-chair of the bipartisan House Career and Technical Education Caucus, or CTE Caucus, I am proud to support Computer Science Education Week.

Our Nation is facing a skilled worker shortage. With more than 7 million open jobs in the United States, CTE opportunities can offer rewarding professional futures for learners of all ages while simultaneously closing the Nation's skills gap.

One field in particular that needs workers trained in computer science is cybersecurity. I was pleased to cosponsor H.R. 1592, the Cybersecurity Skills Integration Act, alongside my fellow CTE Caucus co-chair, Congressman JIM LANGEVIN from Rhode Island. H.R. 1592 will aid in the development of a critical infrastructure workforce that is well trained to handle cyber threats from bad actors.

The bill authorizes \$10 million to create a competitive grant program within the Department of Education to incorporate cybersecurity education into new and existing CTE programs. Additionally, the bill requires the Department of Education to coordinate with the Department of Homeland Security to better support cybersecurity education programs.

A successful career in any field starts with effective counseling. Far too many students begin their educational careers without fully understanding their options, but empowering students with counseling resources can better prepare learners of all ages for the workforce.

That is why Congressman LANGEVIN and I introduced H.R. 5092, the Counseling for Career Choice Act. H.R. 5092 would authorize \$40 million for grants to be used by States and local education agencies to assess counseling services and create new counseling frameworks.

The bill also provides professional development opportunities to counselors

so that they can better improve their skills to assist their students. We need a workforce that can meet modern technical demands, and students who choose a career in technical education are best suited for that challenge.

Through career and technical education programs like computer science, we can begin to close our Nation's skills gap with helping learners of all ages take control of their professional futures.

#### RECOGNIZING KWAME ONWUACHI

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ESPAILLAT) for 5 minutes.

Mr. ESPAILLAT. Mr. Speaker, New York City is recognized for both its tenacity and its profile as an incubator of elite talents. Perhaps no one embodies these Big Apple virtues more than chef Kwame Onwuachi, a Bronx native.

Chef Kwame's early life was branded by adversity, his early career marked by missteps. However, as a true New Yorker and as a true son of the Bronx, he bounced back.

A fusion of Bronx grit and culinary acuity has catapulted this young man, chef Kwame, from a subway candy salesman to winning a James Beard Award, perhaps the most prestigious award in the culinary world.

Now, as executive chef of the renowned Kith and Kin restaurant right here in Washington, D.C., at The Wharf here in our Nation's Capital, chef Kwame is a shining example of perseverance, prestige, and promise bred in the Bronx.

Go try his curry goat. Go try his oxtails. You will go back again.

Chef Kwame is an exceptional individual, and he continues to make us all proud. He is an inspiration to many.

He is right here with us, Mr. Speaker, in the gallery, and I welcome him to the House of Representatives. He is a Bronx native and now resides here in Washington, D.C. We are proud to have him. He is a young talent. You will be hearing a lot about him in the future, not only in written media, but you will be tasting his fine cuisine in many places around the world.

I congratulate him for having won the James Beard Award and for being a true example of how a young man of color from the Bronx can get up and shine. As the former great champion of the world Muhammad Ali said, he shook up the world.

Congratulations, chef Kwame.

The SPEAKER pro tempore (Mr. TONKO). The Chair would remind Members to refrain from making reference to occupants of the gallery.

#### HONORING OFFICER BILL CLARDY III

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

Mr. BYRNE. Mr. Speaker, I rise today with sadness in my heart to honor Officer Bill Clardy III of the Huntsville Police Department.

Officer Clardy, a decorated 14-year veteran of the department who also served with distinction in the Iraq war, was tragically shot and killed recently during a drug investigation. Officer Clardy was assigned to a strategic counterdrug team called the STAC Team, leading a task force of Federal and local law enforcement agencies to make drug busts across north Alabama.

Sadly, the Clardy family knows well the sacrifices of service. Officer Clardy's father, Billy Clardy, Jr., was killed in a car crash while on duty in 1978.

We owe it to Officer Clardy not to forget him or his sacrifice. Officer Clardy's reputation for service and for caring for his community is unmatched.

Officer Clardy was a Huntsville hero, and he is an American hero. He will be greatly missed.

Our thoughts, our prayers, and our support now are with the Clardy family. We embrace you with our love. We offer you our support. In the days to come, we pledge to you, we will not forget his sacrifice.

#### RECESS

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

Accordingly (at 11 o'clock and 45 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

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

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Almighty God of the universe, we give You thanks for giving us another day.

Lord, You are powerful and strong, yet You bend to Your people and show them mercy and sustaining grace.

Help the leaders of our Nation make wise decision in our day. May they look to You for guidance every step of the way until we stand in Your light forever. Set us all on a path that will lead to peace and security.

Bless us this day and every day, and inspire us to be grateful for the blessings we enjoy and the good work that does take place in our Nation's Capitol.

May all that is done within the people's House be for Your greater honor and glory.

Amen.

#### THE JOURNAL

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

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

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE) come forward and lead the House in the Pledge of Allegiance.

Mr. MICHAEL F. DOYLE of Pennsylvania 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.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### RECOGNIZING MARK COVALL

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

Mr. TONKO. Madam Speaker, I rise to recognize Mr. Mark Covall, who, after 34 years with the National Association for Behavioral Healthcare, is retiring.

For the past 24 years, as the president and CEO of the association, Mark has been a steadfast partner to me and others in Congress in the fight to improve our Nation's behavioral health system.

Under Marks's leadership, NABH was the leader in the fight to secure mental health parity, paving the way for the Paul Wellstone and Domenici Mental Health Parity and Addiction Equity Act.

More recently, Mark's advocacy was critical in the passage of CARA, the 21st Century Cures Act, and the SUPPORT for Patients and Communities Act.

Mark's leadership in coalition building as well as his work to develop strong relationships, both in the field and in Congress, explain why he has been so effective during his time at NABH.

Today, I join others in the mental health community in thanking Mark Covall for his decades of leadership, dedication, and passion for ensuring that millions of Americans have access to quality mental health and addiction treatment services.

We will certainly miss Mark's contributions and wish him well in his next phase of life.

#### HONORING CHRIS BOYD AND BILL WANDLING

(Mr. GONZALEZ of Ohio asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ of Ohio. Mr. Speaker, today I rise to honor two Summit County deputies who went above and beyond their job description to rescue an elderly couple from a house fire in Green, Ohio.

On November 19, 2019, just before 10 p.m., Deputies Chris Boyd and Bill Wandling were first to arrive at the scene when they heard neighbors yelling to alert them that 85-year-old Caroline Knotts and her 86-year-old husband, James, were still inside the home engulfed in flames.

While neither Chris nor Bill are firefighters, they felt compelled to help. Without hesitation, the two deputies rushed through the thick smoke for nearly 10 minutes before eventually discovering the couple and taking them and their family dog to safety.

According to Chris and Bill, they were just fulfilling their duty to the citizens of Summit County; but, to me and to everyone present that night, these deputies demonstrated the kindness, generosity, and love of neighbor that reflects the very best of our northeast Ohio community.

Thank you to Chris and Bill for your dedicated service to our community.

#### HONORING DR. JIM WURGLER

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

Mr. O'HALLERAN. Mr. Speaker, I rise today to pay my respects to Jim Wurgler of Williams, Arizona. Sadly, Jim passed away last month of a stroke.

Known to many as "Doc," Jim devoted his life to the health and betterment of others. He served as an Army physician in Vietnam and later as a doctor in several locations throughout the Southwest, including Grand Canyon Clinic and Williams Health Care Center in my district.

A lifelong mentor to others, Jim revitalized Yosemite National Park's EMT training program in 1978, teaching advanced emergency medicine to park rangers. One of his proudest moments was receiving an honorary park ranger award and a new title: The Ranger's Doctor.

Well into retirement, Jim worked to improve his community, going to great lengths to recruit and retain doctors in rural areas.

Always an optimist, Jim's family will be honoring his wishes and holding a ceremony of his life in lieu of a funeral.

Jim left an indelible mark on his loved ones and on the State of Arizona. He will not soon be forgotten. Pat and I are keeping Jim's family in our prayers this holiday season, and I hope all of my colleagues will do the same.

### FOOD PANTRIES THIS HOLIDAY SEASON

(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, food banks and food pantries play a valuable role in our communities all year long, but around the holiday season their impact on families in need is magnified.

In 2018, more than 37 million Americans were considered food insecure, including 11 million children. The Department of Agriculture defines food insecurity as “a lack of consistent access to enough food for an active, healthy life.”

Access to quality food and nutrition is necessary for healthy families, and as the former chairman of the Agriculture Subcommittee on Nutrition, this is an issue that I feel very passionately about.

We can all help our neighbors in need by contributing to our local food banks and food pantries by making a donation or volunteering our time. Just a small contribution or a few hours out of our day can make a big difference in our communities.

During this holiday season, it is especially important that we support families who have fallen on hard times.

### WE NEED BOLD ACTION TO LOWER THE COST OF PRESCRIPTION DRUGS

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

Mr. KIM. Mr. Speaker, I rise today to call for bold action to lower the cost of prescription drugs.

Over the last year, I have held 15 townhalls across Burlington and Ocean Counties, and the number one issue I continue to hear about is the high cost of drugs and healthcare.

We have a real chance right now to pass critical legislation that will have a tangible and real impact on the lives of the people we serve:

By passing H.R. 3, we can help lower the cost of critical drugs like insulin for the tens of thousands of New Jerseyans struggling with diabetes.

By passing H.R. 3, we can save lives by making cancer medication more affordable.

By passing H.R. 3, we can finally deliver comprehensive dental, vision, and hearing benefits for seniors under Medicare, including over 130,000 people in our district.

And by passing H.R. 3, we can expand access to the Medicare Savings Program, a provision I was proud to introduce and champion to help 3.5 million seniors afford quality healthcare.

Mr. Speaker, we must take big, bold action because the challenges that our neighbors face in affording their healthcare is critical. I hope my col-

leagues will join me in passing this bill and making an impact we can all be proud of.

### HONORING ALLAN BOGARD ON HIS RETIREMENT

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

Mr. OLSON. Mr. Speaker, a Texas legend, Houston Oilers Coach Bum Phillips, said this about Hall of Famer Earl Campbell:

Earl may not be in a class by himself, but whatever class he is in, it don't take long to call the roll.

Those exact words apply to our retired city manager, Allan Bogard. Allan is retiring after 19 years running our city.

Sugar Land is Sugar Land because of Allan. He created Sugar Land Town Center, brought Constellation Field, brought Minute Maid's headquarters to Sugar Land, made our airport number one in its class in America, all this while keeping a AAA bond rating.

Mr. Speaker, on behalf of the 130,000 Texans who live in Sugar Land, Allan has given us a motto for all time: In Sugar Land, our sugar is so sweet, we have no Equal.

### STAND FOR THE PEOPLE AND LOWER DRUG COSTS NOW

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

Mr. CRIST. Mr. Speaker, I rise in strong support of the Elijah E. Cummings Lower Drug Costs Now Act.

Pinellas County residents, my bosses, are fed up with the high cost of prescription drugs. One young constituent, Taylor McKenny, said it best: “You shouldn't have to choose between paying rent or paying for life.”

You see, Taylor has type 1 diabetes, and when the insurance ran out, Taylor's family had to pay \$120 just for a 3-day supply of insulin, medicine she has to take every day simply to stay alive.

A lifesaving drug shouldn't have a poisonous list price.

I cosponsored H.R. 3 so that Taylor can afford her insulin and nearly 600,000 of my constituents can get cheaper drugs.

I also cosponsored the Doggett amendment because everyone, those with or without insurance, should be protected.

Today's choice is quite simple: Do you stand for the people or do you stand for big pharmaceutical companies?

I stand for the people.  
Lower drug costs now.

□ 1215

### HONORING THE LIFE OF SCOTT BROOKS

(Mr. BISHOP of North Carolina asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of North Carolina. Mr. Speaker, I rise today to honor the life of Charlottean Scott Brooks.

Scott's life of work and service ended tragically and senselessly early Monday morning of this week when he was murdered outside his place of business in the NoDa area of Charlotte.

Brooks' Sandwich House is a Charlotte institution since 1973, run by Scott and his twin brother, David. It is a modest place where you buy a burger all the way and eat standing outside at a table. Really good.

Somehow, I had missed that hometown treasure until just 3 weeks ago when a friend invited me there for lunch. Scott spotted me as we came in and told the cashier our burgers were on the house—not because Scott was a fan, but because he was a nice guy.

Scott was holding down the fort while David convalesced from an injury. That is what brothers like Scott do.

I could not know then that Scott would be taken from us all just 17 days later.

I am grateful for that brief meeting and for the opportunity to commemorate him to the history of our Nation. Scott's brother and his wife and child should not be mourning him this day, yet we all are.

Scott Allen Brooks, rest in peace.

### SKYROCKETING PRESCRIPTION DRUG PRICES

(Mr. MICHAEL F. DOYLE of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, millions of Americans are suffering from skyrocketing prescription drug prices. They have to choose between medicine and food, or rent, or utility bills. People are actually dying because they have been forced to skip or reduce doses.

Prices aren't soaring because of the cost of developing prescription drugs. Some of these drugs are decades old. No. Prices are soaring because drugmakers are jacking up prices whenever and whenever they can to maximize their profits. And they can do this because the United States is the only country in the world that subsidizes research on new drugs and then refuses to negotiate with drugmakers for lower prices.

This is insane. Americans shouldn't be dying because drug companies want bigger profits.

I am supporting H.R. 3 because it will allow Medicare to negotiate drug prices, cap annual price increases, and set out-of-pocket maximums for seniors.

It is way past time Congress allowed Medicare to negotiate for lower drug prices. I urge my colleagues to vote in favor of H.R. 3 to lower drug costs now.

# SUPPORT SENIORS AND THOSE ON MEDICARE BY LOWERING THE COST OF PRESCRIPTION DRUGS

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

Mrs. AXNE. Mr. Speaker, I rise today and call on Congress to support our seniors and those on Medicare by lowering the cost of prescription drugs.

Seniors will get a 1.6 percent cost-of-living increase this year, yet the cost of prescription drugs is expected to go up 3.8 percent.

How can older Americans on a fixed income afford this? The answer is they can't, and they need to act on this.

I have spoken with Iowans who are rationing their medications or skipping meals just to cover the cost of the drugs they take.

I heard from Joan in west Des Moines, who has an autoimmune disease, and her medication suddenly skyrocketed. If she doesn't take it, she will need a liver transplant, and she doesn't know how she is going to afford the medication.

John in Madrid discovered his standard refill of insulin costs more than, literally, the price of gold.

So something must change. Older Americans need Congress to act.

That is why I am supporting H.R. 3 to protect our seniors. It means our older Americans won't be robbed of their retirement savings and they will live healthier lives.

If you want to give seniors a healthier, happier, safer retirement, then I call on you to support this bill.

## HONORING SERGEANT KORT PLANTENBERG; CHIEF WARRANT OFFICER 2 JAMES ROGERS, JR.; AND CHIEF WARRANT OFFICER 2 CHARLES NORD

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

Mr. PHILLIPS. Mr. Speaker, last week, my State and our country lost three young and remarkable servicemembers in a tragic helicopter crash outside of St. Cloud, Minnesota.

Sergeant Kort Plantenberg; Chief Warrant Officer 2 James Rogers, Jr.; and Chief Warrant Officer 2 Charles Nord each served our country with valor and leave behind grieving families and friends and heartbroken communities.

I recently flew with a crew from St. Cloud, and I lost my own father in a helicopter crash in the Vietnam war back in 1969, so my heart is particularly heavy today for Kaley Nord, 2-year-old Lydia, and her soon-to-be-born sibling, who will grow up without a father.

But we will never forget, and we will carry their legacies forward in the spirit of service, duty, and above all else, sacrifice.

May their memories be for a blessing.

# PRESCRIPTION DRUG PRICES ARE OUT OF CONTROL

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

Mr. CASTEN of Illinois. Mr. Speaker, prescription drug prices are out of control. Year after year, we see prices rise. Old drugs become unaffordable, and new drugs may cost more than a house.

That is why I support H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act. This bill would change the lives of the 89,000 seniors on part D in my district and over 600,000 people on private health insurance plans in my district.

One of those, in particular, is Liz Phelan. Liz lives in Algonquin, Illinois, and retired after 38 years of public service. In 2007, she had a double transplant: a kidney and a pancreas. She is alive today for two reasons: One is the generosity of a donor, and, the second, the antirejection drugs that she has to take to keep her alive.

Those drugs alone cost \$662 every 3 months, out of pocket, but because she needs additional medication, she hits the Medicare coverage gap, where she is on the hook for the balance of her costs.

H.R. 3 would be a game changer for Liz. It would lower her prescription drug costs to \$2,000 because H.R. 3 would create, for the first time, a cap on how much seniors need to pay out of pocket in Medicare. It would make sure that the drugs she needs to survive do not increase above the rate of inflation.

For Liz and for the millions of other Americans who face high-priced medicines, we must pass H.R. 3.

## REDUCE OUT-OF-POCKET COSTS FOR PRESCRIPTION DRUGS

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

Ms. UNDERWOOD. Mr. Speaker, today is a historic day for patients in this country because today we will be voting for a piece of legislation that my community in northern Illinois wants urgently. It cannot wait.

I hear about unfortunate and unaffordably high drug prices every time I am home. Recently, a 15-year-old boy in my district who relies on insulin wrote to me: "I am concerned with what my future holds. I need this medicine to live, and if the costs continue to rise . . . I am afraid that, one day, I won't be able to get the medicine and I will die."

No one should be thinking about the possibility of death because they can't afford a common, live-saving medication, and the Lower Drug Costs Now Act delivers the reforms we critically need because the bill reduces out-of-pocket costs for prescription drugs; it creates a new, \$2,000 out-of-pocket limit for seniors; and it allows the Sec-

retary of Health and Human Services to negotiate a fair price for the highest cost drugs, which will reduce private insurance premiums and out-of-pocket costs.

This legislation also incorporates my bill to prevent drug companies from making outrageous, unfair price hikes. And with the savings from lower drug costs, we reinvest in Medicare, expanding much needed hearing, dental, and vision services to seniors.

I am proud of this bill. It is a product of countless hours of research and negotiation. I would like to thank the committee chairs, leadership members, and staff who made it possible.

## PUT THE NEEDS OF AMERICANS ABOVE THE GREED OF THE PHARMACEUTICAL INDUSTRY

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

Mr. TAKANO. Mr. Speaker, Americans are skipping their medications because the cost of prescription drugs is too expensive. This is immoral.

Americans are going into debt because the cost of prescription drugs is too high. This is immoral.

Americans often pay four times more for the same drugs as those in foreign countries. This is immoral.

This is why I rise today in strong support of H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act, legislation that will lower the cost of prescription drugs for millions of Americans and benefit nearly 500,000 people in my district.

No one in America should have to ration their medicine. No one in America should have to travel to another country because the medication they need is too unaffordable here.

We have a moral obligation to put the needs of American people above the greed of the pharmaceutical industry.

I urge all of my colleagues to vote in support of this critical piece of legislation.

## ALLOW DIRECT NEGOTIATION OF PRESCRIPTION DRUG PRICES BY MEDICARE

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

Ms. KUSTER of New Hampshire. Mr. Speaker, I have long called for Congress to take meaningful action to lower prescription drug costs by allowing the direct negotiation of prescription drug prices by Medicare.

I am proud to cosponsor H.R. 3, the Lower Drug Costs Now Act, and I am pleased to see it includes my legislation, the Respond Now Act, as the basis for much needed funding to combat the opioid epidemic.

H.R. 3 provides \$10 billion in direct funding, including investments directly into our communities who are the front lines of this epidemic.



I am also grateful to see that H.R. 3 includes funding to support children impacted by this crisis, so that they can access trauma-informed practices in schools.

I thank the Speaker for the inclusion of this critical funding to help Granite State families and communities across this country. I urge my colleagues to vote "yes" on the bill.

#### PFAS REPRESENTS CLEAR AND PRESENT DANGER

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

Mr. PAPPAS. Mr. Speaker, I rise today on behalf of communities across the Nation that have been contaminated with PFAS.

PFAS represents a clear and present danger to families in my district, and I am disappointed that certain provisions to protect public health and our environment were abandoned by negotiators of the National Defense Authorization Act.

I am encouraged that several PFAS-related provisions were included, like the one I introduced which creates a clearinghouse of information for affected servicemembers and their families and one that phases out the use of PFAS in firefighting foam by 2024.

But Congress should have seized the opportunity to go much further in protecting people from these toxic-forever chemicals. Losing provisions for drinking water standards, environmental protections, and cleanup was a shameful missed opportunity.

People are getting sick from PFAS contamination, families are scared, and they are looking to us for answers. They need action now, and we must continue to fight for health information, stricter regulations, and mitigation so we can protect families, communities, and the environment from PFAS.

This fight is just beginning, and I look forward to working with my colleagues in both parties to pass additional legislation.

#### PREVENT BIG PHARMA FROM RAISING THE COST OF PRESCRIPTION DRUGS PAST RATE OF INFLATION

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

Mr. CROW. Mr. Speaker, I rise today in support of H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act.

For too long, we have seen the influence of Big Pharma on this Chamber. For every Member of Congress, there are three industry lobbyists looking to buy their vote.

Meanwhile, back home in Colorado, one in three of my constituents can't afford to pay for their medication. It needs to stop.

I am proud to have helped introduce a provision to H.R. 3 that would prevent Big Pharma from raising the cost of prescription drugs past the rate of inflation.

I stand here today for the 300,000 Coloradans with diabetes who will save 75 percent on their insulin. I stand here today for the 400,000 Coloradans with asthma, who will save 80 percent on their prescriptions.

And tomorrow I will cast my vote for my constituents, people like Sue Way of Aurora, who, after seeing her insulin increase by 500 percent, was forced to ration her medicine, resulting in an ulcer.

Her story is the story of so many Coloradans. The time is now to deliver on our promise to reduce the cost of prescription drugs.

□ 1230

#### 12 DAYS OF SALT

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

Ms. SHERRILL. Mr. Speaker, on this sixth day of SALT, my constituents have said to me that they want me to read a resolution from the New Jersey State League of Municipalities.

In a unanimous, bipartisan resolution signed this month, the mayors of New Jersey urged Congress to act on SALT. Today, I would like to read part of this resolution into the RECORD.

New Jersey State League of Municipalities Conference Resolution Number 2019-14:

Whereas, our tax obligation is an issue that concerns all residents in every municipality in the State of New Jersey; and

Whereas, many New Jersey families relied upon the Federal SALT deduction to ensure tax fairness, and capping the SALT deduction has placed an unfair burden on New Jersey homeowners; and

Whereas, the SALT deduction cap presents a barrier to affordable homeownership in New Jersey, impacting the ability of new, young families to prosper in the future,

Now, therefore, be it resolved that the New Jersey State League of Municipalities, in conference assembled, urges Congress to restore the full SALT deduction and provide more equitable taxation once again to residents of New Jersey.

Mr. Speaker, it is time to listen to our local elected officials, and I thank Committeewoman Amalia Duarte of Mendham Township for leading this resolution.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PARNETTA) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,

HOUSE OF REPRESENTATIVES,

Washington, DC, December 11, 2019.

Hon. NANCY PELOSI,

Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II

of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 11, 2019, at 9:20 a.m.:

That the Senate passed S. 2740.

With best wishes, I am

Sincerely,

CHERYL L. JOHNSON.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,

HOUSE OF REPRESENTATIVES,

Washington, DC, December 11, 2019.

Hon. NANCY PELOSI,

Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 11, 2019, at 9:46 a.m.:

That the Senate passed without amendment H.R. 4566.

That the Senate passed without amendment H.R. 5363.

With best wishes, I am

Sincerely,

CHERYL L. JOHNSON.

PROVIDING FOR CONSIDERATION OF H.R. 3, LOWER DRUG COSTS NOW ACT OF 2019; PROVIDING FOR CONSIDERATION OF H.R. 5038, FARM WORKFORCE MODERNIZATION ACT OF 2019; AND PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO ACCOMPANY S. 1790, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020

Ms. SHALALA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 758 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 758

*Resolved*, That 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. 3) to establish a fair price negotiation program, protect the Medicare program from excessive price increases, and establish an out-of-pocket maximum for Medicare part D enrollees, 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 four hours, with three hours equally divided among and controlled by the respective chairs and ranking minority members of the Committees on Education and Labor, Energy and Commerce, and Ways and Means, and one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments in the nature of a substitute recommended by the Committees on Education and Labor, Energy and Commerce, and Ways and Means

now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-41, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such further amendment may be offered 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. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. 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 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. 5038) to amend the Immigration and Nationality Act to provide for terms and conditions for nonimmigrant workers performing agricultural labor or services, and for other purposes. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-42, modified by the amendment printed in part C 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 the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 3. Upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1790) to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

SEC. 4. The chair of the Permanent Select Committee on Intelligence may insert in the Congressional Record not later than December 13, 2019, such material as he may deem explanatory of intelligence authorization

measures for the fiscal years 2018, 2019, and 2020.

SEC. 5. It shall be in order at any time through the legislative day of December 20, 2019, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 6. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of December 20, 2019.

SEC. 7. On any legislative day of the first session of the One Hundred Sixteenth Congress after December 12, 2019—

(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. 8. On any legislative day of the second session of the One Hundred Sixteenth Congress before January 7, 2020—

(a) the Speaker may dispense with organizational and legislative business;

(b) the Journal of the proceedings of the previous day shall be considered as approved if applicable; and

(c) 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. 9. The Speaker may appoint Members to perform the duties of the Chair for the duration of the periods addressed by sections 7 and 8 of this resolution as though under clause 8(a) of rule I.

SEC. 10. Each day during the periods addressed by sections 7 and 8 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 11. Each day during the periods addressed by sections 7 and 8 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII.

SEC. 12. Each day during the periods addressed by sections 7 and 8 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XV.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. SHALALA. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas, 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

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. SHALALA. Mr. Speaker, on Monday, the Rules Committee met and reported a rule, House Resolution 758, providing for the consideration of H.R.

3, the Elijah E. Cummings Lower Drug Costs Now Act; H.R. 5038, the Farm Workforce Modernization Act; and the conference report to accompany S. 1790, the National Defense Authorization Act for Fiscal Year 2020.

The rule provides for consideration of H.R. 3 under a structured rule and makes in order 12 amendments, including the Republican substitute.

The rule provides 4 hours of general debate, with 3 hours equally divided among and controlled by the chairs and the ranking minority members of the Committees on Education and Labor, Energy and Commerce, and Ways and Means, and 1 hour equally divided and controlled by the majority leader and minority leader. The rule also provides a motion to recommit.

The rule provides for consideration of H.R. 5038 under a closed rule, with 1 hour of debate equally divided and controlled by the chair and the ranking member of the Judiciary Committee. It also provides for a motion to recommit.

The rule further provides for consideration of the conference report to accompany S. 1790 with 1 hour of debate and a motion to recommit, if applicable.

The rule also authorizes the chair of the Intelligence Committee to insert in the CONGRESSIONAL RECORD explanatory statements as he deems necessary.

Finally, the rule provides housekeeping items to close out the first session of this Congress, such as same-day authority, suspension authority, district work period instructions, and language to convene the Second Session of the 116th Congress on January 7.

Mr. Speaker, I rise today in strong support of the bills in this rule.

Mr. Speaker, only a few times in our history has Congress come together to pass legislation to dramatically improve the life of every American—Social Security, Medicare, Medicaid, the Children's Health Insurance Program, the Americans with Disabilities Act, Medicare's drug benefit, and, of course, the Affordable Care Act. We change lives. We save lives.

Now, we continue that work with H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act. The passage of this bill will take this legislation forward to join those momentous commitments to the health and security of all Americans.

Mr. Speaker, we pay more for our prescription drugs than any other country on Earth. We have made incredible advances in medical science and developed cures not only for our own people but also for the rest of the world. Yet, even when our own researchers and scientists have dedicated their lives to creating lifesaving drugs, too many of our fellow Americans can't afford to benefit from their brilliance.

In the United States today, a disease or a chronic condition can force you into bankruptcy or require you to choose between paying for medicine or paying for food or rent.

Mr. Speaker, H.R. 3 makes fundamental reforms to reduce drug prices to keep the cost hikes to no more than inflation and to limit out-of-pocket costs for those on Medicare, employer plans, and private health insurance.

To help secure these patient protections, we will require our government to negotiate prices directly with drug companies.

Mr. Speaker, I served as Secretary of Health and Human Services for 8 years in the Clinton administration. I repeatedly asked for the ability to negotiate with drug companies.

Only drug companies get to come to Medicare and set their own prices.

□ 1245

Hospitals don't get to do that; doctors don't get to do that; home healthcare agencies don't get to do that; and medical equipment providers don't get to do that.

Negotiation is the hallmark of good governance and a standard feature of government policy.

Mr. Speaker, we negotiate for everything, including military equipment and work with contractors. If we can negotiate for big ships, then we can negotiate for little pills. It is only drug companies that are able to write themselves a blank check from our taxpayers. Our legislation ends that practice.

Now is the time to join every other country on Earth in allowing our government to bargain for better prices and to put a cap on our out-of-pocket costs.

As citizens, we have always been willing to subsidize poorer countries. But subsidizing England, France, Canada, Germany, Australia, Japan, Sweden, Norway, and Denmark is not our responsibility. We are not their deep pockets.

Mr. Speaker, we should not pay substantially more for the same medicines than people in those countries. The current broken system is costing our families and businesses hundreds of billions of dollars. We must not accept this waste or this unfairness any longer.

Our bill is a solid plan to reduce out-of-pocket healthcare costs for every American, and it will create a huge savings for taxpayers.

These savings will allow us to make significant investments in the extraordinary biomedical science institutions that foster innovation, such as the National Institutes of Health and our great research universities.

These savings will allow us to modernize Medicare hearing and vision benefits and dental coverage.

This bill will expand our capacity for innovation and make drug companies more efficient. H.R. 3 is a historic step forward, and it will make all of our lives better.

Mr. Speaker, this rule also contains the Farm Workforce Modernization Act of 2019. This bill empowers families to build lives in the United States with-

out the constant fear of being uprooted. It prioritizes the well-being of immigrant families, many of whom provide essential support for our Nation's agricultural sector. This bill is an important step forward in improving our immigration system, in helping to make sure that we treat everyone with compassion and dignity.

Finally, this rule also allows for consideration of the National Defense Authorization Act conference report. The first NDAA under our new Democratic majority fulfills one of Congress' crucial constitutional duties: providing for the common defense of our Nation.

The final conference report delivers a wide-ranging list of priorities the American people strongly support, such as paid parental leave, the end of the widow's tax, better services for our men and women in uniform, and protections for Dreamers.

This report is the product of months of hard work by Chairman SMITH and members of the committee and will undoubtedly keep our country safe.

Mr. Speaker, I proudly support these historic steps forward. Let's pass this rule and these bills.

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

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume, and I thank Ms. SHALALA for yielding me the customary 30 minutes.

Mr. Speaker, today we are considering a bill that does a lot of things, and, if nothing else, this should be an object lesson on why you don't leave everything to the last minute because, indeed, that is what we have done in this year, this session of Congress. So we have got a rule that has three fairly different bills contained.

We are considering a bill to reform the H-2A guest worker programs, the National Defense Authorization Act conference report, and H.R. 3, a bill that will limit American patients from treatments and cures of tomorrow.

H.R. 5038, the Farm Workforce Modernization Act, allows aliens who have worked in the United States for 180 days, are deportable, and have been continually present to be granted certified agricultural work status. The status may also be extended to a recipient's spouse and children. Certified workers can then apply for a green card path to citizenship, and they are not counted toward the statutory cap.

In addition, the bill would subject H-2A users to a private right of action and will not provide long-term wage relief. While the H-2A guest worker visa program arguably needs reform, this bill expands the ability to obtain legal status without adequate requirements, documentation, or protections for the H-2A program users.

Second, the National Defense Authorization Act is a bipartisan agreement to provide for a 3.1 percent pay raise for our troops, reform privatized military housing, continue rebuilding readiness, provide security assistance to our allies, and hold the Pentagon ac-

countable through reports on auditability.

The bill also protects the homeland by including my language requiring an effort to identify hostile International Mobile Subscriber Identity catchers, known as stingrays, which are used to locate and spy on Americans.

Last, the NDAA repeals the widow's tax and prohibits the use of a chemical compound known as PFAS in fire-fighting foam after October 2024.

I am pleased that we were able to reach an agreement to maintain the strongest military in the world.

Now, let's turn to H.R. 3, the third bill that is being contained in this rather wide-ranging rule. This bill attempts to address the high cost of drugs, a goal of which I am supportive, but this bill severely limits patient access to potentially new lifesaving drugs.

Republicans have offered a substitute bill, H.R. 19, the Lower Costs, More Cures Act of 2019, that includes bipartisan policies to lower drug costs for Americans.

There are a lot of reasons that Members should support H.R. 19, which will now be our amendment in the nature of a substitute. Since it is H.R. 19, let me limit myself to 19 reasons.

One, H.R. 19 will lower drug costs for American patients, while protecting access to new treatments and cures.

Two, H.R. 19 is bipartisan, including more than 40 drug pricing policies that have passed through House and Senate committees this year.

Three, H.R. 19 would pass—could pass—both Chambers of Congress and be signed into law in calendar year 2019.

Four, H.R. 19 will cap out-of-pocket costs in Medicare part D for seniors at \$3,100 per year, ensuring protection from the high cost encountered with prescription drugs.

Five, H.R. 19 saves money for patients and their families rather than saving money just for the government.

Six, H.R. 19 includes policies such as the CREATES Act and pay-for-delay to prevent pharmaceutical companies from gaming the system.

Seven, H.R. 19 promotes healthy competition for lower cost generics.

Eight, H.R. 19 corrects for the increased threshold it takes to reach catastrophic coverage in part D, which is not yet fixed for plan year 2020. This bill will provide seniors with a refund in 2020 for costs they should never have had to incur in the first place.

Nine, H.R. 19 strengthens transparency and accountability in the existing drug pricing system.

Ten, H.R. 19 lowers the cost of insulin by capping the costs for seniors in Medicare part D at \$50 per month and adds additional incentives for insurance to cover their fair share of insulin costs.

Eleven, H.R. 19 lowers the cost of drug administration by not paying drastically more for the same service, whether it is provided in a hospital or

other more traditionally expensive environments, the so-called site-neutral provision.

Twelve, H.R. 19 establishes a new negotiator at the United States Trade Representative to ensure that America is not subsidizing the world's drug costs.

Thirteen, H.R. 19 makes permanent a threshold of 7.5 percent of the adjusted gross income for purposes of the medical expense tax deduction in the Internal Revenue Code. Recall that, under the Affordable Care Act, this threshold was increased to 10 percent, which many seniors found onerous. It was reduced in the passage of the Tax Cuts and Jobs Act of 2017 to the threshold of 7.5 percent, but that threshold then expires, and it goes and reverts back to the 10 percent threshold at the end of this year. This would make that permanent.

Fourteen, H.R. 19 requires pricing information in direct-to-consumer advertisements.

Fifteen, H.R. 19 cracks down on pharmacy benefit managers by requiring more transparency in the reporting of aggregate rebates, discounts, and other price concessions.

Sixteen, H.R. 19 helps access to prescription drugs in rural areas by reforming direct and indirect remuneration fees, the so-called dreaded DIR fee clawback that every community pharmacist dislikes so intensely.

Seventeen, H.R. 19 increases transparency into patient listings so that manufacturers of generics and biosimilars will have adequate information to enter the market.

Eighteen, H.R. 19 removes uncertainty at the pharmacy counter by requiring insurance companies to provide pricing information to doctors so that patients and their doctors can have discussions about what medicine is best for them and what the cost will be.

Finally, number 19, H.R. 19 allows biomedical innovation to continue to thrive. It does not abandon the success of the 21st Century Cures bill. It lowers drug costs for Americans, while maintaining access to drugs that exist now and ensuring that that access is sustained in the future.

Mr. Speaker, there are many more than three reasons to oppose H.R. 3, but let's limit ourselves to three reasons so compelling that, really, you shouldn't need to go into any more.

Number one, the Congressional Budget Office, the Council of Economic Advisers, and the California Life Sciences Association have found that H.R. 3 will result in fewer drugs for Americans. There is no way to predict what could be included in this fewer drugs. It could be the cure for Alzheimer's; it could be the cure for ALS; or it could be the cure for pancreatic cancer.

There is some disparity in the number of cures that would be lost with the passage of this bill, but here is the central thesis: Every organization that has looked at this has said that there will be fewer drugs introduced after the passage of this bill.

□ 1300

In addition, access to drugs that help or cure or maintain a healthy life will be at risk. The six-referenced countries in H.R. 3 have 30 to 60 percent fewer new medications than the United States of America. This is what is at stake today.

Number 2, H.R. 3 claims to negotiate drug prices, but with a 95 percent excise tax for manufacturers who fail to reach a price agreement with the government, it is more akin to a hostage-taking and then shooting the hostage.

There are concerns that this is unconstitutional under the Takings Clause of the Constitution. This takeover of the entire drug industry in the United States is not only bad policy but may be constitutionally perilous.

Interestingly enough, when this bill was marked up in our committee, one of our Members on the Republican side spoke to this issue, tried to offer an amendment that would have provided severability, so that if the law was found to be unconstitutional, that the part that was unconstitutional could be struck down and the rest could stand. But for whatever reason, the majority rejected that amendment and it was defeated on a party line vote.

Number three, and this is critically important, H.R. 3 will never become law. The majority leader of the other body has said that H.R. 3 is dead-on-arrival in the Senate. And President Trump has related how H.R. 3 is not good for Americans.

I think it is important that we fight for a world where research into life-threatening illnesses never ceases, no matter how many failures occur before a cure is found.

Mr. Speaker, I urge opposition to the rule, opposition to the underlying bill, H.R. 3, and I reserve the balance of my time.

Ms. SHALALA. Mr. Speaker, I thank the gentleman from Texas (Mr. BURGESS).

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN), the distinguished chair of the Judiciary Subcommittee on Immigration and Citizenship.

Ms. LOFGREN. Mr. Speaker, I am here to speak in support of the Farm Workforce Modernization Act, an event that should be a cause of joy for Members on both sides of the aisle and for America.

We have tried and failed for dozens of years to deal with the issue of the farm workforce. We have never been able to get a majority vote on the floor of this House. So this year, we tried a different approach.

Starting last March, we had stakeholders, the United Farm Workers Union, the growers and the farmers sit down together, listen to each other, understand each other and what their needs were. They were joined by a bipartisan group of members who cared about this issue, and we came up with this bill, a compromise that does this:

It secures the status of the million or so farm workers who don't have their

proper documentation by allowing them to get a certified agriculture worker visa that is renewable, and ultimately, if they wish, after a significant period of time, to apply for legal permanent residence. It streamlines the H-2A program, so it works better for employers and actually works better for workers.

We stabilized the wages. We allowed the dairy industry to get access to the H-2A program. We increased the availability of farmworker housing while lowering the cost to employers.

And, finally, once this whole thing is implemented, we have always believed that if you have a workable immigration system, you ought to enforce it. And so we will implement E-Verify after full implementation, but only for the Ag sector.

I would note that the Farm Labor Organizing Committee of the AFL-CIO, UFW, Farmworker Justice, the Catholic Bishops—over 300 agricultural organizations have asked that we pass this bill.

Mr. Speaker, I include in the RECORD a letter in support of the Farm Workforce Modernization Act.

NOVEMBER 18, 2019.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
*Washington, DC.*

Hon. KEVIN MCCARTHY,  
*Minority Leader, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER PELOSI AND MINORITY LEADER MCCARTHY: The undersigned groups, representing a broad cross-section of agriculture and its allies, urge you to advance the Farm Workforce Modernization Act (H.R. 5038) through the House to address the labor crisis facing American agriculture. A stable, legal workforce is needed to ensure farmers and ranchers have the ability to continue producing an abundant, safe, and affordable food supply.

The effects of agriculture's critical shortage of labor reach far beyond the farm gate, negatively impacting our economic competitiveness, local economies, and jobs. Economists have found that every farm worker engaged in high-value, labor-intensive crop and livestock production sustains two to three off-farm jobs. As foreign producers take advantage of our labor shortage and gain market share, America will export not only our food production but also thousands of these farm-dependent jobs. Securing a reliable and skilled workforce is essential, not only for the agricultural industry but for the U.S. economy as a whole.

The House must pass legislation that preserves agriculture's experienced workforce by allowing current farm workers to earn legal status. For future needs, legislation must include an agricultural worker visa program that provides access to a legal and reliable workforce moving forward. This visa program needs to be more accessible, predictable, and flexible to meet the needs of producers, including those with year-round labor needs, such as dairy and livestock which currently do not have meaningful access to any program.

While the bill does include a few provisions that raise significant concerns for the agricultural community, we are committed to working together throughout the legislative process to fully address these issues. It is vital to move the Farm Workforce Modernization Act (H.R. 5038) through the House as a significant step in working to meet the

labor needs of agriculture, both now and in the future.

Sincerely,

African-American Farmers of California; AgCountry Farm Credit Services; AgriBank PCB; Agribusiness Henderson County (AgHC); Agricultural Council of California Agri-Mark, Inc.; Alabama Farmers Cooperative; Alabama Nursery & Landscape Association; Almond Alliance of California; Amalgamated Sugar Company LLC; American AgCredit; American Agri-Women; American Beekeeping Federation; American Mushroom Institute; American Pistachio Growers; American Seed Trade Association AmericanHort.

Arizona Cattle Feeders' Association; Arizona Landscape Contractors Association; Arizona Nursery Association; Arkansas Rice Growers Association; Associated Milk Producers Inc.; Association of Virginia Potato and Vegetable Growers; Aurora Organic Dairy; AZ Farm & Ranch Group; Battlefield Farms, Inc.; Bipartisan Policy Center Action; Bongards' Creameries; Butte County Farm Bureau; California Ag Irrigation Association; California Alfalfa and Forage Association; California Apple Commission.

California Avocado Commission; California Bean Shippers Association; California Blueberry Commission; California Canning Peach Association; California Cherry Growers and Industry Association; California Citrus Mutual; California Dairies, Inc.; California Farm Bureau Federation; California Fig Advisory Board; California Fresh Fruit Association; California Grain and Feed Association; California League of Food Producers; California Pear Growers; California Prune Board; California Seed Association; California State Beekeepers Association.

California State Floral Association; California Sweet Potato Council; California Tomato Growers Association; California Walnut Commission; California Warehouse Association; California Wheat Growers Association; California Women for Agriculture; Cayuga Milk Ingredients; Central Valley Ag; Cherry Marketing Institute; Chobani; Clif Bar & Company; CoBank; Colorado Dairy Farmers; Colorado Nursery & Greenhouse Association.

Colorado Potato Legislative Association; Compeer Financial; Cooperative Milk Producers Association; Cooperative Network Dairy Farmers of America, Inc.; Dairy Producers of New Mexico; Dairy Producers of Utah; Del Mar Food Products, Corp.; Driscoll's; Edge Dairy Farmer Cooperative; Ellsworth Cooperative Creamery; Empire State Potato Growers; Far West Agribusiness Association; Farm Credit East; Farm Credit Illinois.

Farm Credit Services of America; Farm Credit West; FarmFirst Dairy Cooperative; First District Association; Florida Agri-Women; Florida Blueberry Growers Association; Florida Citrus Mutual; Florida Fruit & Vegetable Association; Florida Nursery, Growers, and Landscape Association; Florida Strawberry Growers Association; Florida Tomato Exchange; Food Northwest; Food Producers of Idaho; Foremost Farms USA; Fresno County Farm Bureau.

Frontier Farm Credit; Fruit Growers Marketing Association; Fruit Growers Supply; Georgia Green Industry Association; Glandia Nutritionals; Grapeman Farms; GreenStone Farm Credit Services; Grower-Shipper Association of Central California; GROWMARK; Gulf Citrus Growers Association; Hop Growers of Washington; Idaho Alfalfa & Clover Seed Commission; Idaho Alfalfa & Clover Seed Growers Association; Idaho Apple Commission; Idaho Association of Commerce and Industry.

Idaho Association of Highway Districts; Idaho Association of Soil Conservation Dis-

tricts; Idaho Bankers Association; Idaho Cattlemen's Association; Idaho Chamber Alliance; Idaho Dairymen's Association; Idaho Eastern Oregon Seed Association; Idaho Grain Producers Association; Idaho Grower Shipper Association; Idaho Hop Growers; Idaho Milk Products; Idaho Mint Growers Association; Idaho Noxious Weed Control Association; Idaho Nursery & Landscape Association; Idaho Onion Growers Association.

Idaho Potato Commission; Idaho State Grange; Idaho Sugarbeet Growers Association; Idaho Water Users Association; Idaho Wool Growers; Idahoan Foods LLC; Idaho-Oregon Fruit and Vegetable Association; Illinois Green Industry Association; International Dairy Food Association; Iowa Institute for Cooperatives; Iowa State Dairy Association; J.R. Simplot Company; Kansas Cooperative Council; Kansas Dairy Association; Kanza Cooperative Association; Kings County Farm Bureau.

Land O'Lakes, Inc.; Lone Star Milk Producers; Madera County Farm Bureau; Maine Landscape and Nursery Association; Maine Potato Board; Maryland & Virginia Milk Producers Cooperative Association; Maryland Nursery, Landscape, & Greenhouse Association; Massachusetts Nursery and Landscape Association, Inc.; MBG Marketing; Mendocino County Farm Bureau; Merced County Farm Bureau; Michigan Agri-Business Association; Michigan Apple Association; Michigan Asparagus Advisory Board.

Michigan Bean Shippers; Michigan Cider Association; Michigan Greenhouse Grower Council; Michigan Milk Producers Association; Michigan Nursery & Landscape Association; Michigan State Horticultural Society; Midwest Dairy Coalition; Mid-West Dairymen's Company; Milk Producers Council; Milk Producers of Idaho; Minnesota Area II Potato Council; Minnesota Milk Producers Association; Minnesota Nursery & Landscape Association; Missouri Rice Research and Merchandising Council; Montana Nursery & Landscape Association.

Monterey County (CA) Farm Bureau; Mount Joy Farmers Cooperative Association; Napa County Farm Bureau; National All-Jersey; National Association of Produce Market Managers; National Council of Agricultural Employers; National Council of Farmer Cooperatives; National Farmers Union; National Grange; National Immigration Forum; National Milk Producers Federation; National Onion Association; National Potato Council; National Watermelon Association; Nebraska State Dairy Association.

New American Economy; New England Apple Council; New England Farmers Union; New York Apple Association; New York Farm Bureau Federation; New York State Berry Growers Association; New York State Flower Industries; New York State Vegetable Growers Association; Nezperce Prairie Grass Growers Association; Nisei Farmers League; North American Blueberry Council; North Carolina Nursery & Landscape Association; North Carolina Potato Association; Northeast Dairy Farmers Cooperatives.

Northeast Dairy Foods Association, Inc.; Northeast Dairy Producers Association; Northern Plains Potato Growers Association; Northern Virginia Nursery & Landscape Association; Northwest Ag Co-op Council; Northwest Dairy Association/Darigold; Northwest Farm Credit Services; Northwest Horticultural Council; Ohio Apple Marketing Program; Ohio Dairy Producers Association; Ohio Nursery & Landscape Association; Olive Growers Council of California; Oneida-Madison Milk Producers Cooperative Association; Orange County Farm Bureau; Oregon Association of Nurseries.

Oregon Dairy Farmers Association; Oregon Potato Commission; Pacific Coast Pro-

ducers; Pacific Egg and Poultry Association; Pacific Seed Association; Pennsylvania Cooperative Potato Growers; Pennsylvania Landscape & Nursery Association; Plant California Alliance; POM Wonderful; Porterville Citrus; Potato Growers of America; Potato Growers of Idaho; Potato Growers of Michigan; Prairie Farms Dairy, Inc.; Premier Milk Inc.

Produce Marketing Association; Professional Dairy Managers of Pennsylvania; RBI Packing LLC; Reiter Affiliated Companies; Richard Bagdasarian, Inc.; Riverside County Farm Bureau; Rocky Mountain Farmers Union; San Diego County Farm Bureau; San Mateo County Farm Bureau; Santa Clara County Farm Bureau; Santa Cruz County Farm Bureau; Scioto Cooperative Milk Producers' Association; Select Milk Producers, Inc.; Seneca Foods Corporation; Sierra Citrus Association.

Snake River Sugar Company; Solano County Farm Bureau; Sonoma County Farm Bureau; South Dakota Association of Cooperatives; South Dakota Dairy Producers; South East Dairy Farmers Association; Southeast Milk Inc.; Southern States Cooperative; St. Albans Cooperative Creamery, Inc.; Stanislaus County Farm Bureau; State Horticultural Association of Pennsylvania; Summer Prize Frozen Foods; Sunkist Growers; Sun-Maid Growers of California; Sunsweet Growers, Inc.

Tennessee Nursery & Landscape Association; Texas Agricultural Cooperative Council; Texas Association of Dairymen; Texas Citrus Mutual; Texas International Produce Association; Texas Nursery & Landscape Association; The National Association of State Departments of Agriculture; The SF Market and San Francisco Produce Association; Tillamook County Creamery Association; Tree Top, Inc.; Tulare County Farm Bureau; U.S. Apple Association; U.S. Rice Producers Association; United Ag; United Dairymen of Arizona; United Egg Producers; United Fresh Produce Association.

United Onions, USA; United Potato Growers of America; Upstate Niagara Cooperative, Inc.; Utah Farmers Union; Utah Horticulture Society; Valley Fig Growers; Ventura County Agricultural Association; Ventura Pacific; Vermont Dairy Producers Alliance; Virginia Apple Growers Association; Virginia Nursery & Landscape Association; Virginia State Dairymen's Association; Visalia Citrus Packing Group, Inc.; WA Wine Institute; Washington Growers League; Washington State Dairy Federation.

Washington State Nursery & Landscape Association; Washington State Potato Commission; Washington State Tree Fruit Association; Wawona Frozen Foods; West Virginia Nursery & Landscape Association; Western Growers Association; Western States Dairy Producers Association; Western United Dairies; Wine Institute; WineAmerica; Wisconsin Dairy Business Association; Wisconsin Potato & Vegetable Growers Association; Wonderful Citrus; Wonderful Orchards; Yuma Fresh Vegetable Association.

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

Ms. SHALALA. Mr. Speaker, I yield an additional 15 seconds to the gentlewoman.

Ms. LOFGREN. Mr. Speaker, I would like to thank my colleagues, Mr. NEWHOUSE, Mr. SIMPSON, Mr. LAMALFA, Mr. DIAZ-BALART, Mr. PANETTA, Mr. COSTA, Mr. CORREA, Ms. ESCOBAR, Mr. PETERSON—I am going to get in trouble because there are more people than I can mention in the 15 seconds, but this has been a very large bipartisan effort.

It should be a model on how we can legislate and get something done for the American people.

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

Mr. BURGESS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART), a valuable member of the Committee on Appropriations.

Mr. DIAZ-BALART. Mr. Speaker, I rise today in support of the underlying bill, the Agriculture Workforce Modernization Act.

Now, when you read the title, maybe folks will think that this is only an agriculture bill. But in reality, this bill also helps to deal with a vital national security issue: A stable supply of agricultural goods produced here in the United States of America. Not by a foreign power who does not have our interests in mind, and could use our food security as a weapon, but, no, agricultural products grown here by patriotic American farmers.

And this issue will not happen by itself. The H-2A system that our farmers now use to get their workforce—frankly, when they are not able to find American workers—is absolutely broken. It is antiquated, and it is just not responsive to the changing needs of the patriotic American farmer.

That is why Members from both sides of the aisle have come together with over 300 farming organizations to draft a bill that ensures that in the United States of America those who grow our food will be able to continue to grow our food and have the adequate workforce that they need.

No bill is perfect, and this one isn't perfect either. But, again, this bill, if it moves forward and gets to the President's desk—and this bill, if it moves forward, can be changed and tweaked to make sure that it gets to the President's desk—and if we don't do that, we will be, frankly, letting down our farmers, letting them down one more time, and, again, opening up the door to a national security threat that we do not need to allow to happen.

I urge my colleagues to vote “yes” on the underlying bill.

But before I yield back, Mr. Speaker, I would like to thank a few people. Some have already been thanked: Mike Carlton from Florida Fruit & Vegetable Association, for his work to ensure that Florida's agricultural interests were represented in the negotiations.

I also would like to thank a few staffers: I thank David Shahoulian from the Committee on the Judiciary who has been amazing over these years; Carrie Meadows from Representative NEWHOUSE's staff; and also Cesar Gonzalez, my chief of staff, who has been invaluable, by the way, in years of working to try to have solutions to an issue that we all know needs to take place.

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

Ms. SHALALA. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-

BALART), my colleague for representing Florida in the negotiations so well.

Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. PAPPAS).

Mr. PAPPAS. Mr. Speaker, when I travel around New Hampshire asking constituents what is on their minds, there is no topic more urgent or more personal than combatting the skyrocketing cost of prescription drugs.

I have heard from a senior who is unable to retire because his life is dependent on drugs that cost \$3,000 out-of-pocket.

I have heard from a mother who shares a painful chronic condition with her daughter and has to decide every month whose prescription to fill because she can't fill both on her fixed income.

Americans can no longer afford Big Pharma's runaway costs. That is why I am proud to support H.R. 3, which makes historic reforms to drive down the cost of prescription drugs while expanding and strengthening Medicare. This package also includes my Advancing Enrollment and Reducing Drug Costs Act, which makes prescription drugs more accessible for seniors.

My provision assists low-income seniors by automatically enrolling them in Medicare Part D's subsidy program, ensuring they receive this benefit without jumping through bureaucratic hoops.

It is time to deliver transformational change and pass H.R. 3 to ensure the health and well-being of the American people.

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

Mr. BURGESS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, this bill, H.R. 3, runs the risk of quickly stifling innovation in the new drug space. A preliminary Congressional Budget Office analysis of this bill has stated that it would result in 15 fewer new drugs coming on the market over the next 10 years, and we all know drugs are in the pipeline for much longer than that. The actual pipeline to deliver new product is 14 years, so it is that second 10 years where the real risk of this bill becomes apparent.

The cure for Alzheimer's may be one of those ones that is included in that list of drugs that are never developed in the first place. That is why we need to defeat H.R. 3.

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

Ms. SHALALA. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, today, the House is going to have an opportunity to do something that has long-needed to be done and will benefit every single American in every single business that is providing health insurance for their valued employees. We have a chance to pass the Elijah E. Cummings Lower Drug Costs Now Act.

Here is what is significant about it, but first a word about Elijah:

In April of 2017, Elijah and I went to the White House and met with President Trump, who said all the right things:

“Why are we getting ripped off by Pharma?”

“Why can't we import safe medications?”

“Why can't we lower costs?”

Today, President Trump, we are going to do it.

Two things are finally being done:

First, the House of Representatives, on behalf of all consumers, is going to allow the Health and Human Services secretary to negotiate prices, not just pay the rip-off prices demanded.

Second, we are adopting an idea that President Trump had: “Put a cap, 120 percent.” We will not pay more than that, what other countries pay for the same medication.

President Trump put it in his blunt way: “We are being suckers.”

We are putting a cap on that price. This will lower the cost of prescription drugs over 10 years by a half a trillion dollars.

Finally, our government is standing up on behalf of consumers in not protecting Pharma against unlimited price gouging.

And second, what is inspiring to me about this is the benefits go to everyone. Employers in Vermont, they want their employees to have healthcare, but those premiums keep going up and up and they have to trade healthcare benefits for wages and salary increases.

So that means our employers are going to get the benefit of lower premiums; our individuals are going to get the benefit of lower premiums; and seniors, who have been hammered with copays and deductibles, are going to get lower costs as well.

Individual drugs, too, you won't be getting killed on those, folks with insulin and others. So let's pass this for Elijah.

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

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington State (Mr. NEWHOUSE), previous member of the Rules Committee and a valuable member of the Committee on Appropriations.

Mr. NEWHOUSE. Mr. Speaker, I thank my good friend from Texas for yielding. I rise today in strong support of the underlying legislation, H.R. 5083, the Farm Workforce Modernization Act.

This is a critical piece of legislation for my constituents, certainly in Central Washington, but for farmers and ranchers across the country in need of a stable and legal workforce.

I am grateful for my friend, Representative LOFGREN, for including Republicans in these negotiations and bringing together a diverse bipartisan group of Members of Congress, agricultural stakeholders, farmers and producers, labor unions and farmworker associations to write a piece of legislation that will go a long way toward



providing certainty for our Ag industry.

The House has failed to address Ag labor reform since 1986. For the last 30 years, the crisis facing farmers has only been exacerbated, and the need for fixes has become even more clear.

Today, we have an opportunity to continue this process and bring relief to farmers and ranchers, not just those I represent, but dairy farmers in the Midwest, Wisconsin, Indiana, Ohio, Michigan and Northeast, New York and Maine; the famous peach orchards of Georgia and South Carolina; and certainly the orange groves in Texas and the salad bowl of California and Arizona—all across the country.

Like past efforts, this bill may not be the perfect solution, but it is a significant improvement over the status quo. This legislation stabilizes our current workforce by implementing the first of its kind, merit-based immigration program for agricultural workers who have spent decades in our fields.

The bill streamlines our current H-2A program and reduces the bureaucratic red tape for farmers. It addresses rising costs of guest worker wages and implements E-Verify for the Ag industry, something Republicans have been asking for since the rollout of the program.

Despite the progress this legislation makes, there is still work to do. It does not address every sector of our Nation's Ag industry. We still have to find a solution for our processors. We need to improve the equitable housing options. There are many other aspects of our broken immigration system we must work together to fix.

□ 1315

A “yes” vote today on this bill is a vote to continue the process and get this bill to the Senate.

I want to thank the staff, certainly Travis Martinez and Carrie Meadows, but also David Shahoulian and Betsy Lawrence on Ms. LOFGREN's staff. Many people have put a lot of time into this effort.

Our farmers and ranchers desperately need relief. Men and women who contribute to our ag industry need certainty. This bill is the first step.

I urge my colleagues to vote for the underlying legislation and encourage their input as we continue to perfect the bill and send it to the President's desk.

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

Mr. DOGGETT. Mr. Speaker, for those insured who rely on insulin or who are fortunate enough to win the lottery to have their drugs selected to be negotiated, this is a valuable piece of legislation. But for 30 million Americans who are uninsured, they are denied any guarantee of lower prices.

Inexplicably, this rule rejects a proposal by me and 28 of our colleagues to provide relief for the uninsured. It bars all of my amendments to improve H.R.

3, including those that addressed outrageous new drug launch prices; price spike protection, which price spikes are occurring at an alarming rate, by the thousands; and ensuring negotiation for those drugs where the taxpayers are actually picking up the tab to finance the research that produces the drug.

Of all of these, the most troubling concerns the uninsured. USA Today just published a powerful op-ed by Nicole Smith-Holt. It is entitled: “My Son Died From Rationing Insulin. Democrats’ Drug Pricing Plan Still Wouldn’t Help Him.” She writes of her son, age 26, who aged out of his parents’ insurance and had a job with no benefits.

She expresses the same concern that a group of Michigan high schoolers recently wrote me in a compelling letter that they are raising money to help those who lack insurance buy their drugs, saying: “Drug manufacturers should not be able to determine who does and who does not get better. Everyone deserves to be healthy . . .”

And everyone deserves to be helped by our legislation, but some are left out. My goal has never been to turn this bill to the right or to the left, but to deal with those and provide assurances to those who have been left out by it.

Under this legislation, it will still remain illegal, a violation of Federal law, to negotiate lower drug prices on two-thirds of the drugs—

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

Ms. SHALALA. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Texas.

Mr. DOGGETT. It remains illegal to negotiate on two-thirds of the drugs that are covered by Medicare. Prescription drug price gouging, enabled by government-approved monopolies without any restraint, is not limited to one disease or one class of drugs.

The perfect should certainly not get in the way of the good in drafting such legislation, but we should be doing more to deliver the good we promised. I reluctantly oppose this rule.

Mr. BURGESS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want to share a letter that I received. This is from a woman who had lost her daughter to suicide following an episode of severe postpartum depression. She writes:

After many long years of research and development, on 3/19, calendar year 2019, the Food and Drug Administration approved Zulresso, the first medicine to successfully treat moderate to severe postpartum depression worldwide. It is a 60-hour IV treatment, administered in a certified hospital setting. It is effective in as little as 20 hours. Had this medicine been available, I feel that my daughter would be alive today.

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

Ms. SHALALA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Speaker, I want to thank my colleague from

Florida (Ms. SHALALA) for yielding time and, also, for her leadership throughout the years in fighting to keep drug costs low. It really matters to families all across this country.

I feel like shouting this from the top of the Capitol dome: We are going to pass a bill that will allow Medicare to negotiate drug prices in America.

This is kind of an all-American concept, isn't it, negotiate fair prices?

But for too long, Big Pharma, these drug companies, have gouged American families and consumers, and they have taken advantage of it, haven't they? I mean, these prices are astronomical.

Families across America are often paying 4, 5, 10 times more the amount for their prescriptions than families in other countries. That is not right, and it is especially not right in this country where it is the U.S. taxpayer who is often providing the funding for the basic research to develop these drugs.

So let's all shout it from the Capitol dome, the very top: We are going to allow—we are going to direct Medicare to negotiate prices to bring the cost of prescription drugs down.

We are going to not just contain that in Medicare, but make sure that it is spread, and those cost savings are realized for all of the families who rely on private insurance.

And then, with the billions of dollars in savings, we are going to improve Medicare. For a long time, Medicare has not provided comprehensive benefits for vision, for hearing, for dental care. These are fundamental health services.

So what a winning proposition for American families. And I am so proud that it is the Democrats and our new majority that can deliver on this promise for the people.

Lower drug costs now.

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

If we defeat the previous question, Republicans will amend the rule immediately to consider H.R. 2207, the Protect Medical Innovation Act of 2019. This bill, which now has 256 bipartisan cosponsors, will repeal the excise tax on medical devices that is set to go into effect January 1, 2020.

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

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

There was no objection.

Mr. BURGESS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana (Mrs. BROOKS), my good friend, a valuable member of the Energy and Commerce Committee.

Mrs. BROOKS of Indiana. Mr. Speaker, if we defeat the previous question, we can move to pass H.R. 2207.

Why is it so important that we repeal this disastrous medical device tax? Since 2013, when I came to Congress, my colleagues and I across the aisle

have worked in a bipartisan way to delay and, ultimately, defeat this disastrous tax.

And why is that so important? It is not just about the economics of a tax; it is about patients. This is about innovation for patients, and higher taxes mean fewer innovations will be developed for patients. Fewer lives will be saved because, when we tax this critical industry, it will make it harder for them to come up with and fund the next lifesaving technology.

Tell that to the over a million people a year, worldwide, who receive implants like pacemakers. These folks rely on these lifesaving devices. So many of the innovations will not come to market.

Medical devices allow patients to undergo fewer intensive procedures, with shorter hospitalizations and rehabilitation time, which ultimately lowers the overall cost of patient care.

Beyond patient care, this is an amazing industry; and if we tax these businesses, jobs will be lost. We already know that, when the tax was in place, 29,000 jobs were lost in this industry. These are high-paying jobs in States across the country.

Indiana is one of the top States in the country to have these types of medical device jobs. These pay 30 percent higher. The degree of expertise and the skill of these workers, particularly in the area of research and development and manufacturing, is unbelievable. And these people work day in and day out to provide better medical devices to consumers, not just here in this country, but around the globe.

So reinstating this medical device tax, which will take place on January 1 of 2020, will hurt the success not just of these businesses, but it will roll back innovations and stifle R&D of these lifesaving and life-altering medical advances.

We have a chance, with 256 cosponsors, to stand together and repeal this tax. I urge this body to pass the repeal of the medical device tax.

Ms. SHALALA. Mr. Speaker, I yield 1 minute to the gentlewoman from Massachusetts (Mrs. TRAHAN).

Mrs. TRAHAN. Mr. Speaker, I want to thank my colleague from Florida for yielding.

Today, the House considers historic legislation to lower prescription drug prices and deliver a transformational expansion to Medicare under H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act of 2019.

The namesake of this bill inspired many Members of this body, myself included, to act boldly on behalf of working families like the one I grew up in. It is time to flip the status quo on a system that has pocketed billions off the backs of patients like my dad who suffer from chronic diseases like MS.

I am proud to have championed a provision which added a critical lever of transparency and accountability by requiring a GAO study on the negotiation program, essentially ensuring that

there is no unfair manipulation or gaming at play. While I regret that my amendment to support baseline knowledge of addiction among prescribers was not made in order, I look forward to supporting this important bill.

I am grateful to leadership, my colleagues, and the committees of jurisdiction for bringing us all here to this point today.

Mr. BURGESS. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. BAIRD) to speak on the amendment as part of the defeat of the previous question.

Mr. BAIRD. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, I rise today in support of the 60,000 direct and indirect jobs that the medical device industry brings to my home State.

The last 4 years, Congress has worked together to continually suspend the medical device tax because they know that it doesn't make sense. This tax is a bane to innovation; it damages our manufacturing sector; it raises healthcare prices; and it hurts high-paying jobs.

What our medical device industry needs more than anything is certainty. There has been enough upheaval in our healthcare system over the last decade to last us a lifetime.

Let's show our support for the hard-working Americans, the good jobs, the patients, and the employers and permanently repeal this tax.

Ms. SHALALA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CORREA).

Mr. CORREA. Mr. Speaker, I rise in strong support of the Farm Workforce Modernization Act of 2019.

I want to thank Representative LOFGREN for her leadership, as well as colleagues on both sides of the aisle, for making this vote today happen. It will be a historical vote.

California, my home State, is our Nation's bread basket; yet, over 40 percent of California's farms don't have the workforce they need to feed our population. The same is true for many farms across the country that depend on skilled immigrant farmworkers.

These men and women work in our fields to plant, care, and harvest our produce that feeds our families, both in the U.S. and internationally. They do good work, good honest work, but live in an uncertain situation.

Farm owners and farmworkers agree that this reform is desperately needed. This bill offers a stable workforce for our farmers, who need to compete in the global food markets, and provides an earned legal status for farmworkers.

I urge passage of H.R. 5038.

Mr. BURGESS. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUCSHON) to continue our speakers on the defeat of the previous question and in support of their amendment.

Mr. BUCSHON. Mr. Speaker, there are over 150 medical device companies in the State of Indiana representing more than 20,000 jobs. These are high-

paying, stable jobs, with more than \$1 billion in Indiana payrolls. But, more importantly, they provide lifesaving products for the American consumer.

As a physician, I know the importance of the innovation and the technological advances these companies provide, and the medical device tax is an onerous tax that is helping to stymie this innovation and technology.

□ 1330

By defeating the previous question, we can bring up H.R. 2207, the Protect Medical Innovation Act of 2019, and finally repeal permanently the onerous excise tax on the sale of medical devices in our country. This will allow for more treatments, and this will allow for more cures.

Ms. SHALALA. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I want to make a few additional comments on the Farm Workforce Modernization Act since the gentlewoman from Florida had a little bit of time to provide.

There have been some who have criticized, I think incorrectly, the bill, that it does not actually stabilize wages in the H-2A program. That is incorrect.

The bargain that was made by the United Farm Workers union and the various employer groups was to: first, freeze wages for 1 year; second, to limit how fast wages could rise to 3.25 percent or how low to 1.5 percent; and also, to preclude changes in the middle of a contract, so there would be stability.

I just wanted to get that issue on the table. People who misunderstand it will be relieved to know that that is not correct.

I want to address another issue, which has to do with the legalization provision. We have several million farmworkers in the United States today. Half of them don't have their proper papers. They are living in a state of fear.

I was out in the Central Valley recently. These are hardworking people who have been here for decades in some cases. There is no line for them to get into to get legal. They are so afraid that they are afraid to go to mass.

This bill allows them to apply for a temporary visa, an agricultural worker visa that is renewable. It allows them to go back and forth if they need to go to a funeral in their country of birth. It allows them to work legally.

After an extended period of time, if they want, they can apply to become legal permanent residents of the United States, or they can just stay on their temporary visas. Their families are included because we should not be in the position of breaking up hard-working families.

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

Ms. SHALALA. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from California.

Ms. LOFGREN. Mr. Speaker, I would like to note that this bill is the product of a lot of time. It was introduced

in October. It was marked up in the Judiciary Committee before Thanksgiving, and here we are today, not that far from Christmas, finally, hopefully, passing it.

We have been in discussions with various Senators. There is nothing ever for sure with the United States Senate, but I will say there is a recognition and an interest that doing nothing is not acceptable for farmers or for farmworkers.

I hope we can pass this bill today.

Mr. BURGESS. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE) to continue to speak on the amendment that we will offer if we defeat the previous question.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding. As ranking member of the House Energy and Commerce Subcommittee on Health, I thank my colleague, Dr. BURGESS, for his steadfast leadership on this issue.

Mr. Speaker, I am proud to join 255 of my colleagues as a cosponsor of H.R. 2207, the Protect Medical Innovation Act. I rise today to remind my fellow Members that time is running out. We must repeal the medical device tax before it goes into effect on January 1, 2020.

This bill has broad bipartisan support from Members in both Chambers who recognize the detrimental impact this tax has on constituents who rely on lifesaving medical devices or are employed by the industry.

If Congress fails to act this year, the seemingly small 2.3 percent excise tax would have a significant impact on patients and the healthcare industry.

The medical device industry employs 400,000 hardworking Americans, including 20,000 Hoosiers. When the medical device tax was in effect, nearly 20,000 industry jobs were lost nationwide.

Eighty percent of these medical manufacturing companies are small businesses that need certainty. They need certainty in order to continue their research and investment in critical lifesaving medical innovations.

This is a tax on innovation and competitiveness, a tax on patients, and a tax on working families. It is time to end this job-killing tax once and for all.

I urge my fellow Members to vote “no” on the previous question so we can support H.R. 2207.

Mr. BURGESS. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 5½ minutes. The gentleman from Florida has 6¾ minutes.

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

Mr. Speaker, we have been hearing from our colleagues from Indiana about the excise tax on medical devices and how important it is to repeal that excise tax on medical devices.

That tax has been delayed several times but does go into effect January 1. It is a 2.8 percent excise tax on gross

receipts. We are talking in H.R. 3 about a 95 percent excise tax. They are talking about the number of jobs that have been killed with a 2.8 percent Federal excise tax. How many jobs are going to be lost with a 95 percent excise tax?

Again, as I said earlier, this is not a good faith negotiation with the Secretary of Health and Human Services. This is akin to a hostage situation because the threat of a 95 percent excise tax hangs over that discussion.

We have heard a lot about innovation. Let me share with you an excerpt from a letter that I received from a constituent after the introduction of H.R. 3. The letter says: “I started taking antidepressants when I was 15. Since then, I have been hospitalized three different times for attempts at suicide. Now I am at a place where I have found the medication that works for me; it is literally lifesaving. This medication is only possible through years of careful research and investment and in good supply because of a free market.

“If we had allowed a bill like H.R. 3 to pass into law previously, then the medications that have helped me might not exist. I cannot imagine a world where people just like me might go without the proper medication due to government overreach.”

The story is repeated over and over again. Mr. Speaker, Congress passed at the end of the session in calendar year 2016 the last bill signed into law by President Obama, the 21st Century Cures Act.

Mr. Speaker, since the time that bill was signed into law, it really has been impressive the number of new things that are coming onto the market and those new things that are just over the horizon.

This bill, H.R. 3, strips the ability for the 21st Century Cures Act to deliver on the promise. But here is the good news. The Rules Committee, in its wisdom, made available an amendment in the nature of a substitute.

I have discussed H.R. 19 in some detail. The amendment in the nature of a substitute will be the text of H.R. 19 so Members will have an opportunity to vote for bipartisan consensus agreements that will lower drug prices now, that will protect innovation in the future, and that, most importantly, could be signed into law before the end of the year.

Think about it. This is a deliverable that we have within our power to bring to the American people. We should not give up on that chance.

I have been speaking against H.R. 3. The NDAA, which is also included in this legislation, I do support. I cannot support the guest worker bill.

Mr. Speaker, I urge a “no” vote on the previous question. Let’s take up the amendment about the excise tax on medical devices, and I yield back the balance of my time.

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

Mr. Speaker, we have heard doomsday predictions from my colleagues on

the other side of the aisle that our Nation’s drug innovation will be decimated by this bill. Mr. Speaker, if I thought this bill would slow down or eliminate our brilliant biomedical research and development enterprise, I would not support it.

Nothing could be further from the truth. The truth is that much of our drug innovation starts with our own government-funded research paid for by the taxpayers either at the National Institutes of Health or at our great research universities, two of which I have led.

This bill provides critical additional investments in NIH. \$10 billion will extend research investments in projects like Cancer Moonshot to accelerate cancer research and make more therapies available to more patients. It will also help fund innovation and research for rare diseases and fighting antimicrobial resistance, which currently kills 35,000 Americans per year.

This bill also makes explicit that pharmaceutical companies should be able to recoup the costs of research and development and still make a profit. Nine out of 10 Big Pharma companies spend more on marketing, sales, and overhead than research. Maybe they won’t be making as big of a profit as they currently do because they will no longer be able to take the American people to the cleaners, but they will make a substantial profit.

Medicare will continue to cover all the drugs they cover today so that patients’ choices will not be limited. Rather, patients’ choices will be expanded. Patients will no longer be leaving drugs behind at the pharmacy counter because they can’t afford them.

It is time to end sky-high drug prices. It is also time to reform Medicare benefits for the 21st century. This bill does exactly that by finally adding vision, dental, and hearing benefits to the Medicare program.

Seniors have been asking for this for a long time, and the quality of life of millions of Medicare beneficiaries will improve with access to these benefits.

I also look forward to the passage of the Farm Workforce Modernization Act and the conference report for the NDAA. These are bipartisan pieces of legislation that will improve our national security and the lives of families and workers across this Nation.

Mr. Speaker, I urge a “yes” vote on the rule and the previous question.

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

#### AMENDMENT TO HOUSE RESOLUTION 758

At the end of the resolution, add the following:

SEC. 13. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the bill (H.R. 2207) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any 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 Ways and Means; and (2) one motion to recommit.

SEC. 14. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 2207.

Ms. SHALALA. 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.

Mr. BURGESS. 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, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adoption of the resolution, if ordered; and

The motion to table the motion to reconsider H.R. 729.

The vote was taken by electronic device, and there were—yeas 227, nays 189, not voting 14, as follows:

[Roll No. 668]

YEAS—227

Adams	Delgado	Krishnamoorthi
Aguilar	Demings	Kuster (NH)
Allred	DeSaulnier	Lamb
Axne	Deutch	Langevin
Bass	Dingell	Larsen (WA)
Beatty	Doggett	Larson (CT)
Bera	Doyle, Michael	Lawrence
Beyer	F.	Lawson (FL)
Bishop (GA)	Engel	Lee (CA)
Blumenauer	Escobar	Lee (NV)
Blunt Rochester	Eshoo	Levin (CA)
Bonamici	Españat	Levin (MI)
Boyle, Brendan	Evans	Lewis
F.	Finkenauer	Lipinski
Brindisi	Fletcher	Loeb sack
Brown (MD)	Foster	Lofgren
Brownley (CA)	Frankel	Lowenthal
Bustos	Fudge	Lowe y
Butterfield	Gallego	Lujan
Carbajal	Garamendi	Luria
Cárdenas	Garcia (IL)	Lynch
Carson (IN)	Garcia (TX)	Malinowski
Cartwright	Golden	Maloney,
Case	Gomez	Carolyn B.
Casten (IL)	Gonzalez (TX)	Maloney, Sean
Castor (FL)	Gottheimer	Matsui
Castro (TX)	Green, Al (TX)	McAdams
Chu, Judy	Grijalva	McBath
Cicilline	Haaland	McCollum
Cisneros	Harder (CA)	McEachin
Clark (MA)	Hastings	McGovern
Clarke (NY)	Hayes	McNerney
Clay	Heck	Meeks
Cleaver	Higgins (NY)	Meng
Clyburn	Himes	Moore
Cohen	Horn, Kendra S.	Morelle
Connolly	Horsford	Moulton
Cooper	Houlahan	Mucarsel-Powell
Correa	Hoyer	Murphy (FL)
Costa	Huffman	Nadler
Courtney	Jackson Lee	Napolitano
Cox (CA)	Jayapal	Neal
Craig	Jeffries	Neguse
Crist	Johnson (GA)	Norcross
Crow	Johnson (TX)	O'Halleran
Cuellar	Kaptur	Ocasio-Cortez
Cunningham	Keating	Omar
Davids (KS)	Kelly (IL)	Pallone
Davis (CA)	Kennedy	Panetta
Davis, Danny K.	Khanna	Pappas
Dean	Kildee	Pascarell
DeFazio	Kilmer	Payne
DeGette	Kim	Perlmutter
DeLauro	Kind	Peters
DeBene	Kirkpatrick	Peterson

Phillips	Schrier	Tonko
Pingree	Scott (VA)	Torres (CA)
Pocan	Scott, David	Torres Small
Pressley	Sewell (AL)	(NM)
Price (NC)	Shalala	Trahan
Quigley	Sherman	Trone
Raskin	Sherrill	Underwood
Rice (NY)	Simpson	Van Drew
Richmond	Sires	Vargas
Rose (NY)	Slotkin	Veasey
Rouda	Smith (WA)	Vela
Roybal-Allard	Soto	Velázquez
Ruiz	Spanberger	Visclosky
Ruppersberger	Speier	Wasserman
Rush	Stanton	Schultz
Ryan	Stevens	Waters
Sánchez	Suozzi	Watson Coleman
Sarbanes	Swalwell (CA)	Welch
Scanlon	Takano	Wild
Schakowsky	Thompson (CA)	Wilson (FL)
Schiff	Thompson (MS)	Yarmuth
Schneider	Titus	
Schrader	Tlaib	

NAYS—189

Abraham	Gonzalez (OH)	Nunes
Allen	Gooden	Olson
Amash	Granger	Palazzo
Amodel	Graves (GA)	Palmer
Armstrong	Graves (LA)	Pence
Arrington	Graves (MO)	Perry
Babin	Green (TN)	Posey
Bacon	Griffith	Ratcliffe
Baird	Grothman	Reed
Balderson	Guest	Reschenthaler
Banks	Guthrie	Rice (SC)
Barr	Hagedorn	Riggleman
Bergman	Harris	Roby
Biggs	Hartzler	Rodgers (WA)
Bilirakis	Hern, Kevin	Roe, David P.
Bishop (NC)	Herrera Beutler	Rogers (AL)
Bishop (UT)	Hice (GA)	Rogers (KY)
Bost	Higgins (LA)	Rose, John W.
Brady	Hill (AR)	Rouzer
Brooks (AL)	Holding	Roy
Brooks (IN)	Hollingsworth	Rutherford
Buchanan	Hudson	Scalise
Buck	Huizenga	Schweikert
Bucshon	Hurd (TX)	Scott, Austin
Budd	Johnson (LA)	Sensenbrenner
Burchett	Johnson (OH)	Shimkus
Burgess	Johnson (SD)	Smith (MO)
Byrne	Jordan	Smith (NE)
Calvert	Joyce (OH)	Smith (NJ)
Carter (GA)	Joyce (PA)	Smucker
Carter (TX)	Katko	Spano
Chabot	Keller	Staubert
Cheney	Kelly (MS)	Stefanik
Cline	Kelly (PA)	Steil
Cloud	King (IA)	Steube
Cole	King (NY)	Stewart
Collins (GA)	Kinzing	Stivers
Comer	Kustoff (TN)	Taylor
Conaway	LaHood	Thompson (PA)
Cook	Lamborn	Thornberry
Crawford	Latta	Timmons
Crenshaw	Lesko	Tipton
Curtis	Long	Turner
Davidson (OH)	Loudermilk	Upton
Davis, Rodney	Lucas	Wagner
Desjarlais	Luetkemeyer	Walberg
Diaz-Balart	Marchant	Walden
Duncan	Marshall	Walorski
Dunn	Massie	Waltz
Emmer	Mast	Watkins
Estes	McCarthy	Weber (TX)
Ferguson	McCaul	Webster (FL)
Fitzpatrick	McClintock	Wenstrup
Fleischmann	McHenry	Westerman
Flores	McKinley	Williams
Fortenberry	Meadows	Wilson (SC)
Fox (NC)	Meuser	Wittman
Fulcher	Miller	Womack
Gaetz	Mitchell	Woodall
Gallagher	Moolenaar	Wright
Gianforte	Mooney (WV)	Yoho
Gibbs	Mullin	Young
Gohmert	Murphy (NC)	Zeldin

NOT VOTING—14

Aderholt	LaMalfa	Rooney (FL)
Barragán	Lieu, Ted	Serrano
Gabbard	Newhouse	Walker
Gosar	Norman	Wexton
Hunter	Porter	

□ 1412

Mr. ARRINGTON changed his vote from “yea” to “nay.”

Mr. ROSE of New York changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. PORTER. Mr. Speaker, I was present but my vote did not register on rollcall No. 668 on December 11, 2019 due to a machine malfunction. I voted by inserting my machine card into the machine with several minutes remaining. The system apparently did not record my “yea” vote. I was present on the House floor for the duration of the vote. Had my vote been recorded, it would have been recorded as “yea.”

The SPEAKER pro tempore (Mr. PANNETTA). The question is on the resolution.

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

Mr. BURGESS. 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 222, nays 190, not voting 18, as follows:

[Roll No. 669]

YEAS—222

Adams	Deutch	Lawson (FL)
Aguilar	Dingell	Lee (CA)
Allred	Doyle, Michael	Lee (NV)
Axne	F.	Levin (CA)
Bass	Engel	Levin (MI)
Beatty	Escobar	Lewis
Bera	Eshoo	Lipinski
Beyer	Españat	Loeb sack
Bishop (GA)	Evans	Lofgren
Blumenauer	Finkenauer	Lowenthal
Blunt Rochester	Fletcher	Lowe y
Bonamici	Foster	Lujan
Boyle, Brendan	Frankel	Luria
F.	Fudge	Lynch
Brindisi	Gallego	Malinowski
Brown (MD)	Garamendi	Maloney,
Brownley (CA)	Garcia (IL)	Carolyn B.
Bustos	Garcia (TX)	Maloney, Sean
Butterfield	Golden	Matsui
Carbajal	Gomez	McBath
Cárdenas	Gonzalez (TX)	McCollum
Cartwright	Gottheimer	McEachin
Case	Green, Al (TX)	McGovern
Casten (IL)	Grijalva	McNerney
Castor (FL)	Haaland	Meeks
Castro (TX)	Harder (CA)	Meng
Chu, Judy	Hastings	Moore
Cicilline	Hayes	Morelle
Cisneros	Heck	Moulton
Clark (MA)	Higgins (NY)	Mucarsel-Powell
Clarke (NY)	Himes	Murphy (FL)
Clay	Horn, Kendra S.	Nadler
Cleaver	Horsford	Napolitano
Clyburn	Houlahan	Neal
Cohen	Hoyer	Neguse
Connolly	Huffman	Norcross
Cooper	Jackson Lee	O'Halleran
Correa	Jayapal	Omar
Costa	Jeffries	Pallone
Courtney	Johnson (GA)	Panetta
Cox (CA)	Johnson (TX)	Pappas
Craig	Kaptur	Pascarell
Crist	Keating	Payne
Crow	Kelly (IL)	Perlmutter
Cuellar	Kennedy	Peterson
Cunningham	Kildee	Phillips
Davids (KS)	Kilmer	Pingree
Davis (CA)	Kim	Pocan
Davis, Danny K.	Kind	Porter
Dean	Kirkpatrick	Pressley
DeFazio	Krishnamoorthi	Price (NC)
DeGette	Kuster (NH)	Quigley
DeLauro	Lamb	Raskin
DelBene	Langevin	Rice (NY)
Delgado	Larsen (WA)	Richmond
Demings	Larson (CT)	Rose (NY)
DeSaulnier	Lawrence	Rouda

Roybal-Allard  
Ruiz  
Rush  
Ryan  
Sánchez  
Sarbanes  
Scanlon  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schrier  
Scott (VA)  
Scott, David  
Sewell (AL)  
Shalala  
Sherman  
Sherrill  
Simpson

## NAYS—190

Abraham  
Allen  
Amash  
Amodei  
Armstrong  
Arrington  
Babin  
Bacon  
Baird  
Balderson  
Banks  
Barr  
Bergman  
Biggs  
Bilirakis  
Bishop (NC)  
Bishop (UT)  
Bost  
Brady  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burchett  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Cline  
Cloud  
Cole  
Collins (GA)  
Comer  
Conaway  
Cook  
Crawford  
Crenshaw  
Curtis  
Davidson (OH)  
Davis, Rodney  
DesJarlais  
Diaz-Balart  
Doggett  
Duncan  
Dunn  
Emmer  
Estes  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Foxx (NC)  
Fulcher  
Gaetz  
Gallagher  
Gianforte  
Gohmert  
Gonzalez (OH)  
Gooden

## NOT VOTING—18

Aderholt  
Barragan  
Carson (IN)  
Cheney  
Gabbard  
Gibbs

□ 1418

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Trahan  
Trone  
Underwood  
Van Drew  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Waters  
Watson Coleman  
Welch  
Wexton  
Wild  
Wilson (FL)  
Yarmuth

Palazzo  
Palmer  
Pence  
Perry  
Peters  
Posey  
Ratcliffe  
Reed  
Reschenthaler  
Rice (SC)  
Riggleman  
Roby  
Rodgers (WA)  
Roe, David P.  
Rogers (AL)  
Rogers (KY)  
Rose, John W.  
Rouzer  
Roy  
Scalise  
Schweikert  
Scott, Austin  
Sensenbrenner  
Shimkus  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smucker  
Spano  
Stauber  
Stefanik  
Steil  
Steube  
Stewart  
Stivers  
Taylor  
Thompson (PA)  
Thornberry  
Timmons  
Tipton  
Turner  
Upton  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Waltz  
Watkins  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Wright  
Yoho  
Young  
Zeldin

Stated against:

Mr. JOYCE of Pennsylvania. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “nay” on rollcall No. 669.

Ms. CHENEY. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “nay” on rollcall No. 669.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. HARRIS. I object.

The SPEAKER pro tempore. Objection is heard.

## MOTION TO TABLE MOTION TO RECONSIDER ON H.R. 729, TRIBAL COASTAL RESILIENCY ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to table the motion to reconsider on the bill (H.R. 729) to amend the Coastal Zone Management Act of 1972 to authorize grants to Indian Tribes to further achievement of Tribal coastal zone objectives, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentlewoman from Minnesota (Ms. McCOLLUM) on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 192, not voting 9, as follows:

[Roll No. 670]

## YEAS—229

Adams  
Aguiar  
Allred  
Amash  
Axne  
Bass  
Beatty  
Bera  
Beyer  
Bishop (GA)  
Blumenauer  
Blunt Rochester  
Bonamici  
Boyle, Brendan  
F.  
Brindisi  
Brown (MD)  
Brownley (CA)  
Bustos  
Butterfield  
Carbajal  
Cárdenas  
Carson (IN)  
Cartwright  
Case  
Casten (IL)  
Castor (FL)  
Castro (TX)  
Chu, Judy  
Cicilline  
Cisneros  
Clark (MA)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Cooper  
Correa  
Costa  
Courtney  
Cox (CA)  
Craig  
Crist  
Crow  
Cuellar

Cunningham  
Davids (KS)  
Davis (CA)  
Davis, Danny K.  
Dean  
DeFazio  
DeGette  
DeLauro  
DeBene  
Delgado  
Demings  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael  
F.  
Engel  
Escobar  
Eshoo  
Español  
Evans  
Finkenauer  
Fletcher  
Foster  
Frankel  
Fudge  
Gaetz  
Gallego  
Garamendi  
Garcia (IL)  
Garcia (TX)  
Golden  
Gomez  
Gonzalez (TX)  
Gottheimer  
Green, Al (TX)  
Grijalva  
Haaland  
Harder (CA)  
Hastings  
Hayes  
Heck  
Higgins (NY)  
Himes  
Horn, Kendra S.  
Horsford

McEachin  
McGovern  
McNerney  
Meeks  
Meng  
Moore  
Morelle  
Moulton  
Mucarsel-Powell  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Neguse  
Norcross  
Ocasio-Cortez  
Omar  
Pallone  
Panetta  
Pappas  
Pascarell  
Payne  
Perlmutter  
Peters  
Peterson  
Phillips  
Pingree  
Pocan  
Porter  
Pressley  
Price (NC)

Abraham  
Allen  
Amodei  
Armstrong  
Arrington  
Babin  
Bacon  
Baird  
Balderson  
Banks  
Barr  
Bergman  
Biggs  
Bilirakis  
Bishop (NC)  
Bishop (UT)  
Bost  
Brady  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burchett  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Cheney  
Cline  
Cloud  
Cole  
Collins (GA)  
Comer  
Conaway  
Cook  
Crawford  
Crenshaw  
Curtis  
Davidson (OH)  
Davis, Rodney  
DesJarlais  
Diaz-Balart  
Duncan  
Dunn  
Emmer  
Estes  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Foxx (NC)  
Fulcher  
Gallagher  
Gianforte  
Gibbs  
Gohmert  
Gonzalez (OH)  
Gooden  
Gosar

Quigley  
Raskin  
Rice (NY)  
Richmond  
Rose (NY)  
Rouda  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan  
Sánchez  
Sarbanes  
Scanlon  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schrier  
Scott (VA)  
Scott, David  
Sewell (AL)  
Shalala  
Sherman  
Sherrill  
Sires  
Slotkin  
Smith (WA)  
Soto  
Spanberger  
Speier

## NAYS—192

Granger  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Green (TN)  
Griffith  
Grothman  
Guest  
Guthrie  
Hagedorn  
Harris  
Hartzler  
Hern, Kevin  
Herrera Beutler  
Hice (GA)  
Higgins (LA)  
Hill (AR)  
Holding  
Hollingsworth  
Roy  
Hudson  
Huizenga  
Hurd (TX)  
Johnson (LA)  
Johnson (OH)  
Johnson (SD)  
Jordan  
Joyce (OH)  
Joyce (PA)  
Katko  
Keller  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Kustoff (TN)  
LaHood  
LaMalfa  
Lamborn  
Latta  
Lesko  
Long  
Loudermilk  
Lucas  
Luetkemeyer  
Marchant  
Marshall  
Massie  
Walker  
Walorski  
Waltz  
Watkins  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Wright  
Yoho  
Young  
Zeldin

Stanton  
Stevens  
Suozi  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tlaib  
Tonko  
Torres (CA)  
Torres Small  
(NM)  
Trahan  
Trone  
Underwood  
Van Drew  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Waters  
Watson Coleman  
Welch  
Wexton  
Wild  
Wilson (FL)  
Yarmuth

Olson  
Palazzo  
Palmer  
Pence  
Perry  
Posey  
Ratcliffe  
Reed  
Reschenthaler  
Rice (SC)  
Riggleman  
Roby  
Rodgers (WA)  
Roe, David P.  
Rogers (AL)  
Rogers (KY)  
Rose, John W.  
Rouzer  
Roy  
Rutherford  
Scalise  
Schweikert  
Scott, Austin  
Sensenbrenner  
Shimkus  
Sensenbrenner  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smucker  
Spano  
Stauber  
Stefanik  
Steil  
Steube  
Stewart  
Stivers  
Taylor  
Thompson (PA)  
Thornberry  
Timmons  
Tipton  
Turner  
Upton  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Waltz  
Watkins  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Wright  
Yoho  
Young  
Zeldin

## NOT VOTING—9

Aderholt  
Barragán  
Gabbard

Hunter  
Lieu, Ted  
Norman

O'Halleran  
Rooney (FL)  
Serrano

□ 1427

Mr. GARCÍA of Illinois changed his vote from “nay” to “yea.”

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

## PERSONAL EXPLANATION

Ms. BARRAGAN. Mr. Speaker, I regret to inform you that I am unable to be present for votes today. Had I been present, I would have voted “yea” on rollcall No. 668, “yea” on rollcall No. 669, and “yea” on rollcall No. 670.

**MOTION TO RECONSIDER ON H. RES. 758, PROVIDING FOR CONSIDERATION OF H.R. 3, LOWER DRUG COSTS NOW ACT OF 2019; PROVIDING FOR CONSIDERATION OF H.R. 5038, FARM WORKFORCE MODERNIZATION ACT OF 2019; AND PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO ACCOMPANY S. 1790, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020**

Mr. McGOVERN. Mr. Speaker, I have a motion at the desk on the resolution (H. Res. 758) providing for consideration of the bill (H.R. 3) to establish a fair price negotiation program, protect the Medicare program from excessive price increases, and establish an out-of-pocket maximum for Medicare part D enrollees, and for other purposes; providing for consideration of the bill (H.R. 5038) to amend the Immigration and Nationality Act to provide for terms and conditions for nonimmigrant workers performing agricultural labor or services, and for other purposes; and providing for consideration of the conference report to accompany the bill (S. 1790) to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

The Clerk read as follows:

Mr. McGOVERN moves to reconsider the vote on adoption of House Resolution 758.

## MOTION TO TABLE

Mr. NADLER. Mr. Speaker, I have a motion at the desk.

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

The Clerk read as follows:

Mr. Nadler moves to table the motion to reconsider.

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

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

Mr. BIGGS. 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 196, nays 170, not voting 64, as follows:

[Roll No. 671]

## YEAS—196

Adams  
Aguilar  
Alfred  
Amash  
Axne  
Beatty  
Bera  
Bishop (GA)  
Blumenauer  
Blunt Rochester  
Bonamici  
Boyle, Brendan F.  
Brindisi  
Brown (MD)  
Bustos  
Butterfield  
Carbajal  
Cárdenas  
Carson (IN)  
Cartwright  
Casten (IL)  
Castor (FL)  
Castro (TX)  
Chu, Judy  
Cicilline  
Cisneros  
Clark (MA)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Costa  
Courtney  
Cox (CA)  
Craig  
Crist  
Cuellar  
Cunningham  
Davids (KS)  
Davis (CA)  
Davis, Danny K.  
Dean  
DeFazio  
DeGette  
DeLauro  
Delgado  
Demings  
DeSaulnier  
Deutch  
Dingell  
Doyle, Michael F.  
Engel  
Escobar  
Eshoo  
Evans  
Finkenauer  
Fletcher  
Foster  
Frankel  
Fudge  
Gallego  
Garamendi  
García (IL)

García (TX)  
Golden  
Gonzalez (TX)  
Gottheimer  
Green, Al (TX)  
Grijalva  
Hastings  
Hayes  
Heck  
Higgins (NY)  
Himes  
Horn, Kendra S.  
Horsford  
Houlahan  
Hoyer  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson (TX)  
Kaptur  
Keating  
Kennedy  
Khanna  
Kildee  
Kilmer  
Kim  
Kind  
Kirkpatrick  
Krishnamoorthi  
Kuster (NH)  
Lamb  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee (CA)  
Lee (NV)  
Levin (CA)  
Levin (MI)  
Lewis  
Lipinski  
Loebbeck  
Lofgren  
Lowey  
Luján  
Luria  
Lynch  
Malinowski  
Maloney  
Carolyn B. Matsui  
McBath  
McCollum  
McEachin  
McGovern  
McNerney  
Meeks  
Meng  
Moore  
Morelle  
Moulton  
Murphy (FL)  
Nadler  
Napolitano  
Neguse  
Norcross

Ocasio-Cortez  
Omar  
Pallone  
Panetta  
Payne  
Perlmutter  
Peters  
Peterson  
Phillips  
Pingree  
Pocan  
Porter  
Pressley  
Price (NC)  
Quigley  
Richmond  
Rose (NY)  
Rouda  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan  
Sánchez  
Scanlon  
Schakowsky  
Schiff  
Schneider  
Schrier  
Scott (VA)  
Shalala  
Sherman  
Sherrill  
Sires  
Slotkin  
Soto  
Speier  
Stevens  
Suozy  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tlaib  
Tonko  
Torres (CA)  
Torres Small (NM)  
Trahan  
Trone  
Underwood  
Van Drew  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Waters  
Watson Coleman  
Welch  
Wexton  
Wild  
Wilson (FL)  
Yarmuth

## NAYS—170

Abraham  
Allen  
Amodei  
Armstrong  
Arrington  
Babin  
Bacon  
Baird  
Balderson  
Banks  
Barr  
Bergman  
Biggs  
Bilirakis  
Bishop (NC)  
Bishop (UT)  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burchett

Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Cheney  
Cline  
Cloud  
Cole  
Comer  
Cook  
Crawford  
Crenshaw  
Curtis  
Davidson (OH)  
Davis, Rodney  
DesJarlais  
Diaz-Balart  
Duncan  
Dunn  
Emmer  
Ferguson

Fitzpatrick  
Fleischmann  
Flores  
Foxx (NC)  
Fulcher  
Gallagher  
Gianforte  
Gibbs  
Gohmert  
Gooden  
Gosar  
Granger  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Griffith  
Guest  
Guthrie  
Harris  
Hartzler  
Hern, Kevin  
Herrera Beutler  
Hice (GA)

Higgins (LA)  
Hill (AR)  
Holding  
Hollingsworth  
Hudson  
Huizenga  
Hurd (TX)  
Johnson (LA)  
Johnson (OH)  
Johnson (SD)  
Jordan  
Joyce (OH)  
Joyce (PA)  
Katko  
Keller  
Kelly (MS)  
Kelly (PA)  
King (IA)  
Kinzinger  
Kustoff (TN)  
LaHood  
LaMalfa  
Lamborn  
Latta  
Long  
Loudermilk  
Lucas  
Luetkemeyer  
Marshall  
Massie  
Mast  
McCarthy  
McCauley  
McClintock

McHenry  
McKinley  
Meadows  
Meuser  
Miller  
Mitchell  
Moolenaar  
Mooney (WV)  
Mullin  
Murphy (NC)  
Newhouse  
Palazzo  
Palmer  
Pence  
Perry  
Posey  
Ratcliffe  
Reed  
Rice (SC)  
Riggleman  
Roby  
Rodgers (WA)  
Roe, David P.  
Rogers (AL)  
Rogers (KY)  
Rose, John W.  
Rouzer  
Roy  
Rutherford  
Scalise  
Schweikert  
Scott, Austin  
Sensenbrenner  
Shimkus

Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smucker  
Spano  
Stauber  
Stefanik  
Steil  
Stewart  
Stivers  
Taylor  
Thompson (PA)  
Thornberry  
Timmons  
Upton  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Waltz  
Watkins  
Weber (TX)  
Webster (FL)  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Yoho  
Young  
Zeldin

## NOT VOTING—64

Aderholt  
Barragán  
Bass  
Beyer  
Bost  
Brady  
Brownley (CA)  
Case  
Collins (GA)  
Conaway  
Cooper  
Correa  
Crow  
DelBene  
Doggett  
Españillat  
Estes  
Fortenberry  
Gabbard  
Gaetz  
Gomez  
Gonzalez (OH)

Green (TN)  
Grothman  
Haaland  
Hagedorn  
Harder (CA)  
Huffman  
Hunter  
Kelly (IL)  
King (NY)  
Langevin  
Lesko  
Lieu, Ted  
Lowenthal  
Maloney, Sean  
Marchant  
McAdams  
Mucarsel-Powell  
Neal  
Norman  
O'Halleran  
Olson

Pappas  
Pascarell  
Raskin  
Reschenthaler  
Rice (NY)  
Rooney (FL)  
Sarbanes  
Schrader  
Scott, David  
Serrano  
Sewell (AL)  
Smith (WA)  
Spanberger  
Stanton  
Steube  
Tipton  
Turner  
Wenstrup  
Woodall  
Wright

□ 1439

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

Stated for:

Mr. PASCARELL. Mr. Speaker, I want to state for the record that on December 11, 2019, I missed one roll call vote. Had I been present I would have voted:

Yes—Rollcall Vote 671—Table Motion to Reconsider H. Res. 758.

Mr. GOMEZ. Mr. Speaker, on December 11, 2019, I am not recorded on rollcall vote No. 671. Had I been present, I would have voted “yea.”

Stated against:

Mr. CONAWAY. Mr. Speaker, had I been present, I would have voted “nay” on rollcall No. 671.

Mr. ESTES. Mr. Speaker, I was not present for rollcall vote No. 671 on the motion to table the motion to reconsider, adoption on H. Res. 758. Had I been present, I would have voted “nay.”

## FARM WORKFORCE MODERNIZATION ACT OF 2019

Mr. NADLER. Mr. Speaker, pursuant to House Resolution 758, I call up the bill (H.R. 5038) to amend the Immigration and Nationality Act to provide for



terms and conditions for nonimmigrant workers performing agricultural labor or services, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 758, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-42, modified by the amendment printed in part C of House Report 116-334, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5038

*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 “Farm Workforce Modernization Act of 2019”.

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

Sec. 1. Short title; table of contents.

## **TITLE I—SECURING THE DOMESTIC AGRICULTURAL WORKFORCE**

### **Subtitle A—Temporary Status for Certified Agricultural Workers**

Sec. 101. Certified agricultural worker status.  
Sec. 102. Terms and conditions of certified status.

Sec. 103. Extensions of certified status.  
Sec. 104. Determination of continuous presence.  
Sec. 105. Employer obligations.  
Sec. 106. Administrative and judicial review.

### **Subtitle B—Optional Earned Residence for Long-term Workers**

Sec. 111. Optional adjustment of status for long-term agricultural workers.  
Sec. 112. Payment of taxes.  
Sec. 113. Adjudication and decision; review.

### **Subtitle C—General Provisions**

Sec. 121. Definitions.  
Sec. 122. Rulemaking; Fees.  
Sec. 123. Background checks.  
Sec. 124. Protection for children.  
Sec. 125. Limitation on removal.  
Sec. 126. Documentation of agricultural work history.  
Sec. 127. Employer protections.  
Sec. 128. Correction of social security records.  
Sec. 129. Disclosures and privacy.  
Sec. 130. Penalties for false statements in applications.  
Sec. 131. Dissemination of information.  
Sec. 132. Exemption from numerical limitations.  
Sec. 133. Reports to Congress.  
Sec. 134. Grant program to assist eligible applicants.

Sec. 135. Authorization of appropriations.

## **TITLE II—ENSURING AN AGRICULTURAL WORKFORCE FOR THE FUTURE**

### **Subtitle A—Reforming the H-2A Temporary Worker Program**

Sec. 201. Comprehensive and streamlined electronic h-2a platform.  
Sec. 202. H-2a program requirements.  
Sec. 203. Agency roles and responsibilities.  
Sec. 204. Worker protection and compliance.  
Sec. 205. Report on wage protections.  
Sec. 206. Portable h-2a visa pilot program.  
Sec. 207. Improving access to permanent residence.

### **Subtitle B—Preservation and Construction of Farmworker Housing**

Sec. 220. Short title.

Sec. 221. Permanent establishment of housing preservation and revitalization program.

Sec. 222. Eligibility for rural housing vouchers.

Sec. 223. Amount of voucher assistance.

Sec. 224. Rental assistance contract authority.

Sec. 225. Funding for multifamily technical improvements.

Sec. 226. Plan for preserving affordability of rental projects.

Sec. 227. Covered housing programs.

Sec. 228. New farmworker housing.

Sec. 229. Loan and grant limitations.

Sec. 230. Operating assistance subsidies.

Sec. 231. Eligibility of certified workers.

### **Subtitle C—Foreign Labor Recruiter Accountability**

Sec. 251. Registration of foreign labor recruiters.

Sec. 252. Enforcement.

Sec. 253. Appropriations.

Sec. 254. Definitions.

## **TITLE III—ELECTRONIC VERIFICATION OF EMPLOYMENT ELIGIBILITY**

Sec. 301. Electronic employment eligibility verification system.

Sec. 302. Mandatory electronic verification for the agricultural industry.

Sec. 303. Coordination with E-Verify Program.

Sec. 304. Fraud and misuse of documents.

Sec. 305. Technical and conforming amendments.

Sec. 306. Protection of Social Security Administration programs.

Sec. 307. Report on the implementation of the electronic employment verification system.

Sec. 308. Modernizing and streamlining the employment eligibility verification process.

Sec. 309. Rulemaking and Paperwork Reduction Act.

## **TITLE I—SECURING THE DOMESTIC AGRICULTURAL WORKFORCE**

### **Subtitle A—Temporary Status for Certified Agricultural Workers**

#### **SEC. 101. CERTIFIED AGRICULTURAL WORKER STATUS.**

(a) **REQUIREMENTS FOR CERTIFIED AGRICULTURAL WORKER STATUS.**—

(1) **PRINCIPAL ALIENS.**—The Secretary may grant certified agricultural worker status to an alien who submits a completed application, including the required processing fees, before the end of the period set forth in subsection (c) and who—

(A) performed agricultural labor or services in the United States for at least 1,035 hours (or 180 work days) during the 2-year period preceding the date of the introduction of this Act;

(B) on the date of the introduction of this Act—

(i) is inadmissible or deportable from the United States; or

(ii) is under a grant of deferred enforced departure or has temporary protected status under section 244 of the Immigration and Nationality Act;

(C) subject to section 104, has been continuously present in the United States since the date of the introduction of this Act and until the date on which the alien is granted certified agricultural worker status; and

(D) is not otherwise ineligible for certified agricultural worker status as provided in subsection (b).

(2) **DEPENDENT SPOUSE AND CHILDREN.**—The Secretary may grant certified agricultural dependent status to the spouse or child of an alien granted certified agricultural worker status under paragraph (1) if the spouse or child is not ineligible for certified agricultural dependent status as provided in subsection (b).

(b) **GROUND FOR INELIGIBILITY.**—

(1) **GROUND OF INADMISSIBILITY.**—Except as provided in paragraph (3), an alien is ineligible

for certified agricultural worker or certified agricultural dependent status if the Secretary determines that the alien is inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), except that in determining inadmissibility—

(A) paragraphs (4), (5), (7), and (9)(B) of such section shall not apply;

(B) subparagraphs (A), (C), (D), (F), and (G) of such section 212(a)(6) and paragraphs (9)(C) and (10)(B) of such section 212(a) shall not apply unless based on the act of unlawfully entering the United States after the date of introduction of this Act; and

(C) paragraphs (6)(B) and (9)(A) of such section 212(a) shall not apply unless the relevant conduct began on or after the date of filing of the application for certified agricultural worker status.

(2) **ADDITIONAL CRIMINAL BARS.**—Except as provided in paragraph (3), an alien is ineligible for certified agricultural worker or certified agricultural dependent status if the Secretary determines that, excluding any offense under State law for which an essential element is the alien's immigration status and any minor traffic offense, the alien has been convicted of—

(A) any felony offense;

(B) an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) at the time of the conviction);

(C) two misdemeanor offenses involving moral turpitude, as described in section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)(I)), unless an offense is waived by the Secretary under paragraph (3)(B); or

(D) three or more misdemeanor offenses not occurring on the same date, and not arising out of the same act, omission, or scheme of misconduct.

(3) **WAIVERS FOR CERTAIN GROUNDS OF INADMISSIBILITY.**—For humanitarian purposes, family unity, or if otherwise in the public interest, the Secretary may waive the grounds of inadmissibility under—

(A) paragraph (1), (6)(E), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); or

(B) subparagraphs (A) and (D) of section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), unless inadmissibility is based on a conviction that would otherwise render the alien ineligible under subparagraph (A), (B), or (D) of paragraph (2).

(c) **APPLICATION.**—

(1) **APPLICATION PERIOD.**—Except as provided in paragraph (2), the Secretary shall accept initial applications for certified agricultural worker status during the 18-month period beginning on the date on which the interim final rule is published in the Federal Register pursuant to section 122(a).

(2) **EXTENSION.**—If the Secretary determines, during the initial period described in paragraph (1), that additional time is required to process initial applications for certified agricultural worker status or for other good cause, the Secretary may extend the period for accepting applications for up to an additional 12 months.

(3) **SUBMISSION OF APPLICATIONS.**—

(A) **IN GENERAL.**—An alien may file an application with the Secretary under this section with the assistance of an attorney or a non-profit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations. The Secretary shall also create a procedure for accepting applications filed by qualified designated entities with the consent of the applicant.

(B) **FARM SERVICE AGENCY OFFICES.**—The Secretary, in consultation with the Secretary of Agriculture, shall establish a process for the filing of applications under this section at Farm Service Agency offices throughout the United States.

(4) **EVIDENCE OF APPLICATION FILING.**—As soon as practicable after receiving an application for certified agricultural worker status, the Secretary shall provide the applicant with a document acknowledging the receipt of such application. Such document shall serve as interim proof of the alien's authorization to accept employment in the United States and shall be accepted by an employer as evidence of employment authorization under section 274A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(C)), if the employer is employing the holder of such document to perform agricultural labor or services, pending a final administrative decision on the application.

(5) **EFFECT OF PENDING APPLICATION.**—During the period beginning on the date on which an alien applies for certified agricultural worker status under this subtitle, and ending on the date on which the Secretary makes a final administrative decision regarding such application, the alien and any dependents included in the application—

(A) may apply for advance parole, which shall be granted upon demonstrating a legitimate need to travel outside the United States for a temporary purpose;

(B) may not be detained by the Secretary or removed from the United States unless the Secretary makes a *prima facie* determination that such alien is, or has become, ineligible for certified agricultural worker status;

(C) may not be considered unlawfully present under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)); and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))).

(6) **WITHDRAWAL OF APPLICATION.**—The Secretary shall, upon receipt of a request from the applicant to withdraw an application for certified agricultural worker status under this subtitle, cease processing of the application, and close the case. Withdrawal of the application shall not prejudice any future application filed by the applicant for any immigration benefit under this Act or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(d) **ADJUDICATION AND DECISION.**—

(1) **IN GENERAL.**—Subject to section 123, the Secretary shall render a decision on an application for certified agricultural worker status not later than 180 days after the date the application is filed.

(2) **NOTICE.**—Prior to denying an application for certified agricultural worker status, the Secretary shall provide the alien with—

(A) written notice that describes the basis for ineligibility or the deficiencies in the evidence submitted; and

(B) at least 90 days to contest ineligibility or submit additional evidence.

(3) **AMENDED APPLICATION.**—An alien whose application for certified agricultural worker status is denied under this section may submit an amended application for such status to the Secretary if the amended application is submitted within the application period described in subsection (c) and contains all the required information and fees that were missing from the initial application.

(e) **ALTERNATIVE H-2A STATUS.**—An alien who has not met the required period of agricultural labor or services under subsection (a)(1)(A), but is otherwise eligible for certified agricultural worker status under such subsection, shall be eligible for classification as a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) upon approval of a petition submitted by a sponsoring employer, if the alien has performed at least 575 hours (or 100 work days) of agricultural labor or services during the 3-year period preceding the date of the introduction of this Act. The Secretary shall create a procedure to provide for such classification

without requiring the alien to depart the United States and obtain a visa abroad.

## **SEC. 102. TERMS AND CONDITIONS OF CERTIFIED STATUS.**

(a) **IN GENERAL.**—

(1) **APPROVAL.**—Upon approval of an application for certified agricultural worker status, or an extension of such status pursuant to section 103, the Secretary shall issue—

(A) documentary evidence of such status to the applicant; and

(B) documentary evidence of certified agricultural dependent status to any qualified dependent included on such application.

(2) **DOCUMENTARY EVIDENCE.**—In addition to any other features and information as the Secretary may prescribe, the documentary evidence described in paragraph (1)—

(A) shall be machine-readable and tamper-resistant;

(B) shall contain a digitized photograph;

(C) shall serve as a valid travel and entry document for purposes of applying for admission to the United States; and

(D) shall be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)).

(3) **VALIDITY PERIOD.**—Certified agricultural worker and certified agricultural dependent status shall be valid for five and one-half years beginning on the date of approval.

(4) **TRAVEL AUTHORIZATION.**—An alien with certified agricultural worker or certified agricultural dependent status may—

(A) travel within and outside of the United States, including commuting to the United States from a residence in a foreign country; and

(B) be admitted to the United States upon return from travel abroad without first obtaining a visa if the alien is in possession of—

(i) valid, unexpired documentary evidence of certified agricultural worker or certified agricultural worker dependent status as described in subsection (a); or

(ii) a travel document that has been approved by the Secretary and was issued to the alien after the alien's original documentary evidence was lost, stolen, or destroyed.

(b) **ABILITY TO CHANGE STATUS.**—

(1) **CHANGE TO CERTIFIED AGRICULTURAL WORKER STATUS.**—Notwithstanding section 101(a), an alien with valid certified agricultural dependent status may apply to change to certified agricultural worker status, at any time, if the alien—

(A) submits a completed application, including the required processing fees; and

(B) is not ineligible for certified agricultural worker status under section 101(b).

(2) **CLARIFICATION.**—Nothing in this title prohibits an alien granted certified agricultural worker or certified agricultural dependent status from changing status to any other non-immigrant classification for which the alien may be eligible.

(c) **PROHIBITION ON PUBLIC BENEFITS, TAX BENEFITS, AND HEALTH CARE SUBSIDIES.**—Aliens granted certified agricultural worker or certified agricultural dependent status shall be considered lawfully present in the United States for all purposes for the duration of their status, except that such aliens—

(1) shall be ineligible for Federal means-tested public benefits to the same extent as other individuals who are not qualified aliens under section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641);

(2) are not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 (26 U.S.C. 36B), and shall be subject to the rules applicable to individuals who are not lawfully present set forth in subsection (e) of such section;

(3) shall be subject to the rules applicable to individuals who are not lawfully present set

forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)); and

(4) shall be subject to the rules applicable to individuals not lawfully present set forth in section 5000A(d)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 5000A(d)(3)).

(d) **REVOCATION OF STATUS.**—

(1) **IN GENERAL.**—The Secretary may revoke certified agricultural worker or certified agricultural dependent status if, after providing notice to the alien and the opportunity to provide evidence to contest the proposed revocation, the Secretary determines that the alien no longer meets the eligibility requirements for such status under section 101(b).

(2) **INVALIDATION OF DOCUMENTATION.**—Upon the Secretary's final determination to revoke an alien's certified agricultural worker or certified agricultural dependent status, any documentation issued by the Secretary to such alien under subsection (a) shall automatically be rendered invalid for any purpose except for departure from the United States.

## **SEC. 103. EXTENSIONS OF CERTIFIED STATUS.**

(a) **REQUIREMENTS FOR EXTENSIONS OF STATUS.**—

(1) **PRINCIPAL ALIENS.**—The Secretary may extend certified agricultural worker status for additional periods of five and one-half years to an alien who submits a completed application, including the required processing fees, within the 120-day period beginning 60 days before the expiration of the fifth year of the immediately preceding grant of certified agricultural worker status, if the alien—

(A) except as provided in section 126(c), has performed agricultural labor or services in the United States for at least 575 hours (or 100 work days) for each of the prior five years in which the alien held certified agricultural worker status; and

(B) has not become ineligible for certified agricultural worker status under section 101(b).

(2) **DEPENDENT SPOUSE AND CHILDREN.**—The Secretary may grant or extend certified agricultural dependent status to the spouse or child of an alien granted an extension of certified agricultural worker status under paragraph (1) if the spouse or child is not ineligible for certified agricultural dependent status under section 101(b).

(3) **WAIVER FOR LATE FILINGS.**—The Secretary may waive an alien's failure to timely file before the expiration of the 120-day period described in paragraph (1) if the alien demonstrates that the delay was due to extraordinary circumstances beyond the alien's control or for other good cause.

(b) **STATUS FOR WORKERS WITH PENDING APPLICATIONS.**—

(1) **IN GENERAL.**—Certified agricultural worker status of an alien who timely files an application to extend such status under subsection (a) (and the status of the alien's dependents) shall be automatically extended through the date on which the Secretary makes a final administrative decision regarding such application.

(2) **DOCUMENTATION OF EMPLOYMENT AUTHORIZATION.**—As soon as practicable after receipt of an application to extend certified agricultural worker status under subsection (a), the Secretary shall issue a document to the alien acknowledging the receipt of such application. An employer of the worker may not refuse to accept such document as evidence of employment authorization under section 274A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(C)), pending a final administrative decision on the application.

(c) **NOTICE.**—Prior to denying an application to extend certified agricultural worker status, the Secretary shall provide the alien with—

(1) written notice that describes the basis for ineligibility or the deficiencies of the evidence submitted; and

(2) at least 90 days to contest ineligibility or submit additional evidence.

**SEC. 104. DETERMINATION OF CONTINUOUS PRESENCE.**

(a) **EFFECT OF NOTICE TO APPEAR.**—The continuous presence in the United States of an applicant for certified agricultural worker status under section 101 shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(b) **TREATMENT OF CERTAIN BREAKS IN PRESENCE.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), an alien shall be considered to have failed to maintain continuous presence in the United States under this subtitle if the alien departed the United States for any period exceeding 90 days, or for any periods, in the aggregate, exceeding 180 days.

(2) **EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.**—The Secretary may extend the time periods described in paragraph (1) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a spouse, parent, son or daughter, grandparent, or sibling of the alien.

(3) **TRAVEL AUTHORIZED BY THE SECRETARY.**—Any period of travel outside of the United States by an alien that was authorized by the Secretary shall not be counted toward any period of departure from the United States under paragraph (1).

**SEC. 105. EMPLOYER OBLIGATIONS.**

(a) **RECORD OF EMPLOYMENT.**—An employer of an alien in certified agricultural worker status shall provide such alien with a written record of employment each year during which the alien provides agricultural labor or services to such employer as a certified agricultural worker.

(b) **CIVIL PENALTIES.**—

(1) **IN GENERAL.**—If the Secretary determines, after notice and an opportunity for a hearing, that an employer of an alien with certified agricultural worker status has knowingly failed to provide the record of employment required under subsection (a), or has provided a false statement of material fact in such a record, the employer shall be subject to a civil penalty in an amount not to exceed \$500 per violation.

(2) **LIMITATION.**—The penalty under paragraph (1) for failure to provide employment records shall not apply unless the alien has provided the employer with evidence of employment authorization described in section 102 or 103.

(3) **DEPOSIT OF CIVIL PENALTIES.**—Civil penalties collected under this paragraph shall be deposited into the Immigration Examinations Fee Account under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

**SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.**

(a) **ADMINISTRATIVE REVIEW.**—The Secretary shall establish a process by which an applicant may seek administrative review of a denial of an application for certified agricultural worker status under this subtitle, an application to extend such status, or a revocation of such status.

(b) **ADMISSIBILITY IN IMMIGRATION COURT.**—Each record of an alien's application for certified agricultural worker status under this subtitle, application to extend such status, revocation of such status, and each record created pursuant to the administrative review process under subsection (a) is admissible in immigration court, and shall be included in the administrative record.

(c) **JUDICIAL REVIEW.**—Notwithstanding any other provision of law, judicial review of the Secretary's decision to deny an application for certified agricultural worker status, an application to extend such status, or the decision to revoke such status, shall be limited to the review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

**Subtitle B—Optional Earned Residence for Long-term Workers****SEC. 111. OPTIONAL ADJUSTMENT OF STATUS FOR LONG-TERM AGRICULTURAL WORKERS.**

(a) **REQUIREMENTS FOR ADJUSTMENT OF STATUS.**—

(1) **PRINCIPAL ALIENS.**—The Secretary may adjust the status of an alien from that of a certified agricultural worker to that of a lawful permanent resident if the alien submits a completed application, including the required processing and penalty fees, and the Secretary determines that—

(A) except as provided in section 126(c), the alien performed agricultural labor or services for not less than 575 hours (or 100 work days) each year—

(i) for at least 10 years prior to the date of the enactment of this Act and for at least 4 years in certified agricultural worker status; or

(ii) for fewer than 10 years prior to the date of the enactment of this Act and for at least 8 years in certified agricultural worker status; and

(B) the alien has not become ineligible for certified agricultural worker status under section 101(b).

(2) **DEPENDENT ALIENS.**—

(A) **IN GENERAL.**—The spouse and each child of an alien described in paragraph (1) whose status has been adjusted to that of a lawful permanent resident may be granted lawful permanent residence under this subtitle if—

(i) the qualifying relationship to the principal alien existed on the date on which such alien was granted adjustment of status under this subtitle; and

(ii) the spouse or child is not ineligible for certified agricultural worker dependent status under section 101(b).

(B) **PROTECTIONS FOR SPOUSES AND CHILDREN.**—The Secretary of Homeland Security shall establish procedures to allow the spouse or child of a certified agricultural worker to self-petition for lawful permanent residence under this subtitle in cases involving—

(i) the death of the certified agricultural worker, so long as the spouse or child submits a petition not later than 2 years after the date of the worker's death; or

(ii) the spouse or a child being battered or subjected to extreme cruelty by the certified agricultural worker.

(3) **DOCUMENTATION OF WORK HISTORY.**—An applicant for adjustment of status under this section shall not be required to resubmit evidence of work history that has been previously submitted to the Secretary in connection with an approved extension of certified agricultural worker status.

(b) **PENALTY FEE.**—In addition to any processing fee that the Secretary may assess in accordance with section 122(b), a principal alien seeking adjustment of status under this subtitle shall pay a \$1,000 penalty fee, which shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(c) **EFFECT OF PENDING APPLICATION.**—During the period beginning on the date on which an alien applies for adjustment of status under this subtitle, and ending on the date on which the Secretary makes a final administrative decision regarding such application, the alien and any dependents included on the application—

(1) may apply for advance parole, which shall be granted upon demonstrating a legitimate need to travel outside the United States for a temporary purpose;

(2) may not be detained by the Secretary or removed from the United States unless the Secretary makes a prima facie determination that such alien is, or has become, ineligible for adjustment of status under subsection (a);

(3) may not be considered unlawfully present under section 212(a)(9)(B) of the Immigration

and Nationality Act (8 U.S.C. 1182(a)(9)(B)); and

(4) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))).

(d) **EVIDENCE OF APPLICATION FILING.**—As soon as practicable after receiving an application for adjustment of status under this subtitle, the Secretary shall provide the applicant with a document acknowledging the receipt of such application. Such document shall serve as interim proof of the alien's authorization to accept employment in the United States and shall be accepted by an employer as evidence of employment authorization under section 274A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(C)), pending a final administrative decision on the application.

(e) **WITHDRAWAL OF APPLICATION.**—The Secretary shall, upon receipt of a request to withdraw an application for adjustment of status under this subtitle, cease processing of the application, and close the case. Withdrawal of the application shall not prejudice any future application filed by the applicant for any immigration benefit under this Act or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

**SEC. 112. PAYMENT OF TAXES.**

(a) **IN GENERAL.**—An alien may not be granted adjustment of status under this subtitle unless the applicant has satisfied any applicable Federal tax liability.

(b) **COMPLIANCE.**—An alien may demonstrate compliance with subsection (a) by submitting such documentation as the Secretary, in consultation with the Secretary of the Treasury, may require by regulation.

**SEC. 113. ADJUDICATION AND DECISION; REVIEW.**

(a) **IN GENERAL.**—Subject to the requirements of section 123, the Secretary shall render a decision on an application for adjustment of status under this subtitle not later than 180 days after the date on which the application is filed.

(b) **NOTICE.**—Prior to denying an application for adjustment of status under this subtitle, the Secretary shall provide the alien with—

(1) written notice that describes the basis for ineligibility or the deficiencies of the evidence submitted; and

(2) at least 90 days to contest ineligibility or submit additional evidence.

(c) **ADMINISTRATIVE REVIEW.**—The Secretary shall establish a process by which an applicant may seek administrative review of a denial of an application for adjustment of status under this subtitle.

(d) **JUDICIAL REVIEW.**—Notwithstanding any other provision of law, an alien may seek judicial review of a denial of an application for adjustment of status under this title in an appropriate United States district court.

**Subtitle C—General Provisions****SEC. 121. DEFINITIONS.**

In this title:

(1) **IN GENERAL.**—Except as otherwise provided, any term used in this title that is used in the immigration laws shall have the meaning given such term in the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(2) **AGRICULTURAL LABOR OR SERVICES.**—The term "agricultural labor or services" means—

(A) agricultural labor or services as such term is used in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), without regard to whether the labor or services are of a seasonal or temporary nature; and

(B) agricultural employment as such term is defined in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802), without regard to whether the specific service or activity is temporary or seasonal.

(3) **APPLICABLE FEDERAL TAX LIABILITY.**—The term "applicable Federal tax liability" means

all Federal income taxes assessed in accordance with section 6203 of the Internal Revenue Code of 1986 beginning on the date on which the applicant was authorized to work in the United States as a certified agricultural worker.

(4) **APPROPRIATE UNITED STATES DISTRICT COURT.**—The term “appropriate United States district court” means the United States District Court for the District of Columbia or the United States district court with jurisdiction over the alien’s principal place of residence.

(5) **CHILD.**—The term “child” has the meaning given such term in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(6) **CONVICTED OR CONVICTION.**—The term “convicted” or “conviction” does not include a judgment that has been expunged or set aside, that resulted in a rehabilitative disposition, or the equivalent.

(7) **EMPLOYER.**—The term “employer” means any person or entity, including any labor contractor or any agricultural association, that employs workers in agricultural labor or services.

(8) **QUALIFIED DESIGNATED ENTITY.**—The term “qualified designated entity” means—

(A) a qualified farm labor organization or an association of employers designated by the Secretary; or

(B) any other entity that the Secretary designates as having substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of application for adjustment of status under title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.).

(9) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

(10) **WORK DAY.**—The term “work day” means any day in which the individual is employed 5.75 or more hours in agricultural labor or services.

#### SEC. 122. RULEMAKING; FEES.

(a) **RULEMAKING.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register, an interim final rule implementing this title. Notwithstanding section 553 of title 5, United States Code, the rule shall be effective, on an interim basis, immediately upon publication, but may be subject to change and revision after public notice and opportunity for comment. The Secretary shall finalize such rule not later than 1 year after the date of the enactment of this Act.

(b) **FEES.**—

(1) **IN GENERAL.**—The Secretary may require an alien applying for any benefit under this title to pay a reasonable fee that is commensurate with the cost of processing the application.

(2) **FEE WAIVER; INSTALLMENTS.**—

(A) **IN GENERAL.**—The Secretary shall establish procedures to allow an alien to—

(i) request a waiver of any fee that the Secretary may assess under this title if the alien demonstrates to the satisfaction of the Secretary that the alien is unable to pay the prescribed fee; or

(ii) pay any fee or penalty that the Secretary may assess under this title in installments.

(B) **CLARIFICATION.**—Nothing in this section shall be read to prohibit an employer from paying any fee or penalty that the Secretary may assess under this title on behalf of an alien and the alien’s spouse or children.

#### SEC. 123. BACKGROUND CHECKS.

(a) **SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.**—The Secretary may not grant or extend certified agricultural worker or certified agricultural dependent status under subtitle A, or grant adjustment of status to that of a lawful permanent resident under subtitle B, unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who cannot provide all required biometric or biographic data because of a physical impairment.

(b) **BACKGROUND CHECKS.**—The Secretary shall use biometric, biographic, and other data that the Secretary determines appropriate to conduct security and law enforcement background checks and to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for status under this title. An alien may not be granted any such status under this title unless security and law enforcement background checks are completed to the satisfaction of the Secretary.

#### SEC. 124. PROTECTION FOR CHILDREN.

(a) **IN GENERAL.**—Except as provided in subsection (b), for purposes of eligibility for certified agricultural dependent status or lawful permanent resident status under this title, a determination of whether an alien is a child shall be made using the age of the alien on the date on which the initial application for certified agricultural worker status is filed with the Secretary of Homeland Security.

(b) **LIMITATION.**—Subsection (a) shall apply for no more than 10 years after the date on which the initial application for certified agricultural worker status is filed with the Secretary of Homeland Security.

#### SEC. 125. LIMITATION ON REMOVAL.

(a) **IN GENERAL.**—An alien who appears to be prima facie eligible for status under this title shall be given a reasonable opportunity to apply for such status. Such an alien may not be placed in removal proceedings or removed from the United States until a final administrative decision establishing ineligibility for such status is rendered.

(b) **ALIENS IN REMOVAL PROCEEDINGS.**—Notwithstanding any other provision of the law, the Attorney General shall (upon motion by the Secretary with the consent of the alien, or motion by the alien) terminate removal proceedings, without prejudice, against an alien who appears to be prima facie eligible for status under this title, and provide such alien a reasonable opportunity to apply for such status.

(c) **EFFECT OF FINAL ORDER.**—An alien present in the United States who has been ordered removed or has been permitted to depart voluntarily from the United States may, notwithstanding such order or permission to depart, apply for status under this title. Such alien shall not be required to file a separate motion to reopen, reconsider, or vacate the order of removal. If the Secretary approves the application, the Secretary shall notify the Attorney General of such approval, and the Attorney General shall cancel the order of removal. If the Secretary renders a final administrative decision to deny the application, the order of removal or permission to depart shall be effective and enforceable to the same extent as if the application had not been made, only after all available administrative and judicial remedies have been exhausted.

(d) **EFFECT OF DEPARTURE.**—Section 101(g) of the Immigration and Nationality Act (8 U.S.C. 1101(g)) shall not apply to an alien who departs the United States—

(1) with advance permission to return to the United States granted by the Secretary under this title; or

(2) after having been granted certified agricultural worker status or lawful permanent resident status under this title.

#### SEC. 126. DOCUMENTATION OF AGRICULTURAL WORK HISTORY.

(a) **BURDEN OF PROOF.**—An alien applying for certified agricultural worker status under subtitle A or adjustment of status under subtitle B has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 101, 103, or 111, as applicable. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(b) **EVIDENCE.**—An alien may meet the burden of proof under subsection (a) by producing suf-

ficient evidence to show the extent of such employment as a matter of just and reasonable inference. Such evidence may include—

(1) an annual record of certified agricultural worker employment as described in section 105(a), or other employment records from employers;

(2) employment records maintained by collective bargaining associations;

(3) tax records or other government records;

(4) sworn affidavits from individuals who have direct knowledge of the alien’s work history; or

(5) any other documentation designated by the Secretary for such purpose.

(c) **EXCEPTION FOR EXTRAORDINARY CIRCUMSTANCES.**—

(1) **IN GENERAL.**—In determining whether an alien has met the requirement under section 103(a)(1)(A) or 111(a)(1)(A), the Secretary may credit the alien with not more than 575 hours (or 100 work days) of agricultural labor or services in the United States if the alien was unable to perform the required agricultural labor or services due to—

(A) pregnancy, illness, disease, disabling injury, or physical limitation of the alien;

(B) injury, illness, disease, or other special needs of the alien’s child or spouse;

(C) severe weather conditions that prevented the alien from engaging in agricultural labor or services; or

(D) termination from agricultural employment, if the Secretary determines that—

(i) the termination was without just cause; and

(ii) the alien was unable to find alternative agricultural employment after a reasonable job search.

(2) **EFFECT OF DETERMINATION.**—A determination under paragraph (1)(D) shall not be conclusive, binding, or admissible in a separate or subsequent judicial or administrative action or proceeding between the alien and a current or prior employer of the alien or any other party.

#### SEC. 127. EMPLOYER PROTECTIONS.

(a) **CONTINUING EMPLOYMENT.**—An employer that continues to employ an alien knowing that the alien intends to apply for certified agricultural worker status under subtitle A shall not violate section 274A(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(2)) by continuing to employ the alien for the duration of the application period under section 101(c), and with respect to an alien who applies for certified agricultural status, for the duration of the period during which the alien’s application is pending final determination.

(b) **USE OF EMPLOYMENT RECORDS.**—Copies of employment records or other evidence of employment provided by an alien or by an alien’s employer in support of an alien’s application for certified agricultural worker or adjustment of status under this title may not be used in a civil or criminal prosecution or investigation of that employer under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) or the Internal Revenue Code of 1986 for the prior unlawful employment of that alien regardless of the outcome of such application.

(c) **ADDITIONAL PROTECTIONS.**—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment in support of an application for certified agricultural worker status or adjustment of status under this title shall not be subject to civil and criminal liability pursuant to such section 274A for employing such unauthorized aliens. Records or other evidence of employment provided by employers in response to a request for such records for the purpose of establishing eligibility for status under this title may not be used for any purpose other than establishing such eligibility.

(d) **LIMITATION ON PROTECTION.**—The protections for employers under this section shall not apply if the employer provides employment

records to the alien that are determined to be fraudulent.

**SEC. 128. CORRECTION OF SOCIAL SECURITY RECORDS; CONFORMING AMENDMENTS.**

(a) *IN GENERAL.*—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “or” at the end;

(2) in subparagraph (C), by inserting “or” at the end;

(3) by inserting after subparagraph (C) the following:

“(D) who is granted certified agricultural worker status, certified agricultural dependent status, or lawful permanent resident status under title I of the Farm Work Modernization Act of 2019.”; and

(4) in the undesignated matter following subparagraph (D), as added by paragraph (3), by striking “1990.” and inserting “1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted status under title I of the Farm Work Modernization Act of 2019.”.

(b) *EFFECTIVE DATE.*—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

**(c) CONFORMING AMENDMENTS.**

(1) *SOCIAL SECURITY ACT.*—Section 210(a)(1) of the Social Security Act (42 U.S.C. 410(a)(1)) is amended by inserting before the semicolon the following: “(other than aliens granted certified agricultural worker status or certified agricultural dependent status under title I of the Farm Work Modernization Act of 2019).”.

(2) *INTERNAL REVENUE CODE OF 1986.*—Section 3121(b)(1) of the Internal Revenue Code of 1986 is amended by inserting before the semicolon the following: “(other than aliens granted certified agricultural worker status or certified agricultural dependent status under title I of the Farm Work Modernization Act of 2019).”.

(3) *EFFECTIVE DATE.*—The amendments made by this subsection shall apply with respect to service performed after the date of the enactment of this Act.

(d) *AUTOMATED SYSTEM TO ASSIGN SOCIAL SECURITY ACCOUNT NUMBERS.*—Section 205(c)(2)(B) of the Social Security Act (42 U.S.C. 405(c)(2)(B)) is amended by adding at the end the following:

“(iv) The Commissioner of Social Security shall, to the extent practicable, coordinate with the Secretary of the Department of Homeland Security to implement an automated system for the Commissioner to assign social security account numbers to aliens granted certified agricultural worker status or certified agricultural dependent status under title I of the Farm Work Modernization Act of 2019. An alien who is granted such status, and who was not previously assigned a social security account number, shall request assignment of a social security account number and a social security card from the Commissioner through such system. The Secretary shall collect and provide to the Commissioner such information as the Commissioner deems necessary for the Commissioner to assign a social security account number, which information may be used by the Commissioner for any purpose for which the Commissioner is otherwise authorized under Federal law. The Commissioner may maintain, use, and disclose such information only as permitted by the Privacy Act and other Federal law.”.

**SEC. 129. DISCLOSURES AND PRIVACY.**

(a) *IN GENERAL.*—The Secretary may not disclose or use information provided in an application for certified agricultural worker status or adjustment of status under this title (including information provided during administrative or judicial review) for the purpose of immigration enforcement.

(b) *REFERRALS PROHIBITED.*—The Secretary, based solely on information provided in an application for certified agricultural worker status or adjustment of status under this title (including information provided during administrative or judicial review), may not refer an applicant to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity.

(c) *EXCEPTIONS.*—Notwithstanding subsections (a) and (b), information provided in an application for certified agricultural worker status or adjustment of status under this title may be shared with Federal security and law enforcement agencies—

(1) for assistance in the consideration of an application under this title;

(2) to identify or prevent fraudulent claims or schemes;

(3) for national security purposes; or

(4) for the investigation or prosecution of any felony not related to immigration status.

(d) *PENALTY.*—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

(e) *PRIVACY.*—The Secretary shall ensure that appropriate administrative and physical safeguards are in place to protect the security, confidentiality, and integrity of personally identifiable information collected, maintained, and disseminated pursuant to this title.

**SEC. 130. PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.**

(a) *CRIMINAL PENALTY.*—Any person who—

(1) files an application for certified agricultural worker status or adjustment of status under this title and knowingly falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(2) creates or supplies a false writing or document for use in making such an application, shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(b) *INADMISSIBILITY.*—An alien who is convicted under subsection (a) shall be deemed inadmissible to the United States under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(c) *DEPOSIT.*—Fines collected under subsection (a) shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

**SEC. 131. DISSEMINATION OF INFORMATION.**

(a) *IN GENERAL.*—Beginning not later than the first day of the application period described in section 101(c)—

(1) the Secretary of Homeland Security, in cooperation with qualified designated entities, shall broadly disseminate information described in subsection (b); and

(2) the Secretary of Agriculture, in consultation with the Secretary of Homeland Security, shall disseminate to agricultural employers a document containing the information described in subsection (b) for posting at employer work-sites.

(b) *INFORMATION DESCRIBED.*—The information described in this subsection shall include—

(1) the benefits that aliens may receive under this title; and

(2) the requirements that an alien must meet to receive such benefits.

**SEC. 132. EXEMPTION FROM NUMERICAL LIMITATIONS.**

The numerical limitations under title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) shall not apply to the adjustment of aliens to lawful permanent resident status under this title, and such aliens shall not be counted toward any such numerical limitation.

**SEC. 133. REPORTS TO CONGRESS.**

Not later than 180 days after the publication of the final rule under section 122(a), and annually thereafter for the following 10 years, the Secretary shall submit a report to Congress that identifies, for the previous fiscal year—

(1) the number of principal aliens who applied for certified agricultural worker status under subtitle A, and the number of dependent spouses and children included in such applications;

(2) the number of principal aliens who were granted certified agricultural worker status under subtitle A, and the number of dependent spouses and children who were granted certified agricultural dependent status;

(3) the number of principal aliens who applied for an extension of their certified agricultural worker status under subtitle A, and the number of dependent spouses and children included in such applications;

(4) the number of principal aliens who were granted an extension of certified agricultural worker status under subtitle A, and the number of dependent spouses and children who were granted certified agricultural dependent status under such an extension;

(5) the number of principal aliens who applied for adjustment of status under subtitle B, and the number of dependent spouses and children included in such applications;

(6) the number of principal aliens who were granted lawful permanent resident status under subtitle B, and the number of spouses and children who were granted such status as dependents;

(7) the number of principal aliens included in petitions described in section 101(e), and the number of dependent spouses and children included in such applications; and

(8) the number of principal aliens who were granted H-2A status pursuant to petitions described in section 101(e), and the number of dependent spouses and children who were granted H-4 status.

**SEC. 134. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.**

(a) *ESTABLISHMENT.*—The Secretary shall establish a program to award grants, on a competitive basis, to eligible nonprofit organizations to assist eligible applicants under this title by providing them with the services described in subsection (c).

(b) *ELIGIBLE NONPROFIT ORGANIZATION.*—For purposes of this section, the term “eligible nonprofit organization” means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (excluding a recipient of funds under title X of the Economic Opportunity Act of 1964 (42 U.S.C. 2996 et seq.)) that has demonstrated qualifications, experience, and expertise in providing quality services to farm workers or aliens.

(c) *USE OF FUNDS.*—Grant funds awarded under this section may be used for the design and implementation of programs that provide—

(1) information to the public regarding the eligibility and benefits of certified agricultural worker status authorized under this title; and

(2) assistance, within the scope of authorized practice of immigration law, to individuals submitting applications for certified agricultural worker status or adjustment of status under this title, including—

(A) screening prospective applicants to assess their eligibility for such status;

(B) completing applications, including providing assistance in obtaining necessary documents and supporting evidence; and

(C) providing any other assistance that the Secretary determines useful to assist aliens in applying for certified agricultural worker status or adjustment of status under this title.

(d) *SOURCE OF FUNDS.*—In addition to any funds appropriated to carry out this section, the Secretary may use up to \$10,000,000 from the Immigration Examinations Fee Account under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to carry out this section.

(e) **ELIGIBILITY FOR SERVICES.**—Section 504(a)(11) of Public Law 104-134 (110 Stat. 1321-53 et seq.) shall not be construed to prevent a recipient of funds under title X of the Economic Opportunity Act of 1964 (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for status under this title or to an alien granted such status.

#### SEC. 135. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary, such sums as may be necessary to implement this title, including any amounts needed for costs associated with the initiation of such implementation, for each of fiscal years 2020 through 2022.

### TITLE II—ENSURING AN AGRICULTURAL WORKFORCE FOR THE FUTURE

#### Subtitle A—Reforming the H-2A Temporary Worker Program

#### SEC. 201. COMPREHENSIVE AND STREAMLINED ELECTRONIC H-2A PLATFORM.

(a) **STREAMLINED H-2A PLATFORM.**—

(1) **IN GENERAL.**—Not later than 12 months after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of Agriculture, the Secretary of State, and United States Digital Service, shall ensure the establishment of an electronic platform through which a petition for an H-2A worker may be filed. Such platform shall—

(A) serve as a single point of access for an employer to input all information and supporting documentation required for obtaining labor certification from the Secretary of Labor and the adjudication of the H-2A petition by the Secretary of Homeland Security;

(B) serve as a single point of access for the Secretary of Homeland Security, the Secretary of Labor, and State workforce agencies to concurrently perform their respective review and adjudicatory responsibilities in the H-2A process;

(C) facilitate communication between employers and agency adjudicators, including by allowing employers to—

(i) receive and respond to notices of deficiency and requests for information;

(ii) submit requests for inspections and licensing;

(iii) receive notices of approval and denial; and

(iv) request reconsideration or appeal of agency decisions; and

(D) provide information to the Secretary of State and U.S. Customs and Border Protection necessary for the efficient and secure processing of H-2A visas and applications for admission.

(2) **OBJECTIVES.**—In developing the platform described in paragraph (1), the Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of Agriculture, the Secretary of State, and United States Digital Service, shall streamline and improve the H-2A process, including by—

(A) eliminating the need for employers to submit duplicate information and documentation to multiple agencies;

(B) eliminating redundant processes, where a single matter in a petition is adjudicated by more than one agency;

(C) reducing the occurrence of common petition errors, and otherwise improving and expediting the processing of H-2A petitions; and

(D) ensuring compliance with H-2A program requirements and the protection of the wages and working conditions of workers.

(b) **ONLINE JOB REGISTRY.**—The Secretary of Labor shall maintain a national, publicly-accessible online job registry and database of all job orders submitted by H-2A employers. The registry and database shall—

(1) be searchable using relevant criteria, including the types of jobs needed to be filled, the date(s) and location(s) of need, and the employer(s) named in the job order;

(2) provide an interface for workers in English, Spanish, and any other language that

the Secretary of Labor determines to be appropriate; and

(3) provide for public access of job orders approved under section 218(h)(2) of the Immigration and Nationality Act.

#### SEC. 202. H-2A PROGRAM REQUIREMENTS.

Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended to read as follows:

#### “SEC. 218. ADMISSION OF TEMPORARY H-2A WORKERS.

“(a) **LABOR CERTIFICATION CONDITIONS.**—The Secretary of Homeland Security may not approve a petition to admit an H-2A worker unless the Secretary of Labor has certified that—

“(1) there are not sufficient United States workers who are able, willing and qualified, and who will be available at the time and place needed, to perform the agricultural labor or services described in the petition; and

“(2) the employment of the H-2A worker in such labor or services will not adversely affect the wages and working conditions of workers in the United States who are similarly employed.

“(b) **H-2A PETITION REQUIREMENTS.**—An employer filing a petition for an H-2A worker to perform agricultural labor or services shall attest to and demonstrate compliance, as and when appropriate, with all applicable requirements under this section, including the following:

“(1) **NEED FOR LABOR OR SERVICES.**—The employer has described the need for agricultural labor or services in a job order that includes a description of the nature and location of the work to be performed, the anticipated period or periods (expected start and end dates) for which the workers will be needed, and the number of job opportunities in which the employer seeks to employ the workers.

“(2) **NONDISPLACEMENT OF UNITED STATES WORKERS.**—The employer has not and will not displace United States workers employed by the employer during the period of employment of the H-2A worker and during the 60-day period immediately preceding such period of employment in the job for which the employer seeks approval to employ the H-2A worker.

“(3) **STRIKE OR LOCKOUT.**—Each place of employment described in the petition is not, at the time of filing the petition and until the petition is approved, subject to a strike or lockout in the course of a labor dispute.

“(4) **RECRUITMENT OF UNITED STATES WORKERS.**—The employer shall engage in the recruitment of United States workers as described in subsection (c) and shall hire such workers who are able, willing and qualified, and who will be available at the time and place needed, to perform the agricultural labor or services described in the petition. The employer may reject a United States worker only for lawful, job-related reasons.

“(5) **WAGES, BENEFITS, AND WORKING CONDITIONS.**—The employer shall offer and provide, at a minimum, the wages, benefits, and working conditions required by this section to the H-2A worker and all workers who are similarly employed. The employer—

“(A) shall offer such similarly employed workers not less than the same benefits, wages, and working conditions that the employer is offering or will provide to the H-2A worker; and

“(B) may not impose on such similarly employed workers any restrictions or obligations that will not be imposed on the H-2A worker.

“(6) **WORKERS' COMPENSATION.**—If the job opportunity is not covered by or is exempt from the State workers' compensation law, the employer shall provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law.

“(7) **COMPLIANCE WITH LABOR AND EMPLOYMENT LAWS.**—The employer shall comply with

all applicable Federal, State and local employment-related laws and regulations.

“(8) **COMPLIANCE WITH FOREIGN LABOR RECRUITMENT LAWS.**—The employer shall comply with subtitle C of title II of the Farm Workforce Modernization Act of 2019.

“(c) **RECRUITING REQUIREMENTS.**—

“(1) **IN GENERAL.**—The employer may satisfy the recruitment requirement described in subsection (b)(4) by satisfying all of the following:

“(A) **JOB ORDER.**—As provided in subsection (h)(1), the employer shall complete a job order for posting on the electronic job registry maintained by the Secretary of Labor and for distribution by the appropriate State workforce agency. Such posting shall remain on the job registry as an active job order through the period described in paragraph (2)(B).

“(B) **FORMER WORKERS.**—At least 45 days before each start date identified in the petition, the employer shall—

“(i) make reasonable efforts to contact any United States worker the employer employed in the previous year in the same occupation and area of intended employment for which an H-2A worker is sought (excluding workers who were terminated for cause or abandoned the work-site); and

“(ii) post such job opportunity in a conspicuous location or locations at the place of employment.

“(C) **POSITIVE RECRUITMENT.**—During the period of recruitment, the employer shall complete any other positive recruitment steps within a multi-State region of traditional or expected labor supply where the Secretary of Labor finds that there are a significant number of qualified United States workers who, if recruited, would be willing to make themselves available for work at the time and place needed.

“(2) **PERIOD OF RECRUITMENT.**—

“(A) **IN GENERAL.**—For purposes of this subsection, the period of recruitment begins on the date on which the job order is posted on the online job registry and ends on the date that H-2A workers depart for the employer's place of employment. For a petition involving more than 1 start date under subsection (h)(1)(C), the end of the period of recruitment shall be determined by the date of departure of the H-2A workers for the final start date identified in the petition.

“(B) **REQUIREMENT TO HIRE US WORKERS.**—

“(i) **IN GENERAL.**—Notwithstanding the limitations of subparagraph (A), the employer will provide employment to any qualified United States worker who applies to the employer for any job opportunity included in the petition until the later of—

“(I) the date that is 30 days after the date on which work begins; or

“(II) the date on which—

“(aa) 33 percent of the work contract for the job opportunity has elapsed; or

“(bb) if the employer is a labor contractor, 50 percent of the work contract for the job opportunity has elapsed.

“(ii) **STAGGERED ENTRY.**—For a petition involving more than 1 start date under subsection (h)(1)(C), each start date designated in the petition shall establish a separate job opportunity. An employer may not reject a United States worker because the worker is unable or unwilling to fill more than 1 job opportunity included in the petition.

“(iii) **EXCEPTION.**—Notwithstanding clause (i), the employer may offer a job opportunity to an H-2A worker instead of an alien granted certified agricultural worker status under title I of the Farm Workforce Modernization Act of 2019 if the H-2A worker was employed by the employer in each of 3 years during the most recent 4-year period.

“(3) **RECRUITMENT REPORT.**—

“(A) **IN GENERAL.**—The employer shall maintain a recruitment report through the applicable period described in paragraph (2)(B) and submit regular updates through the electronic platform on the results of recruitment. The employer



shall retain the recruitment report, and all associated recruitment documentation, for a period of 3 years from the date of certification.

“(B) **BURDEN OF PROOF.**—If the employer asserts that any eligible individual who has applied or been referred is not able, willing or qualified, the employer bears the burden of proof to establish that the individual is not able, willing or qualified because of a lawful, employment-related reason.

“(d) **WAGE REQUIREMENTS.**—

“(1) **IN GENERAL.**—Each employer under this section will offer the worker, during the period of authorized employment, wages that are at least the greatest of—

“(A) the agreed-upon collective bargaining wage;

“(B) the adverse effect wage rate (or any successor wage established under paragraph (7));

“(C) the prevailing wage (hourly wage or piece rate); or

“(D) the Federal or State minimum wage.

“(2) **ADVERSE EFFECT WAGE RATE DETERMINATIONS.**—

“(A) **IN GENERAL.**—Except as provided under subparagraph (B), the applicable adverse effect wage rate for each State and occupational classification for a calendar year shall be as follows:

“(i) The annual average hourly wage for the occupational classification in the State or region as reported by the Secretary of Agriculture based on a wage survey conducted by such Secretary.

“(ii) If a wage described in clause (i) is not reported, the national annual average hourly wage for the occupational classification as reported by the Secretary of Agriculture based on a wage survey conducted by such Secretary.

“(iii) If a wage described in clause (i) or (ii) is not reported, the Statewide annual average hourly wage for the standard occupational classification as reported by the Secretary of Labor based on a wage survey conducted by such Secretary.

“(iv) If a wage described in clause (i), (ii), or (iii) is not reported, the national average hourly wage for the occupational classification as reported by the Secretary of Labor based on a wage survey conducted by such Secretary.

“(B) **LIMITATIONS ON WAGE FLUCTUATIONS.**—

“(i) **WAGE FREEZE FOR CALENDAR YEAR 2020.**—For calendar year 2020, the adverse effect wage rate for each State and occupational classification under this subsection shall be the adverse effect wage rate that was in effect for H-2A workers in the applicable State in calendar year 2019.

“(ii) **CALENDAR YEARS 2021 THROUGH 2029.**—For each of calendar years 2021 through 2029, the adverse effect wage rate for each State and occupational classification under this subsection shall be the wage calculated under subparagraph (A), except that such wage may not—

“(I) be more than 1.5 percent lower than the wage in effect for H-2A workers in the applicable State and occupational classification in the immediately preceding calendar year;

“(II) except as provided in clause (III), be more than 3.25 percent higher than the wage in effect for H-2A workers in the applicable State and occupational classification in the immediately preceding calendar year; and

“(III) if the application of clause (II) results in a wage that is lower than 110 percent of the applicable Federal or State minimum wage, be more than 4.25 percent higher than the wage in effect for H-2A workers in the applicable State and occupational classification in the immediately preceding calendar year.

“(iii) **CALENDAR YEARS AFTER 2029.**—For any calendar year after 2029, the applicable wage rate described in paragraph (1)(B) shall be the wage rate established pursuant to paragraph (7)(D). Until such wage rate is effective, the adverse effect wage rate for each State and occupational classification under this subsection shall be the wage calculated under subpara-

graph (A), except that such wage may not be more than 1.5 percent lower or 3.25 percent higher than the wage in effect for H-2A workers in the applicable State and occupational classification in the immediately preceding calendar year.

“(3) **MULTIPLE OCCUPATIONS.**—If the primary job duties for the job opportunity described in the petition do not fall within a single occupational classification, the applicable wage rates under subparagraphs (B) and (C) of paragraph (1) for the job opportunity shall be based on the highest such wage rates for all applicable occupational classifications.

“(4) **PUBLICATION; WAGES IN EFFECT.**—

“(A) **PUBLICATION.**—Prior to the start of each calendar year, the Secretary of Labor shall publish the applicable adverse effect wage rate (or successor wage rate, if any), and prevailing wage if available, for each State and occupational classification through notice in the Federal Register.

“(B) **JOB ORDERS IN EFFECT.**—Except as provided in subparagraph (C), publication by the Secretary of Labor of an updated adverse effect wage rate or prevailing wage for a State and occupational classification shall not affect the wage rate guaranteed in any approved job order for which recruitment efforts have commenced at the time of publication.

“(C) **EXCEPTION FOR YEAR-ROUND JOBS.**—If the Secretary of Labor publishes an updated adverse effect wage rate or prevailing wage for a State and occupational classification concerning a petition described in subsection (i), and the updated wage is higher than the wage rate guaranteed in the work contract, the employer shall pay the updated wage not later than 14 days after publication of the updated wage in the Federal Register.

“(5) **WORKERS PAID ON A PIECE RATE OR OTHER INCENTIVE BASIS.**—If an employer pays by the piece rate or other incentive method and requires 1 or more minimum productivity standards as a condition of job retention, such standards shall be specified in the job order and shall be no more than those normally required (at the time of the first petition for H-2A workers) by other employers for the activity in the area of intended employment, unless the Secretary of Labor approves a higher minimum standard resulting from material changes in production methods.

“(6) **GUARANTEE OF EMPLOYMENT.**—

“(A) **OFFER TO WORKER.**—The employer shall guarantee the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the worker less employment than that required under this paragraph, the employer shall pay the worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

“(B) **FAILURE TO WORK.**—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

“(C) **ABANDONMENT OF EMPLOYMENT; TERMINATION FOR CAUSE.**—If the worker voluntarily abandons employment without good cause before the end of the contract period, or is terminated for cause, the worker is not entitled to the guarantee of employment described in subparagraph (A).

“(D) **CONTRACT IMPOSSIBILITY.**—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. The employer shall make efforts to transfer a worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in subsection (f)(2).

“(7) **WAGE STANDARDS AFTER 2029.**—

“(A) **STUDY OF ADVERSE EFFECT WAGE RATE.**—Beginning in fiscal year 2026, the Secretary of Agriculture and Secretary of Labor shall jointly conduct a study that addresses—

“(i) whether the employment of H-2A workers has depressed the wages of United States farm workers;

“(ii) whether an adverse effect wage rate is necessary to protect the wages of United States farm workers in occupations in which H-2A workers are employed;

“(iii) whether alternative wage standards would be sufficient to prevent wages in occupations in which H-2A workers are employed from falling below the wage level that would have prevailed in the absence of H-2A employment;

“(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

“(v) recommendations for future wage protection under this section.

“(B) **FINAL REPORT.**—Not later than October 1, 2027, the Secretary of Agriculture and Secretary of Labor shall jointly prepare and submit a report to the Congress setting forth the findings of the study conducted under subparagraph (A) and recommendations for future wage protections under this section.

“(C) **CONSULTATION.**—In conducting the study under subparagraph (A) and preparing the report under subparagraph (B), the Secretary of Agriculture and Secretary of Labor shall consult with representatives of agricultural employers and an equal number of representatives of agricultural workers, at the national, State and local level.

“(D) **WAGE DETERMINATION AFTER 2029.**—Upon publication of the report described in subparagraph (B), the Secretary of Labor, in consultation with and the approval of the Secretary of Agriculture, shall make a rule to establish a process for annually determining the wage rate for purposes of paragraph (1)(B) for fiscal years after 2029. Such process shall be designed to ensure that the employment of H-2A workers does not undermine the wages and working conditions of similarly employed United States workers.

“(e) **HOUSING REQUIREMENTS.**—Employers shall furnish housing in accordance with regulations established by the Secretary of Labor. Such regulations shall be consistent with the following:

“(1) **IN GENERAL.**—The employer shall be permitted at the employer's option to provide housing meeting applicable Federal standards for temporary labor camps or to secure housing which meets the local standards for rental and/or public accommodations or other substantially similar class of habitation: Provided, That in the absence of applicable local standards, State standards for rental and/or public accommodations or other substantially similar class of habitation shall be met: Provided further, That in the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

“(2) **FAMILY HOUSING.**—Except as otherwise provided in subsection (i)(5), the employer shall

provide family housing to workers with families who request it when it is the prevailing practice in the area and occupation of intended employment to provide family housing.

“(3) UNITED STATES WORKERS.—Notwithstanding paragraphs (1) and (2), an employer is not required to provide housing to United States workers who are reasonably able to return to their residence within the same day.

“(4) TIMING OF INSPECTION.—

“(A) IN GENERAL.—The Secretary of Labor or designee shall make a determination as to whether the housing furnished by an employer for a worker meets the requirements imposed by this subsection prior to the date on which the Secretary of Labor is required to make a certification with respect to a petition for the admission of such worker.

“(B) TIMELY INSPECTION.—The Secretary of Labor shall provide a process for—

“(i) an employer to request inspection of housing up to 60 days before the date on which the employer will file a petition under this section; and

“(ii) annual inspection of housing for workers who are engaged in agricultural employment that is not of a seasonal or temporary nature.

“(f) TRANSPORTATION REQUIREMENTS.—

“(1) TRAVEL TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment specified in the job order shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

“(2) TRAVEL FROM PLACE OF EMPLOYMENT.—For a worker who completes the period of employment specified in the job order or who is terminated without cause, the employer shall provide or pay for the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

“(3) LIMITATION.—

“(A) AMOUNT OF REIMBURSEMENT.—Except as provided in subparagraph (B), the amount of reimbursement provided under paragraph (1) or (2) to a worker need not exceed the lesser of—

“(i) the actual cost to the worker of the transportation and subsistence involved; or

“(ii) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

“(B) DISTANCE TRAVELED.—For travel to or from the worker's home country, if the travel distance between the worker's home and the relevant consulate is 50 miles or less, reimbursement for transportation and subsistence may be based on transportation to or from the consulate.

“(g) HEAT ILLNESS PREVENTION PLAN.—

“(1) IN GENERAL.—The employer shall maintain a reasonable plan that describes the employer's procedures for the prevention of heat illness, including appropriate training, access to water and shade, the provision of breaks, and the protocols for emergency response. Such plan shall—

“(A) be in writing in English and, to the extent necessary, any language common to a significant portion of the workers if they are not fluent in English; and

“(B) be posted at a conspicuous location at the worksite and provided to employees prior to the commencement of labor or services.

“(2) CLARIFICATION.—Nothing in this subsection is intended to limit any other Federal or State authority to promulgate, enforce, or maintain health and safety standards related to heat-related illness.

“(h) H-2A PETITION PROCEDURES.—

“(1) SUBMISSION OF PETITION AND JOB ORDER.—

“(A) IN GENERAL.—The employer shall submit information required for the adjudication of the H-2A petition, including a job order, through the electronic platform no more than 75 calendar days and no fewer than 60 calendar days before the employer's first date of need specified in the petition.

“(B) FILING BY AGRICULTURAL ASSOCIATIONS.—An association of agricultural producers that use agricultural services may file an H-2A petition under subparagraph (A). If an association is a joint or sole employer of workers who perform agricultural labor or services, H-2A workers may be used for the approved job opportunities of any of the association's producer members and such workers may be transferred among its producer members to perform the agricultural labor or services for which the petition was approved.

“(C) PETITIONS INVOLVING STAGGERED ENTRY.—

“(i) IN GENERAL.—Except as provided in clause (ii), an employer may file a petition involving employment in the same occupational classification and same area of intended employment with multiple start dates if—

“(I) the petition involves temporary or seasonal employment and no more than 10 start dates;

“(II) the multiple start dates share a common end date;

“(III) no more than 120 days separate the first start date and the final start date listed in the petition; and

“(IV) the need for multiple start dates arises from variations in labor needs associated with the job opportunity identified in the petition.

“(ii) LABOR CONTRACTORS.—A labor contractor may not file a petition described in clause (i) unless the labor contractor—

“(I) is filing as a joint employer with its contractees, or is operating in a State in which joint employment and liability between the labor contractor and its contractees is otherwise established; or

“(II) has posted and is maintaining a premium surety bond as described in subsection (l)(1).

“(2) LABOR CERTIFICATION.—

“(A) REVIEW OF JOB ORDER.—

“(i) IN GENERAL.—The Secretary of Labor, in consultation with the relevant State workforce agency, shall review the job order for compliance with this section and notify the employer through the electronic platform of any deficiencies not later than 7 business days from the date the employer submits the necessary information required under paragraph (1)(A). The employer shall be provided 5 business days to respond to any such notice of deficiency.

“(ii) STANDARD.—The job order must include all material terms and conditions of employment, including the requirements of this section, and must be otherwise consistent with the minimum standards provided under Federal, State or local law. In considering the question of whether a specific qualification is appropriate in a job order, the Secretary of Labor shall apply the normal and accepted qualification required by non-H-2A employers in the same or comparable occupations and crops.

“(iii) EMERGENCY PROCEDURES.—The Secretary of Labor shall establish emergency procedures for the curing of deficiencies that cannot be resolved during the period described in clause (i).

“(B) APPROVAL OF JOB ORDER.—

“(i) IN GENERAL.—Upon approval of the job order, the Secretary of Labor shall immediately place for public examination a copy of the job order on the online job registry, and the State workforce agency serving the area of intended employment shall commence the recruitment of United States workers.

“(ii) REFERRAL OF UNITED STATES WORKERS.—The Secretary of Labor and State workforce

agency shall keep the job order active until the end of the period described in subsection (c)(2) and shall refer to the employer each United States worker who applies for the job opportunity.

“(C) REVIEW OF INFORMATION FOR DEFICIENCIES.—Within 7 business days of the approval of the job order, the Secretary of Labor shall review the information necessary to make a labor certification and notify the employer through the electronic platform if such information does not meet the standards for approval. Such notification shall include a description of any deficiency, and the employer shall be provided 5 business days to cure such deficiency.

“(D) CERTIFICATION AND AUTHORIZATION OF WORKERS.—Not later than 30 days before the date that labor or services are first required to be performed, the Secretary of Labor shall issue the requested labor certification if the Secretary determines that the requirements set forth in this section have been met.

“(E) EXPEDITED ADMINISTRATIVE APPEALS OF CERTAIN DETERMINATIONS.—The Secretary of Labor shall by regulation establish a procedure for an employer to request the expedited review of a denial of a labor certification under this section, or the revocation of such a certification. Such procedure shall require the Secretary to expeditiously, but no later than 72 hours after expedited review is requested, issue a de novo determination on a labor certification that was denied in whole or in part because of the availability of able, willing and qualified workers if the employer demonstrates, consistent with subsection (c)(3)(B), that such workers are not actually available at the time or place such labor or services are required.

“(3) PETITION DECISION.—

“(A) IN GENERAL.—Not later than 7 business days after the Secretary of Labor issues the certification, the Secretary of Homeland Security shall issue a decision on the petition and shall transmit a notice of action to the petitioner via the electronic platform.

“(B) APPROVAL.—Upon approval of a petition under this section, the Secretary of Homeland Security shall ensure that such approval is noted in the electronic platform and is available to the Secretary of State and U.S. Customs and Border Protection, as necessary, to facilitate visa issuance and admission.

“(C) PARTIAL APPROVAL.—A petition for multiple named beneficiaries may be partially approved with respect to eligible beneficiaries notwithstanding the ineligibility, or potential ineligibility, of one or more other beneficiaries.

“(D) POST-CERTIFICATION AMENDMENTS.—The Secretary of Labor shall provide a process for amending a request for labor certification in conjunction with an H-2A petition, subsequent to certification by the Secretary of Labor, in cases in which the requested amendment does not materially change the petition (including the job order).

“(4) ROLES OF AGRICULTURAL ASSOCIATIONS.—

“(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual producer member of a joint employer association is determined to have committed an act that results in the denial of a petition with respect to the member, the denial shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge of, or reason to know of, the violation.

“(B) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—

“(i) If an association representing agricultural producers as a joint employer is determined to have committed an act that results in the denial of a petition with respect to the association, the denial shall apply only to the association and does not apply to any individual producer member of the association unless the Secretary of Labor determines that the member participated in, had knowledge of, or reason to know of, the violation.

“(ii) If an association of agricultural producers certified as a sole employer is determined to have committed an act that results in the denial of a petition with respect to the association, no individual producer member of such association may be the beneficiary of the services of H-2A workers in the commodity and occupation in which such aliens were employed by the association which was denied during the period such denial is in force, unless such producer member employs such aliens in the commodity and occupation in question directly or through an association which is a joint employer of such workers with the producer member.

“(5) SPECIAL PROCEDURES.—The Secretary of Labor, in consultation with the Secretary of Agriculture and Secretary of Homeland Security, may by regulation establish alternate procedures that reasonably modify program requirements under this section, when the Secretary determines that such modifications are required due to the unique nature of the work involved.

“(6) CONSTRUCTION OCCUPATIONS.—An employer may not file a petition under this section on behalf of a worker if the majority of the worker’s duties will fall within a construction or extraction occupational classification.

“(i) NON-TEMPORARY OR -SEASONAL NEEDS.—

“(1) IN GENERAL.—Notwithstanding the requirement in section 101(a)(15)(H)(ii)(a) that the agricultural labor or services performed by an H-2A worker be of a temporary or seasonal nature, the Secretary of Homeland Security may, consistent with the provisions of this subsection, approve a petition for an H-2A worker to perform agricultural services or labor that is not of a temporary or seasonal nature.

“(2) NUMERICAL LIMITATIONS.—

“(A) FIRST 3 FISCAL YEARS.—The total number of aliens who may be issued visas or otherwise provided H-2A nonimmigrant status under paragraph (1) for the first fiscal year during which the first visa is issued under such paragraph and for each of the following two fiscal years may not exceed 20,000.

“(B) FISCAL YEARS 4 THROUGH 10.—

“(i) IN GENERAL.—The total number of aliens who may be issued visas or otherwise provided H-2A nonimmigrant status under paragraph (1) for the first fiscal year following the fiscal years referred to in subparagraph (A) and for each of the following six fiscal years may not exceed a numerical limitation jointly imposed by the Secretary of Agriculture and Secretary of Labor in accordance with clause (ii).

“(ii) ANNUAL ADJUSTMENTS.—For each fiscal year referred to in clause (i), the Secretary of Agriculture and Secretary of Labor, in consultation with the Secretary of Homeland Security, shall establish a numerical limitation for purposes of clause (i). Such numerical limitation may not be lower 20,000 and may not vary by more than 12.5 percent compared to the numerical limitation applicable to the immediately preceding fiscal year. In establishing such numerical limitation, the Secretaries shall consider appropriate factors, including—

“(I) a demonstrated shortage of agricultural workers;

“(II) the level of unemployment and underemployment of agricultural workers during the preceding fiscal year;

“(III) the number of H-2A workers sought by employers during the preceding fiscal year to engage in agricultural labor or services not of a temporary or seasonal nature;

“(IV) the number of such H-2A workers issued a visa in the most recent fiscal year who remain in the United States in compliance with the terms of such visa;

“(V) the estimated number of United States workers, including workers who obtained certified agricultural worker status under title I of the Farm Workforce Modernization Act of 2019, who worked during the preceding fiscal year in agricultural labor or services not of a temporary or seasonal nature;

“(VI) the number of such United States workers who accepted jobs offered by employers

using the online job registry during the preceding fiscal year;

“(VII) any growth or contraction of the United States agricultural industry that has increased or decreased the demand for agricultural workers; and

“(VIII) any changes in the real wages paid to agricultural workers in the United States as an indication of a shortage or surplus of agricultural labor.

“(C) SUBSEQUENT FISCAL YEARS.—For each fiscal year following the fiscal years referred to in subparagraph (B), the Secretary of Agriculture and Secretary of Labor shall jointly determine, in consultation with the Secretary of Homeland Security, and after considering appropriate factors, including those factors listed in subclauses (I) through (VIII) of subparagraph (B)(ii), whether to establish a numerical limitation for that fiscal year. If a numerical limitation is so established—

“(i) such numerical limitation may not be lower than highest number of aliens admitted under this subsection in any of the three fiscal years immediately preceding the fiscal year for which the numerical limitation is to be established; and

“(ii) the total number of aliens who may be issued visas or otherwise provided H-2A nonimmigrant status under paragraph (1) for that fiscal year may not exceed such numerical limitation.

“(D) EMERGENCY PROCEDURES.—The Secretary of Agriculture and Secretary of Labor, in consultation with the Secretary of Homeland Security, shall jointly establish by regulation procedures for immediately adjusting a numerical limitation imposed under subparagraph (B) or (C) to account for significant labor shortages.

“(3) ALLOCATION OF VISAS.—

“(A) BI-ANNUAL ALLOCATION.—The annual allocation of visas described in paragraph (2) shall be evenly allocated between two halves of the fiscal year unless the Secretary of Homeland Security, in consultation with the Secretary of Agriculture and Secretary of Labor, determines that an alternative allocation would better accommodate demand for visas. Any unused visas in the first half of the fiscal year shall be added to the allocation for the subsequent half of the same fiscal year.

“(B) RESERVE FOR DAIRY LABOR OR SERVICES.—

“(i) IN GENERAL.—Of the visa numbers made available in each half of the fiscal year pursuant to subparagraph (A), 50 percent of such visas shall be reserved for employers filing petitions seeking H-2A workers to engage in agricultural labor or services in the dairy industry.

“(ii) EXCEPTION.—If, after four months have elapsed in one half of the fiscal year, the Secretary of Homeland Security determines that application of clause (i) will result in visas going unused during that half of the fiscal year, clause (i) shall not apply to visas under this paragraph during the remainder of such calendar half.

“(C) LIMITED ALLOCATION FOR CERTAIN SPECIAL PROCEDURES INDUSTRIES.—

“(i) IN GENERAL.—Notwithstanding the numerical limitations under paragraph (2), up to 500 aliens may be issued visas or otherwise provided H-2A nonimmigrant status under paragraph (1) in a fiscal year for range sheep or goat herding.

“(ii) LIMITATION.—The total number of aliens in the United States in valid H-2A status under clause (i) at any one time may not exceed 500.

“(iii) CLARIFICATION.—Any visas issued under this subparagraph may not be considered for purposes of the annual adjustments under subparagraphs (B) and (C) of paragraph (2).

“(4) ANNUAL ROUND TRIP HOME.—

“(A) IN GENERAL.—In addition to the other requirements of this section, an employer shall provide H-2A workers employed under this subsection, at no cost to such workers, with annual round trip travel, including transportation and

subsistence during travel, to their homes in their communities of origin. The employer must provide such travel within 14 months of the initiation of the worker’s employment, and no more than 14 months can elapse between each required period of travel.

“(B) LIMITATION.—The cost of travel under subparagraph (A) need not exceed the lesser of—

“(i) the actual cost to the worker of the transportation and subsistence involved; or

“(ii) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

“(5) FAMILY HOUSING.—An employer seeking to employ an H-2A worker pursuant to this subsection shall offer family housing to workers with families if such workers are engaged in agricultural employment that is not of a seasonal or temporary nature. The worker may reject such an offer. The employer may not charge the worker for the worker’s housing, except that if the worker accepts family housing, a prorated rent based on the fair market value for such housing may be charged for the worker’s family members.

“(6) WORKPLACE SAFETY PLAN FOR DAIRY EMPLOYEES.—

“(A) IN GENERAL.—If an employer is seeking to employ a worker in agricultural labor or services in the dairy industry pursuant to this subsection, the employer must report incidents consistent with the requirements under section 1904.39 of title 29, Code of Federal Regulations, and maintain an effective worksite safety and compliance plan to prevent workplace accidents and otherwise ensure safety. Such plan shall—

“(i) be in writing in English and, to the extent necessary, any language common to a significant portion of the workers if they are not fluent in English; and

“(ii) be posted at a conspicuous location at the worksite and provided to employees prior to the commencement of labor or services.

“(B) CONTENTS OF PLAN.—The Secretary of Labor, in consultation with the Secretary of Agriculture, shall establish by regulation the minimum requirements for the plan described in subparagraph (A). Such plan shall include measures to—

“(i) require workers (other than the employer’s family members) whose positions require contact with animals to complete animal care training, including animal handling and job-specific animal care;

“(ii) protect against sexual harassment and violence, resolve complaints involving harassment or violence, and protect against retaliation against workers reporting harassment or violence; and

“(iii) contain other provisions necessary for ensuring workplace safety, as determined by the Secretary of Labor, in consultation with the Secretary of Agriculture.

“(C) CLARIFICATION.—Nothing in this paragraph is intended to apply to persons or entities that are not seeking to employ workers under this section. Nothing in this paragraph is intended to limit any other Federal or State authority to promulgate, enforce, or maintain health and safety standards related to the dairy industry.

“(j) ELIGIBILITY FOR H-2A STATUS AND ADMISSION TO THE UNITED STATES.—

“(1) DISQUALIFICATION.—An alien shall be ineligible for admission to the United States as an H-2A worker pursuant to a petition filed under this section if the alien was admitted to the United States as an H-2A worker within the past 5 years of the date the petition was filed and—

“(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien’s authorized period of admission has expired, unless the alien has good cause for such failure to depart; or

“(B) otherwise violated a term or condition of admission into the United States as an H-2A worker.

“(2) VISA VALIDITY.—A visa issued to an H-2A worker shall be valid for three years and shall allow for multiple entries during the approved period of admission.

“(3) PERIOD OF AUTHORIZED STAY; ADMISSION.—

“(A) IN GENERAL.—An alien admissible as an H-2A worker shall be authorized to stay in the United States for the period of employment specified in the petition approved by the Secretary of Homeland Security under this section. The maximum continuous period of authorized stay for an H-2A worker is 36 months.

“(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—In the case of an H-2A worker whose maximum continuous period of authorized stay (including any extensions) has expired, the alien may not again be eligible for such stay until the alien remains outside the United States for a cumulative period of at least 45 days.

“(C) EXCEPTIONS.—The Secretary of Homeland Security shall deduct absences from the United States that take place during an H-2A worker's period of authorized stay from the period that the alien is required to remain outside the United States under subparagraph (B), if the alien or the alien's employer requests such a deduction, and provides clear and convincing proof that the alien qualifies for such a deduction. Such proof shall consist of evidence including, but not limited to, arrival and departure records, copies of tax returns, and records of employment abroad.

“(D) ADMISSION.—In addition to the maximum continuous period of authorized stay, an H-2A worker's authorized period of admission shall include an additional period of 10 days prior to the beginning of the period of employment for the purpose of traveling to the place of employment and 45 days at the end of the period of employment for the purpose of traveling home or seeking an extension of status based on a subsequent offer of employment if the worker has not reached the maximum continuous period of authorized stay under subparagraph (A) (subject to the exceptions in subparagraph (C)).

“(4) CONTINUING H-2A WORKERS.—

“(A) SUCCESSIVE EMPLOYMENT.—An H-2A worker is authorized to start new or concurrent employment upon the filing of a nonfrivolous H-2A petition, or as of the requested start date, whichever is later if—

“(i) the petition to start new or concurrent employment was filed prior to the expiration of the H-2A worker's period of admission as defined in paragraph (3)(D); and

“(ii) the H-2A worker has not been employed without authorization in the United States from the time of last admission to the United States in H-2A status through the filing of the petition for new employment.

“(B) PROTECTION DUE TO IMMIGRANT VISA BACKLOGS.—Notwithstanding the limitations on the period of authorized stay described in paragraph (3), any H-2A worker who—

“(i) is the beneficiary of an approved petition, filed under section 204(a)(1)(E) or (F) for preference status under section 203(b)(3)(A)(iii); and

“(ii) is eligible to be granted such status but for the annual limitations on visas under section 203(b)(3)(A),

may apply for, and the Secretary of Homeland Security may grant, an extension of such non-immigrant status until the Secretary of Homeland Security issues a final administrative decision on the alien's application for adjustment of status or the Secretary of State issues a final decision on the alien's application for an immigrant visa.

“(5) ABANDONMENT OF EMPLOYMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an H-2A worker who abandons the employment which was the basis for the worker's authorized stay, without good cause,

shall be considered to have failed to maintain H-2A status and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

“(B) GRACE PERIOD TO SECURE NEW EMPLOYMENT.—An H-2A worker shall not be considered to have failed to maintain H-2A status solely on the basis of a cessation of the employment on which the alien's classification was based for a period of 45 consecutive days, or until the end of the authorized validity period, whichever is shorter, once during each authorized validity period.

“(k) REQUIRED DISCLOSURES.—

“(1) DISCLOSURE OF WORK CONTRACT.—Not later than the time the H-2A worker applies for a visa, the employer shall provide the worker with a copy of the work contract that includes the disclosures and rights under this section (or in the absence of such a contract, a copy of the job order and proof of the certification described in subparagraphs (B) and (D) of subsection (h)(2)). An H-2A worker moving from one H-2A employer to a subsequent H-2A employer shall be provided with a copy of the new employment contract no later than the time an offer of employment is made by the subsequent employer.

“(2) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to H-2A workers, on or before each payday, in 1 or more written statements—

“(A) the worker's total earnings for the pay period;

“(B) the worker's hourly rate of pay, piece rate of pay, or both;

“(C) the hours of employment offered to the worker and the hours of employment actually worked;

“(D) if piece rates of pay are used, the units produced daily;

“(E) an itemization of the deductions made from the worker's wages; and

“(F) any other information required by Federal, State or local law.

“(3) NOTICE OF WORKER RIGHTS.—The employer must post and maintain in a conspicuous location at the place of employment, a poster provided by the Secretary of Labor in English, and, to the extent necessary, any language common to a significant portion of the workers if they are not fluent in English, which sets out the rights and protections for workers employed pursuant to this section.

“(l) LABOR CONTRACTORS; FOREIGN LABOR RECRUITERS; PROHIBITION ON FEES.—

“(1) LABOR CONTRACTORS.—

“(A) SURETY BOND.—An employer that is a labor contractor who seeks to employ H-2A workers shall maintain a surety bond in an amount required under subparagraph (B). Such bond shall be payable to the Secretary of Labor or pursuant to the resolution of a civil or criminal proceeding, for the payment of wages and benefits, including any assessment of interest, owed to an H-2A worker or a similarly employed United States worker, or a United States worker who has been rejected or displaced in violation of this section.

“(B) AMOUNT OF BOND.—The Secretary of Labor shall annually publish in the Federal Register a schedule of required bond amounts that are determined by such Secretary to be sufficient for labor contractors to discharge financial obligations under this section based on the number of workers the labor contractor seeks to employ and the wages such workers are required to be paid.

“(C) PREMIUM BOND.—A labor contractor seeking to file a petition involving more than 1 start date under subsection (h)(1)(C) shall maintain a surety bond that is at least 15 percent higher than the applicable bond amount determined by the Secretary under subparagraph (B).

“(D) USE OF FUNDS.—Any sums paid to the Secretary under subparagraph (A) that are not paid to a worker because of the inability to do so within a period of 5 years following the date of a violation giving rise to the obligation to pay

shall remain available to the Secretary without further appropriation until expended to support the enforcement of this section.

“(2) PROHIBITION AGAINST EMPLOYEES PAYING FEES.—Neither the employer nor its agents shall seek or receive payment of any kind from any worker for any activity related to the H-2A process, including payment of the employer's attorneys' fees, application fees, or recruitment costs. An employer and its agents may receive reimbursement for costs that are the responsibility and primarily for the benefit of the worker, such as government-required passport fees.

“(3) THIRD PARTY CONTRACTS.—The contract between an employer and any labor contractor or any foreign labor recruiter (or any agent of such labor contractor or foreign labor recruiter) whom the employer engages shall include a term providing for the termination of such contract for cause if the contractor or recruiter, either directly or indirectly, in the placement or recruitment of H-2A workers seeks or receives payments or other compensation from prospective employees. Upon learning that a labor contractor or foreign labor recruiter has sought or collected such payments, the employer shall so terminate any contracts with such contractor or recruiter.

“(m) ENFORCEMENT AUTHORITY.—

“(1) IN GENERAL.—The Secretary of Labor is authorized to take such actions against employers, including imposing appropriate penalties and seeking monetary and injunctive relief and specific performance of contractual obligations, as may be necessary to ensure compliance with the requirements of this section and with the applicable terms and conditions of employment.

“(2) COMPLAINT PROCESS.—

“(A) PROCESS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints alleging failure of an employer to comply with the requirements under this section and with the applicable terms and conditions of employment.

“(B) FILING.—A complaint referred to in subparagraph (A) may be filed not later than 2 years after the date of the conduct that is the subject of the complaint.

“(C) COMPLAINT NOT EXCLUSIVE.—A complaint filed under this paragraph is not an exclusive remedy and the filing of such a complaint does not waive any rights or remedies of the aggrieved party under this law or other laws.

“(D) DECISION AND REMEDIES.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer failed to comply with the requirements of this section or the terms and conditions of employment, the Secretary of Labor may require payment of unpaid wages, unpaid benefits, fees assessed in violation of this section, damages, and civil money penalties. The Secretary is also authorized to impose other administrative remedies, including disqualification of the employer from utilizing the H-2A program for a period of up to 5 years in the event of willful or multiple material violations. The Secretary is authorized to permanently disqualify an employer from utilizing the H-2A program upon a subsequent finding involving willful or multiple material violations.

“(E) DISPOSITION OF PENALTIES.—Civil penalties collected under this paragraph shall be deposited into the H-2A Labor Certification Fee Account established under section 203 of the Farm Workforce Modernization Act of 2019.

“(3) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed as limiting the authority of the Secretary of Labor to conduct an investigation—

“(A) under any other law, including any law affecting migrant and seasonal agricultural workers; or

“(B) in the absence of a complaint.

“(4) RETALIATION PROHIBITED.—It is a violation of this subsection for any person to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate

against, or to cause any person to intimidate, threaten, restrain, coerce, blacklist, or in any manner discriminate against, an employee, including a former employee or an applicant for employment, because the employee—

“(A) has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation under this section, or any rule or regulation relating to this section;

“(B) has filed a complaint concerning the employer’s compliance with the requirements under this section or any rule or regulation pertaining to this section;

“(C) cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer’s compliance with the requirements under this section or any rule or regulation pertaining to this section; or

“(D) has taken steps to exercise or assert any right or protection under the provisions of this section, or any rule or regulation pertaining to this section, or any other relevant Federal, State, or local law.

“(5) **INTERAGENCY COMMUNICATION.**—The Secretary of Labor, in consultation with the Secretary of Homeland Security, Secretary of State and the Equal Employment Opportunity Commission, shall establish mechanisms by which the agencies and their components share information, including by public electronic means, regarding complaints, studies, investigations, findings and remedies regarding compliance by employers with the requirements of the H-2A program and other employment-related laws and regulations.

“(n) **DEFINITIONS.**—In this section:

“(1) **DISPLACE.**—The term ‘displace’ means to lay off a similarly employed United States worker, other than for lawful job-related reasons, in the occupation and area of intended employment for the job for which H-2A workers are sought.

“(2) **H-2A WORKER.**—The term ‘H-2A worker’ means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

“(3) **JOB ORDER.**—The term ‘job order’ means the document containing the material terms and conditions of employment, including obligations and assurances required under this section or any other law.

“(4) **ONLINE JOB REGISTRY.**—The term ‘online job registry’ means the online job registry of the Secretary of Labor required under section 201(b) of the Farm Workforce Modernization Act of 2019 (or similar successor registry).

“(5) **SIMILARLY EMPLOYED.**—The term ‘similarly employed’, in the case of a worker, means a worker in the same occupational classification as the classification or classifications for which the H-2A worker is sought.

“(6) **UNITED STATES WORKER.**—The term ‘United States worker’ means any worker who is—

“(A) a citizen or national of the United States;

“(B) an alien who is lawfully admitted for permanent residence, is admitted as a refugee under section 207, is granted asylum under section 208, or is an immigrant otherwise authorized to be employed in the United States;

“(C) an alien granted certified agricultural worker status under title I of the Farm Workforce Modernization Act of 2019; or

“(D) an individual who is not an unauthorized alien (as defined in section 274A(h)(3)) with respect to the employment in which the worker is engaging.

“(o) **FEEES; AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **FEEES.**—

“(A) **IN GENERAL.**—The Secretary of Homeland Security shall impose a fee to process petitions under this section. Such fee shall be set at a level that is sufficient to recover the reasonable costs of processing the petition, including the reasonable costs of providing labor certification by the Secretary of Labor.

“(B) **DISTRIBUTION.**—Fees collected under subparagraph (A) shall be deposited as offsetting receipts into the immigration examinations fee account in section 286(m), except that the portion of fees assessed for the Secretary of Labor shall be deposited into the H-2A Labor Certification Fee Account established pursuant to section 203(c) of the Farm Workforce Modernization Act of 2019.

“(2) **APPROPRIATIONS.**—There are authorized to be appropriated for each fiscal year such sums as necessary for the purposes of—

“(A) recruiting United States workers for labor or services which might otherwise be performed by H-2A workers, including by ensuring that State workforce agencies are sufficiently funded to fulfill their functions under this section;

“(B) enabling the Secretary of Labor to make determinations and certifications under this section and under section 212(a)(5)(A)(i);

“(C) monitoring the terms and conditions under which H-2A workers (and United States workers employed by the same employers) are employed in the United States; and

“(D) enabling the Secretary of Agriculture to carry out the Secretary of Agriculture’s duties and responsibilities under this section.”

#### **SEC. 203. AGENCY ROLES AND RESPONSIBILITIES.**

(a) **RESPONSIBILITIES OF THE SECRETARY OF LABOR.**—With respect to the administration of the H-2A program, the Secretary of Labor shall be responsible for—

(1) consulting with State workforce agencies to—

(A) review and process job orders;

(B) facilitate the recruitment and referral of able, willing and qualified United States workers who will be available at the time and place needed;

(C) determine prevailing wages and practices; and

(D) conduct timely inspections to ensure compliance with applicable Federal, State, or local housing standards and Federal regulations for H-2A housing;

(2) determining whether the employer has met the conditions for approval of the H-2A petition described in section 218 of the Immigration and Nationality Act (8 U.S.C. 1188);

(3) determining, in consultation with the Secretary of Agriculture, whether a job opportunity is of a seasonal or temporary nature;

(4) determining whether the employer has complied or will comply with the H-2A program requirements set forth in section 218 of the Immigration and Nationality Act (8 U.S.C. 1188);

(5) processing and investigating complaints consistent with section 218(m) of the Immigration and Nationality Act (8 U.S.C. 1188(m));

(6) referring any matter as appropriate to the Inspector General of the Department of Labor for investigation;

(7) ensuring that guidance to State workforce agencies to conduct wage surveys is regularly updated; and

(8) issuing such rules and regulations as are necessary to carry out the Secretary of Labor’s responsibilities under section 218 of the Immigration and Nationality Act (8 U.S.C. 1188).

(b) **RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.**—With respect to the administration of the H-2A program, the Secretary of Homeland Security shall be responsible for—

(1) adjudicating petitions for the admission of H-2A workers, which shall include an assessment as to whether each beneficiary will be employed in accordance with the terms and conditions of the certification and whether any named beneficiaries qualify for such employment;

(2) transmitting a copy of the final decision on the petition to the employer, and in the case of approved petitions, ensuring that the petition approval is reflected in the electronic platform to facilitate the prompt issuance of a visa by the Department of State (if required) and the admission of the H-2A workers to the United States;

(3) establishing a reliable and secure method through which H-2A workers can access information about their H-2A visa status, including information on pending, approved, or denied petitions to extend such status;

(4) investigating and preventing fraud in the program, including the utilization of H-2A workers for other than allowable agricultural labor or services; and

(5) issuing such rules and regulations as are necessary to carry out the Secretary of Homeland Security’s responsibilities under section 218 of the Immigration and Nationality Act (8 U.S.C. 1188).

(c) **ESTABLISHMENT OF ACCOUNT AND USE OF FUNDS.**—

(1) **ESTABLISHMENT OF ACCOUNT.**—There is established in the general fund of the Treasury a separate account, which shall be known as the “H-2A Labor Certification Fee Account”. Notwithstanding any other provisions of law, there shall be deposited as offsetting receipts into the account all amounts—

(A) collected as a civil penalty under section 218(m)(2)(E) of the Immigration and Nationality Act; and

(B) collected as a fee under section 218(o)(1)(B) of the Immigration and Nationality Act.

(2) **USE OF FEES.**—Amounts deposited into the H-2A Labor Certification Fee Account shall be available (except as otherwise provided in this paragraph) without fiscal year limitation and without the requirement for specification in appropriations Acts to the Secretary of Labor for use, directly or through grants, contracts, or other arrangements, in such amounts as the Secretary of Labor determines are necessary for the costs of Federal and State administration in carrying out activities in connection with labor certification under section 218 of the Immigration and Nationality Act. Such costs may include personnel salaries and benefits, equipment and infrastructure for adjudication and customer service processes, the operation and maintenance of an on-line job registry, and program integrity activities. The Secretary, in determining what amounts to transfer to States for State administration in carrying out activities in connection with labor certification under section 218 of the Immigration and Nationality Act shall consider the number of H-2A workers employed in that State and shall adjust the amount transferred to that State accordingly. In addition, 10 percent of the amounts deposited into the H-2A Labor Certification Fee Account shall be available to the Office of Inspector General of the Department of Labor to conduct audits and criminal investigations relating to such foreign labor certification programs.

(3) **ADDITIONAL FUNDS.**—Amounts available under paragraph (1) shall be available in addition to any other funds appropriated or made available to the Department of Labor under other laws, including section 218(o)(2) of the Immigration and Nationality Act.

#### **SEC. 204. WORKER PROTECTION AND COMPLIANCE.**

(a) **EQUALITY OF TREATMENT.**—H-2A workers shall not be denied any right or remedy under any Federal, State, or local labor or employment law applicable to United States workers engaged in agricultural employment.

(b) **APPLICABILITY OF OTHER LAWS.**—

(1) **MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.**—H-2A workers shall be considered migrant agricultural workers for purposes of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

(2) **WAIVER OF RIGHTS PROHIBITED.**—Agreements by H-2A workers to waive or modify any rights or protections under this Act or section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) shall be considered void or contrary to public policy except as provided in a collective bargaining agreement with a bona fide labor organization.

(3) **MEDIATION.**—

(A) **FREE MEDIATION SERVICES.**—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under this section between H-2A workers and agricultural employers without charge to the parties.

(B) **COMPLAINT.**—If an H-2A worker files a civil lawsuit alleging one or more violations of section 218 of the Immigration and Nationality Act (8 U.S.C. 1188), the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), or the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), not later than 60 days after the filing of proof of service of the complaint, a party to the lawsuit may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute.

(C) **NOTICE.**—Upon filing a request under subparagraph (B) and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (D), except that nothing in this paragraph shall limit the ability of a court to order preliminary injunctive relief to protect health and safety or to otherwise prevent irreparable harm.

(D) **90-DAY LIMIT.**—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives a request for assistance under subparagraph (B) unless the parties agree to an extension of such period.

(E) **AUTHORIZATION OF APPROPRIATIONS.**—

(i) **IN GENERAL.**—Subject to clause (ii), there is authorized to be appropriated to the Federal Mediation and Conciliation Service, such sums as may be necessary for each fiscal year to carry out this subparagraph.

(ii) **MEDIATION.**—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized—

(I) to conduct the mediation or other dispute resolution activities from any other account containing amounts available to the Director; and

(II) to reimburse such account with amounts appropriated pursuant to clause (i).

(F) **PRIVATE MEDIATION.**—If all parties agree, a private mediator may be employed as an alternative to the Federal Mediation and Conciliation Service.

(C) **FARM LABOR CONTRACTOR REQUIREMENTS.**—(1) **SURETY BONDS.**—

(A) **REQUIREMENT.**—Section 101 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1811), is amended by adding at the end the following:

“(e) A farm labor contractor shall maintain a surety bond in an amount determined by the Secretary to be sufficient for ensuring the ability of the farm labor contractor to discharge its financial obligations, including payment of wages and benefits to employees. Such a bond shall be available to satisfy any amounts ordered to be paid by the Secretary or by court order for failure to comply with the obligations of this Act. The Secretary of Labor shall annually publish in the Federal Register a schedule of required bond amounts that are determined by such Secretary to be sufficient for farm labor contractors to discharge financial obligations based on the number of workers to be covered.”.

(B) **REGISTRATION DETERMINATIONS.**—Section 103(a) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1813(a)), is amended—

(i) in paragraph (4), by striking “or” at the end;

(ii) in paragraph (5)(B), by striking “or” at the end;

(iii) in paragraph (6), by striking the period at the end and inserting “;” ; and

(iv) by adding at the end the following:

“(7) has failed to maintain a surety bond in compliance with section 101(e); or

“(8) has been disqualified by the Secretary of Labor from importing nonimmigrants described in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act.”.

(2) **SUCCESSORS IN INTEREST.**—

(A) **DECLARATION.**—Section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812), is amended—

(i) in paragraph (4), by striking “and” at the end;

(ii) in paragraph (5), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(6) a declaration, subscribed and sworn to by the applicant, stating whether the applicant has a familial, contractual, or employment relationship with, or shares vehicles, facilities, property, or employees with, a person who has been refused issuance or renewal of a certificate, or has had a certificate suspended or revoked, pursuant to section 103.”.

(B) **REBUTTABLE PRESUMPTION.**—Section 103 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1813), as amended by this Act, is further amended by inserting after subsection (a) the following new subsection (and by redesignating the subsequent subsections accordingly):

“(b)(1) There shall be a rebuttable presumption that an applicant for issuance or renewal of a certificate is not the real party in interest in the application if the applicant—

“(A) is the immediate family member of any person who has been refused issuance or renewal of a certificate, or has had a certificate suspended or revoked; and

“(B) identifies a vehicle, facility, or real property under paragraph (2) or (3) of section 102 that has been previously listed by a person who has been refused issuance or renewal of a certificate, or has had a certificate suspended or revoked.

“(2) An applicant described in paragraph (1) bears the burden of demonstrating to the Secretary’s satisfaction that the applicant is the real party in interest in the application.”.

**SEC. 205. REPORT ON WAGE PROTECTIONS.**

(a) Not later than 3 years after the date of the enactment of this Act, and every 3 years thereafter, the Secretary of Labor and Secretary of Agriculture shall prepare and transmit to the Committees on the Judiciary of the House of Representatives and Senate, a report that addresses—

(1) whether, and the manner in which, the employment of H-2A workers in the United States has impacted the wages, working conditions, or job opportunities of United States farm workers;

(2) whether, and the manner in which, the adverse effect wage rate increases or decreases wages on United States farms, broken down by geographic region and farm size;

(3) whether any potential impact of the adverse effect wage rate varies based on the percentage of workers in a geographic region that are H-2A workers;

(4) the degree to which the adverse effect wage rate is affected by the inclusion in wage surveys of piece rate compensation, bonus payments, and other pay incentives, and whether such forms of incentive compensation should be surveyed and reported separately from hourly base rates;

(5) whether, and the manner in which, other factors may artificially affect the adverse effect wage rate, including factors that may be specific to a region, State, or region within a State;

(6) whether, and the manner in which, the H-2A program affects the ability of United States farms to compete with agricultural commodities imported from outside the United States;

(7) the number and percentage of farmworkers in the United States whose incomes are below the poverty line;

(8) whether alternative wage standards would be sufficient to prevent wages in occupations in which H-2A workers are employed from falling below the wage level that would have prevailed in the absence of the H-2A program;

(9) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

(10) recommendations for future wage protection under this section.

(b) In preparing the report described in subsection (a), the Secretary of Labor and Secretary of Agriculture shall engage with equal numbers of representatives of agricultural employers and agricultural workers, both locally and nationally.

**SEC. 206. PORTABLE H-2A VISA PILOT PROGRAM.**(a) **ESTABLISHMENT OF PILOT PROGRAM.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Labor and Secretary of Agriculture, shall establish through regulation a 6-year pilot program to facilitate the free movement and employment of temporary or seasonal H-2A workers to perform agricultural labor or services for agricultural employers registered with the Secretary of Agriculture. Notwithstanding the requirements of section 218 of the Immigration and Nationality Act, such regulation shall establish the requirements for the pilot program, consistent with subsection (b). For purposes of this section, such a worker shall be referred to as a portable H-2A worker, and status as such a worker shall be referred to as portable H-2A status.

(2) **ONLINE PLATFORM.**—The Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall maintain an online electronic platform to connect portable H-2A workers with registered agricultural employers seeking workers to perform temporary or seasonal agricultural labor or services. Employers shall post on the platform available job opportunities, including a description of the nature and location of the work to be performed, the anticipated period or periods of need, and the terms and conditions of employment. Such platform shall allow portable H-2A workers to search for available job opportunities using relevant criteria, including the types of jobs needed to be filled and the dates and locations of need.

(3) **LIMITATION.**—Notwithstanding the issuance of the regulation described in paragraph (1), the Secretary of State may not issue a portable H-2A visa and the Secretary of Homeland Security may not confer portable H-2A status on any alien until the Secretary of Homeland Security, in consultation with the Secretary of Labor and Secretary of Agriculture, has determined that a sufficient number of employers have been designated as registered agricultural employers under subsection (b)(1) and that such employers have sufficient job opportunities to employ a reasonable number of portable H-2A workers to initiate the pilot program.

(b) **PILOT PROGRAM ELEMENTS.**—The pilot program in subsection (a) shall contain the following elements:

(1) **REGISTERED AGRICULTURAL EMPLOYERS.**—

(A) **DESIGNATION.**—Agricultural employers shall be provided the ability to seek designation as registered agricultural employers. Reasonable fees may be assessed commensurate with the cost of processing applications for designation. A designation shall be valid for a period of up to 3 years unless revoked for failure to comply with program requirements. Registered employers that comply with program requirements may apply to renew such designation for additional periods of up to 3 years for the duration of the pilot program.

(B) **LIMITATIONS.**—Registered agricultural employers may employ aliens with portable H-2A status without filing a petition. Such employers



shall pay such aliens at least the wage required under section 218(d) of the Immigration and Nationality Act (8 U.S.C. 1188(d)).

(C) **WORKERS' COMPENSATION.**—If a job opportunity is not covered by or is exempt from the State workers' compensation law, a registered agricultural employer shall provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment, which will provide benefits at least equal to those provided under the State workers' compensation law.

(2) **DESIGNATED WORKERS.**—

(A) **IN GENERAL.**—Individuals who have been previously admitted to the United States in H-2A status, and maintained such status during the period of admission, shall be provided the opportunity to apply for portable H-2A status. Portable H-2A workers shall be subject to the provisions on visa validity and periods of authorized stay and admission for H-2A workers described in paragraphs (2) and (3) of section 218(j) of the Immigration and Nationality Act (8 U.S.C. 1188(j)(2) and (3)).

(B) **LIMITATIONS ON AVAILABILITY OF PORTABLE H-2A STATUS.**—

(i) **INITIAL OFFER OF EMPLOYMENT REQUIRED.**—No alien may be granted portable H-2A status without an initial valid offer of employment to perform temporary or agricultural labor or services from a registered agricultural employer.

(ii) **NUMERICAL LIMITATIONS.**—The total number of aliens who may hold valid portable H-2A status at any one time may not exceed 10,000. Notwithstanding such limitation, the Secretary of Homeland Security may further limit the number of aliens with valid portable H-2A status if the Secretary determines that there are an insufficient number of registered agricultural employers or job opportunities to support the employment of all such portable H-2A workers.

(C) **SCOPE OF EMPLOYMENT.**—During the period of admission, a portable H-2A worker may perform temporary or seasonal agricultural labor or services for any employer in the United States that is designated as a registered agricultural employer pursuant to paragraph (1). An employment arrangement under this section may be terminated by either the portable H-2A worker or the registered agricultural employer at any time.

(D) **TRANSFER TO NEW EMPLOYMENT.**—At the cessation of employment with a registered agricultural employer, a portable H-2A worker shall have 60 days to secure new employment with a registered agricultural employer.

(E) **MAINTENANCE OF STATUS.**—A portable H-2A worker who does not secure new employment with a registered agricultural employer within 60 days shall be considered to have failed to maintain such status and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1188(a)(1)(C)(i)).

(3) **ENFORCEMENT.**—The Secretary of Labor shall be responsible for conducting investigations and random audits of employers to ensure compliance with the employment-related requirements of this section, consistent with section 218(m) of the Immigration and Nationality Act (8 U.S.C. 1188(m)). The Secretary of Labor shall have the authority to collect reasonable civil penalties for violations, which shall be utilized by the Secretary for the administration and enforcement of the provisions of this section.

(4) **ELIGIBILITY FOR SERVICES.**—Section 305 of Public Law 99-603 (100 Stat. 3434) is amended by striking "other employment rights as provided in the worker's specific contract under which the nonimmigrant was admitted" and inserting "employment-related rights".

(c) **REPORT.**—Not later than 6 months before the end of the third fiscal year of the pilot program, the Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall prepare and

submit to the Committees on the Judiciary of the House of Representatives and the Senate, a report that provides—

(1) the number of employers designated as registered agricultural employers, broken down by geographic region, farm size, and the number of job opportunities offered by such employers;

(2) the number of employers whose designation as a registered agricultural employer was revoked;

(3) the number of individuals granted portable H-2A status in each fiscal year, along with the number of such individuals who maintained portable H-2A status during all or a portion of the 3-year period of the pilot program;

(4) an assessment of the impact of the pilot program on the wages and working conditions of United States farm workers;

(5) the results of a survey of individuals granted portable H-2A status, detailing their experiences with and feedback on the pilot program;

(6) the results of a survey of registered agricultural employers, detailing their experiences with and feedback on the pilot program;

(7) an assessment as to whether the program should be continued and if so, any recommendations for improving the program; and

(8) findings and recommendations regarding effective recruitment mechanisms, including use of new technology to match workers with employers and ensure compliance with applicable labor and employment laws and regulations.

#### **SEC. 207. IMPROVING ACCESS TO PERMANENT RESIDENCE.**

(a) **WORLDWIDE LEVEL.**—Section 201(d)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(1)(A)) is amended by striking "140,000" and inserting "180,000".

(b) **VISAS FOR FARMWORKERS.**—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1) by striking "28.6 percent of such worldwide level" and inserting "40,040";

(2) in paragraph (2)(A) by striking "28.6 percent of such worldwide level" and inserting "40,040";

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter before clause (i), by striking "28.6 percent of such worldwide level" and inserting "80,040"; and

(ii) by amending clause (iii) to read as follows:

"(iii) **OTHER WORKERS.**—Other qualified immigrants who, at the time of petitioning for classification under this paragraph—

"(I) are capable of performing unskilled labor, not of a temporary or seasonal nature, for which qualified workers are not available in the United States; or

"(II) can demonstrate employment in the United States as an H-2A nonimmigrant worker for at least 100 days in each of at least 10 years.";

(B) by amending subparagraph (B) to read as follows:

"(B) **VISAS ALLOCATED FOR OTHER WORKERS.**—

"(i) **IN GENERAL.**—Except as provided in clauses (ii) and (iii), 50,000 of the visas made available under this paragraph shall be reserved for qualified immigrants described in subparagraph (A)(iii).

"(ii) **PREFERENCE FOR AGRICULTURAL WORKERS.**—Subject to clause (iii), not less than four-fifths of the visas described in clause (i) shall be reserved for—

"(I) qualified immigrants described in subparagraph (A)(iii)(I) who will be performing agricultural labor or services in the United States; and

"(II) qualified immigrants described in subparagraph (A)(iii)(II).

"(iii) **EXCEPTION.**—If because of the application of clause (ii), the total number of visas available under this paragraph for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, clause (ii) shall not apply to visas under this

paragraph during the remainder of such calendar quarter.

"(iv) **NO PER COUNTRY LIMITS.**—Visas described under clause (ii) shall be issued without regard to the numerical limitation under section 202(a)(2)."; and

(C) by amending subparagraph (C) by striking "An immigrant visa" and inserting "Except for qualified immigrants petitioning for classification under subparagraph (A)(iii)(II), an immigrant visa";

(4) in paragraph (4), by striking "7.1 percent of such worldwide level" and inserting "9,940"; and

(5) in paragraph (5)(A), in the matter before clause (i), by striking "7.1 percent of such worldwide level" and inserting "9,940".

(c) **PETITIONING PROCEDURE.**—Section 204(a)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(E)) is amended by inserting "or 203(b)(3)(A)(iii)(II)" after "203(b)(1)(A)".

(d) **DUAL INTENT.**—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by striking "section 101(a)(15)(H)(i) except subclause (b1) of such section" and inserting "clause (i), except subclause (b1), or (ii)(a) of section 101(a)(15)(H)".

#### **Subtitle B—Preservation and Construction of Farmworker Housing**

##### **SEC. 220. SHORT TITLE.**

This subtitle may be cited as the "Strategy and Investment in Rural Housing Preservation Act of 2019".

##### **SEC. 221. PERMANENT ESTABLISHMENT OF HOUSING PRESERVATION AND REVITALIZATION PROGRAM.**

Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding at the end the following new section:

##### **"SEC. 545. HOUSING PRESERVATION AND REVITALIZATION PROGRAM.**

"(a) **ESTABLISHMENT.**—The Secretary shall carry out a program under this section for the preservation and revitalization of multifamily rental housing projects financed under section 515 or both sections 514 and 516.

"(b) **NOTICE OF MATURING LOANS.**—

"(1) **TO OWNERS.**—On an annual basis, the Secretary shall provide written notice to each owner of a property financed under section 515 or both sections 514 and 516 that will mature within the 4-year period beginning upon the provision of such notice, setting forth the options and financial incentives that are available to facilitate the extension of the loan term or the option to decouple a rental assistance contract pursuant to subsection (f).

"(2) **TO TENANTS.**—

"(A) **IN GENERAL.**—For each property financed under section 515 or both sections 514 and 516, not later than the date that is 2 years before the date that such loan will mature, the Secretary shall provide written notice to each household residing in such property that informs them of the date of the loan maturity, the possible actions that may happen with respect to the property upon such maturity, and how to protect their right to reside in Federally assisted housing after such maturity.

"(B) **LANGUAGE.**—Notice under this paragraph shall be provided in plain English and shall be translated to other languages in the case of any property located in an area in which a significant number of residents speak such other languages.

"(c) **LOAN RESTRUCTURING.**—Under the program under this section, the Secretary may restructure such existing housing loans, as the Secretary considers appropriate, for the purpose of ensuring that such projects have sufficient resources to preserve the projects to provide safe and affordable housing for low-income residents and farm laborers, by—

"(1) reducing or eliminating interest;

"(2) deferring loan payments;

"(3) subordinating, reducing, or reamortizing loan debt; and

“(4) providing other financial assistance, including advances, payments, and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary.”

“(d) RENEWAL OF RENTAL ASSISTANCE.—When the Secretary offers to restructure a loan pursuant to subsection (c), the Secretary shall offer to renew the rental assistance contract under section 521(a)(2) for a 20-year term that is subject to annual appropriations, provided that the owner agrees to bring the property up to such standards that will ensure its maintenance as decent, safe, and sanitary housing for the full term of the rental assistance contract.

“(e) RESTRICTIVE USE AGREEMENTS.—

“(1) REQUIREMENT.—As part of the preservation and revitalization agreement for a project, the Secretary shall obtain a restrictive use agreement that obligates the owner to operate the project in accordance with this title.

“(2) TERM.—

“(A) NO EXTENSION OF RENTAL ASSISTANCE CONTRACT.—Except when the Secretary enters into a 20-year extension of the rental assistance contract for the project, the term of the restrictive use agreement for the project shall be consistent with the term of the restructured loan for the project.

“(B) EXTENSION OF RENTAL ASSISTANCE CONTRACT.—If the Secretary enters into a 20-year extension of the rental assistance contract for a project, the term of the restrictive use agreement for the project shall be for 20 years.

“(C) TERMINATION.—The Secretary may terminate the 20-year use restrictive use agreement for a project prior to the end of its term if the 20-year rental assistance contract for the project with the owner is terminated at any time for reasons outside the owner's control.

“(f) DECOUPLING OF RENTAL ASSISTANCE.—

“(1) RENEWAL OF RENTAL ASSISTANCE CONTRACT.—If the Secretary determines that a maturing loan for a project cannot reasonably be restructured in accordance with subsection (c) and the project was operating with rental assistance under section 521, the Secretary may renew the rental assistance contract, notwithstanding any provision of section 521, for a term, subject to annual appropriations, of at least 10 years but not more than 20 years.

“(2) RENTS.—Any agreement to extend the term of the rental assistance contract under section 521 for a project shall obligate the owner to continue to maintain the project as decent, safe and sanitary housing and to operate the development in accordance with this title, except that rents shall be based on the lesser of—

“(A) the budget-based needs of the project; or

“(B) the operating cost adjustment factor as a payment standard as provided under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437 note).

“(g) MULTIFAMILY HOUSING TRANSFER TECHNICAL ASSISTANCE.—Under the program under this section, the Secretary may provide grants to qualified non-profit organizations and public housing agencies to provide technical assistance, including financial and legal services, to borrowers under loans under this title for multifamily housing to facilitate the acquisition of such multifamily housing properties in areas where the Secretary determines there is a risk of loss of affordable housing.

“(h) TRANSFER OF RENTAL ASSISTANCE.—After the loan or loans for a rental project originally financed under section 515 or both sections 514 and 516 have matured or have been prepaid and the owner has chosen not to restructure the loan pursuant to subsection (c), a tenant residing in such project shall have 18 months prior to loan maturation or prepayment to transfer the rental assistance assigned to the tenant's unit to another rental project originally financed under section 515 or both sections 514 and 516, and the owner of the initial project may rent the tenant's previous unit to a new tenant without income restrictions.

“(i) ADMINISTRATIVE EXPENSES.—Of any amounts made available for the program under this section for any fiscal year, the Secretary may use not more than \$1,000,000 for administrative expenses for carrying out such program.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the program under this section \$200,000,000 for each of fiscal years 2020 through 2024.”

#### SEC. 222. ELIGIBILITY FOR RURAL HOUSING VOUCHERS.

Section 542 of the Housing Act of 1949 (42 U.S.C. 1490r) is amended by adding at the end the following new subsection:

“(c) ELIGIBILITY OF HOUSEHOLDS IN SECTIONS 514, 515, AND 516 PROJECTS.—The Secretary may provide rural housing vouchers under this section for any low-income household (including those not receiving rental assistance) residing, for a term longer than the remaining term of their lease in effect just prior to prepayment, in a property financed with a loan made or insured under section 514 or 515 (42 U.S.C. 1484, 1485) which has been prepaid without restrictions imposed by the Secretary pursuant to section 502(c)(5)(G)(ii)(I) (42 U.S.C. 1472(c)(5)(G)(ii)(I)), has been foreclosed, or has matured after September 30, 2005, or residing in a property assisted under section 514 or 516 that is owned by a nonprofit organization or public agency.”

#### SEC. 223. AMOUNT OF VOUCHER ASSISTANCE.

Notwithstanding any other provision of law, in the case of any rural housing voucher provided pursuant to section 542 of the Housing Act of 1949 (42 U.S.C. 1490r), the amount of the monthly assistance payment for the household on whose behalf such assistance is provided shall be determined as provided in subsection (a) of such section 542.

#### SEC. 224. RENTAL ASSISTANCE CONTRACT AUTHORITY.

Subsection (d) of section 521 of the Housing Act of 1949 (42 U.S.C. 1490a(d)) is amended—

(1) in paragraph (1), by inserting after subparagraph (A) the following new subparagraph (and by redesignating the subsequent subparagraphs accordingly):

“(B) upon request of an owner of a project financed under section 514 or 515, the Secretary is authorized to enter into renewal of such agreements for a period of 20 years or the term of the loan, whichever is shorter, subject to amounts made available in appropriations Acts;”;

(2) by adding at the end the following new paragraph:

“(3) In the case of any rental assistance contract authority that becomes available because of the termination of assistance on behalf of an assisted family—

“(A) at the option of the owner of the rental project, the Secretary shall provide the owner a period of 6 months before such assistance is made available pursuant to subparagraph (B) during which the owner may use such assistance authority to provide assistance of behalf of an eligible unassisted family that—

“(i) is residing in the same rental project that the assisted family resided in prior to such termination; or

“(ii) newly occupies a dwelling unit in such rental project during such period; and

“(B) except for assistance used as provided in subparagraph (A), the Secretary shall use such remaining authority to provide such assistance on behalf of eligible families residing in other rental projects originally financed under section 515 or both sections 514 and 516 of this Act.”

#### SEC. 225. FUNDING FOR MULTIFAMILY TECHNICAL IMPROVEMENTS.

There is authorized to be appropriated to the Secretary of Agriculture \$50,000,000 for fiscal year 2020 for improving the technology of the Department of Agriculture used to process loans for multifamily housing and otherwise managing such housing. Such improvements shall be made within the 5-year period beginning upon

the appropriation of such amounts and such amount shall remain available until the expiration of such 5-year period.

#### SEC. 226. PLAN FOR PRESERVING AFFORDABILITY OF RENTAL PROJECTS.

(a) PLAN.—The Secretary of Agriculture (in this section referred to as the “Secretary”) shall submit a written plan to the Congress, not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, for preserving the affordability for low-income families of rental projects for which loans were made under section 515 or made to nonprofit or public agencies under section 514 and avoiding the displacement of tenant households, which shall—

(1) set forth specific performance goals and measures;

(2) set forth the specific actions and mechanisms by which such goals will be achieved;

(3) set forth specific measurements by which progress towards achievement of each goal can be measured;

(4) provide for detailed reporting on outcomes; and

(5) include any legislative recommendations to assist in achievement of the goals under the plan.

(b) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT; PURPOSE.—The Secretary shall establish an advisory committee whose purpose shall be to assist the Secretary in preserving section 515 properties and section 514 properties owned by nonprofit or public agencies through the multifamily housing preservation and revitalization program under section 545 and in implementing the plan required under subsection (a).

(2) MEMBER.—The advisory committee shall consist of 16 members, appointed by the Secretary, as follows:

(A) A State Director of Rural Development for the Department of Agriculture.

(B) The Administrator for Rural Housing Service of the Department of Agriculture.

(C) Two representatives of for-profit developers or owners of multifamily rural rental housing.

(D) Two representatives of non-profit developers or owners of multifamily rural rental housing.

(E) Two representatives of State housing finance agencies.

(F) Two representatives of tenants of multifamily rural rental housing.

(G) One representative of a community development financial institution that is involved in preserving the affordability of housing assisted under sections 514, 515, and 516 of the Housing Act of 1949.

(H) One representative of a nonprofit organization that operates nationally and has actively participated in the preservation of housing assisted by the Rural Housing Service by conducting research regarding, and providing financing and technical assistance for, preserving the affordability of such housing.

(I) One representative of low-income housing tax credit investors.

(J) One representative of regulated financial institutions that finance affordable multifamily rural rental housing developments.

(K) Two representatives from non-profit organizations representing farmworkers, including one organization representing farmworker women.

(3) MEETINGS.—The advisory committee shall meet not less often than once each calendar quarter.

(4) FUNCTIONS.—In providing assistance to the Secretary to carry out its purpose, the advisory committee shall carry out the following functions:

(A) Assisting the Rural Housing Service of the Department of Agriculture to improve estimates of the size, scope, and condition of rental housing portfolio of the Service, including the time frames for maturity of mortgages and costs for preserving the portfolio as affordable housing.

(B) Reviewing current policies and procedures of the Rural Housing Service regarding preservation of affordable rental housing financed under sections 514, 515, 516, and 538 of the Housing Act of 1949, the Multifamily Preservation and Revitalization Demonstration program (MPR), and the rental assistance program and making recommendations regarding improvements and modifications to such policies and procedures.

(C) Providing ongoing review of Rural Housing Service program results.

(D) Providing reports to the Congress and the public on meetings, recommendations, and other findings of the advisory committee.

(5) TRAVEL COSTS.—Any amounts made available for administrative costs of the Department of Agriculture may be used for costs of travel by members of the advisory committee to meetings of the committee.

#### SEC. 227. COVERED HOUSING PROGRAMS.

Paragraph (3) of section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following new subparagraph:

“(J) rural development housing voucher assistance provided by the Secretary of Agriculture pursuant to section 542 of the Housing Act of 1949 (42 U.S.C. 1490r), without regard to subsection (b) of such section, and applicable appropriation Acts; and”.

#### SEC. 228. NEW FARMWORKER HOUSING.

Section 513 of the Housing Act of 1949 (42 U.S.C. 1483) is amended by adding at the end the following new subsection:

“(f) FUNDING FOR FARMWORKER HOUSING.—“(1) SECTION 514 FARMWORKER HOUSING LOANS.—

“(A) INSURANCE AUTHORITY.—The Secretary of Agriculture may, to the extent approved in appropriation Acts, insure loans under section 514 (42 U.S.C. 1484) during each of fiscal years 2020 through 2029 in an aggregate amount not to exceed \$200,000,000.

“(B) AUTHORIZATION OF APPROPRIATIONS FOR COSTS.—There is authorized to be appropriated \$75,000,000 for each of fiscal years 2020 through 2029 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of loans insured pursuant the authority under subparagraph (A).

“(2) SECTION 516 GRANTS FOR FARMWORKER HOUSING.—There is authorized to be appropriated \$30,000,000 for each of fiscal years 2020 through 2029 for financial assistance under section 516 (42 U.S.C. 1486).

“(3) SECTION 521 HOUSING ASSISTANCE.—There is authorized to be appropriated \$2,700,000,000 for each of fiscal years 2020 through 2029 for rental assistance agreements entered into or renewed pursuant to section 521(a)(2) (42 U.S.C. 1490a(a)(2)) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D).”.

#### SEC. 229. LOAN AND GRANT LIMITATIONS.

Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by adding at the end the following:

“(j) PER PROJECT LIMITATIONS ON ASSISTANCE.—If the Secretary, in making available assistance in any area under this section or section 516 (42 U.S.C. 1486), establishes a limitation on the amount of assistance available per project, the limitation on a grant or loan award per project shall not be less than \$5 million.”.

#### SEC. 230. OPERATING ASSISTANCE SUBSIDIES.

Subsection (a)(5) of section 521 of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)) is amended—

(1) in subparagraph (A) by inserting “or domestic farm labor legally admitted to the United States and authorized to work in agriculture” after “migrant farmworkers”;

(2) in subparagraph (B)—

(A) by striking “AMOUNT.—In any fiscal year” and inserting “AMOUNT.—

“(i) HOUSING FOR MIGRANT FARMWORKERS.—In any fiscal year”;

(B) by inserting “providing housing for migrant farmworkers” after “any project”; and

(C) by inserting at the end the following:

“(ii) HOUSING FOR OTHER FARM LABOR.—In any fiscal year, the assistance provided under this paragraph for any project providing housing for domestic farm labor legally admitted to the United States and authorized to work in agriculture shall not exceed an amount equal to 50 percent of the operating costs for the project for the year, as determined by the Secretary. The owner of such project shall not qualify for operating assistance unless the Secretary certifies that the project was unoccupied or underutilized before making units available to such farm labor, and that a grant under this section will not displace any farm worker who is a United States worker.”; and

(3) in subparagraph (D), by adding at the end the following:

“(iii) The term ‘domestic farm labor’ has the same meaning given such term in section 514(f)(3) (42 U.S.C. 1484(f)(3)), except that subparagraph (A) of such section shall not apply for purposes this section.”.

#### SEC. 231. ELIGIBILITY OF CERTIFIED WORKERS.

Subsection (a) of section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) in paragraph (6), by striking “or” at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

“(7) an alien granted certified agricultural worker or certified agricultural dependent status under title I of the Farm Workforce Modernization Act of 2019, but solely for financial assistance made available pursuant to section 521 or 542 of the Housing Act of 1949 (42 U.S.C. 1490a, 1490r); or”.

#### Subtitle C—Foreign Labor Recruiter Accountability

#### SEC. 251. REGISTRATION OF FOREIGN LABOR RECRUITERS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish procedures for the electronic registration of foreign labor recruiters engaged in the recruitment of nonimmigrant workers described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) to perform agricultural labor or services in the United States.

(b) PROCEDURAL REQUIREMENTS.—The procedures described in subsection (a) shall—

(1) require the applicant to submit a sworn declaration—

(A) stating the applicant’s permanent place of residence or principal place of business, as applicable;

(B) describing the foreign labor recruiting activities in which the applicant is engaged; and

(C) including such other relevant information as the Secretary of Labor and the Secretary of State may require;

(2) include an expeditious means to update and renew registrations;

(3) include a process, which shall include the placement of personnel at each United States diplomatic mission in accordance with subsection (g)(2), to receive information from the public regarding foreign labor recruiters who have allegedly engaged in a foreign labor recruiting activity that is prohibited under this subtitle;

(4) include procedures for the receipt and processing of complaints against foreign labor recruiters and for remedies, including the rev-

ocation of a registration or the assessment of fines upon a determination by the Secretary of Labor that the foreign labor recruiter has violated the requirements of this subtitle;

(5) require the applicant to post a bond in an amount sufficient to ensure the ability of the applicant to discharge its responsibilities and ensure protection of workers, including payment of wages; and

(6) allow the Secretary of Labor and the Secretary of State to consult with other appropriate Federal agencies to determine whether any reason exists to deny registration to a foreign labor recruiter or revoke such registration.

(c) ATTESTATIONS.—Foreign labor recruiters registering under this subtitle shall attest and agree to abide by the following requirements:

(1) PROHIBITED FEES.—The foreign labor recruiter, including any agent or employee of such foreign labor recruiter, shall not assess any recruitment fees on a worker for any foreign labor recruiting activity.

(2) PROHIBITION ON FALSE AND MISLEADING INFORMATION.—The foreign labor recruiter shall not knowingly provide materially false or misleading information to any worker concerning any matter required to be disclosed under this subtitle.

(3) REQUIRED DISCLOSURES.—The foreign labor recruiter shall ascertain and disclose to the worker in writing in English and in the primary language of the worker at the time of the worker’s recruitment, the following information:

(A) The identity and address of the employer and the identity and address of the person conducting the recruiting on behalf of the employer, including each subcontractor or agent involved in such recruiting.

(B) A copy of the approved job order or work contract under section 218 of the Immigration and Nationality Act, including all assurances and terms and conditions of employment.

(C) A statement, in a form specified by the Secretary—

(i) describing the general terms and conditions associated with obtaining an H-2A visa and maintaining H-2A status;

(ii) affirming the prohibition on the assessment of fees described in paragraph (1), and explaining that such fees, if paid by the employer, may not be passed on to the worker;

(iii) describing the protections afforded the worker under this subtitle, including procedures for reporting violations to the Secretary of State, filing a complaint with the Secretary of Labor, or filing a civil action; and

(iv) describing the protections afforded the worker by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b), including the telephone number for the national human trafficking resource center hotline number.

(4) BOND.—The foreign labor recruiter shall agree to maintain a bond sufficient to ensure the ability of the foreign labor recruiter to discharge its responsibilities and ensure protection of workers, and to forfeit such bond in an amount determined by the Secretary under subsections (b)(1)(C)(ii) or (c)(2)(C) of section 252 for failure to comply with the provisions of this subtitle.

(5) COOPERATION IN INVESTIGATION.—The foreign labor recruiter shall agree to cooperate in any investigation under section 252 of this subtitle by the Secretary or other appropriate authorities.

(6) NO RETALIATION.—The foreign labor recruiter shall agree to refrain from intimidating, threatening, restraining, coercing, discharging, blacklisting or in any other manner discriminating or retaliating against any worker or their family members (including a former worker or an applicant for employment) because such worker disclosed information to any person based on a reason to believe that the foreign labor recruiter, or any agent or subcontractor of such foreign labor recruiter, is engaging or has engaged in a foreign labor recruiting activity that does not comply with this subtitle.

(7) **EMPLOYEES, AGENTS, AND SUBCONTRACTEES.**—The foreign labor recruiter shall consent to be liable for the conduct of any agents or subcontractees of any level in relation to the foreign labor recruiting activity of the agent or subcontractee to the same extent as if the foreign labor recruiter had engaged in such conduct.

(8) **ENFORCEMENT.**—If the foreign labor recruiter is conducting foreign labor recruiting activity wholly outside the United States, such foreign labor recruiter shall establish a registered agent in the United States who is authorized to accept service of process on behalf of the foreign labor recruiter for the purpose of any administrative proceeding under this title or any Federal court civil action, if such service is made in accordance with the appropriate Federal rules for service of process.

(d) **TERM OF REGISTRATION.**—Unless suspended or revoked, a registration under this section shall be valid for 2 years.

(e) **APPLICATION FEE.**—The Secretary shall require a foreign labor recruiter that submits an application for registration under this section to pay a reasonable fee, sufficient to cover the full costs of carrying out the registration activities under this subtitle.

(f) **NOTIFICATION.**—

(1) **EMPLOYER NOTIFICATION.**—

(A) **IN GENERAL.**—Not less frequently than once every year, an employer of H-2A workers shall provide the Secretary with the names and addresses of all foreign labor recruiters engaged to perform foreign labor recruiting activity on behalf of the employer, whether the foreign labor recruiter is to receive any economic compensation for such services, and, if so, the identity of the person or entity who is paying for the services.

(B) **AGREEMENT TO COOPERATE.**—In addition to the requirements of subparagraph (A), the employer shall—

(i) provide to the Secretary the identity of any foreign labor recruiter whom the employer has reason to believe is engaging in foreign labor recruiting activities that do not comply with this subtitle; and

(ii) promptly respond to any request by the Secretary for information regarding the identity of a foreign labor recruiter with whom the employer has a contract or other agreement.

(2) **FOREIGN LABOR RECRUITER NOTIFICATION.**—A registered foreign labor recruiter shall notify the Secretary, not less frequently than once every year, of the identity of any subcontractee, agent, or foreign labor recruiter employee involved in any foreign labor recruiting activity for, or on behalf of, the foreign labor recruiter.

(g) **ADDITIONAL RESPONSIBILITIES OF THE SECRETARY OF STATE.**—

(1) **LISTS.**—The Secretary of State, in consultation with the Secretary of Labor shall maintain and make publicly available in written form and on the websites of United States embassies in the official language of that country, and on websites maintained by the Secretary of Labor, regularly updated lists—

(A) of foreign labor recruiters who hold valid registrations under this section, including—

(i) the name and address of the foreign labor recruiter;

(ii) the countries in which such recruiters conduct recruitment;

(iii) the employers for whom recruiting is conducted;

(iv) the occupations that are the subject of recruitment;

(v) the States where recruited workers are employed; and

(vi) the name and address of the registered agent in the United States who is authorized to accept service of process on behalf of the foreign labor recruiter; and

(B) of foreign labor recruiters whose registration the Secretary has revoked.

(2) **PERSONNEL.**—The Secretary of State shall ensure that each United States diplomatic mis-

sion is staffed with a person who shall be responsible for receiving information from members of the public regarding potential violations of the requirements applicable to registered foreign labor recruiters and ensuring that such information is conveyed to the Secretary of Labor for evaluation and initiation of an enforcement action, if appropriate.

(3) **VISA APPLICATION PROCEDURES.**—The Secretary shall ensure that consular officers issuing visas to nonimmigrants under section 101(a)(1)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(1)(H)(ii)(a))—

(A) provide to and review with the applicant, in the applicant's language (or a language the applicant understands), a copy of the information and resources pamphlet required by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b);

(B) ensure that the applicant has a copy of the approved job offer or work contract;

(C) note in the visa application file whether the foreign labor recruiter has a valid registration under this section; and

(D) if the foreign labor recruiter holds a valid registration, review and include in the visa application file, the foreign labor recruiter's disclosures required by subsection (c)(3).

(4) **DATA.**—The Secretary of State shall make publicly available online, on an annual basis, data disclosing the gender, country of origin (and State, county, or province, if available), age, wage, level of training, and occupational classification, disaggregated by State, of non-immigrant workers described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

#### SEC. 252. ENFORCEMENT.

(a) **DENIAL OR REVOCATION OF REGISTRATION.**—

(1) **GROUND FOR DENIAL OR REVOCATION.**—The Secretary shall deny an application for registration, or revoke a registration, if the Secretary determines that the foreign labor recruiter, or any agent or subcontractee of such foreign labor recruiter—

(A) knowingly made a material misrepresentation in the registration application;

(B) materially failed to comply with one or more of the attestations provided under section 251(c); or

(C) is not the real party in interest.

(2) **NOTICE.**—Prior to denying an application for registration or revoking a registration under this subsection, the Secretary shall provide written notice of the intent to deny or revoke the registration to the foreign labor recruiter. Such notice shall—

(A) articulate with specificity all grounds for denial or revocation; and

(B) provide the foreign labor recruiter with not less than 60 days to respond.

(3) **RE-REGISTRATION.**—A foreign labor recruiter whose registration was revoked under subsection (a) may re-register if the foreign labor recruiter demonstrates to the Secretary's satisfaction that the foreign labor recruiter has not violated this subtitle in the 5 years preceding the date an application for registration is filed and has taken sufficient steps to prevent future violations of this subtitle.

(b) **ADMINISTRATIVE ENFORCEMENT.**—

(1) **COMPLAINT PROCESS.**—

(A) **FILING.**—A complaint may be filed with the Secretary of Labor, in accordance with the procedures established under section 251(b)(4) not later than 2 years after the earlier of—

(i) the date of the last action which constituted the conduct that is the subject of the complaint took place; or

(ii) the date on which the aggrieved party had actual knowledge of such conduct.

(B) **DECISION AND PENALTIES.**—If the Secretary of Labor finds, after notice and an opportunity for a hearing, that a foreign labor recruiter failed to comply with any of the require-

ments of this subtitle, the Secretary of Labor may—

(i) levy a fine against the foreign labor recruiter in an amount not more than—

(I) \$10,000 per violation; and

(II) \$25,000 per violation, upon the third violation;

(ii) order the forfeiture (or partial forfeiture) of the bond and release of as much of the bond as the Secretary determines is necessary for the worker to recover prohibited recruitment fees;

(iii) refuse to issue or renew a registration, or revoke a registration; or

(iv) disqualify the foreign labor recruiter from registration for a period of up to 5 years, or in the case of a subsequent finding involving willful or multiple material violations, permanently disqualify the foreign labor recruiter from registration.

(2) **AUTHORITY TO ENSURE COMPLIANCE.**—The Secretary of Labor is authorized to take other such actions, including issuing subpoenas and seeking appropriate injunctive relief, as may be necessary to assure compliance with the terms and conditions of this subtitle.

(3) **STATUTORY CONSTRUCTION.**—Nothing in this subsection may be construed as limiting the authority of the Secretary of Labor to conduct an investigation—

(A) under any other law, including any law affecting migrant and seasonal agricultural workers; or

(B) in the absence of a complaint.

(c) **CIVIL ACTION.**—

(1) **IN GENERAL.**—The Secretary of Labor or any person aggrieved by a violation of this subtitle may bring a civil action against any foreign labor recruiter, or any employer that does not meet the requirements under subsection (d)(1), in any court of competent jurisdiction—

(A) to seek remedial action, including injunctive relief; and

(B) for damages in accordance with the provisions of this subsection.

(2) **AWARD FOR CIVIL ACTION FILED BY AN INDIVIDUAL.**—

(A) **IN GENERAL.**—If the court finds in a civil action filed by an individual under this section that the defendant has violated any provision of this subtitle, the court may award—

(i) damages, up to and including an amount equal to the amount of actual damages, and statutory damages of up to \$1,000 per plaintiff per violation, or other equitable relief, except that with respect to statutory damages—

(I) multiple infractions of a single provision of this subtitle (or of a regulation under this subtitle) shall constitute only 1 violation for purposes of this subsection to determine the amount of statutory damages due a plaintiff; and

(II) if such complaint is certified as a class action the court may award—

(aa) damages up to an amount equal to the amount of actual damages; and

(bb) statutory damages of not more than the lesser of up to \$1,000 per class member per violation, or up to \$500,000; and other equitable relief;

(ii) reasonable attorneys' fees and costs; and

(iii) such other and further relief as necessary to effectuate the purposes of this subtitle.

(B) **CRITERIA.**—In determining the amount of statutory damages to be awarded under subparagraph (A), the court is authorized to consider whether an attempt was made to resolve the issues in dispute before the resort to litigation.

(C) **BOND.**—To satisfy the damages, fees, and costs found owing under this paragraph, the Secretary shall release as much of the bond held pursuant to section 251(c)(4) as necessary.

(3) **SUMS RECOVERED IN ACTIONS BY THE SECRETARY OF LABOR.**—

(A) **ESTABLISHMENT OF ACCOUNT.**—There is established in the general fund of the Treasury a separate account, which shall be known as the "H-2A Foreign Labor Recruiter Compensation

Account". Notwithstanding any other provisions of law, there shall be deposited as offsetting receipts into the account, all sums recovered in an action by the Secretary of Labor under this subsection.

(B) **USE OF FUNDS.**—Amounts deposited into the H-2A Foreign Labor Recruiter Compensation Account and shall be paid directly to each worker affected. Any such sums not paid to a worker because of inability to do so within a period of 5 years following the date such funds are deposited into the account shall remain available to the Secretary until expended. The Secretary may transfer all or a portion of such remaining sums to appropriate agencies to support the enforcement of the laws prohibiting the trafficking and exploitation of persons or programs that aid trafficking victims.

(d) **EMPLOYER SAFE HARBOR.**—

(1) **IN GENERAL.**—An employer that hires workers referred by a foreign labor recruiter with a valid registration at the time of hiring shall not be held jointly liable for a violation committed solely by a foreign labor recruiter under this subtitle—

(A) in any administrative action initiated by the Secretary concerning such violation; or

(B) in any Federal or State civil court action filed against the foreign labor recruiter by or on behalf of such workers or other aggrieved party under this subtitle.

(2) **CLARIFICATION.**—Nothing in this subtitle shall be construed to prohibit an aggrieved party or parties from bringing a civil action for violations of this subtitle or any other Federal or State law against any employer who hired workers referred by a foreign labor recruiter—

(A) without a valid registration at the time of hire; or

(B) with a valid registration if the employer knew or learned of the violation and failed to report such violation to the Secretary.

(e) **PAROLE TO PURSUE RELIEF.**—If other immigration relief is not available, the Secretary of Homeland Security may grant parole to permit an individual to remain legally in the United States for time sufficient to fully and effectively participate in all legal proceedings related to any action taken pursuant to subsection (b) or (c).

(f) **WAIVER OF RIGHTS.**—Agreements by employees purporting to waive or to modify their rights under this subtitle shall be void as contrary to public policy.

(g) **LIABILITY FOR AGENTS.**—Foreign labor recruiters shall be subject to the provisions of this section for violations committed by the foreign labor recruiter's agents or subcontractors of any level in relation to their foreign labor recruiting activity to the same extent as if the foreign labor recruiter had committed the violation.

#### SEC. 253. APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for the Secretary of Labor and Secretary of State to carry out the provisions of this subtitle.

#### SEC. 254. DEFINITIONS.

For purposes of this subtitle:

(1) **FOREIGN LABOR RECRUITER.**—The term "foreign labor recruiter" means any person who performs foreign labor recruiting activity in exchange for money or other valuable consideration paid or promised to be paid, to recruit individuals to work as nonimmigrant workers described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), including any person who performs foreign labor recruiting activity wholly outside of the United States. Such term does not include any entity of the United States Government or an employer, or employee of an employer, who engages in foreign labor recruiting activity solely to find employees for that employer's own use, and without the participation of any other foreign labor recruiter.

(2) **FOREIGN LABOR RECRUITING ACTIVITY.**—The term "foreign labor recruiting activity"

means recruiting, soliciting, or related activities with respect to an individual who resides outside of the United States in furtherance of employment in the United States, including when such activity occurs wholly outside of the United States.

(3) **RECRUITMENT FEES.**—The term "recruitment fees" has the meaning given to such term under section 22.1702 of title 22 of the Code of Federal Regulations, as in effect on the date of enactment of this Act.

(4) **PERSON.**—The term "person" means any natural person or any corporation, company, firm, partnership, joint stock company or association or other organization or entity (whether organized under law or not), including municipal corporations.

### TITLE III—ELECTRONIC VERIFICATION OF EMPLOYMENT ELIGIBILITY

#### SEC. 301. ELECTRONIC EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(a) **IN GENERAL.**—Chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) is amended by inserting after section 274D the following:

##### "SEC. 274E. REQUIREMENTS FOR THE ELECTRONIC VERIFICATION OF EMPLOYMENT ELIGIBILITY.

"(a) **EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.**—

"(1) **IN GENERAL.**—The Secretary of Homeland Security (referred to in this section as the 'Secretary') shall establish and administer an electronic verification system (referred to in this section as the 'System'), patterned on the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) (as in effect on the day before the effective date described in section 303(a)(4) of the Farm Workforce Modernization Act of 2019), and using the employment eligibility confirmation system established under section 404 of such Act (8 U.S.C. 1324a note) (as so in effect) as a foundation, through which the Secretary shall—

"(A) respond to inquiries made by persons or entities seeking to verify the identity and employment authorization of individuals that such persons or entities seek to hire, or to recruit or refer for a fee, for employment in the United States; and

"(B) maintain records of the inquiries that were made, and of verifications provided (or not provided) to such persons or entities as evidence of compliance with the requirements of this section.

"(2) **INITIAL RESPONSE DEADLINE.**—The System shall provide confirmation or a tentative nonconfirmation of an individual's identity and employment authorization as soon as practicable, but not later than 3 calendar days after the initial inquiry.

"(3) **GENERAL DESIGN AND OPERATION OF SYSTEM.**—The Secretary shall design and operate the System—

"(A) using responsive web design and other technologies to maximize its ease of use and accessibility for users on a variety of electronic devices and screen sizes, and in remote locations;

"(B) to maximize the accuracy of responses to inquiries submitted by persons or entities;

"(C) to maximize the reliability of the System and to register each instance when the System is unable to receive inquiries;

"(D) to protect the privacy and security of the personally identifiable information maintained by or submitted to the System;

"(E) to provide direct notification of an inquiry to an individual with respect to whom the inquiry is made, including the results of such inquiry, and information related to the process for challenging the results, in cases in which the individual has established a user account as described in paragraph (4)(B) or an electronic mail address for the individual is submitted by the person or entity at the time the inquiry is made; and

"(F) to maintain appropriate administrative, technical, and physical safeguards to prevent misuse of the System and unfair immigration-related employment practices.

"(4) **MEASURES TO PREVENT IDENTITY THEFT AND OTHER FORMS OF FRAUD.**—To prevent identity theft and other forms of fraud, the Secretary shall design and operate the System with the following attributes:

"(A) **PHOTO MATCHING TOOL.**—The System shall display the digital photograph of the individual, if any, that corresponds to the document presented by an individual to establish identity and employment authorization so that the person or entity that makes an inquiry can compare the photograph displayed by the System to the photograph on the document presented by the individual.

"(B) **INDIVIDUAL MONITORING AND SUSPENSION OF IDENTIFYING INFORMATION.**—The System shall enable individuals to establish user accounts, after authentication of an individual's identity, that would allow an individual to—

"(i) confirm the individual's own employment authorization;

"(ii) receive electronic notification when the individual's social security account number or other personally identifying information has been submitted to the System;

"(iii) monitor the use history of the individual's personally identifying information in the System, including the identities of all persons or entities that have submitted such identifying information to the System, the date of each query run, and the System response for each query run;

"(iv) suspend or limit the use of the individual's social security account number or other personally identifying information for purposes of the System; and

"(v) provide notice to the Department of Homeland Security of any suspected identity fraud or other improper use of personally identifying information.

"(C) **BLOCKING MISUSED SOCIAL SECURITY ACCOUNT NUMBERS.**—

"(i) **IN GENERAL.**—The Secretary, in consultation with the Commissioner of Social Security (referred to in this section as the 'Commissioner'), shall develop, after publication in the Federal Register and an opportunity for public comment, a process in which social security account numbers that have been identified to be subject to unusual multiple use in the System or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, shall be blocked from use in the System unless the individual using such number is able to establish, through secure and fair procedures, that the individual is the legitimate holder of the number.

"(ii) **NOTICE.**—If the Secretary blocks or suspends a social security account number under this subparagraph, the Secretary shall provide notice to the persons or entities that have made inquiries to the System using such account number that the identity and employment authorization of the individual who provided such account number must be re-verified.

"(D) **ADDITIONAL IDENTITY AUTHENTICATION TOOL.**—The Secretary shall develop, after publication in the Federal Register and an opportunity for public comment, additional security measures to adequately verify the identity of an individual whose identity may not be verified using the photo tool described in subparagraph (A). Such additional security measures—

"(i) shall be kept up-to-date with technological advances; and

"(ii) shall be designed to provide a high level of certainty with respect to identity authentication.

"(E) **CHILD-LOCK PILOT PROGRAM.**—The Secretary, in consultation with the Commissioner, shall establish a reliable, secure program through which parents or legal guardians may suspend or limit the use of the social security account number or other personally identifying

information of a minor under their care for purposes of the System. The Secretary may implement the program on a limited pilot basis before making it fully available to all individuals.

“(5) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner, in consultation with the Secretary, shall establish a reliable, secure method, which, within the time periods specified in paragraph (2) and subsection (b)(4)(D)(i)(II), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided by the person or entity with respect to an individual whose identity and employment authorization the person or entity seeks to confirm, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation) under the System except as provided under this section.

“(6) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—

“(A) IN GENERAL.—The Secretary of Homeland Security shall establish a reliable, secure method, which, within the time periods specified in paragraph (2) and subsection (b)(4)(D)(i)(II), compares the name and identification or other authorization number (or any other information determined relevant by the Secretary) which are provided in an inquiry against such information maintained or accessed by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, and whether the individual is authorized to be employed in the United States.

“(B) TRAINING.—The Secretary shall provide and regularly update training materials on the use of the System for persons and entities making inquiries.

“(C) AUDIT.—The Secretary shall provide for periodic auditing of the System to detect and prevent misuse, discrimination, fraud, and identity theft, to protect privacy and assess System accuracy, and to preserve the integrity and security of the information in the System.

“(D) NOTICE OF SYSTEM CHANGES.—The Secretary shall provide appropriate notification to persons and entities registered in the System of any change made by the Secretary or the Commissioner related to permitted and prohibited documents, and use of the System.

“(7) RESPONSIBILITIES OF THE SECRETARY OF STATE.—As part of the System, the Secretary of State shall provide to the Secretary of Homeland Security access to passport and visa information as needed to confirm that a passport or passport card presented under subsection (b)(3)(A)(i) confirms the employment authorization and identity of the individual presenting such document, and that a passport, passport card, or visa photograph matches the Secretary of State's records, and shall provide such assistance as the Secretary of Homeland Security may request in order to resolve tentative nonconfirmations or final nonconfirmations relating to such information.

“(8) UPDATING INFORMATION.—The Commissioner, the Secretary of Homeland Security, and the Secretary of State shall update records in their custody in a manner that promotes maximum accuracy of the System and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention through the tentative nonconfirmation review process under subsection (b)(4)(D).

“(9) MANDATORY AND VOLUNTARY SYSTEM USES.—

“(A) MANDATORY USERS.—Except as otherwise provided under Federal or State law, such as sections 302 and 303 of the Farm Workforce Modernization Act of 2019, nothing in this section shall be construed as requiring the use of the System by any person or entity hiring, re-

cruiting, or referring for a fee, an individual for employment in the United States.

“(B) VOLUNTARY USERS.—Beginning after the date that is 30 days after the date on which final rules are published under section 309(a) of the Farm Workforce Modernization Act of 2019, a person or entity may use the System on a voluntary basis to seek verification of the identity and employment authorization of individuals the person or entity is hiring, recruiting, or referring for a fee for employment in the United States

“(C) PROCESS FOR NON-USERS.—The employment verification process for any person or entity hiring, recruiting, or referring for a fee, an individual for employment in the United States shall be governed by section 274A(b) unless the person or entity—

“(i) is required by Federal or State law to use the System; or

“(ii) has opted to use the System voluntarily in accordance with subparagraph (B).

“(10) NO FEE FOR USE.—The Secretary may not charge a fee to an individual, person, or entity related to the use of the System.

“(b) NEW HIRES, RECRUITMENT, AND REFERRAL.—Notwithstanding section 274A(b), the requirements referred to in paragraphs (1)(B) and (3) of section 274A(a) are, in the case of a person or entity that uses the System for the hiring, recruiting, or referring for a fee, an individual for employment in the United States, the following:

“(1) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—During the period beginning on the date on which an offer of employment is accepted and ending on the date of hire, the individual shall attest, under penalty of perjury on a form designated by the Secretary, that the individual is authorized to be employed in the United States by providing on such form—

“(A) the individual's name and date of birth;

“(B) the individual's social security account number (unless the individual has applied for and not yet been issued such a number);

“(C) whether the individual is—

“(i) a citizen or national of the United States;

“(ii) an alien lawfully admitted for permanent residence; or

“(iii) an alien who is otherwise authorized by the Secretary to be hired, recruited, or referred for employment in the United States; and

“(D) if the individual does not attest to United States citizenship or nationality, such identification or other authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.

“(2) EMPLOYER ATTESTATION AFTER EXAMINATION OF DOCUMENTS.—Not later than 3 business days after the date of hire, the person or entity shall attest, under penalty of perjury on the form designated by the Secretary for purposes of paragraph (1), that it has verified that the individual is not an unauthorized alien by—

“(A) obtaining from the individual the information described in paragraph (1) and recording such information on the form;

“(B) examining—

“(i) a document described in paragraph (3)(A); or

“(ii) a document described in paragraph (3)(B) and a document described in paragraph (3)(C); and

“(C) attesting that the information recorded on the form is consistent with the documents examined.

“(3) ACCEPTABLE DOCUMENTS.—

“(A) DOCUMENTS ESTABLISHING EMPLOYMENT AUTHORIZATION AND IDENTITY.—A document described in this subparagraph is an individual's—

“(i) United States passport or passport card;

“(ii) permanent resident card that contains a photograph;

“(iii) foreign passport containing temporary evidence of lawful permanent residence in the form of an official I-551 (or successor) stamp from the Department of Homeland Security or a printed notation on a machine-readable immigrant visa;

“(iv) unexpired employment authorization card that contains a photograph;

“(v) in the case of a nonimmigrant alien authorized to engage in employment for a specific employer incident to status, a foreign passport with Form I-94, Form I-94A, or other documentation as designated by the Secretary specifying the alien's nonimmigrant status as long as such status has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified in the documentation;

“(vi) passport from the Federated States of Micronesia or the Republic of the Marshall Islands with Form I-94, Form I-94A, or other documentation as designated by the Secretary, indicating nonimmigrant admission under the Compact of Free Association Between the United States and the Federated States of Micronesia or the Republic of the Marshall Islands; or

“(vii) other document designated by the Secretary, by notice published in the Federal Register, if the document—

“(I) contains a photograph of the individual, biometric identification data, and other personal identifying information relating to the individual;

“(II) is evidence of authorization for employment in the United States; and

“(III) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

“(B) DOCUMENTS ESTABLISHING EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is—

“(i) an individual's social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States); or

“(ii) a document establishing employment authorization that the Secretary determines, by notice published in the Federal Register, to be acceptable for purposes of this subparagraph, provided that such documentation contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

“(C) DOCUMENTS ESTABLISHING IDENTITY.—A document described in this subparagraph is—

“(i) an individual's driver's license or identification card if it was issued by a State or one of the outlying possessions of the United States and contains a photograph and personal identifying information relating to the individual;

“(ii) an individual's unexpired United States military identification card;

“(iii) an individual's unexpired Native American tribal identification document issued by a tribal entity recognized by the Bureau of Indian Affairs;

“(iv) in the case of an individual under 18 years of age, a parent or legal guardian's attestation under penalty of law as to the identity and age of the individual; or

“(v) a document establishing identity that the Secretary determines, by notice published in the Federal Register, to be acceptable for purposes of this subparagraph, if such documentation contains a photograph of the individual, biometric identification data, and other personal identifying information relating to the individual, and security features to make it resistant to tampering, counterfeiting, and fraudulent use.

“(D) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary finds that any document or class of documents described in subparagraph (A), (B), or (C) does not reliably establish identity or employment authorization or is being used fraudulently to an unacceptable degree, the Secretary may, by notice published in the Federal Register, prohibit or place conditions on the use of such document or class of documents for purposes of this section.

“(4) USE OF THE SYSTEM TO SCREEN IDENTITY AND EMPLOYMENT AUTHORIZATION.—

“(A) IN GENERAL.—In the case of a person or entity that uses the System for the hiring, recruiting, or referring for a fee an individual for



employment in the United States, during the period described in subparagraph (B), the person or entity shall submit an inquiry through the System described in subsection (a) to seek verification of the identity and employment authorization of the individual.

“(B) VERIFICATION PERIOD.—

“(i) IN GENERAL.—Except as provided in clause (ii), and subject to subsection (d), the verification period shall begin on the date of hire and end on the date that is 3 business days after the date of hire, or such other reasonable period as the Secretary may prescribe.

“(ii) SPECIAL RULE.—In the case of an alien who is authorized to be employed in the United States and who provides evidence from the Social Security Administration that the alien has applied for a social security account number, the verification period shall end 3 business days after the alien receives the social security account number.

“(C) CONFIRMATION.—If a person or entity receives confirmation of an individual's identity and employment authorization, the person or entity shall record such confirmation on the form designated by the Secretary for purposes of paragraph (1).

“(D) TENTATIVE NONCONFIRMATION.—

“(i) IN GENERAL.—In cases of tentative nonconfirmation, the Secretary shall provide, in consultation with the Commissioner, a process for—

“(I) an individual to contest the tentative nonconfirmation not later than 10 business days after the date of the receipt of the notice described in clause (ii); and

“(II) the Secretary to issue a confirmation or final nonconfirmation of an individual's identity and employment authorization not later than 30 calendar days after the Secretary receives notice from the individual contesting a tentative nonconfirmation.

“(ii) NOTICE.—If a person or entity receives a tentative nonconfirmation of an individual's identity or employment authorization, the person or entity shall, not later than 3 business days after receipt, notify such individual in writing in a language understood by the individual and on a form designated by the Secretary, that shall include a description of the individual's right to contest the tentative nonconfirmation. The person or entity shall attest, under penalty of perjury, that the person or entity provided (or attempted to provide) such notice to the individual, and the individual shall acknowledge receipt of such notice in a manner specified by the Secretary.

“(iii) NO CONTEST.—

“(I) IN GENERAL.—A tentative nonconfirmation shall become final if, upon receiving the notice described in clause (ii), the individual—

“(aa) refuses to acknowledge receipt of such notice;

“(bb) acknowledges in writing, in a manner specified by the Secretary, that the individual will not contest the tentative nonconfirmation; or

“(cc) fails to contest the tentative nonconfirmation within the 10-business-day period beginning on the date the individual received such notice.

“(II) RECORD OF NO CONTEST.—The person or entity shall indicate in the System that the individual did not contest the tentative nonconfirmation and shall specify the reason the tentative nonconfirmation became final under subsection (I).

“(III) EFFECT OF FAILURE TO CONTEST.—An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of any fact with respect to any violation of this Act or any other provision of law.

“(iv) CONTEST.—

“(I) IN GENERAL.—An individual may contest a tentative nonconfirmation by using the tentative nonconfirmation review process under clause (i), not later than 10 business days after receiving the notice described in clause (ii). Except

as provided in clause (iii), the nonconfirmation shall remain tentative until a confirmation or final nonconfirmation is provided by the System.

“(II) PROHIBITION ON TERMINATION.—In no case shall a person or entity terminate employment or take any adverse employment action against an individual for failure to obtain confirmation of the individual's identity and employment authorization until the person or entity receives a notice of final nonconfirmation from the System. Nothing in this subclause shall prohibit an employer from terminating the employment of the individual for any other lawful reason.

“(III) CONFIRMATION OR FINAL NONCONFIRMATION.—The Secretary, in consultation with the Commissioner, shall issue notice of a confirmation or final nonconfirmation of the individual's identity and employment authorization not later than 30 calendar days after the date the Secretary receives notice from the individual contesting the tentative nonconfirmation.

“(E) FINAL NONCONFIRMATION.—

“(i) NOTICE.—If a person or entity receives a final nonconfirmation of an individual's identity or employment authorization, the person or entity shall, not later than 3 business days after receipt, notify such individual of the final nonconfirmation in writing, on a form designated by the Secretary, which shall include information regarding the individual's right to appeal the final nonconfirmation as provided under subparagraph (F). The person or entity shall attest, under penalty of perjury, that the person or entity provided (or attempted to provide) the notice to the individual, and the individual shall acknowledge receipt of such notice in a manner designated by the Secretary.

“(ii) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If a person or entity receives a final nonconfirmation regarding an individual, the person or entity may terminate employment of the individual. If the person or entity does not terminate such employment pending appeal of the final nonconfirmation, the person or entity shall notify the Secretary of such fact through the System. Failure to notify the Secretary in accordance with this clause shall be deemed a violation of section 274A(a)(1)(A).

“(iii) PRESUMPTION OF VIOLATION FOR CONTINUED EMPLOYMENT.—If a person or entity continues to employ an individual after receipt of a final nonconfirmation, there shall be a rebuttable presumption that the person or entity has violated paragraphs (1)(A) and (a)(2) of section 274A(a).

“(F) APPEAL OF FINAL NONCONFIRMATION.—

“(i) ADMINISTRATIVE APPEAL.—The Secretary, in consultation with the Commissioner, shall develop a process by which an individual may seek administrative review of a final nonconfirmation. Such process shall—

“(I) permit the individual to submit additional evidence establishing identity or employment authorization;

“(II) ensure prompt resolution of an appeal (but in no event shall there be a failure to respond to an appeal within 30 days); and

“(III) permit the Secretary to impose a civil money penalty (not to exceed \$500) on an individual upon finding that an appeal was frivolous or filed for purposes of delay.

“(ii) COMPENSATION FOR LOST WAGES RESULTING FROM GOVERNMENT ERROR OR OMISSION.—

“(I) IN GENERAL.—If, upon consideration of an appeal of a final nonconfirmation, the Secretary determines that the final nonconfirmation was issued in error, the Secretary shall further determine whether the final nonconfirmation was the result of government error or omission. If the Secretary determines that the final nonconfirmation was solely the result of government error or omission and the individual was terminated from employment, the Secretary shall compensate the individual for lost wages.

“(II) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage

rate and work schedule that were in effect prior to the individual's termination. The individual shall be compensated for lost wages beginning on the first scheduled work day after employment was terminated and ending 90 days after completion of the administrative review process described in this subparagraph or the day the individual is reinstated or obtains other employment, whichever occurs first.

“(III) LIMITATION ON COMPENSATION.—No compensation for lost wages shall be awarded for any period during which the individual was not authorized for employment in the United States.

“(IV) SOURCE OF FUNDS.—There is established in the general fund of the Treasury, a separate account which shall be known as the ‘Electronic Verification Compensation Account’. Fees collected under subsections (f) and (g) shall be deposited in the Electronic Verification Compensation Account and shall remain available for purposes of providing compensation for lost wages under this subclause.

“(iii) JUDICIAL REVIEW.—Not later than 30 days after the dismissal of an appeal under this subparagraph, an individual may seek judicial review of such dismissal in the United States District Court in the jurisdiction in which the employer resides or conducts business.

“(5) RETENTION OF VERIFICATION RECORDS.—

“(A) IN GENERAL.—After completing the form designated by the Secretary in accordance with paragraphs (1) and (2), the person or entity shall retain the form in paper, microfiche, microfilm, electronic, or other format deemed acceptable by the Secretary, and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the verification is completed and ending on the later of—

“(i) the date that is 3 years after the date of hire; or

“(ii) the date that is 1 year after the date on which the individual's employment is terminated.

“(B) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, a person or entity may copy a document presented by an individual pursuant to this section and may retain the copy, but only for the purpose of complying with the requirements of this section.

“(c) REVERIFICATION OF PREVIOUSLY HIRED INDIVIDUALS.—

“(1) MANDATORY REVERIFICATION.—In the case of a person or entity that uses the System for the hiring, recruiting, or referring for a fee an individual for employment in the United States, the person or entity shall submit an inquiry using the System to verify the identity and employment authorization of—

“(A) an individual with a limited period of employment authorization, within 3 business days before the date on which such employment authorization expires; and

“(B) an individual, not later than 10 days after receiving a notification from the Secretary requiring the verification of such individual pursuant to subsection (a)(4)(C).

“(2) REVERIFICATION PROCEDURES.—The verification procedures under subsection (b) shall apply to reverifications under this subsection, except that employers shall—

“(A) use a form designated by the Secretary for purposes of this paragraph; and

“(B) retain the form in paper, microfiche, microfilm, electronic, or other format deemed acceptable by the Secretary, and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the reverification commences and ending on the later of—

“(i) the date that is 3 years after the date of reverification; or

“(ii) the date that is 1 year after the date on which the individual's employment is terminated.

“(3) **LIMITATION ON REVERIFICATION.**—Except as provided in paragraph (1), a person or entity may not otherwise reverify the identity and employment authorization of a current employee, including an employee continuing in employment.

“(d) **GOOD FAITH COMPLIANCE.**—

“(1) **IN GENERAL.**—Except as otherwise provided in this subsection, a person or entity that uses the System is considered to have complied with the requirements of this section notwithstanding a technical failure of the System, or other technical or procedural failure to meet such requirement if there was a good faith attempt to comply with the requirement.

“(2) **EXCEPTION FOR FAILURE TO CORRECT AFTER NOTICE.**—Paragraph (1) shall not apply if—

“(A) the failure is not *de minimis*;

“(B) the Secretary has provided notice to the person or entity of the failure, including an explanation as to why it is not *de minimis*;

“(C) the person or entity has been provided a period of not less than 30 days (beginning after the date of the notice) to correct the failure; and

“(D) the person or entity has not corrected the failure voluntarily within such period.

“(3) **EXCEPTION FOR PATTERN OR PRACTICE VIOLATORS.**—Paragraph (1) shall not apply to a person or entity that has engaged or is engaging in a pattern or practice of violations of paragraph (1)(A) or (2) of section 274A(a).

“(4) **DEFENSE.**—In the case of a person or entity that uses the System for the hiring, recruiting, or referring for a fee an individual for employment in the United States, the person or entity shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local criminal or civil law, for any employment-related action taken with respect to an employee in good-faith reliance on information provided by the System. Such person or entity shall be deemed to have established compliance with its obligations under this section, absent a showing by the Secretary, by clear and convincing evidence, that the employer had knowledge that an employee is an unauthorized alien.

“(e) **LIMITATIONS.**—

“(1) **NO NATIONAL IDENTIFICATION CARD.**—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

“(2) **USE OF RECORDS.**—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, database, or other records assembled under this section for any purpose other than the verification of identity and employment authorization of an individual or to ensure the secure, appropriate, and non-discriminatory use of the System.

“(f) **PENALTIES.**—

“(1) **IN GENERAL.**—Except as provided in this subsection, the provisions of subsections (e) through (g) of section 274A shall apply with respect to compliance with the provisions of this section and penalties for non-compliance for persons or entities that use the System.

“(2) **CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTIES FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.**—Notwithstanding the civil money penalties set forth in section 274A(e)(4), with respect to a violation of paragraph (1)(A) or (2) of section 274A(a) by a person or entity that has hired, recruited, or referred for a fee, an individual for employment in the United States, a cease and desist order—

“(A) shall require the person or entity to pay a civil penalty in an amount, subject to subsection (d), of—

“(i) not less than \$2,500 and not more than \$5,000 for each unauthorized alien with respect to whom a violation of either such subsection occurred;

“(ii) not less than \$5,000 and not more than \$10,000 for each such alien in the case of a person or entity previously subject to one order under this paragraph; or

“(iii) not less than \$10,000 and not more than \$25,000 for each such alien in the case of a person or entity previously subject to more than one order under this paragraph; and

“(B) may require the person or entity to take such other remedial action as appropriate.

“(3) **ORDER FOR CIVIL MONEY PENALTY FOR VIOLATIONS.**—With respect to a violation of section 274A(a)(1)(B), the order under this paragraph shall require the person or entity to pay a civil penalty in an amount, subject to paragraphs (4), (5), and (6), of not less than \$1,000 and not more than \$25,000 for each individual with respect to whom such violation occurred. Failure by a person or entity to utilize the System as required by law or providing information to the System that the person or entity knows or reasonably believes to be false, shall be treated as a violation of section 274A(a)(1)(A).

“(4) **EXEMPTION FROM PENALTY FOR GOOD FAITH VIOLATION.**—

“(A) **IN GENERAL.**—A person or entity that uses the System is presumed to have acted with knowledge for purposes of paragraphs (1)(A) and (2) of section 274A(a) if the person or entity fails to make an inquiry to verify the identity and employment authorization of the individual through the System.

“(B) **GOOD FAITH EXEMPTION.**—In the case of imposition of a civil penalty under paragraph (2)(A) with respect to a violation of paragraph (1)(A) or (2) of section 274A(a) for hiring or continuation of employment or recruitment or referral by a person or entity, and in the case of imposition of a civil penalty under paragraph (3) for a violation of section 274A(a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the person or entity establishes that the person or entity acted in good faith.

“(5) **MITIGATION ELEMENTS.**—For purposes of paragraphs (2)(A) and (3), when assessing the level of civil money penalties, in addition to the good faith of the person or entity being charged, due consideration shall be given to the size of the business, the seriousness of the violation, whether or not the individual was an unauthorized alien, and the history of previous violations.

“(6) **CRIMINAL PENALTY.**—Notwithstanding section 274A(f)(1) and the provisions of any other Federal law relating to fine levels, any person or entity that is required to comply with the provisions of this section and that engages in a pattern or practice of violations of paragraph (1) or (2) of section 274A(a), shall be fined not more than \$5,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 18 months, or both.

“(7) **ELECTRONIC VERIFICATION COMPENSATION ACCOUNT.**—Civil money penalties collected under this subsection shall be deposited in the Electronic Verification Compensation Account for the purpose of compensating individuals for lost wages as a result of a final nonconfirmation issued by the System that was based on government error or omission, as set forth in subsection (b)(4)(F)(ii)(IV).

“(8) **DEBARMENT.**—

“(A) **IN GENERAL.**—If a person or entity is determined by the Secretary to be a repeat violator of paragraph (1)(A) or (2) of section 274A(a) or is convicted of a crime under section 274A, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation.

“(B) **NO CONTRACT, GRANT, AGREEMENT.**—If the Secretary or the Attorney General wishes to have a person or entity considered for debar-

ment in accordance with this paragraph, and such a person or entity does not hold a Federal contract, grant or cooperative agreement, the Secretary or Attorney General shall refer the matter to the Administrator of General Services to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

“(C) **CONTRACT, GRANT, AGREEMENT.**—If the Secretary or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such person or entity holds a Federal contract, grant, or cooperative agreement, the Secretary or Attorney General shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the person or entity of the Government's interest in having the person or entity considered for debarment, and after soliciting and considering the views of all such agencies and departments, the Secretary or Attorney General may refer the matter to the appropriate lead agency to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

“(D) **REVIEW.**—Any decision to debar a person or entity in accordance with this subsection shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation.

“(9) **PREEMPTION.**—The provisions of this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, relating to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens, except that a State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the System as required under this section.

“(g) **UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES AND THE SYSTEM.**—

“(1) **IN GENERAL.**—In addition to the prohibitions on discrimination set forth in section 274B, it is an unfair immigration-related employment practice for a person or entity, in the course of utilizing the System—

“(A) to use the System for screening an applicant prior to the date of hire;

“(B) to terminate the employment of an individual or take any adverse employment action with respect to that individual due to a tentative nonconfirmation issued by the System;

“(C) to use the System to screen any individual for any purpose other than confirmation of identity and employment authorization as provided in this section;

“(D) to use the System to verify the identity and employment authorization of a current employee, including an employee continuing in employment, other than reverification authorized under subsection (c);

“(E) to use the System to discriminate based on national origin or citizenship status;

“(F) to willfully fail to provide an individual with any notice required under this title;

“(G) to require an individual to make an inquiry under the self-verification procedures described in subsection (a)(4)(B) or to provide the results of such an inquiry as a condition of employment, or hiring, recruiting, or referring; or

“(H) to terminate the employment of an individual or take any adverse employment action with respect to that individual based upon the need to verify the identity and employment authorization of the individual as required by subsection (b).

“(2) **PREEMPLOYMENT SCREENING AND BACKGROUND CHECK.**—Nothing in paragraph (1)(A) shall be construed to preclude a preemployment screening or background check that is required or permitted under any other provision of law.

“(3) **CIVIL MONEY PENALTIES FOR DISCRIMINATORY CONDUCT.**—Notwithstanding section 274B(g)(2)(B)(iv), the penalties that may be imposed by an administrative law judge with respect to a finding that a person or entity has

engaged in an unfair immigration-related employment practice described in paragraph (1) are—

“(A) not less than \$1,000 and not more than \$4,000 for each individual discriminated against;“(B) in the case of a person or entity previously subject to a single order under this paragraph, not less than \$4,000 and not more than \$10,000 for each individual discriminated against; and

“(C) in the case of a person or entity previously subject to more than one order under this paragraph, not less than \$6,000 and not more than \$20,000 for each individual discriminated against.

“(4) **ELECTRONIC VERIFICATION COMPENSATION ACCOUNT.**—Civil money penalties collected under this subsection shall be deposited in the Electronic Verification Compensation Account for the purpose of compensating individuals for lost wages as a result of a final nonconfirmation issued by the System that was based on government error or omission, as set forth in subsection (b)(4)(F)(ii)(IV).

“(h) **CLARIFICATION.**—All rights and remedies provided under any Federal, State, or local law relating to workplace rights, including but not limited to back pay, are available to an employee despite—

“(1) the employee's status as an unauthorized alien during or after the period of employment; or

“(2) the employer's or employee's failure to comply with the requirements of this section.

“(i) **DEFINITION.**—In this section, the term ‘date of hire’ means the date on which employment for pay or other remuneration commences.”.

(b) **CONFORMING AMENDMENT.**—The table of contents for the Immigration and Nationality Act is amended by inserting after the item relating to section 274D the following:

“Sec. 274E. Requirements for the electronic verification of employment eligibility.”.

#### **SEC. 302. MANDATORY ELECTRONIC VERIFICATION FOR THE AGRICULTURAL INDUSTRY.**

(a) **IN GENERAL.**—The requirements for the electronic verification of identity and employment authorization described in section 274E of the Immigration and Nationality Act, as inserted by section 301 of this Act, shall apply to a person or entity hiring, recruiting, or referring for a fee an individual for agricultural employment in the United States in accordance with the effective dates set forth in subsection (b).

(b) **EFFECTIVE DATES.**—

(1) **HIRING.**—Subsection (a) shall apply to a person or entity hiring an individual for agricultural employment in the United States as follows:

(A) With respect to employers having 500 or more employees in the United States on the date of the enactment of this Act, on the date that is 6 months after completion of the application period described in section 101(c).

(B) With respect to employers having 100 or more employees in the United States (but less than 500 such employees) on the date of the enactment of this Act, on the date that is 9 months after completion of the application period described in section 101(c).

(C) With respect to employers having 20 or more employees in the United States (but less than 100 such employees) on the date of the enactment of this Act, on the date that is 12 months after completion of the application period described in section 101(c).

(D) With respect to employers having 1 or more employees in the United States, (but less than 20 such employees) on the date of the enactment of this Act, on the date that is 15 months after completion of the application period described in section 101(c).

(2) **RECRUITING AND REFERRING FOR A FEE.**—Subsection (a) shall apply to a person or entity

recruiting or referring for a fee an individual for agricultural employment in the United States on the date that is 12 months after completion of the application period described in section 101(c).

(3) **TRANSITION RULE.**—Except as required under subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) (as in effect on the day before the effective date described in section 303(a)(4)), Executive Order 13465 (8 U.S.C. 1324a note; relating to Government procurement), or any State law requiring persons or entities to use the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) (as in effect on the day before the effective date described in section 303(a)(4)), sections 274A and 274B of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324b) shall apply to a person or entity hiring, recruiting, or referring an individual for employment in the United States until the applicable effective date under this subsection.

(4) **E-VERIFY VOLUNTARY USERS AND OTHERS DESIRING EARLY COMPLIANCE.**—Nothing in this subsection shall be construed to prohibit persons or entities, including persons or entities that have voluntarily elected to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) (as in effect on the day before the effective date described in section 303(a)(4)), from seeking early compliance on a voluntary basis.

(c) **RURAL ACCESS TO ASSISTANCE FOR TENTATIVE NONCONFIRMATION REVIEW PROCESS.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall coordinate with the Secretary of Agriculture, in consultation with the Commissioner of Social Security, to create a process for individuals to seek assistance in contesting a tentative nonconfirmation as described in section 274E(b)(4)(D) of the Immigration and Nationality Act, as inserted by section 301 of this Act, at local offices or service centers of the U.S. Department of Agriculture.

(2) **STAFFING AND RESOURCES.**—The Secretary of Homeland Security and Secretary of Agriculture shall ensure that local offices and service centers of the U.S. Department of Agriculture are staffed appropriately and have the resources necessary to provide information and support to individuals seeking the assistance described in paragraph (1), including by facilitating communication between such individuals and the Department of Homeland Security or the Social Security Administration.

(3) **CLARIFICATION.**—Nothing in this subsection shall be construed to delegate authority or transfer responsibility for reviewing and resolving tentative nonconfirmations from the Secretary of Homeland Security and the Commissioner of Social Security to the Secretary of Agriculture.

(d) **DOCUMENT ESTABLISHING EMPLOYMENT AUTHORIZATION AND IDENTITY.**—In accordance with section 274E(b)(3)(A)(vii) of the Immigration and Nationality Act, as inserted by section 301 of this Act, and not later than 12 months after the completion of the application period described in section 101(c) of this Act, the Secretary of Homeland Security shall recognize documentary evidence of certified agricultural worker status described in section 102(a)(2) of this Act as valid proof of employment authorization and identity for purposes of section 274E(b)(3)(A) of the Immigration and Nationality Act, as inserted by section 301 of this Act.

(e) **AGRICULTURAL EMPLOYMENT.**—For purposes of this section, the term “agricultural employment” means agricultural labor or services, as defined by section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by this Act.

#### **SEC. 303. COORDINATION WITH E-VERIFY PROGRAM.**

(a) **REPEAL.**—

(1) **IN GENERAL.**—Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections, in section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, is amended by striking the items relating to subtitle A of title IV.

(3) **REFERENCES.**—Any reference in any Federal, State, or local law, Executive order, rule, regulation, or delegation of authority, or any document of, or pertaining to, the Department of Homeland Security, Department of Justice, or the Social Security Administration, to the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), or to the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), is deemed to refer to the employment eligibility confirmation system established under section 274E of the Immigration and Nationality Act, as inserted by section 301 of this Act.

(4) **EFFECTIVE DATE.**—This subsection, and the amendments made by this subsection, shall take effect on the date that is 30 days after the date on which final rules are published under section 309(a).

(b) **FORMER E-VERIFY MANDATORY USERS, INCLUDING FEDERAL CONTRACTORS.**—Beginning on the effective date in subsection (a)(4), the Secretary of Homeland Security shall require employers required to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) by reason of any Federal, State, or local law, Executive order, rule, regulation, or delegation of authority, including employers required to participate in such program by reason of Federal acquisition laws (and regulations promulgated under those laws, including the Federal Acquisition Regulation), to comply with the requirements of section 274E of the Immigration and Nationality Act, as inserted by section 301 of this Act (and any additional requirements of such Federal acquisition laws and regulation) in lieu of any requirement to participate in the E-Verify Program.

(c) **FORMER E-VERIFY VOLUNTARY USERS.**—Beginning on the effective date in subsection (a)(4), the Secretary of Homeland Security shall provide for the voluntary compliance with the requirements of section 274E of the Immigration and Nationality Act, as inserted by section 301 of this Act, by employers voluntarily electing to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) before such date.

#### **SEC. 304. FRAUD AND MISUSE OF DOCUMENTS.**

Section 1546(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “identification document,” and inserting “identification document or document meant to establish employment authorization,”;

(2) in paragraph (2), by striking “identification document” and inserting “identification document or document meant to establish employment authorization,”; and

(3) in the matter following paragraph (3) by inserting “or section 274E(b)” after “section 274A(b)”.

#### **SEC. 305. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) **UNLAWFUL EMPLOYMENT OF ALIENS.**—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in paragraph (1)(B)(ii) of subsection (a), by striking “subsection (b).” and inserting “section 274B.”; and

(2) in the matter preceding paragraph (1) of subsection (b), by striking “The requirements referred” and inserting “Except as provided in section 274E, the requirements referred”.

(b) **UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.**—Section 274B(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(1)) is amended in the matter preceding subparagraph (A), by inserting “including misuse of the verification system as described in section 274E(g)” after “referral for a fee.”

**SEC. 306. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.**

(a) **FUNDING UNDER AGREEMENT.**—Effective for fiscal years beginning on or after October 1, 2019, the Commissioner and the Secretary shall ensure that an agreement is in place which shall—

(1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner with respect to employment eligibility verification, including under this title and the amendments made by this title, and including—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of such responsibilities, but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation or administratively appeal a final nonconfirmation provided with respect to employment eligibility verification;

(2) provide such funds annually in advance of the applicable quarter based on an estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Inspectors General of the Social Security Administration and the Department of Homeland Security.

(b) **CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.**—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2019, has not been reached as of October 1 of such fiscal year, the latest agreement described in such subsection shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system. In any case in which an interim agreement applies for any fiscal year under this subsection, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Finance, the Committee on the Judiciary, and the Committee on Appropriations of the Senate of the failure to reach the agreement required under subsection (a) for such fiscal year. Until such time as the agreement required under subsection (a) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

**SEC. 307. REPORT ON THE IMPLEMENTATION OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.**

Not later than 24 months after the date on which final rules are published under section 309(a), and annually thereafter, the Secretary shall submit to Congress a report that includes the following:

(1) An assessment of the accuracy rates of the responses of the electronic employment verification system established under section 274E of the Immigration and Nationality Act, as inserted by section 301 of this Act (referred to in

this section as the “System”), including tentative and final nonconfirmation notices issued to employment-authorized individuals and confirmation notices issued to individuals who are not employment-authorized.

(2) An assessment of any challenges faced by persons or entities (including small employers) in utilizing the System.

(3) An assessment of any challenges faced by employment-authorized individuals who are issued tentative or final nonconfirmation notices.

(4) An assessment of the incidence of unfair immigration-related employment practices, as described in section 274E(g) of the Immigration and Nationality Act, as inserted by section 301 of this Act, related to the use of the System.

(5) An assessment of the photo matching and other identity authentication tools, as described in section 274E(a)(4) of the Immigration and Nationality Act, as inserted by section 301 of this Act, including—

(A) an assessment of the accuracy rates of such tools;

(B) an assessment of the effectiveness of such tools at preventing identity fraud and other misuse of identifying information;

(C) an assessment of any challenges faced by persons, entities, or individuals utilizing such tools; and

(D) an assessment of operation and maintenance costs associated with such tools.

(6) A summary of the activities and findings of the U.S. Citizenship and Immigration Services E-Verify Monitoring and Compliance Branch, or any successor office, including—

(A) the number, types and outcomes of audits, investigations, and other compliance activities initiated by the Branch in the previous year;

(B) the capacity of the Branch to detect and prevent violations of section 274E(g) of the Immigration and Nationality Act, as inserted by this Act; and

(C) an assessment of the degree to which persons and entities misuse the System, including—

(i) use of the System before an individual's date of hire;

(ii) failure to provide required notifications to individuals;

(iii) use of the System to interfere with or otherwise impede individuals' assertions of their rights under other laws; and

(iv) use of the System for unauthorized purposes; and

(7) An assessment of the impact of implementation of the System in the agricultural industry and the use of the verification system in agricultural industry hiring and business practices.

**SEC. 308. MODERNIZING AND STREAMLINING THE EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.**

Not later than 12 months after the date of the enactment of this Act, the Secretary, in consultation with the Commissioner, shall submit to Congress a plan to modernize and streamline the employment eligibility verification process that shall include—

(1) procedures to allow persons and entities to verify the identity and employment authorization of newly hired individuals where the in-person, physical examination of identity and employment authorization documents is not practicable;

(2) a proposal to create a simplified employment verification process that allows employers that utilize the employment eligibility verification system established under section 274E of the Immigration and Nationality Act, as inserted by section 301 of this Act, to verify the identity and employment authorization of individuals without also having to complete and retain Form I-9, Employment Eligibility Verification, or any subsequent replacement form; and

(3) any other proposal that the Secretary determines would simplify the employment eligibility verification process without compromising the integrity or security of the system.

**SEC. 309. RULEMAKING AND PAPERWORK REDUCTION ACT.**

(a) **IN GENERAL.**—Not later than 180 days prior to the end of the application period defined in section 101(c) of this Act, the Secretary shall publish in the Federal Register proposed rules implementing this title and the amendments made by this title. The Secretary shall finalize such rules not later than 180 days after the date of publication.

(b) **PAPERWORK REDUCTION ACT.**—

(1) **IN GENERAL.**—The requirements under chapter 35 of title 44, United States Code, (commonly known as the “Paperwork Reduction Act”) shall apply to any action to implement this title or the amendments made by this title.

(2) **ELECTRONIC FORMS.**—All forms designated or established by the Secretary that are necessary to implement this title and the amendments made by this title shall be made available in paper and electronic formats, and shall be designed in such a manner to facilitate electronic completion, storage, and transmittal.

(3) **LIMITATION ON USE OF FORMS.**—All forms designated or established by the Secretary that are necessary to implement this title, and the amendments made by this title, and any information contained in or appended to such forms, may not be used for purposes other than for enforcement of this Act and any other provision of Federal criminal law.

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 the Judiciary.

The gentleman from New York (Mr. NADLER) and the gentleman from Colorado (Mr. BUCK) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

**GENERAL LEAVE**

Mr. NADLER. 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. 5038.

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

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, H.R. 5038, the Farm Workforce Modernization Act, is vital legislation that will address an issue of critical national importance: the growing labor challenges damaging the American agricultural sector.

Solving this issue is crucial not only from an economic standpoint, but, also, it is a matter of national security. The less we grow our own food, the more dependent we become on food imports and the more vulnerable we become to food contamination, epidemics, fluctuating market prices, and increased national debt.

Today, food imports account for approximately 32 percent of the fresh vegetables and 55 percent of the fresh fruit that we consume.

□ 1445

Systemic labor challenges are one of the main reasons for this increase in agricultural imports.

The United States has seen a continuing decline in the number of family farmworkers and fewer U.S. workers

are turning to farm work as their chosen pursuit. As a result, most of today's hired farm laborers are foreign-born.

Unfortunately, our immigration laws have not been updated to reflect the needs of our 21st century economy. Due in large part to these outdated laws, undocumented workers now comprise about half of the farm workforce, but they are living and working in a state of uncertainty and fear, which contributes to the destabilization of farms across the Nation.

H.R. 5038 addresses these challenges head-on. The bill provides temporary status to current farmworkers with an optional path to a green card for those who continue to work in agriculture. The bill also addresses the Nation's future labor needs by modernizing the H-2A temporary visa program while ensuring fair wages and workplace conditions for all farmworkers.

We have seen many attempts to solve this issue through legislation while I have been in Congress. I am pleased that today, we finally have a bipartisan, balanced solution, one that we should all be able to support.

This bill is a victory for farmers who have struggled with persistent labor challenges for decades. It is also a victory for farmworkers, who have worked tirelessly to grow and harvest food for our Nation without proper labor protections or any guarantee that they can remain in this country. No acceptable solution can fail to deal with this reality.

That is why H.R. 5038 is the right solution. I hope my colleagues will find the courage to vote today in favor of providing a seat at America's table for those who are responsible for providing the food that we serve on all our tables.

I thank the gentlewoman from California (Ms. LOFGREN), my friend and colleague, and the chair of the Immigration Subcommittee, for her leadership and steadfast commitment to the bipartisan process that led to today's vote on the Farm Workforce Modernization Act, and I urge all of my colleagues to do what is right and to support this bill.

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

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, December 9, 2019.

Hon. JERROLD NADLER,  
Chairman, Committee on the Judiciary,  
Washington, DC.

DEAR CHAIRMAN NADLER: In recognition of the desire to expedite consideration of H.R. 5038, the "Farm Workforce Modernization Act of 2019," the Committee on Ways and Means agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee on Ways and Means.

The Committee on Ways and Means takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so

that we may address any remaining issues within our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

Finally, I would appreciate your response to this letter confirming this understanding and would ask that a copy of our exchange of letter on this matter be included in the Congressional Record during floor consideration of H.R. 5038.

Sincerely,

RICHARD E. NEAL,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, December 10, 2019.

Hon. RICHARD NEAL,  
Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN NEAL: I am writing to acknowledge your letter dated December 9, 2019 responding to our request to your Committee that it waive any jurisdictional claims over the matters contained in H.R. 5038, the "Farm Workforce Modernization Act of 2019," that fall within your Committee's Rule X jurisdiction. The Committee on the Judiciary confirms our mutual understanding that your Committee does not waive any jurisdiction over the subject matter contained in this or similar legislation, and your Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within your Committee's jurisdiction.

I will ensure that this exchange of letters is included in the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

JERROLD NADLER,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, December 9, 2019.

Hon. JERROLD NADLER,  
Chairman, Committee on the Judiciary,  
Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 5038, the "Farm Workforce Modernization Act of 2019." After reviewing the provisions in H.R. 5038 that fall within the Committee's jurisdiction, I agree to forgo formal consideration of the bill so that it may proceed expeditiously to the House Floor.

The Committee on Financial Services takes this action to forego formal consideration of H.R. 5038 with our mutual understanding that, by foregoing formal consideration of H.R. 5038 at this time, the Committee does not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this, or similar, legislation moves forward. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this, or similar, legislation and request your support for any such request.

I would appreciate your response to this letter confirming this understanding, and, I would also ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration of H.R. 5038.

Sincerely,

MAXINE WATERS,  
Chairwoman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, December 10, 2019.

Hon. MAXINE WATERS,  
Chairwoman, Committee on Financial Services,  
House of Representatives, Washington, DC.

DEAR CHAIRWOMAN WATERS: I am writing to acknowledge your letter dated December 9, 2019 responding to our request to your Committee that it waive any jurisdictional claims over the matters contained in H.R. 5038, the "Farm Workforce Modernization Act of 2019," that fall within your Committee's Rule X jurisdiction. The Committee on the Judiciary confirms our mutual understanding that your Committee does not waive any jurisdiction over the subject matter contained in this or similar legislation, and your Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within your Committee's jurisdiction.

I will ensure that this exchange of letters is included in the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

JERROLD NADLER,  
Chairman.

Mr. NADLER. Mr. Speaker, I ask for unanimous consent that the gentlewoman from California (Ms. LOFGREN) control the remainder of the time on the majority side.

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

There was no objection.

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

I rise to discuss the Farm Workforce Modernization Act this afternoon.

As I said during last month's Committee on the Judiciary markup, this is an issue that is of great importance to me and to my district in eastern Colorado. Colorado is home to one of the largest agricultural economies in the country. I like to remind my colleagues, we have some of the best melons in the world in southeast Colorado, and no one bypasses a good Colorado steak, but to get this food to the table, our farmers and ranchers need help.

I have heard countless times how our farmers struggle to find reliable workers to plant and harvest crops. As we said during our committee markup, my Republican colleagues and I are committed to crafting a solution that ensures our Nation's agricultural employers have a stable labor supply.

I appreciate my friends' work to solve a clear problem, especially Chairperson LOFGREN, Representative NEWHOUSE, Representative PANETTA, Representative LAMALFA, and many other Members. I appreciate their efforts to craft a solution that gives our agricultural employers the labor, supply, and resources they need to keep America the world's breadbasket. But this bill before us today is not the answer.

My colleagues will tell you how they have taken our concerns to heart and

have worked to make the bill better, but this bill is still the same fundamentally flawed bill that came before us in the Committee on the Judiciary a few weeks ago. What is worse is that House leadership put this bill on the floor under a closed rule without an amendment process. There are a number of problems with the bill that a rigorous debate and thoughtful amendments could address, but that will not be happening today.

Most notably, we don't have the slightest idea of how many individuals this bill will put on a pathway to citizenship. And while I would like to think that all of our agricultural workers are trustworthy, good people, we don't have any way to verify that before granting certified agricultural work status.

The chairperson will assert that aliens seeking status under the bill will need to have a clean record in order to be put on a pathway to citizenship, but this simply is not true. H.R. 5038 allows an illegal alien to receive certified agricultural worker status and get on a pathway to citizenship even if they have been convicted of two crimes involving moral turpitude, controlled substance violations, or if they were involved in prostitution or trafficking. The bill also permits an individual to receive status after being convicted of two misdemeanors with a third conviction pending.

We saw the Democrats vote down an amendment from Representative CHABOT that would have made an alien ineligible for amnesty if they are charged with two DUI's or one DUI with an injury. You can't tell me that you are serious about ensuring only people with clean records take advantage of this system if you reject amendments that bar criminals from taking advantage of our system.

Additionally, H.R. 5038 allows individuals to apply for legal status and a work permit, which is not limited to agricultural industries, with little more than an affidavit claiming that the individual worked unlawfully in this country for 1,035 hours or 180 workdays over the past 2 years. This means applicants will have worked less than 6 hours per day for less than 4 months over a 2-year period.

I appreciate that my colleagues heard my concerns and changed the overall standard for petitioning to a higher standard preponderance of evidence; however, the underlying provisions haven't changed. The bill still allows an individual petitioning for status to meet that preponderance burden by providing documents, including their own affidavit of work history as long as those documents meet a just and reasonable inference standard.

Let me remind everyone here that existing case law finds that just and reasonable inference standard essentially requires adjudicators to accept a petition based on nothing more than an individual's word. This is the same evidentiary standard unsuccessfully used

in the 1986 special agricultural worker legalization bill, which led to widespread fraud, and even amnesty, for one of the World Trade Center bombers. He wasn't an agricultural worker at all, but a taxi driver in New York City.

Unfortunately, while I appreciate the chairperson's effort to work with me here, this change won't solve these problems. My friends on the other side of the aisle also rejected Representative ARMSTRONG's amendment that would specify that certified agricultural workers would only be eligible to work in agriculture. While the individual may receive status as an agricultural worker, there is no guarantee that they won't immediately find a job in another industry as soon as possible.

Additionally, the bill does nothing to stop potential Social Security fraud. Individuals who have been fraudulently using a valid Social Security number, sometimes for many years, to obtain a work status and benefits, will get off without even so much as a slap on the wrist.

Furthermore, this bill fails our adjudicators at USCIS by preventing them from accessing the most comprehensive background check databases when determining whether an applicant for certified agricultural worker status poses a public safety risk. We need to ensure our investigators have all the information they need to ensure that we are not allowing felons and violent individuals to remain in the country.

The bill also provides a handout to the trial attorneys and presents an increased risk of litigation for agricultural employers by giving H-2A workers a Federal private right of action. This provision ignores the current H-2A program's existing administrative process to address employment claims and fails to provide employers the opportunity to cure violations before a suit may go forward. This is fundamentally unfair to the hardworking farmers, growers, and ranchers who care about their employees.

I ask my colleagues: Would you prefer having the problem fixed or you just want to give trial attorneys another opportunity to sue?

Finally, the bill fails to achieve the desired results on a number of provisions that have the potential to truly help our agricultural employers. The authors promised to streamline the application process, address wage problems, and provide year-round industries a lasting labor solution. The bill streamlines data entry for H-2A applications but does nothing to encourage concurrent agency review of H-2A applications. This essentially speeds up data entry but keeps the adjudication process exactly the same.

I appreciate that my colleagues codified H-2A procedures and included a pool of 20,000 visas for year-round industries, including dairy farmers and sheep and goat herders, but this falls far short of industry's needs and fails to fix the problematic version of existing law.

Once again, I am glad that my colleagues are trying to solve this problem. I truly want to support the farmers, growers, dairymen, and ranchers in my district and throughout the country. We need to find a solution that ensures our agricultural employers have a reliable labor pool. My colleagues and I want to strike an Ag labor agreement; unfortunately, this bill is fatally flawed, and I must oppose it in its current form.

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

Ms. LOFGREN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in strong support of this bill today. I am proud of the bipartisan work that was done to get us to this point. Representatives NEWHOUSE, SIMPSON, LAMALFA, DIAZ-BALART, UPTON—so many others on the Republican side—here: PANETTA, PETERSON, CARBAJAL, COX, HARDER, CORREA, COSTA, ESCOBAR—I better stop because there are more people who toiled on this legislation for almost a year.

Now, it is not always easy to find common ground even when you have a common goal, but if you listen to each other, if you work hard, you can get it done. We have been several decades in failing to accomplish anything in this arena. This is a chance to solve a problem for America that needs a solution.

It is the product of bipartisan negotiation, and I will say, also amongst stakeholders. We have the United Farm Workers Union meeting and discussing points of concern with growers and farmers all across the United States.

You know, I grew up in a union household, and I was taught to respect collective bargaining. And when it comes to wages, hours, and working conditions, the union and all those employers had a robust discussion, and our bipartisan group decided to respect the work that they put into it.

This bill is a compromise. It is not exactly what I would have written, but it does stabilize the workforce. We have farmworkers who have been here for a very long time without their papers, living in fear, and in some cases, being arrested and deported. We need to allow them to get an agricultural worker visa that is temporary and renewable so they can do the work we need them to do and that their employers need them to do.

We also need to stabilize the H-2A program, which this bill does. It simplifies and it also stabilizes wages. It is a good solution and one of the things we have always said—those of us who think the immigration laws ought to be reformed—is when you have a workable system, you ought to be willing to enforce that system.

And so what we have in this bill is when these agricultural reforms are implemented, we will institute the E-Verify program on the agricultural sector. And I think that is the right thing to do.

Now, the ranking member of the subcommittee has raised a couple of



issues, and I want to deal with them just briefly. You know, we have robust protections against criminality in this bill. And I would like to note, that the bars that we have put into this bill are substantially more than was in the bill proposed by Representative Goodlatte that most Republicans voted for in the last Congress. He didn't have anything additional. We do. We have security bars; we have criminal bars that are additional.

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

Ms. LOFGREN. Mr. Speaker, I yield myself an additional 15 seconds.

Mr. Speaker, any felony conviction, any aggravated felony conviction, more than two misdemeanors of any kind, we have the ability in the Department of Homeland Security to simply deny the visa if there is any concern about the conduct of the applicant.

Mr. Speaker, this is a good bill. We should support it, and I reserve the balance of my time.

Mr. BUCK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCCLINTOCK), my friend.

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

Mr. Speaker, history warns us that nations which either cannot or will not secure their borders simply aren't around very long. And if we will not enforce our immigration laws, our borders mean nothing. America ceases to become a unique nation and simply becomes a vast international territory between Canada and Mexico.

Now, I understand agriculture's need for labor, especially in so tight a labor market as our blossoming Trump economy has created. Years ago, the Bracero program provided a means for seasonal laborers to come to America, be protected under our laws, and provided with a powerful incentive to return in the form of a significant financial deposit when the season ended, but that program can only work when our immigration laws are being uniformly enforced.

Instead, this bill ignores enforcement and rewards anyone who has illegally crossed our borders, both with amnesty and a special path to citizenship, as long as they claim to have worked part-time in the agriculture sector for the last 2 years.

□ 1500

It then rewards them with a pathway to citizenship, allowing them to cut in line in front of every legal immigrant who has obeyed our laws, waited patiently in line, and done everything our country has asked.

As a practical matter, we can expect claimants will have very little or even no scrutiny to the veracity of their claims. We can expect that, once achieving amnesty, they will then leave the fields for higher-paid employment in direct competition with American workers. And we can expect a new wave of illegal immigrants coming

here to take their places with the full expectation that they too will ultimately be rewarded with amnesty and citizenship.

There is a much better way to resolve this issue. Secure our borders, uniformly enforce our immigration laws, and provide foreign seasonal labor with the opportunity to work and the incentive to return to their countries when that work is done. And if they wish to become American citizens, we ask that they follow the law, as millions of legal immigrants have done throughout our history.

Ms. LOFGREN. Mr. Speaker, I would just note that we write the laws, and we get to decide who can come and who can't come, and that is what this bill does.

I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE), a member of the Judiciary Committee.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentlewoman for her leadership. And having been the ranking member of the Immigration and Citizenship Subcommittee over the years, I understand the momentous task and the excellent work that has been done.

This bill does what Republicans have always asked: For immigrants to work, for people to seek status; it provides status to hardworking agricultural workers. It provides them a certified agricultural worker status.

They undergo background checks and pass strict criminal and national security bars. They have the opportunity to access the line to citizenship. They don't get in front of others. They are protected from reckless deportation.

The industry is protected, the farm industry, the production of food is protected.

I am delighted that my amendment regarding temporary protected status that impacts Hondurans, Haitians, and others—and also, as I attempt to work on TPS for our Guatemalan friends, this bill ensures the fair way to deal with farmworkers.

It stops the outrage of deportation. It stops the outrage of threat, and it does what Cesar Chavez says, that we cannot have achievement and forget our progress and prosperity for our community. It honors their work.

I ask my colleagues to support H.R. 5038.

Mr. Speaker, I rise in strong support of H.R. 5038, the Agricultural Worker Program Act.

This legislation will stabilize the agricultural sector and preserve our rural heritage by ensuring that farmers can meet their labor needs well into the future.

First, the bill establishes a program for agricultural workers in the United States (and their spouses and minor children) to earn legal status through continued agricultural employment.

Specifically, the bill creates a process for farm workers to seek Certified Agricultural Worker status—a temporary status for those who have worked at least 180 days in agriculture over the prior 2-year period.

Certified Agricultural Worker status can be renewed indefinitely with continued farm work (at least 100 days per year).

Applicants must undergo background checks and pass strict criminal and national security bars.

Dependent status is available for spouses and minor children.

The bill does not require workers to do or apply for anything else in order to stay and work in the United States.

But long-term workers who want to stay have the option of earning a path to lawful permanent residence by paying a \$1,000 fine and engaging additional agricultural work, as follows:

Workers with 10 years of agricultural work prior to the date of enactment must complete 4 additional years of such work.

Workers with less than 10 years of agricultural work prior to the date of enactment must complete 8 additional years of such work.

The Farmworkers movement in this country was started and led by a great leader, Cesar Chavez who said, "We cannot seek achievement for ourselves and forget about progress and prosperity for our community. Our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own."

The Texas Farm Workers Union ("TFWU") was established by Antonio Orendain and farmworker leaders of the Rio Grande Valley active with the United Farm Workers after a disagreement with UFW leadership over direction of a melon strike in south McAllen, TX in 1975.

In August 1975, nearly ten years after he began organizing farm workers for the United Farm Workers in the Rio Grande Valley of South Texas.

Orendain worked for Cesar Chavez in the Chicago UFW national grape and lettuce boycott office.

Farmworkers undertake some of the toughest jobs in America.

They have earned the opportunity to build their lives without the fear of being uprooted from their families and their communities.

The bipartisan Farm Workforce Modernization Act empowers the economic and physical well-being of immigrant families while providing much-needed labor security for our nation's farms.

The agricultural industry relies on the labor of 2.4 million farmworkers—about half of whom are undocumented.

This bill would protect thousands of families from deportation.

With over 60 Democratic and Republican cosponsors, the bill has garnered significant bipartisan support.

This is a big step in making our immigration system more humane and more efficient.

I know the farming and agricultural communities in the state of Texas farm and my district borders communities that farm.

What we are doing here is the right thing and attempting to reinforce the breadbasket that the United States happens to be to the world.

I have heard the clamoring of farm workers for a very long time but I have also heard the need for fairness and the improvement of conditions that they are working in with adequate compensation.

This bill regularizes people who want to be regularized and who want to contribute to helping the agricultural industry in this great nation.

My amendment which I believe is a positive addition to this legislation, to ensure that individuals with Temporary Protected Status

(TPS) & Deferred Enforced Departure (DED) who are farmworkers are eligible to qualify for Certified Agricultural Worker status, and the path to legalization and citizenship that is created by the bill.

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 5038 OFFERED BY MS. JACKSON LEE OF TEXAS

Page 3, strike lines 19 through 21 and insert the following:

(B) on the date of the introduction of this Act—

(i) is inadmissible or deportable from the United States; or

(ii) is under a grant of deferred enforced departure or has temporary protected status under section 244 of the Immigration and Nationality Act.

I would like to thank Congresswoman LOFGREN and her team for working with our office to insure that this would be a positive way of making the point that individuals who are around farming areas can continue to do great work.

I would like to thank the organizations involved in the assisting in crafting this amendment, the United Farm Workers, UFW Foundation and Farmworker Justice.

My amendment, and this bill, are about doing the right thing. One important goal of this legislation is to recognize the contributions of farmworkers to our nation's agricultural success.

Individuals with TPS, from Haitian workers in Florida to Honduran workers in California, and those with DED, including UFW members in Washington, are a key part of our nation's farmworkers.

We must afford those individuals with TPS and DED the same opportunity to earn a more secure temporary status and lawful permanent residency as will be given to many of our nation's other farmworkers.

Many of these individuals have been living in the U.S. for years and have U.S. citizen children.

All they wanted to do was to get a pathway to citizenship in a myriad of directions but in particular, to do it legally.

Ensuring that farmworkers who have TPS and DED are eligible to participate in the Farm Workforce Modernization Act's legalization program is important to provide needed stability to this workforce.

Moreover, it is necessary to further the legislation's intent to stabilize the current agricultural labor supply and to ensure that farmworkers are able to join more fully the society that they are helping to feed.

I would like to thank the Judiciary Committee, my colleagues, both Republican and Democrat, and in particular, Chairman NADLER and Ms. LOFGREN, who emphasized a very important point that this has been a year of working together.

I am reminded of our tenure here on the Judiciary Committee and I think we have attempted to be fair and bipartisan on immigration reform for at least 2 decades.

I am also reminded of the legislation that came from the Senate, led by the late Senator John McCain that was a bipartisan bill that attempted to respond to the issues of undocumented persons.

UNITED FARM WORKERS SUPPORT FOR THE FARM WORKFORCE MODERNIZATION ACT (H.R. 5038—LOFGREN)

The United Farm Workers of America supports the bipartisan Farm Workforce Mod-

ernization Act (H.R. 5038). We were proud to join the bipartisan group of members of Congress and the major grower associations to develop and support H.R. 5038. It is cruelly ironic that the people who feed the United States live in a deep, all-encompassing fear that they themselves cannot provide food for their families. The human cost and stress for farm workers and their families as they live in fear of deportation and harassment due to our broken immigration system threatens our nation's food supply and is a source of great shame for our nation. The compromise legislation authored by Representatives LOFGREN, cosponsored by a bipartisan, diverse group of over 50 members of the House, and endorsed by the Congressional Hispanic Caucus will go a long way towards improving the lives of farm workers today and in the future, and our broken immigration system.

We support H.R. 5038 for a simple reason—it will make the lives of all farm workers better. H.R. 5038 meets the following basic principles:

1. Equality of Treatment—the new agricultural visa program will allow farm workers and their families to have the same rights and protections as current U.S. farm workers.

2. No Discrimination—the program does not create major incentives to discriminate against U.S. workers (including newly legalized workers).

3. Fairness in pay—the pay rates protect U.S. workers and supports predictable pay increases.

4. Eligibility to earn permanent residence—no one that works to feed our country should be condemned to permanent second class status. H.R. 5038 changes our current immoral system.

You have the ability to pass H.R. 5038. If H.R. 5038 becomes law, agricultural workers will have stability for themselves, and their families and the agricultural industry. Please vote YES on H.R. 5038.

Mr. BUCK. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. NEWHOUSE).

Mr. NEWHOUSE. Mr. Speaker, I want to thank my good friend from Colorado for yielding me time.

Mr. Speaker, if you talk to any farmer in this country, one of the biggest issues that they will raise and something they are concerned with, is their labor force, a secure and legal labor force. And that is what brought together a bipartisan group of Members of Congress, representatives from agricultural groups around the country, as well as agricultural labor groups around the country, to come up with a bill to deal with the labor situation that we have in this country, to provide a certain legal labor force; something that is simple in saying that, but very, very complex in order to get to the solution.

So this has three titles. Number one deals with the current workforce. We have come up with something that the President has asked for, a merit-based system to provide legality to our current workforce that requires a history of ag labor; it requires fines because people broke the law to get here; and it requires people to stay engaged in the agricultural industry.

Title two simply is to reform the H-2A program, something that we desperately need. It makes it more responsive, more efficient. It will cap the

ever-skyrocketing wage growth in this country of the AEWR to 3.25 percent per year. Some States next year are facing a 9½ percent increase.

On top of that, it will allow full-time employers, like dairies, to be able to take advantage and utilize the H-2A program.

And third, it will require a phase-in of the E-Verify system, something that Republicans have wanted for a long time, and something that I think will remove an incentive for people to illegally cross the border and will do a lot to improve the security of our country.

This bill provides certainty for farmers and farmworkers.

Mr. Speaker, I include in the RECORD some letters of support from the National Association of Counties, the Chamber of Commerce of the United States of America, the Americans for Prosperity, the National Association of State Departments of Agriculture, the Committee on Migration, and included in a letter to leadership, a list of over 300 agricultural organizations across this great country in support of this legislation.

NOVEMBER 18, 2019.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
*Washington, DC.*

Hon. KEVIN MCCARTHY,  
*Minority Leader, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER PELOSI AND MINORITY LEADER MCCARTHY: The undersigned groups, representing a broad cross-section of agriculture and its allies, urge you to advance the Farm Workforce Modernization Act (H.R. 5038) through the House to address the labor crisis facing American agriculture. A stable, legal workforce is needed to ensure farmers and ranchers have the ability to continue producing an abundant, safe, and affordable food supply.

The effects of agriculture's critical shortage of labor reach far beyond the farm gate, negatively impacting our economic competitiveness, local economies, and jobs. Economists have found that every farm worker engaged in high-value, labor-intensive crop and livestock production sustains two to three off-farm jobs. As foreign producers take advantage of our labor shortage and gain market share, America will export not only our food production but also thousands of these farm-dependent jobs. Securing a reliable and skilled workforce is essential, not only for the agricultural industry but for the U.S. economy as a whole.

The House must pass legislation that preserves agriculture's experienced workforce by allowing current farm workers to earn legal status. For future needs, legislation must include an agricultural worker visa program that provides access to a legal and reliable workforce moving forward. This visa program needs to be more accessible, predictable, and flexible to meet the needs of producers, including those with year-round labor needs, such as dairy and livestock which currently do not have meaningful access to any program.

While the bill does include a few provisions that raise significant concerns for the agricultural community, we are committed to working together throughout the legislative process to fully address these issues. It is vital to move the Farm Workforce Modernization Act (H.R. 5038) through the House as a significant step in working to meet the

labor needs of agriculture, both now and in the future.

Sincerely,

African-American Farmers of California; AgCountry Farm Credit Services; AgriBank PCB; Agribusiness Henderson County (AgHC); Agricultural Council of California; Agri-Mark, Inc.; Alabama Farmers Cooperative; Alabama Nursery & Landscape Association; Almond Alliance of California; Amalgamated Sugar Company LLC; American AgCredit; American Agri-Women; American Beekeeping Federation; American Mushroom Institute; American Pistachio Growers; American Seed Trade Association; AmericanHort; Arizona Cattle Feeders' Association; Arizona Landscape Contractors Association; Arizona Nursery Association.

Arkansas Rice Growers Association; Associated Milk Producers Inc.; Association of Virginia Potato and Vegetable Growers; Aurora Organic Dairy; AZ Farm & Ranch Group; Battlefield Farms, Inc.; Bipartisan Policy Center Action; Bongards' Creameries; Butte County Farm Bureau; California Ag Irrigation Association; California Alfalfa and Forage Association; California Apple Commission; California Avocado Commission; California Bean Shippers Association; California Blueberry Commission; California Canning Peach Association; California Cherry Growers and Industry Association; California Citrus Mutual; California Dairies, Inc.; California Farm Bureau Federation.

California Fig Advisory Board; California Fresh Fruit Association; California Grain and Feed Association; California League of Food Producers; California Pear Growers; California Prune Board; California Seed Association; California State Beekeepers Association; California State Floral Association; California Sweet Potato Council; California Tomato Growers Association; California Walnut Commission; California Warehouse Association; California Wheat Growers Association; California Women for Agriculture; Cayuga Milk Ingredients; Central Valley Ag; Cherry Marketing Institute; Chobani; Clif Bar & Company.

CoBank; Colorado Dairy Farmers; Colorado Nursery & Greenhouse Association; Colorado Potato Legislative Association; Compeer Financial; Cooperative Milk Producers Association; Cooperative Network; Dairy Farmers of America, Inc.; Dairy Producers of New Mexico; Dairy Producers of Utah; Del Mar Food Products, Corp.; Driscoll's; Edge Dairy Farmer Cooperative; Ellsworth Cooperative Creamery; Empire State Potato Growers; Far West Agribusiness Association; Farm Credit East; Farm Credit Illinois; Farm Credit Services of America; Farm Credit West; FarmFirst Dairy Cooperative.

First District Association; Florida Agri-Women; Florida Blueberry Growers Association; Florida Citrus Mutual; Florida Fruit & Vegetable Association; Florida Nursery, Growers, and Landscape Association; Florida Strawberry Growers Association; Florida Tomato Exchange; Food Northwest; Food Producers of Idaho; Foremost Farms USA; Fresno County Farm Bureau; Frontier Farm Credit; Fruit Growers Marketing Association; Fruit Growers Supply; Georgia Green Industry Association; Glanbia Nutritionals; Grapeman Farms; GreenStone Farm Credit Services; Grower-Shipper Association of Central California.

GROWMARK; Gulf Citrus Growers Association; Hop Growers of Washington; Idaho Alfalfa & Clover Seed Commission; Idaho Alfalfa & Clover Seed Growers Association; Idaho Apple Commission; Idaho Association of Commerce and Industry; Idaho Association of Highway Districts; Idaho Association of Soil Conservation Districts; Idaho Bankers Association; Idaho Cattleman's Association; Idaho Chamber Alliance; Idaho Dairy-

men's Association; Idaho Eastern Oregon Seed Association; Idaho Grain Producers Association; Idaho Grower Shipper Association; Idaho Hop Growers; Idaho Milk Products; Idaho Mint Growers Association; Idaho Noxious Weed Control Association.

Idaho Nursery & Landscape Association; Idaho Onion Growers Association; Idaho Potato Commission; Idaho State Grange; Idaho Sugarbeet Growers Association; Idaho Water Users Association; Idaho Wool Growers; Idahoan Foods LLC; Idaho-Oregon Fruit and Vegetable Association; Illinois Green Industry Association; International Dairy Food Association; Iowa Institute for Cooperatives; Iowa State Dairy Association; J.R. Simplot Company; Kansas Cooperative Council; Kansas Dairy Association; Kanza Cooperative Association; Kings County Farm Bureau; Land O'Lakes, Inc.; Lone Star Milk Producers.

Madera County Farm Bureau; Maine Landscape and Nursery Association; Maine Potato Board; Maryland & Virginia Milk Producers Cooperative Association; Maryland Nursery, Landscape, & Greenhouse Association; Massachusetts Nursery and Landscape Association, Inc.; MBG Marketing; Mendocino County Farm Bureau; Merced County Farm Bureau; Michigan Agri-Business Association; Michigan Apple Association; Michigan Asparagus Advisory Board; Michigan Bean Shippers; Michigan Cider Association; Michigan Greenhouse Grower Council; Michigan Milk Producers Association; Michigan Nursery & Landscape Association; Michigan State Horticultural Society; Midwest Dairy Coalition; Mid-West Dairywomen's Company; Milk Producers Council.

Milk Producers of Idaho; Minnesota Area II Potato Council; Minnesota Milk Producers Association; Minnesota Nursery & Landscape Association; Missouri Rice Research and Merchandising Council; Montana Nursery & Landscape Association; Monterey County (CA) Farm Bureau; Mount Joy Farmers Cooperative Association; Napa County Farm Bureau; National All-Jersey; National Association of Produce Market Managers; National Council of Agricultural Employers; National Council of Farmer Cooperatives; National Farmers Union; National Grange; National Immigration Forum; National Milk Producers Federation; National Onion Association; National Potato Council; National Watermelon Association; Nebraska State Dairy Association.

New American Economy; New England Apple Council; New England Farmers Union; New York Apple Association; New York Farm Bureau Federation; New York State Berry Growers Association; New York State Flower Industries; New York State Vegetable Growers Association; Nezperce Prairie Grass Growers Association; Nisei Farmers League; North American Blueberry Council; North Carolina Nursery & Landscape Association; North Carolina Potato Association; Northeast Dairy Farmers Cooperatives; Northeast Dairy Foods Association, Inc.; Northeast Dairy Producers Association; Northern Plains Potato Growers Association; Northern Virginia Nursery & Landscape Association; Northwest Ag Co-op Council; Northwest Dairy Association/Darigold; Northwest Farm Credit Services; Northwest Horticultural Council.

Ohio Apple Marketing Program; Ohio Dairy Producers Association; Ohio Nursery & Landscape Association; Olive Growers Council of California; Oneida-Madison Milk Producers Cooperative Association; Orange County Farm Bureau; Oregon Association of Nurseries; Oregon Dairy Farmers Association; Oregon Potato Commission; Pacific Coast Producers; Pacific Egg and Poultry Association; Pacific Seed Association; Penn-

sylvania Co-operative Potato Growers; Pennsylvania Landscape & Nursery Association; Plant California Alliance; POM Wonderful; Porterville Citrus; Potato Growers of America; Potato Growers of Idaho; Potato Growers of Michigan; Prairie Farms Dairy, Inc.

Premier Milk Inc.; Produce Marketing Association; Professional Dairy Managers of Pennsylvania; RBI Packing LLC; Reiter Affiliated Companies; Richard Bagdasarian, Inc.; Riverside County Farm Bureau; Rocky Mountain Farmers Union; San Diego County Farm Bureau; San Mateo County Farm Bureau; Santa Clara County Farm Bureau; Santa Cruz County Farm Bureau; Scioto Cooperative Milk Producers' Association; Select Milk Producers, Inc.; Seneca Foods Corporation; Sierra Citrus Association; Snake River Sugar Company; Solano County Farm Bureau; Sonoma County Farm Bureau; South Dakota Association of Cooperatives.

South Dakota Dairy Producers; South East Dairy Farmers Association; Southeast Milk Inc.; Southern States Cooperative; St. Albans Cooperative Creamery, Inc.; Stanislaus County Farm Bureau; State Horticultural Association of Pennsylvania; Summer Prize Frozen Foods; Sunkist Growers; Sun-Maid Growers of California; Sunsweet Growers, Inc.; Tennessee Nursery & Landscape Association; Texas Agricultural Cooperative Council; Texas Association of Dairymen; Texas Citrus Mutual; Texas International Produce Association; Texas Nursery & Landscape Association; The National Association of State Departments of Agriculture; The SF Market and San Francisco Produce Association; Tillamook County Creamery Association; Tree Top, Inc.

Tulare County Farm Bureau; U.S. Apple Association; U.S. Rice Producers Association; United Ag; United Dairymen of Arizona; United Egg Producers; United Fresh Produce Association; United Onions, USA; United Potato Growers of America; Upstate Niagara Cooperative, Inc.; Utah Farmers Union; Utah Horticulture Society; Valley Fig Growers; Ventura County Agricultural Association; Ventura Pacific; Vermont Dairy Producers Alliance; Virginia Apple Growers Association; Virginia Nursery & Landscape Association; Virginia State Dairymen's Association; Visalia Citrus Packing Group, Inc.

WA Wine Institute; Washington Growers League; Washington State Dairy Federation; Washington State Nursery & Landscape Association; Washington State Potato Commission; Washington State Tree Fruit Association; Wawona Frozen Foods; West Virginia Nursery & Landscape Association; Western Growers Association; Western States Dairy Producers Association; Western United Dairies; Wine Institute; WineAmerica; Wisconsin Dairy Business Association; Wisconsin Potato & Vegetable Growers Association; Wonderful Citrus; Wonderful Orchards; Yuma Fresh Vegetable Association.

NATIONAL ASSOCIATION OF COUNTIES,

December 11, 2019.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
*Washington, DC.*

Hon. KEVIN MCCARTHY,  
*Minority Leader, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER PELOSI AND MINORITY LEADER MCCARTHY: On behalf of the National Association of Counties and the 3,069 county governments we represent, we are writing in support of the Farm Workforce Modernization Act (H.R. 5038). This bill would preserve, expand and improve on the processes and resources aimed at helping counties bolster our local agricultural economy.

County governments across the country face many challenges to providing quality

and affordable housing options for rural families and farm laborers. Unfortunately, federal regulations often are inflexible and too restrictive to address the unique needs of our rural communities. Much of our nation's existing farm labor housing has also aged past its useful life with severe physical problems, including inadequate heating, plumbing and space.

Additionally, we are encouraged by efforts in this bill to modernize and simplify the H-2A process and ensure that a reliable and capable workforce is available for the nation's farmers and ranchers. This bill would provide stability and consistency in our farm labor force and create a realistic path for migrant and seasonal farm workers to contribute to the national economy.

We ask that you join us in support of the Farm Work Modernization Act and help strengthen our nation's local agricultural economies. Thank you for your time and consideration on this important matter.

Sincerely,

Hon. MARY ANN BORGESON,  
*Commissioner, Douglas  
County, Nebraska,  
President, National  
Association of Coun-  
ties.*

Hon. MELISSA MCKINLAY,  
*Commissioner, Palm  
Beach County, Flor-  
ida, Chair, NACo's  
Agriculture and  
Rural Affairs Steer-  
ing Committee.*

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
*October 30, 2019,  
Washington, DC,*

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce supports the Farm Workforce Modernization Act, which would take important steps to address the growing struggle of agricultural employers to meet their workforce needs.

The inability of American farmers to effectively meet their workforce needs does not affect the agricultural industry in a vacuum. When crops rot in a field because farmers do not have enough workers for the harvest, this does not only harm the interests of that farmer. These situations also negatively affect the shipping company that would have transported those products, and the retailers that would have sold them.

Furthermore, the uncertainty caused by the insufficient quantity of agricultural workers in the U.S. has enabled foreign agricultural producers to take advantage of this situation and gain market share. American agricultural producers will only become less competitive in the global marketplace if these workforce problems persist.

The Farm Workforce Modernization Act seeks to provide workforce stability for agricultural workers by allowing unauthorized farm workers to earn legal status in the U.S. This legislation also would address future agricultural workforce needs by updating the temporary agricultural worker program, most notably providing eligibility to employers who have year-round labor needs, which is critical for dairy and livestock. Furthermore, the bill would enhance domestic security by making the use of E-Verify mandatory for employers seeking to hire temporary agricultural workers.

This bill could benefit from further refinement. The proposed prevailing wage levels for temporary agricultural workers, as well as the new annual visa quotas for year-round agricultural employment, should be more responsive to market needs. In addition, the transition period for agricultural employers

to utilize the E-Verify system should be extended in order for employers to better adjust to the new compliance burdens being foisted upon them. We are committed to working with members of both parties to address these and other issues to improve the bill as it proceeds through the legislative process.

Sincerely,

NEIL L. BRADLEY,  
*Executive Vice President and Chief Policy  
Officer.*

AMERICANS FOR PROSPERITY,  
THE LIBRE INITIATIVE,  
*November 19, 2019.*

DEAR REPRESENTATIVE: On behalf of our organizations and the millions of activists we represent, we applaud the bipartisan efforts from lawmakers in the House of Representatives on the Farm Workforce Modernization Act of 2019. This bill represents a step in the right direction by modernizing components of our guest worker program and legal immigration system. It will also help our country better meet the needs of employers and guest workers in the agricultural sector.

We are encouraged by lawmakers' efforts to streamline components of the H-2A program aimed at reducing some of the burdens imposed on employers and workers, in addition to considerable reforms that create new legal channels which currently are not available.

While the legislation is not perfect, the bill represents an important step forward to improve the way we issue temporary visas for guest workers and green cards for aspiring immigrants. We look forward to working with members to improve this bill by further reducing unnecessary barriers that impede upon the ability for employers and employees to freely contract in a mutually beneficial manner.

With only a few legislative days remaining, we urge lawmakers to continue working together to modernize and improve our guest worker program and stand ready to partner with lawmakers to accomplish this goal.

Sincerely,

BRENT GARDNER,  
*Chief Government Af-  
fairs Officer, Ameri-  
cans for Prosperity.*

DANIEL GARZA,  
*President, The LIBRE  
Initiative.*

NATIONAL ASSOCIATION OF STATE  
DEPARTMENTS OF AGRICULTURE,  
*Arlington, VA, October 25, 2019.*

Hon. ZOE LOFGREN,  
*Chairwoman, Subcommittee on Immigration and  
Citizenship, House Committee on the Judici-  
ary, House of Representatives, Washington,  
DC.*

Hon. DAN NEWHOUSE,  
*House of Representatives, Washington, DC.*  
Re Support for the Farm Workforce Mod-  
ernization Act.

DEAR CHAIRWOMAN LOFGREN AND CONGRESSMAN NEWHOUSE: The Farm Workforce Modernization Act (FWMA) is a crucial step forward towards solving agriculture's need for labor. NASDA thanks you for your hard work negotiating and finding compromises on a bipartisan bill that will successfully increase access to farm labor across the country. Foreign-born workers are an essential part of the U.S. agriculture workforce and an estimated half of U.S. farm workers are currently foreign born. For years, the agriculture industry has struggled to access sufficient labor in sectors ranging from produce to animal handling. This is only compounded by the current low unemployment in the United States. These factors are why the Na-

tional Association of State Departments of Agriculture urges Congress to pass the FWMA.

NASDA represents the Commissioners, Secretaries, and Directors of the state departments of agriculture in all fifty states and four U.S. territories. NASDA members represent all agriculture in their states and finding practical solutions for the agriculture labor shortage is a top priority for NASDA members.

Agriculture labor reform is crucial for ensuring that U.S. farmers and ranchers have a reliable and skilled workforce. This bill will, for the first time, make year-round visas available. This is crucial for the dairy industry and other industries that rely on temporary labor. Further, NASDA supports the bill maintaining the H-2A program while also creating a new, certified agricultural worker status. This status and its renewable visas will increase certainty for farmers, ranchers and the farm workers who we rely upon for the safe harvesting and handling of crops and livestock.

NASDA acknowledges that a multi-faceted effort is needed to fix the challenges with agriculture labor, so any progress made on this front is a step in the right direction. We look forward to advancing solutions to agriculture's labor shortage with Congress.

Sincerely,  
DOUG GOEHRING,  
*NASDA President,  
North Dakota Agriculture Commissioner.*

COMMITTEE ON MIGRATION, COM-  
MITTEE ON DOMESTIC JUSTICE AND  
HUMAN DEVELOPMENT,  
*November 12, 2019, Washington, DC,*  
HOUSE OF REPRESENTATIVES,  
*Washington, DC.*

DEAR REPRESENTATIVE: On behalf of the Committee on Migration and the Committee on Domestic Justice and Human Development for the U.S. Conference of Catholic Bishops, we write to urge you to support H.R. 5038, the Farm Workforce Modernization Act. This bipartisan legislation, introduced on October 30, 2019, by Representative Zoe Lofgren (D-CA) and several Republican and Democratic sponsors, would create an earned legal status program for agricultural workers and would improve the existing H-2A system.

Recognizing the dignity of work of farmworkers and their families is a central concern of the Catholic Church. In his 1981 encyclical, *Laborem Exercens*, Pope John Paul II spoke of the importance of agricultural workers and the need to protect those working in the fields. Farmworkers produce the food that we eat and contribute to the care of our community. Regarding immigrant farmworkers, the bishops in the U.S. have long advocated for reforms of the existing system, including a "legalization program that would help stabilize the workforce, protect migrant workers, and their families from discrimination and exploitation and ensure that these workers are able to continue to make contributions to society."

H.R. 5038 proposes a meaningful way for migrant agricultural workers to earn legal status through continued agricultural employment and contributions to the U.S. agricultural economy. It also improves labor protections while producing employment flexibility that is needed to aid our agricultural industries. H.R. 5038 creates more accessible and predictable worker programs while ensuring more worker protections, such as improving the availability of farmworker housing and providing better health protections.

As currently written, H.R. 5038 is a step in the right direction and reflects genuine bipartisan engagement. We encourage you to

consider co-sponsoring this current version of the bill and to move it forward to help ensure a more stable workforce for our farming economy, as well as a tailored earned legalization program and greater worker protections.

Sincerely,

Most Reverend JOE  
VASQUEZ,  
*Bishop of Austin,  
Chairman, USCCB  
Committee on Migration.*

Most Reverend FRANK J.  
DEWANE,  
*Bishop of Venice,  
Chairman, USCCB  
Committee on Domestic Justice and Human Development.*

Mr. NEWHOUSE. Mr. Speaker, I urge my colleagues to take the step and do what we can to improve the labor situation for farmers and ranchers across this country.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. COSTA), who has worked so very hard on this bill and represents an area where agriculture is king.

Mr. COSTA. Mr. Speaker, today is a monumental and historical day. This bipartisan Farm Workforce Modernization Act of 2019 will truly help people throughout the country.

I want to thank Chairperson ZOE LOFGREN and DAN NEWHOUSE for their hard work over the last 9 months in bringing all the parties to the table.

Earlier this year, in September, Chairperson LOFGREN, with Congressmen PANETTA, COX, and myself, held a workshop where all the organizations from farm country, as well as the UFW, and others, presented what needed to be done. And, lo and behold, it has happened.

My colleagues ask, Why do we need to have the urgency of this bill?

Well, last month I visited with United Farmworkers in Madera, California, and told them the promise of this legislation. I saw in their eyes, and their children who were there, I saw hope; a hope to become free of fear and the fear of deportation; hope for the American Dream, and all that that entails, that all immigrants past and present have shared, in this legislation.

Mr. Speaker, I urge my colleagues to pass this bill today. The Senate must pass it, and the President should sign it into law. This is the right thing to do.

Mr. BUCK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. YOHIO).

Mr. YOHIO. Mr. Speaker, I would like to commend my colleagues, Mr. BUCK and Ms. LOFGREN, for attempting to do something to solve a problem that has gone on for a long time that has not been solved. Unfortunately, this bill will not solve that problem.

This bill will create the same situation we have had since 1986, because this bill focuses on amnesty, not on a guest worker program that our producers need.

I appreciate their efforts, but, again, I have worked around agriculture since I was 15, picking vegetables, loading vegetables, talking to farmers. And as a veterinarian, working for 30 years in that profession, I know the dairy situation.

I have talked to the migrant, and I have talked producer. This bill will not fulfill that need.

This bill will allow people to get amnesty. They will leave agriculture and they will go into another industry. Therefore, they are not going to solve the labor shortage of this country.

That is why there are alternatives out there. We have got a bill that we worked on in a bipartisan manner, that we have got strong support in industry, and it solves this problem. It creates a dedicated workforce for agriculture.

As you go through this bill, you see amnesty after amnesty. And, again, it does not solve the problem.

Our bill allows people to enter the country legally. They are automatically enrolled in the E-Verify system. This bill promises to put the E-Verify system in place once it is implemented. We have heard that rhetoric out of Washington before. Once it is implemented, we will fix it.

This is the wrong way to go because this bill, again, will not create a predictable, certain, and reliable workforce for our agricultural producers. And I hear over and over again, the biggest challenge to our producers is a labor shortage.

We are getting to a point in this country where the next generation will not farm because of the unpredictability that this body has created, and this bill will not solve that.

And we are getting to a point where either we are going to import our labor, or we are going to import our produce. A nation that imports its produce is not a secure nation. This bill will not fix it. This will make it worse.

Ms. LOFGREN. Mr. Speaker, Representative SYLVIA GARCIA, a member of the Judiciary Committee, and a former cotton picker, will submit a statement in support of this bill.

And I would just note, for the prior speaker, that the Florida Agri-Women, the Florida Blueberry Growers Association, the Florida Citrus Mutual, Florida Fruit & Vegetable Association, Florida Nursery, Florida Strawberry, and Florida Tomato Exchange think this bill will work.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CASTRO).

Mr. CASTRO of Texas. Mr. Speaker, I rise today in support of H.R. 5038, the Farm Workforce Modernization Act of 2019.

I am very proud to support Congresswoman LOFGREN, members of the Hispanic Caucus, and my colleagues on both sides of the aisle who helped make this bill possible today.

There are, in the United States, four or five major industries that would not exist the way they do but for immi-

grant labor, documented, and undocumented. One of those industries is the agriculture industry.

This bill would recognize the important work that undocumented workers do in our agriculture industry. It would recognize that their work deserves respect; that it is dignified; that it has a place in our country; and that they have a place in our country. It would do so by allowing for a path to legal status for these workers.

For 2 million folks, it would mean that they would no longer face the threat of deportation; that they and their families could rest assured that in the middle of the night they would not be taken away from their children.

This legislation is important to our country, and I hope that all of my colleagues, Republican and Democrat, will support it today.

Mr. BUCK. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, earlier this year, the President, speaking at the National Farm Bureau Convention, called for legislation regarding agriculture immigration. And he acknowledged that the ag community, in his words, "needs people to help with the farms." That is what this bill does.

As much as most of us would like to wave a magic wand and fix a very broken system, you know, what? We have failed. But it is not for the lack of trying. We simply haven't had the votes; whether it is more or less border security; whether it is too comprehensive or too less. We can't even fix the Dreamer issue. Come on.

This ag bill is going to pass, thank goodness. And I want to thank JIMMY PANETTA, DAN NEWHOUSE and other members of the bipartisan Problem Solvers Caucus, particularly Chair LOFGREN, who helped deliver legislation here to the House floor this afternoon.

Would I like to do more? You bet. But, you know, at the moment, this is the only step that we can do on a bipartisan basis this year. Let's just face it.

If we can't pass a narrow bill, when is it going to happen? This is the first step, so let's get it done.

This bill is going to provide a long overdue and desperately needed overhaul to the H-2A program, and it builds on the July 2019 DOL's proposal for H-2A reforms.

Key provisions include a freeze on the Adverse Effect Wage, which has led directly to dozens of farm closures in my district in Michigan; a streamlined and modernized application process to encourage more widespread adoption; creating a year-round H-2A visa program, allowing all of agriculture to utilize the program.

Now is the time, finally, to at least boldly act to pass a real ag labor reform to ensure that our ag community has the workforce that it needs to remain the envy of the world. I would urge all of my colleagues to support this.

Ms. LOFGREN. Mr. Speaker, it is really a great honor to yield 1 minute to the gentlewoman from Washington (Ms. SCHRIER), a freshman Member, but a person who has worked very hard behind the scenes to help advance this bill.

□ 1515

Ms. SCHRIER. Mr. Speaker, I thank the gentlewoman for yielding.

I thank my colleagues, Representative LOFGREN and Representative NEWHOUSE, for their very hard work on this bipartisan bill.

The critical needs of our farmers and farmworkers have gone too long without being addressed by Congress. As the sole Member in the entire Northwest on the House Agriculture Committee, I am proud to represent the apple capital of the world, Wenatchee, as well as farmers and growers on both sides of the Cascades, and I can say that they are hurting.

What I hear from the farmers and orchardists across my State is that a stable workforce is critical to their ability to put food on our tables. As the domestic workforce is dwindling, more and more growers have been forced to turn to the burdensome and bureaucratic H-2A program for the workers they need to grow and harvest their crops.

Farmworkers are critical. If the cherries ripen and there is no one to pick them, our farms and our farmers will fail. Crops don't wait, and millions of dollars and futures are at stake.

This important bill will provide a stable workforce for our farmers and a path to legal status for farmworkers and their families. This is the kind of winning bipartisan legislation that is exactly what our country needs. I encourage my colleagues to vote "yes."

Mr. BUCK. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho (Mr. SIMPSON).

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

I rise today in favor of H.R. 5038, the Farm Workforce Modernization Act, and I thank Chairwoman LOFGREN, her staff, the committee staff, and the personal staff of all the Members who have been working on this bill for, I don't know, 8 or 9 months.

We all want the same thing, and we are here today addressing agriculture's number one issue, and that is their labor force.

We will hear a lot during this debate, and we already have, about how this is amnesty and indentured servitude. It is neither of those things. In fact, those are contradictory terms, so the argument at best is insincere.

Let me say what this bill does. It legalizes the current workforce so long as workers get right with the law, have a clean criminal record, and can demonstrate the same work experiences our former colleague Bob Goodlatte said they must have to qualify. If they want to access further legal status, they work 4 to 8 more years in agri-

culture and then pay a fine and get in line while they continue to work in agriculture. That doesn't sound like amnesty to me.

For my farmers back home who desperately need this, the bill streamlines the H-2A program to make it more affordable. It doesn't do everything we want, but it makes it better than what we have today, in fact, much better than what we have today.

It brings wages under control by freezing them for 1 year and then capping future growth. There will be a single online portal for farmers to access workers. It will also set up a year-round program for our dairymen, which they don't currently have.

Some people have said this is a great bill for dairymen, but not the rest of agriculture. That is not true. This streamlines the H-2A program for all of agriculture, so it is a good bill for all of agriculture.

Finally, and again to my friends on my side of the aisle, almost all of us support E-Verify, and here it is. We have E-Verify in this bill.

Agriculture is the backbone of Idaho's economy. Without this bill, how can we pretend to say that we care about rural America?

This bill has the support of the U.S. Chamber of Commerce, Americans for Prosperity, Cato Institute, and over 300 agricultural groups, which have already been entered into the RECORD.

This is the voice of rural America saying they need this. I urge a "yes" vote on this bill, and I look forward to working with all of my colleagues to keep moving this bill forward so that it can ultimately be signed into law and solve a critical problem in America.

Ms. LOFGREN. Madam Speaker, I yield 1 minute to the gentleman from Oregon (Mr. SCHRADER), someone who has done a great deal of work and helped us get here today.

Mr. SCHRADER. Madam Speaker, I thank the gentlewoman for yielding.

I rise today in strong support of H.R. 5038, the Farm Workforce Modernization Act. This compromise bill represents the kind of legislation this body can put together and pass with broad bipartisan support when Members put aside ideological differences and choose to work together to solve a very serious and difficult issue.

With this legislation, we will finally begin to address the labor crisis that has been plaguing American agriculture by providing a stable and legal workforce so they can continue to grow the best food and fiber in the world.

In my home State of Oregon, we are a specialty crop State. We rely on manual labor for nearly every crop we grow. The labor shortage is the number one issue my farmers face. In many of our ag industries, like nursery crops or the dairy industry we just heard referenced, the labor is needed year-round.

H.R. 5038 is a critical step forward in not only providing workforce stability for our farmers but also in providing a

path to lawful permanent residency for hardworking farmworkers and their family members.

I am also very proud of the work that PCUN in Oregon has done to help make this legislation a reality.

I hope our colleagues in the Senate are paying close attention and move this bill in short order. I urge all Members to support this bill today.

Mr. BUCK. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Madam Speaker, I thank the gentleman from Colorado for yielding. I rise today to strongly support this bipartisan bill.

You have heard today that, for decades, Congress has been talking about the broken H-2A system, the system that our farmers use to get the workforce that they need to grow our food. We have been talking about it for decades.

It is broken and not only creates an economic issue for our farmers and for the country, but it also creates a national security issue. Imagine if we were forced to start having to import our food.

Isn't it time to kind of just stop talking and start working to bring forward real bipartisan solutions? That is what this bill does. Is it perfect? No, but that is what this bill does. This bill helps our farmers, finally brings help to our farmers. It also regularizes our farming workforce, which helps our farmers, helps our communities, helps our economy, and helps our national security.

Again, this is crucial for those folks who work hard every single day and who are tired of hearing from Congress just words of how broken the system is. We finally have a bipartisan bill that does what we have been talking about for so many years. That is why I am proud to support this bill.

Ms. LOFGREN. Madam Speaker, I yield 1 minute to the gentleman from Colorado (Mr. CROW), a freshman Member who has worked behind the scenes to help bring us here today.

Mr. CROW. Madam Speaker, I thank the gentlewoman for yielding.

I am proud to stand here with my colleagues to support the Farm Workforce Modernization Act on behalf of farmers and farmworkers in Colorado. Colorado farms are doing all they can to move forward, despite the administration's trade war, which has led to a 15 percent reduction in Colorado agricultural exports in 2019. It has also stifled the migrant seasonal farmworker program when farmers need it the most.

Throughout this year, I have met with farmers in my district, including Robert Sakata of Sakata Farms in Brighton, Colorado, which was started in 1945 by his father. To Robert and other Western growers, modernizing the guest worker program is crucial to their success as a family farm and their contribution to our local economy.



This important piece of bipartisan legislation will do just that. The bill will establish a program for Colorado farmworkers to earn legal status, improve the H-2A program by ensuring critical protections for workers, and establish a mandatory nationwide E-Verify system for all farmworkers.

I thank my colleague Representative LOFGREN and all those who have worked across the aisle to get this very important bill done.

Mr. BUCK. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Madam Speaker, I thank the gentleman for yielding.

Something needs to be underlined here. In this area here of a divided Congress, a divided country, this has been a unique opportunity to have a true bipartisan solution to a longtime, decades-old problem. I am proud of the work. Many of us have been able to get in the room as Members and as staff over many months and come to an agreement that is a pretty darn good solution for an ongoing problem.

This isn't a border bill. This isn't a DACA bill. It is not a fence bill or an amnesty bill. This is a narrow bill having to do with having a stable workforce for agriculture in this country.

I come from California, and many of the crops are very labor intensive. I am farmer myself, but I don't benefit from this bill. I don't need that kind of labor, but just so it is disclosed.

But so many crops that come from California and others like the truck crops, the intensely labor needful crops, would disappear. We will end up importing them from somewhere else if we don't have this workforce continue.

This bill makes for a legal workforce, a documented workforce. Why wouldn't we want that?

But heaven knows, you say the word "amnesty," people go running for the hills, running for cover. This is not an amnesty bill. How could it be when it has benchmarks for the certified ag workers to come in to be vetted before they get that certification and to have benchmarks to become a legal permanent resident? Yes, at the very far end, there is an opportunity for citizenship. The way the process works, it would probably take 18 to 20 years to accomplish.

For those who are really concerned about it being a handout for citizenship or whatever, it still is a steep hill. Also, by and large, most American people would look at these ag workers as pretty good people. They are not perfect. There are issues here and there. But they are providing a needed service that I don't see a lot of Americans willing to do, not in this age of Xbox and all these other things where nobody is willing to go outside.

I have worked a lot of years myself in the heat and the Sun, and it is not even as tough as some of the other crops. But for what we are talking about, we really need to move forward.

This will help our dairies, which need year-round labor. We are losing our

dairies in California. We are going to lose dairies in our country.

Let's talk about the workers themselves for a moment. How humane is it, the process by which they have to come across the border, pay these people horrendous amounts of money, with the issues that they are subject to in coming across? No, we don't want that.

We don't want them coming across illegally. We want them coming across with a certificate that they have been vetted.

This bill has E-Verify in it. How big of a thing is that for Republicans, for conservatives, for people across the country? When this is phased in, we will have a very good process for verifying who it is that is coming in to do this work. We desperately need the labor.

It has been a long process. It will be a long process to continue to bring the labor force in.

I think if we want to be here 10 years from now still dealing with this, then let's vote "no" on this bill. But if we want to make a solution, this is one that we can get right now in this atmosphere in D.C.

Ms. LOFGREN. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House.

Ms. PELOSI. Madam Speaker, I thank the gentlewoman for yielding.

I commend Congresswoman LOFGREN for her tremendous leadership on this important legislation, the Farm Workforce Modernization Act.

I join with Mr. LAMALFA, my friend, my Italian America colleague from California, in his strong remarks for this bill.

It is bipartisan, and it is important for us to pass it.

I proudly join all of my colleagues on both sides of the aisle to support this bill, a historic victory for farmworkers and for growers, which ensures that America can continue to feed the world.

I salute, again, Chair ZOE LOFGREN for her months of tough, relentless leadership without which this bill would not be possible.

I commend the leadership of the United Farm Workers. Arturo Rodriguez has been working on this bill for almost a generation, 17 years. Arturo Rodriguez and Teresa Romero have sent a statement of support for the legislation, which very clearly points out the need and the answer that this bill is about.

I submit for the RECORD the United Farm Workers statement of support for the Farm Workforce Modernization Act.

UNITED FARM WORKERS SUPPORT FOR THE FARM WORKFORCE MODERNIZATION ACT (H.R. 5038—LOFGREN)

The United Farm Workers of America supports the bipartisan Farm Workforce Modernization Act (H.R. 5038). We were proud to join the bipartisan group of members of Congress and the major grower associations to develop and support H.R. 5038. It is cruelly ironic that the people who feed the United

States live in a deep, all-encompassing fear that they themselves cannot provide food for their families. The human cost and stress for farm workers and their families as they live in fear of deportation and harassment due to our broken immigration system threatens our nation's food supply and is a source of great shame for our nation. The compromise legislation authored by Representatives Lofgren, cosponsored by a bipartisan, diverse group of over 50 members of the House, and endorsed by the Congressional Hispanic Caucus will go a long way towards improving the lives of farm workers today and in the future, and our broken immigration system.

We support H.R. 5038 for a simple reason—it will make the lives of all farm workers better. H.R. 5038 meets the following basic principles:

1. Equality of Treatment—the new agricultural visa program will allow farm workers and their families to have the same rights and protections as current U.S. farm workers.

2. No Discrimination—the program does not create major incentives to discriminate against U.S. workers (including newly legalized workers).

3. Fairness in pay—the pay rates protect U.S. workers and supports predictable pay increases.

4. Eligibility to earn permanent residence—no one that works to feed our country should be condemned to permanent second class status. H.R. 5038 changes our current immoral system.

You have the ability to pass H.R. 5038. If H.R. 5038 becomes law, agricultural workers will have stability for themselves, and their families and the agricultural industry. Please vote YES on H.R. 5038.

TERESA ROMERO,  
*President, United  
Farm Workers.*

ARTURO S. RODRIGUEZ,  
*President Emeritus  
and former Board  
Chair, United Farm  
Workers and UFW  
Foundation.*

Ms. PELOSI. So many Members brought their vision, their voices, their values to this process. I thank all of you for strengthening the bill we have on the floor today. I thank our friends from the groups for doing the outside organizing that makes our inside maneuvering successful. We have all been inspired by the immortal words of our beloved Dolores Huerta: "Si, se puede."

This legislation honors workers' dignity and supports the farm economy with strong, smart reforms. The bill provides a path for legalization, as Mr. LAMALFA referenced, for currently undocumented farmworkers. No one who works to feed our country should be condemned to permanent second-class status.

The bill secures the agricultural workforce of the future by updating, expanding, and strengthening the H-2A initiative to ensure that farms have stable, secure workforces.

Critically, it demands fair, humane treatment for farmworkers, following the lead of legislation in California by securing fairness in pay, improving access to quality housing, and ensuring robust safety and heat illness protections.

□ 1530

Many in this Chamber, particularly, I know firsthand, from California, have

helped lead the fight for farmworkers for decades.

This fight is not only about ensuring fair wages and fair treatment, but about honoring the spark of divinity within each person, which makes us all worthy of dignity and respect.

This bill honors the 2 million farmworkers who are the backbone of our economy and country, powering our farm economy, and producing the food on our tables, even as they persevere through harsh working conditions and low wages.

As the United States Conference of Catholic Bishops wrote last month in support of this bill: "The dignity of work of farmworkers and their families is a central concern. . . . Farmworkers produce the food that we eat and contribute to the care of our community."

This legislation is a critical step forward for workers, for growers, and for the farm economy, but our work is not done. Led by Chair ZOE LOFGREN and Members from every corner of the country, we will continue to work to stabilize the farm economy, protect workers and their families, and maintain America's proud agricultural preeminence in the world.

As we do so, remember the words of the late Cesar Chavez. He said this: "To make a great dream come true, the first requirement is a great capacity to dream; the second is persistence."

Madam Speaker, I thank Chair LOFGREN for her persistence, and I thank Mr. Rodriguez for his help.

I am pleased with the bipartisanship of this bill. I thank our Members for their persistence on this legislation, for which I urge a strong bipartisan vote.

Madam Speaker, I thank Mr. BUCK for his leadership on this as well.

Mr. BUCK. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. BIGGS), my friend, who was a leader in Arizona in the legislature on these issues and others and is known throughout our caucus for his common sense and leadership, and I anxiously await his remarks.

Mr. BIGGS. Madam Speaker, I thank the gentleman for yielding time to me.

Many of us have heard from farmers and agricultural suppliers around the country about their need for labor to ensure their products can be harvested, processed, and sold. I have heard time and time again from business owners who prioritize hiring American workers but repeatedly find themselves without the labor necessary.

This problem is worthy of a broader conversation in Congress, including how we address the root of the problem and any relation to the welfare state that we have created here.

My main concerns today, however, go beyond addressing true labor shortages and, instead, focus on the rewards this legislation provides to employers who have chosen to use illegal labor and to aliens who have chosen to work illegally in the United States.

This bill creates a new pathway to legal status for illegal aliens who have been working in the agricultural industry in the United States. Any alien who merely applies for legal status under the program, whether truly eligible, immediately receives work authorization, protection from removal, and the ability to travel outside the United States. Those who meet the requirements will be rewarded with a pathway to lawful, permanent resident status and, ultimately, citizenship.

Foreign nationals around the world wait years and spend thousands of dollars to receive those same benefits. This legislation is an unacceptable slap in the face to all those who follow our immigration laws.

Worse still, this legislation does little to root out fraud, instead, blatantly incentivizing it.

The ability to receive work authorization and other benefits upon application will likely lead many individuals to submit applications even if they are not eligible, but they will have no fear of doing so because there are no penalties attached. Aliens can withdraw their fraudulent application without prejudice to any further application.

This legislation also condones and turns a blind eye to instances of immigration fraud by waiving inadmissibility for aliens who previously tried to fraudulently gain legal status or falsely claimed to be U.S. citizens.

There are several other concerning provisions with this legislation:

It creates a new grant program to assist eligible applicants—illegal aliens—in applying for this newly created immigration status.

It prohibits use of E-Verify to check a new hire's employment eligibility until that person is actually hired and requires use of the program in a way that demonstrates a fundamental misunderstanding of the mechanics of the E-Verify system.

It allows aliens to prove work history with only a sworn affidavit from someone who ostensibly has direct knowledge of their work history.

It fails to impose any real penalty for months and years of illegal work, and it fails to impose any real penalty on employers who knowingly violated U.S. law for their own benefit.

At a time when our immigration system is rampant with illegality, when we have little control over our southern border and there are crisis levels of individuals trying to illegally immigrate, we should not be promoting legislation that rewards years of illegal behavior.

Madam Speaker, for these reasons, I oppose this legislation and urge my colleagues to do the same.

Ms. LOFGREN. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR), someone who has been through a lot. She is a senior Member of the House and the most senior woman in the House, has served the most time.

Ms. KAPTUR. Madam Speaker, I thank so very much Madam Chair for yielding to me and for her distinguished leadership on behalf of the American producers and farmworkers who are the subject of this important bill. I have a sense of how long she has worked on this.

For too long, I have borne painful witness to the plight of our continent's migrant farmworkers, as well as the problems our growers are having. These hardworking migrant workers endure harsh working conditions at jobs that the American people simply are not interested in and won't do. These workers endure very harsh conditions to make sure that food gets to our tables, from farm to table. We could not feed this country without these workers.

Many of these workers leave their families and journey to the United States in hopes of finding decent work at a respectable wage, yet far too often are subjugated to exploitative serfdom. That is why I stand heartened that the Farm Workforce Modernization Act has been brought forth to this House floor.

This bill has strengths, as others have talked about: It regularizes the workforce; it addresses very serious issues.

The SPEAKER pro tempore (Ms. DEGETTE). The time of the gentlewoman has expired.

Ms. LOFGREN. Madam Speaker, I yield the gentlewoman from Ohio an additional 15 seconds.

Ms. KAPTUR. Madam Speaker, this bill regularizes the workforce, addresses the very serious issues of heat illness prevention and decent lodging, and also has other necessary provisions that demand our support.

We must address the conditions of these workers. They cannot be preyed upon. I look forward to continuing to work with my colleagues to improve conditions not addressed in this bill.

Madam Speaker, I want to thank the chairwoman for her fantastic work, speaking up for some of America's most forgotten workers.

Mr. BUCK. Madam Speaker, I have no further witnesses and am prepared to close.

I reserve the balance of my time.

Ms. LOFGREN. Madam Speaker, may I inquire how much time remains on each side.

The SPEAKER pro tempore. The gentlewoman from California has 15¼ minutes remaining. The gentleman from Colorado has 4½ minutes remaining.

Ms. LOFGREN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to first make a comment in lieu of the testimony that was going to be given by Representative CLAY from Missouri. Unfortunately—or fortunately; I don't know what they are voting on—the Financial Services Committee is meeting, and he has been detained there voting in that committee.

Mr. CLAY was here to talk about an important thing that the Financial Services Committee helped us with in the drafting of this bill, and that is the improvement in the availability of farmworker housing while lowering employer costs as it relates to housing, and that is a win. We need to make sure that H-2A workers who come to the United States have a decent place to live while they are here working.

Now, preserving the existing housing stock, including by adopting H.R. 3620, the Strategy and Investment in Rural Housing Preservation Act, which authorizes \$1 billion to rehabilitate housing that is aging out of the USDA incentives program, is included in this bill.

Incentivizing new housing by tripling funding for USDA section 514 and 516 rural housing loan and grant programs and doubling funding for section 512 rental assistance programs, increasing the USDA per project loan limitation, and granting operating subsidies to 514, 516 property owners who house H-2A workers is going to be a real important boost to rural America. Not only will it increase the amount of housing and the quality of housing, but it will also inject new economic activity in rural America. And we all know that, economically, rural America is suffering in terms of jobs more than other parts of the country.

So this is a win-win-win. It is a win for farmers by lowering their costs; it is a win for H-2A migrant workers so they can have a decent place to live; and it is a win for people who live in rural America who are going to be building these facilities, who will see an injection of funds to improve their economy.

So Mr. CLAY could not be here to talk about his bill, but I am talking about it on his behalf.

Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. PANETTA), the Representative for Salinas Valley, someone who has worked on this bill for a huge amount of time—not only he, but his staff.

Mr. PANETTA. Madam Speaker, I thank Chairwoman LOFGREN for her amazing leadership on this bill. It is an honor to have her as a colleague. It is an honor to have her as my direct neighbor to the north in California.

Madam Speaker, let me also take this time to thank Representative DAN NEWHOUSE for his courage, his willingness to be bold on this bill was phenomenal.

Let me thank both of their staffs for the amazing amount of work that they did on this bill.

Madam Speaker, let me thank all of my colleagues on both sides of the aisle who have worked on this bill, especially FRED UPTON and the Problem Solvers Caucus, who are supporting this bill.

This bill, the Farm Workforce Modernization Act, is a step in the right direction for our agriculture, for immigration reform, and, yes, even this Congress.

This bill would protect our existing ag workers, and it promotes an enduring ag workforce. This bill does that by allowing those who have worked in ag to stay working in ag and the opportunity to earn a pathway here in this country.

It does that by modernizing an outdated system for temporary workers and adding 3-year visas for year-round workers. It does that by ensuring a number of visas, fair wages, a supply of housing, and safe working conditions.

By passing this bill, finally, farmers will have access to a dependable and experienced workforce, and farmworkers will not get just the legality, but the dignity that they deserve.

I am not only proud of the product in this bill, but all of us here in the House of Representatives should be extremely proud of the process behind the formulation of this bill.

For the past 9 months out of this year, farmers and farmworkers, Democrats and Republicans, came to the table, sat at the table, and stayed at the table to grind out the details in this bill.

Now, yes, it is not a perfect bill, but it really is a darn good bill, a bill which is the result of a compromise. That is why this bill is a huge step in the right direction for farmers, for farmworkers, for our agricultural communities, for our country, for Democrats and Republicans in this Congress, and for who we are as a democracy, built on a nation of immigrants.

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

Madam Speaker, I include in the RECORD Ranking Member COLLINS' statement.

Once again, I appreciate my colleagues' desire to fix this problem and provide our farmers and ranchers with a long-term solution to the labor supply problems in this country; however, this bill only masks the existing problems and creates a whole host of new issues that we will have to revisit in a few years, and it polarizes Americans further.

My colleagues and I can agree that we need to fix this problem. Potentially allowing criminals a pathway to citizenship isn't the way. Allowing possible Social Security fraud isn't the way. Preventing our employers from curing problems and giving trial attorneys a handout isn't the way.

Madam Speaker, I truly want to help all of our farmers and ranchers, but this bill is wrong, and I cannot support it. I urge my colleagues to vote against the bill.

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

Ms. LOFGREN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is the time to act. For many years, under the leadership of different Speakers with different majorities, we have talked about dealing with this issue, and that is all we did: we talked.

You know, there is never a perfect piece of legislation, but as Mr. PANETTA said, this is a darn good piece of legislation.

□ 1545

It was the one that was crafted together, and a lot of people across America might be surprised that Republicans and Democrats sat down in a room, along with stakeholders who often don't agree with each other, and we worked things out. We came up with a plan that will work.

We know it will work because we have a list of close to 300 agricultural entities, farmers all across the United States, who are asking us to please pass this bill. They know it will work.

Madam Speaker, I include in the RECORD that list.

NOVEMBER 18, 2019.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
*Washington, DC.*

Hon. KEVIN MCCARTHY,  
*Minority Leader, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER PELOSI AND MINORITY LEADER MCCARTHY: The undersigned groups, representing a broad cross-section of agriculture and its allies, urge you to advance the Farm Workforce Modernization Act (H.R. 5038) through the House to address the labor crisis facing American agriculture. A stable, legal workforce is needed to ensure farmers and ranchers have the ability to continue producing an abundant, safe, and affordable food supply.

The effects of agriculture's critical shortage of labor reach far beyond the farm gate, negatively impacting our economic competitiveness, local economies, and jobs. Economists have found that every farm worker engaged in high-value, labor-intensive crop and livestock production sustains two to three off-farm jobs. As foreign producers take advantage of our labor shortage and gain market share, America will export not only our food production but also thousands of these farm-dependent jobs. Securing a reliable and skilled workforce is essential, not only for the agricultural industry but for the U.S. economy as a whole.

The House must pass legislation that preserves agriculture's experienced workforce by allowing current farm workers to earn legal status. For future needs, legislation must include an agricultural worker visa program that provides access to a legal and reliable workforce moving forward. This visa program needs to be more accessible, predictable, and flexible to meet the needs of producers, including those with year-round labor needs, such as dairy and livestock which currently do not have meaningful access to any program.

While the bill does include a few provisions that raise significant concerns for the agricultural community, we are committed to working together throughout the legislative process to fully address these issues. It is vital to move the Farm Workforce Modernization Act (H.R. 5038) through the House as a significant step in working to meet the labor needs of agriculture, both now and in the future.

Sincerely,  
African-American Farmers of California;  
AgCountry Farm Credit Services; AgriBank FCB; Agribusiness Henderson County (AgHC); Agricultural Council of California Agri-Mark, Inc.; Alabama Farmers Cooperative; Alabama Nursery & Landscape Association; Almond Alliance of California; Amalgamated Sugar Company LLC; American

AgCredit; American Agri-Women; American Beekeeping Federation; American Mushroom Institute; American Pistachio Growers; American Seed Trade Association AmericanHort.

Arizona Cattle Feeders' Association; Arizona Landscape Contractors Association; Arizona Nursery Association; Arkansas Rice Growers Association; Associated Milk Producers Inc.; Association of Virginia Potato and Vegetable Growers; Aurora Organic Dairy; AZ Farm & Ranch Group; Battlefield Farms, Inc.; Bipartisan Policy Center Action; Bongards' Creameries; Butte County Farm Bureau; California Ag Irrigation Association; California Alfalfa and Forage Association; California Apple Commission.

California Avocado Commission; California Bean Shippers Association; California Blueberry Commission; California Canning Peach Association; California Cherry Growers and Industry Association; California Citrus Mutual California Dairies, Inc.; California Farm Bureau Federation; California Fig Advisory Board; California Fresh Fruit Association; California Grain and Feed Association; California League of Food Producers; California Pear Growers; California Prune Board; California Seed Association; California State Beekeepers Association.

California State Floral Association; California Sweet Potato Council; California Tomato Growers Association; California Walnut Commission; California Warehouse Association; California Wheat Growers Association; California Women for Agriculture; Cayuga Milk Ingredients; Central Valley Ag; Cherry Marketing Institute; Chobani; Clif Bar & Company; CoBank; Colorado Dairy Farmers; Colorado Nursery & Greenhouse Association.

Colorado Potato Legislative Association; Compeer Financial; Cooperative Milk Producers Association; Cooperative Network Dairy Farmers of America, Inc.; Dairy Producers of New Mexico; Dairy Producers of Utah; Del Mar Food Products, Corp.; Driscoll's; Edge Dairy Farmer Cooperative; Ellsworth Cooperative Creamery; Empire State Potato Growers; Far West Agribusiness Association; Farm Credit East; Farm Credit Illinois; Farm Credit Services of America; Farm Credit West.

FarmFirst Dairy Cooperative; First District Association; Florida Agri-Women; Florida Blueberry Growers Association; Florida Citrus Mutual; Florida Fruit & Vegetable Association; Florida Nursery, Growers, and Landscape Association; Florida Strawberry Growers Association; Florida Tomato Exchange; Food Northwest; Food Producers of Idaho; Foremost Farms USA; Fresno County Farm Bureau; Frontier Farm Credit; Fruit Growers Marketing Association.

Fruit Growers Supply; Georgia Green Industry Association; Glanbia Nutritionals; Grapeman Farms; GreenStone Farm Credit Services; Grower-Shipper Association of Central California; GROWMARK; Gulf Citrus Growers Association; Hop Growers of Washington; Idaho Alfalfa & Clover Seed Commission; Idaho Alfalfa & Clover Seed Growers Association; Idaho Apple Commission; Idaho Association of Commerce and Industry; Idaho Association of Highway Districts; Idaho Association of Soil Conservation Districts.

Idaho Bankers Association; Idaho Cattleman's Association; Idaho Chamber Alliance; Idaho Dairymen's Association; Idaho Eastern Oregon Seed Association; Idaho Grain Producers Association; Idaho Grower Shipper Association; Idaho Hop Growers; Idaho Milk Products; Idaho Mint Growers Association; Idaho Noxious Weed Control Association; Idaho Nursery & Landscape Association; Idaho Onion Growers Association; Idaho Potato Commission; Idaho State Grange; Idaho

Sugarbeet Growers Association; Idaho Water Users Association; Idaho Wool Growers.

Idahoan Foods LLC; Idaho-Oregon Fruit and Vegetable Association; Illinois Green Industry Association; International Dairy Food Association; Iowa Institute for Cooperatives; Iowa State Dairy Association; J.R. Simplot Company; Kansas Cooperative Council; Kansas Dairy Association; Kanza Cooperative Association; Kings County Farm Bureau; Land O'Lakes, Inc.; Lone Star Milk Producers; Madera County Farm Bureau; Maine Landscape and Nursery Association.

Maine Potato Board; Maryland & Virginia Milk Producers Cooperative Association; Maryland Nursery, Landscape, & Greenhouse Association; Massachusetts Nursery and Landscape Association, Inc.; MBG Marketing; Mendocino County Farm Bureau; Merced County Farm Bureau; Michigan Agribusiness Association; Michigan Apple Association; Michigan Asparagus Advisory Board; Michigan Bean Shippers; Michigan Cider Association; Michigan Greenhouse Grower Council; Michigan Milk Producers Association; Michigan Nursery & Landscape Association.

Michigan State Horticultural Society; Midwest Dairy Coalition; Mid-West Dairymen's Company; Milk Producers Council; Milk Producers of Idaho; Minnesota Area II Potato Council; Minnesota Milk Producers Association; Minnesota Nursery & Landscape Association; Missouri Rice Research and Merchandising Council; Montana Nursery & Landscape Association; Monterey County (CA) Farm Bureau; Mount Joy Farmers Cooperative Association; Napa County Farm Bureau; National All-Jersey; National Association of Produce Market Managers.

National Council of Agricultural Employers; National Council of Farmer Cooperatives; National Farmers Union; National Grange; National Immigration Forum; National Milk Producers Federation; National Onion Association; National Potato Council; National Watermelon Association; Nebraska State Dairy Association; New American Economy; New England Apple Council; New England Farmers Union; New York Apple Association; New York Farm Bureau Federation.

New York State Berry Growers Association; New York State Flower Industries; New York State Vegetable Growers Association; Nezperce Prairie Grass Growers Association; Nisei Farmers League; North American Blueberry Council; North Carolina Nursery & Landscape Association; North Carolina Potato Association; Northeast Dairy Farmers Cooperatives; Northeast Dairy Foods Association, Inc.; Northeast Dairy Producers Association; Northern Plains Potato Growers Association; Northern Virginia Nursery & Landscape Association; Northwest Ag Co-op Council; Northwest Dairy Association/Darigold.

Northwest Farm Credit Services; Northwest Horticultural Council; Ohio Apple Marketing Program; Ohio Dairy Producers Association; Ohio Nursery & Landscape Association; Olive Growers Council of California; Oneida-Madison Milk Producers Cooperative Association; Orange County Farm Bureau; Oregon Association of Nurseries; Oregon Dairy Farmers Association; Oregon Potato Commission; Pacific Coast Producers; Pacific Egg and Poultry Association; Pacific Seed Association; Pennsylvania Co-operative Potato Growers.

Pennsylvania Landscape & Nursery Association; Plant California Alliance; POM Wonderful; Porterville Citrus; Potato Growers of America; Potato Growers of Idaho; Potato Growers of Michigan; Prairie Farms Dairy, Inc.; Premier Milk Inc.; Produce Marketing Association; Professional Dairy Managers of Pennsylvania; RBI Packing LLC;

Reiter Affiliated Companies; Richard Bagdasarian, Inc.; Riverside County Farm Bureau.

Rocky Mountain Farmers Union; San Diego County Farm Bureau; San Mateo County Farm Bureau; Santa Clara County Farm Bureau; Santa Cruz County Farm Bureau; Scioto Cooperative Milk Producers' Association; Select Milk Producers, Inc.; Seneca Foods Corporation; Sierra Citrus Association; Snake River Sugar Company; Solano County Farm Bureau; Sonoma County Farm Bureau; South Dakota Association of Cooperatives; South Dakota Dairy Producers; South East Dairy Farmers Association.

Southeast Milk Inc.; Southern States Cooperative; St. Albans Cooperative Creamery, Inc.; Stanislaus County Farm Bureau; State Horticultural Association of Pennsylvania; Summer Prize Frozen Foods; Sunkist Growers; Sun-Maid Growers of California; Sunsweet Growers, Inc.; Tennessee Nursery & Landscape Association; Texas Agricultural Cooperative Council; Texas Association of Dairymen; Texas Citrus Mutual; Texas International Produce Association; Texas Nursery & Landscape Association.

The National Association of State Departments of Agriculture; The SF Market and San Francisco Produce Association; Tillamook County Creamery Association; Tree Top Inc.; Tulare County Farm Bureau; U.S. Apple Association; U.S. Rice Producers Association; United Ag; United Dairymen of Arizona; United Egg Producers; United Fresh Produce Association; United Onions, USA; United Potato Growers of America; Upstate Niagara Cooperative, Inc., Utah Farmers Union.

Utah Horticulture Society; Valley Fig Growers; Ventura County Agricultural Association; Ventura Pacific; Vermont Dairy Producers Alliance; Virginia Apple Growers Association; Virginia Nursery & Landscape Association; Virginia State Dairymen's Association; Visalia Citrus Packing Group, Inc.; WA Wine Institute; Washington Growers League; Washington State Dairy Federation; Washington State Nursery & Landscape Association; Washington State Potato Commission; Washington State Tree Fruit Association.

Wawona Frozen Foods; West Virginia Nursery & Landscape Association; Western Growers Association; Western States Dairy Producers Association; Western United Dairies; Wine Institute; WineAmerica; Wisconsin Dairy Business Association; Wisconsin Potato & Vegetable Growers Association; Wonderful Citrus; Wonderful Orchards; Yuma Fresh Vegetable Association.

Ms. LOFGREN. Madam Speaker, I also include in the RECORD a list of those who care about immigrants who are also asking us to pass this bill: Farmworker Justice, Justice for Migrant Women, the National Domestic Workers Alliance, the Forest Worker Center, the Service Employees International Union.

NOVEMBER 19, 2019.

DEAR MEMBER OF CONGRESS: We write to urge you to support the Farm Workforce Modernization Act of 2019, HR 5038. The bill is a bipartisan compromise representing the culmination of hard fought negotiations to address the needs of farmworkers and our agriculture system in the context of our broken immigration system. Importantly, this bill recognizes the valuable role of farmworkers in our food system by providing an earned path to legal immigration status and citizenship to farmworkers and their families.

If enacted, the Farm Workforce Modernization Act would provide an opportunity for experienced agricultural workers to apply

for legal status if they show employment in U.S. agriculture and meet other criteria. At least half of the nation's roughly 2.4 million farmworkers are undocumented immigrants and immigration relief is urgently needed to address the constant fear of deportation many farmworkers and their children experience. The ability to obtain immigration status and a path to citizenship is key to enabling farmworkers to bargain for better working and living conditions and to challenge serious labor abuses. This legislation would result in a more stable farm labor force and greater food safety and security to the benefit of employers, workers, and consumers.

The bill also would revise the existing H-2A visa program to address concerns of both farmworkers and agricultural employers. The compromise includes concessions made by all sides in this debate and includes both important new protections for farmworkers, such as new protections against trafficking, as well as provisions sought by employers. Importantly, for the first time, the bill would recognize the humanity of those working here under temporary visas by providing a path to permanent status for those who satisfy the specified work requirements.

The Farm Workforce Modernization Act of 2019 is an important step forward and sends a clear signal that there are leaders in Congress ready to engage constructively on immigration and reach across the aisle to develop sensible policies. We encourage you to support this legislation and join this important effort to protect farmworkers and our nation's agricultural system.

Sincerely,

Advocates for Basic Legal Equality, Inc.; AirGo; America's Voice; Association of Farmworker Opportunity Programs; Bread for the World; California Human Development; California Rural Legal Assistance Foundation, Inc.; CaliforniaHealth+ Advocates; Carolina Family Health Center; CASA.

Casa de Esperanza; National Latin@ Network for Healthy Families and Communities; CASA of Oregon; Central Valley Opportunity Center; Centro De Los Derechos Del Migrante, Inc. (CDM); Chicago's Legal Aid Society; Child Labor Coalition; Chilliniois Young Farmers Coalition; Coalition for Humane Immigrant Rights—CHIRLA; Coalition of Florida Farmworker Organizations; Coalition on Human Needs.

Coalition to Abolish Slavery & Trafficking (CAST) Community; Council of Idaho, Inc.; Community Farm Alliance; CREDO; CRLA Foundation; Equal Justice Center; Farmworker and Landscaper Advocacy Project (FLAP); Farmworker Justice; Finger Lakes Community Health; Florida Legal Services, Inc.; Food Policy Action; Freedom Network USA; Greater New York Labor Religion Coalition; Hand in Hand Mano en Mano; Hispanic Affairs Project; Hispanic Federation; Hispanics in Philanthropy; Human Agenda; Immigration Hub; Inter University Program on Latino Research.

Interfaith Center on Corporate Responsibility; Jobs With Justice Education Fund; Justice at Work; Justice for Migrant Women; Justice in Motion; Kentucky Equal Justice Center; La Cooperativa Campesina de California; La Union del Pueblo Entero (LUPE); LatinoJustice PRLDEF; League of United Latin American Citizens (LULAC).

Logan Square Farmers Market; MAFO, Inc.; Maine Immigrants Rights Coalition; MALDEF (Mexican American Legal Defense and Educational Fund); Maryland Wineries Association; Mexican American Council; Mississippi Delta Council for Farmworkers Opportunities, Inc.; National Consumers League; National Domestic Workers Alliance (NDWA); National Hispanic Medical Association.

National Latinx Psychological Association; National Migrant and Seasonal Head Start Association; National Partnership for New Americans; NETWORK Lobby for Catholic Social Justice; Northwest Forest Worker Center; Northwest Regional Primary Care Association; Northwest Workers' Justice Project; Operation Access; Oregon Human Development Corporation; Oxfam America.

PathStone Corporation, Pesticide Action Network, Pineros y Campesinos Unidos del Noroeste (Northwest Treeplanters and Farmworkers United), Proteus Inc.; Public Justice Center; Roots and Culture Kombucha; Rural and Migrant Ministry; SER Jobs for Progress National Inc.; Service Employees International Union (SEIU).

Southeast Community Health Systems; Telamon Corporation; UFW Foundation; U.S. Committee for Refugees and Immigrants (USCRI); UnidosUS; United Farm Workers (UFW); United Migrant Opportunity Services/UMOS Inc.; United States Hispanic Leadership Institute; Voto Latino; Wayne Action for Racial Equality.

Ms. LOFGREN. Madam Speaker, there is a letter here from Farmworker Justice that I include in the RECORD explaining why this is an important thing to do.

#### FARMWORKER JUSTICE

JUDICIARY COMMITTEE, HOUSE OF REPRESENTATIVES, FARMWORKER JUSTICE STATEMENT ON HOUSE AGRICULTURAL IMMIGRATION REFORM BILL

Farmworker Justice supports the Farm Workforce Modernization Act of 2019, H.R. 5038, which is under consideration by the Judiciary Committee of the House of Representatives. The FWMA should be approved by the Judiciary Committee and passed by the full House.

The bipartisan bill resulted from lengthy, complex negotiations led by Rep. Lofgren (D-CA), Chair of the Subcommittee on Immigration and Citizenship, and Rep. Newhouse (R-WA), a farmer and former Director of Washington State's Department of Agriculture, and additional colleagues. To help reach agreement, Members of Congress involved farmworker advocates, including the United Farm Workers, UFW Foundation, and Farmworker Justice, and agricultural employer trade associations. Farmworker Justice appreciates the scheduling of the markup of the FWMA by the Chair of the Judiciary Committee, Rep. Nadler.

Of utmost importance, the supporters of this legislation recognize the important contributions of farmworkers to our nation's food and agriculture systems. An estimated 2.4 million people labor on our farms and ranches to provide us with fruits, vegetables, milk and other food. This legislation addresses the fundamentally unfair conditions experienced by many farmworkers due to our nation's broken immigration system. The large majority of the nation's farmworkers are immigrants, and a majority lack authorized immigration status. Undocumented farmworkers and their family members live in fear of arrest, deportation and the breakup of their families. In these circumstances, many farmworkers are reluctant to challenge illegal or unfair treatment in their workplaces and their communities. At times, they cannot go to work due to the presence of immigration enforcement agents. The country's farms and our food system depend on immigrants, both documented and undocumented.

The Farm Workforce Modernization Act bill provides a path to lawful permanent residency for undocumented farmworkers and their family members. It would eliminate

the constant fear of deportation and family breakup that is so stressful for many farmworker families. Removing the threat of immigration enforcement also would reduce disruptions of farming businesses. With legal status and a path to citizenship, farmworkers would be better able to improve their wages and working conditions and seek enforcement of their labor protections. These improvements would result in a more stable farm labor force and greater food safety and security to the benefit of employers, workers, and consumers. The earned legalization program's requirements are more rigorous and expensive than we would have preferred, but are acceptable in the effort to reach a realistic compromise.

The bill also would revise the existing H-2A agricultural guestworker program to address farmworker and employer concerns with the program. Farmworker advocates have pressed for reforms to reduce widespread abuses under this flawed program, while agricultural employers have lobbied heavily to remove most of its modest labor protections, claiming that the program is unduly expensive and bureaucratic. The bill's lengthy provisions include important new protections for farmworkers, as well as changes to address agricultural employers' concerns. Compromise was necessary to achieve legislation that could become law and address serious harms imposed on farmworker families by our broken immigration system.

Farmworker Justice supports the Farm Workforce Modernization Act of 2019 because the bill, if passed, would enable hundreds of thousands of farmworker families to improve significantly their living and working conditions and their participation in our economy and democracy.

Farmworker Justice, based in Washington, D.C., is a national advocacy organization for farmworkers with over thirty-five years of experience serving the farmworker community regarding immigration and labor policy. FJ's website contains extensive information about farmworkers, immigration policy, labor conditions and the H-2A agricultural guestworker program.  
www.farmworkerjustice.

Ms. LOFGREN. Madam Speaker, there have been some who have suggested privately, or even in public—the ranking member of the full committee in the Rules Committee last night said, Well, we should be covering chicken processing plants.

We did just one thing in this bill, and that was to deal with agriculture. We didn't expand the definition of agriculture. There may be issues in other parts of the American economy, but we decided to focus on just this one thing: agriculture—not processing, not trucking, not forestry, just agriculture.

The Laborers International Union has sent a letter in support, which I include in the RECORD, endorsing this bill and noting that this bill works in the agricultural sector and they hope that we will vote for it.

LIUNA!,  
December 9, 2019.

HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the more than 500,000 members of the Laborers' International Union of North America (LIUNA), I want to express our support for H.R. 5038, the bipartisan Farm Workforce Modernization Act.

Workers in agricultural industries, like those in all other industries, must have a

path to legal immigration status and citizenship. H.R. 5038 does just that, providing security for millions of farm workers and their families. This in turn will lead to better wages and working conditions for a group of workers who have historically been subject to horrific abuses.

H.R. 5038 also specifies that employers who try to misuse the H-2A program in industries covered by a different guest worker visa program (H-2B), including construction and landscape, cannot do so. Specifically, LIUNA is pleased that the House included language to the H-2A program requirements to investigate and prevent fraud in the H-2A program, as well as to ensure that employers cannot use H-2A workers if the majority of the worker's duties are related to Construction.

While LIUNA is supporting H.R. 5038, we want to be clear that while many of these reforms may make sense in the agricultural industry, it does not mean that all of the bill's provisions are necessary or helpful for other guest worker visa programs or workers in other industries. Historically, agricultural workers have been treated under different rules and laws than those in other industries, both permanent and guest workers. All of the reforms in H.R. 5038 for the H-2A program may not work for the H-2B program, for example. The H-2B guest worker program is commonly abused by employers in the landscape and construction industries to deny workers already in the U.S. access to jobs and to exploit workers both in and out of the U.S. The H-2B program must be significantly reformed in ways that will address the specific abuses of our union's construction and landscape members and foreign workers alike. LIUNA looks forward to working with Congress on H-2B reform in the near future.

For decades, LIUNA has fought for comprehensive immigration reform, which remains our goal. While we work toward that end, LIUNA supports efforts including H.R. 5038 to give vulnerable workers and their families who have suffered historic exploitation a path to security and citizenship. LIUNA asks that you vote for H.R. 5038, the Farm Workforce Modernization Act.

With kind regards, I am  
Sincerely yours,

TERRY O'SULLIVAN,  
*General President.*

Ms. LOFGREN. There may be other issues when you come to other parts of the economy. We should address those issues as well, but we are going to have to do that by sitting down, just as we did in this case, with the unions, with the employers, with the stakeholders to see what the issues are and how can we craft a bipartisan solution that makes America strong, that makes our economy work.

I am confident we will have a chance to do that.

Now, I just want to say, some of the comments made, although I am sure made in good faith, about the bill are incorrect.

The elements, the suggestion that this will be riddled with fraud is just simply incorrect. These antifraud measures are the same that were included and, in fact, in some cases are tougher than were included in the Goodlatte bill that Members supported in the last Congress.

The criminal national security bars are stronger than were included in the Goodlatte bill in the last Congress.

And I have heard also that these farmworkers, who have worked in the fields, who have allowed us to eat vegetables and to have a salad, that they should get in line.

I will tell you a sad thing: There is no line for them. There is no line. So we are creating a line with this bill. We are allowing them to get right with the law and live lawfully, pay taxes, and do the jobs that we need them to do, that their employers need them to do, with dignity and without fear.

I cannot forget going out and talking to farmworkers who are so afraid because of enforcement. They are afraid to leave their homes to go to church on Sunday morning. That is not the kind of situation we want to have in America.

We write the laws. We can make sure that these individuals comply with the law. We have E-Verify in this bill. We have a system that will work for farmers, for farmworkers, and for America.

We have done it over a period of months. We have done it bipartisan. We have the support of American agriculture, and I hope we have the support of a broad, bipartisan group when this bill comes to a vote today.

Let's not disappoint the people who are counting on us. Let's stand up and get something done, finally, on this measure that we have failed on over and over again.

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

Mr. SCOTT of Virginia. Madam Speaker, farmworkers toil under difficult and dangerous conditions for long hours and low pay to ensure America has a safe and plentiful food supply.

Because of the scarcity of domestic farm labor, for decades, the agricultural sector has depended largely on the labor of migrant workers. The vast majority of crop workers in the United States were not born here and are undocumented or here on guest visas. Though these workers perform incredibly difficult work under hazardous conditions, they are often unable to seek recourse when their rights are violated. A pathway to citizenship, when accompanied by appropriate oversight measures, could help reduce these dedicated workers' justifiable fear of reprisal for asserting their rights. Farmworkers are integral to our communities and our economy. Creating a pathway to citizenship for these individuals—who work to feed us and our country year after year—as well as their families is both an economic and humanitarian necessity.

I support legalization of vulnerable, undocumented workers and a path to citizenship. However, in exchange for legalization for some undocumented farmworkers, this bill would depress labor standards for H-2A workers. Because weakened labor standards for H-2A workers could adversely impact the domestic workforce, this bill could negatively impact the economic security of all farmworkers.

Wage cuts for many H-2A workers in turn would depress wages for all farmworkers. The adverse effect wage rate (AEWR), which is often the binding wage paid to H-2A workers, is designed to ensure that wages paid to H-2A workers do not depress wages for U.S. farmworkers. This means the AEWR must be

high enough to reflect wages paid in the local labor market. This bill would change the way the AEWR is currently calculated over the first ten years to reflect average wages paid to farmworkers in the region according to their specific occupation, rather than the average wage paid to farmworkers across all occupations. However, the bill fails to require the use of data that actually reflects local wage conditions. Additionally, while setting limitations on how much AEWR wages can decrease after an initial one-year freeze, the bill imposes caps on wage increases from year to year, limiting whether AEWR can truly reflect wages paid in the local labor market.

As a result of these changes to the AEWR, the majority of H-2A workers would see their wages actually go down, albeit modestly, while others would see the growth in their wages capped. I have opposed similar efforts proposed by the Trump Administration that would depress wages.

This year, I was pleased to lead the House passage of H.R. 582, the Raise the Wage Act, which would boost wages for millions of lower-wage workers. I am confident that in the next ten years, we will enact a meaningful increase in the federal minimum wage, boosting wages for workers across our nation including farmworkers. However, I am concerned that H.R. 5038 will create artificial barriers to wage growth, or worse, lead to wage cuts, continuing to leave farmworkers relegated to low pay and economic insecurity.

Our country's wage and hour laws are designed to ensure that workers are guaranteed a fair day's pay for a fair day's work. But this right is only as strong as a worker's ability to hold employers accountable, especially in court. Unfortunately, this bill creates obstacles that may delay farmworkers' ability to access their day in court, when they have been victims of wage theft. While I welcome extending coverage of the the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) to H-2A workers, adding a mediation requirement to both the MSPA and the Fair Labor Standards Act (FLSA) is problematic. This bill enables employers to impose three months of mandatory mediation when an H-2A worker brings a civil suit under these laws, even if the worker does not consent to the mediation and wants his or her day in court. This undermines the voluntary nature of mediation and provides bad actors with an avenue for delaying or denying wage recovery. This delay could prove significant for farmworkers who may be in this country for a limited amount of time to participate in litigation. This is especially fraught given that, in contrast to MSPA, the FLSA provides for recovery of unpaid wages and liquidated, or double, damages and recovery of attorney's fees, plus costs. This provision may also pull domestic farmworkers or other visa classifications of workers into required mediation where there are collective or class actions, thereby undermining incentives for other workers to join with H-2A workers to seek redress.

This September, I supported the passage of H.R. 1423, the FAIR Act, to ban forced arbitration in many areas, including employment, because it could delay or totally block workers' access to courts. We should promote legislation that protects workers' fundamental right to have their day in court, not delay it.

This bill denies newly legalized farmworkers and their families access to key social safety



net programs, such as Medicaid and subsidies under the Affordable Care Act. Denial of benefits that can promote economic stability, coupled with the bill's wage suppressing provisions, threatens to create a long-term pool of economically vulnerable workers. While most of these individuals do not currently have access to these benefits due to their immigration status, leaving immigrant workers who are granted legal status under this legislation without access to social safety net programs establishes a dangerous precedent that access to health care and other basic necessities can be traded away for a path to legal status.

This legislation weakens the current recruitment and hiring standards for U.S. farmworkers. A reduction in employers' obligations to hire U.S. workers under this bill will undermine one of the core principles of the H-2A program: that H-2A workers should fill in gaps in the farm workforce that U.S. employers are truly unable to fill, rather than merely replacing U.S. workers that employers could attract with reasonable efforts. I raised concerns with similar efforts to modify recruitment standards by the Trump Administration earlier this year.

Agricultural work is hazardous, and workers in this sector have few legal health and safety protections. Ensuring that H-2A workers and all farmworkers have safe, healthy working conditions is critical. I am pleased that this bill requires H-2A employers to maintain heat illness prevention plans and requires H-2A employers in the dairy industry to maintain workplace safety plans. However, as presently written, some provisions are ambiguous and would be difficult to enforce; other provisions have weak minimum requirements that would limit their value. As this legislation moves forward, I would urge the inclusions of stronger health and safety standards.

Strong labor protections are vital to protect both H-2A workers, who are vulnerable given their temporary status, and domestic farmworkers, whose employers may be disincentivized to provide employment. This is especially true given that farmworkers have historically been carved out of labor and employment laws, leaving these workers with fewer wage protections and rights to bargain for better working conditions.

While this bill does make some improvements in immigration law, I look forward to supporting a version of this bill that more accurately reflects strong labor standards.

Ms. JOHNSON of Texas. Madam Speaker, I rise today in support of H.R. 5038, the Farm Workforce Modernization Act. This bipartisan piece of legislation will go a long way in addressing the shortage of labor in our agriculture sector. This bill will also provide a pathway to citizenship for agricultural workers who have spent many years working in the fields helping to ensure we have a safe and affordable food supply.

Thanks to the leadership of Chairwoman LOFGREN and Congressman NEWHOUSE, we have finally started to look at immigration as a solution to some of our labor shortages. Farmers and ranchers rely on foreign seasonal agricultural workers largely because it's difficult to find a reliable source of labor domestically for this sector. It's a fair compromise that these workers be offered a pathway to citizenship so that they can one day live the American dream just like the rest of us.

It is my hope that this bill can serve as a blueprint for other sectors of our economy

where labor shortages persist. Construction is a prime example of this. My district, along with the rest of North Texas is in the process of seeing rapid population growth. This means construction workers are in high demand to build new homes, schools, roads, and hospitals for the thousands of people moving to the region every month. Similar reforms in the construction industry would help in making sure the economy in North Texas can continue to prosper.

Madam Speaker, we have a unique opportunity here today to pass legislation that would benefit both farmers and the agricultural workers they employ. I urge my colleagues to vote in support of this bill.

Ms. SANCHEZ. Madam Speaker, I rise today in support of H.R. 5038, the Farm Workforce Modernization Act of 2019. I would like to thank Congresswoman LOFGREN and Congressman NEWHOUSE for convening agriculture and labor stakeholders to develop this historic piece of legislation.

This bill represents true bipartisan efforts to help stabilize our nation's agriculture crisis. New workplace and legal protections for farmworkers, including gender-based protections and heat safety standards, are established under this bill.

Farmworkers have fought long and hard for these reforms. By voting to strengthen health and safety standards and provide legal status to agricultural workers, we do right by the hardworking men and women who put food on our table.

This bill also modernizes the agricultural guest worker program in order to address the nation's agricultural labor shortage. After months of negotiations, I believe we have developed a commonsense solution that will help both farmworkers and farmers.

I am proud to have worked with my colleagues to make this bill a reality.

Mr. COLLINS of Georgia. Madam Speaker, Georgia is home to a vast agriculture industry with hardworking farmers, ranchers, growers and processors who contribute to America's economy every day. In the northeast corner where my district is located, more than 10,000 farm operators grow everything from peaches to cattle, chickens to strawberries.

There is no doubt that not enough American workers want to work in agriculture to fulfill the needs of the industry. Most farmers are offering competitive wages to attract workers, while at the same time being conscious of the reality that, when production costs get too high and they can no longer sell their crops at a competitive rate, they could be out of business.

Growers are increasingly turning to the H-2A visa program to get the temporary labor they need, but the program needs reform. The agricultural industry wants and deserves a streamlined program that provides more certainty as to the temporary labor needed to sustain their businesses.

H-2A users have asked Congress for many reforms of the H-2A program. Unfortunately, despite its proponents' claims, H.R. 5038 doesn't fix many of the issues with the program, and, in some cases, the bill makes the problems worse.

Growers have requested permanent, long-term wage rate relief instead of the unpredictable adverse effect wage rate that H-2A users are currently required to pay. This change would help farmers plan for the next growing season without facing increases of 6.2 percent

like they did for fiscal year 2019. H.R. 5038 fails to provide long-term stability in wage determinations.

H-2A users have asked for litigation reform that protects against frivolous lawsuits but provides an efficient way to resolve workers' legitimate issues. H.R. 5038 does exactly the opposite—it subjects H-2A users to a private right of action in federal court.

Those who use the H-2A program have requested that control of the program be placed with the cabinet agency that understand growers, their needs, and their processes. H.R. 5038 doesn't do that.

The agricultural industry has asked that Congress provide access to the H-2A program for all sectors of agriculture.

H.R. 5038, however, covers the dairy industry, but leaves out other important sectors like meat and poultry processing, forestry and aquaculture. Of course, as someone who represents a district where the poultry industry employs over 16,000 people and is a vital part of our economy, the fact that meat and poultry processors are left out represents an enormous problem.

H-2A users have asked for no cap on the program. Where H.R. 5038 does provide some visas for year-round work, it caps the number initially at the low rate of 20,000 per year and then reserves half of those for dairies. So, a measly 10,000 visas per year are provided for all other year-round agriculture needs. After that, the bill caps any increase at 12.5 percent—yet still reserves half for dairy.

While the 227 pages of H.R. 5038 make many more changes to the H-2A program—some good and some bad—one need look no further than the first few pages to figure out the real point of this bill: A path to citizenship for an unknown number of illegal immigrants who do some work in agriculture, along with their families.

Of course, we have no idea how many people will take advantage of this amnesty. Estimates from groups like Farmworker Justice put the number of farm workers in the U.S. at 2.4 million, while other estimates reach as high as 2.7 million. Even at the very conservative estimate that 50 percent of farm workers are here illegally, well over a million and a half people will get a path to citizenship, and, because that 50 percent number is from a self-reported survey, we can expect the number of illegal workers is even higher than that.

What are some other concerns with H.R. 5038? The bill promotes fraudulent applications through its extremely low document standards and the ability to withdraw a knowingly false application without prejudice. The bill allows aliens with multiple DUI convictions and charges, as well as many other misdemeanor convictions or charges, to get amnesty. It forgives Social Security fraud and rewards aliens who engage in such fraud with a path to U.S. citizenship.

The bill defines a "work day" as only 5.75 hours long and only requires 100 of those each year in order to get a path to citizenship. Better yet, an alien can be exempt from one year of work if they are a caretaker or are pregnant. The bill doesn't require the alien to pay back taxes. H.R. 5038 rewards with amnesty those who failed to attend removal proceedings and those who were removed and illegally reentered America. The bill even authorizes U.S. taxpayer money to help illegal

immigrants apply for amnesty and permits DHS to loot up to \$10 million from the fees paid by those seeking legal immigration benefits—such as naturalization.

There are many more provisions of this bill that concern me. During the markup, my Judiciary colleagues and I offered amendments aimed at fixing some of these problems. Our amendments were defeated on party line votes.

At the outset of this Congress, I expressed to the subcommittee chair my desire to work together on an agricultural labor reform bill that has a chance to be enacted. Unfortunately, that didn't happen. My offer was ignored, and the bill before us is not something I can support.

I urge my colleagues to oppose this bill.

Ms. GARCIA of Texas. Madam Speaker, I stand as an original cosponsor of the Farm Workforce Modernization Act.

Agricultural workers are crucial to our economy and this bill would establish a legal and reliable farm workforce.

I support this bill because it recognizes the humanity of farmworkers and their families.

This is personal to me.

I grew up poor picking cotton in the fields of South Texas.

I can testify firsthand about the incredibly hard, back breaking work farm workers do, especially in the heart of South Texas.

Not much has changed since I worked in the fields.

This bill is long overdue and would provide farm workers with important worker protections and legal rights that they desperately need.

Texas is home to nearly 250,000 farms and the need for a strong agricultural workforce is vital.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 758, 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.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 5038 is postponed.

#### CONFERENCE REPORT ON S. 1790, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020

Mr. SMITH of Washington. Madam Speaker, pursuant to House Resolution 758, I call up the conference report on the bill (S. 1790) to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 758, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 9, 2019, Book II, page H9389.)

The SPEAKER pro tempore. The gentleman from Washington (Mr. SMITH)

and the gentleman from Texas (Mr. THORNBERRY) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. SMITH of Washington. Madam 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 the conference report to accompany S. 1790.

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

There was no objection.

Mr. SMITH of Washington. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, this was not an easy process. This is an incredibly important piece of legislation. It authorizes the Department of Defense. It basically gives the authority to the men and women who work at the Department of Defense to implement our national security policy and defend this country. And there is a lot of money, a lot of policy, and a lot of people interested in it.

We also have the problem that we have a divided government. We have a Republican President, a Republican Senate, and a Democratic House, who do not agree on a lot of issues. And those are the issues that tend to get focused on.

But what this conference report reflects, for the most part, is that we do agree on a lot; about 90 to 95 percent of what we were negotiating there was substantial agreement on: doing oversight of the Pentagon to make sure our taxpayer dollars are well spent and to make sure that the men and women serving in our Armed Forces, who we are asking to put their lives on the line to defend our country, will have the training, the equipment, and the support they need to carry out that mission. And there are more provisions than I can count in this bill that help them do just that.

We all, in a bipartisan way, should be very proud of that accomplishment.

I think, ultimately, the biggest difference between where the Democrats in the House were at and where the Republicans in the Senate were at: We believe in more aggressive legislative oversight, particularly when it comes to matters of engaging in military action.

We remain deeply concerned about the war in Yemen. Now, it is not our war. Saudi Arabia and, to a lesser degree, the UAE are engaged in that, but we do support them. We want to make sure that we are not supporting them in a way that is contrary to our values and contrary to peace in the region.

Regrettably, we were not able to get the President, primarily, to agree on that, but I think it is something we need to continue to put pressure on.

We also believe that we shouldn't go to war without congressional authority. We will continue to fight about

that. We have the 2001 AUMF and the 2002 AUMF still on the books 17, 18 years later. We need to update that. We need to make sure that we don't go to war with Iran without authorization.

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

Mr. SMITH of Washington. Madam Speaker, I yield myself an additional 30 seconds.

All of that said, ultimately, we pulled together what is an excellent piece of legislation. The two big things I want to highlight in the moments I have left:

We finally repealed the widow's tax. After 25 years of claiming we were going to do it, this bill does it.

And we also give paid parental leave for all Federal employees.

I believe both of these things are integral to national defense. The people are the ones who give us the national security. Taking care of widows, taking care of employees is incredibly important. It was not easy to do. We did it in this bill.

Madam Speaker, I urge adoption of the conference report, and I reserve the balance of my time.

Mr. THORNBERRY. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I rise in support of this conference report. The most important thing I can say about it is that it is good for the troops and it is good for national security. And when it comes to a Defense authorization bill, that is all that really matters. This is a good bill, and it deserves the support of everyone in the House.

And a lot of credit—much of the credit—for navigating a very difficult political process goes to Chairman SMITH for getting us to this point. I am also grateful to Chairman INHOFE and Senator REED during these final negotiations over the last 5 months as we have worked our way through a host of issues.

But it is also all of the conferees and members of the Armed Services Committee and, especially, the staff who have had to help us work our way through these things, essentially, all year. And it is a credit to all of them that we are in this place.

Madam Speaker, this bill does a lot, as Chairman SMITH just said, for the men and women who serve and their families.

There is a lot of focus on people here: For example, 3.1 percent pay raise; a number of provisions related to childcare for the military; increase in professional license fees for spouses; military housing reform, including a requirement for a tenant Bill of Rights; reforms to the movement of household goods; additional steps to combat sexual assault and harassment; a number of provisions related to military healthcare, to improve the quality of care that they get; compensation for medical malpractice at military treatment facilities; repeal of the widow's tax, which is something that Congressman JOE WILSON, among others, has been pushing for for a number of years.

Those are just some of the things related to our military folks that are in this bill, and, essentially, I can't think of another significant issue military families have brought up to me over the past year or two or three that does not have at least some provision in this bill.

And, in addition, for the civilians at DOD and the rest of the government, it has paid parental leave so that we can be in a better position to compete with big employers around the country.

A lot for our people.

In addition, it does a lot to help rebuild and repair the damage that is done by sequestration to our military. It helps us prepare for our adversaries: very importantly, to authorize in title 10 a space force, as this House has voted for twice, including 2 years ago. Yet, now, with this bill, it takes effect.

As well as further reforms to the Pentagon, not just to get more value out of our money, but to get top technology into the hands of the war fighter faster.

There is a lot of good in here, and it deserves Member support.

Madam Speaker, I reserve the balance of my time.

□ 1600

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COOPER), the chair of the Subcommittee on Strategic Forces.

Mr. COOPER. Madam Speaker, we need to establish a Space Force, to keep GPS safe, to keep ATMs safe, and to keep Y-O-U safe.

Space Force is not a Trump idea. True, he tried to hijack it long after the House Armed Services Committee had voted on a totally bipartisan and nearly unanimous basis to support a Space Corps. Trump's belated support for a Space Force does not make this a Republican idea.

Focus on space has been bipartisan since the first Pentagon Space Command in 1985, an initiative that was terminated in 2002 when America got distracted by the war on terror. Our adversaries and potential adversaries were not distracted, however.

Since 2002, they have relentlessly pursued anti-U.S. strategies against our defenseless satellites. They have made space a warfighting domain.

On behalf of the free world, we must respond. What is the difference between a Space Corps and a Space Force? One word. The language in this year's NDAA is primarily the old Space Corps language, which passed the HASC this year unanimously.

The Strategic Forces Subcommittee provisions of this bill support the core mission of our nuclear forces to provide a strong deterrent. They also support nuclear safety as we modernize and recapitalize our nuclear deterrent.

We emphasize the importance of strategic stability. The conference agreement highlights the importance of New START and the Open Skies treaties for

U.S. and international security. We maintain congressional oversight over these key arms control agreements, including requiring a 120-day notice provision before any withdrawal from these treaties.

U.S. leadership, in cooperation with our allies, is essential to hold Russia accountable and to prevent an arms race.

The NDAA continues to support effective missile defense while increasing oversight of critical programs, particularly as the Department of Defense considers new options for the next-generation interceptor.

Madam Speaker, I urge my colleagues to support this bill.

Mr. THORNBERRY. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Madam Speaker, I support the National Defense Authorization Act for Fiscal Year 2020, and I, too, thank ADAM SMITH for his leadership in bringing a bipartisan bill as the final NDAA to this floor.

This bill continues the deployment of low-yield nuclear weapons to counter Russian violations of the INF. It also supports our nuclear modernization efforts in the DOD and the National Nuclear Security Administration to ensure a strong nuclear deterrent.

I also want to note the strong bipartisan support for missile defense that is in this year's bill. This year's bill demonstrates that the protection of our homeland from North Korean missile defense is not subject to partisan politics.

As co-chair of the Congressional Military Sexual Assault Prevention Caucus, along with my colleague and friend SUSAN DAVIS, I am proud of the steps this conference report takes to further our mission of reducing instances of sexual assault in our ranks and caring for the victims of such acts.

The conference report includes provisions to improve the safety of military housing. Adding to enhancements included in the last year's NDAA, the report expands the requirement for fall prevention devices installed on the windows of base housing to protect the young children of our servicemembers.

The fiscal year 2020 NDAA provides the members of the Armed Services their largest pay increase in over a decade and also includes the repeal of the widow's tax over the next 3 years, a crusade by Congressman JOE WILSON.

It doubles the reimbursement allowance for licensure and certification costs of a spouse of a servicemember arising from relocation and gives members of the Federal Government, including military members and Federal Government workers, 12 weeks of paid family leave to care for newborn or adopted children.

I encourage passage of this bill.

Mr. SMITH of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. NORCROSS), chair of the Subcommittee on Tactical Air and Land Forces.

Mr. NORCROSS. Madam Speaker, I thank the chairman for yielding, for his leadership through this tough conference, and for bringing this bill to the floor.

Madam Speaker, this bill continues the Tactical Air and Land Forces Subcommittee's long tradition of bipartisan work to make America's land and air forces the best in the world.

I also thank our subcommittee ranking member, Mrs. HARTZLER, for her commitment and contributions to this process and upholding that tradition of bipartisan work.

Our cooperation has kept us focused on what is truly important. We have delivered a defense bill that addresses the modernization and readiness requirement of our Nation's air and land forces.

At the same time, this bill includes bipartisan provisions that allow for aggressive oversight of the Department's largest and most complex, expensive, and risky programs to protect the taxpayer and support our military.

This bill also manages risk in our American defense industrial base by providing additional funds for the Army Chinook helicopter, armored vehicles, and trucks.

This bill includes long-overdue changes that improve the quality of life for our men and women in uniform, the workforce that supports them, and the families who serve right beside them. This bill provides 12 weeks paid parental leave for those workers across the Federal Government and includes a 3.1 percent pay increase for our military servicemembers.

Additionally, the bill provides health protections for military families and retirees from exposure to the potentially cancer-causing contaminate PFAS. This also includes ensuring that blood tests are conducted for our firefighters on military bases who might have been exposed.

I am proud of the hard work that this committee has done to serve America's national security interests, and I urge my colleagues to support it.

Mr. THORNBERRY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Madam Speaker, I thank Mr. THORNBERRY for yielding.

Madam Speaker, this is not a good conference report. This is a great bipartisan conference report. We have made significant strides in a wide range of areas that improve our national security posture, from installing a respectable \$743 billion top line to supporting our Nation's highest acquisition priorities to even including related efforts on the widow's tax and family housing reform. This has become an impressive bill.

I must admit, though, that I was concerned about our ability to complete the work in this conference report. When we initially debated this bill on the House floor, I voted in opposition to the bill over top-line funding issues and various riders that were included.

But in conference, we debated vigorously. In the end, I am pleased that we, once again, tacked to the middle and moved to garner bipartisan support for our servicemembers and their families.

Chairman SMITH and Ranking Member THORNBERRY should be proud of this effort. Our seapower and projection capabilities are more lethal as a result.

In the Seapower and Projection Forces Subcommittee, we authorized three destroyers, two submarines, two amphibious ships, two oilers, and one frigate. We accelerate unmanned vessels to the maximum sustainable level. We continue to fully support the rapid development of the B-22 Raider bomber and the Columbia-class ballistic missile submarine programs, both essential elements of our nuclear triad.

In my estimation, this conference report is making the right investments to ensure our military is more effective and has the ability to project power in times of conflict.

I particularly appreciate Chairman COURTNEY's approach to developing bipartisan legislation. I am glad that we are so closely aligned in our subcommittee, and I thank Chairman COURTNEY for his leadership.

Additionally, the conference report makes significant progress on a multitude of family policy issues that are essential to supporting our servicemembers and their families.

A 3.1 percent military pay raise; significant improvements in family housing; authorizing paid parental leave, including Mr. WILSON's legislation to address the widow's tax—all of these provisions support and retain our military families.

We are concluding our defense policy bill, but now it is time to move the Defense appropriations processes.

While I am excited to support this conference report, I also believe that we need to rapidly advance our efforts to conclude the defense appropriations process. I think it is embarrassing for Congress to go home for all of August and early September with the complete understanding that our ineffectiveness wastes billions of dollars and weakens our national security. We can do better. We must do better.

We are concluding our defense policy bill, but now it is time to move the defense appropriations process.

Mr. SMITH of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY), the chair of the Subcommittee on Seapower and Projection Forces.

Mr. COURTNEY. Madam Speaker, I rise in strong support of the final conference version of the 2020 National Defense Authorization Act.

As chairman of the Seapower and Projection Forces Subcommittee, I worked closely with my colleague and friend, Ranking Member WITTMAN, to produce a strong bill that invests smartly in the defense priorities under our jurisdiction.

This year, we also benefited greatly from the contributions of our freshman

members of the subcommittee, whose collective experience and intelligence were extremely helpful.

The bill authorizes a \$23 billion shipbuilding budget for 12 battle force ships, including two Virginia-class submarines, three Arleigh Burke destroyers, the first frigate, two amphibious ships, two T-AO oilers, and two salvage and rescue ships.

The final shipbuilding budget also contains adjustments necessary to support the new Block V Virginia-class submarine contract and fully funds the Navy's number one acquisition priority, the Columbia-class ballistic missile submarine.

This bill will, by law, reverse the administration's misguided proposal to cancel the refueling of the carrier USS *Harry S. Truman*.

Our subcommittee also focused on sealift recapitalization, an area that has been overlooked for far too long; legislating reauthorization of the Maritime Security Program; establishing a new-build domestic sealift vessel program; and restoring funding cuts by the administration for a critical training platform, the National Security Multi-Mission Vessel.

It also provides strong support for our air projection forces, including the KC-46 tanker, the B-21 long-range bomber, and the B-52 reengining program.

Finally, we continued Congress' oversight duties as they relate to the Navy's surface fleet readiness by requiring any shipboard system program of record to have formal associated training to ensure our sailors are competent operators of the equipment they use at sea every day.

Outside of seapower, I am extremely pleased that my amendment that reverses last year's awful DOD order blocking longer term servicemembers' ability to transfer their GI Bill educational benefits to eligible dependents is in the conference report.

I am also pleased about the fix to widow's tax, which we wrestled with for 20 years, and also the monumental task of providing 12 weeks of paid family medical leave for all Federal employees.

I thank the committee leadership, Representatives SMITH and THORNBERRY, for their tireless work. I also thank Phil MacNaughton, Dave Sienicki, Kelly Goggin, and Megan Handal, and Lieutenant Claire Wardius of the Navy, my Navy fellow, for their great work supporting this bill.

Mr. THORNBERRY. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Madam Speaker, I rise in strong support of the conference report to accompany S. 1790, the 59th consecutive National Defense Authorization Act.

With a new top line of \$739 billion, plus another \$5.3 billion in emergency authorizations, I believe this conference report now represents a good

bipartisan compromise that we all should support because it provides for our common defense and addresses the priorities required by our men and women in uniform.

This bill will continue the progress we have made in rebuilding military readiness while also setting the right conditions through oversight to accelerate needed modernization capabilities required for the national defense strategy and credible deterrents.

A few examples of these critical capabilities include funding for eight F-15EX aircraft, an additional \$1.4 billion for F-35 fifth-generation Joint Strike Fighters, funding for 24 F-18 Super Hornets, strong support for the Army's identified Big 6 modernization priorities, and an additional \$265 million for National Guard and Reserve Component equipment modernization.

I am also pleased the bill includes a provision to ensure servicemembers forced to move from any type of military housing, including dormitories, receive a partial dislocation allowance. This fixes a gap that previously prohibited our lowest paid servicemembers from receiving this assistance.

I thank Ranking Member THORNBERRY for his leadership and guidance throughout this entire process, as well as our subcommittee chairman, DONALD NORCROSS, for his leadership and spirit of bipartisan.

This conference report also wouldn't be possible without the hard work and dedication of the entire subcommittee staff.

The NDAA has always been a product of bipartisan consensus, and I am pleased that we were successful in reaching that level of consensus again.

I urge my colleagues on both sides of the aisle to support this bill and vote "yes" on S. 1790.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI), who is the chairman of the Subcommittee on Readiness.

Mr. GARAMENDI. Madam Speaker, I rise in full support of the National Defense Authorization Act for Fiscal Year 2020.

First, I thank Chairman SMITH and Ranking Member THORNBERRY, the committee staff, and others who worked tirelessly on this bill. It is a good one, and I urge support from all.

As chairman of the Subcommittee on Readiness, I worked closely with Members on and off the committee to ensure that this bill addressed three priority areas.

First, the NDAA requires the Department of Defense to plan for and respond to the threat that climate change poses to military installations and military operations by developing installation master plans that fully assess current and future climate vulnerabilities and updating building standards for military construction to promote energy conservation, climate and cyber resiliency, among many other important aspects.

Second, the bill includes a number of provisions aimed at addressing problems associated with the management and oversight of military family housing programs, including that military services must establish a tenants' bill of rights for our military family housing.

Third, the bill authorizes additional funding and includes bipartisan provisions to mitigate contaminated drinking water for households and agriculture resulting from PFAS and fluorinated compounds that have been used on military installations.

I am also pleased that there is a 3.1 percent pay raise for our troops and also that the bill includes provisions from my bill, H.R. 2617, the OATH Act, the Occupational and Environmental Transparency Health Act, which requires the DOD input any occupational environmental hazard that troops may have been exposed to.

Finally, a couple of things that are positive, but there are also some concerns. The bill does not delay the deployment of the new low-yield nuclear warheads for submarines, which I believe is not a good idea at all for our boomers. Secondly, the bill does not deal with the funding for our military programs and for the military that had been ripped off for the wall.

□ 1615

Mr. THORNBERRY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Mississippi (Mr. KELLY).

Mr. KELLY of Mississippi. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of S. 1790, the National Defense Authorization Act for Fiscal Year 2020.

I wish to thank Chairman SMITH, Ranking Member THORNBERRY, Chairman INHOFE, and Ranking Member REED for their leadership throughout the conferencing of this bill.

I also want to thank the Military Personnel Subcommittee chairwoman, JACKIE SPEIER, for her hard work and leadership.

The strength of our military is our servicemembers, and the strength of our servicemembers is our military families. This bill contains a number of significant policy and funding initiatives that affirm our commitment to our troops and their families.

To that end, this bill supports a 3.1 percent military pay raise, extends crucial pay and bonuses for servicemembers in high-demand fields, and eliminates the widow's tax.

I want to specifically thank Representative JOE WILSON for his years of tireless work and leadership to make this a reality. Make no mistake, this is all because of JOE WILSON's initiative.

This bill also preserves military healthcare by preventing the services from making cuts to healthcare billets before providing additional analysis on the impact those cuts will have on our military health system.

It improves accessibility and effectiveness of mental healthcare by requiring DOD to update and standardize procedures related to mental health treatment and substance abuse referrals.

Importantly, this bill strengthens our Reserve component by expanding eligibility for TRICARE Reserve Select.

This bill also expands support for military spouses by doubling the reimbursement amount spouses can receive for professional licensing and expanding eligibility for educational assistance.

Finally, the bill includes provisions designed to improve military childcare, including expanded direct hiring authority for child development centers and requiring a comprehensive assessment of childcare capacity on military installations.

In addition to critical military personnel provisions, this bill contains many initiatives that are important to my home State of Mississippi.

Madam Speaker, I want to thank my fellow conferees for their contributions to this truly bipartisan conference report, and I strongly urge my colleagues to support its passage.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentleman from California (Ms. SPEIER), who is the chairman of the Subcommittee on Military Personnel.

Ms. SPEIER. Madam Speaker, let me also say to my colleague, the chair of the committee, what an outstanding job he has done. I want to thank my ranking member, Mr. KELLY, for his good leadership as well.

Since coming to Congress, I have voted against more NDAA's than I have voted for. This year, I will be voting for the NDAA, not because it is perfect, not because it achieves every Democratic priority, and not because I am satisfied. I am voting for this bill because it achieves monumental progressive victories; and the day after the President signs this bill, many of our servicemembers and their families will recognize that we have been listening to them.

Let me highlight a few provisions that make me proud to vote for this bill.

After 70 years, we have tackled the Feres doctrine, setting aside \$400 million over 10 years to provide justice and compensation for medical malpractice performed at noncombat settings.

The process of providing compensation for malpractice during nonmission healthcare should be governed by the Administrative Procedure Act, guaranteeing a public comment process for creating the program plus judicial review.

We required the Marine Corps to join the rest of the services and finally provide gender-integrated basic training to platoons, recognizing that women marines are marines just like men.

We have ended the unjust widow's tax, provided 12 weeks of paid parental

leave to Federal workers, increased resources to ease the childcare backlog at military bases, provided legal counsel to domestic violence survivors, and prevented the military from forcing new mothers to deploy within a year of their child's birth.

Finally, we have renewed the Breast Cancer Research Stamp Act, which has been generating \$85 million for breast cancer research.

The NDAA is not perfect, but it is a giant step forward for our servicemembers and their families.

I want to thank Craig Greene, Dave Giachetti, Glen Diehl, and Jamie Jackson for the outstanding services they have provided to the Military Personnel Subcommittee, and I urge my colleagues to vote in favor of this measure.

Mr. THORNBERRY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from New York (Ms. STEFANIK).

Ms. STEFANIK. Madam Speaker, I rise in strong support of this bipartisan bill and the accompanying conference report for the National Defense Authorization Act for Fiscal Year 2020.

As the ranking member of the Subcommittee on Intelligence and Emerging Threats and Capabilities, I am proud of our oversight and legislative activities this year.

The bill before the House incorporates four broad subcommittee themes.

First, it recharges our national security innovation base to confront emerging threats and advance our science and technology ecosystem, while also making it easier for small businesses to engage with DOD. We authorize the establishment of new partnerships in the field of hypersonics and quantum sciences. We extend unique hiring authorities to the Joint AI Center and to DARPA to ensure that the best talent available is made available to solve our hardest national security problems. This bill also establishes a White House working group to protect Federal research and intellectual property from foreign interference, espionage, and theft.

Second, this bill recognizes the urgency and importance of U.S. leadership in 5G technology and mandates the development of a DOD 5G strategy.

Third, this NDAA strengthens congressional oversight of cyber operations and enhances the Department's cybersecurity strategy and cyber warfare capabilities. It builds upon the work of previous NDAA's to ensure cyber is a fully integrated warfighting function across the Department. It increases congressional notification requirements for military cyber operations and improves cybersecurity cooperation with the Defense industrial base.

Finally, this bill contains important authorities for sensitive military operations and activities, including cyber, counterterrorism, and intelligence. These authorities are vital to meet the

threats identified in the National Defense Strategy.

Before I conclude, I would like to thank Ranking Member THORNBERRY, Chairman SMITH, Senator INHOFE, and Senator REED for their leadership through this conference process.

I particularly want to thank my partner and the subcommittee chair, Congressman JIM LANGEVIN from Rhode Island, for his strong partnership and what we have delivered from this subcommittee.

Madam Speaker, I urge a “yes” vote.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), who is the chair of the Subcommittee on Intelligence and Emerging Threats and Capabilities.

Mr. LANGEVIN. Madam Speaker, I want to thank the gentleman for yielding, and I want to congratulate and thank Chairman SMITH for his leadership on the House Armed Services Committee, as well as Ranking Member THORNBERRY.

Madam Speaker, I rise today in strong support of the conference report to accompany the 2020 National Defense Authorization Act. I was honored to be a conferree, and I am very proud that we have concluded our work on this defense bill and reached bipartisan consensus in support of our national security and our servicemembers. I am particularly pleased with the provisions that are under the oversight of the Intelligence and Emerging Threats and Capabilities Subcommittee, which I am honored to chair.

I also want to thank my subcommittee ranking member, Ms. STEFANIK, for her contributions to this bill and her bipartisan participation and partnership throughout the process, and our wonderful staff for all their work to make this happen.

In the IETC portfolio, this bill supports a robust Department of Defense science and technology ecosystem to deliver the best capabilities to the warfighter while protecting critical technologies. It provides for additional investments in emerging technologies like 5G and additive manufacturing and supports educational programs to strengthen the STEM workforce and improve ties with historically Black colleges and universities and minority-serving institutions.

On the cybersecurity front, we strengthen oversight of military operations, synchronize efforts, and leverage best practices to improve the Department's network, industrial base, and military installation cybersecurity.

This bill also reflects our IETC priorities that Special Operations Forces remain professional, ethical, agile, and postured for high-end missions and that the Defense Intelligence Enterprise is oriented to provide maximum support to Department requirements.

I am especially pleased that this bill continues to support the production of the Virginia-class submarine program

and the Virginia Payload Modules as well as the Columbia-class submarine program, which are shining examples of Rhode Island's contributions to our national security.

This bill supports our servicemembers with a pay raise and demonstrates a strong commitment, also, to families by providing all Federal workers with paid parental leave.

Madam Speaker, there is a lot to be proud of in this bill. I thank Chairman SMITH, again, for his leadership and Ranking Member THORNBERRY, and I urge my colleagues to support it.

Mr. THORNBERRY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Madam Speaker, I thank the gentleman for yielding and for his leadership.

Madam Speaker, I rise in strong support of the conference report for the National Defense Authorization Act for Fiscal Year 2020.

The NDAA continues rebuilding readiness and provides vital capabilities required to implement the National Defense Strategy.

Highlights include significant investments in operations and maintenance, facilities, sustainment, and military construction; also, nuclear triad modernization and authority to deploy low-yield weapons; the historic establishment of Space Force as a separate military service with a seat on the Joint Chiefs of Staff; and \$5.3 billion in emergency funding to rebuild Tyndall and Offutt Air Force Bases, Camp Lejeune, and China Lake Naval Air Station, all of which were struck by natural disasters.

The stress that military families endure from frequent deployments makes the systemic failures of privatized military family housing truly deplorable. Critical reforms in this bill include a Tenants Bill of Rights, formal dispute resolution, and improved quality control for repairs and mold remediation.

The bill also provides critical oversight of the Defense household goods program that will ensure that military families are put first in DOD reforms.

The bill also addresses PFAS contamination by prohibiting non-emergency use of firefighting foams containing PFOS and PFOA and requires DOD to accelerate fielding a PFAS-free replacement.

I want to thank Readiness Subcommittee Chairman JOHN GARAMENDI for his leadership.

Chairman SMITH and Ranking Member THORNBERRY also deserve great recognition for preserving the committee's 59-year bipartisan tradition of passing the NDAA to support our warfighters and their families.

I want to thank the professional staff who worked tirelessly to complete this important legislation.

Madam Speaker, I urge my colleagues to support the conference report.

Mr. SMITH of Washington. Madam Speaker, I yield 1½ minutes to the gentleman from California (Mr. KHANNA).

Mr. KHANNA. Madam Speaker, I rise in strong opposition to this defense authorization.

There are many things that you can call the bill, but it is Orwellian to call it progressive. Let's speak in facts.

When President Obama left, the defense budget was \$618 billion. This defense budget is \$120 billion more than what President Obama left us with. That could fund free public college for every American. It could fund access to high-speed, affordable internet for every American.

But it is worse: the bipartisan provision to stop the war in Yemen, stripped by the White House; the bipartisan amendment to stop the war in Iran, stripped by the White House; the bipartisan provision to repeal the 2002 George W. Bush authorization for the war in Iraq which is sending our troops overseas, stripped by the White House.

At some time, we can't just rhetorically give standing ovations when the President says that we are going to end endless wars and continue to vote to fund them.

It wasn't just President George W. Bush who committed the biggest blunder of foreign policy in the 21st century by sending us to Iraq. It was the abdication of this body, with many Members of Congress who voted right with him.

My question is: When are we going to listen to the American people? When are we going to do our Article I duty and stop funding these endless wars and start funding our domestic priorities?

□ 1630

Mr. THORNBERRY. Madam Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), who is the distinguished author of legislation with 383 cosponsors to repeal the widow's tax that is now a part of this legislation.

Mr. WILSON of South Carolina. Madam Speaker, I thank Ranking Member THORNBERRY and Chairman SMITH.

Madam Speaker, I am grateful that the House and Senate have come to an agreement in this year's National Defense Authorization Act conference report to finally repeal the widow's tax.

I appreciate my predecessor, the late Chairman Floyd Spence, who was one of the earliest proponents of eliminating the widow's tax, and I picked up on his efforts upon my election in 2001. Being the lead sponsor of this bill will always be meaningful to me.

I made every effort to be bipartisan, always inviting all cosponsors of both parties to milestone achievements. Repealing the widow's tax has been personal to me.

Lieutenant Colonel Trane McCloud was the military fellow in our office in 2003 and was sadly killed in Iraq on December 4, 2006. His wife, Maggie, and



their three children, Hayden, Grace, and Meghan, have always been on my mind and in my heart as we fought for the repeal of the widow's tax.

This legislation has the support of 383 Members in the House. This bill that is included in NDAA, has the largest number of cosponsors of any bill in the House of Representatives this Congress. I welcomed Congressman JOHN YARMUTH to be the first cosponsor with the intention of always being bipartisan. This provision will restore the full amount of the survivor benefit annuity to more than 65,000 surviving military families. The repeal of the widow's tax will impact families who could receive an average of almost \$12,000 a year. Surviving spouses visited and called representatives and were very convincing.

This effectiveness was truly remarkable, and I commend Edith Smith, Barb Christie, Kathy Prout, Kathy Thorpe, Kristy DiDomenico, and Kristin Fenty for their perseverance. Veterans service organizations were also instrumental. I am thankful that the families who have given the greatest sacrifice in service to our country are no longer burdened by this unfair offset.

Madam Speaker, I urge all Members to vote in support of the NDAA conference report.

Mr. SMITH of Washington. Mr. Speaker, I yield myself 30 seconds.

Madam Speaker, I just point out that there was nothing in the House bill or any bill that would have ended the war in Yemen. It is not just Orwellian to say that. It is breathtakingly dishonest to tell people out there that there was something we could have done to end the war in Yemen. We need to work hard to bring a peaceful solution to that conflict. Being dishonest with the American public does not accomplish that.

Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BROWN).

Mr. BROWN of Maryland. Madam Speaker, I thank Chairman SMITH for his hard work, as well as the committee staff on an NDAA that affirms our values and delivers progressive wins for the American people.

The NDAA tackles the pressing security challenges facing our country and makes important investments in our warfighters and their families.

We confront Russian aggression by bolstering the European Deterrence Initiative and providing our allies in Ukraine with additional military support.

We make a commitment to a diverse and inclusive military by: Increasing defense spending at historically Black colleges and universities; incentivizing more minority and women-owned businesses to be part of our defense industrial base; and finally, gender integrating basic training for the Marine Corps.

This NDAA makes good on the commitments to address serious problems with private military housing; and give

military families a pathway to seek justice, if they suffer from medical malpractice.

Yet, this NDAA is also a compromise. I am disappointed that we couldn't reverse the President's ban on transgender servicemembers or force Congress to reconsider the 2001 AUMF. But ultimately, this NDAA gets the job done, and I urge my colleagues to support it.

Mr. THORNBERRY. Madam Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ROGERS), the co-author, along with Mr. COOPER of the Space Force provision.

Mr. ROGERS of Alabama. Madam Speaker, I thank Ranking Member THORNBERRY and Chairman SMITH for their leadership in bringing this conference report to the floor.

I am very pleased that Space Force, an issue that my good friend, JIM COOPER, and I have been working on for several years, is finally becoming a reality. This report establishes the U.S. Space Force in title 10 as the sixth Armed Service of the United States under the Department of the Air Force. It is the first new branch of the military since 1947.

It also recognizes space as a warfighting domain and authorizes the transfer of Air Force personnel to the newly established Space Force. This is an important step for our national security. Our adversaries are moving quickly in space, and this new service will allow us to quickly realign our resources and efforts towards countering them.

Finally, the original House-passed NDAA that every Republican opposed, included a number of open border provisions that would have undermined our efforts to secure our Southwest border. I am pleased that those unreasonable border security restrictions have been removed.

Madam Speaker, this is a strong defense bill, and I urge the House to support this legislation.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I rise in support of this NDAA conference report, and particularly for its inclusion of language from my bill, the Federal Employee Paid Leave Act. This provision will provide 12 weeks paid parental leave for all Federal employees for the birth of a child or adoption of a child.

For far too long, the United States has been behind the times. There are only two countries in the entire world, according to a United Nations' study, that do not provide paid parental leave for the birth of a child, and those two countries are the United States and Papua New Guinea.

When we pass this National Defense Authorization Act, we will no longer be part of that infamous group. I thank, from the bottom of my heart, chairman of the House Committee on Armed

Services, ADAM SMITH, who worked selflessly and tirelessly with great determination to include this provision that will help over 2.1 million Federal employees. It will turn this priority of balance in family life into a reality in millions of families' lives. I also thank my friend and colleague, Congresswoman CHRISSEY HOULAHAN from Pennsylvania, for her partnership on this effort.

While this agreement is not perfect, it is an extraordinary first step toward full paid family and medical leave for all American workers. By providing this leave, studies indicate we could prevent the departure of over 2,600 female employees per year and save the government \$50 million per year in costs associated with employee turnover. On top of that, paid family leave also improves productivity, boosts morale, and attracts more talent. It also provides a benefit to families and the broader economy.

Paid parental leave is an investment in our future in American families and the workforce. And that is why I am urging all of my colleagues to support the NDAA, which includes this important provision.

Mr. THORNBERRY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. WALTZ).

Mr. WALTZ. Madam Speaker, I rise in support of this defense bill because we are a nation at war.

We are in a hot war with extremists around the world, and we are in a cold war with our peer competitors, Russian and China and other rogue states.

And Madam Speaker, if the country isn't safe, everything else that we do in this body is secondary. Our domestic priorities, our economy, our education, trade, everything else that we debate in this Congress is at risk if we fail to protect this great Nation.

One of the reasons that I ran for elected office, was that often what comes out of Washington isn't worthy of our previous veterans, my fellow special operators around the world, as we speak, and other military currently deployed, and it is not worthy of their families and the sacrifices of their families.

This defense bill, from the sixth branch of the military and the Space Force, to childcare for Gold Star families, it is worthy. It is worthy of their sacrifice, past and present.

I deeply and personally thank the chairman, ADAM SMITH. I thank the ranking member, Mr. THORNBERRY, and everyone else who stepped up, frankly, and all of my colleagues who stepped up to make the compromises necessary to pass this critical piece of legislation to be worthy of those who have sacrificed for all of us breathing free air today.

Madam Speaker, I urge my colleagues to support it. It is worthy of them, as we all are with this bill.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF),

the distinguished chairman of the House Intelligence Committee.

Mr. SCHIFF. Madam Speaker, I thank the gentleman for yielding, and rise in support of the fiscal 2020 NDAA conference report.

This legislation supports our national security and it also accomplishes long-sought Democratic priorities, like extending paid paternal leave to over 2 million Federal employees. I hope that this achievement will pave the way to making paid paternal leave the norm across the workforce.

I am very pleased that as a part of this legislation, we are also passing the fiscal year 2018, 2019, and 2020 Intelligence Authorization Acts, aptly named in honor of HPSCI's Damon Nelson and SSCI's Matt Pollard, two dedicated staffers who tragically passed away last year.

The Intelligence Authorization Act is the primary legislative product of the Committee on Intelligence and securing its passage into law after it passed the House with nearly 400 votes, strengthens our oversight of the intelligence community and military intelligence immeasurably.

I am also proud that the IAA includes many vital important provisions; among them, protecting our elections from foreign interference, understanding and mitigating the effects of climate change, and a competition to improve Deepfake detection.

While I support the bill, it is a bitter pill that bipartisan House amendments to finally fix the injustice that has kept 74 sailors who died aboard the USS *Frank E. Evans* in 1969 off the Vietnam Memorial was removed from the conference report. I will not relent on that issue until we get it done.

I am also disappointed that the repeal of the 2002 AUMF was removed. There is no reasonable basis to keep this outdated authorization in effect.

Nevertheless, I congratulate the chair and ranking member on their good work. And I personally thank all of the members of the Intelligence Committee's staff for the extraordinary work that the staff did for many years on this legislation.

I thank my fellow members of the intelligence community as well. We have worked now for 3 years to reach this point. I am very grateful that these important provisions will now pass into law.

Mr. THORNBERRY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Madam Speaker, I thank Ranking Member THORNBERRY and Chairman SMITH. I say a special thank you to Mr. THORNBERRY and his staff. They have been great partners in this journey of addressing PFAS in the NDAA.

First and foremost, I am pleased that we have reached a deal on the funding of our Armed Services. Ensuring appropriate and sufficient resources for our men and women who serve on the frontline every day should be our top priority.

Having said that, I am disappointed about two provisions that did not get in. One would have required EPA to set a national drinking water standard on PFOA and PFOS within 2 years. And the second one would have instituted a mandate on DOD to clean up immediately any DOD sites contaminated with PFOA or PFOS.

Republican Members supported these two provisions as part of a larger package, and I think not including them amounts to a very great lost opportunity.

Nonetheless, I support the NDAA and PFAS provisions that we were able to get into the bill. Those provisions include:

Mr. UPTON's Federal facilities and cooperative agreements;

Funding for reducing PFAS and rural economically disadvantaged drinking water systems;

Health data collection from PFAS manufacturers under TSCA;

Guidance on proper disposal of PFAS chemicals;

More reporting on PFAS chemicals on the Toxic Release Inventory; and

Funding for further research into PFAS chemicals.

As my Republican colleagues on the Committee on Energy and Commerce discussed at a recent markup, getting PFAS provisions into the NDAA means that they will be signed into law and will start making a difference in our communities back home right now.

I urge my colleagues to vote for this important bill.

Mr. SMITH of Washington. Madam Speaker, I yield 1 minute to the gentleman from California (Ms. LEE).

Ms. LEE of California. Madam Speaker, first of all, I thank the chairman for his leadership and for ensuring paid parental leave for Federal employees.

I strongly support this and many other provisions in this bill. Unfortunately, this bill does not include very important provisions, such as the provision to end support for the Saudi-led coalition in Yemen, and two provisions I fought to include that would help end our forever wars.

The first is the repeal of the 2001 authorization to use military force, which is a blank check for endless war.

The second is the repeal of the 2002 AUMF. The House passed my amendment to repeal the 2002 AUMF. It makes absolutely no sense that this outdated AUMF still exists. We must restore some congressional authority on matters of war and peace and finally repeal these AUMFs.

Also, I encourage my colleagues to read The Washington Post's recently published "Afghanistan Papers," if they need any more justification for why Congress must reassert itself in matters of war and peace. I can tell you, it is an appalling and shocking read.

Finally, the bill before us authorizes a Pentagon budget of about \$733 billion, which is the largest ever author-

ized. Given the waste, fraud, and abuse at the Pentagon, the failure of the Pentagon to pass an even basic audit, and the unnecessary spending, I am simply unable to support this bill.

Madam Speaker, I thank the chairman for his work, and I thank him for yielding.

Mr. THORNBERRY. Madam Speaker, I have no further speakers at this time, and I reserve the balance of my time.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. YARMUTH).

□ 1645

Mr. YARMUTH. Madam Speaker, I rise today in support of the NDAA conference report, which includes the phaseout of the offset provision known as the widow's tax.

Ending this egregious offset is a momentous victory for the more than 60,000 surviving spouses and families of our Nation's fallen heroes and the families who, unfortunately, may come after them.

It is not every day that Congress comes together and fixes a problem that has been on the books for more than four decades, but that day is here.

I got involved in this issue years ago when I heard from my constituent Ellen, a woman in Louisville whose husband tragically passed away during training exercises.

When I became the Democratic lead on legislation to repeal this offset, along with Congressman WILSON of South Carolina, I was told it would never pass, that people had tried for years and had failed every time. Well, here we are. We got it done.

Chairman SMITH and I, with the help of Chairman MCGOVERN and Speaker PELOSI, came up with a plan to add the offset repeal to the must-pass NDAA bill and then worked our tails off to keep it there.

We knew if it passed the House as a freestanding piece of legislation, it would land in the stack of bills of more than 270 bipartisan bills languishing on MITCH MCCONNELL's desk and would never be seen again.

So I thank Chairman SMITH for his dedication on behalf of families whose loved once made the ultimate sacrifice on behalf of our Nation.

I would also like to thank the gentleman from South Carolina (Mr. WILSON) for his long-time passionate leadership on this issue.

But most of all, I want to thank my constituent Ellen and all the surviving spouses who fought for this moment for years, who lit up phone lines, flooded email inboxes, walked the Halls of Congress, and demanded we act. Your fallen loved ones would be so proud of what you have accomplished in their honor.

Now it is time for Congress to honor them as well by passing this legislation.

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

Mr. SMITH of Washington. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Ms. TLAIB).

Ms. TLAIB. Madam Speaker, I thank the good gentleman for all his incredible work as chairman. I know it is difficult and it was the best that we could do, especially with so much opposition on the Senate side.

But as a voice and advocate for a district that encompasses frontline communities facing concentrated poverty, growing healthcare costs, decreasing education funding, and continuous assaults on our environment, I could not support and cannot support a bill that provides \$738 billion for wars and defense contractors while, this year, we only provided \$190 billion in discretionary funding for healthcare, education, antipoverty programs, and workforce development.

After the House took action to end U.S. involvement in the war and humanitarian crisis in Yemen, this NDAA fails to include necessary provisions to end the U.S. support for military action in Yemen.

This bill also keeps Guantanamo Bay open, provides for new nuclear warheads, and establishes the absurd Space Force.

By removing the House's repeal of the Iraq war AUMF, we have also agreed to endless war abroad.

By removing language that would have stopped, Madam Speaker, Pentagon spending at Trump hotels and properties, we are authorizing corruption.

By removing critical PFAS protections, we have also left our communities at risk.

So I am asking my colleagues to please not rubberstamp this annual increase of the world's largest military budget. We can do better.

Mr. SMITH of Washington. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader.

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Madam Speaker, I want to thank the ranking member for his service and the chairman for his service.

I also want to thank the staff. It has been an extraordinarily arduous, sleep-depriving and angst-creating process, I know, to get this bill from this floor over to the Senate floor and through conference, so I congratulate the staff.

We are blessed as a country and as a Congress to have extraordinarily qualified people who could, frankly, make very significantly more in the private sector stick with us and with our country. Their patriotism and their talent is an extraordinary benefit to us all.

Madam Speaker, I want to thank Chairman SMITH and the Democratic members and the majority staff of the Armed Services Committee, as well as the ranking member and the minority staff. They have been working very hard on this legislation.

The conference report before us represents a compromise. No one ought to think that is a pejorative. It is what we do. And it means, in compromising, you do not get everything you want.

Obviously, many of the things that we passed on the floor of this House that we believed were very, very important items are not in this conference report. It could lead some to say, well, then we won't vote for it. That would be a mistake on either side of the aisle.

I am particularly pleased, however, that this report, this bill does include, for the first time, 12 weeks of paid parental leave for the birth or adoption of a child for all Federal civilian employees. There was, for a period of time, a suggestion that it only apply to defense employees.

I would suggest that the national security of our country is, in interrelated ways, dependent upon all of our employees, and we ought to treat them equally. I wrote a letter urging that, and others weighed in as well.

I am pleased that the committee ultimately decided to treat all Federal employees the same, even though we limited it not to family leave, but to parental leave.

Now, that is a step in the right direction. We know that the bonding between moms and dads and infant children is critically important, and this will give them the opportunity to do so. And it will give them the opportunity to not have to make a determination whether or not they don't get paid in order to create this bond, but they will be enabled to, as so many could not if they were not paid, take advantage of this benefit.

So I am disappointed that we don't have full coverage, but this is a first and very significant step.

I want to congratulate the gentleman from New York (Mrs. CAROLYN B. MALONEY), who has been a giant in her advocacy of this policy for our people, for our employees, and, by the way, for our infants, whether they are adopted or whether they are naturally born.

I will continue to fight for the full measure of paid family and medical leave to be extended to our employees and would urge others around the country to do the same. While some private businesses are already instituting paid leave, it would be appropriate that all do so.

In addition, this conference report, unfortunately, does not include a comprehensive set of provisions that were adopted in this House to protect communities affected by PFAS.

Now, PFAS is a category of chemicals that essentially do not disappear and are toxic when introduced into our waters and exist on our military bases, in some respects, because of the use of foam for fire suppression, but for other reasons as well.

I know that the chairman fought very hard for this. I know that the President's position was that he did not want this in the bill and indicated

that it would not happen. But I thank Mr. SMITH for fighting so hard for this, and I know that we will keep fighting.

I want to tell the House that I intend to bring a bill to the floor incorporating the provisions that were in the defense bill but dropped. I will bring it to the floor in January. I have talked to Mr. PALLONE about that, and he is looking forward to doing just that.

I am trying to shorten this up a little bit, Madam Speaker.

The last two things I want to mention before I make some general comments is that I was sorry that the anti-discrimination provision that was included in this House dealing with transgender people who wanted to serve their country was eliminated from the bill. I think that was wrong.

I am one of the people like John McCain. John McCain, when asked whether or not gays and the LGBT community ought to be able to serve in the military, said: I want to know whether they shoot straight, not whether they are straight.

Martin Luther King, Jr., told us to judge people by the content of their character, not other arbitrary distinctions which may or may not impact on their performance and their value.

I will continue to fight that ban, which undermines our national security and the military's effectiveness and does not reflect the values and ideals that our military defends.

And if you review the 1948 actions, or 1947 actions of Harry Truman when he integrated the services and he was told, "Oh, if you do that, it is going to undermine morale; you ought not to do that," very frankly, I see this exclusion as very much like that opposition to that action.

Finally, I will also continue to advocate for a change in policy regarding Yemen. That war is a human-made disaster. It is not our fault, but we ought not to be complicit.

In closing, let me say this: This is \$738 billion of hard-earned tax money, more than anybody in the world spends. I have been, for the 39 years that I have been here, a strong supporter of our national security.

I don't know that, other than when we had political fights such as the Republicans voting against the defense bill when it passed the House here, that I have voted against a defense bill or an appropriations bill. I am certainly not going to vote against this one. I am urging people to support it.

But, Madam Speaker, I want to say to all of my colleagues that we need, with great diligence and courage, to look at the defense budget and look at that \$738 billion with an eye that the pot is not unlimited and that our national security depends not only on our defense investment, but on our domestic investment and education and healthcare and the welfare of our people. I would urge that the committee focus on how it can effect diligent oversight on the expenditure of this extraordinary amount of money, which I will support.

We included \$733 billion. We have no more security because of that extra \$5 billion. And I will tell my friends that \$733 billion was acceptable to some of the folks I talked to on the Republican side of the aisle.

So I am supporting this bill, but as I have urged privately, both the chairman and the ranking member, we need to look very carefully at how we are expending this amount of money to ensure that it is spent effectively and that we cannot get the same level of defense at a lower level of expenditure. That is a tough job to do, but it needs to be done.

Madam Speaker, I rise in support of this bill.

Mr. SMITH of Washington. Madam Speaker, may I inquire as to how much time each side has left.

The SPEAKER pro tempore. The gentleman from Washington has 3½ minutes remaining. The gentleman from Texas has 9½ minutes remaining.

Mr. SMITH of Washington. Madam Speaker, I am prepared to close at this time. I reserve the balance of my time.

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

Madam Speaker, Majority Leader HOYER made two points on which I want to emphatically agree.

Number one, he said that we are blessed in this Nation to have the benefit of dedicated staff working on important legislation such as is before us today, and their patience has been tried more than in most years to bring this bill to this point with what I expect will be strong bipartisan support. A tremendous amount of credit goes to them as well as, as I said before, to Chairman SMITH, Chairman INHOFE, and Senator REED.

The second point the majority leader made is this is a compromise, and he is exactly right. I can give you a list of things in the bill that I wish were not in the bill, and I also have a list of things that I wish were in the bill that I tried to get into the bill. So I have some strong opinions about things I would do differently. And yet it is not about me; it is about what this process can produce.

□ 1700

There is no question that what we have today on the floor is very different from the bill that the House passed on July 12. It is a very different bill. Also, the House-passed bill was very different than the Senate bill, which they passed something like 86-8. So bringing those two together has been a challenge, but it is done.

I will confess, Madam Speaker, that I feel better that at least some Members came to the floor to oppose it because I was beginning to worry that this conference report was not as good or as important as I thought it was. But I do feel better that at least some Members with whom I do not normally agree have come to oppose it. I am somewhat relieved on that point.

I am also relieved that the President has said emphatically that he will sign

this bill, that he strongly supports the pay raise, the Space Force, the paid parental leave, and other provisions that are in this package.

I believe, Madam Speaker, the first job of the Federal Government is to defend the country. We need to do the things that are in this bill first before we look at the other things that all of us would like to see done. I agree with the point that as we do this first job of the Federal Government, we as a body and certainly the Armed Services Committee need to carefully oversee this large amount of funding. That is absolutely part of our responsibility.

I resent, by the way, any implication that we have not been doing our best to oversee that funding over the years because under both parties I believe that is exactly what we have been doing. The challenge is we face more risk in the world than we have ever faced before in our history with Russia, China, Iran, North Korea, terrorism, and the list goes on, new technologies moving faster than ever.

Just cutting back a little bit on funding does not ensure that the country will be protected. As a matter of fact, this amount of money does not ensure that the country will be protected. But it is what we do need to keep working to do.

By the way, with support of both parties, what we have been trying to do is see that the taxpayers get more value for the money we spend and also see that, when we send a warfighter out on a mission, he or she is equipped with the best equipment, the best support, the best training that this country can provide because it is wrong to send them out there on that mission without providing the best that this country can provide.

Madam Speaker, this is the last point I want to make. This bill is not about us, as important as we think we are sometimes. It is not about our preferences. It is about them. It is about men and women who risk their lives to defend us and our freedom. It is about their families who sacrifice in order that that service may take place.

Going back to where I started, there is so much in this bill that is good for the men and women who serve and their families. To me, that is the thing to be most proud of in this bill because it is about them and what they do for us. That is the reason I ask all Members to support this conference report.

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

Mr. SMITH of Washington. Madam Speaker, I yield myself the balance of my time.

As I said at the opening, this was an extraordinarily difficult process. It is worth noting this final conference report also is not anywhere close to what was passed out of the Senate. In fact, of the nearly 1,400 provisions that were adopted, 70 percent of them were House provisions. The House firmly put its stamp on this bill in a bipartisan way, and I think the policies we adopted were very positive.

We tried to do more in this bill than has been attempted to do in an NDAA in the 23 years that I have been here, and I am proud of that. We didn't get everything, but we tried to do everything that we could, that we felt was important for the national security of this country and for our interests.

I am particularly disappointed that we weren't able to get some of the provisions to help reduce the U.S. influence on the war in Yemen. I completely agree with that. My quibble is with the fact that there was something we could have done to stop it completely. But the humanitarian crisis in Yemen is the greatest humanitarian crisis around the globe right now. If there is anything we can do to reduce that, we need to do it.

I will say that the pressure that was put on by the House-passed bill that called for cutting off aid to Saudi Arabia and the UAE, the military aid, has put some pressure over there. The UAE has almost unilaterally or almost completely pulled out of Yemen, and they recently signed a peace deal with the southern part of Yemen to resolve some aspect of that complex civil war.

Make no mistake about it, that is enormously important to me, and I will continue to fight to get it done.

Lastly, I want to say this process, I think, has been incredibly productive. The amount of work that the staff behind us and more people than I could possibly count or name did to make this possible cannot be overstated. It was an incredible amount of work, and it is so important.

We are in an incredibly divisive time. There are people who are upset about just about everything, sometimes justified, sometimes not.

Passing legislation in a democracy when we have to take into account all of those voices is both extraordinarily difficult and unbelievably important. We have to show the world that representative democracy works, that we can listen to the people. You don't have to be a dictatorship. You can listen to a bunch of people and still get a product done that meets the needs of the people.

That is what we did in the defense bill. I will also say it is what we have done in a couple of other bills. The agriculture and immigration bill that we will vote on as part of this was another example of that getting done. We are now working, knock on wood, to pass the appropriations bills in that same spirit.

I hope we don't lose that spirit. I hope we don't realize that just because when you participate in a representative democratic process and you don't get everything you want, that that means the process didn't work. Quite the opposite. The fact that you have that voice, the ability to say your piece and advocate for what you want, it is essential to freedom, essential to this country. Frankly, I think it is essential to peace and stability throughout the globe. We should continue to advocate for that passionately.

I thank all who were involved. This was a lengthy but important undertaking. Ultimately, we produced something that I am very, very proud of. I don't want to speak for anybody else. I know there are probably a lot of people who are, but just for my part, I am incredibly proud of what I was a part of creating. I think it represents the best of our country and the best of this body, and I urge everybody to vote for it.

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

Ms. KAPTUR. Madam Speaker, I applaud Chairman SMITH for including in the Fiscal Year 2020 National Defense Authorization Act (NDAA) Conference Report language to include the Coast Guard in the Department of Defense STARBASE Program. The NDAA is the culmination of many long hours of hard work, compromise, and showcases the best of the legislative process. The modified authorization of the STARBASE Program included in this year's NDAA will help improve science, technology, engineering, and mathematics (STEM) education for the youth of America.

Coast Guard support of the STARBASE Program, which the NDAA now authorizes, will allow an already successful STEM education program to be offered in more communities across our country. Teaching STEM concepts to elementary and secondary students is more important than ever to prepare students for our increasingly complex world that requires innovation and critical thinking. Introduction of STEM at an early age allows the best opportunity for our workforce of the future to gain skills and expertise needed, to include the prerequisites to serve in our Coast Guard, Armed Forces, and broader federal government.

Additionally, to build on the NDAA provision that includes the Coast Guard in the STARBASE Program, I introduced the Coast Guard Youth STEM Programs Expansion Act (H.R. 3205). H.R. 3205 ties in the Department of Education into the STARBASE Program, improves STEM curriculum, and includes curriculum topics applicable to maritime environments.

As the FY 2020 NDAA is implemented, I look forward to ensuring the Coast Guard and the Department of Defense continue to support STARBASE and STEM education initiatives. I urge support of the NDAA and hope that in the future, the House will advance the Coast Guard Youth STEM Programs Expansion Act.

Mr. DEFAZIO. Madam Speaker, today I will vote against the Conference Report to Accompany S. 1790, the National Defense Authorization Act for Fiscal Year (FY) 2020.

This legislation includes a number of provisions that I strongly support, including giving servicemen and women a well-deserved raise of 3.1 percent—the largest pay raise for our troops since the last Democratic House majority in 2010. Those who serve in uniform have made extraordinary sacrifices for our country and have earned and deserve a pay raise.

I am also strongly supportive of the inclusion of twelve weeks of paid parental leave for federal employees. However, the omission of, at least, Federal Aviation Administration (FAA) and United States Postal Service (USPS) employees from this coverage is an inexcusable oversight, and I look forward to working with House and Senate leaders to enact a legislative correction.

Moreover, I am pleased that this Conference Report ends the unfair Survivor Benefit Plan (SBP)/Indemnity Compensation (DIC) offset—also known as the “widow's tax”—which currently reduces spouse survivor benefits by an average of \$1,250 per month. The families of the men and women serving in the Armed Forces make significant sacrifices and deserve the full benefits they have earned from their spouses' service.

Unfortunately, this final package is a little more than a continuation of the status quo, and it falls well short of the NDAA bill the House passed earlier this year. The final legislation strips out a number of policy priorities that were included in the House-passed NDAA, which I strongly supported, and includes yet another massive spending increase to an already bloated Pentagon budget.

I believe this legislation could have made responsible cuts to our defense budget without jeopardizing the safety of our troops, preventing a pay increase, or undermining our national security. For years, Congress has continued to increase the Pentagon's budget despite overwhelming evidence of its waste and abuse of taxpayer money. This year's legislation—with its outrageous topline defense budget of \$738 billion—is yet another example of Congress's habit of increasing the defense budget every year. While this administration has cut SNAP benefits, Medicaid, reproductive health services, and more, Congress has thus far boosted the Pentagon's budget by more than \$130 billion during President Trump's first term.

I have long supported a financial audit of the Pentagon, and for the second year in a row, the Pentagon has spectacularly failed its comprehensive audit. While I am pleased the Pentagon is finally undergoing comprehensive audits in order to identify waste, it is ridiculous to provide the Department of Defense (DoD) another massive spending increase when they cannot even account for how it spends taxpayer money.

In particular, I have always opposed the DoD's Overseas Contingency Operation (OCO) account, a fiscally irresponsible fund that is not counted in the budget, recklessly adds to our mounting debt, and has no congressional oversight. This Conference Report allocates \$71.5 billion for OCO, a Pentagon slush fund that gives a blank check to fund endless wars that Congress hasn't authorized. The bottom line is that fiscal responsibility and accountability at the Pentagon would allow for funds to be better spent supporting the needs of our troops, meeting our obligations to veterans, and ensuring our legitimate defense needs are prioritized.

Beyond bloated Pentagon spending, I am extremely disappointed that the Conference Report strips out provisions that would have prevented the president from using unauthorized force against Iran, prohibited U.S. support for and participation in the Saudi-led coalition's military operations in Yemen, and repealed the long-outdated 2002 authorization for the use of military force (AUMF) in Iraq. These provisions passed with bipartisan support in the House, and failure to include them is yet another abdication of Congress's constitutional war powers. I have always advocated for reaffirming Congress's constitutional authority to declare war and limiting the president's authority to engage in armed conflict without the consent of Congress and will continue to do so.

While I am pleased that this legislation blocks any backfill for DoD funds raided by President Trump for his unnecessary, ineffective border wall, it fails to include House-passed language that prevented the president from diverting additional funding under his so-called national emergency declaration. Under this emergency declaration, President Trump has taken more than \$3.6 billion from the DoD's high-priority military construction projects, \$2.5 billion from the DoD's drug interdiction program, and has transferred funds from other critical, lifesaving agencies under the Department of Homeland Security, the U.S. Coast Guard, the Federal Emergency Management Agency (FEMA), the Transportation Security Administration (TSA), and more. As Chairman of the Transportation & Infrastructure Committee, I twice led the debate on the House floor to terminate this emergency declaration. Despite the fact that Congress has voted multiple times, with strong bipartisan support, to terminate this declaration, President Trump has repeatedly vetoed. I will continue to fight to bring an end to this national emergency declaration.

Additionally, the House unanimously adopted an amendment to the NDAA that would have required the Environmental Protection Agency (EPA) to regulate PFAS as a hazardous substance under our nation's Superfund law, as well as restrict future discharges from manufacturers into drinking water under the Clean Water Act. PFAS are dangerous carcinogens that are virtually ubiquitous in American's drinking water, and Congress must restrict their use and clean up our water sources that are contaminated.

Unfortunately, Senate Republicans refused time and time again to negotiate any compromise on these important provisions, and the language was removed from the Conference Report. Fortunately, Majority Leader HOYER has already stated that he will bring the PFAS Action Act to the House floor in January, and I look forward to voting for that legislation.

Lastly, this Conference Report strips out a House-passed prohibition on sending new detainees to Guantanamo Bay, doing almost nothing to hasten the closing of this detention facility. This facility, which costs almost \$450 million each year to house 40 prisoners, has been a black eye for the United States, eroding relationships with our allies, bolstering terrorist recruitment tools, undermining U.S. missions abroad, and putting U.S. citizens and our troops at risk of retaliation.

Mr. CONAWAY. Madam Speaker, I rise today to speak on Section 1011 in the NDAA conference report relating to contracting submissions about disciplinary proceedings involving audit personnel to be made to the Department of Defense will be afforded confidentiality and other protections otherwise due under existing law, including those that Congress has separately accorded such proceedings. As a result of Section 1011, Section 1006 from the FY 2019 NDAA submissions must be treated in a manner “consistent with any protections or privileges established by any other provision of federal law.” Section 1011 in this year's NDAA requires Section 1006 from the FY 2019 NDAA to henceforth require disclosure of the existence of a PCAOB proceeding against relevant personnel doing important DoD audit work, and in a manner that is compliant with the Sarbanes-Oxley Act.

Mr. VELA. Madam Speaker, I rise today in support of the Fiscal Year 2020 National Defense Authorization Act (NDAA) which reflects the hard work of the House Armed Services Committee to craft legislation that ensures that the military has the resources needed to defend our nation. I was particularly pleased that the legislation included a pay increase for servicemembers, repeal of the Survivor Benefit Plan/Indemnity Compensation Offset to provide Gold Star Families with their full, earned benefits, and changes to allow access to justice for military members and their families harmed by medical malpractice.

I want to take a moment to clarify the intent behind Section 1101 of the legislation. Like my colleagues on the Committee, I feel strongly that the finances of the Department of Defense must be subject to meaningful audit and oversight. It is clear to me that requiring accounting firms supporting this critical mission to disclose ongoing disciplinary proceedings, including Public Company Accounting Oversight Board (PCAOB) proceedings, to the Department of Defense is a backdoor attempt to begin intruding on a process that Congress determined as part of Sarbanes-Oxley and should remain confidential. Section 1011 of the NDAA makes clear that these disclosures should not impinge on the confidentiality of PCAOB proceedings governed by Sarbanes-Oxley. The best way to reconcile these two statutes, which I believe has been done, is to require accounting firms to disclose the existence of a proceeding to the Department when those proceedings are relevant to the important work of the Department and such a disclosure is consistent with the requirements of the Sarbanes-Oxley Act.

I urge my colleagues to join me in supporting this important legislation.

Ms. JACKSON LEE. Madam Speaker, I rise in support of the Conference Report to S. 1790, the "National Defense Authorization Act for Fiscal Year 2020."

The National Defense Authorization Act is designed to meet the threats we face today as well as into the future.

The results of our work here today will reflect our strong commitment to ensure that the men and women of our Armed Services receive the benefits and support that they deserve for their faithful service.

Building on our efforts from previous years, this bill contains a number of initiatives designed to provide the resources and support needed for the men and women who keep our nation safe.

This legislation recognizes the reality that we live in a dangerous world, where threats are not always easily identifiable, and our enemies are not bound by borders.

Confronting this unique type of enemy requires unique capabilities.

As we have seen time and time again, our military has the ability to track down violent extremists who wish to do our country harm, regardless of where they reside.

Madam Speaker, I am pleased that seven of my amendments adopted during House consideration of the NDAA are included in the final legislation or in language in the accompanying report:

Jackson Lee Amendment directing the Secretary of Defense to promulgate regulations to ensure that candidates granted admission to attend a military academy undergo screening for speech disorders and be provided the re-

sults of the screening test and a list of warfare unrestricted line (URL) Officer positions and occupation specialists that require successful performance on the speech test. Academy students shall have the option of undergoing speech therapy to reduce speech disorders or impediments.

Jackson Lee Amendment directing the Secretary of Defense to submit a report analyzing the capacity of the Department of Defense to provide survivors of natural disasters with emergency short-term housing to the congressional defense committees not later than 220 days after the date of enactment of this Act.

Jackson Lee Amendment directing the Secretary of Defense to provide a briefing to update the Committees on Armed Services of the Senate and the House no later than March 15, 2019 on the status of the program required in section 1277 of the John S. McCain National Defense Authorization Act for Fiscal Year 2018, including an assessment of whether the program is beneficial to students interning, working part time, or in a program that will result in post-graduation employment with the Department of Defense components or contractors.

Jackson Lee Amendment requiring report on Maternity Mortality Rates for military members and their dependents.

Jackson Lee Amendment requiring report to be submitted to Congress within 240 days following enactment on the risks posed by debris in low earth orbit and to make recommendations on remediation of risks and outline plans to reduce the incident of space debris.

Jackson Lee Amendment requiring that a report from the Secretary of Defense 240 days after the date of the enactment to the congressional defense committees that accounts for all of the efforts, programs, initiatives, and investments of the Department of Defense to train elementary, secondary, and postsecondary students in fields related to cybersecurity, cyber defense, and cyber operations.

Jackson Lee Amendment adding "instruction on the opportunities and risks posed by advancements in AI" to the objectives of the Artificial Intelligence Education Strategy.

The passing of this bill today brings us one step closer to enacting the 57th consecutive National Defense Authorization Act.

Despite disagreements on key issues, Members have not failed to reach consensus on behalf of our fighting men and women.

I am proud of the work we have done here today.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 758, the previous question is ordered.

The question is on adoption of the conference report.

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

Mr. THORNBERRY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 377, nays 48, not voting 5, as follows:

[Roll No. 672]

YEAS—377

Abraham  
Adams

Aderholt  
Aguilar

Allen  
Allred

Amodei  
Armstrong  
Arrington  
Axne  
Babin  
Bacon  
Baird  
Balderson  
Banks  
Barr  
Beatty  
Bera  
Bergman  
Beyer  
Biggs  
Billirakis  
Bishop (GA)  
Bishop (NC)  
Bishop (UT)  
Blunt Rochester  
Bonamici  
Bost  
Boyle, Brendan  
F.  
Brady  
Brindisi  
Brooks (AL)  
Brooks (IN)  
Brown (MD)  
Brownley (CA)  
Buchanan  
Bucshon  
Budd  
Burchett  
Burgess  
Bustos  
Butterfield  
Byrne  
Calvert  
Carbajal  
Cárdenas  
Carson (IN)  
Carter (GA)  
Carter (TX)  
Cartwright  
Case  
Casten (IL)  
Castor (FL)  
Castro (TX)  
Chabot  
Cheney  
Cicilline  
Cisneros  
Clark (MA)  
Clay  
Clever  
Cline  
Cloud  
Clyburn  
Cole  
Collins (GA)  
Comer  
Conaway  
Connolly  
Cook  
Cooper  
Correa  
Costa  
Courtney  
Cox (CA)  
Craig  
Crawford  
Crenshaw  
Crist  
Crow  
Cuellar  
Cunningham  
Curtis  
Davids (KS)  
Davidson (OH)  
Davis (CA)  
Davis, Rodney  
Dean  
DeLauro  
DelBene  
Delgado  
Demings  
DesJarlais  
Deutch  
Diaz-Balart  
Doggett  
Duncan  
Dunn  
Emmer  
Escobar  
Eshoo  
Estes  
Evans  
Ferguson

Finkenauer  
Fitzpatrick  
Fleischmann  
Fletcher  
Flores  
Fortenberry  
Foster  
Foxy (NC)  
Frankel  
Fudge  
Fulcher  
Gaetz  
Gallagher  
Gallego  
Garamendi  
Garcia (TX)  
Gianforte  
Gibbs  
Golden  
Gonzalez (OH)  
Gonzalez (TX)  
Gooden  
Gosar  
Gottheimer  
Granger  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Green (TN)  
Green, Al (TX)  
Grothman  
Guest  
Guthrie  
Haaland  
Hagedorn  
Harder (CA)  
Harris  
Hartzler  
Hastings  
Hayes  
Heck  
Hern, Kevin  
Herrera Beutler  
Hice (GA)  
Higgins (LA)  
Higgins (NY)  
Hill (AR)  
Himes  
Holding  
Hollingsworth  
Horn, Kendra S.  
Horsford  
Houlihan  
Hoyer  
Hudson  
Huizenga  
Hurd (TX)  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson (LA)  
Johnson (OH)  
Johnson (SD)  
Johnson (TX)  
Jordan  
Joyce (OH)  
Joyce (PA)  
Kaptur  
Katko  
Keating  
Keller  
Kelly (IL)  
Kelly (MS)  
Kelly (PA)  
Kilmer  
Kim  
Kind  
King (IA)  
King (NY)  
Kinzinger  
Kirkpatrick  
Krishnamoorthi  
Kuster (NH)  
Kustoff (TN)  
LaHood  
LaMalfa  
Lamb  
Lamborn  
Langevin  
Larsen (WA)  
Larson (CT)  
Latta  
Lawrence  
Lawson (FL)  
Lee (NV)  
Lesko  
Levin (CA)  
Lewis  
Lipinski

Loebach  
Lofgren  
Long  
Loudermilk  
Lowery  
Lucas  
Luetkemeyer  
Lujan  
Luria  
Lynch  
Malinowski  
Maloney,  
Carolyn B.  
Maloney, Sean  
Marchant  
Marshall  
Mast  
Matsui  
McAdams  
McBath  
McCarthy  
McCauley  
McCollum  
McEeachin  
McHenry  
McKinley  
McNerney  
Meadows  
Meeks  
Meuser  
Miller  
Mitchell  
Moolenaar  
Mooney (WV)  
Moore  
Morelle  
Moulton  
Mucarsel-Powell  
Mullin  
Murphy (FL)  
Murphy (NC)  
Neal  
Newhouse  
Norcross  
Norman  
Nunes  
O'Halleran  
Olson  
Palazzo  
Pallone  
Palmer  
Panetta  
Pappas  
Pascarelli  
Payne  
Pence  
Perlmutter  
Perry  
Peters  
Peterson  
Phillips  
Pingree  
Porter  
Posey  
Price (NC)  
Quigley  
Ratcliffe  
Reed  
Reschenthaler  
Rice (NY)  
Richmond  
Riggleman  
Roby  
Rodgers (WA)  
Roe, David P.  
Rogers (AL)  
Rogers (KY)  
Rose (NY)  
Rose, John W.  
Rouda  
Rouzer  
Roy  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Rutherford  
Ryan  
Sánchez  
Sarbanes  
Scalise  
Scanlon  
Schiff  
Schneider  
Schradler  
Schrier  
Schweikert  
Scott (VA)  
Scott, Austin



Scott, David	Stivers	Walberg
Sensenbrenner	Suoizzi	Walden
Sewell (AL)	Swallow (CA)	Walker
Shalala	Takano	Walorski
Sherman	Taylor	Waltz
Sherrill	Thompson (CA)	Wasserman
Shimkus	Thompson (MS)	Schultz
Simpson	Thompson (PA)	Waters
Sires	Thornberry	Watkins
Slotkin	Timmons	Weber (TX)
Smith (MO)	Tipton	Webster (FL)
Smith (NE)	Titus	Wenstrup
Smith (NJ)	Torres (CA)	Westerman
Smith (WA)	Torres Small	Wexton
Smucker	(NM)	Wild
Soto	Trahan	Williams
Spanberger	Trone	Wilson (FL)
Spano	Turner	Wilson (SC)
Speier	Underwood	Wittman
Stanton	Upton	Womack
Staub	Van Drew	Woodall
Stefanik	Vargas	Wright
Steil	Veasey	Yarmuth
Steube	Vela	Yoho
Stevens	Visclosky	Young
Stewart	Wagner	Zeldin

## NAYS—48

Amash	Garcia (IL)	Nadler
Bass	Gohmert	Napolitano
Blumenauer	Gomez	Neguse
Buck	Griffith	Ocasio-Cortez
Chu, Judy	Grijalva	Omar
Clarke (NY)	Huffman	Pocan
Cohen	Jayapal	Pressley
Davis, Danny K.	Kennedy	Raskin
DeFazio	Khanna	Rice (SC)
DeGette	Kildee	Schakowsky
DeSaulnier	Lee (CA)	Tlaib
Dingell	Levin (MI)	Tonko
Doyle, Michael	Lowenthal	Velázquez
F.	Massie	Watson Coleman
Engel	McClintock	Welch
Espallat	McGovern	
Gabbard	Meng	

## NOT VOTING—5

Barragán	Lieu, Ted	Serrano
Hunter	Rooney (FL)	

□ 1738

Messrs. DeSAULNIER, COHEN, GARCIA of Illinois, RASKIN, Ms. BASS, and Mr. DANNY K. DAVIS of Illinois changed their vote from “yea” to “nay.”

Ms. ADAMS, Messrs. BISHOP of Utah, YOHO, and Ms. GRANGER changed their vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### FARM WORKFORCE MODERNIZATION ACT OF 2019

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 5038) to amend the Immigration and Nationality Act to provide for terms and conditions for nonimmigrant workers performing agricultural labor or services, and for other purposes, will now resume.

The Clerk read the title of the bill.

## MOTION TO RECOMMIT

Mr. BIGGS. Madam Speaker, I have a motion to recommit at the desk.

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

Mr. BIGGS. I am in its current form.

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

The Clerk read as follows:

Mr. Biggs moves to recommit the bill H.R. 5038 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 112, strike line 10 and all that follows through page 115, line 11 (and redesignate provisions accordingly).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona is recognized for 5 minutes in support of his motion.

Mr. BIGGS. Madam Speaker, in its current form, H.R. 5038 would subject growers to a new private right of action in Federal court. As a result, these employers would face countless frivolous lawsuits and higher costs in the form of damages and other litigation costs.

The bottom line is that many American farmers and other agricultural employers would be sued right out of business. This provision is one of the main reasons that, arguably, the biggest agricultural group in the world, the American Farm Bureau, does not support this bill.

Our motion to recommit would simply strike sections 204(a) and (b) of the bill. This motion to recommit is supported by the American Farm Bureau, and I ask all Members to support it as well.

As a technical matter, Madam Speaker, we seek to recommit this bill to the Judiciary Committee. And that is interesting to me, and I think it should be of interest to all of us here because, in just a few hours, that committee is going to meet on a completely bogus Articles of Impeachment, where we will consider that there.

Over a week ago, every Republican member of the Judiciary Committee signed a letter to request a minority day hearing.

We are going to have the markup in 2 hours, and we haven't had the minority hearing yet, with no intention, I guess, of allowing the minority its rights under the rules.

Specifically, clause(2)(j)(1) of House rule XI states: “Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.”

And here we sit. We sit, and we are going to be going in, in 2 hours or so. We are going to have our opening statements, and then we will proceed to vote on the Articles of Impeachment offered by our friends on the other side of the aisle.

To what end? It is this obviation of the rule that is consistent with how we have seen this whole process play out.

We have written the chair of the Rules Committee to remind all chairs of their obligation to adhere to the rules of the House. Unfortunately, the hearing is yet to be scheduled.

I would suggest that the Democratic case for impeachment is not nearly so strong as they would have us believe. Otherwise, they would be affording us a simple minority hearing day.

When one considers it, and I wish everyone would consider it, we are being afforded more procedural rights on this bill, which is dead on arrival in the Senate, than we are in the impeachment proceeding of the President of the United States. That is simply wrong, Madam Speaker.

One day, I suggest, we will be beyond this mania, this hysteria that has set in here, and the other shoe will drop. I know that many in this body do not care for this President, and I understand that. But I think we all should have respect for this institution, and we should take care of this institution.

We should respect the due process rights of the minority. That is all we are asking. We want that minority hearing day.

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

Mr. BRINDISI. Madam Speaker, I claim the time in opposition.

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

Mr. BRINDISI. Madam Speaker, I rise today in opposition to this motion to recommit and in strong support of this underlying legislation.

Madam Speaker, America's farmers, producers, and ranchers provide the American people with the safest, most abundant, and most affordable food supply in the world.

Their job is challenging enough, but for too long, our broken immigration system has made this job even more difficult. I have heard from farmers across upstate New York and across the country, sharing the urgent need for responsible, commonsense action to address the labor shortage on American farms and ranches.

In fact, every time I visit a farm in my community, immigration is one of the top issues I hear about from farmers. A shortage of workers has led to crops rotting in the fields, billions of dollars in lost productivity, and farmers shuttering their operations.

For too long, the broken politics in Washington have made it impossible to make progress on bipartisan immigration reform. But thanks to the tireless work of Congresswoman LOFGREN and Congressman NEWHOUSE, and the engagement of dozens of Members and hundreds of agricultural and labor stakeholders, we have a solid, bipartisan bill that finally moves the ball forward.

The Farm Workforce Modernization Act is something people don't think happens much in Congress anymore, a bipartisan answer to a serious challenge. Republicans and Democrats came together, worked with each other, and found a solution that both sides can live with and that delivers results for American agriculture and workers.

Our legislation will expand the H-2A visa program to year-round operations like dairy farms, streamline the program to make it easier for farmers to use, and strengthen the electronic verification process to ensure a legal workforce.

It also includes a tough but fair legal status for the existing farm workforce, allowing agricultural workers to get right with the law. The bill also includes strong criminal bars, preventing anyone with a felony conviction or two misdemeanors from obtaining legal status.

Both sides negotiated in good faith, and in the end, we have a strong, bipartisan bill on the floor to support.

Working together with Democrats and Republicans shows that Congress can get things done for our farmers. That includes farmers like Mike, who owns a dairy operation in my district in Homer, New York.

Mike testified in front of the Agriculture Committee earlier this year and told us in no uncertain terms: “Agriculture needs a way to secure a workforce that is steady, willing, able, and legal. We need to bring the multitude of indispensable agricultural workers who are already here out of the shadows without major disruption to the workforce.”

Mike is supporting this bill, and the bill has earned the strong support of more than 300 agriculture groups from across the country, the Chamber of Commerce, faith groups, labor groups, and many others.

To my colleagues on both sides of the aisle, I would say that we have a real chance here to deliver a compromise—let me say that word again, “compromise”—that will make our country stronger and help grow American agriculture.

President Ronald Reagan, the last President to sign an agriculture labor bill into law, once said: “I’ve always thought that when we Americans get up in the morning, when we see bacon, eggs, toast, and milk on our breakfast table, we should give thanks that our farmers are survivors. You are the real miracle workers of the modern world—keepers of an incredible system based on faith, freedom, hard work, productivity, and profit—a system that feeds us and sustains millions of the world’s hungry.”

Let’s get the job done. Let’s deliver a win for our American farmers. Let’s oppose this amendment and get this bill passed.

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

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

There was no objection.

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

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

#### RECORDED VOTE

Mr. BIGGS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Members will record their votes by electronic device.

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

The vote was taken by electronic device, and there were—ayes 193, noes 230, not voting 7, as follows:

[Roll No. 673]

#### AYES—193

Abraham	Gosar	Olson
Aderholt	Granger	Palazzo
Allen	Graves (GA)	Palmer
Amash	Graves (LA)	Pence
Amodei	Graves (MO)	Perry
Armstrong	Green (TN)	Posey
Arrington	Griffith	Ratcliffe
Babin	Grothman	Reed
Bacon	Guest	Reschenthaler
Baird	Guthrie	Rice (SC)
Balderson	Hagedorn	Riggleman
Banks	Harris	Roby
Barr	Hartzler	Rodgers (WA)
Bergman	Hern, Kevin	Roe, David P.
Biggs	Herrera Beutler	Rogers (AL)
Bilirakis	Hice (GA)	Rogers (KY)
Bishop (NC)	Higgins (LA)	Rose, John W.
Bishop (UT)	Hill (AR)	Rouzer
Bost	Hollingsworth	Roy
Brady	Hudson	Rutherford
Brooks (AL)	Huizenga	Scalise
Brooks (IN)	Hurd (TX)	Schweikert
Buchanan	Johnson (LA)	Scott, Austin
Buck	Johnson (OH)	Sensenbrenner
Bucshon	Johnson (SD)	Shimkus
Budd	Jordan	Smith (MO)
Burchett	Joyce (OH)	Smith (NE)
Burgess	Joyce (PA)	Smith (NJ)
Byrne	Katko	Smucker
Calvert	Keller	Spano
Carter (GA)	Kelly (MS)	Staubert
Carter (TX)	Kelly (PA)	Stefanik
Chabot	King (IA)	Steil
Cheney	King (NY)	Steube
Cline	Kinzinger	Stewart
Cline	Kustoff (TN)	Stivers
Clooud	LaHood	Taylor
Cole	LaMalfa	Thompson (PA)
Collins (GA)	Lamborn	Thornberry
Comer	Latta	Timmons
Conaway	Lesko	Tipton
Cook	Long	Turner
Crawford	Loudermilk	Upton
Crenshaw	Lucas	Wagner
Curtis	Luetkemeyer	Walberg
Davidson (OH)	Marchant	Walden
DesJarlais	Marshall	Walker
Diaz-Balart	Massie	Walorski
Duncan	Mast	Waltz
Dunn	McAdams	Watkins
Emmer	McCarthy	Weber (TX)
Estes	McCaul	Webster (FL)
Ferguson	McClintock	Wenstrup
Fitzpatrick	McHenry	Westerman
Fleischmann	McKinley	Williams
Flores	Meadows	Wilson (SC)
Fortenberry	Meuser	Wittman
Fox (NC)	Miller	Womack
Fulcher	Moolenaar	Woodall
Gaetz	Mooney (WV)	Wright
Gallagher	Mullin	Yoho
Gianforte	Murphy (NC)	Young
Gibbs	Newhouse	Zeldin
Gohmert	Norman	
Gonzalez (OH)	Nunes	
Gooden		

#### NOES—230

Adams	Brown (MD)	Clark (MA)
Aguilar	Brownley (CA)	Clarke (NY)
Allred	Bustos	Clay
Axne	Butterfield	Cleaver
Bass	Carbajal	Clyburn
Beatty	Cardenas	Cohen
Bera	Carson (IN)	Connolly
Beyer	Cartwright	Cooper
Bishop (GA)	Case	Correa
Blumenauer	Casten (IL)	Costa
Blunt Rochester	Castor (FL)	Courtney
Bonamici	Castro (TX)	Cox (CA)
Boyle, Brendan	Chu, Judy	Craig
F.	Cicilline	Crist
Brindisi	Cisneros	Crow

Cuellar	Kind	Raskin
Cunningham	Kirkpatrick	Rice (NY)
Davids (KS)	Krishnamoorthi	Richmond
Davis (CA)	Kuster (NH)	Rose (NY)
Davis, Danny K.	Lamb	Rouda
Dean	Langevin	Roybal-Allard
DeFazio	Larsen (WA)	Ruiz
DeGette	Larson (CT)	Ruppersberger
DeLauro	Lawrence	Rush
DelBene	Lawson (FL)	Ryan
Delgado	Lee (CA)	Sánchez
Demings	Lee (NV)	Sarbanes
DeSaulnier	Levin (CA)	Scanlon
Deutch	Levin (MI)	Schakowsky
Dingell	Lewis	Schiff
Doggett	Lipinski	Schneider
Doyle, Michael	Loebsack	Schrader
F.	Lofgren	Schrier
Engel	Lowenthal	Scott (VA)
Escobar	Lowey	Scott, David
Eshoo	Lujan	Sewell (AL)
Espallat	Luria	Shalala
Evans	Lynch	Sherman
Finkenauer	Malinowski	Sherrill
Fletcher	Maloney	Simpson
Foster	Carolyn B.	Sires
Frankel	Maloney, Sean	Slotkin
Fudge	Matsui	Smith (WA)
Gabbard	McBath	Soto
Gallo	McCollum	Spanberger
Garamendi	McEachin	Speier
Garcia (IL)	McGovern	Stanton
Garcia (TX)	McNerney	Stevens
Golden	Meeks	Suozy
Gomez	Meng	Swalwell (CA)
Gonzalez (TX)	Mitchell	Takano
Gottheimer	Moore	Thompson (CA)
Green, Al (TX)	Morelle	Thompson (MS)
Grijalva	Moulton	Titus
Haaland	Mucarsel-Powell	Tlaib
Harder (CA)	Murphy (FL)	Tonko
Hastings	Nadler	Torres (CA)
Hayes	Napolitano	Torres Small
Heck	Neal	(NM)
Higgins (NY)	Neguse	Trahan
Himes	Norcross	Trone
Horn, Kendra S.	O'Halleran	Underwood
Horsford	Ocasio-Cortez	Van Drew
Houlahan	Omar	Vargas
Hoyer	Pallone	Veasey
Huffman	Panetta	Vela
Jackson Lee	Pappas	Velázquez
Jayapal	Pascrell	Visclosky
Jeffries	Payne	Wasserman
Johnson (GA)	Perlmutter	Schultz
Johnson (TX)	Peters	Waters
Kaptur	Peterson	Watson Coleman
Keating	Phillips	Welch
Kelly (IL)	Pingree	Wexton
Kennedy	Pocan	Wild
Khanna	Porter	Wilson (FL)
Kildee	Pressley	Yarmuth
Kilmer	Price (NC)	
Kim	Quigley	

#### NOT VOTING—7

Barragán	Hunter	Serrano
Davis, Rodney	Lieu, Ted	
Holding	Rooney (FL)	

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1757

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. RODNEY DAVIS of Illinois. Madam Speaker, I was unavoidably detained. Had I been present, I would have voted “yea” on rollcall No. 673.

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

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

#### RECORDED VOTE

Mr. COLLINS of Georgia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 260, noes 165, answered “present” 1, not voting 5, as follows:

[Roll No. 674]

AYES—260

Adams	Garcia (TX)	O'Halleran
Aguilar	Gomez	Ocasio-Cortez
Allred	Gonzalez (TX)	Omar
Amodei	Gottheimer	Pallone
Axne	Green, Al (TX)	Panetta
Baird	Grijalva	Pappas
Bass	Haaland	Pascarell
Beatty	Harder (CA)	Payne
Bera	Hastings	Pelosi
Beyer	Hayes	Perlmutter
Bishop (GA)	Heck	Peters
Blumenauer	Herrera Beutler	Peterson
Blunt Rochester	Higgins (NY)	Phillips
Bonamici	Himes	Pingree
Bost	Horn, Kendra S.	Pocan
Boyle, Brendan	Horsford	Porter
F.	Houlihan	Pressley
Brindisi	Hoyer	Price (NC)
Brooks (IN)	Huffman	Quigley
Brown (MD)	Hurd (TX)	Raskin
Brownley (CA)	Jackson Lee	Reed
Bustos	Jayapal	Rice (NY)
Butterfield	Jeffries	Richmond
Carbajal	Johnson (GA)	Rodgers (WA)
Cárdenas	Johnson (TX)	Rose (NY)
Carson (IN)	Joyce (OH)	Rouda
Cartwright	Kaptur	Roybal-Allard
Case	Katko	Ruiz
Casten (IL)	Keating	Ruppersberger
Castor (FL)	Kelly (IL)	Rush
Castro (TX)	Kennedy	Ryan
Chu, Judy	Khanna	Sánchez
Cicilline	Kildee	Sarbanes
Cisneros	Kilmer	Scanlon
Clark (MA)	Kim	Schakowsky
Clarke (NY)	Kind	Schiff
Clay	King (NY)	Schneider
Cleaver	Kinzing	Schrader
Clyburn	Kirkpatrick	Schrier
Cohen	Krishnamoorthi	Scott, David
Cole	Kuster (NH)	Sewell (AL)
Connolly	LaMalfa	Shalala
Cook	Lamb	Sherman
Cooper	Langevin	Sherrill
Correa	Larsen (WA)	Shimkus
Costa	Larson (CT)	Simpson
Courtney	Lawrence	Sires
Cox (CA)	Lawson (FL)	Slotkin
Craig	Lee (CA)	Smith (NJ)
Crist	Lee (NV)	Smith (WA)
Crow	Levin (CA)	Smucker
Cuellar	Levin (MI)	Soto
Cunningham	Lewis	Spanberger
Davids (KS)	Lipinski	Speier
Davis (CA)	Loeb	Stanton
Davis, Danny K.	Loeb	Stefanik
Davis, Rodney	Lofgren	Stevens
Dean	Lowenthal	Stivers
DeFazio	Lowey	Suozzi
DeGette	Lujan	Swalwell (CA)
DeLauro	Luria	Takano
DelBene	Lynch	Thompson (CA)
Delgado	Malinowski	Thompson (MS)
Demings	Maloney	Thompson (PA)
DeSaulnier	Carolyn B.	Tipton
Deutch	Maloney, Sean	Titus
Diaz-Balart	Matsui	Tonko
Dingell	McBath	Torres (CA)
Doggett	McCollum	Torres Small
Doyle, Michael	McEachin	(NM)
F.	McGovern	Trahan
Engel	McKinley	Trone
Escobar	McNerney	Underwood
Eshoo	Meeks	Upton
Espallat	Meng	Van Drew
Evans	Mitchell	Vargas
Finkenauer	Moore	Veasey
Fitzpatrick	Morelle	Vela
Fletcher	Moulton	Velázquez
Foster	Mucarsel-Powell	Visclosky
Frankel	Murphy (FL)	Walden
Fudge	Nadler	Wasserman
Fulcher	Napolitano	Schultz
Gabbard	Neal	Waters
Gallego	Neguse	Watson Coleman
Garamendi	Newhouse	
Garcia (IL)	Norcross	
	Nunes	

Welch  
Wexton

Wild  
Wilson (FL)

Yarmuth  
Young

NOES—165

Abraham	Gonzalez (OH)	Mullin
Aderholt	Gooden	Murphy (NC)
Allen	Gosar	Norman
Amash	Granger	Olson
Armstrong	Graves (GA)	Palazzo
Arrington	Graves (LA)	Palmer
Babin	Graves (MO)	Pence
Bacon	Green (TN)	Perry
Balderson	Griffith	Posey
Banks	Grothman	Ratcliffe
Barr	Guest	Reschenthaler
Bergman	Guthrie	Rice (SC)
Biggs	Hagedorn	Riggleman
Bilirakis	Harris	Roby
Bishop (NC)	Hartzler	Roe, David P.
Bishop (UT)	Hern, Kevin	Rogers (AL)
Brady	Hice (GA)	Rogers (KY)
Brooks (AL)	Higgins (LA)	Rose, John W.
Buchanan	Hill (AR)	Rouzer
Buck	Holding	Roy
Bucshon	Hollingsworth	Rutherford
Budd	Hudson	Scalise
Burchett	Huizenga	Schweikert
Burgess	Johnson (LA)	Scott (VA)
Byrne	Johnson (OH)	Scott, Austin
Calvert	Johnson (SD)	Sensenbrenner
Carter (GA)	Jordan	Smith (MO)
Carter (TX)	Joyce (PA)	Smith (NE)
Chabot	Keller	Spano
Cheney	Kelly (MS)	Staubert
Cline	Kelly (PA)	Steil
Cloud	King (IA)	Steube
Collins (GA)	Kustoff (TN)	Stewart
Comer	LaHood	Taylor
Conaway	Lamborn	Thornberry
Crawford	Latta	Timmmons
Crenshaw	Lesko	Turner
Curtis	Long	Wagner
Davidson (OH)	Loudermilk	Walberg
DesJarlais	Lucas	Walker
Duncan	Luetkemeyer	Walorski
Dunn	Marchant	Waltz
Emmer	Marshall	Watkins
Estes	Massie	Weber (TX)
Ferguson	Mast	Webster (FL)
Fleischmann	McAdams	Wenstrup
Flores	McCarthy	Westerman
Fortenberry	McCaul	Williams
Fox (NC)	McClintock	Wilson (SC)
Gaetz	McHenry	Wittman
Gallagher	Meadows	Womack
Gianforte	Meuser	Woodall
Gibbs	Miller	Wright
Gohmert	Moolenaar	Yoho
Golden	Mooney (WV)	Zeldin

ANSWERED “PRESENT”—1

Tlaib

NOT VOTING—5

Barragán  
Hunter

Lieu, Ted  
Rooney (FL)

Serrano

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Cox of California) (during the vote). There are 2 minutes remaining.

□ 1805

So the bill was passed.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. BARRAGÁN. Mr. Speaker, I regret to inform you that I was unable to be present for votes today. Had I been present, I would have voted “yea” on rollcall No. 671, “yea” on rollcall No. 672, “nay” on rollcall No. 673, and “yea” on rollcall No. 674.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. HARRIS. Mr. Speaker, I object to the motion to lay on the table.

The SPEAKER pro tempore. Objection is heard.

MOTION TO RECONSIDER

Ms. LOFGREN. Mr. Speaker, I have a motion at the desk.

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

The Clerk read as follows:

Ms. Lofgren moves to reconsider the vote on passage of H.R. 5038.

MOTION TO TABLE

Mr. MCGOVERN. Mr. Speaker, I have a motion at the desk.

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

The Clerk read as follows:

Mr. McGovern moves to lay on the table the motion to reconsider.

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

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

Mr. HARRIS. 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 216, nays 164, not voting 50, as follows:

[Roll No. 675]

YEAS—216

Adams	Escobar	Malinowski
Aguilar	Eshoo	Maloney
Allred	Espallat	Carolyn B.
Amash	Finkenauer	Maloney, Sean
Axne	Fletcher	Matsui
Bass	Foster	McAdams
Beatty	Frankel	McBath
Bera	Fudge	McCollum
Beyer	Garamendi	McEachin
Bishop (GA)	Garcia (TX)	McGovern
Blumenauer	Golden	McNerney
Blunt Rochester	Gomez	Meeks
Bonamici	Gonzalez (TX)	Meng
Boyle, Brendan	Gottheimer	Moore
F.	Green, Al (TX)	Morrell
Brindisi	Grijalva	Moulton
Brooks (IN)	Haaland	Mucarsel-Powell
Brown (MD)	Harder (CA)	Murphy (FL)
Brownley (CA)	Hastings	Napolitano
Bustos	Hayes	Neguse
Butterfield	Heck	Newhouse
Carbajal	Himes	Norcross
Cárdenas	Horn, Kendra S.	Ocasio-Cortez
Carson (IN)	Horsford	Omar
Cartwright	Houlihan	Pallone
Case	Hoyer	Panetta
Casten (IL)	Huffman	Pappas
Castor (FL)	Jackson Lee	Pascarell
Castro (TX)	Jayapal	Payne
Chu, Judy	Johnson (TX)	Perlmutter
Cicilline	Kaptur	Peters
Cisneros	Keating	Peterson
Clark (MA)	Kelly (IL)	Phillips
Clarke (NY)	Kennedy	Pingree
Clay	Khanna	Pocan
Cleaver	Kildee	Porter
Clyburn	Kilmer	Pressley
Cohen	Kim	Price (NC)
Connolly	Kind	Quigley
Cooper	Kirkpatrick	Raskin
Correa	Krishnamoorthi	Rice (NY)
Costa	Kuster (NH)	Richmond
Courtney	LaMalfa	Rodgers (WA)
Cox (CA)	Lamb	Rose (NY)
Craig	Langevin	Rouda
Crist	Larsen (WA)	Roybal-Allard
Crow	Larson (CT)	Ruiz
Cuellar	Lawrence	Ruppersberger
Cunningham	Lawson (FL)	Rush
Davids (KS)	Lee (CA)	Ryan
Davis (CA)	Lee (NV)	Sarbanes
Davis, Danny K.	Levin (CA)	Scanlon
Dean	Levin (MI)	Schakowsky
DeGette	Lewis	Schiff
DeLauro	Lipinski	Schneider
DelBene	Loeb	Schrader
Delgado	Lofgren	Schrier
DeSaulnier	Lowenthal	Scott (VA)
Dingell	Lowey	Scott, David
Doyle, Michael	Lujan	Sewell (AL)
F.	Luria	Shalala
Engel	Lynch	Sherman

Sherrill	Thompson (MS)	Velázquez
Shimkus	Tlaib	Visclosky
Simpson	Tonko	Walden
Slotkin	Torres (CA)	Waters
Soto	Torres Small	Watson Coleman
Spanberger	(NM)	Welch
Speier	Trahan	Wexton
Stanton	Trone	Wild
Stevens	Underwood	Wilson (FL)
Swalwell (CA)	Vargas	Yarmuth
Takano	Veasey	
Thompson (CA)	Vela	

## NAYS—164

Abraham	Gosar	Norman
Aderholt	Granger	Nunes
Allen	Graves (GA)	Olson
Amodei	Graves (LA)	Palazzo
Arrington	Graves (MO)	Palmer
Bacon	Griffith	Pence
Baird	Grothman	Perry
Balderson	Guest	Ratcliffe
Banks	Guthrie	Reschenthaler
Barr	Hagedorn	Rice (SC)
Bergman	Harris	Riggleman
Biggs	Hartzler	Roby
Bilirakis	Hern, Kevin	Roe, David P.
Bishop (NC)	Herrera Beutler	Rogers (AL)
Bishop (UT)	Hice (GA)	Rogers (KY)
Bost	Hill (AR)	Rose, John W.
Brady	Holding	Rouzer
Brooks (AL)	Hollingsworth	Roy
Buchanan	Hudson	Rutherford
Buck	Huizenga	Scallise
Bucshon	Hurd (TX)	Schweikert
Budd	Johnson (LA)	Scott, Austin
Burchett	Johnson (OH)	Sensenbrenner
Burgess	Johnson (SD)	Smith (MO)
Byrne	Jordan	Smith (NE)
Carter (GA)	Joyce (OH)	Smucker
Chabot	Joyce (PA)	Spano
Cheney	Katko	Stauber
Cline	Keller	Stefanik
Cloud	Kelly (MS)	Steil
Cole	Kelly (PA)	Steube
Comer	King (IA)	Stewart
Conaway	King (NY)	Stivers
Crenshaw	Kustoff (TN)	Taylor
Curtis	LaHood	Thompson (PA)
Davidson (OH)	Latta	Thornberry
Davis, Rodney	Lesko	Tipton
DesJarlais	Long	Turner
Diaz-Balart	Loudermilk	Upton
Duncan	Lucas	Wagner
Dunn	Marshall	Walberg
Emmer	Massie	Walker
Ferguson	Mast	Walorski
Fitzpatrick	McCarthy	Watkins
Fleischmann	McCaul	Webster (FL)
Flores	McHenry	Wenstrup
Fortenberry	McKinley	Westerman
Fox (NC)	Meadows	Williams
Fulcher	Meuser	Wilson (SC)
Gaetz	Miller	Wittman
Gianforte	Mitchell	Womack
Gibbs	Moolenaar	Woodall
Gohmert	Mooney (WV)	Yoho
Gonzalez (OH)	Mullin	Zeldin
Gooden	Murphy (NC)	

## NOT VOTING—50

Armstrong	Garcia (IL)	Reed
Babin	Green (TN)	Rooney (FL)
Barragán	Higgins (LA)	Sánchez
Calvert	Higgins (NY)	Serrano
Carter (TX)	Hunter	Sires
Collins (GA)	Jeffries	Smith (NJ)
Cook	Johnson (GA)	Smith (WA)
Crawford	Kinzinger	Suozi
DeFazio	Lamborn	Timmons
Demings	Lieu, Ted	Titus
Deutch	Luetkemeyer	Van Drew
Doggett	Marchant	Waltz
Estes	McClintock	Wasserman
Evans	Nadler	Schultz
Gabbard	Neal	Weber (TX)
Gallagher	O'Halleran	Wright
Gallego	Posey	Young

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind all persons in the gallery that they are

here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

□ 1814

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

## LOWER DRUG COSTS NOW ACT OF 2019

## GENERAL LEAVE

Mr. PALLONE. Madam 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 H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 758 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3.

The Chair appoints the gentleman from New Jersey (Mr. PAYNE) to preside over the Committee of the Whole.

□ 1818

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3) to establish a fair price negotiation program, protect the Medicare program from excessive price increases, and establish an out-of-pocket maximum for Medicare part D enrollees, and for other purposes, with Mr. PAYNE in the chair.

The Clerk read the title of the bill.

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

General debate shall not exceed 4 hours, with 3 hours equally divided among and controlled by the respective chairs and ranking minority members of the Committee on Energy and Commerce, Committee on Ways and Means, and Committee on Education and Labor, and 1 hour equally divided and controlled by the majority leader and the minority leader or their respective designees.

The gentleman from New Jersey (Mr. PALLONE), the gentleman from Oregon (Mr. WALDEN), the gentleman from Massachusetts (Mr. NEAL), the gentleman from Texas (Mr. BRADY), the gentleman from Virginia (Mr. SCOTT), and the gentlewoman from North Carolina (Ms. FOXX), the majority leader or a designee, and the minority leader or a designee each will control 30 minutes. The Chair recognizes the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, this week, we will fulfill a promise we made to the American peo-

ple to make prescription drugs more affordable. No American should be forced into choosing between putting food on the table for their family and taking a lifesaving drug, but, all too often, that is exactly what is happening.

The American people are getting ripped off because drug companies have a monopoly on their drugs until generics come to market. They can charge Americans whatever they want, and they do.

H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act, finally gives the Federal Government the power to negotiate lower prescription drug prices for the American people. Other developed countries negotiate with the pharmaceutical companies, and prices in those countries are four or five or ten times less for the exact same drugs. This simply isn't fair, and the American people are rightfully fed up.

It is time that we finally level the playing field and empower the Federal Government to negotiate a better deal. These negotiations will not only lead to lower prices for consumers, it will also result in significant savings to the Federal Government. H.R. 3 takes the resulting \$500 billion in savings and reinvests it in the American healthcare system and the search for new cures.

We cap out-of-pocket costs for seniors in the Medicare Part D program for the first time, giving seniors the peace of mind of knowing that their drug cost will not bankrupt them or empty their retirement accounts.

We make transformational investments in the Medicare program—adding for the first time benefits for dental, hearing, and vision coverage. These new benefits are going to make a huge difference in the lives of our Nation's seniors.

We invest \$12 billion in the search for new cures and treatments by boosting funding for the National Institutes of Health and the Food and Drug Administration. NIH, as we know, plays a critical role in the research and development of new drugs, and this investment will ensure that these cures and treatments become a reality. We also invest in combatting the opioid crisis, community health centers, and maternal healthcare. And finally, beyond the negotiation, we are holding pharmaceutical companies accountable for when they jack up prices, bringing much-needed transparency to the process.

Mr. Chairman, the status quo is simply unacceptable and unsustainable. It is time to negotiate a better deal for the American people. It is time to pass H.R. 3.

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

Mr. WALDEN. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, let me be clear: Drug costs in America are too high. Republicans believe this, and so do Democrats. We all should work together, though, to lower drug costs for consumers. We all

should work together to stop anti-competitive actions of pharmaceutical companies that try to game the system and delay access to lower cost alternative medicines. And we should all work together—together, Mr. Chair—to pass legislation that both lowers drug costs, without killing off medical innovation.

Unfortunately, H.R. 3 fails on this count. And that is not just my conclusion, Mr. Chair. The great American innovators who are working day and night to find cures to Alzheimer's, to cancer, to ALS, to Parkinson's, and the hundreds of other diseases and life-changing therapies are pleading with us for a "no" vote to H.R. 3—the Democrats' plan.

Mr. Chair, 138 different biotech companies signed a letter to Congress 5 days ago. After reading the bill, they wrote: "This extreme proposal will upend the ecosystem of U.S. biomedical innovation, destroying our ability to attract private sector investment."

These are the companies who develop the new innovations in medicine. They said H.R. 3 will shatter the dreams of patients hoping for lifesaving cures.

Mr. Chair, I include in the RECORD the letter in support from those companies.

DECEMBER 5, 2019.

Hon. NANCY PELOSI,  
*Speaker of the House,*  
*Washington, DC.*

Hon. KEVIN MCCARTHY,  
*House Republican Leader,*  
*Washington, DC.*

DEAR SPEAKER PELOSI AND REPUBLICAN LEADER MCCARTHY: We represent the community of emerging biotechnology companies whose researchers and scientists strive daily to develop innovative life-changing therapies and cures for patients. We take pride that we are providing hope to patients and their families and changing the world through medical breakthroughs. These dreams will be shattered if H.R. 3, the Lower Drug Costs Now Act, is passed.

We are at an incredible inflection point in science and technology that is bringing forth transformative treatments and even cures for cancer, infectious diseases, and a myriad of other serious and rare diseases. These advancements are benefiting lives of millions of patients and alleviating human suffering, while helping to reduce other more expensive parts of our health care system, such as hospital spending. Our continued success depends on maintaining an environment that supports investment in tomorrow's discoveries.

Unfortunately, H.R. 3 is an unprecedented and aggressive government intervention in the U.S. market of drug development and delivery that will limit patient access to these extraordinary advancements in health care. This extreme proposal will upend the ecosystem of U.S. biomedical innovation, destroying our ability to attract private investment dollars that allow us to develop new treatments and change the course of healthcare delivery for so many patients.

We strongly urge you to abandon H.R. 3. Further, in order to keep pace with this biomedical revolution and ensure America remains the world leader in innovation, we hope that you will pursue bipartisan, holistic policies that modernize our health care pay-

ment system and lower drug costs for patients.

Sincerely,

Adelene Perkins, Chair & CEO, Infinity Pharmaceuticals, Inc.; Adrian Gottschalk, President & CEO, Foghorn Therapeutics; Alden Pritchard, CEO, Kaio Therapy, Inc.; Alex Nichols, PhD, President & CEO, Mythic Therapeutics; Amit Munshi, President & CEO, Arena Pharmaceuticals, Inc.; Andre Turenne, President & CEO, Voyager Therapeutics, Inc.; Aprille Pilon, PhD, President & CEO, Trove Therapeutics, Inc.; Armando Anido, Chairman & CEO, Zynherba Pharmaceuticals; Axel Bolte, Co-Founder, President & CEO, Inozyme Pharma; Barry Quart, President & CEO, Heron Therapeutics; Bassil Dahiyat, President & CEO, Xencor, Inc.; Bill Enright, CEO, Vaccitech, Ltd.; Bill Newell, CEO, Sutro Biopharma; Blake Wise, CEO, Achaogen, Inc.; Bonnie Anderson, Chairman & CEO, Veracyte, Inc.; Bradford Zakes, President & CEO, Cerevast Therapeutics; Brandi Simpson, CEO, Navigen, Inc.; Brian Windsor, CEO, Lung Therapeutics, Inc.

Briggs W. Morrison, MD, CEO, Syndax Pharmaceuticals; Bruce Clark, PhD, President & CEO, Medicago, Inc.; Casey Lynch, CEO, Cortexyme; Cedric Francois, Co-Founder, CEO & President, Apellis Pharmaceuticals; Chris Gibson, Co-Founder & CEO, Recursion; Christopher Barden, CEO, Treventis Corporation; Christopher Burns, PhD, President & CEO, VenatoRx Pharmaceuticals, Inc.; Christopher Schaber, President & CEO, Soligenix, Inc.; Ciara Kennedy, PhD, CEO, Amplyx Pharmaceuticals; Clay Seigall, President, CEO & Chairman, Seattle Genetics, Inc.; Craig Chambliss, President & CEO, Neurelis; David Baker, President & CEO, Vallon Pharmaceuticals; David Bears, Founder & CEO, Tolero Pharmaceuticals; David de Graaf, PhD, President & CEO, Comet Therapeutics, Inc.; David Donabedian, PhD, Co-Founder & CEO, Axial Biotherapeutics; David Lucchino, President & CEO, Frequency Therapeutics, Inc.; David Mazzo, President & CEO, Caladrius Biosciences.

David Meeker, CEO, KSQ Therapeutics; Doug Kahn, Chairman & CEO, TetraGenetics, Inc.; Douglas Doerfler, President & CEO, MaxCyte, Inc.; Dr. Elizabeth Poscillico, President & CEO, EluSys Therapeutics, Inc.; Eric Dube, PhD, CEO, Retrophin, Inc.; Eric Schuur, President & CEO, HepaTx Corporation; Erika Smith, CEO, ReNetX Bio; Francis LePort, Founder & CEO, Gordian Biotechnology; Gail Maderis, President & CEO, Antiva Biosciences; Gary Phillips, President & CEO, Orphomed, Inc.; Geno Germano, President & CEO, Elucida Oncology, Inc.; George Scangos, CEO, VIR Biotechnology; Gil Van Bokkelen, Founder, Chairman & CEO, Athersys, Inc. Greg Verdine, President & CEO, LifeMine Therapeutics, Inc.; FOG Pharmaceuticals, Inc.; Imran Alibhai, CEO, Tvardi Therapeutics; James Breitmeyer, President & CEO, Onctemal Therapeutics, Inc.; James Flanigan, CEO, Honeycomb Biotechnologies.

James Sapirstein, President & CEO, AzurRx BioPharma; Jay Evans, President & CEO, Innimmune Corporation; Jeb Keiper, CEO, Nimbus Therapeutics; Jeff Cleland, PhD, Executive Chair, Orpheris, Inc.; Jeff Jonker, President & CEO, Ambys Medicines; Jeff Kindler, CEO, Centrexion Therapeutics; Jeremy Levin, Chairman & CEO, Ovid Therapeutics, Inc.; Joe Payne, President & CEO, Arcturus Therapeutics, Inc.; John Crowley, Chairman & CEO, Amicus Therapeutics, Inc.; John Jacobs, President & CEO, Harmony Biosciences; John Maraganore, CEO, Alnylam Pharmaceuticals; Julia Owens, President & CEO, Millendo Therapeutics, Inc.; Justin Gover, CEO & Executive Director, Greenwich Biosciences; Keith Dionne,

CEO, Casma Therapeutics; Keith Murphy, Founder, CEO & President, Viscient Biosciences; Ken Mills, CEO, REGENXBIO, Inc.; Ken Moch, President & CEO, Cognition Therapeutics; Kent Savage, CEO, PhotoPharmics, Inc.

Kevin Gorman, CEO, Neurocrine Biosciences; Kiran Reddy, MD, CEO, Praxis Medicines; Lawrence Brown, CEO, Galactica Pharmaceuticals; Lorenzo Pellegrini, Founder, Palladio Biosciences; Marc De Garidel, Chairman & CEO, Corvidia Therapeutics; Marilyn Bruno, PhD, CEO, Aequor, Inc.; Mark Leuchtenberger, Executive Chairman, Aleta Biotherapeutics; Mark Pruzanski, MD, President & CEO, Intercept Pharmaceuticals, Inc.; Mark Timney, CEO, The Medicines Company; Markus Renschler, MD, President & CEO, Cytel Therapeutics; Martin Babler, CEO, Principia Biopharma; Melissa Bradford-Klug, CEO, Mayfield Pharmaceuticals; Michael Clayman, MD, CEO, Flexion Therapeutics; Michael J. Karlin, Co-CEO, Ibis Biosciences, LLC; Michael Raab, CEO, Ardelyx, Inc.; Mike Narachi, President & CEO, Coda Biotherapeutics; Ming Wang, PhD, President & CEO, Phanestra Therapeutics, Inc.; Morgan Brown, Executive VP & CFO, Lipocine.

Nancy Simonian, CEO, Syros Pharmaceuticals; Olin Beck, CEO, Bastion Biologics; Pam Randhawa, President & CEO, Empiriko Corporation; Pat McEnany, President & CEO, Catalyst Pharmaceuticals, Inc.; Paul Bolno, MD, CEO, Wave Life Sciences; Paul Boucher, President & CEO, Parion Sciences, Inc.; Paul Hastings, CEO, Nkarta Therapeutics; Paul Laikind, President & CEO, Viacyte; Peter Savas, CEO & Chairman, LikeMinds, Inc.; Rachel King, Founder & CEO, GlycoMimetics, Inc.; Randy Milby, Founder & CEO, Hillstream BioPharma, Inc.; Rashida Karmali, PhD, President & CEO, Tactical Therapeutics, Inc.; Richard Markus, CEO, Dantari Pharmaceuticals; Richard Pascoe, Chairman & CEO, Histogen, Inc.; Richard Samulski, President, Asklepios BioPharmaceutical, Inc.; Rick Russell, President, Minerva Neurosciences; Rick Wittingham, Chairman & CEO, Theravance Biopharma; Rob Etherington, President & CEO, Clene Nanomedicine.

Robert Goodwin, PhD, CEO, Vibliome Therapeutics, Inc.; Robert Gould, PhD, President & CEO, Fulcrom Therapeutics; Robert Bernard, President & CEO, Ichor Medical Systems; Robert Wills, Chairman, CymaBay Therapeutics, Inc.; Roger Tung, President & CEO, CoNCERT Pharmaceuticals; Ron Cohen, Founder, President & CEO, Acorda Therapeutics, Inc.; Russ Teichert, PhD, CEO, Scintillant Bioscience; Russell Herndon, President & CEO, Hydra Biosciences, LLC; Samantha S. Truex, CEO, Quench Bio; Sandy Macrae, President & CEO, Sangamo Therapeutics, Inc.; Scott Koenig, President & CEO, MacroGenics, Inc.; Sean McCarthy, President, CEO & Chairman, CytomX; Sharon Mates, Founder, Chairman & CEO, Intra-Cellular Therapies; Shawn K. Singh, CEO, VistaGen Therapeutics, Inc.; Stan Abel, President & CEO, SiteOne Therapeutics, Inc.; Stanley Erck, President & CEO, Novavak.

Stephen Farr, PhD, President & CEO, Zogenix, Inc.; Stephen R. Davis, CEO, ACADIA Pharmaceuticals; Stephen Yoder, CEO, & President, Pieris Pharmaceuticals; Sue Washer, President & CEO, AGTC; Sujal Shah, President & CEO, CymaBay Therapeutics, Inc.; Ted Love, CEO, Global Blood Therapeutics; Terry Tormey, CEO, Kibow Biotech; Thomas Wiggins, Founder, President & CEO, Dermira, Inc.; Tia Lyles-Williams, Founder & CEO, LucasPye BIO; Tim Bertram, CEO, inRegen & TC Bio; Timothy Walbert, President & CEO, Horizon Therapeutics; Todd Brady, CEO, Aldeyra Therapeutics; Vipin Garg, PhD, CEO, Altimmune;

Wendye Robbins, MD, President & CEO, Blade Therapeutics; Will DeLoache, CEO, Novome Biotechnologies; Zandy Forbes, CEO, MeiraGTx.

Mr. WALDEN. Mr. Chair, the Congressional Budget Office, they also looked at H.R. 3, Speaker PELOSI's bill, and they said it would kill off more than 38 new medical innovations—38.

The Council of Economic Advisers, they looked at it and said they thought it would be more like 100 new medicines that would be lost. It is no wonder that President Trump, the country's strongest advocate for lowering drug prices, said even he could not support H.R. 3, and would have to veto it.

Mr. Chair, I include in the RECORD the Statement of Administration Policy.

#### STATEMENT OF ADMINISTRATION POLICY

H.R. 3—THE ELIJAH E. CUMMINGS LOWER DRUG COSTS NOW ACT—REP. PALLONE, D-NJ, AND 106 COSPONSORS

The Administration opposes passage of H.R. 3, which contains several provisions that would harm seniors and all who need lifesaving medicines. Nevertheless, as Congress follows the President's lead on reducing prescription drug costs, the Administration welcomes bipartisan efforts to enact legislation that provides additional prescription drug-cost relief for American families.

In its current form, H.R. 3 would likely undermine access to lifesaving medicines. The bill creates a statutory scheme for "negotiation" between the Secretary of Health and Human Services and pharmaceutical manufacturers regarding the price of prescription drugs, but the penalty for failing to reach agreement with the Secretary is so large that the Secretary could effectively impose price controls on manufacturers. Moreover, this price-fixing mechanism places price controls on drugs available under Medicare and commercial plans, and imposes devastating fines on manufacturers, raising serious concerns under the Fifth Amendment's Takings Clause and Eighth Amendment's Excessive Fines Clause.

This bill would also compromise the health of Americans by dramatically reducing the incentive to bring innovative therapeutics to market. The preliminary Congressional Budget Office (CBO) analysis indicates that the bill would reduce the number of new medicines coming to market. The Council of Economic Advisers (CEA) finds that H.R. 3's price controls would affect as much as one third of drugs under development, meaning that out of 300 projected new medicines that would otherwise be approved over 10 years by the Food and Drug Administration, 100 could be severely delayed or never developed. As a result, CEA estimates H.R. 3 would erase a quarter of the expected gains in life expectancy in the United States over the next decade.

The preliminary CBO analysis of H.R. 3 does not account for the additional costs that would burden families and the Federal Government due to the unavailability of lifesaving and cost-reducing medicine that would otherwise exist. For example, an Alzheimer's cure, or new treatments for site specific cancers or diabetes, may be delayed or never developed under the regime imposed by H.R. 3. Thus, the cost of caring for a growing and aging population with direct care, skilled nursing, and home health could be substantially greater than the drug-cost savings estimated by CBO. More importantly, the effects of these cost increases on individuals and their families will be significant, personal, and long-lasting.

This legislation does include important policies championed by the Trump Administration to lower prescription drug costs. These include establishing a cap on out-of-pocket expenses for all beneficiaries in Medicare Part D and simplifying and improving that program. H.R. 3 also would limit annual price increases of certain drugs in Medicare to the rate of inflation, protecting beneficiaries and taxpayers from excessive price hikes. These provisions reflect the Administration's priorities, although modifications should be made to strike a better balance in protecting beneficiaries, taxpayers, and innovation.

The Administration strongly prefers the Prescription Drug Pricing Reduction Act of 2019, which was reported out of the Senate Finance Committee on a bipartisan basis. This legislation offers a sound approach to delivering relief to seniors from high prescription drug costs while safeguarding the ongoing development of life-saving and sustaining medicines.

Additionally, H.R. 19, the Lower Costs, More Cures Act, shares many of the same bipartisan elements of the Prescription Drug Pricing Reduction Act and is also a far better approach to lowering drug prices and discovering life-saving cures than H.R. 3.

The President believes there is a path forward to enacting bipartisan legislation that lowers prescription drug costs for American families. The Administration remains committed to working with both parties to pass legislation that will lower drug costs while encouraging innovation in the development of lifesaving medicines.

If H.R. 3 were presented to the President in its current form, he would veto the bill.

Mr. WALDEN. Mr. Chair, my friends on the other side, the Democrats, ignore these facts. Some have even said—can you imagine this—that it is "worth it" to forego cures.

Seriously? That it is worth it to never have a cure for Alzheimer's?

Is it worth it to never have a cure for ALS?

What about Huntington's Disease, or Parkinson's, or rheumatoid arthritis? The answer for me is "no," because one lost cure is one too many.

The Independent Congressional Research Service also read through H.R. 3. They said it is unconstitutional, most likely because of the huge and punitive club that it hands the government. You see, if an innovator, under the bill on the floor today that the Democrats have, if an innovator does not agree with the price that the government demands, then the government can take 95 percent of that company's revenues for the sale of that drug—95 percent.

Oh, by the way, it is actually higher than that because you can't deduct it and they have to pay tax. Democrats call that a negotiation. I call that a mugging, Mr. Chair, a mugging.

Their scheme is based on what happens with drugs in six other countries. And they ignore that in these referenced countries and other countries around the world, people are actually denied access to lifesaving medicines that Americans have access to. So this is the tradeoff here.

If you remember nothing else, it is that we first get access to medicines, and in the countries the bill would

emulate and copy and bring the process here, you don't get access to some of these lifesaving drugs that Americans do here. That is your trade.

Let me tell you about the family of Katie Stafford:

She is a child living with cystic fibrosis in the United Kingdom. She was told by officials she cannot receive the medicine that her doctor determined would be the best chance at treating her life-threatening condition, because they don't cover it in the United Kingdom under their system.

Let me tell you about Andre and Joshua: They are Canadian brothers, tragically both suffering from cystic fibrosis. Their parents had to beg the Canadian Government to cover treatment for their sons as they slowly lose their lung function. Now, their oldest son is enrolled in a clinical trial that the youngest son is ineligible for. So they must watch as one child gets help and the other child's health declines.

Fortunately, Mr. Chair, American children have access to this new medicine. We cannot allow this to happen in the United States. Denial of care is not an American value.

But I want to be clear: We all agree that Americans do pay too much for prescription drugs, and we need to come back together as Republicans and Democrats to help solve this issue. There is a better way, because we can reduce the cost of drugs. We can improve healthcare, and we can lower long-term costs, but we don't have to do it at the expense of great American innovation while restricting patient's access to lifesaving medicines.

There is a way to do this. In fact, Members will have an opportunity to support, really, the only bipartisan legislation to come to the floor, H.R. 19. You will see it as a substitute, the Lower Costs, More Cures Act, which we will offer as a substitute amendment, is the bipartisan solution. It can be signed into law this year—this year—not vetoed, not never gain attention in the Senate like H.R. 3 will find itself, if it gets there, but this can become law.

This is where we can join together and immediately begin to provide relief to patients and seniors from high prescription drug costs. This bill lowers out-of-pocket spending, protects access to new medicines and cures, strengthens transparency and accountability, and champions competition and innovation. And most importantly, every single proposal, Mr. Chair, every single proposal in H.R. 19, the substitute, is bipartisan work—Democrats and Republicans. We give you this option.

□ 1830

This is a serious proposal. It has been described that way. It could be signed, would be signed into law by the President by the end of this year. So let's not force a partisan plan that, frankly, puts politics over progress, that kills medical innovation and cures.

Instead, can't we come together and pass meaningful bipartisan legislation,



get it across the finish line and actually find lower costs and more cures for Americans?

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

Mr. PALLONE. Mr. Chair, I yield 3 minutes to the gentleman from South Carolina (Mr. CLYBURN), our majority whip.

Mr. CLYBURN. Mr. Chair, I thank the gentleman for yielding me the time.

Mr. Chair, I rise in strong support of H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act.

Martin Luther King, Jr., once said: "Of all the forms of inequality, injustice in healthcare is the most shocking and inhumane." I believe my dear friend, Elijah Cummings, would agree that H.R. 3 is a giant step toward addressing injustice in healthcare.

This landmark legislation gives Medicare the power to negotiate directly with drug companies and extends those negotiated prices to Americans with private insurance, also. This is a huge win for the American consumer.

In the United States, our drug prices are nearly four times higher than in similar countries. This legislation provides real price reductions that would put significant money back in consumers' pockets. A portion of those savings will be reinvested in researching new cures and treatments.

These cost savings will also extend Medicare benefits to cover dental, vision, and hearing, and caps out-of-pocket prescription drug costs at \$2,000 for those on Medicare.

In addition, these savings will allow \$10 billion to fund provisions that are in my community health center's legislation to enhance those facilities that serve 28 million Americans, half of which are in rural communities.

The bill includes a \$5 billion funding boost for capital improvements and construction to expand the footprint of community health centers, and an additional \$5 billion in funding over 5 years for community health center grants.

Providing consistent funding for and building on the success of community health centers is critically important to making quality healthcare more accessible and affordable.

In my district, where four rural hospitals recently closed, there are eight federally funded community health centers working to serve almost 190,000 patients.

Mr. Chair, I urge strong bipartisan support for H.R. 3, a piece of legislation that will contribute to the ending of injustice in healthcare and help move us closer to making the greatness of America accessible and affordable for all.

Mr. WALDEN. Mr. Chair, I yield 1 minute to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chair, I rise today, agreeing with Americans that drug prices are too high. Congress must act,

and we have done so in the Energy and Commerce Committee by passing bipartisan solutions.

H.R. 3 is bad policy, a partisan sham, and will result in more than 100 fewer cures. Plus, it is dead on arrival in the Senate.

What if that one new drug is the cure for Alzheimer's or cancer?

Under the leadership of Ranking Member WALDEN, we have solutions that deliver lower costs and more cures to Americans. Our bill is entirely bipartisan.

H.R. 19 lowers the costs of prescription drugs and caps seniors' out-of-pocket costs. It encourages innovation and will increase competition, while enhancing transparency and getting more generic medicines to market faster.

The American people deserve solutions that will be signed into law. I encourage my colleagues across the aisle to deliver the American people more cures, not fewer, and to support H.R. 19.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO), who is the chairwoman of our Subcommittee on Health.

Ms. ESHOO. Mr. Chair, I rise in support of the Elijah E. Cummings Lower Drug Costs Now Act.

This is in your name, Elijah, and I think that you are listening.

This bill is the most transformational change to Medicare since President Johnson signed Medicare into law in 1965. Why? Because it allows Medicare to directly negotiate the price of the most expensive drugs in our country, including insulin. The lower price will not only apply to seniors who are enrolled in Medicare, but across all private insurance policies.

Manufacturers will no longer be able to hike prices faster than the rate of inflation. And, very importantly, it caps the out-of-pocket cost to seniors for their prescriptions at \$2,000 a year. That is going to be a godsend to seniors.

Something else that will be a godsend to seniors is, with the savings in this legislation, seniors in Medicare will have additional benefits that they have been clamoring for for a very long time: coverage for vision, dental, and hearing, as well as colonoscopies and lymphedema treatment.

Very importantly—very importantly—I hear a lot about innovation here. This legislation increases funds for the National Institutes of Health to research and develop new cures. It provides almost \$3 billion for the FDA to ensure the safety of our drugs—very important that all the committee members know that.

It invests in our community health centers, and it directs \$10 billion to address the opioid crisis in our country.

So what is the difference between what the Republicans are saying and what the Democrats are saying? At the core of this bill, H.R. 3, is that there

will be direct negotiations with the drug manufacturers to bring the price of drugs down. Our Republican friends do not support that.

And we know it works, direct negotiations in the VA, direct negotiations in TRICARE, which is the healthcare system for all of our fellow Americans that wear a uniform and their families.

So this legislation is sensible. Millions of Americans are not only going to save money, they will finally, finally, finally have the peace of mind that they will be able to afford the prescription drugs that they need for treatment, or those treatments that keep them alive.

I am so proud of the work that the committee has done, and I recommend this bill to every single Member of the House—Republicans, Democrats—because of the substance of it and what it will bring into people's lives.

Mr. WALDEN. Mr. Chairman, I include a list of the drugs not covered by the VA into the RECORD. They only cover 24 of the top 50 nonvaccine Medicare part B drugs on the VA formulary. I also include a list of available medications in H.R. 3 reference countries.

TOP MEDICARE PART B DRUGS NOT COVERED BY THE VA (EXCLUDING VACCINES)

BRAND NAME/GENERIC NAME
Remodulin/Treprostinil Sodium
Provenge/Sipuleucel-T/Lactated Ringers
Soliris/Eculizumab
Synvisc/Hylan G-F 20
Tyvaso/Treprostinil
Abraxane/Paclitaxel Protein-Bound
Actemra/Tocilizumab
Advate/Antihemophil.FVIII, full Length
Aloxi/Palonosetron HCL
Brovana/Arformoterol Tartrate
Budesonide/Budesonide
Entyvio/Vedolizumab
Erbix/Cetuximab
Faslodex/Fulvestrant
Injectafer/Ferric Carboxymaltose
Kadcyla/Ado-Trastuzumab Emtansine
Neulasta/Pegfilgrastim
NPlate/Romiplostim
Orencia/Abatacept
Prolia/Denosumab
Remicade/Infliximab
Simponi Aria/Golimumab
Xolair/Omalizumab
Yervoy/Ipilimumab

AVAILABILITY OF MEDICATIONS IN H.R. 3 REFERENCE COUNTRIES
MEDICATIONS CURRENTLY UNAVAILABLE IN ALL REFERENCE COUNTRIES
Aliqopa—relapsed follicular lymphoma
Balversa—advanced or metastatic bladder cancer
Calquence—cell lymphoma
Copiktra—third-line follicular lymphoma
Daurismo—acute myeloid leukemia
Elzonris—blastic plasmacytoid dendritic cell cancers
Exondys—Duchenne muscular dystrophy
Gamifant—hemophagocytic lymphohistiocytosis
Idhifa—elapsd or refractory acute myeloid leukemia
Libtayo—metastatic cutaneous squamous cell carcinoma
Lumoxiti—hairly cell leukemia
Luxturna—Leber's congenital amaurosis (severe vision loss)
Nerlynx—breast cancer
Pigray—advanced breast cancer
Polivy—diffuse large B-cell lymphoma

Surfaxin—infant respiratory distress syndrome  
 Talzena—breast cancer  
 Tibsovo—relapsed or refractory acute myeloid leukemia  
 Trogarzo—HIV/AIDS

## AUSTRALIA

Percent of new medicines available (compared to the United States):  
 All new medicines: 41%  
 Cancer medicines: 50%  
 Diabetes medicines: 70%  
 Respiratory medicines: 50%  
 Cardiovascular medicines: 40%  
 Average delay in approval (compared to the United States):  
 All new medicines: 19 months  
 Cancer medicines: 15 months  
 Average delay in public plan coverage (compared to the United States):  
 All new medicines: 32 months  
 Cancer medicines: 37 months  
 Currently unavailable medicines:  
 Brineura—first approved treatment for Batten disease  
 Caprelsa—medullary thyroid cancer  
 Farydak—multiple myeloma  
 Idelvion—hemophilia Type B  
 Imfinzi—extensive-stage small cell lung cancer  
 Jivi—hemophilia type A  
 Kymirah—B-cell acute lymphoblastic leukemia  
 Lartruvo—advanced soft tissue sarcoma  
 Lorbrina—non-small cell lung cancer  
 Lutathera—neuroendocrine tumors affecting the digestive tract  
 Mepsevii—Sly syndrome  
 Nuwiq—hemophilia Type A  
 Obizur—hemophilia Type A  
 Ocaliva—primary biliary cholangitis (rare liver disease)  
 Portrazza—metastatic squamous non-small cell lung cancer  
 Potiga—epilepsy  
 Revcovi—a form of severe combined immune deficiency  
 Rixubis—hemophilia Type B  
 Rubraca—ovarian, fallopian tube, or peritoneal cancer  
 Rydapt—acute myeloid leukemia  
 Symdeko—cystic fibrosis  
 Unituxin—second-line treatment for children with high-risk neuroblastoma  
 Victrelis—hepatitis  
 Vizimpro—non-small cell lung cancer  
 Vraylar—schizophrenia, bipolar mania, and bipolar depression  
 Yescarta—large B-cell lymphoma that's failed conventional treatments  
 Zaltrap—Colorectal cancer  
 Zejula—ovarian, fallopian tube or primary perineal cancers

## CANADA

Percent of new medicines available (compared to the United States):  
 All new medicines: 52%  
 Cancer medicines: 60%  
 Diabetes medicines: 90%  
 Respiratory medicines: 67%  
 Cardiovascular medicines: 80%  
 Average delay in approval (compared to the United States):  
 All new medicines: 14 months  
 Cancer medicines: 13 months  
 Average delay in public plan coverage (compared to the United States):  
 All new medicines: 31 months  
 Cancer medicines: 36 months  
 Currently unavailable medicines:  
 Brineura—first approved treatment for Batten disease  
 Caprelsa—medullary thyroid cancer  
 Cometriq—second line treatment for renal cell carcinoma

Farydak—multiple myeloma  
 Idelvion—hemophilia Type B  
 Imfinzi—extensive-stage small cell lung cancer  
 Jivi—hemophilia type A  
 Kymirah—B-cell acute lymphoblastic leukemia  
 Lartruvo—advanced soft tissue sarcoma  
 Lorbrina—non-small cell lung cancer  
 Lutathera—neuroendocrine tumors affecting the digestive tract  
 Mepsevii—Sly syndrome  
 Nuwiq—hemophilia Type A  
 Obizur—hemophilia Type A  
 Ocaliva—primary biliary cholangitis (rare liver disease)  
 Odomzo—basal-cell carcinoma  
 Orkambi—cystic fibrosis  
 Plegriid—relapsing forms of multiple sclerosis  
 Portrazza—metastatic squamous non-small cell lung cancer  
 Potiga—epilepsy  
 Revcovi—a form of severe combined immune deficiency  
 Rixubis—hemophilia Type B  
 Rubraca—ovarian, fallopian tube, or peritoneal cancer  
 Steglatro—type 2 diabetes  
 Symdeko—cystic fibrosis  
 Unituxin—second-line treatment for children with high-risk neuroblastoma  
 Vizimpro—non-small cell lung cancer  
 Vraylar—schizophrenia, bipolar mania, and bipolar depression  
 Yescarta—large B-cell lymphoma that's failed conventional treatments  
 Zaltrap—Colorectal cancer  
 Zejula—ovarian, fallopian tube or primary perineal cancers

## FRANCE

Percent of new medicines available (compared to the United States):  
 All new medicines: 53%  
 Cancer medicines: 67%  
 Diabetes medicines: 30%  
 Respiratory medicines: 50%  
 Cardiovascular medicines: 50%  
 Average delay in approval (compared to the United States):  
 All new medicines: 19 months  
 Cancer medicines: 20 months  
 Average delay in public plan coverage (compared to the United States):  
 All new medicines: 27 months  
 Cancer medicines: 29 months  
 Currently unavailable medicines:  
 Brineura—first approved treatment for Batten disease  
 Cometriq—second line treatment for renal cell carcinoma  
 Farydak—multiple myeloma  
 Idelvion—hemophilia Type B  
 Imfinzi—extensive-stage small cell lung cancer  
 Jivi—hemophilia type A  
 Kymirah—B-cell acute lymphoblastic leukemia  
 Lartruvo—advanced soft tissue sarcoma  
 Latuda—schizophrenia and depression associated with bipolar disorder  
 Lorbrina—non-small cell lung cancer  
 Mepsevii—Sly syndrome  
 Ocaliva—primary biliary cholangitis (rare liver disease)  
 Orkambi—cystic fibrosis  
 Portrazza—metastatic squamous non-small cell lung cancer  
 Potiga—epilepsy  
 Revcovi—a form of severe combined immune deficiency  
 Rubraca—ovarian, fallopian tube, or peritoneal cancer  
 Rydapt—acute myeloid leukemia  
 Steglatro—type 2 diabetes  
 Symdeko—cystic fibrosis  
 Unituxin—second-line treatment for children with high-risk neuroblastoma

Victrelis—hepatitis  
 Vizimpro—non-small cell lung cancer  
 Vraylar—schizophrenia, bipolar mania, and bipolar depression

## GERMANY

Percent of new medicines available (compared to the United States):  
 All new medicines: 67%  
 Cancer medicines: 73%  
 Diabetes medicines: 50%  
 Respiratory medicines: 83%  
 Cardiovascular medicines: 80%  
 Average delay in approval (compared to the United States):  
 All new medicines: 10 months  
 Cancer medicines: 11 months  
 Average delay in public plan coverage (compared to the United States):  
 All new medicines: 10 months  
 Cancer medicines: 14 months  
 Currently unavailable medicines:  
 Latuda—schizophrenia and depression associated with bipolar disorder  
 Lutathera—neuroendocrine tumors affecting the digestive tract  
 Revcovi—a form of severe combined immune deficiency  
 Rexulti—schizophrenia and major depression  
 Yescarta—large B-cell lymphoma that's failed conventional treatments

## JAPAN

Percent of new medicines available (compared to the United States):  
 All new medicines: 48%  
 Cancer medicines: 56%  
 Diabetes medicines: 70%  
 Respiratory medicines: 58%  
 Cardiovascular medicines: 70%  
 Average delay in approval (compared to the United States):  
 All new medicines: 19 months  
 Cancer medicines: 24 months  
 Average delay in public plan coverage (compared to the United States):  
 All new medicines: 19 months  
 Cancer medicines: 24 months  
 Currently unavailable medicines:  
 Brineura—first approved treatment for Batten disease  
 Cometriq—second line treatment for renal cell carcinoma  
 Kymirah—B-cell acute lymphoblastic leukemia  
 Lartruvo—advanced soft tissue sarcoma  
 Latuda—schizophrenia and depression associated with bipolar disorder  
 Lutathera—neuroendocrine tumors affecting the digestive tract  
 Mepsevii—Sly syndrome  
 Nuwiq—hemophilia Type A  
 Obizur—hemophilia Type A  
 Ocaliva—primary biliary cholangitis (rare liver disease)  
 Odomzo—basal-cell carcinoma  
 Orkambi—cystic fibrosis  
 Plegriid—relapsing forms of multiple sclerosis  
 Portrazza—metastatic squamous non-small cell lung cancer  
 Potiga—epilepsy  
 Rubraca—ovarian, fallopian tube, or peritoneal cancer  
 Rydapt—acute myeloid leukemia  
 Steglatro—type 2 diabetes  
 Symdeko—cystic fibrosis  
 Unituxin—second-line treatment for children with high-risk neuroblastoma  
 Victrelis—hepatitis  
 Vraylar—schizophrenia, bipolar mania, and bipolar depression  
 Yescarta—large B-cell lymphoma that's failed conventional treatments  
 Zejula—ovarian, fallopian tube or primary perineal cancers

## UNITED KINGDOM

Percent of new medicines available (compared to the United States):

All new medicines: 64%  
 Cancer medicines: 70%  
 Diabetes medicines: 90%  
 Respiratory medicines: 75%  
 Cardiovascular medicines: 80%  
 Average delay in approval (compared to the United States):  
 All new medicines: 11 months  
 Cancer medicines: 11 months  
 Average delay in public plan coverage (compared to the United States):  
 All new medicines: 20 months  
 Cancer medicines: 26 months  
 Currently unavailable medicines:  
 Brineura—first approved treatment for Batten disease  
 Caprelsa—medullary thyroid cancer  
 Jivi—hemophilia type A  
 Kymirah—B-cell acute lymphoblastic leukemia  
 Lorbrena—non-small cell lung cancer  
 Lutathera—neuroendocrine tumors affecting the digestive tract  
 Mepsevii—Sly syndrome  
 Ocaliva—primary biliary cholangitis (rare liver disease)  
 Odomzo—basal-cell carcinoma  
 Orkambi—cystic fibrosis  
 Plegridy—relapsing forms of multiple sclerosis  
 Portrazza—metastatic squamous non-small cell lung cancer  
 Revcovi—a form of severe combined immunodeficiency  
 Rexulti—schizophrenia and major depression  
 Rixubis—hemophilia Type B  
 Rubraca—ovarian, fallopian tube, or peritoneal cancer  
 Symdeko—cystic fibrosis  
 Unituxin—second-line treatment for children with high-risk neuroblastoma  
 Vizimpro—non-small cell lung cancer  
 Yescarta—large B-cell lymphoma that's failed conventional treatments  
 Zaltrap—colorectal cancer

Mr. WALDEN. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. HUDSON).

Mr. HUDSON. Mr. Chairman, Republicans and Democrats agree: Americans pay too much for prescription drugs. We agree we need to do something about it. We agree our friends and loved ones need access to lifesaving cures and treatments.

Americans want us to work together in a bipartisan way to get things done; yet, today, we are considering Speaker PELOSI's partisan bill. This is an exercise in futility. Not only will it stop an estimated 100 new lifesaving drugs, it has no chance of being signed into law.

I care about the millions of Americans, like my late grandmother, living with Alzheimer's and the thousands of Americans diagnosed with cancer every single day and the children who face life-altering diagnoses, like spinal muscular atrophy, epilepsy, or cystic fibrosis. I want them to have hope, and I want them to have access to the very best medicine. That is why we introduced H.R. 19, bipartisan legislation that could be signed into law by President Trump this year.

So let's stop the partisan theatrics and get serious about the problem that people are begging us to fix.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, since 2003, the pharmaceutical compa-

nies have had free rein to gouge sick people. They forced into law language that prohibited the Federal Government from negotiating with the drug companies for lower prices, which already the Veterans Administration does and has done for decades.

We know that negotiating for fair prices actually is the only way that we are going to be able to lower prices, and that is what H.R. 3 is going to do. Even Donald Trump has said that, when he was a candidate: When it comes to negotiating the cost of drugs, we are going to negotiate like crazy.

That was then, and this is now.

The Congressional Budget Office says we are going to save about half a trillion dollars when we negotiate in the most effective way to protect seniors and families and anyone who has insurance, and we are going to be able to use that money to finally help senior citizens who need help with their eyeglasses, with their hearing aids, with their dental care. We are going to be able to make such a difference in their lives.

Ninety percent of Democrats, 87 percent of Independents, and 80 percent of Republicans say they support allowing the Federal Government to negotiate for prices. The time is absolutely now for us to pass this legislation.

H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act of 2019, is the solution that we have been waiting for, a historic step forward in our fight to solve the problem of the prescription drug pricing crisis that we face in this country.

I look forward to seeing it pass into law and the President of the United States keeping his promise and not breaking it by signing negotiation into law.

Mr. WALDEN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS), an incredible, important member of our committee.

Mr. SHIMKUS. Mr. Chairman, do you want 10 new drugs, 30 new drugs on the market, 100 new drugs on the market or zero? H.R. 3 removes research and development investments, which will hinder innovation.

Innovation doesn't always mean higher cost. Take hepatitis C, which lowers, reduces healthcare costs in the long run.

Technology and innovation have always had the potential to reduce the time and costs of identifying and developing new therapies, which lower the cost of drugs.

Incorporation of innovative genomic analysis means drug developers can reduce the amount of guesswork in identifying candidate molecules for further research.

This same technology is being used by drug manufacturers today to help streamline and expedite the process of conducting trials.

And investments in precision medicine will mean that you don't prescribe drugs that will not work or, in some cases, make people sicker.

That is why I support H.R. 19, the Lower Costs, More Cures Act, which is composed entirely of bipartisan provisions and could become law right now.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. MATSUI), a member of our Energy and Commerce Committee.

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Ms. MATSUI. Mr. Chairman, I thank the gentleman for yielding.

I rise today in support of H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act, the most transformational expansion of Medicare since its creation.

As co-chair of the House Democrats' Task Force on Aging and Families, I am fighting for the nearly 9 in 10 seniors taking a prescription drug, because when our system puts profit over patient health, beneficiaries pay the price.

With this landmark legislation, we are delivering on the promise to lift up older Americans and their families. H.R. 3 negotiates lower drug prices. It expands Medicare to include vision, dental, and hearing coverage. It caps out-of-pocket costs, and we extend low drug prices to all Americans with private plans.

While there are many reasons to support H.R. 3, mine is Tony from Sacramento. Tony has type 2 diabetes. She is a single mom and works part-time to care for her child, all while managing multiple chronic conditions.

Over the last decade, the price of insulin has increased 197 percent, and those increases make it harder and harder for a family to get by.

Under H.R. 3, drug price savings will be passed on to families like Tony's. Tony could pay as little as \$34 per month, giving her family the relief they need for other expenses.

For seniors, for families, and for all Americans who desperately need to lift the burden of high drug prices from their everyday lives, I ask that my colleagues support this bill.

Mr. WALDEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS), the top Republican on the Health Subcommittee of the Energy and Commerce Committee.

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

In the early days of my medical practice in the 1980s, I would sit around with other doctors and kvetch that there were treatments available in Europe that were not available in the United States. But Congress acted and enacted the prescription drug user fee agreements in 1992, sped up the regulatory process, and broke the regulatory bottleneck. The drug approval process over the past four decades has significantly improved to the point that American doctors now have more tools at their disposal to alleviate human suffering than at any time in the Nation's past.

The President weighed in right around Thanksgiving with what he

thought would be the correct path forward. Indeed, in the Rules Committee last night, we received the Statement of Administration Policy from the President that said he would veto H.R. 3 if presented in its current form. But he goes on to say that H.R. 19 is a far better approach to lowering drug prices and discovering lifesaving cures. The President believes there is a path forward. The administration remains committed to working with both parties to pass legislation.

What H.R. 3 represents to me is a lost opportunity. It was an opportunity to work together. The President wanted to work together. But it is a lost opportunity to bring down drug costs for American patients. We can vote against H.R. 3. We can support the amendment in the nature of a substitute. H.R. 19 could become law this year, in 2019.

Mr. PALLONE. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. MCNERNEY), a member of our committee.

Mr. MCNERNEY. Mr. Chairman, I thank the gentleman for yielding and for bringing this bill forward. I rise in support of H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act.

We are here today to debate an issue that shouldn't need any discussion from Members of this body. We have all heard from constituents back home forced to choose between critical medications and basic needs because prescription drugs are just too expensive.

Just this week, one of my constituents, Marta, shared her story with me. Marta suffers from an autoimmune disease that causes her own body to attack her muscles, and without medication, she struggles to see. Even the slightest movement feels like a colossal feat, including her breathing.

The prescription drug she needs in order to walk or even just to breathe was once available for free, but the medication she is now taking costs an outrageous \$375,000 a year. Who can afford that?

While Marta's insurance covers some of the cost, it is a constant fight for her to get the medication she needs to be able to live her life.

What good are miracle drugs if people can't afford them?

As Members of Congress, we must do everything in our power to ensure that people can afford lifesaving and life-changing drugs. Under H.R. 3, the government would be empowered to negotiate directly with the drug companies to lower prices for the American people.

I urge my colleagues to support H.R. 3 for Marta and the millions of Americans burdened by skyrocketing prescription drug costs.

Mr. WALDEN. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. GUTHRIE), the top Republican on the Oversight and Investigation Subcommittee of the Energy and Commerce Committee.

Mr. GUTHRIE. Mr. Chairman, I thank the gentleman for yielding. I rise today in opposition to H.R. 3.

Two of the issues that I often hear about back home are robocalls and drug prices. Last week, despite ideological differences on both sides of the aisle, we came together to address robocalls. I am disappointed that the same cannot be said for drug prices.

Republicans, Democrats, President Trump, doctors, pharmacists, patients, we all want lower drug prices. Yet, the Democrats have chosen to pursue partisan poison pill legislation that will go nowhere.

I was proud to cosponsor the Lower Costs, More Cures Act, a bill that includes only bipartisan solutions to lower drug prices. My Democratic colleagues have agreed to these provisions in the past. The Lower Costs, More Cures Act will allow the continuation of lifesaving innovation in healthcare research while lowering drug prices for Kentuckians.

Mr. Chairman, I oppose H.R. 3, and I urge my colleagues to support the Lower Costs, More Cures Act.

Mr. PALLONE. Mr. Chairman, I yield 1½ minutes to the gentleman from Vermont (Mr. WELCH), a member of our committee.

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

We have done in our committee some bipartisan work that attacks patent abuse and will help bring down the costs of drugs, but there is a question. It is not a partisan question. It is really a judgment. Can we stop pharma from what has been relentless price increases—I would call it price gouging—without the government intervening on behalf of the consumer? We are the only country where the government sits on its hands while pharma boosts the prices.

President Trump told Elijah that is a rip-off. That is what the President told Elijah, and the President said he would be okay with bringing in safe drugs from abroad for price negotiation, or as the President called it, getting a better deal.

The President's idea, which is a good one and incorporated in the bill, was to have an international reference price so we don't pay four, five, six times what they pay in Europe. That is a good idea.

But bottom line, the question is, will pharma stop killing us if we don't step up with governmental authority for consumers? That is not partisan. That is a judgment. It won't happen without us asserting that authority, as is done in this bill.

Then, the benefits are extended to employers who are struggling to pay health insurance for their folks and can't give them a raise, to seniors, and to every individual.

Mr. WALDEN. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. MCKINLEY), an important member of our committee.

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

Let's be frank, Senate leadership has already said they are never going to

vote on H.R. 3. Earlier today, President Trump made it clear that he would veto it. So what are we doing here?

If lowering the costs of prescription drugs were really a priority for Democrats, they would vote to adopt H.R. 19, the bipartisan alternative, instead of this politically charged bill. H.R. 19 has 35 bipartisan provisions that passed out of the House committee. It includes 90 percent of the bipartisan Grassley-Wyden bill in the Senate.

H.R. 19 will not only lower drug prices, but it will protect innovation and research into new medicines and cures for diseases like Alzheimer's, rheumatoid arthritis, ALS, diabetes, and Parkinson's.

The Congressional Budget Office and the Council of Economic Advisers have both concluded that H.R. 3 will prevent hundreds of new cures from entering the market. Therefore, I have to ask the supporters of H.R. 3: Which cures for our loved ones are you willing to sacrifice?

Mr. PALLONE. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. SCHRADER), a member of our committee.

Mr. SCHRADER. Mr. Chairman, I thank the gentleman for yielding. I rise today to speak on behalf of H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act of 2019.

The bill before us today will finally allow Medicare to negotiate the price for prescription drugs to get a better deal for our seniors, a task that has long been successful by the Department of Veterans Affairs, Medicaid, the Department of Defense, and, frankly, in commercial insurance plans.

Why not allow our seniors to negotiate the best price for their costly drugs? It can save the taxpayers a lot of money. Americans support negotiation.

I will point out that while I appreciate the efforts to expand service, the Medicare trustees report has shown that the Medicare hospital insurance trust fund is projected to be depleted by 2026, a mere 6 years from now. At the same time, Medicare per capita spending is supposed to grow at a rate of over 5 percent a year.

The savings from the drug negotiation portion of this bill, at least a big portion of it, should be put toward ensuring that our seniors will continue to have access to Medicare.

We cannot keep spending money we do not have. As we continue to have conversations around expanding access to healthcare and lowering costs of prescription drugs, I urge my colleagues to be mindful that they need to address the solvency of our healthcare safety net systems.

This is a good bill. I urge support.

Mr. WALDEN. Mr. Chairman, I want to say that we cannot lose sight of how anti-innovation H.R. 3 is. We cannot lose sight of how many cures will never come around as a result. These aren't my conclusions. They are, but they are also the conclusions of the Congressional Budget Office and the Council of Economic Advisers.

Hundreds of new drugs will never come to market. Medicines will never be created. We know that 10 percent fewer drugs will enter the market every year in the 2030s and every year thereafter as a result of H.R. 3.

This bill will leave people behind. It will result in earlier deaths than otherwise should happen.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GRIFFITH).

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

In committee, I raised issues of unconstitutional takings in H.R. 3. Ninety-five percent of gross revenues are taken from a manufacturer unless they agree to the price the government offers.

It is not negotiation. It is an offer you can't refuse. It is confiscatory. Accordingly, it is unconstitutional.

But you don't have to believe me. The nonpartisan Congressional Research Service says H.R. 3 likely violates the Fifth and Eighth Amendments of the United States Constitution.

Mr. Chair, I took an oath to support the United States Constitution when I entered this body. To support the Constitution, you must vote "no" on H.R. 3. To fix drug pricing, you should vote "yes" on the Walden amendment in the nature of a substitute.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. RUIZ), a member of our committee.

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

We already have hundreds of drugs in the market that millions of Americans do not have access to and cannot get because they are not affordable. Seniors in my district are walking out of the pharmacy without their medication after seeing the out-of-pocket costs and saying to themselves they can't afford it.

Many seniors are choosing between eating and buying their groceries versus taking their medications. They are not taking the medicine that they need, which puts their health and their lives at risk.

I have heard from seniors in my district who face up to \$6,000 a month in out-of-pocket costs for their medicine. To quote one constituent of mine: "Prescription and healthcare costs are an astronomical burden." To quote another: "Necessary medication should not be treated as a luxury."

We must bring down the outrageous out-of-pocket costs plaguing our seniors and families. H.R. 3, the Elijah E. Cummings Lowering Drug Costs Now Act, finally answers the call to bring down out-of-control costs.

□ 1900

It does so by empowering Medicare, for the first time ever, to negotiate lower drug prices with Big Pharma, which will lower costs for not only seniors, but also American families with private health insurance.

It does so by limiting out-of-pocket costs to no more than \$2,000 a year for seniors—very important to seniors needing expensive medication.

It does so by strengthening Medicare, delivering vision, dental, and hearing benefits for seniors across this country.

Every Member of the House should do the right thing for seniors and American families: pass H.R. 3.

Senate Majority Leader MCCONNELL should do his job and bring this legislation up for a vote immediately so that we can strengthen Medicare for seniors and lower the cost of medicine for American families.

Mr. WALDEN. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I would point out that the Republican alternative also caps costs for seniors, again, for the first time. We believe there is a place where that needs to happen for our seniors.

In the committee, Republicans offered up an amendment that would have taken all the middleman profits, the rebates, and put them toward making insulin at no cost for seniors at the pharmacy counter. Unfortunately, every Democrat on the committee voted against that. Why, I do not know, but they did.

We want more cures and we want lower costs. We can have both.

There is no dispute among us, Republicans and Democrats, that drugs are too high. The question is: Can we find a scheme that is constitutional, and does it eliminate cures for diseases that people are relying on and shut down innovation in America?

I think we can, by the way. I think that is H.R. 19. We will deal with that later.

Madam Chair, I yield 1 minute to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Madam Chair, Americans see a Congress paralyzed by impeachment and other distractions.

We should change course, do our job, and put our constituents before partisan politics. Reducing prescription drug prices is a way to do that.

My friends across the aisle brag about "affordable" healthcare in other countries, but they don't mention the hidden costs.

Look at a young boy from Canada, Ashton Leeds, who, in 2018, was stricken with an aggressive form of thyroid cancer. Treatments approved by the Canadian health system failed, and his life was saved when his family brought him to America for a cutting-edge treatment unavailable in Canada.

This isn't an isolated instance. As my Republican colleagues have described today, the data shows that H.R. 3 takes us in the wrong direction—stifling innovation and reducing future cures.

Madam Chair, Americans are desperately looking for relief at the pharmacy counter, and we can give it to them with H.R. 19, a bipartisan proposal with a real chance of becoming law, and I urge my colleagues to support it.

Mr. PALLONE. Madam Chair, may I inquire how much time remains on each side.

The Acting CHAIR (Ms. WEXTON). The gentleman from New Jersey has 12½ minutes remaining. The gentleman from Oregon has 12 minutes remaining.

Mr. PALLONE. Madam Chair, I yield 1½ minutes to the gentleman from Texas (Mr. VEASEY), a member of our committee.

Mr. VEASEY. Madam Chair, I thank the chairman for really helping deliver on the promise to work for the people by bringing down the costs of prescription drugs for all Americans.

This is a historic and much-needed piece of legislation, and I am proud to be a member of the Energy and Commerce Committee and Congress to bring this bill to the floor.

This past summer, William from Arlington, Texas, came into my district office because, like so many Americans, William was enrolled in a Medicare plan and was concerned with the price of his lifesaving prescriptions. William was worried about the price of his generic cholesterol medicine. He had been paying \$600 a month—\$600 a month—when he went to his local pharmacy to fill his prescription.

I am hearing all this whooping and hollering about all these other things, protecting these pharmaceutical drug companies, but why is no one talking about people like William who are having a hard time making ends meet and they just want some relief when it comes to these prescription drug prices? That is who we need to be taking care of and defending in this debate.

Many seniors across the country are living like William. They are on fixed incomes. They are really having a hard time making ends meet, and forcing them to choose between paying for their prescription drugs and their daily necessities is really unacceptable in our country.

That is why I am proud to stand here with my colleagues today to voice support for H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act. I am proud this legislation will ensure Medicare beneficiaries will be covered on things like vision, dental, and hearing benefits.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PALLONE. Madam Chair, I yield an additional 30 seconds to the gentleman from Texas.

Mr. VEASEY. Madam Chair, I thank the chairman very much for yielding me additional time.

Again, I am just proud that the version of this bill that will help our low-income residents all across this country will be passed into law.

There are so many other things that I could talk about, but I just have to tell you, in closing, there are people who are out there hurting. They are making life-and-death decisions every day and having to choose between whether or not they are going to eat or

pay for their prescription drugs. This is unacceptable in this country.

Mr. WALDEN. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I just want to point out a couple of things.

First of all, what is really unacceptable is to kill off American innovation in this space. We know from the biotech people who are doing this innovation, they have written us saying it will shatter the hopes and dreams of Americans waiting for cures. It will completely upend the ecosystem of innovation.

America is where the innovation occurs. We don't think that has to happen to bring down the costs of drugs, which we also support.

We also don't think you should end up in a system like this where, in these countries that they want to emulate, like Australia, Canada, France, Germany, Japan, and the United Kingdom, all new medications that we have here, they only have between 30 and 60 percent.

In fact, in cancer, there are 27 to 50 percent fewer cancer drugs in these countries. There is a range here, Madam Chair, that are available. So, if you get cancer, if you were in America here, you might get a drug that would prolong your life or cure your cancer. In these countries, you have a run of 27 to 50 percent chance you won't get that drug; diabetes, 10 to 50 percent fewer; respiratory, 17 to 50 percent fewer.

They, in part, control their costs because they deny access to care of the lifesaving new cutting-edge drugs that we innovate.

Madam Chair, I yield 1 minute to the gentleman from Michigan (Mr. WALBERG), a very important member of our committee.

Mr. WALBERG. Madam Chair, I thank the gentleman for yielding.

Madam Chair, as I travel across Michigan, I constantly hear about the high cost of prescription drugs. Hard-working families are simply paying too much. That is why we need to tackle this issue in a bipartisan way, not try to score political points.

Sadly, H.R. 3 is a partisan, heavy-handed approach that has no chance of becoming law.

Let's be honest: Government doesn't negotiate; they dictate.

This drug pricing scheme will ultimately hurt families, stifle innovation, and prevent lifesaving cures from becoming available to our friends, our neighbors, and families.

There is a better approach, a plan that is patient-focused and filled with bipartisan provisions that enjoys support in the Senate as well. It is H.R. 19, the Lower Costs, More Cures Act. This bill will strengthen transparency, encourage medical breakthroughs, and make medications that families rely on more affordable.

If the other side is serious about getting something done, then we should be voting on the Lower Costs, More Cures Act this week.

Mr. PALLONE. Madam Chair, I yield 2 minutes to the gentleman from Florida (Mr. SOTO), my colleague.

Mr. SOTO. Madam Chair, back in central Florida, we had a townhall where we had everyone from BERNIE SANDERS supporters supporting Medicare for all to Donald Trump Make America Great Again, red hat-wearing Trump supporters, and all of them, regardless of the political spectrum, could not believe Medicare can't negotiate. "What a sham" is what they said.

Well, today is the day. We are going to end the ban on Medicare negotiating.

So you can wring your hands, contort the facts, but then you are going to have to go home and explain why you campaigned on ending the ban on Medicare negotiating and then you voted "no," and then you voted to keep this sham system in place where we don't even allow the government to negotiate for lower drug prices.

This bill caps out-of-pocket costs at \$2,000. That saves \$1,196 per senior for the over 124,000 seniors in my district. It also applies to the 550,000 people who have private insurance.

What do we do with the \$500 billion we save? We finally crack that injustice for seniors to get dental, vision, and hearing coverage.

We hear scare tactics: Hundreds of drugs aren't going to be improved. Try 8 to 15, while 300-plus drugs, according to the CBO, will be improved over the next 10 years. So let's stop the scare tactics.

And is it worth it? Of course it is worth it.

Hundreds of new cures; finally giving dental, vision, hearing coverage—of course it is worth it.

\$1,196 in savings per senior in my district. Of course it is worth it.

America put us in the majority because they think it is worth it, so it is time to pass the Lower the Drug Costs Now Act.

Mr. WALDEN. Madam Chair, I yield myself such time as I may consume.

Madam Chair, we have heard this refrain before that it is worth it, worth it not to have a cure. A cure for what? We don't know.

We know that there are 100 drugs that will never be developed because of H.R. 3. That is what the Council of Economic Advisers said. The Congressional Budget Office says 38 in the next 20 years will never be developed.

Is that the cure for Alzheimer's? Is that the cure for Parkinson's? Is that the cure for ALS?

Madam Chair, the gentleman says it is worth it to upend the entire ecosystem of innovation in America. That is what we just heard. We heard it in committee too: It is okay. We don't need a cure for this, that, or the other thing.

138 of these great American innovators wrote us and said it is not worth it. This bill is going to shatter the hopes and dreams of people who are

hoping that there will be a cure for cystic fibrosis or sickle cell anemia or SMA.

Oh, by the way, we are developing those cures, but this bill, H.R. 3, kills innovation in America, and that means people will die because they didn't get those drugs because they were never invented.

We don't have to do that to bring down the cost of drugs. There are bipartisan ways to bring down the cost of drugs without destroying medical innovation in America, and we want to work with you to do this.

H.R. 3 is the purely partisan bill on the floor.

The proposal we have is all bipartisan, Republican and Democrat ideas put together that will have a positive effect on bringing down drug prices. It will stop the gaming of the system, and it will result in more cures.

Madam Chair, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER), Congress' only pharmacist, an outspoken advocate for our legislation and doing the right thing for patients, whom he greeted at the pharmacy counter every day.

Mr. CARTER of Georgia. Madam Chair, I thank the gentleman for yielding.

You know, I find myself in a situation here where I am both excited and I am sad. I am finally getting the opportunity to address something that was one of my major initiatives coming to Congress, and that is to do something about prescription drug pricing.

As the ranking member noted, I am the one, for over 30 years, who was at the front counter telling patients how much their medication was going to be.

I am the one who watched a mother in tears because she couldn't afford her child's medication.

I am the one who watched a senior citizen try to decide between buying medication and buying groceries.

Yet, never did it enter into my mind that this was a Republican or a Democrat thing. No. It never was, and it should not be now. This is about Americans and about Americans trying to get medications.

Now, I will tell you, in my career, in my pharmacy career, I have witnessed nothing short of miracles in the way of new drugs.

I can remember a time when, if you were diagnosed with hepatitis C, you were going to die. That is all there was to it. Now, think about it. We can actually cure it with a pill. How phenomenal is that? That is what research and development has done for us.

Now, do pharmaceutical manufacturers need to do a better job with their pricing? Yes, they do. But I am here to tell you where the real problem lies. I have been saying it ever since I have been here for 5 years, and that is in the middleman, in the fee PBMs, the pharmacy benefit managers, the ones who hide behind the curtain and are causing this, that bring no value whatsoever to the system. Yet H.R. 3 is going to do away with research and development.



And, yes, you have heard it. Even if it is 8, even if it is 15, even if it is 100, even if it is 1, that is one too many that doesn't come to market. What if it is the one for Alzheimer's?

The Acting CHAIR. The time of the gentleman has expired.

Mr. WALDEN. Madam Chair, I yield an additional 15 seconds to the gentleman from Georgia.

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Mr. CARTER of Georgia. Madam Chair, this is too important. This should not be partisan.

Thank goodness we have H.R. 19, a bipartisan bill. Everything that is in H.R. 19 is bipartisan—everything. And it brings down the cost of medication without stymieing innovation, without ruining research and development.

Madam Chair, I encourage Members to support H.R. 19.

Mr. PALLONE. Madam Chair, I yield myself such time as I may consume.

Madam Chair, this is a historic piece of legislation before us this evening. H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act, is the critical action we need to lower prescription drug prices for Americans across the United States.

Unfortunately, my Republican colleagues this evening continue to peddle Big Pharma's talking points and say that this bill will stifle innovation. Even the Trump administration's Health and Human Services Secretary Alex Azar, who was a drug company executive himself, acknowledged that drug companies like to claim that "if one penny disappears from pharma's profit margins, American innovation will grind to a halt."

Frankly, I am appalled by this argument, Madam Chair. It is the Federal Government and the American taxpayers who are the largest investors in innovation.

In fact, the National Institutes of Health, which has long enjoyed bipartisan, bicameral support, is the largest public funder of biomedical research in the world. For decades, publicly funded research has laid the foundation for the treatment and cures that patients use today.

Research shows that many patented prescription drug products were first discovered through taxpayer-funded NIH research and grants.

According to a report by the National Academy of Sciences, NIH-funded research contributed to the development of all 210 new drugs approved by the FDA between 2010 and 2016.

The impact is clear: Americans are living longer, healthier lives; heart disease, stroke, and diabetes are less deadly; cancer mortality rates are also, overall, on the decline.

The Elijah E. Cummings Lower Drug Costs Now Act, H.R. 3, will strengthen innovation—I stress, strengthen innovation—by investing \$10 billion of direct funding to continue this momentum. This money is delivered to the agency over 10 years to provide sus-

tained, predictable investments to our Nation's brightest researchers at our world-class universities and medical research centers.

This bill will advance research in cancer, rare diseases, regenerative medicine, and antibiotic resistance, among others. It also provides additional funding for phase 2 and phase 3 clinical trials.

History shows us that investments like these will pay dividends for patients.

Madam Chair, I am just so tired of hearing the Republican claim that H.R. 3 will kill new drug development and innovation. It is just the same tired fearmongering that the big pharmaceutical companies have used in an effort to lower their out-of-control drug prices.

We, as Members of Congress, work for the American people, not Big Pharma. And now is the time for us to act and deliver our promise to patients who rely on prescription drugs to live long and meaningful lives by lowering their drug prices.

Madam Chair, I reserve the balance of my time.

Mr. WALDEN. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I can't help but just respond. Our information is based on fact, not rhetoric. It comes from the independent Congressional Budget Office that works for all of us. And when they evaluated H.R. 3, they are the ones—at CBO, the Congressional Budget Office—that said that the Democrats' plan, the Pelosi plan, would result in fewer new drug products being developed and coming to market.

CBO is the one, not Big Pharma. You can throw that around all you want, but it is the Congressional Budget Office that said 38 new cures that could be developed in the next 20 years would be lost in development because of this bill—38. Up to 38.

It was the Council of Economic Advisers that said upwards of 100 new cures, new medicines, would not come to market because of H.R. 3.

The great American innovators wrote to the Speaker and wrote to the Republican leader and said the dreams of life-changing therapies and cures for patients would be "shattered" by H.R. 3. They said that, unfortunately, H.R. 3 is an unprecedented and aggressive government intervention in the U.S. market of drug development and delivery that will limit patient access to these extraordinary advancements in care.

These are the people that—when they get a cure for cystic fibrosis; when they develop a cure for sickle cell; when, hopefully, they develop a cure for diabetes—we will all rush out to say, "We helped. We funded NIH. They did an important role."

And NIH funding is extremely important, but it is these innovators that do the actual development of the drugs. In fact, the Congressional Budget Office said, when it comes to H.R. 3 spending for NIH, that the effects of the new

drug introductions from increased Federal spending under the bill on biomedical research would be modest—modest. Okay.

We have all supported increases in additional research at NIH. It is an important element of this. But it is actually the innovators spread all across the country and these tiny little startups, in some cases, that are begging us not to blow up the system to get drug prices down.

We can get drug prices down. We are willing to work on both sides of the aisle to do that. You don't have to destroy innovation in America and life-saving cures for patients to get there. H.R. 3, independent analyses show, would do exactly that.

Madam Chair, I yield 1 minute to the gentleman from Ohio (Mr. STIVERS).

Mr. STIVERS. Madam Chair, I thank Ranking Member WALDEN for yielding, and I commend him for his efforts to limit drug prices and continue innovation.

I have a concern about the increased costs that both H.R. 3 and H.R. 19, as well as Senate proposals, could have on small manufacturers through the part D redesign.

These small manufacturers often serve the Low-Income Subsidy population that are our most vulnerable, and it would disproportionately affect their access to lifesaving and life-changing medications, such as drugs for mental illness and addiction. H.R. 3 is catastrophic to this population.

Madam Chair, I ask to enter into a colloquy with the gentleman from Oregon and seek his commitment to ensure small manufacturers and the LIS population are not inadvertently penalized as this process moves forward of our alternative.

Mr. WALDEN. Madam Chair, I thank the gentleman from Ohio for his remarks. I am hopeful that, after this political exercise of H.R. 3 is done, we can work on a bipartisan basis on needed part D modernization like we were doing before the Speaker, unfortunately, shut down these discussions.

When we do so, I look forward to working with the gentleman from Ohio to ensure that the vulnerable LIS population is not unintentionally adversely impacted.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WALDEN. Madam Chair, I yield myself such time as I may consume. I appreciate the gentleman for bringing up this important issue.

Madam Chair, I reserve the balance of my time.

Mr. PALLONE. Madam Chair, I yield myself such time as I may consume.

Madam Chair, the Republicans keep saying that they want to work with us. We have suggested to them that the only way to reduce prices, that I know of—and they haven't suggested anything else—is by having some kind of negotiation.

We are talking about the drugs for which there is a monopoly. These are

the brand-name drugs for which there is no competition, no generic alternative. Every other country, the six that we have mentioned as part of this bill that we are looking at, because we subsidize them as the American people get ripped off, Australia, Canada, Japan, United Kingdom, and France bring prices down considerably by negotiating.

When you have all these Medicare beneficiaries, if you will, you have a tremendous amount of power, if you will, to negotiate with the drug companies because they want to sell their drugs to bring the prices down. If you don't do that, which is what the Republicans refuse to do, then you have no effective way of bringing prices down. We know that.

Now, this is why, when Medicare part D was established—I was here how many years ago—the Republicans insisted that they put in this clause in part D that said that the government can't negotiate prices.

So that is why we have to pass this bill, because right now the government has no power to do that.

Why not give the government that ability? So far, they refuse to do it.

So, I know they keep saying they want to work with us on a bipartisan basis, but they have refused to do any kind of negotiated prices, to get rid of that clause that says that the Department of Health and Human Services can negotiate prices.

The American public is getting ripped off. We are subsidizing drugs that are being sold in this other country. It is not fair. It is not a fair playing field.

Why should we let the drug companies continue with this monopoly? That is why we are moving H.R. 3. That is the basis for H.R. 3.

Madam Chair, I reserve the balance of my time.

The Acting CHAIR. The gentleman from Oregon has 2 minutes remaining.

Mr. WALDEN. Madam Chair, I yield to the gentleman from Georgia (Mr. ALLEN) for 1 minute.

Mr. ALLEN. Madam Chair, we all agree here that prescription drug prices are skyrocketing, and Congress must act. That is something that we all agree on. The question is how do we go about it.

A couple of facts:

One, H.R. 3 is a radical government takeover of the pharmaceutical industry, and it ultimately will prevent Americans from accessing potentially lifesaving cures.

Fact 2: According to the White House Council of Economic Advisers, H.R. 3 will prevent as many as 100 fewer drugs from entering the U.S. market in the next decade.

Fact 3: Countries that have adopted similar drug pricing schemes, as proposed under this legislation, have experienced a decrease in access to innovative new medicines, increased wait times for treatment, and supply shortages for in-demand drugs.

Americans will not stand for this. We have an alternative: H.R. 19, the Lower Costs, More Cures Act.

I urge Members to work together in a bipartisan way on H.R. 19.

Mr. WALDEN. Madam Chair, may I inquire how much time is remaining.

The Acting CHAIR. The gentleman from Oregon has 1 minute remaining. The gentleman from New Jersey has 3½ minutes remaining.

Mr. WALDEN. Madam Chair, I yield myself such time as I may consume.

Let's go through this really quickly.

Democrats have said it is worth it not to have future cures. That is point one. They have said that: worth it not to have future cures.

Congressional Budget Office tells us up to 38 cures will not come about because of H.R. 3.

They have said we want to model America after foreign countries, and the facts show that in foreign countries you have less access to lifesaving drugs for cancer, diabetes, respiratory issues, and cardiovascular.

The chart on the far side here lists those drugs individually. We are not making this up. This is fact. We can do this better. We can work together.

The Congressional Budget Office said, when we created Medicare part D—which I was here for and supported—that having the government in charge of pricing would have a negligible effect in terms of the savings. I think they believe that today.

But if you want to restrict access to drugs, if you want to deny new cures to patients, if you want to go on a system where you die because the medicine is not available in your country, then vote for H.R. 3.

If you don't, if you want to have lower drug prices, stop the gaming by the pharmaceutical companies and have more cures, then support our alternative.

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

Mr. PALLONE. Madam Chair, I yield myself such time as I may consume.

Madam Chair, with H.R. 3 we are one step closer to fulfilling our promise of making prescription drugs more affordable for the American people.

Today, here in the United States, drug companies can charge whatever they want because there is no competition until a generic comes to market and because the Federal Government has no ability to negotiate drug prices.

The American people are getting ripped off. The status quo is unacceptable and unsustainable.

In other countries negotiations occur, and prices in those countries are substantially lower than here in the United States. For years the American people have been subsidizing prescription drugs for the rest of the world, and we are fed up with paying 3, 4, or 10 times as much for the exact same drug as someone in a similar developed country.

Under H.R. 3, those days are over. We are finally empowering the Federal

Government to negotiate lower prices with the drug manufacturers.

Now, what we are doing with the savings that come from this bill is we are providing additional benefits to seniors.

H.R. 3 adds Medicare part B comprehensive dental coverage for the first time. It adds a new dental benefit to Medicare part D and will provide coverage for screening and preventive services. It adds a new vision coverage. H.R. 3 adds new vision benefits that would cover routine eye exams, contact lens fitting, and glasses or contact lenses once every 2 years.

□ 1930

It adds a comprehensive hearing benefit. It adds new hearing benefits that provide hearing aid coverage for individuals with severe, profound hearing loss.

The list goes on. We are investing more money to go to NIH. We are providing more money for community health centers. The bottom line is, we are also trying to save seniors' out-of-pocket costs by capping out-of-pocket costs at \$2,000.

We are doing all this at the same time that we are lowering prescription drug prices through negotiation by the Secretary of Health and Human Services, or the Federal Government. Understand that once that price is set for Medicare, that price is also available in the rest of the market for those with insurance coverage.

This is a win-win situation for the American people. I don't understand how the Republicans on the other side could say that there is any other way to lower prescription drug prices, and they, frankly, haven't given us any suggestion in that respect.

I ask my colleagues, please, this is a transformational piece of legislation. Please support us. This should be supported on a bipartisan basis.

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

The Acting CHAIR. All time for the Energy and Commerce Committee has expired.

The gentleman from Massachusetts (Mr. NEAL) and the gentleman from Texas (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. NEAL. Madam Chair, I yield myself 4 minutes.

Madam Chair, I rise in strong support of H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act.

I am delighted to have been asked to join with my colleagues Mr. PALLONE and Chairman SCOTT in authoring this historic legislation. It delivers on a Democratic promise to meaningfully stabilize and lower the very high costs of prescription drugs in the United States.

As a recent Ways and Means Committee report details, Americans pay, on average, four times more for the same prescription drugs as patients in

other similarly developed countries. An overwhelming majority of Americans, 95 percent, believe this disparity is unacceptable. I certainly agree with them.

H.R. 3 will level the playing field for patients and taxpayers by giving the Health and Human Services Secretary the power to negotiate better prescription drug prices in Medicare and throughout the private market. It also caps Medicare beneficiaries' out-of-pocket prescription drug spending at \$2,000.

According to CBO, H.R. 3 will save American taxpayers over \$500 billion. We will vigorously reinvest these tremendous savings into unprecedented dental, vision, and hearing Medicare coverage expansions.

These are benefits that are directly associated with positive short- and long-term health outcomes, and seniors deserve meaningful access to them.

H.R. 3 also expands eligibility to low-income subsidy programs so that seniors can get help to lower their out-of-pocket costs. These changes ensure seniors can afford lifesaving medications, protect Medicare beneficiaries with preexisting conditions from discrimination, and give older Americans access to commonly needed and life-transforming health services. Millions of Americans will see improvements to their quality of life and to their financial security.

I have long believed that we need to look at ways to reinvest in healthcare across the spectrum, and H.R. 3 does that by doubling our investment in maternal, infant, and early childhood home visiting programs, a proven tool to reduce maternal mortality and morbidity.

The bill also builds on the successful Health Profession Opportunity Grant demonstration projects to provide a leg up for low-income adults to fill good-paying healthcare jobs currently unfilled because of a lack of trained workers. Expanding HPOG programs will help low-income adults gain new skills, earn good jobs, and help address health worker shortages that exist across our 50 States, in the U.S. territories, and in American Indian communities.

I am pleased and proud of the medical innovation and research that is undertaken daily around the Nation, especially in the Commonwealth of Massachusetts. But I am concerned that this innovation is becoming out of reach for consumers who simply cannot afford its discoveries.

H.R. 3 gives patients the ability to benefit from and afford innovative drugs. In addition, the legislation reinvests savings from lower drug prices back into a very important part of the Massachusetts economy, the National Institutes of Health, to fund additional groundbreaking, lifesaving research.

The Elijah E. Cummings Lower Drug Costs Now Act, is a commonsense proposal that will allow Americans to live healthier lives and save money as they move along the way.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. BRADY. Madam Chair, I yield myself such time as I may consume.

Madam Chair, why should patients have to choose between affordable medicines and a lifesaving cure for Alzheimer's, ALS, Parkinson's, or cancer? Why should parents with sick children be forced to wait longer for the newest breakthroughs that can save their lives? Why should Americans face shorter lives because the costliest and most painful drug is the one that is never created?

At the depths of NANCY PELOSI's drug bill is a dangerous tradeoff of lower drug prices in the short term but fewer lifesaving cures in the future, and not just a few cures lost, but many, according to the independent Congressional Budget Office and the Council of Economic Advisers, up to 38 cures lost, according to the Congressional Budget Office, and up to 100, according to the CEA.

The California Life Sciences Association predicts nearly 9 of 10 new drugs would never be available—never—from their research and small biotech companies if the Pelosi bill becomes law. This is a cruel and false choice, which is why this bill would quickly die with no real bipartisan support in the Senate.

As Republicans, we believe we need to do both, lower drug prices and accelerate new lifesaving cures. Our bill, the Lower Costs, More Cures Act, lowers out-of-pocket costs for Americans by cracking down on overpriced drugs and empowering seniors to choose the right place to get medicines, which can cut the cost of chemotherapy in half, pulling back the curtain on those who set drug prices, forcing drug companies to justify their increases and list their prices in their ads.

We accelerate, not kill, lifesaving medical cures. We permanently make it easier for Americans to deduct high medical expenses from their taxes. We allow them to use their health savings accounts for over-the-counter medicines, including feminine hygiene products, and save seniors over \$300 each year on their medicines in the popular Medicare prescription drug program.

All of these proven ideas are bipartisan. All of these can be passed by Congress. All of these can be signed by President Trump this year if Democrats abandon their partisan games and recontinue what was our bipartisan work that got shelved for the Pelosi drug bill.

I will finish with this. As a member of the Ways and Means Committee, we in the Republican Congress joined with President George Bush in 2003 to create an affordable drug plan for seniors. At the time, Speaker PELOSI and Democrats tried their best to kill it. She famously predicted that trading the crucial part D prescription plan for the elderly would end "Medicare as we know it."

Can you imagine how many seniors' lives would have been lost if she had succeeded in stopping the affordable Medicare drug program that 43 million seniors have come to depend upon today?

NANCY PELOSI and Democrats were dangerously wrong then. Can Americans afford the pain and risk when they are dangerously wrong again?

Madam Chair, we have an alternative that lowers costs and accelerates cures in H.R. 19. That is the solution.

I reserve the balance of my time.

Mr. NEAL. Madam Chair, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Chair, there is only one problem with this bipartisan plan that the Republicans have embraced: It will not lower manufacturers' prescription drugs prices by a penny.

As to the phony argument that there are some cures out there that will be lost by this legislation, it also does not stand the test of analysis. The suggestion is that 8 out of 200 drugs over the next 10 years may not be presented. Not new cures, but in many cases, if we look at the current market, these are simply reformulations of existing drugs that manufacturers use to extend their monopoly positions.

All of this about a bill that, frankly, I am not all that enthusiastic. I think this legislation was originally advanced as a narrow approach to win over Republicans, and that doesn't appear to have been too successful this evening.

For that purpose, it may have merit. But as a model for comprehensive future legislation on prescription price gouging by government-approved monopolies, this narrow measure does not. Its negotiation scope is restricted to insulin and certain high-cost, high-volume drugs.

Despite our pledge to repeal the Republican-imposed prohibition of Medicare negotiation, it still remains illegal, a violation of Federal law to negotiate lower prices for two-thirds of the medications covered by Medicare. That includes EpiPens and many other treatments.

No negotiation for lower prices is assured even when the taxpayers paid for much of the research to develop the drugs.

Price gouging is not limited to one disease or one class of drugs. This bill also does not provide any guarantee to 30 million uninsured Americans that they will get any lower prices.

I look forward to a new Congress with a President who wants to follow the campaign promises that President Trump has ignored, to provide relief for all Americans with a comprehensive solution to contain this Big Pharma monopoly power.

Mr. BRADY. Madam Chair, I am pleased to yield 2 minutes to the gentlewoman from Indiana (Mrs. WALORSKI), one of our key members on the Ways and Means Committee.

Mrs. WALORSKI. Madam Chair, I rise today in strong opposition to H.R. 3.

This misguided, partisan legislation was written behind closed doors. It will result in fewer cures, less innovation, and worse health outcomes. We all agree that prescription drug affordability is a vital issue for the American people. However, we shouldn't be sacrificing new cures in the process. The bill tells patients with cancer, Alzheimer's, and other terrible diseases to keep waiting for the cures they so desperately need.

That is why I support H.R. 19, the Lower Costs, More Cures Act. This bipartisan bill will lower out-of-pocket spending while also protecting access to new medicines and cures.

Madam Chair, we have an important opportunity to work in a bipartisan fashion for the American people. But here we are again, considering a partisan bill that has no path forward in the Senate. This has become such a disturbing trend.

I urge my colleagues to vote against this flawed legislation so we can work together on a bipartisan solution.

Mr. NEAL. Madam Chair, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Chair, I appreciate the gentleman's courtesy, and I appreciate his leadership.

I strongly urge that my colleagues reject the cynical approach that is being advanced by our Republican friends. Think about it for a moment. We are talking about challenging the monopoly that the Republicans gave, making it illegal to negotiate drug prices.

As a result, we have heard already in the course of this debate that our constituents pay four times more, on average, than other countries. Sometimes it is 67 times as much.

What would happen if we were able to slightly restrain that monopoly power and have a little competition? The Republicans are so cynical that they say the first thing the drug companies will do is not cut executive bonuses, not cut back on stock buybacks, not cut back on bizarre advertising. The first thing the pharmaceutical industry would do, in the vision of the Republicans, is cut back on vital research.

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Give me a break. They already spend less on research than they do on the items that I have mentioned.

I really believe that, even though we have big differences with them—and I think we settled some of those scores in the recent trade negotiations—I have a hard time believing that they would make patients suffer instead of cutting back a little bit on executive compensation or stock buybacks.

I am proud that we have stood firm against Big Pharma in our trade negotiations, and I hope my colleagues will vote in favor of this legislation that will lower prescription drug prices by almost \$2,000 per average family.

It will have savings that will expand Medicare benefits to include dental, vision, and hearing—critical benefits for the older constituents whom we all represent.

It reinvests the savings in Federal health programs, drug innovation, and medical research.

The Acting CHAIR. The time of the gentleman has expired.

Mr. NEAL. Madam Chair, I yield the gentleman from Oregon an additional 15 seconds.

Mr. BLUMENAUER. Madam Chair, reject this cynical view that the drug companies will punish consumers before they will restrain some of the excesses if we finally take back part of the monopoly powers that the Republicans gave to the pharmaceutical industry.

Mr. BRADY. Madam Chair, I yield 3 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), who is one of our leaders in technology in healthcare.

Mr. SCHWEIKERT. Madam Chair, this is one of those, the tyranny of the clock as we have talked about, 3 minutes.

There are so many things here we agree upon about the rage we feel when we see the pricing mechanisms and those things. But there are so many things also being said here that are absolutely wrong, from what is happening in Big Pharma to the new biologics that are coming from the small research companies, that I believe, actually, H.R. 3 is going to do incredible violence to our society.

Madam Chair, you have to understand. We are living in the time of miracles. There are cures coming that would not happen under H.R. 3.

The single shot that cures hemophilia, one of most expensive diseases in our chronic population, that single shot is going to be outrageously expensive; but it is actually dramatically cheaper than just 3 or 4 years of living with the disease.

Madam Chair, here is actually one of my incredible concerns.

You do understand the pricing efficiency you are importing. This is a reference pricing bill.

Madam Chair, what is a year of your life worth? Madam Chair, what is a year of your life worth if you are healthy? One year of healthy life, what is it worth to you, Madam Chair?

Because, Madam Chair, if you are in Great Britain, it is \$37,000. If the drug comes in at \$37,001, it is not purchased. That is the efficiency you are about to import into our country. You are going to do this.

There are countries here where, if a pharmaceutical breakthrough is \$19,000 and it would give you 1 year of healthy life, they don't buy it. That is what you are importing. You are importing this type of cruelty.

You get to look at someone's face and say: Look, we imported that European model that basically said that your life is not worth that to us for you to be healthy for another year.

We are better than this. We can do better.

We both passionately agree the pricing mechanisms are crappy. The way capital is moved around is unfair. But H.R. 3 is going to do so much more damage.

And I think I can build you a financial model that says that you will lower some people's drug prices and you will raise the cost of, functionally, healthcare in our country because the cures that are coming don't come anymore.

Madam Chair, do you really want to import that type of cruelty into our society?

Mr. NEAL. Madam Chair, if the gentleman asked me what a year of my life was worth, I would have said: An awful lot.

But I am appreciative of the fact that you were mute on that issue, Madam Chair.

Madam Chair, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Chair, I want to thank FRANK PALLONE, RICHARD NEAL, and BOBBY SCOTT for all their hard work on the Elijah E. Cummings Lower Drug Costs Now Act.

The science and innovation behind lifesaving drugs is light-years beyond our wildest imagination.

As the medicine chest of America, New Jersey leads the way in biopharmaceutical research, which is integral to discovering lifesaving treatments. But with the blessing of living longer, the curse of high costs lingers. After too many years of inaction, it falls on us to address exploding costs in the health system.

Pharmaceutical innovation demands the best science, not the highest prices. But if medications are not affordable for all, how can they be lifesaving?

H.R. 3 is landmark legislation that helps us address the cost crisis by allowing Medicare to negotiate fair prices for American families.

We talked about this in 2009. The minority rejected it then, too. We should have done it then.

Medicare beneficiaries, our seniors, will save \$150 billion in lower premiums and out-of-pocket costs. On top of that, Medicare part D beneficiaries will see an average discount of nearly 55 percent on current prices of the first drugs chosen for negotiation.

Our seniors will ultimately benefit from lower premiums, cost sharing, and a cap on their out-of-pocket expenses.

By the way, Medicare would finally, at long last, cover dental, hearing, and vision care services to help our seniors stay healthy—instead of bumper stickers and empty promises.

This legislation requires drug manufacturers to justify price increases and launch prices for drugs. By making this information public, manufacturers will be accountable.

This bill also includes a reauthorization of the Health Profession Opportunity Grants program, or HPOG, to

provide education and training to low-income individuals for health occupations that are in high demand or are experiencing labor shortages.

Mr. BRADY. Madam Chair, I yield 4 minutes to the gentleman from Pennsylvania (Mr. KELLY), who is a small business person who has always offered quality healthcare for his workers.

Mr. KELLY of Pennsylvania. Madam Chair, I am going to read a letter from a family back in Pennsylvania, the Stewarts, Sara, Michael, and their three daughters: Maddie, Gilly, and Daphne. It start off this way:

Dear Congressman Kelly, my name is Sara Stewart, and I am from Saint Petersburg, Pennsylvania. It is my understanding that the House Ways and Means Committee is having a public hearing on H.R. 3, the Lower Drug Costs Now Act of 2019.

Now, it appears this legislation does not have bipartisan support. It needs to take a more balanced approach. The balance is needed for patients like my 10-year-old daughter, Maddie.

Maddie suffers from a rare mitochondrial deletion condition called Pearson syndrome, which is a disorder that occurs as a result of mutated genes in the body. These genes impact mitochondria of her cells that prevent them from producing enough energy for the body to function properly.

Pearson syndrome is difficult to diagnose because it affects each individual differently. Maddie's symptoms through the years have included being blood transfusion-dependent for several years, the inability to heal after heat and Sun exposure, becoming type 1 diabetic, progressively losing her hearing and her vision, kidney failure, and several other daily complications, including developmental delays from having a body that runs on limited energy. It has been truly heartbreaking to see her endure this disease, but she continues to defy the odds.

My message is simple to you, Mr. KELLY, and to the rest of the committee: There is no cure or treatment for Pearson syndrome. There isn't any right now. Each day is a struggle to keep Maddie balanced so her body is able to better cope with the symptoms of this terrible disorder.

All we have—as well as many other families across the world—is hope. Please don't let partisan bickering impact the ability of researchers to discover and innovate new therapies that could save Maddie's life one day. The clock is ticking, and Maddie is waiting.

Madam Chair, I went to visit the Stewarts. I saw this adorable child, and her mom told me: She has so much energy today, and we are really excited that she is feeling this way when you came to see her.

When I looked at the Stewart family, when I looked at Maddie, when I looked at her sister Gilly, and when I looked at her sister Daphne, I thought: This isn't fair. She has never had a chance to live her life. She has already doubled the chances of what the life expectancy is. The mom is saying please don't let political bickering stand in the way of developing and innovating a new source that could save Maddie's life.

Last year, there were 80-some children who had the same condition as Maddie. This Christmas, hopefully, the 40 who are left will have the chance to celebrate it.

Now, I don't know how the Stewarts are registered. I don't know if the

Stewarts vote, and I don't care. But I do know how the Stewarts pray, and they pray every night not just for Maddie, but for all the rest of the children who have this horrible disease.

The other thing they pray for is that, in the people's House and on the floor of the people's House, we don't look at each other as Republicans and Democrats, that we look at each other the way we really are: We are moms and dads. We are grandmas and grandpas and aunts and uncles.

If we cannot come here and agree that the hallmark of America has always been her ability to develop, to innovate, and to be the savior of the rest of the world, then what are we doing?

Do we really want to make this a political battle, or do we want to start developing policy that is about people and not political power?

The Acting CHAIR. The time of the gentleman has expired.

Mr. BRADY. Madam Chair, I yield the gentleman an additional 1 minute.

Mr. KELLY of Pennsylvania. Madam Chair, do we really want to look in the eyes of a 9-year-old or a 10-year-old and say to that child: It is not just in the cards right now because we can't get together as adults and do the right thing for the right reasons and let good things happen.

No. We have allowed ourselves to be so damned political and so damned divided that we turn our backs on the people who sent us here.

Maddie Stewart can't develop the drug herself. Mr. and Mrs. Stewart can't develop the drug themselves. The people of Saint Petersburg, Pennsylvania, can't help Maddie develop a drug. But we can. We can by passing legislation and looking not at H.R. 3, because you know it stops innovation.

Forget all the rest of the talk. It is all about innovation. It is about something new, something better, and something great that is going to save somebody's life.

Let's look at H.R. 19. Let's talk about the substitute, the Lower Costs, More Cures Act.

I wish we all had unlimited time to speak on this issue, but we don't. The clock is ticking. It is ticking for Maddie Stewart in Saint Petersburg, Pennsylvania.

Please do the right thing for the right reasons, and good things are going to happen.

Mr. NEAL. Madam Chair, a reminder that our bill will invest \$10 billion in the National Institutes of Health for new and innovative cures.

Madam Chair, I yield 2 minutes to the gentleman from Chicago, Illinois (Mr. DANNY K. DAVIS).

Mr. DANNY K. DAVIS of Illinois. Madam Chair, I rise in strong support of H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act. It is the solution whose time has come.

According to the CBO, this bill will save \$448 billion from Medicare alone, which can be used to provide other services to seniors and people with disabilities.

I thank the Democratic leadership for including my bills to reduce maternal mortality and morbidity by doubling the MIECHV program and by expanding the successful Health Profession Opportunity Grants program to train low-income individuals to help relieve the health shortage that exists in this country.

Madam Chair, Elijah Cummings would be proud of this bill to carry his name, and I urge its passage.

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Mr. BRADY. Madam Chair, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD), who is a dynamic member of the Ways and Means Committee.

Mr. LAHOOD. Madam Chair, and I rise tonight in opposition to H.R. 3, the fewer cures and more government price control act.

While everyone recognizes that the overall cost of prescription drugs is too high, and that there are some bad actors in the system, I wonder why we are here tonight debating this legislation that essentially puts in place an arbitrary government price setting system. We should be, instead, finding ways to encourage more companies to engage in research for cures and drive competition for lower costs.

During consideration of H.R. 3 in our Ways and Means Committee, I authored a commonsense amendment to exempt any drug or biological product used to treat or cure Alzheimer's from the definition of "negotiation eligible drug," essentially ensuring through this amendment that Alzheimer's research remains intact, so that the scientists and the researchers and the Ph.D.'s that are working hard every day to find a cure can continue to do that uninterrupted. Unfortunately, the amendment was defeated.

We already know from a CBO estimate that 38 cures will not come to market because of the legislation over the next two decades. It essentially cuts off at the knees innovation and deters the work that goes on today. The impact of future treatments and cures for diseases like Alzheimer's and dementia is unacceptable. An impact on even one cure is one too many, let alone 38.

Instead, we have an alternative. The House should support H.R. 19, the Lower Cost, More Cures Act, which consists of over 40 bipartisan provisions that President Trump may actually sign to help lower the cost of prescription drugs for all of our constituents.

It is disappointing that Democrats won't work across the aisle to solve this problem, and instead, are pushing a bill that will stifle innovative healthcare solutions and result in fewer life-saving cures and the research that goes into Alzheimer's.

I urge my colleagues to oppose H.R. 3.

Mr. NEAL. Madam Chair, I yield 2 minutes to the distinguished gentlewoman from Alabama (Ms. SEWELL).

Ms. SEWELL of Alabama. Madam Chair, I rise today in support of H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act.

I am particularly proud of a provision that I worked on with Speaker PELOSI to improve a provision in the original bill that caps out-of-pocket spending for Medicare part B beneficiaries at \$2,000 annually.

My proposal further protects seniors by allowing them to pay these out-of-pocket costs in equal installments over 12 months, rather than all at once.

The final version of H.R. 3 also includes a bill I introduced earlier this month, H.R. 4669, the Maximizing Drug Coverage for Low-Income Seniors Act.

This is smart and innovative legislation that will ensure seniors are enrolled in the best Medicare part D program for their individual needs, not just randomly assigned.

This will save them money on out-of-pocket costs as well as improve access to their needed medication, while also generating savings in overall Medicare spending that can be reinvested in the program.

Madam Chair, in the richest Nation in the world, every American should be able to afford their life-saving medication.

I urge my colleagues to support this groundbreaking legislation and to vote for H.R. 3.

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

Mr. NEAL. Madam Chair, I yield 2 minutes to the gentlewoman from California (Ms. JUDY CHU).

Ms. JUDY CHU of California. Madam Chair, I rise today in support of H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act.

Americans are sick and tired of getting fleeced by Big Pharma and have had enough of skyrocketing prescription drug prices.

In my district, an uninsured patient with diabetes has to pay \$655 for a monthly supply of Novolog Flexpen, a popular brand of insulin. But, in Canada, that same supply of insulin can be purchased for just \$47.

This is outrageous. Why should Americans have to pay so much more than any other developed country for the exact same medications? Why should my constituents have to plan trips to Mexico and Canada to get the medications they need to stay alive? Because even with the cost of travel, it is still cheaper to buy their insulin abroad. And why are drug company profits soaring while patients go bankrupt? This is simply not right.

H.R. 3 is a landmark piece of legislation. It gives Medicare the power to negotiate for lower prices directly with the drug companies. It makes those lower prices available to those with private insurance. Seniors will not have to pay more than \$2,000 out-of-pocket for their drugs. And drug companies can no longer rip off Americans while charging other countries less for the same drug.

This bill is an important first step in addressing the skyrocketing cost of prescription drugs. I am proud to stand here today as a cosponsor of H.R. 3. And I am committed to continuing our work for the people to bring down the cost of prescription drugs for all Americans.

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

Mr. NEAL. Madam Chair, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE).

Mr. BRENDAN F. BOYLE of Pennsylvania. Madam Chair, I thank the chairman and all the colleagues of mine on both sides of the aisle and my committee, the Ways and Means Committee.

What a perfect illustration of the difference in priorities between the two parties. The major health initiative of the opposite party, when they were in power 2 years ago, was to repeal the Affordable Care Act, which would have taken away healthcare from more than 20 million Americans.

Yet, now the House, under Democratic leadership, is considering a major priority on this side of the aisle, H.R. 3. A bill that, according to the Congressional Budget Office, will save on drug costs of \$500 billion for the American people.

Now, there are many reasons why I support H.R. 3, and I am proud to do so, but I want to highlight, especially, just one of them. This legislation would generate \$10 billion to fight the opioid crisis, setting aside resources for the localities that have been impacted the most. That includes many rural areas in our country, but it also includes urban areas as well, especially in my district, in my hometown of Philadelphia.

I am proud to stand here and support H.R. 3. This is one of the most important things we can do for the American people: save prescription drug costs.

Madam Chair, I urge its support.

Mr. NEAL. Madam Chair, I yield 2 minutes to the gentleman from Pennsylvania (Mr. EVANS).

Mr. EVANS. Madam Chair, I am proud to stand before you and offer my support for H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act.

One issue that has a significant impact on my constituents is the skyrocketing cost of insulin. Across Pennsylvania, more than 1 million people live with diabetes and can spend anywhere from \$1,200 to \$20,000 on insulin medication each year. Over the past decades, the price of insulin has increased 197 percent.

When I think about the impact that these price hikes have on my constituents, the first person that comes to my mind is a young man by the name of Chase. Chase is from Philadelphia. He was diagnosed with Type 1 diabetes at the age of 3. He came to my office not long ago.

Chase told me that he and his mother needed Members of Congress to do something about the cost of insulin be-

cause he was worried about the burden it was placing on his mother, even though his illness was brought on through no fault of his own.

Chase walked me through each step of his journey with his illness. He told me what he and his mother do on a daily basis to manage the diabetes. He is strong in his message that we need to do something about this rising cost. Chase is 10 years old. He did not choose this, and neither did the other 30 million Americans across the country.

Under H.R. 3, there will be a reduction in insulin. It is important that I stand with my colleagues today and support H.R. 3, which includes my bill.

It is important that this bill will help seniors afford healthcare costs by increasing the number of them who are eligible for the Medicare Savings Programs. No one chooses to be sick, and no one chooses illness for their children.

Madam Chair, I urge my colleagues to vote in favor of this legislation. It is time to act.

Mr. NEAL. Madam Chair, I yield 2 minutes to the gentleman from Illinois (Mr. SCHNEIDER).

Mr. SCHNEIDER. Madam Chair, today the House is taking long overdue action in fulfilling our promise to the American people to lower the cost of prescription drugs. Medical research has fueled lifesaving advancements in medicine, but these innovations remain out of reach for too many due to exorbitantly high costs.

Tragically, 3 in 10 adults reported not taking their medicines as prescribed at some point because of the cost. Even those who can afford their prescriptions are charged prices many times higher than in other developed countries. This is simply unacceptable.

H.R. 3 puts us on a path towards a more equitable healthcare system where cost is no barrier to getting the care patients need. In particular, I want to highlight my legislation, the Protecting Medicare Beneficiaries with Preexisting Conditions Act, now included in H.R. 3 as Section 801.

More than 13 million beneficiaries have a supplemental insurance policy known as Medigap. Medigap helps lower out-of-pocket costs, but some 30 million more Americans are unable to buy a Medigap plan without being charged more for a preexisting condition. Specifically, disabled Americans under 65 and Medicare Advantage enrollees are not afforded the same coverage guarantees as nearly every other American.

The Affordable Care Act rightly eradicated discrimination for preexisting conditions in the individual market. We need to finally right this wrong for Medicare beneficiaries as well, and that is exactly what this bill does.

I look forward to this Chamber passing H.R. 3 to give more Americans peace of mind when buying their insurance and standing at the pharmacy counter. I hope all my colleagues on



both sides of the aisle will join me in supporting this bill.

Mr. BRADY. Madam Chair, I yield myself 1 minute.

Madam Chair, the Republican alternative to Lower Cost, More Cures Act is based on both parties working together. In fact, we were doing so until Speaker PELOSI blew this up with H.R. 3, written in secret, without any Republican input.

Our bill contains 36 different provisions that passed unanimously out of the Committee on Ways and Means and the Committee on Energy and Commerce. Madam Chair, 17 provisions that passed out of the House of Representatives also with bipartisan support; 28 different provisions that passed out of 3 different Senate committees with bipartisan support, and 21 of these provisions from the Grassley-Wyden Drug Pricing Package.

When this partisan bill dies, H.R. 3, we Republicans will be ready to take up these bipartisan measures because we agree—Democrats and Republicans—we need to lower drug prices, and we need to accelerate these cures.

Madam Chair, I reserve the balance of my time.

Mr. NEAL. Madam Chair, I yield 2 minutes to the gentleman from New York (Mr. SUOZZI).

Mr. SUOZZI. Madam Chair, I thank Chairman NEAL for yielding me time.

Madam Chair, I rise in strong support of H.R. 3. I think this is one of the most important issues facing America today. The American people are hungering for a solution to this problem.

On January 11, 2017, President-elect Trump said, when referring to the pharmaceutical companies, “these guys are getting away with murder.”

For too long, Big Pharma has cashed in because our government, the largest purchaser of prescription drugs in the world, has been prohibited from negotiating lower drug prices. Americans pay nearly four times as much for prescription drugs as people in other countries.

H.R. 3 will finally give the United States Government the power to negotiate lower prices. It will stop unjustified price hikes and put a cap on Medicare part D beneficiary out-of-pocket costs.

The \$500 billion in cost savings will be used to create historic Medicare improvements, such as dental, vision, and hearing benefits. This bill will also provide financial support for more Medicare beneficiaries, will boost funding for scientific innovation, will invest in community health centers, and will provide more money to fight the opioid epidemic.

I thank Chairman NEAL for also including a provision I wrote to help protect seniors that will require Medicare prescription drug plans to publicly disclose information about when beneficiaries are denied at the pharmacy counter.

□ 2015

I want to thank Congressman REED for helping in that legislation. I am

honored to cosponsor this historic piece of legislation.

Mr. BRADY. Madam Chair, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. ESTES), one of our new members of the Ways and Means Committee who is really thoughtful on healthcare.

Mr. ESTES. Madam Chair, I rise in opposition to H.R. 3, a bill that should be called the fewer cures and more government price controls act.

My colleagues know this partisan bill is another that is dead on arrival in the Senate, but it didn't have to be this way. I truly wish that my colleagues across the aisle had not abandoned the good faith, bipartisan negotiations on a realistic, workable solution to fix soaring drug prices.

Instead, H.R. 3 was changed after it was passed out of committee to please extreme voices on the left and become a giveaway for radical policies.

Even the nonpartisan Congressional Budget Office said H.R. 3 will result in fewer cures and fewer drugs coming to market, and current drugs being pulled from the market.

That means that, while H.R. 3 may lower drug prices today, it comes at the expense of fewer cures being developed in the future and more government controls.

We should not be forced to choose between lower prices or less innovation, just like no one should have to choose between paying for groceries or paying for their medication.

We must address this issue. But instead of H.R. 3, I encourage my colleagues to join me in supporting an amendment before us based on H.R. 19, the Lower Costs, More Cures Act.

This amendment, and the H.R. 19 bill, will use bipartisan reforms to lower prices, protect access to new medications, strengthen transparency with drug companies and PBMs, and allow competition to thrive.

I know this will help people across our country, like a community pharmacist I heard from in a rural area in my district. Unfortunately, retroactive and unpredictable fees to PBMs totaling \$45,000, just in 2018 alone, have left it hard for this business to stay afloat and to serve patients in this rural community.

Unlike H.R. 3, our bipartisan solution will help give him and other community pharmacists, particularly in rural areas, the needed stability and predictability.

This is just one way today's amendment and H.R. 19 will help patients lower their out-of-pocket-costs and help keep more cures coming to market.

And furthermore, unlike H.R. 3, this measure could be passed and delivered to the President's desk this year and provide real relief to our seniors.

Mr. NEAL. Madam Chair, I yield 2 minutes to the gentleman from Nevada (Mr. HORSFORD).

Mr. HORSFORD. Madam Chair, I thank the chairman for his steadfast leadership.

I rise today to speak in support of H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act of 2019.

I support this bill because of one of my constituents, Steven Pastrone, who lives with multiple sclerosis. He shared: “My whole right side of my body was weaker than my left and I had a hard time cognitively doing anything.”

Steven was not able to access his medication, which cost \$35,000 per treatment, more than many Nevadans earn annually, so he had to rely on a cost-assistance program from the drug manufacturer.

So many people in our country are in Steven's position and cannot access their lifesaving medications outright. Chairman Elijah Cummings would say: “We are better than that.”

My constituents who stop me at church and at recreation centers don't tell me that they are Democrat, Republican, or Independent. They tell me that they have diabetes; they have cancer; they have heart disease; they have asthma; and they want this Congress to do something, to act.

So this week, we finally tell Americans across this country that we value your health more than Big Pharma profits, and we will pass H.R. 3, to lower drug costs now.

I want to thank the chairman and the Members of this body, my colleagues, for working so hard. This is one of the most important issues that this Congress can act on, and I am proud to be a sponsor of this important legislation.

Mr. BRADY. Madam Chair, I am prepared to close, and I reserve the balance of my time.

Mr. NEAL. Madam Chair, I have no further speakers, and I am prepared to close.

I reserve the balance of my time.

Mr. BRADY. Madam Chair, I yield myself such time as I may consume.

Patients or politics—that is really the choice we have today when we vote on these different drug pricing bills.

There is a path forward that chooses politics. This path takes a partisan approach and throws away months of Republicans and Democrats working together to lower drug prices.

Experts tell us this will delay or eliminate medical breakthroughs and lifesaving cures for American families.

This piece of legislation is potentially unconstitutional, one that leads to patient access restrictions while giving more power to foreign bureaucrats to set prices for American patients right here.

And at what cost?

To save a few dollars in the short term for a dramatically worse landscape in America that discourages science, research, and discovery.

So I think of Representative KELLY's young girl, Mattie Stuart, St. Petersburg, Pennsylvania. She has a Facebook page, Mattie's Followers. Go to that page. Understand how patients are waiting for us, for those new cures.

I think of my friends in my neighborhood. We had a neighbor who died from a rare brain cancer. I have another who is fighting a glioblastoma; another neighbor, a very dynamic friend, who is now struggling with Parkinson's; two friends who have died from ALS; and my friends, acquaintances, coworkers who they or their parents struggle with dementia and Alzheimer's.

This bill, from Speaker PELOSI, in my view, just rips hope, robs hope from people waiting and praying for those cures. There is no way there are not fewer cures.

The Congressional Budget Office estimates that up to \$1 trillion will be taken away from research and science and revenues that are invested in drugs and new discoveries.

Some say, well, the drug companies—and everyone seems to hate them—but the drug companies can just not do as many ads, can just shift some money around.

But let me put it in perspective. Drug companies could not spend a dime on any advertisement for the next 25 years; they couldn't make up what is taken from this bill.

We could zero out National Institutes of Health for a quarter century. That is what \$1 trillion in research and discovery investment does.

You are in denial if you don't know there will be fewer cures—whether it is 38, whether it is 100, whether it is something in between. No one can tell us that cure that is lost won't be the one for Alzheimer's, ALS, Parkinson's, or for cancer.

This is the path Republicans reject. We believe that is too high a price to pay for this bill, because we think there is a bipartisan road right in front of us that we can take together, one that chooses patients and their needs. And I am convinced Democrats believe, with us, that we can do both.

I believe, with goodwill and good ideas, we can do this Lower Costs, More Cures Act. It sets out what Chairman Richie Neal and I set out to do in February of this year. We wrote that now is "the time to take meaningful action to lower the cost of prescription drugs in the U.S."

We said we are committed to working together to end this cycle while preserving access to lifesaving innovations. I believe we can do that.

I believe the solution isn't in H.R. 3. That is as dead as can be. I think the solution is H.R. 19 and working together to fine-tune it even better by accelerating, not killing, lifesaving medical cures; by doing what we have already said is bipartisan: driving out-of-pocket costs down; expanding health savings accounts; deducting medical expenses; letting people use their FHAS more; saving seniors by redesigning part D; forcing drug companies to justify their increases, to pull that curtain back on how they price those drugs; everyone along the system, making them, forcing them to pay more of the drug burdens in Medicare part D.

And together, we can tell families suffering from Alzheimer's, ALS, Parkinson's, cancer, and so many other illnesses that we are committed together to finding a cure.

My vote today will be on behalf of patients. It will be on behalf of bipartisan solutions. It will be cast with the hope that a future cure for cancer can be discovered and developed right here in America, sooner rather than later.

I know my Republican colleagues will join with me in that fight as well, and I ask my friends, my Democrat colleagues, to do the same.

Let me be clear on that. I think there are Democrats who have come here to solve problems but find themselves boxed out by the Speaker's top-down approach. My simple request is, join us in fighting for a bipartisan solution, H.R. 19, no matter how you will eventually vote on H.R. 3.

Send a signal that it is not too late for the Matties of the world. It is not too late. We can deliver a bipartisan win for lower drug prices and that cure we all pray for for our families and loved ones.

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

Mr. NEAL. Madam Chair, I yield myself the balance of my time.

Addressing the rising cost of prescription drugs is a complicated issue, as Mr. BRADY has noted, and it needs a thoughtful approach. H.R. 3 is a critical step toward a long-term, sustainable solution.

A lot of hard work went into crafting this measure and, indeed, bringing it to the floor. And there are a number of staff to thank.

From the Legislative Counsel's Office: Jessica Shapiro, Karl Hagnauer, Lisa Castillo, Adam Schilt, Fiona Heckscher, James Grossman, and Henry Christup.

From CBO: Tom Bradley—who, I might add, is retiring after long and distinguished service, and we thank him for that—Paul Masi, Rebecca Yip, Lara Robillard, Chad Chirico, Alice Burns, Stuart Hammond, Lori Housman, Jennifer Gray, and Leo Lex.

From the Joint Committee on Taxation: Tom Barthold, Vivek Chandrasekhar, Shelley Leonard, Chia Chang, Lin Xu, and James Elwell.

From CMS: Manda Newlin, Maia Larsson, Ira Burney, Lisa Yen, Jen Druckman, Stacy Harms, Leigh Feldman, and Jenny Keroack.

And, of course, as always, I want to thank the staff of the Ways and Means Committee, who, as usual, have worked tirelessly and effectively on this legislation. The legislation before this House today is in no small part because of their expertise and their commitment to improving the healthcare for all members of the American family.

I thank Amy Hall, Sarah Levin, Melanie Egorin, Rachel Dolin, Orriel Richardson, Neil Patil, and Morna Miller.

As we have heard today on the floor, there are a lot of views on how to lower

prescription drugs, and I am open to suggestions. One policy is not going to be the final fix, but this legislation is an important, impactful first step, and I welcome continued dialogue on both sides of the aisle.

I urge my colleagues to join me in supporting this historic legislation, and I yield back the balance of my time.

The Acting CHAIR (Ms. DAVIDS of Kansas). The time of the Committee on Ways and Means has expired.

The gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

□ 2030

Mr. SCOTT of Virginia. Madam Chair, I yield myself 2 minutes.

Madam Chair, I would first like to thank Chairman NEAL, Chairman PALLONE, the Speaker of the House, and other Democratic leaders for their leadership in lowering skyrocketing drug costs.

The Elijah E. Cummings Lower Drug Costs Now Act is a historic proposal to improve the health and well-being of all Americans. Not only does this legislation lower drug costs for taxpayers and seniors on Medicare, but it also reduces drug costs for businesses and families across the country, allowing employer-sponsored plans to access the same cost savings negotiated for Medicare.

In fact, according to the Centers for Medicare and Medicaid Services, H.R. 3 will save households and businesses more than \$160 billion over the next 10 years. In my district, this means savings for approximately 600,000 people in public and private health insurance programs.

H.R. 3 will save the taxpayers hundreds of billions of dollars, and these savings will be reinvested in healthcare priorities. These priorities include funding new cures through the National Institutes of Health; funding community health centers, which serve 29 million Americans across the country; and combating the opioid epidemic.

Simply put, the Elijah E. Cummings Lower Drug Costs Now Act will lower prescription drug costs for workers today while investing in a healthier future for all Americans. I urge my colleagues to support this legislation and deliver on our bipartisan promise to lower healthcare costs for the American people.

Madam Chair, I reserve the balance of my time.

Ms. FOXX of North Carolina. Madam Chair, I yield myself such time as I may consume.

All of us in this Chamber have heard the troubling stories of mothers and fathers, grandmothers and grandfathers, friends, and colleagues who suffer every day because they can't afford

their medications. That is why Congress started a collaborative and bipartisan process to tackle this issue earlier this year.

In October, this bipartisan collaboration was cut abruptly short by Speaker PELOSI with the introduction of H.R. 3, which was written in secret without Member input or the regular committee process.

Instead of a bipartisan solution, we are left with H.R. 3, which is nothing more than a Democrat downpayment on a government-run healthcare system that would eliminate private insurance and implement government-controlled rationing of prescription drugs.

I serve as the senior Republican on the Education and Labor Committee. H.R. 3 is the latest string in a series of radical Democratic bills that I have seen in the committee and in the House that promote unprecedented government interference in private markets and increased regulatory red tape. Proposals that can and should be bipartisan, such as addressing the skills gap, pension reform, and now drug pricing, are being rewritten by Democratic leadership, which is held hostage by their most leftwing Members.

An amendment adopted during our committee markup proves just that point.

Representative PRAMILA JAYAPAL's amendment pushes this radical bill even further to the left by requiring the Secretaries of Labor, Health and Human Services, and the Treasury to study and issue regulations on extending government price controls to private healthcare plans.

The mandate for additional price controls suggested in this amendment tells private companies how much they can increase their prices each year or forces them to pay a fine. House Democrats aren't satisfied with only setting prices in government programs, and they continue to find ways to expand the already radical scope of H.R. 3 to the private market as well.

Since the Education and Labor Committee markup, this issue has been a key area of disagreement between moderate and progressive Democrats, but Speaker PELOSI, yet again, caved to the demands of her Progressive Caucus and agreed to keep the amendment in the final bill.

The flawed and extreme approach taken by H.R. 3 includes troubling and unprecedented government interference in private market negotiations. Governments don't negotiate; they dictate. So this radical scheme will eliminate choice and competition and jeopardize innovation, investment, and access to future cures.

Breakthrough cures for diseases like Alzheimer's, cancer, sickle-cell disease, and others will be at risk. In fact, if we pass H.R. 3, the nonpartisan Congressional Budget Office says we could see up to approximately 38 fewer cures for deadly diseases over the next 20 years, and the Council of Economic Advisers says up to 100 fewer cures over the next 10 years.

If those estimates aren't concerning enough, just look at real-world examples for proof. Countries that have adopted drug pricing systems like those included in H.R. 3 face decreased access to innovative new medicines, increased wait times for treatment, and supply shortages for in-demand drugs.

Democratic supporters of this bill have said fewer cures in exchange for government control prices is "worth it." This is shameful. Democrats may be okay with fewer cures. I am not, and neither are my colleagues.

The American people deserve better from Congress. They deserve a real solution that will lower the costs of prescription drugs without jeopardizing access to new treatments and cures.

That is why House Republicans have introduced H.R. 19, the Lower Costs, More Cures Act. This bill contains measures that have bipartisan support in the House and the Senate, and it can become law this year.

Specifically, H.R. 19 will help lower out-of-pocket costs, protect access to new medicines and cures, strengthen transparency and accountability, and champion competition. Yet, House Democrats are ignoring this bipartisan, commonsense legislation. Clearly, they prefer politics over progress.

Madam Chair, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Chair, I yield 3 minutes to the gentleman from Connecticut (Mr. Courtney), a distinguished member of the Committee on Education and Labor.

Mr. COURTNEY. Madam Chair, I thank the gentleman for yielding and for his leadership on this issue.

Madam Chair, the Chamber can see the chart on my right, which was prepared by the Organization for Economic Cooperation and Development, which shows that the American people pay far more for prescription drugs than any other country in the world by wide, unacceptable margins. Per capita, the United States spends 25 percent more on prescription drugs than Switzerland, the country with the next highest drug costs.

Specific examples of this outrageous disparity abound. A vial of insulin in the U.S. is \$300. The same vial in Canada is \$32. In the U.S., an EpiPen two-pack has a list price of \$608, in the U.K., \$69.

About one-quarter of Americans say that it is difficult for them to afford their prescriptions. Seventy-nine percent of Americans think the costs of prescription drugs is unreasonable. Approximately one-third of Americans say they haven't taken their medicine as prescribed because of trouble affording it.

This week, Congress will vote finally to use the leverage Medicare has to get U.S. drug prices in line with the international price index for developed countries whose standard of living is comparable to the U.S. and whose life expectancy in many cases actually exceeds the U.S.

As CBO confirmed, this bill will save patients millions of dollars and will ensure that this chart changes for the better.

Crucially, this bill is unique from other proposals by lowering drug costs not just for Medicare but also for the 50 percent of Americans who receive their health insurance through work.

This bill directs the Secretary of HHS to negotiate lower drug prices and extends that price voluntarily to employer-sponsored health plans, reducing the relentless increase in healthcare costs that is driving premiums higher for large employers, small employers, and the self-insured.

According to the Connecticut Department of Insurance, the portion of healthcare premiums attributable to prescription drug coverage has increased from 15 percent to 23 percent of every premium dollar since 2010, which eats up wages and salaries.

In a nutshell, this bill will put billions of dollars into the pockets of working Americans and their families, at the same time not using a limited formulary, at the same time preserving a research and development tax credit, and at the same time boosting support for pharmaceutical research at the National Institutes of Health.

This bill is the most significant healthcare proposal in a decade. It is time for us to listen to the American people, who in 2018 listed healthcare costs, specifically prescription drug care costs, as their number one concern in exit polls in the highest voter turnout for a midterm election since 1914. This is the bill that responds to that loud signal from the American people. I urge passage of H.R. 3.

Ms. FOXX of North Carolina. Madam Chair, I yield 3 minutes to the gentleman from South Dakota (Mr. JOHNSON).

Mr. JOHNSON of South Dakota. Madam Chair, I thank the gentleman for yielding.

Americans want lower drug prices. I want lower drug prices. My colleagues want lower drug prices.

We have been told tonight that H.R. 3 is the proper vehicle to accomplish that goal. I regret to inform the body that it is not. H.R. 3 is not a bipartisan attempt to find common ground. Make no mistake about it, it will not become the law of the land.

But for those of us who came to Congress to solve problems, there is some good news. There is a better way.

H.R. 19, which was introduced by 111 of my colleagues and me this week, is markedly better than H.R. 3, and it can become law. I want to highlight four components of H.R. 19.

First, it would end abuse of the patent system, and it would end the pay-for-delay agreements that allow generic manufacturers to actually be paid by their competitors to keep drugs off the market.

Secondly, it would, for the first time ever, place a cap on seniors' out-of-pocket drug costs. That is supported by 75 percent of Americans.

Third, it would establish a new negotiator within the Office of the United States Trade Representative, allowing us to push back against countries that expect that the U.S. should subsidize their drug costs.

Finally, it would increase transparency in the doctor's office and at the pharmacy. That will be welcome news for the 90 percent of Americans who want to see more transparency in the drug pricing system.

Madam Chair, with agreements this week on the U.S.-Mexico-Canada Agreement and the National Defense Authorization Act, we have some bipartisan momentum building in this town. Oh, my, perhaps it is a Christmas miracle.

With that in mind, we should set aside the partisan H.R. 3 and instead apply that reemerging bipartisan spirit to lowering drug prices.

Mr. SCOTT of Virginia. Madam Chair, I yield 2 minutes to the gentlewoman from California (Ms. Davis), the distinguished member of the Committee on Education and Labor and chair of the Subcommittee on Higher Education and Workforce Investment.

Ms. DAVIS of California. Madam Chair, I thank the gentleman for yielding, and I thank Chairman SCOTT for his leadership on this bill.

This bill is named after the late Congressman Elijah Cummings for his great work fighting for affordable healthcare and prescription drugs.

He fought for people like a constituent of mine who wrote to me regarding the absurdly high cost of insulin. He explained in this letter that his brother had been diagnosed with type 1 diabetes, which requires him to take an insulin injection four times a day. My colleagues are probably familiar with that, people they know. A single bottle of insulin costs \$400. He tells me that some people skip needles. Others let themselves stay at harmful blood sugar levels so that they can make their insulin last longer.

Madam Chair, no one should have to suffer this indignity, especially when in many places around the world, insulin is as low as \$8.

With H.R. 3, Medicare will be able to negotiate drug prices for seniors and beneficiaries, and our constituents won't be plagued by such high costs for such a common drug.

□ 2045

And thanks to this bill, the NIH will have more resources to encourage more research and more experimentation. The savings can be used for large projects and for new pilot initiatives to assist the development of new cures and treatments, and this can really be groundbreaking for all of us.

I supported this bill in committee because it boosts the economy by saving both American workers and businesses billions of dollars. We all know what that can mean.

Madam Chair, I encourage my colleagues to vote for the underlying legislation.

Ms. FOXX of North Carolina. Madam Chair, I yield 3 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Madam Chair, I thank Ms. FOXX for yielding.

Madam Chair, I rise in opposition to H.R. 3.

This Congress, we have seen on multiple occasions that Democrats and Republicans are able to agree on and move powerful and beneficial legislation when we put aside politics in favor of bipartisan pragmatism.

Members on both sides of the aisle agree that rising drug prices are a major concern for all Americans, and you would think we would be able to deliver for the American people on this issue.

Unlike the radical bill before us, H.R. 19, the Lower Costs, More Cures Act, contains bipartisan solutions and has a real chance of being signed into law. Sadly, we are wasting the taxpayers' time debating a hapless Federal takeover of America's innovative biotech industry that will result in more harm than good.

H.R. 3 represents the first step of a government takeover, all under the guise of helping. But threatening companies is not helping; restricting future cures is not helping; threatening the jobs of 89,000 Texans employed by the biotech industry is not helping.

This bill would slap manufacturers with a 95 percent excise tax for not negotiating its prices with the Federal Government. That is not negotiating; that is dictating.

Speaker PELOSI's price-setting legislation gives manufacturers a stark choice: comply or exit the U.S. market entirely.

Doctors take the Hippocratic Oath to do no harm. Public officials should do the same.

If one thing is clear to me, it is that H.R. 3 will absolutely do harm. This bill has one assured outcome: the stifling of medical innovation here in the United States.

Experts from the Congressional Budget Office, the Council of Economic Advisers, and the California Life Sciences Association have all warned of the disastrous impact H.R. 3 will have on future cures. Specifically, they warned that up to a third of new cures could be lost over the next 10 years.

Fortunately, we don't have to rely solely on expert estimates about the impact of government price setting. We can look at the real-time results in other countries.

Between 2011 and 2018, 89 percent of new treatments introduced were available to Americans, compared to 62 percent in Germany and 60 percent in the United Kingdom.

We have seen, to the United States' benefit, the migration of R&D activity from Europe in the aftermath of their price controls.

Now is not the time to slow down medical innovations in the United States. We must stop this radical government overreach.

Mr. SCOTT of Virginia. Madam Chair, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. WILD), a distinguished member of the Committee on Education and Labor.

Ms. WILD. Madam Chair, I rise in support of H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act. In his name, the days of putting profits over people must come to an end.

Madam Chair, to my colleagues across the aisle, why do they consider this to be a partisan idea?

Drug companies owe a fiduciary duty to make profits for their shareholders, but as Members of Congress, we have a much more important shareholder: the American people.

When we try to pass good bills to drive down drug prices, Big Pharma throws the weight of its lobby to kill them. They talk about innovation and research and development without disclosing that they spend more on marketing than they do on innovation, without disclosing that they could lose \$1 trillion in sales and still be the most profitable industry.

One vial of insulin in America should not cost 10 times what it costs in Canada. People like my constituents Danielle Thrapp and her son Brandon should not have to worry about the price of insulin.

People like my constituent Mitchell Lenett shouldn't have to worry whether his 14-year-old daughter Carly, who has type 1 diabetes, will be able to afford her insulin when she is no longer on his health insurance plan. That is why this bill is so important.

The Secretary of HHS must be able to negotiate lower drug prices for the highest cost prescription drugs, something other countries with far lower drug prices have long been able to do.

The Congressional Budget Office tells us that H.R. 3 will lower prices and increase the availability of prescription drugs. The CBO score says that this bill will reduce Federal spending for Medicare by at least \$345 billion.

This will free up funding for some of our other priorities, like my bill to increase funding for child abuse prevention and treatment services and for expanding trauma-informed education practices in our schools and for mental health services.

Madam Chair, I call on my colleagues to put people over profits, finally, and pass this bill.

Ms. FOXX of North Carolina. Madam Chair, I yield 3 minutes to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Madam Chair, I thank the gentlewoman for yielding.

Madam Chair, as I travel across Michigan, I constantly hear about the high cost of prescription drugs. Hard-working families are simply paying too much.

We agree on this, and that is why we need to tackle this issue in a bipartisan way, not try to score political points like, Madam Chair, I am hearing tonight.

Sadly, H.R. 3 is a partisan, heavy-handed approach that has no chance of becoming law.

Mr. Chair, let's be honest: Governments don't negotiate; they dictate. This drug-pricing scheme will ultimately hurt families, stifle innovation, and prevent lifesaving cures from becoming available to our friends, our neighbors, our families.

Approximately 100 lifesaving drugs, according to the Council of Economic Advisers, won't come to fruition if H.R. 3 passes.

Mr. Chair, I would dearly love to ask my colleagues: Which of those cures would we do away with? Alzheimer's? Parkinson's disease? Childhood cancers? Which ones would we give up for H.R. 3?

There is a better approach, a plan that is patient-focused and filled with bipartisan provisions that enjoys support in the Senate, and, oh, by the way, the President would sign. It would become law. It would reduce the costs and increase innovation. It is H.R. 19, the Lower Costs, More Cures Act.

Mr. Chair, this bill will strengthen transparency, encourage medical breakthroughs, and make medications that families rely on more affordable.

If the other side is serious, Mr. Chair, about getting something done, then we should be voting on the Lower Costs, More Cures Act this week and move it forward for our people and provide cures at lower cost—and many more than the other countries that you are talking about tonight.

Mr. SCOTT of Virginia. Mr. Chair, I yield 2 minutes to the gentlewoman from Washington (Ms. SCHRIER), a distinguished member of the Committee on Education and Labor, who, prior to her service in Congress, was a practicing physician.

Ms. SCHRIER. Mr. Chair, I thank everyone who worked so hard on the Elijah E. Cummings Lower Drug Costs Now Act.

As so many of my colleagues have said already, this is a groundbreaking bill.

Medicare is the biggest purchaser of medications in the world, and it should absolutely have the power to negotiate costs, and we should not continue to pay three to four times more than the rest of the world for our medications.

With negotiation, this bill saves hundreds of billions of dollars, and we are going to use that money well. Part is for research, but one of the ways is my bill, included in H.R. 3, that requires Medicare to cover vision care.

Medicare part B covers cataract surgery and yearly glaucoma tests, but it does not cover routine eye exams, glasses, or contact lenses, and this is a tremendous gap in coverage for our seniors.

We want to make sure seniors can live independently for as long as possible, and part of this is making sure they can see well enough to drive to appointments, walk safely around the house, and carefully read their prescription bottles. Also, poor vision can limit physical activity and increase isolation, leading then to deteriorating health.

As a doctor, I am concerned about the number of older Americans who have not had an eye exam in well over a year and might have undiagnosed eye conditions. By expanding Medicare part B to cover vision care, we will ensure that older Americans will be able to access affordable care.

Ms. FOXX of North Carolina. Mr. Chair, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KELLER).

Mr. KELLER. Mr. Chair, I thank Ms. FOXX for yielding me time.

Mr. Chair, I urge my colleagues to join me in opposing H.R. 3.

While we can all agree that Americans pay too much for healthcare and that the rising cost of prescription medicine needs to be addressed, H.R. 3 is not the bill to accomplish those goals.

Traveling across Pennsylvania's 12th Congressional District, I have met with patients and medical professionals who have told me that the best way to address rising prescription drug costs include patient reforms that will include patent reform to get generics to market faster, price transparency so consumers know the actual cost of the medication they are purchasing, and incentivizing innovation to help find new cures.

Contrary to these goals, H.R. 3 would turn a blind eye to good bipartisan work done on this issue throughout 2019 that can provide real savings for our seniors and our families.

H.R. 3 would lead to more government control over a private industry, putting this country on the road to socialized medicine. And H.R. 3 would lead to fewer cures, with some estimates saying up to 100 fewer cures would be found as a result of this legislation.

Mr. Chair, we have a bipartisan plan that has the support of doctors and patients alike. H.R. 19 would provide for more cures, create price transparency, and get generics to market faster.

These are bipartisan solutions backed by doctors and pharmacists in Pennsylvania's 12th Congressional District, in the Commonwealth of Pennsylvania, and across our country.

While Americans struggle to pay for the high cost of prescription drugs, we have real legislation that can help solve this real problem. We should not be wasting our time debating something that harms Americans by providing fewer cures and will never become law.

Mr. Chair, again, I urge my colleagues to oppose this socialist fantasy in H.R. 3 and encourage us to work on the real bipartisan solutions in H.R. 19.

Mr. SCOTT of Virginia. Mr. Chair, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. HAYES), a distinguished member of the Committee on Education and Labor and a former National Teacher of the Year.

Mrs. HAYES. Mr. Chairman, I rise in support of the Elijah E. Cummings Lower Drug Costs Now Act, a bill that

would take power wielded and weaponized by massive drug companies and put it back in the hands of the American people.

It is beyond unacceptable that families in my district and around the country are price gouged at the pharmacy counter and forced to make the impossible decision to either pay for their medication or put food on their table.

H.R. 3 will save my constituents in Connecticut's Fifth suffering from diseases like diabetes, asthma, and arthritis, hundreds—even thousands—of dollars per year.

□ 2100

But perhaps the thing I am most proud of in H.R. 3 is that it includes a bill that I sponsored, the Supporting Trauma-Informed Education Practices Act. This bill will put drug companies who share responsibility for the opioid crisis on the hook for part of the solution.

My bill would direct \$100 million of the savings from drug pricing negotiations to grants that would improve trauma support services and mental healthcare for children and schools.

As a Member of Congress who has spent a career in the classroom, I have seen the painful reality of too many schools having too few counselors and psychologists to tackle the complex needs of students suffering from abuse, neglect, and trauma.

We need to commit to investing and implementing ongoing supports and wraparound services for every student who is affected, for every student who has faced loss or has been separated from their parents as a result of the opioid crisis.

Drug companies are prioritizing profits over human lives in their cruel business calculus. Communities like Waterbury, Litchfield, and New Britain in my district desperately need help to fight this opioid crisis, which mirrors the crisis that consumers are currently facing with rising drug costs.

I am proud that this bill also includes legislation I cosponsored that would lower drug costs for some of the most vulnerable members of the population.

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

Mr. SCOTT of Virginia. Mr. Chair, I yield the gentlewoman from Connecticut an additional 30 seconds.

Mrs. HAYES. The bill would also save older adults with limited incomes money and improve access to their needed medications.

Mr. Chairman, my constituents cannot wait for change. Patients in rural communities cannot wait for change. The 22,000 Connecticut residents diagnosed with cancer each year cannot wait for change. The student in Meriden who has suffered as a victim of the opioid crisis cannot wait for change.

I urge my colleagues on both sides of the aisle to recognize that our constituents need us. I urge my colleagues to vote in support of H.R. 3.

Ms. FOXX of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. GROTHMAN).

Mr. GROTHMAN. Mr. Chair, I also rise to speak against H.R. 3.

To me, there are two segments of society in which the costs have gone out of control and are really broken. One is the secondary education system, and the other is the medical situation.

It is not surprising that the two areas that prices have spun out of control since I was a child are two areas in which the government has been most involved; and, therefore, we should be very measured before we become involved in a lot more government prescription or mucking around the medical industry.

And I say that as somebody who is not a friend of the drug companies. I think their behavior has become absolutely deplorable.

Nevertheless, we have to remember that, when it comes to new drugs right now on the market, other countries have a lot less access than we do in America. In that regard, America is still number one.

Only 36 percent of the new drugs are allowed into Australia, 46 percent in Canada, and under 60 percent in the U.K. We are still the envy of people in other parts of the world there.

Of new cancer drugs launched in the last 8 years, 95 percent are available in the United States, 74 percent in the U.K., and less than 50 percent in Japan.

The thing to remember which is so frequently true: Government involvement can be good, but a lot of times government involvement can make things worse.

The next frustrating thing about this bill is there are good things that both sides could agree on and could pass right away.

We have heard a lot about H.R. 19 right now. One of their folks was talking about the high cost of insulin. We are doing things, or people would do things in H.R. 19, to rush more biosimilars to insulin to the market. They could have that victory tomorrow.

But, for some reason, rather than vote on a bill they know will pass and will do a great deal to reduce the cost of prescription drugs, the other side has elected to bring forth a bill that they know will not pass, which comes down to the third point I am going to make: Why are they not passing a bill that would collect the vast majority of Republicans in the House and has a good chance of passing the Senate and being signed by President Trump?

I reluctantly conclude that, one more time, they don't want to have a victory in these 2 years, for whatever motivation. And that is truly sad because these drug costs are out of control, and there are victories that can be taken today.

But instead of passing a bill, given political reality, that can be brought to the floor, they will pass a bill on the

House floor that they know is going to go nowhere in the Senate and that they know is going to delay the relief that people need.

The Acting CHAIR. The time of the gentleman has expired.

Ms. FOXX of North Carolina. Mr. Chairman, I yield the gentleman from Wisconsin an additional 30 seconds.

Mr. GROTHMAN. They know it will delay that relief for at least another year.

I have a bill I am going to talk about, myself, a little bit later.

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

Mr. Chair, I just want to comment about a letter that we received from the American Federation of State, County and Municipal Employees. This letter states, in part: "Enactment of H.R. 3 is needed because:

"It directs our government to stand on the side of all Americans and protect us from price gouging by directly negotiating for lower prescription drug prices.

"It creates a new \$2,000 out-of-pocket limit on prescription drugs for people on Medicare.

"It reinvests Federal savings into much-needed new Medicare benefits to cover dental, vision, and hearing.

"The cost of inaction is too high. It is calculated in the suffering of individuals who are forced to ration their medicines or choose between buying medicines or paying for housing and groceries. Prescription drug companies must be made accountable. We urge you to send a clear message that Congress is on the side of all Americans by directing the government to directly negotiate for lower prescription drug prices. Please vote in support of H.R. 3."

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

Ms. FOXX of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mrs. MILLER).

Mrs. MILLER. Mr. Chairman, I rise today to oppose H.R. 3.

Every single person in our country deserves lower prescription drug prices. Congress needs to act. But the bill on the floor today is not the answer.

With this legislation, my colleagues across the aisle have decided that, once again, government should be in the business of healthcare, picking winners and losers, taxing lifesaving cures, and ignoring that private innovation is the main driver in advancing healthcare.

House Republicans have a bipartisan solution, one which will deliver the transparency, affordability, and predictability we need: H.R. 19, the Lower Costs, More Cures Act.

With this bill, we can make sure that every person—the parents of a newborn baby, a young adult with a chronic illness, a coal miner coping with black lung disease, or a senior citizen taking their daily pills—has access to the drugs they need at the affordable, predictable prices they deserve.

We need the innovators to be at the forefront of creating new, better drugs to improve quality of life for all Americans in need. H.R. 19 delivers this. We can have it all. That is why I oppose H.R. 3.

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

Mr. Chair, I want to comment on a letter we received from the AFL-CIO, a legislative alert. It says, in part, that "3 in 10 adults report that they were unable to take their medicines as prescribed at some point in the past year because of the cost, often worsening their medical condition, according to the Kaiser Family Foundation. Yet according to AARP, the average annual cost of prescription drugs rose nearly 58 percent between 2012 and 2017. Prices in 2019 increased for 3,400 drugs on the market, with an average price increase of 10.5 percent, a rate roughly five times the inflation rate. . . ."

"The Lower Drug Prices Now Act takes bold action to address this relentless rise in drug prices. . . ."

"H.R. 3 reinvests the estimated \$500 billion in Federal savings in historic improvements to Medicare benefits and other important healthcare programs. Medicare part D prescription drug coverage is substantially improved by the addition of a \$2,000 out-of-pocket maximum. Medicare benefits are further expanded by the inclusion of vision, dental, and hearing benefits. To help low-income seniors, the legislation expands subsidy eligibility to make premiums and out-of-pocket costs more affordable.

"Other investments in healthcare include \$7.7 billion to support community responses to the opioid crisis and \$10 billion for National Institutes of Health biomedical research toward the discovery of breakthrough drug therapies.

"The Lower Drug Prices Now Act will provide crucial assistance to working families who are currently unable to afford the medicines they need, while simultaneously making important investments to address other healthcare priorities. We urge you to vote for this bill."

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

Ms. FOXX of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MURPHY).

Mr. MURPHY of North Carolina. Mr. Chairman, I rise tonight in opposition to H.R. 3.

As a practicing surgeon for the last 30 years, I believe I give somewhat of a unique perspective on the unbearable high price of prescription drugs, an issue that all Americans can agree upon.

I have seen patients and continue to see patients who simply cannot afford their medications. We all agree on this problem. Unfortunately, however, H.R. 3 is, while well intentioned, a poorly executed solution.



Healthcare economics are unique, a fact that many here do not realize. Price controls do not work in healthcare. There is evidence to show that, in countries that implement price controls, only a fraction of medicines that come to market are actually available.

I should know. I have worked across the globe. I have worked in places where I have tried to prescribe medications that I thought were best for patients, only to have government prevent me from doing so.

In Australia, for example, only 36 percent of new drugs released between 2011 and 2018 were available. Canada and the United Kingdom hardly fared better with 46 and 59 percent.

The American public does not deserve to be shortchanged.

In my 30 years as a practicing surgeon, I have seen new drugs and treatments become available that 20, 10, and even 5 years ago patients could have only dreamed of. But curative therapies do not occur overnight. They occur by innovative and dedicated scientists who continue to be on the cutting edge of research and development.

Yet it takes financial risks to develop these drugs. At present, less than 1 in 100 drugs that are being discovered actually ever come to market.

H.R. 3 will gut companies with a 95 percent tax if they do not succumb to the government's strong-arm negotiation.

As a urologist, I can personally attest to the leaps and bounds that have been made in drugs that treat advanced prostate cancer. In just the last 5 years, more progress has been made in metastatic prostate cancer than in the preceding 70 years. I can now talk to patients about outliving their cancers rather than succumbing to them.

We can control drug costs. H.R. 19, the Lower Costs, More Cures Act, is a much better path. We should cut the billions spent on direct-to-consumer advertising or the billions spent on pharmacy benefit managers. We need a surgical approach to cure this disease, not a heavy-handed hatchet job by an overreaching government.

H.R. 19 leads to decreased costs while, at the same time, providing a pathway for the cures that so many patients desperately seek.

□ 2115

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

I will point out that the question of availability of drugs in the United States came up at a hearing we had on this legislation. It was pointed out that the target negotiated price will be approximately 120 percent of the international average. That is a lot better than the two, three, five, as much as 60 times higher Americans are paying for the same drugs here than in other countries.

At that price, at 120 percent, that will be the highest price, and we will be

the biggest market. They certainly won't take a drug away from the biggest market paying the highest price, so we don't have to worry about availability.

I reserve the balance of my time.

Ms. FOXX of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, House Democrats have once again decided to pursue politics over progress and advance a radical drug pricing scheme that will eliminate choice and competition, and jeopardize innovation, investment, and access to future cures, putting breakthrough treatments for diseases like Alzheimer's, cancer, sickle-cell, and others at risk.

As many as 100 lifesaving drugs—and that needs to be repeated, Mr. Chairman, as many as 100 lifesaving drugs—could be kept from Americans desperately in need because of Speaker PELOSI's socialist drug-pricing scheme. This is unacceptable.

We shouldn't be pursuing policies that will harm the health and well-being of American patients, and we shouldn't destroy a system that allows the U.S. to lead the world in new cures and treatments.

Bottom line, this radical legislation offers fewer cures, and American families will suffer because of it.

I strongly urge my colleagues to vote "no" on this seriously flawed bill, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chair, I yield myself the balance of my time.

Mr. Chair, last year, Congress made a promise to lower skyrocketing drug costs and strengthen our healthcare system for Americans. H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act, delivers on that promise. The legislation not only lowers the costs of prescription drugs for taxpayers and those enrolled in Medicare, but it also lowers the costs for workers, businesses, and families.

It improves the quality of healthcare by expanding Medicare benefits to include vision, dental, and hearing benefits, and it limits the out-of-pocket copays and deductibles to \$2,000.

It strengthens public health by investing in community health centers, and it provides historic funding for evidence-based student trauma services and the Child Abuse Prevention and Treatment Act. Both of these initiatives will help support children who have suffered abuse or trauma related to substance use disorder and the opioid crisis.

The Elijah E. Cummings Lower Drug Costs Now Act is a long-overdue step to improve healthcare and the lives of Americans across the country, both today and for decades to come.

Again, I thank Chairman PALLONE, Chairman NEAL, Speaker PELOSI, and other Democratic leaders for bringing this legislation to the floor, and I urge all of my colleagues to support this priority for the American people.

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

The Acting CHAIR. The time of the Committee on Education and Labor has expired.

Mr. SCOTT of Virginia. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. HAYES) having assumed the chair, Mr. LEVIN of California, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3) to establish a fair price negotiation program, protect the Medicare program from excessive price increases, and establish an out-of-pocket maximum for Medicare part D enrollees, and for other purposes, had come to no resolution thereon.

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Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

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The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2019, the gentleman from Georgia (Mr. CARTER) is recognized for the remainder of the time until 10 p.m. as the designee of the minority leader.

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Mr. CARTER of Georgia. Madam 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 the topic of this Special Order.

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

There was no objection.

Mr. CARTER of Georgia. Madam Speaker, I am thankful to have this opportunity tonight.

Obviously, the subject matter that we have been discussing here, prescription drug prices, is something that is very important to all Americans, and I am very happy that we are finally getting around to this.

Madam Speaker, as a practicing pharmacist for most of my career, I take the issue of drug pricing very personally. In fact, it is one of the primary reasons that I wanted to come to Congress, to do something about it.

I had the honor and privilege of practicing pharmacy for over 30 years. I was the one at the front counter who had to tell the patient how much the medication was.

I was the one who witnessed the mother in tears because she couldn't afford the medication for her child.

I was the one who witnessed the senior citizens trying to make decisions

between whether they were going to buy their medications or buy their groceries.

I was the one on the other side of the counter. I committed myself to do something about that once I became a Member of Congress, and I am glad to see that we are finally doing that.

I want to preface my remarks by saying this: I truly believe that those on the other side of the aisle and we on this side of the aisle want the same thing. I truly believe that. I truly believe that we all want to lower prescription drug prices, and I truly believe that we can do just that. I truly believe that we need to do just that.

However, there are some differences here. Those experiences that I had on the other side of the counter have driven me to work hard on bipartisan solutions to lower drug costs for patients since coming to Congress, but particularly during this last year. However, it seems that every time I get my hopes up that we will work together to pass meaningful policies to help the American people afford their medications, the Democrats have put politics over progress.

In the spring, I was proud to work with my friend Congressman SCHRADER, in a bipartisan way, on the BLOCKING Act to increase generic competition in the marketplace. Again, both of us wanted the same thing. We worked on this together, in a bipartisan fashion.

But what happened? Speaker PELOSI paired our bipartisan drug pricing bill up on the floor with political poison pills. Politics over progress.

This summer, I worked with Congresswoman SCHAKOWSKY to strike a deal to pass a comprehensive drug transparency bill, the METRIC Act. Unanimously, it passed out of committee. Republicans and Democrats voted for it.

But what happened? Different versions of these policies we had struck a bipartisan agreement on were added to the Speaker's bill before us today. Politics over progress.

This fall, Energy and Commerce Committee Republicans were close to striking a bipartisan deal with our friends across the aisle to cap out-of-pocket spending for seniors on Medicare.

What happened? Our Democratic colleagues walked away from those bipartisan negotiations to double down on a partisan bill that we know is dead on arrival in the Senate. Politics over progress.

This holiday season, Energy and Commerce Committee Republicans introduced a bill, H.R. 19, the Lower Costs, More Cures Act, to make one last, earnest effort to pass good, bipartisan drug spending policies that could be signed into law this year and immediately help patients—immediate help for patients.

My hope is that we can come together because, as I said before, we all want the same thing. We all need the

same thing. My hope is that we can come together and support the Walden amendment and pass the bipartisan Lower Costs, More Cures Act instead of this deeply partisan H.R. 3.

My hope is that my Democratic colleagues stop putting politics over progress and join us to pass bipartisan drug pricing reforms that actually can be signed into law and will help patients.

Madam Speaker, we have a number of people here today who want to speak on this. I know that I am going to have some personal stories that I want to share, and I think some of my colleagues are going to have some personal stories as well, real-life situations, real people, real problems, real diseases. This is what we are talking about here.

There is no reason in the world that this should be a partisan issue. Never, in my over 30 years of practicing pharmacy, did I ever go to the counter and say: Okay, are you a Republican or are you a Democrat? No, never did that happen, and it should not happen. And it should not happen in the Halls of Congress, either. There is no excuse, no reason, that should ever happen.

Madam Speaker, I yield to the gentleman from Kentucky (Mr. GUTHRIE), a gentleman on the Energy and Commerce Committee.

Mr. GUTHRIE. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise today to bring attention to the consequences of the drug pricing bill H.R. 3.

There is no doubt we must act to lower prescription drug prices for Americans and for Americans to pay only their fair share. However, this bill is not the right path.

We often hear stories about the way other countries pay for their drugs and other country payment systems. What you don't often hear are stories about patients who are unable to receive care and access to lifesaving drugs because of the limitations in their country.

For Louise Moorhouse, we have examples of how much less is offered in these other countries, but it is personal. For example, Louise Moorhouse is a teacher in England. Hope was within reach when she enrolled in a trial for Kuvan, a drug used to treat PKU, a rare genetic metabolic disorder. If left untreated, the disease can result in mild to severe neurological issues.

When Louise was in the clinical trial for Kuvan, she was able to eat and function like anyone else. Sadly, Louise discovered after the trial that the drug that helped her live a more normal life was not covered by the United Kingdom's National Health Service.

Despite the agency's acknowledgment of the drug's efficacy, as the drug is not covered by the NHS, she no longer has access to this drug. Instead, she has returned to taking 80 pills a day, in conjunction with a highly restrictive diet.

□ 2130

In the United States, we have access to innovative drugs. The keyword is "access."

When people talk about H.R. 3, what they want to say is that we can completely transform the way we pay for drugs and never talk about or never even acknowledge the way we completely transform the way we receive and have access to drugs. We know that from the Congressional Budget Office.

There are other studies that say we can lose 100 different cures that are coming down the path. So, as Americans want relief from prescription drug prices, Americans also want access to these innovative drugs.

President Carter is alive today because of access to one of his experimental drugs that are becoming lower cost and more affordable for everyone.

My point is there doesn't have to be a choice. We can have both. We can have lower prices and not completely lose access to these drugs and continue the great innovation that we have.

That choice is H.R. 19. It is a bill that will be on the floor tomorrow. Every bit of it is bipartisan. Every single piece of it has a Republican and a Democrat cosponsor. It is something we know the Senate will take up and the President will sign and give relief to the American people and continue to give access to the great innovations that we have.

Madam Speaker, I hope that we can take that bill up tomorrow, and I thank the gentleman for yielding.

Mr. CARTER of Georgia. Madam Speaker, I thank the gentleman especially for making the point that is true: We can have both. We can lower drug costs; we can continue with innovation; and we do not have to stymie innovation. We can achieve what both sides want to achieve without stymieing innovation and without cutting out research and development.

Madam Speaker, I want to bring up another situation in which modern medicine has played a role. I will give you an example of where research and development has resulted in miracle cures.

Duchenne muscular dystrophy is another terrible disease that predominantly impacts males and is a result of a genetic mutation that inhibits the body from producing the chemical needed to make your muscles work.

As with the other diseases that we are going to mention tonight, it has a significant impact on those who are affected. But, fortunately, we have a drug to treat it.

Exondys is a drug developed to treat a particular group of people suffering from Duchenne, and it was the first treatment of its kind approved by the FDA. That means that these people for whom this was developed would be able to have their bodies develop the protein necessary to stimulate muscle development and activity. In other words, it can help to improve the daily

lives of these people with that particular type of muscular dystrophy.

Once again, I can't stress how much of an impact these incredible cures that I have witnessed during my lifetime have. During my professional practice, I have seen nothing short of miracles of people being able to get their lives back and being able to extend their lives and live a healthy life.

This therapy that we are talking about right here, Exondys, is not available in any other country if you needed it. You have to come to the United States, Madam Speaker. That is the only place that it is available. It is not available in these other countries.

The gentleman from Kentucky just mentioned about all these medications that aren't available in other countries. This is an example of one that we are talking about right here. Our focus has to continue to be on the cutting edge of drug development.

Madam Speaker, I yield to the gentlewoman from Washington (Mrs. RODGERS), who is my good friend and a valuable member of the Energy and Commerce Committee. Representative RODGERS brings an outstanding portfolio of experience, and we appreciate her very much.

Mrs. RODGERS of Washington. Madam Speaker, I thank my friend and colleague from Georgia, Representative BUDDY CARTER, very much for bringing us all together.

Many of us are members of the Energy and Commerce Committee. We are on the forefront, and we are committed to making sure that lifesaving drugs and treatments are more affordable. It is a top priority, and I appreciate the gentleman's leadership as a pharmacist on the front lines of so many of these lifesaving and life-changing treatments.

We hear it every day from seniors, people with disabilities, and patients that they are anxious for results. The good news is that we are leading. The Trump administration has led on this front to deliver. The FDA is breaking records for the amount of generic drugs that are being approved right now. That is the key to bringing down the costs of prescription drugs.

I am also so proud of the bipartisan work that we did in the Energy and Commerce Committee 3 years ago to get the 21st Century Cures legislation signed into law. Thanks to 21st Century Cures, we are continuing to lead. America has led for 70 to 80 years. Because of this legislation, we will continue to lead.

However, that is all threatened with H.R. 3. It means fewer cures.

I think about my dad. He has diabetes. My mom struggles with heart issues. My grandma had dementia, and my son was born with an extra 21st chromosome, Down syndrome. Because research has given my son an opportunity to live and to reach his full potential, his life expectancy is today longer than ever.

Let's keep moving forward. H.R. 19, the Lower Costs, More Cures Act, helps

us move forward. It includes bipartisan solutions that President Trump can sign into law this year.

We should be building upon the work that we did with 21st Century Cures. We want to see more generic drugs come to the market faster and finally make insulin more affordable for our seniors, lower out-of-pocket spending, cap the doughnut hole, access new medicines and cures, and require price transparency. Every single provision is bipartisan.

Unfortunately, the Speaker and the Democrats are moving forward in a partisan exercise directing the Federal Government to set drug prices, and it will stop innovation. America will fall behind as the global leader, and we can see what impact that has all over the world: hundreds and hundreds of fewer drugs entering the market.

I want to stand on the side of innovation and more breakthroughs helping millions of people with the ravages of disease that they encounter every day.

Madam Speaker, I thank the gentleman for his tremendous leadership on this issue.

Mr. CARTER of Georgia. Madam Speaker, I guarantee you that every person who has the honor and privilege of serving in this august body has a story just like that and knows someone or has a family member who has been impacted by a disease and whose quality of life has been improved by the fact that we have had medications available—everyone in this Chamber, everyone who has the honor and privilege of serving in this Chamber.

Again, as I have said all along, we all want the same thing. We all need the same thing. As Representative GUTHRIE said earlier, we can have the same thing without stopping innovation and without stopping research and development.

Madam Speaker, I yield to the gentlewoman from Indiana (Mrs. BROOKS), who is another invaluable member of the Energy and Commerce Committee. Representative BROOKS is a gentlewoman who brings, again, an outstanding portfolio of experience, and we appreciate her very much.

Mrs. BROOKS of Indiana. Madam Speaker, I rise today to thank my colleague, the only pharmacist in the House, BUDDY CARTER from the great State of Georgia, who has brought us together to talk about the importance of lowering costs and making sure we can continue to focus on more cures.

I also rise today in opposition to H.R. 3. We know that Americans pay far too much for the drugs at the pharmacy counter, something that my colleague knows better than anybody, and it is our duty to come together to find solutions that are solutions to lower costs of drugs while protecting innovation and future drug development in our country.

But, unfortunately, H.R. 3, which we are scheduled to vote on tomorrow, jeopardizes that American innovation and patient access to care. The non-

partisan CBO estimates that, under H.R. 3, approximately 15 fewer drugs will be introduced over the next decade, and about 30 fewer drugs over the following decade, and then a 10 percent reduction annually, afterwards, into perpetuity. This means that over 40 potential cures will not be discovered over the next 20 to 30 years.

So let's talk about what that means.

It might mean there might not be a cure for breast cancer, maybe no cure for diabetes and no cure for Alzheimer's, diseases that we know impact Americans all across our country.

We lead the world in innovation, in breakthrough medicines, cutting-edge technologies, and therapies to save and improve lives. Our peer nations have 40 to 60 percent fewer cures—as you just heard from previous speakers—compared to what is available in our market.

In Canada, a country with a nationalized health system, Tori Lacey, a 21-year-old with SMA type 2, spinal muscular atrophy, is unable to access a treatment called Spinraza because it is not covered for those with type 2 SMA in Ontario.

Stringent eligibility criteria for novel medicines prevent Tori, a college student, from focusing on her schoolwork and future. So Tori must suffer through this genetic neuromuscular disorder that affects the nerve cells that control voluntary muscles instead of being granted access to this critical drug. In America, Tori would be able to access this cure.

If we lose these 15 drugs over the next decade, again, which drug and which disease is going to lose out? Is it breast cancer, a disease that claims one in eight women each year?

Madam Speaker, do I go home and tell my dear, longtime friend Judy, who, at one time, was told she had 18 months to live—that was 8 years ago—do I tell her: Sorry, we may not be able to work on it, and the drug companies that do this R&D may not be able to because we can't get our act together to protect innovation?

Judy has been fighting, for the second time, breast cancer for 8 years. She has been holding on to hope that next month there may be a cure and that next year there may be a cure. But under H.R. 3, those chances drop precipitously.

If we lose 15 drugs over the next decade, will it be diabetes, a disease affecting over 30 million Americans, a disease gripping 700,000 of my fellow Hoosiers?

This past summer, I visited with a young JDRF advocate, Ella, from Indianapolis. Ella was diagnosed with type 1 diabetes at age 4. She is an incredible young girl who is advocating on behalf of kids like her with diabetes. She came to Washington and shared her story with me.

She is a gymnast, but with her disease, she has to be incredibly careful and monitor her blood sugar constantly. She told me sometimes she has

to sit out at practice due to her blood sugar and that it is very annoying to this 11-year-old gymnast. She should be focused on her gymnastics and on school, but instead of being a kid, she has to worry about her blood sugar and about her insuline pump.

I hear from constituents like Ella and her family that the technology developments in the diabetes space is working to make lives almost normal. Diabetes was a death sentence just over 100 years ago. Now, diabetics can almost live normal lives.

But what if we could find a cure?

Hopefully one day, advancements in medicine technology will allow Ella to be that kid, a kid without any worry.

If we lose these 15 drugs over the next decade, is it the GNAO1 encephalopathy? It is a rare neurological disorder that causes developmental delays, early infantile seizures, and abnormal movements.

My dear friend and a former House staffer here on the Hill, Emily, had to leave my team when she found out that her first child, sweet Madeline, was diagnosed with this rare disease. Madeline is now 5 years old.

Madeline, at this point in her life, will never be able to feed herself. She will never be able to run around with classmates. She will never experience a normal childhood without a cure, let alone more answers to this very rare disease.

We could go on and on and on if we lose 15 drugs over the next decade.

H.R. 3 is so wrong for America. But we have an alternative.

We came together with H.R. 19, the Lower Costs, More Cures Act, of which I am proud to be an original cosponsor. This is a piece of legislation that is a bipartisan package, what BUDDY CARTER was talking about. It is focused on lowering drug prices while protecting America's ability to lead the world in innovative solutions.

Our Energy and Commerce Committee enjoys an, actually, very warm and bipartisan working relationship on so many bills. We worked across the aisle; we held many hearings; we had many markups; and we worked on thorny issues together. Our committee actually put forward several serious bipartisan measures that could become law. They are part of H.R. 19.

I am not going to go through all of those pieces that are in H.R. 19, but one of the things that is so important about H.R. 19 is it provides affordability and predicability for patients and seniors.

Americans don't want a guessing game at the pharmacy counter. H.R. 19 caps out-of-pocket costs for seniors; it increases competition, which is key to getting more generic medicines to the market; it increases low-cost options for patients by bringing these generics to the marketplace faster; it ends pay-for-delay; it implements CREATES; and it eases new product entry to the market.

I could go on and on.

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These were things that we worked on with our colleagues across the aisle, and that is what is in H.R. 19.

So while H.R. 3 crushes investments in the R&D of new cures, it stifles innovation and uses incredibly harsh penalties to squeeze drug manufacturers who create these cures. It squeezes them almost out of existence in many ways.

Ultimately, it is the patients who suffer, and it is H.R. 19 that will encourage innovation of those cures and protect access to new medicines. It will support competition, which will drive down prices and lower the cost of medicines, and it does put patients first.

So I urge my colleagues to support that innovation by opposing H.R. 3 and supporting the bipartisan H.R. 19, Lower Costs, More Cures Act—real solutions for Americans.

Madam Speaker, I thank my colleague for hosting this important hour.

Mr. CARTER of Georgia. Madam Speaker, just one important point to the gentlewoman, really quick: You are right, whether you believe the CBO who says that H.R. 3 will result in 8 to 15 drugs not coming to market, or whether you believe the Council of Economic Advisers, who says over 100 drugs won't come to market, even if it is just one drug, that is one too many. And I thank the gentlewoman.

Madam Speaker, I recognize one of the members of our Doctors Caucus. We are very blessed in this Congress to have a number of fine physicians. Madam Speaker, I yield to the gentleman from Kansas, (Mr. MARSHALL).

Mr. MARSHALL. Madam Speaker, I thank Congressman CARTER for his leadership as a community pharmacist.

You and I have worked together in different cities but on the same projects trying to help patients out. And here we are gathered in Congress now for this same purpose.

I thought I might talk about Alzheimer's disease for a little bit this evening.

It is hard to imagine that over 5 million Americans have Alzheimer's disease. And I bet there is not a person in this room, a person at home watching, that doesn't have a loved one that they have watched them suffer and go through the stages of Alzheimer's disease—5 million Americans. And it is hard to imagine, in three decades we are going to have 14 million Americans with Alzheimer's.

For the sake of humanity, we need a drug to cure this. And you and I both know that we are truly this close, that there are medications in the pipeline that are going to help treat Alzheimer's.

The economic impact of this disease on our country is also extraordinary. Right now, we are spending about \$300 billion a year treating Alzheimer's patients. Again, in three decades, it is going to be over a trillion dollars a year. A medication that would cure Alzheimer's is going to save this country, literally, trillions of dollars.

When I go back home, people ask me a couple of things. Number one is, they want us to lower the cost of healthcare, to lower the cost of prescription drugs. But they also want us to balance the Federal budget. If we are ever going to be able to balance the Federal budget, we have to start driving the cost of healthcare down. And innovation is the way that we are going to do this.

I hope everybody understands that the Democrats' H.R. 3 does just the opposite. By their price fixing, they are going to stop innovation. Drugs that are going to cure Alzheimer's are never going to come, and I haven't even started talking about hepatitis.

When you and I were in college, and in medical school and pharmacy school, there weren't cures for hepatitis, but now we have vaccines for it. Hepatitis C was a death sentence. Now we have medication, a medication you take, one pill a week for 12 weeks—95 percent cure of hepatitis. So that patient that was going to end up with a liver transplant that was going to cost \$500,000, we have cured them with an outpatient medicine.

I think about all the cures for cancer, CAR-T cell therapy, new innovations out there, spinal muscular atrophy—so many things—cortical blindness. For the sake of humanity, we cannot let H.R. 3 happen.

We need H.R. 19, the Lower Costs, More Cures Act. That is what is going to drive down the cost of healthcare and bring great solutions, great new innovation to this country.

And again, Madam Speaker, I thank Congressman CARTER for leading on this very important issue.

Mr. CARTER of Georgia. Madam Speaker, I thank the gentleman.

At this time, I yield to the gentleman from Pennsylvania (Mr. JOYCE), another valued member of our Doctors Caucus.

Mr. JOYCE of Pennsylvania. Madam Speaker, I thank the gentleman from Georgia, a pharmacist, leading this discussion. It is so important the leadership that Representative CARTER has taken in this role in addressing this.

Madam Speaker, I rise today in strong opposition of H.R. 3. This would severely constrain biomedical innovation, limit the access to future cures, and ultimately harm so many patients across America.

While all of us agree that we must act as a Congress to lower the cost of prescription medicine, this bill takes a fundamentally incorrect approach that would jeopardize Americans' access to new medicines and have a negative impact on patient outcomes.

As a physician, as a legislator, I have witnessed new cures that offer hope to patients facing devastating diagnoses.

As recently as 10 years ago, when I would see a patient presenting with metastatic melanoma, the prognosis often would be fatal. Now, thanks to the advent of new biologic therapies, patients diagnosed with widespread

metastatic melanoma have a chance to live, a chance to embrace life.

Let me be clear about this issue. Passing H.R. 3 would deprive patients and their loved ones of a chance for a cure.

Fortunately, we have the alternative in H.R. 19, the Lower Costs, More Cures Act, of which I am proud to be an original cosponsor. This bill is a package of more than 40 bipartisan provisions that would actually become law and have real impact on our patients, on our constituents. And in addition, would ultimately lower drug prices.

Madam Speaker, I am grateful to Mr. CARTER for leading this discussion and for hosting this Special Order on this crucial topic.

Mr. CARTER of Georgia. Madam Speaker, I thank the gentleman for the invaluable experience that he brings to Congress. That is another example of one of the fine physicians that we have in Congress.

Madam Speaker, I yield to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Madam Speaker, I thank the gentleman for letting me come and engage in this discussion, and I may want to ask a couple questions. And we had my doctor friend from Kansas here a couple minutes ago.

A quick thought experiment: What is the greatest economic threat to our society?

It is actually our inability to have enough resources to pay for the promises. So we have made promises in Social Security. But Medicare, if you actually look at the 30-year window—and, look, I'm on Ways and Means—thanks for letting me intrude—but we have made the promises in Medicare really, really difficult. We are talking potentially \$103 trillion of deficit, if you add in Social Security and Medicare, but it is mostly healthcare costs.

Well, it turns out, you can reduce the unfunded liabilities in Medicare by 30 percent by just a cure, just a cure for diabetes. I will argue the mechanisms in this H.R. 3, this sort of Democrat takeover of the pricing mechanisms and the capitalization of the next generation of healthcare, does incredible violence to the future.

Madam Speaker, I don't know if Congressman CARTER saw this, but remember, this is a reference pricing bill. The underlying secret is the efficiencies that are actually being claimed in this bill, they are hiding behind something that is really dark, and I don't think they have explained it.

So let's say you are in Great Britain. And what is a year of your life worth?

It turns out in Great Britain, the way they would price a new pharmaceutical that gives you a year of quality life, it is a quality-year adjusted formula, and it is \$37,000. So you show up with a new drug that is going to give you a year of quality life, but it is \$37,000. They do not buy it.

What is your life worth? What is a quality year of your life worth for a

year? Because this is what the left is about to import into your country.

And understand, there are countries out there that it is down to \$19,000. If a drug costs more than \$19,000, but gives you a year of quality life, they don't buy it.

That is the rationing mechanism that the left is about to import here. In many ways, just the stunning cruelty of such a thing—and they haven't told the truth that this is actually where much of their savings actually come from—is denying you the things that keep you healthy.

And this is the mechanism—and I know it is a confusing chart—but functionally, if that outlay crosses these numbers, you do not get that pharmaceutical.

Yet, there are crazy things you and I could be doing, just actually taking your prescriptions, things we could build into a model. That is half a trillion dollars a year we could be saving on our healthcare costs just by stepping up and changing the way we do our public policy around pharmaceuticals.

And the left has completely cut us out on the Committee on Ways and Means, Republican ideas, on saying there is a whole bunch of things we actually agree upon. Stop being so crazy dogmatic with your hate and start thinking about people's lives and giving them a future, because if we can cure parts of that 5 percent of the chronic condition that is a majority of our healthcare spending, we can have a revolution in crashing the price of healthcare in this country.

Mr. CARTER of Georgia. Madam Speaker, I thank the gentleman for his excellent points, very well-expressed.

Madam Speaker, I yield to the gentleman from Virginia (Mr. GRIFFITH), another valuable member of the Committee on Energy and Commerce.

Mr. GRIFFITH. Madam Speaker, I do appreciate all that the gentleman has done.

The bill that we are proposing as the Walden amendment in the nature of the substitute, actually deals with an item that we have talked about a great deal, and that is pharmacy benefit managers.

I am going to give the gentleman a second to talk about that, but I do want to mention the item that I have been bringing up a lot in these, and that is the unconstitutionality of H.R. 3.

The problem is, as you know—and it sounds shocking, but it is true—if you don't accept the price the government is paying you, they take 95 percent of your gross revenues on that drug. That money they take from you, that penalty is not tax deductible, doesn't do anything as far as what expenses you put into it, so you are actually going to lose money.

Now, as I said in my comments earlier this evening, that is not negotiation. That is, as the Godfather would have said in the old movie series, “an

offer you can't refuse.” I wish I could do the voice; I can't. But that is a problem.

And you don't have to believe me. In the committee I brought this up—the committee didn't necessarily believe me—but the Congressional Research Service has said this bill likely violates the Fifth and the Eighth Amendments of the Constitution. This is a nonpartisan group that works for Congress that came out and said, Yeah, there are some real problems here. When you are being confiscatory, you are not really negotiating. It is a problem.

Now, in our bill that we have put forward that is bipartisan, we have some things on a subject both of us are very concerned about, and that is pharmacy benefit managers. They are a big part of the problem here. Drug manufacturers we need to work on, but their bill doesn't do anything on this. Our bill does.

Madam Speaker, if the gentleman would tell the people just how that sham works.

Mr. CARTER of Georgia. Madam Speaker, just very quickly. Pharmacy benefit managers are a big part of the problem. What we have to have in the drug supply chain is transparency, and that is what we don't have now. PBMs bring no value whatsoever to the system. They don't do research and development. All they do is take from the system, so it is a big problem.

Mr. GRIFFITH. Madam Speaker, I would ask the gentleman, if this is not true, as I understand it, the PBMs have gone, in some cases, to the drug manufacturers, said, Raise your price. We will do rebates. But those rebates don't help anybody in the donut hole. Those rebates don't help the citizen who is paying a high deductible.

And what happens is they raise the price. And even with the rebate, if you are in one of those insurance companies that gets the rebate, and you don't have to pay as much or pay any more, they increase their profit margin. And they are making hundreds of millions of dollars that we have no idea what they are contributing, as the gentleman was just saying.

Is that true?

Mr. CARTER of Georgia. Madam Speaker, that is true, and I thank the gentleman for bringing that up. And I thank him for his expert witness testimony about the constitutionality of H.R. 3, because we both know that it is not.

Madam Speaker, we are very limited for time here right now, and with your permission, I want to end with this story:

Madam Speaker, again, we are talking about real people. We are talking about people like Richard Lutz. Richard Lutz was a store manager who could be regularly found refereeing youth football, basketball, and baseball games around my hometown of Savannah, Georgia.



Richard started having memory problems at 62 years of age. He was prescribed Aricept to slow down the effects of Alzheimer's, but before too long, he needed to have someone with him at all times. His wife, Barbara, worked as a nurse, but they couldn't afford for her to stop working, too. So Barbara and her four kids did as much as they could to rotate as caregivers, and they eventually hired another nurse to help out as well.

Eventually, Richard's memory deteriorated to the point where he lost his ability to converse. For the last 11 months of his life, he could only respond to his family members with, I love you, too.

After a 7-year fight with Alzheimer's, Richard Lutz passed away at the age of 69. Today, Barbara hears from neighbors and friends when they find out someone they know and love gets diagnosed. They reach out to her and they ask: What do I do? What do I do?

Barbara told me: All I can tell them is pray for a cure. Pray for a cure.

Madam Speaker, we want the same thing. We need the same thing. We can achieve the same thing. And we can do it without giving up hope for a cure for Alzheimer's or all the other diseases that are out there.

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

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BARRAGÁN (at the request of Mr. HOYER) for today.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2740. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the regulatory framework with respect to certain nonprescription drugs that are marketed without an approved new drug application, and for other purposes; to the Committee on Energy and Commerce.

#### ADJOURNMENT

Mr. CARTER of Georgia. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 12, 2019, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

3264. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Availability of Information to the Public [Docket No.: ED-2019-OS-

0083] (RIN: 1880-AA89) received December 6, 2019, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and Labor.

3265. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; Indiana; Second Maintenance Plan for 1997 Ozone NAAQS [EPA-R05-OAR-2019-0377; FRL-10002-93-Region 5] received December 9, 2019, 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.

3266. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — North Dakota: Incorporation by Reference of State Hazardous Waste Management Program [EPA-R08-RCRA-2018-0554; FRL-10001-40-Region 8] received December 9, 2019, 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.

3267. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Regulatory Definition of Volatile Organic Compounds [EPA-R03-OAR-2019-0429; FRL-10002-99-Region 3] received December 9, 2019, 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.

3268. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; Tennessee: Knox County Miscellaneous Revisions [EPA-R04-OAR-2019-0171; FRL-10002-97-Region 4] received December 9, 2019, 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.

3269. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; Indiana; Indiana RACT SIP and Negative Declaration for the Oil and Natural Gas Industry Control Techniques Guidelines [EPA-R05-OAR-2018-0734; FRL-10003-02-Region 5] received December 9, 2019, 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.

3270. A letter from the Attorney — Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; San Juan Harbor, San Juan, PR [Docket Number: USCG-2019-0686] (RIN: 1625-AA00) received December 9, 2019, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3271. A letter from the Attorney — Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Waiver of Citizenship Requirements for Crewmembers on Commercial Fishing Vessels [Docket No.: USCG-2010-0625] (RIN: 1625-AB50) received December 9, 2019, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3272. A letter from the Attorney — Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary rule — Special Local Regulation: Beauty and the Beast Triathlon; Christiansted Harbor, St. Croix, Virgin Island [Docket Number: USCG-2019-0893] (RIN: 1625-AA08) received December 9, 2019, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3273. A letter from the Attorney, CG-LRA, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Kissimmee River, Fort Basinger, FL [Docket No.: USCG-2019-0821] (RIN: 1625-AA09) received December 9, 2019, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3274. A letter from the Attorney — Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Special Local Regulation; Atlantic Ocean, Key West, FL [Docket Number: USCG-2019-0631] (RIN: 1625-AA08) received December 9, 2019, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3275. A letter from the Attorney — Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Coast Guard PSU-312 Training Exercise South Bay, San Francisco Bay, San Francisco, CA [Docket No.: USCG-2019-0859] (RIN: 1625-AA00) received December 9, 2019, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3276. A letter from the Director, Office of Regulation Policy and Management, Office of the Secretary (OOREG), Department of Veterans Affairs, transmitting the Department's final rule — Veterans Healing Veterans Medical Access and Scholarship Program (RIN: 2900-AQ54) received December 9, 2019, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

3277. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — 2019 Required Amendments List for Qualified Retirement Plans and Sec. 403(b) Retirement Plans [Notice 2019-64] received December 6, 2019, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

3278. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's Major final rule — Base Erosion and Anti-Abuse Tax [TD 9885] (RIN: 1545-BO56) received December 6, 2019, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

#### 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. SCHIFF: Permanent Select Committee on Intelligence. The Trump-Ukraine Impeachment Inquiry Report (Rept. 116-335). Referred to the House Calendar.

Ms. WATERS: Committee on Financial Services. H.R. 4242. A bill to amend the Securities Exchange Act of 1934 to require issuers to disclose information on pay raises made to executives and non-executive employees, and for other purposes; with an amendment (Rept. 116-336). Referred to the Committee of the Whole House on the state of the Union.

Ms. WATERS: Committee on Financial Services. H.R. 4320. A bill to ensure that irresponsible corporate executives, rather than shareholders, pay fines and penalties; with an amendment (Rept. 116-337). 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 Ms. CRAIG (for herself, Mr. MEADOWS, Mrs. BUSTOS, and Mr. GIANFORTE):

H.R. 5389. A bill to improve efforts to identify and reduce Governmentwide improper payments, and for other purposes; to the Committee on Oversight and Reform.

By Mr. CRIST (for himself, Mr. PALAZZO, Mr. LOWENTHAL, and Mr. SMITH of New Jersey):

H.R. 5390. A bill to designate Regional Ocean Partnerships of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Natural Resources.

By Mr. WELCH (for himself and Mrs. RODGERS of Washington):

H.R. 5391. A bill to establish a voluntary program that strengthens the economy, public health, and environment of the United States by reducing emissions from wood heaters, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MOORE (for herself, Ms. SCHAKOWSKY, Mr. PAYNE, Ms. JACKSON LEE, and Ms. WILSON of Florida):

H.R. 5392. A bill to amend title II of the Social Security Act to make various reforms to Social Security, and for other purposes; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Ms. NORTON, Mrs. TORRES of California, Mr. TAKANO, Mr. POCAN, Mr. RYAN, Mrs. WATSON COLEMAN, Ms. MCCOLLUM, Mr. VARGAS, Ms. MENG, Ms. ROYBAL-ALLARD, Mr. HUFFMAN, Mr. NORCROSS, Mr. GARAMENDI, Mr. QUIGLEY, Mr. DESAULNIER, Ms. KAPTUR, Mr. SIRES, Mr. MCNERNEY, Ms. MATSUI, Mr. CRIST, Mr. LOWENTHAL, Mr. CUELLAR, Ms. TLAIB, Mrs. DINGELL, Ms. BROWNLEY of California, Mr. ROUDA, Ms. MOORE, Mr. GRIJALVA, Mr. CLEAVER, and Mr. Cárdenas):

H.R. 5393. A bill to amend the Internal Revenue Code of 1986 to revise the incentives for electric vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. TAYLOR (for himself, Mr. ROGERS of Alabama, Mr. HURD of Texas, Mr. PANETTA, Mr. GREEN of Texas, Mr. GUEST, and Ms. SLOTKIN):

H.R. 5394. A bill to amend the Homeland Security Act of 2002 to require certain coordination between the Department of Homeland Security and Federal and non-Federal entities relating to cybersecurity risks and incidents, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Reform, 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. BACON (for himself, Mr. GRAVES of Louisiana, Mr. JOHNSON of Ohio, and Mr. STIVERS):

H.R. 5395. A bill to protect law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. STEWART (for himself, Mr. NUNES, Mr. CONAWAY, Mr. TURNER, Mr. WENSTRUP, Mr. CRAWFORD, Ms. STEFANIK, Mr. BISHOP of North Carolina, Mr. GAETZ, and Mr. HURD of Texas):

H.R. 5396. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to require reviews by amici curiae of applications made to the Foreign Intelligence Surveillance

Court, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOST (for himself, Ms. FINKENAUER, Mr. MOOLENAAR, Mr. RODNEY DAVIS of Illinois, Mrs. RODGERS of Washington, Mr. LAHOOD, Mr. BERGMAN, Mrs. BUSTOS, Mr. GOLDEN, Mr. PETERSON, Mr. KINZINGER, Mr. UPTON, Mr. LOEBACK, and Mr. SHIMKUS):

H.R. 5397. A bill to amend title II of the Higher Education Act of 1965 with respect to partnership grants for the establishment of rural teaching residency programs, and for other purposes; to the Committee on Education and Labor.

By Mr. CARTER of Georgia (for himself and Mr. GARAMENDI):

H.R. 5398. A bill to amend the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 to direct the Presidential Task Force on Wildlife Trafficking to develop recommendations to address wildlife trafficking on the internet and on social media, and to direct the Secretary of State and the Administrator of the United States Agency for International Development to develop a strategy to address wildlife trafficking on the internet and on social media, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTWRIGHT (for himself, Mr. COLE, and Ms. BROWNLEY of California):

H.R. 5399. A bill to amend title 5, United States Code, to limit the number of local wage areas allowable within a General Schedule pay locality; to the Committee on Oversight and Reform.

By Ms. CLARKE of New York (for herself and Mr. LOEBACK):

H.R. 5400. A bill to establish the "Biomedical Innovation Fund", and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Rules, and the Budget, 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. COHEN:

H.R. 5401. A bill to require aircraft manufacturers to offer or provide non-required safety enhancing equipment of an aircraft without additional charge to an air carrier, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GOTTHEIMER (for himself and Mr. UPTON):

H.R. 5402. A bill to direct the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to conduct a study on high-risk, high-reward drugs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCANLON (for herself and Mr. RUTHERFORD):

H.R. 5403. A bill to allow the use of certified facility dogs in criminal proceedings in Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. SIRES:

H.R. 5404. A bill to require the Comptroller General to submit a report to Congress and the Secretary of Commerce on coordination between States, units of local government, the Federal Government, and nonprofit organizations in carrying out the 2020 decennial census of population, and for other purposes; to the Committee on Oversight and Reform.

By Mr. STANTON (for himself and Mr. SCHWEIKERT):

H.R. 5405. A bill to establish a pilot program waiving the Form I-94 document issuance requirement for certain Mexican nationals; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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. DAVID P. ROE of Tennessee:

H.J. Res. 80. A joint resolution approving the request of the Secretary of Veterans Affairs for a waiver under section 1703E(f) of title 38, United States Code; to the Committee on Veterans' Affairs.

By Mr. GREEN of Texas (for himself, Ms. JACKSON LEE, Mrs. FLETCHER, Mr. OLSON, Ms. GARCIA of Texas, Mr. MCCAUL, Mr. WEBER of Texas, Mr. BABIN, Mr. CRENSHAW, and Mr. BRADY):

H. Res. 760. A resolution commemorating the centennial of Houston Methodist Hospital; to the Committee on Energy and Commerce.

By Ms. LOFGREN (for herself and Mr. RODNEY DAVIS of Illinois):

H. Res. 761. A resolution permitting individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center; to the Committee on Rules.

## 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 Ms. CRAIG:

H.R. 5389.

Congress has the power to enact this legislation pursuant to the following:

Article 5, Section 8

By Mr. CRIST:

H.R. 5390.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. WELCH:

H.R. 5391.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. MOORE:

H.R. 5392.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Section 8 of Article I of the United States Constitution.

By Ms. SPEIER:

H.R. 5393.

Congress has the power to enact this legislation pursuant to the following:

clause 1 of section 8 of article I of the Constitution (Taxing and Spending Clause); and clause 18 of section 8 of article I of the Constitution (Necessary and Proper Clause).

By Mr. TAYLOR:

H.R. 5394.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, and Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. BACON:

H.R. 5395.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution which states that Congress has 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. STEWART:

H.R. 5396.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clauses 1, 3, and 18 of the Constitution of the United States.

By Mr. BOST:

H.R. 5397.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. CARTER of Georgia:

H.R. 5398.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8 of the United States Constitution.

By Mr. CARTWRIGHT:

H.R. 5399.

Congress has the power to enact this legislation pursuant to the following:

Article I; Section 8; Clause 3 of the Constitution states The Congress shall have Power to regulate commerce with foreign nations, and among the several states . . .

By Ms. CLARKE of New York:

H.R. 5400.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. COHEN:

H.R. 5401.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. GOTTHEIMER:

H.R. 5402.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: To make all laws that shall be necessary and proper for carrying into execution the foregoing powers, and all powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Ms. SCANLON:

H.R. 5403.

Congress has the power to enact this legislation pursuant to the following:

Article I section VIII.

By Mr. SIRES:

H.R. 5404.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this

legislation in article I, section 8 of the Constitution.

By Mr. STANTON:

H.R. 5405.

Congress has the power to enact this legislation pursuant to the following:

U.S.C. Article I, Section 8

By Mr. DAVID P. ROE of Tennessee:

H.J. Res. 80.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 19: Mr. THORNBERRY, Mr. ZELDIN, Mr. BURCHETT, Mr. MOONEY of West Virginia, Mr. AUSTIN SCOTT of Georgia, Mr. CARTER of Texas, and Mr. PERRY.

H.R. 535: Ms. STEVENS.

H.R. 571: Mr. ZELDIN.

H.R. 573: Mr. GOODEN.

H.R. 808: Mrs. LEE of Nevada.

H.R. 838: Mrs. AXNE and Mr. ALLEN.

H.R. 852: Mrs. LURIA.

H.R. 945: Ms. SPANBERGER.

H.R. 1002: Mr. GARCÍA of Illinois, Mr. LAWSON of Florida, Mr. RUIZ, and Mr. ROSE of New York.

H.R. 1042: Mr. RUIZ.

H.R. 1049: Mr. CASTRO of Texas, Ms. SPEIER, Mr. KIM, Mr. WELCH, Mr. TAKANO, Mr. SERRANO, Ms. LOFGREN, Mr. CLAY, Mr. LEWIS, Mr. RUSH, and Mr. LARSON of Connecticut.

H.R. 1139: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 1170: Mr. THOMPSON of Mississippi.

H.R. 1171: Mr. COSTA.

H.R. 1173: Mr. VELA and Mr. HURD of Texas.

H.R. 1329: Mr. HECK.

H.R. 1349: Mr. LYNCH.

H.R. 1380: Mr. RUIZ and Mr. BUTTERFIELD.

H.R. 1398: Ms. CRAIG and Mr. GALLAGHER.

H.R. 1418: Ms. MENG.

H.R. 1434: Mrs. MILLER and Mr. CLINE.

H.R. 1529: Mr. KIM.

H.R. 1730: Mr. VAN DREW, Mr. MALINOWSKI, and Mr. SIRES.

H.R. 1753: Mr. POSEY.

H.R. 1814: Mr. NEGUSE.

H.R. 1878: Mr. BERA and Mr. GOTTHEIMER.

H.R. 1882: Mr. LOWENTHAL.

H.R. 2000: Ms. WILD.

H.R. 2062: Mr. O'HALLERAN.

H.R. 2073: Ms. CRAIG and Mr. RODNEY DAVIS of Illinois.

H.R. 2146: Ms. BLUNT ROCHESTER.

H.R. 2167: Mr. ALLRED.

H.R. 2179: Mr. DAVID P. ROE of Tennessee.

H.R. 2200: Ms. PORTER.

H.R. 2201: Mr. SMITH of New Jersey.

H.R. 2209: Mr. ARRINGTON and Ms. FOXX of North Carolina.

H.R. 2218: Mr. STEIL and Miss RICE of New York.

H.R. 2339: Mr. CASTRO of Texas and Mr. SWALWELL of California.

H.R. 2382: Mr. MOOLENAAR.

H.R. 2412: Mr. ROUZER.

H.R. 2420: Ms. STEVENS, Ms. SCHRIER, Mr. LARSON of Connecticut, Ms. OMAR, Mr. YARMUTH, Ms. PINGREE, Mr. LAMB, Mr. CASTEN of Illinois, Mr. WALDEN, Mr. SHIMKUS, Mr. UPTON, Mr. CUNNINGHAM, and Mr. MAST.

H.R. 2438: Ms. SPEIER and Ms. TORRES SMALL of New Mexico.

H.R. 2511: Mr. GOTTHEIMER.

H.R. 2550: Mr. BALDERSON.

H.R. 2616: Ms. PINGREE.

H.R. 2653: Mr. CORREA.

H.R. 2714: Mr. KELLY of Pennsylvania.

H.R. 2812: Mrs. LURIA.

H.R. 2842: Ms. BROWNLEY of California and Mr. KEATING.

H.R. 2862: Mr. KILMER.

H.R. 2895: Mr. YARMUTH.

H.R. 2896: Ms. PINGREE.

H.R. 3068: Mr. HIMES.

H.R. 3121: Mr. ROUDA.

H.R. 3155: Mr. CARTER of Georgia.

H.R. 3165: Mr. NADLER and Mr. CASE.

H.R. 3169: Ms. WILD.

H.R. 3315: Mr. DEFazio.

H.R. 3366: Mr. LOWENTHAL.

H.R. 3524: Ms. BLUNT ROCHESTER and Mrs. NAPOLITANO.

H.R. 3536: Mr. GOTTHEIMER.

H.R. 3848: Ms. GABBARD.

H.R. 3876: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 3896: Mr. HUFFMAN, Mr. GRIJALVA, and Mr. PERLMUTTER.

H.R. 3956: Mrs. LURIA.

H.R. 3971: Mr. HURD of Texas.

H.R. 4021: Mr. DESAULNIER and Ms. WILD.

H.R. 4092: Miss GONZÁLEZ-COLÓN of Puerto Rico.

H.R. 4097: Mr. WALTZ.

H.R. 4098: Mr. WALTZ and Mr. BIGGS.

H.R. 4107: Mrs. NAPOLITANO.

H.R. 4189: Mrs. MILLER and Mr. MAST.

H.R. 4216: Mr. CARSON of Indiana and Mrs. AXNE.

H.R. 4228: Mr. GRIJALVA, Ms. KELLY of Illinois, Mr. LAWSON of Florida, and Ms. MATSUI.

H.R. 4230: Mr. KIM and Mrs. AXNE.

H.R. 4236: Mrs. NAPOLITANO.

H.R. 4248: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 4259: Ms. KENDRA S. HORN of Oklahoma.

H.R. 4327: Mr. LAWSON of Florida.

H.R. 4429: Mr. VAN DREW.

H.R. 4621: Mr. FITZPATRICK.

H.R. 4649: Mr. MCADAMS and Mr. CISNEROS.

H.R. 4674: Ms. JACKSON LEE, Mr. LAWSON of Florida, Mr. ROUDA, Ms. ROYBAL-ALLARD, Mr. LYNCH, Mr. THOMPSON of Mississippi, Mrs. CAROLYN B. MALONEY of New York, Mr. CROW, Mr. DAVID SCOTT of Georgia, Mr. RUSH, Mr. YARMUTH, and Mr. VEASEY.

H.R. 4817: Mr. THORNBERRY.

H.R. 4870: Mr. HECK.

H.R. 4890: Mrs. LOWEY.

H.R. 4898: Mr. BERGMAN.

H.R. 4901: Mrs. FLETCHER, Mr. CARSON of Indiana, and Ms. TITUS.

H.R. 4932: Mrs. WAGNER, Mr. STEUBE, and Mr. BERGMAN.

H.R. 4965: Mr. SMITH of Washington.

H.R. 4967: Mr. MORELLE.

H.R. 4980: Ms. CASTOR of Florida.

H.R. 5002: Mr. WILSON of South Carolina and Mr. TURNER.

H.R. 5020: Mr. AUSTIN SCOTT of Georgia.

H.R. 5028: Mr. PAPPAS.

H.R. 5048: Mr. SEAN PATRICK MALONEY of New York and Mr. ROSE of New York.

H.R. 5050: Mr. LOWENTHAL.

H.R. 5095: Mr. ALLEN.

H.R. 5126: Mr. CUNNINGHAM and Mr. ROONEY of Florida.

H.R. 5169: Mr. DUNCAN and Mr. POSEY.

H.R. 5210: Ms. BROWNLEY of California.

H.R. 5221: Ms. DAVIDS of Kansas.

H.R. 5231: Mr. LOWENTHAL.

H.R. 5248: Mr. HASTINGS.

H.R. 5262: Mr. VAN DREW.

H.R. 5267: Mr. KENNEDY.

H.R. 5293: Mr. LAMBORN.

H.R. 5299: Mr. CARSON of Indiana, Mr. PAPPAS, and Ms. STEFANIK.

H.R. 5302: Mr. PANETTA.

H.R. 5342: Mr. BRENDAN F. BOYLE of Pennsylvania and Mr. SIRES.

H.R. 5346: Mr. SIRES.

H.R. 5354: Mr. FOSTER.

H.R. 5364: Ms. CLARKE of New York, Ms. FUDGE, Ms. BLUNT ROCHESTER, Mr. CLYBURN,

Mr. BUTTERFIELD, Ms. LEE of California, Ms. JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KELLY of Illinois, Mrs. LAWRENCE, Mr. RICHMOND, Ms. WATERS, Mrs. WATSON COLEMAN, and Ms. WILSON of Florida.

H.R. 5377: Mr. SEAN PATRICK MALONEY of New York, Mr. KRISHNAMOORTHY, Mr. HUFFMAN, Mr. GONZALEZ of Texas, Mr. GOMEZ, and Ms. WEXTON.

H. Con. Res. 20: Ms. DAVIDS of Kansas.

H. Res. 69: Mr. PHILLIPS.

H. Res. 255: Mr. NEWHOUSE.

H. Res. 672: Mr. FITZPATRICK.

H. Res. 683: Mr. WILSON of South Carolina.

H. Res. 694: Ms. WILSON of Florida.

H. Res. 702: Ms. TLAIB, Ms. LEE of California, and Ms. OMAR.

H. Res. 721: Mr. FLORES.

H. Res. 727: Mrs. HARTZLER.

H. Res. 734: Mr. HUIZENGA, Mr. HIMES, Mr. RYAN, Mr. POSEY, and Mr. MOONEY of West Virginia.

H. Res. 735: Ms. TITUS.

H. Res. 745: Ms. JACKSON LEE, Mr. BANKS, Ms. SCHAKOWSKY, Mr. CLEAVER, Mr. CICILLINE, and Mr. CARSON of Indiana.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative WALDEN, or a designee, to H.R. 3, the Elijah E. Cummings Lower drug Costs Now Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.