

## EXTENSIONS OF REMARKS

### PERSONAL EXPLANATION

#### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Mr. DANNY K. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures due to flight delays. If I were present for roll call votes, I would have voted "Aye" for the following votes: Roll Call 656, December 9, 2019: On Motion to Suspend the Rules and Pass, H.R. 4739, Synthetic Opioid Exposure Prevention and Training Act, and Roll Call 655, December 9, 2019: On Motion to Suspend the Rules and Pass, H.R. 4761, DHS Opioid Detection Resilience Act.

CONGRATULATING CHAD BLACK ON RECEIVING THE NATHAN DEAL GOVERNOR'S AWARD FOR TRAUMA EXCELLENCE

#### HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Mr. COLLINS of Georgia. Madam Speaker, I rise today to recognize a fellow Northeast Georgian and my dear friend, Mr. Chad Black, for his incredible work in revolutionizing trauma care services in Northeast Georgia.

Chad Black spent over three decades working with the Hall County Fire Services, including 17 years in Air Medical Transport Services. After retiring from the Hall County Fire Services as Deputy Fire Chief in June 2016, Mr. Black was named Director of the Habersham County Emergency Services, where he oversees all fire, emergency medical services, and rescue for Habersham County. He also currently serves as Chairman of the Georgia Emergency Medical Services Association. Earlier this month, Mr. Black was appointed to the Georgia Firefighter Standards and Training Council. These honorable titles are the culmination of his 36 years of dedication to the fire and emergency services.

When Georgia Senate Bill 60 passed, it recognized the need for trauma centers in every community. Upon passage, Mr. Black began serving as Chair of the EMS Region II Regional Trauma Advisory Committee where he worked with the Northeast Georgia Medical Center to help them become a Level II trauma center. Today, the center remains the only trauma center in Region II, serving more than 2,000 patients each year.

To Mr. Black, trauma centers are a vital part of our community. Before these medical capabilities were established in Northeast Georgia, patients had to be airlifted to Atlanta to receive treatment. Thanks to Mr. Black's work, help is now closer than ever for the residents of Northeast Georgia.

Last month, the Regional Trauma Advisory Committee recognized Chad for his tireless

work on developing the trauma center—and for his 36 years of service—by presenting him with the Nathan Deal Governor's Award for Trauma Excellence.

On behalf of the people of Northeast Georgia, I join Chad's colleagues in congratulating him on this award. I truly cannot think of anyone more deserving. I want to thank my dear friend for his commitment to improving trauma services across the state of Georgia, and most importantly, for devoting nearly four decades to saving lives in our communities.

### DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PREFERENCE, CONSISTENCY ACT

SPEECH OF

#### HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 16, 2019*

Mr. DAVID P. ROE of Tennessee. Madam Speaker, I have determined it necessary to include in the RECORD the following views on H.R. 4920, the Department of Veterans Affairs Contracting Preference Consistency Act in the absence of a committee report.

VIEWS ON H.R. 4920, DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PREFERENCE CONSISTENCY ACT

HON. DAVID P. ROE, RANKING MEMBER,  
COMMITTEE ON VETERANS' AFFAIRS

I.—PURPOSE AND SUMMARY: H.R. 4920, the Department of Veterans Affairs Contracting Preference Consistency Act, was introduced by Representative MARK TAKANO on October 30, 2019. H.R. 4920 is the ultimate result of a discussion draft that members of the Committee on Veterans' Affairs began circulating in October 2017. H.R. 4920 clarifies the relationship between the AbilityOne Program and the Department of Veterans Affairs' (VA) Veterans First Program.

Congress established the AbilityOne Program through the passage of the Javits-Wagner-O'Day Act, P.L. 92-98, codified at 41 U.S.C. §§8501-8506 (JWOD Act). The AbilityOne Program is designed to provide employment opportunities to individuals who are blind or who are severely disabled. Pursuant to the JWOD Act, the U.S. AbilityOne Commission (formerly known as the Committee for Purchase from People Who Are Blind or Severely Disabled) maintains the Procurement List, which lists the products and services made by qualified Non-Profit Agencies (NPAs) for the blind or severely disabled that the U.S. AbilityOne Commission deems suitable for the federal government to procure. If the federal government intends to purchase products or services on the Procurement List, it must purchase them from the qualified NPAs designated by the U.S. AbilityOne Commission. Therefore, the AbilityOne Program is often referred to as a "mandatory source" in federal contracting.

Congress created the Veterans First Contracting Program (Vets First Program) through the passage of the Veterans Benefits, Health Care, and Information Tech-

nology Act of 2006, P.L. 109-461, codified at 38 U.S.C. §§8127-8128 (VBA of 2006). The Vets First Program encourages increased levels of contracting by VA with Service Disabled Veteran Owned Small Businesses (SDVOSBs) and Veteran Owned Small Businesses (VOSBs), in descending order of priority, through a combination of noncompetitive, sole-source, and restricted competition authorities. The restricted competition authority, reflected in U.S.C. §8127(d) is known as the "Rule of Two." The Rule of Two states that, "a contracting officer of the Department shall award contracts on the basis of competition restricted to [SDVOSBs or VOSBs] if the contracting officer has a reasonable expectation that two or more [such SDVOSBs or VOSBs] will submit offers and that the award can be made at a fair and reasonable price that offers best value to the United States."

Whereas the VBA of 2006 is silent as to the relationship between the AbilityOne Program as a mandatory source and the Rule of Two, H.R. 4920 states that, notwithstanding the Rule of Two, VA contracting officers shall continue procuring from qualified NPAs those products or services that were included on the Procurement List on or before December 22, 2006, the date of enactment of the VBA of 2006.

II.—BACKGROUND AND NEED FOR LEGISLATION: VA, like other federal agencies establishes contracts with private businesses for needed products and services. Federal contracting has the additional objective of promoting small business, including socioeconomic subcategories, principally through a system of government-wide participation goals administered by the Small Business Administration. Congress established such a goal for SDVOSBs in the Veterans Entrepreneurship and Small Business Development Act of 1999, P.L. 106-50, codified at 15 U.S.C. §644(g)(1)(A)(ii). The government-wide SDVOSB goal remains three percent, representing a minimum, though individual agencies have opted for higher goals. Due to agencies', including VA's, inability to achieve the three percent SDVOSB goal, Congress enacted the Veterans Benefits Act of 2003, P.L. 108-183, codified at 15 U.S.C. Code §657f, which among other purposes, granted agencies the authority to restrict competition to SDVOSBs and to award sole-source contracts to SDVOSBs under certain circumstances. The Veterans Benefits Act of 2003 (in section 308 of P.L. 108-183) was specific as to the relationship between the AbilityOne Program as a mandatory source and the newly created SDVOSB sole-source authority, "Relationship To Other Contracting Preferences.—A procurement may not be made from a source on the basis of a preference provided under subsection (a) or (b) if the procurement would otherwise be made from a different source under section 4124 or 4125 of title 18, United States Code, or the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.)." However, due to VA's specific inability to achieve its SDVOSB goal, Congress enacted the VBA of 2006. In contrast to the Veterans Benefits Act of 2003, the VBA of 2006 contained no language clarifying the intended treatment of the AbilityOne Program or other contracting preference programs.

VA initially implemented the VBA of 2006 on June 20, 2007, and issued a final rule implementing the Act through changes to the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

Veterans Affairs Acquisition Regulation on January 7, 2010. On April 28, 2010, VA issued a policy referred to as an “information letter” to address the relationship between the Vets First Program and the AbilityOne Program. This policy stated the following:

“The Veterans First Contracting Program final rule does not affect AbilityOne’s order of priority in relation to the Veterans First Contracting Program. Therefore, all items currently on the AbilityOne Procurement List as of January 7, 2010, will continue to take priority over the contracting preferences mandated by P.L. 109-461. However, all new requirements will be subject to the contracting preferences mandated by P.L. 109-461 prior to being considered for placement with the AbilityOne Program. This policy provides an equitable solution by ensuring VA’s continued commitment to AbilityOne, while also recognizing the changes to VA’s small business hierarchy.”

The meaning and impact of the VBA of 2006 were challenged in a series of bid protests. In one key protest to the Government Accountability Office (GAO), *In re Kingdomware Techs.*, No. B-406507 (May 30, 2012), GAO determined that VA, “improperly used non-mandatory Federal Supply Schedule procedures to procure services, rather than using a set-aside for [SDVOSB] concerns, and improperly awarding a contract to a non-SDVOSB concern.” After VA declined to implement GAO’s decision, the protestor Kingdomware Technologies, Inc. proceeded to file a similar protest at the Court of Federal Claims, which granted summary judgment to VA upholding its interpretation on November 27, 2012. Kingdomware Technologies then appealed the Court of Federal Claims’ ruling to the Court of Appeals for the Federal Circuit, which affirmed the earlier ruling in a split decision on June 3, 2014. The Supreme Court agreed to hear the case on June 22, 2015. There were two matters of controversy, which periodically rose and fell in prominence, throughout these protests and appeals: whether the Rule of Two should be in force at all times, or only up to the point in time in each fiscal year when VA has awarded sufficient contracts to SDVOSBs to satisfy its SDVOSB goal, and whether the Rule of Two applies to orders placed against Federal Supply Schedules. In the government’s brief, the solicitor general framed the question presented as, “whether the Department of Veterans Affairs permissibly concluded that 38 U.S.C. 8127 did not require it to utilize a small-business contracting preference before placing an order under a pre-existing Federal Supply Schedule contract.” On August 25, 2015, forty-one members of Congress, including Rep. David P. Roe and three other current members of the House Committee on Veterans’ Affairs, submitted an *amici curiae* brief, reiterating congressional intent that the Rule of Two shall apply continuously, not switch on and off throughout each fiscal year depending on when the SDVOSB participation goal is met. The Supreme Court, in a unanimous opinion, *Kingdomware Techs. v. United States*, No. 14-916, 136 S. Ct. 1969 (June 16, 2016) held the following:

“Alternative readings of §8127(d) are unpersuasive. First, §8127(d)’s prefatory clause, which declares that the Rule of Two is designed “for the purposes of meeting §8127(a)’s annual contracting goals, has no bearing on whether §8127(d)’s requirement is mandatory or discretionary. The prefatory clause’s announcement of an objective does not change the operative clause’s plain meaning. See *Yazoo & Mississippi Valley R. Co. v. Thomas*, 132 U.S. 174, 188. Second, an FSS order is a “contract” within the ordinary meaning of that term; thus, FSS orders do not fall outside §8127(d), which applies

when the Department “award[s] contracts.” Third, to say that the Rule of Two will hamper mundane Government purchases misapprehends current FSS practices, which have expanded well beyond simple procurement to, as in this case, contracts concerning complex information technology services over a multiyear period. Finally, because the mandate §8127(d) imposes is unambiguous, this Court declines the invitation to defer to the Department’s declaration that §8127 procedures are inapplicable to FSS orders.”

The construction of and relationship between the VBA of 2006 and the JWOD Act were also challenged in a series of bid protests. One key protest to the Court of Federal Claims, *Angelica Textile Servs., Inc. v. United States*, 95 Fed. Cl. 208 (Oct. 26, 2010), concerned the necessity of VA performing a Rule of Two analysis before adding a new product or service to the Procurement List, in addition to other alleged procedural irregularities. *Angelica Textile Services, Inc.* was an SDVOSB and an incumbent VA contractor performing a service which VA attempted to add to the Procurement List. The Court of Federal Claims noted in its opinion that, “Were there a conflict between the two statutes, the more specific Veterans Benefits Act would control. See *NISH v. Rumsfeld*, 348 F.3d at 1272; *NISH v. Cohen*, 247 F.3d at 205. Where, as here, the statutes exist in tension, albeit not in direct conflict, the Department was entirely reasonable in concluding in its New Guidelines that the Veterans Benefits Act should have priority.” *Angelica Textile Servs., Inc. v. United States*, 95 Fed. Cl. 208, 222 (Oct. 26, 2010). The Court ordered that VA be enjoined from adding the services to the Procurement List and proceeding to contract with an AbilityOne NPA, and that VA must comply with its April 28, 2010 policy and apply the Rule of Two before making any such decisions in the future.

In another important protest, *PDS Consultants, Inc. v. United States*, 132 Fed. Cl. 117 (May 30, 2017), the Court of Federal Claims considered the question of “which procurement priority must the VA first employ: the requirement that the VA conduct a Rule of Two analysis to determine whether it must restrict the procurement to veteran-owned small businesses under the VBA [of 2006] or the requirement that the VA use the AbilityOne List under the JWOD, regardless of whether the VA has conducted a VBA Rule of Two analysis.” The protestor was PDS Consultants, Inc., a SDVOSB. The holder of the protested contracts was Winston-Salem Industries for the Blind (now known as IFB Solutions) an NPA. This question arose in the context of products and services which had been included for many years on the Procurement List for two of VA’s regions, called Veterans Integrated Service Networks, as well as products and services for two other regions which were being performed within the Vets First Program but which the AbilityOne Commission had recently added to the Procurement List without VA conducting Rule of Two analysis. Therefore, this protest concerned SDVOSB contracts which were subject to move into the AbilityOne Program and NPA contracts which were subject to move into the Vets First Program. The Court of Federal Claims noted in its opinion that:

“The VA, faced with these potentially contradictory contracting preferences, originally took the position in this litigation that if a product or service appears on the AbilityOne List for a particular region of the country the JWOD requires the VA to purchase that product off of the List without first performing a Rule of Two analysis. However, during the pendency of the litigation, the VA changed its position through

regulation. The VA now agrees that if a product or service was added to the AbilityOne List after 2010, the VA will perform the Rule of Two analysis before purchasing off of the List. The new regulation provides, however, that the VA will continue to purchase items off of the AbilityOne List without first performing a Rule of Two analysis for items added to the List before 2010.”

The Court of Federal Claims held that, “VA is required to perform a Rule of Two analysis for all procurements after the VBA was passed. Accordingly, the VA may not enter into future contracts with IFB until it performs a Rule of Two analysis and determines whether two or more veteran-owned small-businesses can perform the subject work.” *Winston-Salem Industries for the Blind* appealed this decision to the Court of Appeals for the Federal Circuit. In *PDS Consultants Inc. v. United States*, 907 F.3d 1345 (Oct. 17, 2018), the appeals court upheld the lower court ruling and “conclude[d] that the requirements of the more specific, later-enacted VBA take precedence over those of the JWOD when the two statutes are in apparent conflict.” The appeals court observed in its opinion that, “While the precise question we consider today was not presented in *Kingdomware*, we may not ignore the Court’s finding that the VBA ‘is mandatory, not discretionary,’” and, “We assume that Congress was aware that it wrote an exception into the agency-wide Veterans Benefits Act in 2003 when it left that very same exception out of the VBA only three years later.” Since the appeals court ruling, *Winston-Salem Industries for the Blind* filed a petition for a writ of certiorari on September 9, 2019. Recently, on December 9, 2019, the solicitor general filed a brief in response in opposition, reasoning that although the Supreme Court’s decision in *Kingdomware* “did not address the question presented here,” and “although the government agrees with petitioner that the relevant statutes taken together are better read to give priority to JWOD’s specified-source requirements where those requirements apply, the court of appeals’ contrary holding also represents a reasonable reconciliation of the competing interests that are implicated here. And Congress of course remains free to mandate a different approach in response to the court’s decision.”

On May 20, 2019, in response to the Court of Appeals for the Federal Circuit issuing a mandate effectuating its decision in *PDS Consultants Inc. v. United States*, VA issued a new policy in the form of a Veterans Affairs Acquisition Regulation deviation replacing its April 28, 2010 policy. The deviation’s purpose was to “require contracting officers to apply the VA Rule of Two to determine whether a requirement should be awarded to [SDVOSBs] and VOSBs under the authority of 38 U.S.C. 8127-28, by using preferences and priorities in subpart 819.70 prior to considering an award to an AbilityOne non-profit organization or the Federal Prison Industry, Inc.” Impacts ensued from this policy.

The AbilityOne Commission states on its website that, “providing employment opportunities to more than 45,000 people who are blind or have significant disabilities, including approximately 3,000 veterans, the AbilityOne Program is among the nation’s largest providers of jobs for people who are blind or have significant disabilities.” The AbilityOne Commission also cites on its website a 70 percent unemployment rate among these populations and characterizes this as “unacceptably high.” According to the AbilityOne central nonprofit agencies

SourceAmerica (formerly National Industries for the Severely Handicapped) and National Industries for the Blind, approximately 2,000 jobs of individuals who are disabled and approximately 800 jobs of individuals who are blind, respectively, are associated with VA contracts. In mid-2019, there were roughly 90 such contracts held by NPAs located in 30 states and the District of Columbia. Some of these contracts have passed from AbilityOne NPAs to SDVOSBs or VOSBs since May 20, 2019. Available information indicates that more contracts for products have been affected than contracts for services, due to the fact that the particular services that are prevalent in the AbilityOne Program, such as custodial, food, and call center services, are relatively less likely than products to pass the Rule of Two. Available information indicates that many affected NPAs have furloughed employees while attempting to secure work for them on other contracts. However, the extent of layoffs that have already occurred is unknown, while the Committee has been provided no example of a SDVOSB or VOSB gaining a contract which was formerly performed by an NPA and taking on the NPA's employees who would otherwise be displaced.

The destruction of employment and employment opportunities for individuals who are blind or disabled is extremely unsatisfactory; it is also unnecessary and avoidable. The courts in the cases discussed above relied on the general maxim of statutory interpretation that a specific statute (the VBA of 2006) takes precedence over a general statute (the JWOD Act), particularly when the specific statute was later enacted. They also gave weight to the Veterans Benefits Act of 2003's clarity as to the treatment of the JWOD Act in contrast to the VBA of 2006's silence and imputed there congressional intent to subsume the AbilityOne Program in VA. The purpose of H.R. 4920 is to clarify Congress's intent. The Vets First Program and the AbilityOne Program should coexist in VA as they did after the enactment of the VBA of 2006, through the April 28, 2010 policy, through the time of Kingdownmare, until PDS Consultants fundamentally changed the programs' alignment. However, recognizing the time that has passed and the inherent fairness issue that informs the relevant bid protests and cases, it is more appropriate to use the date of enactment of the VBA of 2006, December 22, 2006, as a point of demarcation than the date of VA's former policy, April 28, 2010. This legislation would exempt the award of contracts in VA for products and services that were placed on the Procurement List on or before December 22, 2006 from the Rule of Two and thereby preserve a substantial amount of, though not all, employment in the NPAs that rely on these contracts. All contracting for products and services added to the Procurement List later must comply with the Rule of Two. In effect, all future contracting opportunities will flow through the Vets First Program.

Finally, it should be emphasized that in contrast with PDS Consultants, this intent is wholly consistent with the Supreme Court's opinion in Kingdomware as well as the congressional intent expressed in the amici curiae brief submitted in conjunction with that case and the functioning of the Vets First Program since Kingdomware. I share the solicitor general's assessment, in his December 9, 2019 response to Winston-Salem Industries for the Blind's petition, that the treatment of ordering against Federal Supply Schedules, which was the matter at issue in Kingdomware, is not generalizable to the AbilityOne Program's mandatory source. It should also be noted that although the AbilityOne Program's status as a mandatory source is directly comparable to that of

the Federal Prison Industries Program, also known as UNICOR, and these two programs present a similar question as to their relationship to the Vets First Program, the volume of usage of Federal Prison Industries in VA has declined to a minimal level and no longer represents a significant controversy. For this reason, H.R. 4920 does not address Federal Prison Industries.

#### PERSONAL EXPLANATION

**HON. ANTHONY G. BROWN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Mr. BROWN of Maryland. Madam Speaker, on December 12, 2019 I was absent from the House of Representatives. Had I been present, I would have voted "YEA" on Roll Call No. 659, on Motion to Suspend the Rules and Pass, as Amended, FUTURE Act.

Historically Black Colleges and Universities make substantial contributions to the nation's economic strength. A recent report by the United Negro College Fund found that HBCUs generate \$15 billion in annual economic impact, and created over 134,000 jobs. HBCUs enroll on average, 24 percent of all black undergraduates pursuing a bachelor's degree, graduate 26 percent of all black bachelor's degrees and 32 percent of STEM degrees earned by black students. Having a degree from an HBCU lifts the lifetime earnings of a graduate by nearly a million dollars. This legislation provides permanent funding for HBCUs and other minority-serving institutions attended by over 2 million students, recognizing the value of their missions and academic offerings. Furthermore, the bill takes an important step in simplifying the Free Application for Federal Student Aid for 20 million working families.

#### SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT OF 2019

SPEECH OF

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 16, 2019*

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 4998, the Secure and Trusted Communications Networks Act of 2019, as amended.

For nearly a decade I've raised how the vulnerabilities in our telecommunications infrastructure directly impact our national security. On November 2, 2010, I wrote to the Chairman of the Federal Communications Commission (FCC) expressing grave concerns about Huawei and ZTE, which have opaque relationships with the Chinese government, and I request that my letter be entered into the CONGRESSIONAL RECORD.

Sadly, in the intervening nine years many small and rural providers have invested hundreds of millions of dollars in equipment made by Huawei and ZTE because the equipment is the cheapest available, and this investment was often funded by the FCC's own programs.

I'm pleased that H.R. 4998 addresses this problem by strengthening the supply chain of

the U.S. telecommunications infrastructure by prohibiting purchases of compromised equipment when FCC funds are used. The bill also creates a program to assist providers with the costs of removing and replacing prohibited equipment. This is necessary since smaller providers can't afford these upgrades on their own.

However, H.R. 4998 is limited to strengthening our supply chain issue and is not a comprehensive network security effort. The threats we face are constantly evolving, and Congress must remain diligent in ensuring our communications are secure, private, and reliable.

I support H.R. 4998 and urge my colleagues to do the same.

HOUSE OF REPRESENTATIVES,

WASHINGTON, DC, NOVEMBER 2, 2010.

HON. JULIUS GENACHOWSKI,

*Chairman, Federal Communications Commission, Washington, DC*

DEAR CHAIRMAN GENACHOWSKI, As a senior member of the House Permanent Select Committee on Intelligence, I have had grave concerns about the implications of foreign-controlled telecommunications infrastructure companies providing equipment to the U.S. market for quite some time. In particular, I'm very concerned that Huawei and ZTE, Chinese telecommunications infrastructure manufacturers are looking to increase their presence in the U.S.

These companies have long-standing relationships with the Chinese People's Liberation Army, and are not subject to the same kinds of independence and corporate transparency that other countries require of their telecommunications companies.

Last May, I wrote to the Director of National Intelligence and asked him to assess the national security implications of Chinese-origin telecommunications equipment on our law enforcement and intelligence efforts, as well as on our switched-telecommunications infrastructure. While I cannot discuss the results of that assessment in an unclassified letter, suffice to say the answers were troubling, and the National Counter Intelligence Executive has made communications infrastructure security a top priority.

Huawei and ZTE have recently taken aggressive steps to increase penetration into the U.S. telecommunications market. This summer, Huawei was in discussions with Sprint to provide mobile telecommunications equipment. And in August of 2009, Huawei signed a deal with Clearwire to provide equipment to their wireless network. Unlike mergers and acquisitions by foreign firms, agreements to directly supply equipment to the U.S. telecommunications infrastructure are not subject to CFIUS requirements.

However, the net result is the same, where sensitive U.S. communications will travel over the networks and switches provided by a foreign-controlled entity.

Clearly, the current CFIUS regime does not provide scrutiny of procurements from foreign companies to assess the risk to the U.S. telecommunications infrastructure. I would like to understand what your role is to protect the U.S. networks in order to assess what additional legislation may be needed.

Do you have authority to protect the U.S. telecommunications infrastructure from inappropriate foreign control or influence?

What authorities do you have to review procurements of foreign equipment by U.S. companies operating our telecommunications networks? What additional authorities would you need to ensure that the U.S.

telecommunications infrastructure is secure from foreign influence?

To what extent are you working with our nation's intelligence community to assess the threat to our telecommunications infrastructure? What is, or should be, the inter-agency structure to best review procurements from foreign entities?

What kinds of transparency requirements, including divestment from state ownership, should be placed on companies seeking to sell telecommunications infrastructure equipment to U.S. network providers? Should this be a U.S. or an international standard?

Our nation's telecommunications infrastructure must be protected for our national security, and I look forward to your prompt reply.

Sincerely,

ANNA G. ESHOO,  
Member of Congress.

#### PERSONAL EXPLANATION

### HON. LLOYD SMUCKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Mr. SMUCKER. Madam Speaker, had I been present, (would have voted NAY on Roll Call No. 660; NAY on Roll Call No. 661; NAY on Roll Call No. 662; YEA on Roll Call No. 663; NAY on Roll Call No. 664; YEA on Roll Call No. 665; YEA on Roll Call No. 666; and NAY on Roll Call No. 667.

CONGRATULATING THE UCLA SOFTBALL TEAM, 2019 WOMEN'S COLLEGE WORLD SERIES CHAMPIONS

### HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Mrs. NAPOLITANO. Madam Speaker, I rise today to happily, enthusiastically congratulate the 2019 UCLA Softball Team, the reigning Women's College World Series Champions, whom I had the great pleasure of greeting here in the Capitol last month.

With the score tied in the 7th inning, the Bruins rallied with a walk-off single to complete the 2-game sweep of Oklahoma, capping the historic season. Head Coach Kelly Inouye-Perez won her 600th career game in the thrilling WCWS-clinching victory. There was clearly no quit in this team, which demonstrated the relentlessness of a champion team all year. The Bruins had 14 comeback victories throughout the season.

On their way to the National Championship—the 13th in program history—the Bruins led the entire NCAA Tournament in batting average (.317); runs scored (79); slugging percentage (.548); and home runs (18). They dominated all competitors in their way, never trailing an inning in the WCWS.

Congratulations to all of the players, coaches, and training staff on securing another national title. You have made all past, current, and future Bruins proud by displaying sportsmanship, teamwork, and excellence both on and off the field. Congratulations, and good luck in defending your title next year.

CONGRATULATIONS PRIME MINISTER BORIS JOHNSON

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Mr. WILSON of South Carolina. Madam Speaker, as co-chair of the United Kingdom (UK) Caucus, I am grateful to extend my warmest congratulations to Prime Minister Boris Johnson and the Conservative Party for winning a resounding mandate from the British people to get Brexit done.

I have complete confidence that Prime Minister Johnson will finally implement the will of the British people to leave the European Union in a manner that best serves the interests of the UK. I look forward to continuing to work closely to deepen our bilateral ties with the UK, especially as it relates to a potential free trade agreement after Brexit is done.

I am confident the close relationship with President Donald Trump and the Prime Minister will expedite our trade for mutually beneficial job creation.

In conclusion, God Bless our Troops, and we will never forget September 11th in the Global War on Terrorism.

#### PERSONAL EXPLANATION

### HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Mr. SENSENBRENNER. Madam Speaker, due to a previously scheduled engagement, I was physically absent from the House of Representatives on December 10, 2019. On that day, I missed 3 recorded votes. I include in the RECORD how I would have voted had I been present for those votes.

On Roll Call No. 657 on Ordering the Previous Question, had I been present, I would have voted "Nay."

On Roll Call No. 658 on the Adoption of H. Res. 748, had I been present, I would have voted "Nay."

On Roll Call No. 659 on the Passage of H.R. 5363, had I been present, I would have voted "Nay."

WELCOME LUCIANA ALICE ANSARI TAYLOR

### HON. HALEY M. STEVENS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Ms. STEVENS. Madam Speaker, I am happy to congratulate Sara Ansari and Shiv Taylor of New York, New York, on the birth of their new baby girl, Luciana Alice Ansari Taylor. Luciana Alice Ansari Taylor was born on October 17, 2019, at Mount Sinai Hospital in New York, New York. Luciana weighed eight pounds and two ounces and measured 21 inches long.

I would also like to congratulate Luciana's maternal grandparents, Sue Carter Ansari and Dr. Shapoor Shalilvand Ansari, and her paternal grandparents, Kanika Garga Taylor and

Indra Bishnoi. Congratulations to the entire family as they welcome their newest addition of pure pride and joy.

CONGRATULATING JAMES MADISON HIGH SCHOOL MARCHING ENSEMBLE ON ITS 2019 HISTORIC SUCCESSES

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Mr. CONNOLLY. Madam Speaker, I rise to recognize the James Madison High School (JMHS) Marching Ensemble and to offer my congratulations on its historic 2019 competition season. The band is known as "The Pride of Vienna" and this year has proven that this title is well-deserved.

In October 2019, JMHS won the Bands of America (BOA) Mid-Atlantic Regional Championship which was held in College Park, MD. JMHS is the only Virginia high school to win a BOA Regional competition in the past 40 years.

The band then went on to win the Virginia Marching Band Cooperative State Championship held in Lynchburg, VA. This is the second year in a row that JMHS was named Virginia state champion. Following its thrilling success at the BOA Regional competition, the band traveled to Indianapolis, IN where it competed in the BOA Grand National Championship—an accomplishment that is unmet by any other Fairfax County Public High School band. This competition was held over the course of three days in November. After a strong preliminary performance, JMHS advanced to the semifinals and was named 2nd Place in Class 3A. This marks the band's most successful trip ever to the Grand Nationals.

The JMHS Marching Ensemble is led by Mr. Michael Hackbarth, Director of Bands, a position he has held since 2001. In this role, he is the director for the Wind Symphony, the Symphonic Band, the Jazz Ensemble, and the Marching Ensemble. Under his leadership, the music programs have won numerous regional, state and national honors. Mr. Hackbarth and his dedicated team created this year's show entitled "Dusk 'till Dawn" and utilized music, color guard costumes, stage make-up, props and scenic backdrops. Preparation for this year's performances began on August 5, the first day of summer band camp, and he and the 150 members of the ensemble spent countless hours perfecting the show and preparing for a rigorous competition season, while also performing at football games, in the Homecoming Parade and in the Vienna Halloween Parade.

Madam Speaker, I ask that my colleagues join me in congratulating the James Madison High School Marching Ensemble and Mr. Michael Hackbarth on the inspiring success of the 2019 season. Together they made history and will carry with them a lifetime of memories. I also want to commend the parents and volunteers whose efforts made each show possible. Collectively, you are the "Pride of Virginia" and I wish you the very best of luck and continued success in your future endeavors.

BROADBAND DEPLOYMENT ACCURACY AND TECHNOLOGICAL AVAILABILITY ACT

SPEECH OF

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 16, 2019*

Ms. ESHOO. Mr. Speaker, I rise in strong support of H.R. 4229, the Broadband Deployment Accuracy and Technological Availability Act, as amended.

We all agree that every American needs access to broadband. Government agencies, companies, and the philanthropic sector have devoted significant resources toward this goal, but our efforts are stymied by the fact that we have a fundamentally flawed understanding of where the investment is needed.

We need accurate maps to be able to close the digital divide and the Federal Communications Commission (FCC) should wait until these maps are developed before spending billions of dollars in additional subsidies to build out to unserved and underserved areas.

I commend Representatives LOEBACK and LATTA, along with all of the members of the Subcommittee on Communications and Technology for their diligent work to find a bipartisan solution to this problem that will solve our mapping problem once and for all.

I'm also pleased that the legislation includes an amendment I authored that protects the privacy of Americans. The bill allows the FCC to contract out the development of a database of all buildings developed by processing millions of property records about every home, business, and community institution in the country. These records often include private data about property owners and the property itself, including property values.

My provision simply prohibits the FCC's contractor from selling this vast amount of data for marketing or other purposes, a practice common among data brokers. Our country doesn't need more data brokers. Any company using money authorized by Congress should only use its work product for the benefit of the American people in the ways that we expressly authorize.

I'm a proud cosponsor of this legislation, and I urge my colleagues to vote for it.

HONORING THE 100TH ANNIVERSARY OF THE OFFICE OF LEGISLATIVE COUNSEL

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Ms. LOFGREN. Madam Speaker, I rise today to recognize the Office of the Legislative Counsel of the House of Representatives on the occasion of its 100th anniversary. The Office's legal and drafting expertise is crucial to the House's core constitutional function of making law.

The Office was established by section 1303 of the Revenue Act of 1918 (P. L. 65-254, 40 Stat. 1057) as the Legislative Drafting Service with the charge of aiding "in drafting public bills and resolutions or amendments thereto on the request of any committee[.]" While the

early work of the Office was focused on projects for the Committee on Ways and Means, other committees, recognizing the value of expert drafting, soon began requesting assistance. The Office now works with all of the committees and Members of the House in every area of Federal law, working with policy makers to produce legally effective legislative drafts.

Throughout the Office's history, it has provided exceptional drafting services on a non-partisan, impartial, and confidential basis. Speaking during the floor debate on the establishment of the Office, the Chairman of the Committee on Ways and Means described the services of Middleton Beaman, who was the first head of the Office, as "essential" and the Committee as being "indebted" to him for clarifying and simplifying the complex legislative provisions on which he worked. The Chairman emphasized that Beaman had always been "absolutely neutral" on policy matters.

The Office continues to uphold the high standard established by Beaman. A 1975 report by the House Commission on Information and Facilities concluded that there was "an unmistakable consensus among those who utilize the services of the Office of Legislative Counsel, Members and committee staff alike, that its overall operation is indeed a credit to the House." Over a quarter of a century later, in H. Res. 635 of the 111th Congress, the House recognized "the professional, non-partisan service to which the Office of the Legislative Counsel is dedicated."

While carrying out the purpose described in the Legislative Reorganization Act of 1970 of achieving "a clear, faithful, and coherent expression of legislative policies," the Office has also become an increasingly important source of institutional memory. Most of its attorneys, paralegals, Ramseyer staff, IT staff, front desk staff, and GPO detailees spend a career in service of the House with many staying for decades.

Such long tenures allow the Office to serve as a source of education and expertise on Congress' role in making law, including the process for introducing, amending, and passing legislation. The staff of the Office of Legislative Counsel do more than provide drafts and legal advice; they teach. As committee and Member staff transition into more senior positions on and off the Hill, they take the lessons learned from working with the Office and apply them for the rest of their careers.

It is my honor and privilege to recognize the Office of the Legislative Counsel of the House of Representatives. For 100 years, the Office has proved essential to the House in the achievement of a clear, faithful, and coherent expression of legislative policies.

IN RECOGNITION OF JOE CARDONA

**HON. DONNA E. SHALALA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Ms. SHALALA. Madam Speaker, I rise in recognition of Joe Cardona, the award-winning documentarian and former Miami Herald columnist. Mr. Cardona recently received a David Burke Distinguished Journalism Award from the United States Agency for Global Media

(USAGM) for his show "Arcoiris," the first program in Radio Marti's history to address LGBTQ+ issues in Cuba.

"Arcoiris," which means rainbow in Spanish, premiered last year and is produced and hosted by Mr. Cardona. The program provides a platform for the LGBTQ+ community in Cuba to express goals and concerns and to engage with other LGBTQ+ communities around the world. "Arcoiris" has already been enormously successful. The show has aired numerous stories, including on the experiences of gay prisoners in Cuba and the policies of Mariela Castro, director of Cuba's National Center for Sexual Education (CENESEX).

Mr. Cardona has created a space for the long-underserved LGBTQ community to prosper. I'm proud that USAGM has recognized his important work.

THE NEED FOR REVISIONS TO THE PFIC INSURANCE EXCEPTION FOR FINANCIAL GUARANTY INSURANCE COMPANIES

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Ms. MOORE. Madam Speaker, I thank the Speaker and the Chairman of the Ways and Means Committee for working on an end of year bipartisan tax package and helping Congress get on with the business of legislating. While I wish that our colleagues in the Senate would take up Butch Lewis, which the House passed in July, and addresses the multiemployer pension crisis affecting millions of retirees across the country and I wish my colleagues across the aisle would have supported the Ways and Means Committee's advancement of legislation to expand the Earned Income Tax Credit and make the Child Tax Credit fully refundable, it's important for our constituents to see Congress working together.

I also know that many Americans are waiting for Congress to make essential fixes to the tax code in response to the Tax Cuts and Jobs Act and were hoping that Congress would add these fixes to our year-end tax package. While a couple such fixes were made, many vital revisions were left out.

I am planning to introduce bipartisan legislation early next year that will fix an unintended consequence of the recent changes to the insurance business exception to the passive foreign investment company, or PFIC, rules. I urge my colleagues to join me in this effort and cosponsor this upcoming legislation especially Members who are aware of the importance of available and affordable municipal bond financing to state and local municipalities.

This legislation is necessary to preserve the availability and affordability of financial guaranty insurance with respect to municipal bond financing for state and local municipalities. I have worked in close consultation with the staff of the Joint Committee on Taxation in developing this legislation to ensure that it provides a narrow exception for financial guarantors that is specifically designed to address the issue affecting municipal bond insurance in a manner that preserves the closing of a

loophole for foreign hedge funds, the intended targets of the recent changes.

As I work with stakeholders and colleagues to finalize this legislation, I understand that the Treasury Department and the Internal Revenue Service are currently working on finalizing regulations with respect to the PFIC insurance business exception. I am particularly encouraged that the Treasury Department and the Internal Revenue Service specifically requested comments with respect to the application of those regulations to financial guaranty insurance. I would encourage the Treasury Department and the Internal Revenue Service to carefully consider the comments received pursuant to their request in light of the pending introduction and consideration of my legislation to address as much as possible any unintended consequences with respect to financial guarantors.

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CELEBRATING THE PASSAGE OF  
THE FY2020 NDAA

**HON. KENDRA S. HORN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Ms. KENDRA S. HORN of Oklahoma. Madam Speaker, I applaud the House for passing the FY20 National Defense Authorization Act in an overwhelming bipartisan vote. This bill includes important modernizations and protections for our service members, military families, and our nation's Armed Forces. It was an honor to represent Oklahomans as one of four freshmen on the House Armed Services Committee included at the bill's conference.

This legislation includes a Tenants Bill of Rights to address unsafe housing conditions on military bases and other critical protections for service members in privatized base housing. I led the effort in the House for these protections after hearing about military housing problems at Tinker Air Force Base during one of my town halls. The Tenants Bill of Rights will protect our military families from predatory contracts and provide increased oversight of privatized base housing.

I am proud this bill included legislation I introduced to address a severe shortage of pilots in both our Air Force and in the aviation industry. My provision would assist JROTC members in getting their pilot's certificate. In Oklahoma, Air Force JROTC provides specialized aeronautics and space education. With about 1,000 students participating in Air Force JROTC units alone, these programs provide an important and unique service to strengthen our aerospace workforce of the future.

This need will only become more pronounced with the establishment of the United States Space Corps within the Department of the Air Force. As the Chair of the Space Subcommittee of the Science, Space, and Technology Committee, I have heard from and worked with experts who recognize the imminent threats that our existing space infrastructure face. Satellites that offer geolocation services, weather data, and communications are all necessary elements to our modern day infrastructure. Our new Space Corps will protect these interests from natural catastrophes while deterring aggression from those intent on harming U.S. national security.

This bill also came with vital reforms to better our servicemembers daily lives.

The FY20 NDAA includes a 3.1% pay increase for all military personnel. Members of our uniformed services have not received a pay raise in far too long. As a result, our servicemember have experienced financial difficulty and have struggled to put food on the table for their family members even while they serve their country. I am proud to represent the servicemembers of my district and thankful to have a part in ensuring they are well compensated.

This bill provides 12 weeks of parental leave for all federal employees. A landmark policy for the U.S. government, we passed an NDAA that ensures all families can have the support they need in the crucial first month of starting or expanding their families. The US is the only industrialized nation without a national paid family leave policy, and this is a step in the right direction to ensure all families have the opportunity to work and take care of their families.

It preserves funding for critical education needs. We passed a \$40 million authorization to support the schools that educate our servicemembers' children. The Impact Aid program has maintained schools in areas with small to non-existent tax bases such as Indian reservations and military bases. This funding increase ensures that every student, no matter their zip code may have equal access to an education.

The passage of the FY20 NDAA also came with crucial reforms to streamline internal processes and ensure transparency in our Defense Department.

As the sponsor of Section 1011, 1 was concerned that requiring audit firms to disclose confidential disciplinary proceedings could ultimately lead to those proceedings becoming public, contrary to the express intent of Congress. I sponsored an amendment that remedies that concern. The best way to avoid such an outcome is for the DoD to permit contracting accounting firms to provide relevant proceeding information to the Department. This preserves the confidentiality requirements of Sarbanes-Oxley while remaining consistent with the confidentiality provision included in the conference report.

In addition, I wish to make the observation that with respect to Section 1011, which amends Section 1006 of the FY 2019 NDAA, the disclosure provision covers "associated persons" in addition to the accounting firm because it is important for the DoD to know whether individuals that the accounting firm assigns to work on DoD audit contracts are subject to ongoing disciplinary proceedings.

This bill also addresses a major problem that has plagued our service members spouses for far too long. The Survivor Benefit Plan/Dependency and Indemnity Compensation (SBP/DIC) offset, also known as the "widow's tax" unfairly asked military spouses to forfeit money owed to them. More than 60,000 surviving military spouses were negatively affected by this tax, including many in my district. The FY20 NDAA repeals this reduction over a three-year phase-in, allowing surviving families to collect both payments in full, receiving the justice they deserve.

On employment practices, I worked tirelessly to extend direct hiring authority to domestic defense industrial base facilities when hiring civilian personnel. After extensive con-

versations with Lieutenant General Donald E. Gene Kirkland, the Commander of the Air Force Sustainment Center, I resolved to work to stem the staffing shortages at these crucial bases. These staffing shortages are happening across the nation, and reforms are critical to meet the workforce needs of today and tomorrow. I am happy to note that direct hiring authority reform was granted for civilian personnel at domestic defense industrial base facilities and the Major Range and Test Facility bases until 2025. These necessary changes are vital to meeting our national security and readiness needs.

I am also glad to note that this legislation increased the cap for DoD sole-source contracts that can be awarded to the tribal community. The cap was raised to \$100 million to ensure that our Native American businesses and contractors are given the opportunities to provide services for our military effectively.

The National Defense Authorization Act is the proud product of bipartisan policies and compromise and ensures the needs of our men and women in uniform are met on and off the battlefield. I am proud to have been a part of the process from subcommittee to passage and applaud my colleagues for achieving this reform through compromise and negotiation, to secure major accomplishments for all Americans while promoting our national security.

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WELCOME ELOISE HOLST WAGNER

**HON. HALEY M. STEVENS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Ms. STEVENS. Madam Speaker, I am happy to congratulate Lindsay Holst and Dan Wagner of Chicago, Illinois, on the birth of their new baby girl, Eloise Holst Wagner. Eloise Holst Wagner was born on November 25, 2019, at Northwestern Prentice Hospital in Chicago, Illinois. Eloise weighed seven pounds and four ounces and measured 20 inches long.

I would also like to congratulate Eloise's grandparents, Gregg Holst and Michele Grossman of Reading, Pennsylvania, Tom and Carol Brubaker of Perkasio, Pennsylvania, John Wagner of Birmingham, Michigan, and Terry Ryan Kane of Ann Arbor, Michigan. Congratulations to the entire family as they welcome their newest addition of pure pride and joy.

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HONORING GEORGE TORRIE  
JACKSON, JR.

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 17, 2019*

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to honor a remarkable public servant, Lieutenant Colonel George Torrie Jackson, Jr. who is a native of Jackson, MS.

LTC Jackson holds a bachelor's degree in Political Science and master's degree in Education Administration, both from Jackson State University. LTC Jackson is a 30-year member of the U.S. Army Reserve/Mississippi Army

National Guard and veteran of Operation Iraq Freedom. He began his military career as a Petroleum Laboratory Specialist (E-3) (894th Quartermaster Company, Jackson, MS—1988 to 1992), then as a Finance Specialist (E-4) (210th Finance Battalion, Jackson, MS—1992 to 1996). LTC Jackson was commissioned through the Mississippi Military Academy (Class 38), Camp Shelby, MS in 1996. As a commissioned officer, LTC Jackson has held many duty assignments to include positions as a Subsistence Officer, (114th Area Support Group, Hattiesburg, MS—1996 to 1997), Platoon Leader (3656th Maintenance Company, Camp Shelby, MS—1997 to 1998) Detachment Commander (3656th Maintenance Company, DET 1, Waynesboro, MS—1998 to 2000), Maintenance Control Officer/Executive Officer (3656th Maintenance Company, Camp Shelby, MS—2000 to 2001), Detachment Commander/Executive Officer (3656th Maintenance Company, DET 2, Gloster, MS—2001 to 2002), S-1 Personnel Officer (298th Main-

tenance Battalion, Philadelphia, MS—2002 to 2003), Service and Support Officer (114th Area Support Group, Hattiesburg, MS—2003 to 2006).

During Operation Iraqi Freedom (2004) LTC Jackson served as the C4 Sustainment Battle Captain and Coalition Acquisition Review Board (CARB and Super CARB) secretary. His next successive assignments included Company Commander (1/185th—Aviation Battalion, E Company, Jackson, MS—2006 to 2008), S-3 Operations Officer (8/108th Transportation Battalion, Jackson, MS—2008 to 2012), Executive Officer (8/108th Transportation Battalion, Jackson, MS—2012 to 2014), and Materiel Readiness Branch Chief (377th Theater Sustainment Command, Belle Chasse, LA—2014 to 2016).

LTC Jackson currently serves as the Battalion Commander of the 5th Logistic Civil Augmentation Program (LOGCAP) Support Battalion, located in Sheffield, AL.

LTC Jackson's awards and commendations include the Meritorious Service Medal, Army

Commendation Medal, NATO Medal, Afghanistan Campaign Medal, Army Achievement Medal, Army Reserve Component Achievement Medal, National Defense Service Medal, Global War On Terrorism Expeditionary Medal, Armed Forces Reserve Medal, Army Service Ribbon, Meritorious Unit Commendation, Overseas Service Ribbon, Humanitarian Service Medal, Armed Forces Reserve Medal, Mississippi Emergency Service Medal and the Mississippi Longevity Medal.

In his civilian capacity, LTC Jackson serves as a school administrator for the Holmes County School District Central High School, located in Lexington, MS, and holds the rank of Lieutenant with the Hinds County Sheriffs Office—Reserve Division in Jackson, MS. LTC Jackson, his wife, Dr. Debra Mays-Jackson, and two sons, Cameron and Kendall, currently live in Terry, MS.

Madam Speaker, I ask my colleagues to join me in recognizing Lieutenant Colonel George Torrie Jackson, Jr.